Public men on public stages: the performance of state authority by magistrates in popular drama, 1590-1610



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Abstract

This thesis explores the representation of the early modern English state in a selection of drama performed in London's public theatres between 1590 and 1610. It examines nine plays that enact recognisable legal process and relationships between magistrate and community, to investigate how the public theatres manifested the state. The state has been of great interest to historians over the last twenty years, with social historians often relying upon the term 'performance' to articulate the way that magistrates needed to enact their legitimacy to those they attempted to govern. My thesis develops this historiography by conceptualising the exercise of magisterial authority as a performance that brought the state into being. While magistrates needed to perform legitimacy, they performed the state every time they successfully carried out their duties: they constituted a version of the state where the magistrate *did* have legitimate authority in the minds of witnesses.

As such, I examine the plays in performance, partly by using practice-as-research workshops which stage the plays according to early modern production conventions. While these plays have largely been ignored as representations of the state, in performance they vividly manifest their own states, often presenting the state's *failings* as the source of tragedy. These plays articulate concerns and debates about the state's functioning and structure, often without expressing these ideas verbally: embodied action manifested the state for audience interpretation, the drama's manipulation of genre and emotional response shaping praise and criticism of the state enacted onstage. This has profound historiographical ramifications. While ordinary Londoners might not use the terms in which jurists and monarchs debated the state, they could recognise the state processes enacted in the public theatres: the state was perfectly apprehensible by those audiences, and drama was a key participant in debate over the structure and functioning of the state.

Long abstract

This thesis interrogates popular early modern perceptions of the state by examining how plays staged in the public theatres between 1590 and 1610 imagined the magistracy. More precisely, it investigates the performance of law and authority by the officers responsible for the administration of both. In so doing, it seeks to bring both the insights of historians on early modern state formation and the legal system, and the wide range of literary scholarship on early modern performance, to bear upon select plays that stage the work of magistrates, by thinking about the performance of authority onstage and off. I argue that these plays articulate ideas about the development of the early modern state which existed in contemporary political theory, but did not have a popular language easily recoverable by historians.

The state as a network of magistracies exercising delegated authority across England and Wales has been of great interest to historians over the last twenty years. Social historians have emphasised the importance of the reception of authority, noting how the development of the concept of the state also went along with the increased purview of the state, which was constantly in a process of negotiation between magistrates and the communities they sought to govern.[1] Social historians often use the term 'performance' to articulate how magistrates needed to enact their legitimacy to those they attempted to govern.[2] My thesis develops this historiography by conceptualising the exercise of magisterial authority as a performance that brought the state into being. While magistrates needed to perform legitimacy, they performed the state every time they successfully carried out their duties: they constituted a version of the state where the magistrate *did* have legitimate authority in the minds of witnesses. This notion of performance is a specifically early modern one, moreover: it included 'both a physical reality of embodied enactment and a secondary level of representation that emerges from it', and connoted an action that brought something into reality, moving from theory to practice.[3] The state, therefore, was not simply experienced orally, as Jonathan Healey has suggested: it was an inherently embodied concept that came into being whenever a magistrate practiced his authority successfully.[4]

This thesis therefore considers plays in performance as enacting their own versions of the state. Each play discussed in this thesis is one that directly depicts processes of magistracy: arrests,

[1] See Michael Braddick, *State Formation in Early Modern England, C. 1550-1700* (Cambridge: 2000); Adam Fox, Steve Hindle, and Paul Griffiths, eds, *The Experience of Authority in Early Modern England* (London: 1996), and Steve Hindle, *The State and Social Change* (Basingstoke:, 2000).

[2] See Michael Braddick, 'Adminstrative performance: the representation of political authority in early modern England', in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, ed. Braddick and Walter (Cambridge: 2001), pp. 166-187.

[3] See Mary Thomas Crane, 'What was performance?', *Criticism* 43:2 (2001), p. 171. Contemporary examples include the Lord Keeper's Star Chamber speech of May 1603, instructing JPs to 'observe and perfourme' the King's proclamations, with 'all Contemners or neclecters of the perfourmance of them' being punished, in William Paley Baildon, ed., *Les reportes del cases in Camera Stellata, 1593-1609: from the original ms. of John Hawarde* (London: 1894), p. 161; *APC* XXXII, p. 47 and 164 for the Privy Council demanding that magistrates 'perform' their duties; the Act for the Enlarging of the Hue and Cry, 39 Eliz 25, which refers to 'perform[ing] the same Statutes'; BL Lansdowne MS 160/64, where the Privy Council notes warrants 'for the performance of this service', March 1602.

[4] Jonathan Healey, 'The Fray on the Meadow: Violence, and a Moment of Government in Early Tudor England', *History Workshop Journal* 85 (2018), p. 21.

proclamations, communications between different state agencies. My thesis thus asks how drama in performance *enacts* the state by carrying out its processes, thus considering theatre as another mode in which visions of the state could be articulated. Instead of centring only on discourse, and focussing on the specifically *embodied* processes of law and order being carried out onstage, the thesis considers another way that the state was experienced and understood by early modern Englishmen and women. In drawing together the 'lived experience' of authority with the interpretation of government onstage, the thesis thus provides a new methodology for considering popular understanding of the state: it draws practice and theory closer to one another.

Methodology

My methodology seeks to compare the evidence of the actual experience of government in the period with how it might have been staged. The expectations of magistrates are reconstructed from printed handbooks, such as Lambarde's *Eirenarcha* and Dalton's *Countrey Justice*, and laws and legal reports of the period. This gives a good sense of the theoretical duties of varying magistrates. I then examine the evidence of how magistrates carried out their duties, through looking at complaints made by central authority against magistrates, and through the archival record: for example, I use letters passing between the City of London and the Crown to reconstruct the relationship between these two parts of the early modern state. Moreover, I am keen to reconstruct how acts such as arrests and the hue and cry worked in practice, and so I use archival material – such as rescues from Star Chamber – to examine the physical acts required, and the moments at which a performance might go wrong. My approach is qualitative rather than quantitative, as it focusses on the modalities of the experience of authority as the basis for a comparison with the drama. I also use practice as research, in order to consider how certain acts of authority, such as proclamations of peace, functioned in relation to their audience.

I then consider the plays as they would have been performed in the early modern public theatres, drawing on the extensive recent scholarship on acting and staging. Attention is paid to the relationship between actor and audience, as well as to the way jurisdictional boundaries are constituted onstage; the relations between different officials, and their role onstage, is also crucial. Practice as research workshops have also proven useful for working out effects upon audiences, and the practicalities of certain scenes. By considering the plays' enactment of magistrates' actions in comparison with what was expected and experienced in early modern England, it is possible to examine what vision of the state each play practices.

Outline

The introduction explains that approaching magistracy through its performance in drama provides a new way to reconstruct/recover popular understandings of the state. The analysis of the drama is split into three sections, spanning the range of different magistracies, and a variety of different genres. The thesis thus covers the drama's negotiation of three major fault-lines for

the early modern state: the problems of relying upon private individuals to behave in a public manner, the relationship between different parts of the state, and the difficulty of performing authority.

Chapter One examines the anonymous comedy *A Knack to Know a Knave* (1592) and its presentation of reforming a dissolute commonwealth, set during the reign of the pre-Conquest King Edgar. It puts the play's depiction of suffering and hardship caused by self-interest of four 'knaves' in context with the socioeconomic difficulties of the 1590s, and with contemporary concerns about the ability of the justice system to handle disorder and crime caused by hunger and poverty. It therefore examines how the 'participatory state' is presented in this play, with particular reference to the crown's heavy criticisms of JPs during the early 1590s. It argues that the play's central figure, Honesty, who spends the play bringing the knaves to justice for their crimes against the commonwealth, can be read as a magistrate-like figure, carrying out delegated authority from the monarch, in stark contrast to contemporary criticisms of JPs. Crucially, Honesty is empowered more than any English magistrate, able to uncover knaves who otherwise have remained completely undetected. The play's emphasis on these skills of detection, particularly through its dramaturgy, presents King Edgar as completely ignorant of his own realm's suffering, thus presenting the reform of the commonwealth as dependent upon the ability to reveal hidden crimes. It therefore suggests a lack of faith in the state, suggesting that magistrates need greater inquisitorial powers to be able to uncover crime and heal the commonwealth, but not blaming magistrates for this failing; moreover, the play locates reformation not with the King but with Honesty, constructing a state that relies less upon the monarch's will.

Chapter Two also examines the participatory state, but with a focus upon the role of communities in the law enforcement process. It explores how two domestic tragedies, *Arden of Faversham* (1592) and *A Yorkshire Tragedy* (1605-8), present the expectation that locals would help uncover and report crimes in their neighbourhood, and help with their capture. While critics generally view these plays as fantasies of communal law enforcement, examining these plays in performance, with specific reference to the way they stage the boundaries of households, and with an eye to contemporary pressures from the Crown to *prevent* crimes, presents a far different veiw. These plays offer a pessimistic view of the participatory state, where the failure to prevent murder demonstrates that a state reliant on ordinary people is insufficient, and where the household cannot be fully regulated by the state. These plays therefore respond to central government's increased demands for vigilance, with *A Yorkshire Tragedy* in particular suggesting that such vigilance is near impossible.

Chapter Three examines the relationship between two major state agencies – the Crown and the City of London – in two plays set in the capital: *A Warning for Fair Women* (1595) and *Edward IV Part I* (1599). Developing on historiography and literary scholarship on space and place early modern London, it examines how jurisdictions are presented in these two plays, by examining the way that City and Crown spaces are imagined by these plays in performance. In particular, it does this by using practice-as-research, drawing upon

workshops that staged *Warning* in original conditions. It argues that these plays were written and performed during a period of intense Crown-City tension, where the Crown was interfering within the City's bounds. *Warning* presents the state as a Crown-led network that works seamlessly, in stark contrast to the thorny jurisdictional issues of the 1590s, while *1EIV* presents a clear borderline between City and Crown that did not necessarily exist. Both plays present a rebuke to the interference of the Crown in the City, moreover: *Warning* inserts London into a story that originally had little to do with the murder it retells, while *1EIV* presents the City as able to defend the entire realm without any help from the errant King.

Chapter Four examines how *Henry VI Part I* (1592) and *Sir Thomas More* (1593-5) present magistrates attempting to enforce their will upon tumults. The chapter responds to historiography on the creation of obedience and riot management, conceptualising the perfomance of authority as relying upon the creation of a boundary between magistrate and audience, before examining how the two plays present the fraught moment of a magistrate attempting to assert his legitimacy. Building upon a practice-as-research workshop that staged the two tumults in *1H6*, it argues that *in performance* both plays present the tremendous risk attendant on such moments of encounter. *1H6* does not simply present authority breaking down, but demonstrates that the lack of a stable monarch, and the jursidiction of the Roman church, fundamentally unsettles a magistrate's ability to enforce authority, providing a grim view of the future without Elizabeth. *Sir Thomas More* is put in context with London's June 1595 riots, the chapter arguing that the play presents More as not simply a great speaker but a consummate performer, in stark contrast with the City's failure to manage riot in June 1595. If performed, therefore, the play would have presented harsh criticism of the City government, perhaps explaining why it was never performed.

Chapter Five draws together similar themes, examining how magistrates attempt to enforce their authority when the monarch is weak or absent, and how the law and state relate to one another in such situations, in *Thomas of Woodstock* (1595-1600?) and *The Downfall of Robert Earl of Huntingdon*. In doing so, it provides an original take on the succession crisis: it does not focus on *who* would succeed, or *how*, but on how the country would be governed in the absence of a strong monarch. Both plays express extreme anxiety about the succession: *Huntingdon* suggests that the state cannot function without a monarch, as the magistrates left behind are too immoral to be able to enact their authority. *Woodstock* is all the more pessimistic: magistrates are left unable to enforce their will because two sources of legitimacy have been devalued – the King, and the law. These plays do not, therefore, offer any hope that either the law or magistrates could be relied to govern the commonwealth in the absence of a strong monarch.

Overall, the thesis argues that the plays covered each practice their own states, which respond to well-known problems with government in early modern England: when read in tandem with the 'real' expectations and experiences of magistracy in the period, the drama articulates its

own versions of relations between state officials, crown, and society as a whole. In so doing, the plays draw attention to and negotiate fault-lines: the problems of relying upon private individuals for law and order, jurisdictional overlaps and relations between different parts of the state, and the risk inherent in performing authority. Often, it is the plays' dramaturgy in performance that draws attention to these tensions: boundaries are constituted and dissolved; townsfolk become unbelievably ignorant of their neighbours' crimes; successful crowd-calming soothes a rabble back into a cooperative audience. The magistrates of these plays are sometimes more vigilant and effective than those described in contemporary accounts, but some are not, being private-minded, or simply inactive; it is, however, the comparison between the 'real' and the performed that is significant. In carrying out familiar processes of authority, the drama performs its own versions of the state for interpretation by an audience. Magistrates had to perform their own legitimate authority to be interpreted by those they attempted to affect: popular drama was another way that early modern English people came to interpret the state with whose officials they interacted.

Crucially, these plays often present the state non-verbally, through staging magistrates at work. These plays articulate concerns and debates about the state's functioning and structure, without expressing these ideas verbally: embodied action manifested the state for audience interpretation, the drama's manipulation of genre and emotional response shaping praise and criticism of the state enacted onstage. This has profound historiographical ramifications. Firstly, my thesis demonstrates that playgoers in late sixteenth- and early seventeenth-century London could well apprehend the idea of the state without ever needing to use the word itself. Secondly, it demonstrates that examining the state as performed into reality offers new insights into the experience of early modern government, with popular drama in performance a uniquely useful source for *historians*.

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For Peter, Archie, and Bean –
I swear the legal history is fun.

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Note on dating and spelling

To avoid confusion, all dates in this thesis are presented new style (New Year on 1st January, instead of 25th March). Dating within primary sources is therefore modernised (so that January 1605 in old style becomes January 1606).

All manuscript material is presented as semi-diplomatic transcriptions, with abbreviations expanded, but spelling and punctuation otherwise retained. I have chosen not to modernise spelling from printed sources: spelling in quoted material, therefore, is presented as in the version of the text cited, with the exception of i/j and u/v, which have been modernised for ease of reading.

List of abbreviations

APC	Acts of the Privy Council
BL	British Library
BriDr	Wiggins and Richardson, *British Drama 1533-1642: A Catalogue*
DictSt	Alan C. Dessen and Leslie Thomson, *A Dictionary of Stage Directions in English Drama, 1580-1642*
ELR	*English Literary Renaissance*
HR	*Historical Research*
HWJ	*History Workshop Journal*
LMA	London Metropolitan Archives
MERD	*Medieval and Renaissance Drama in England*
PP	*Past and Present*
RD	*Renaissance Drama*
SEL	*Studies in English Literature*
SP	State Papers
SQ	*Shakespeare Quarterly*
THJ	*The Historical Journal*
TLJ	*The London Journal*
TNA	The National Archives, Kew

Introduction

This thesis examines public perceptions of the early modern English state during a time of immense socio-economic change: the years 1590-1610. It offers a new, interdisciplinary approach, by asking how the state was constructed in popular drama staged in London's outdoor theatres. Focussing on the enactment of state authority by magistrates onstage in a selection of nine plays, it reconstructs how these plays understood the state through the functions of its magistrates, and how they perceived its structure and functionality, as a way to explore common perceptions of the state. Crucially, it conceptualises the exercise of authority as a *performance* which constituted the state. It therefore compares the actions of magistrates onstage to those of real magistrates, drawn from archival records, printed handbooks, histories and official documents, considering how plays constituted different version of the state, commenting on the state's functioning and structure during a time of immense debate over forms of government. In focussing on the drama of the public theatres and the day-to-day experience of authority, it moves away from simply examining elite culture and political thought, and offers insight into the perception of the state by the authors of these plays. Furthermore, by considering these plays in performance, with detailed reference to how they related and compared to the *experience* of the state for early modern audiences, it is possible to get a sense of how those audiences may have perceived the state.

This thesis therefore combines a wealth of disciplinary perspectives on early modern government and politics – social history, legal history, and political thought – with detailed attention to dramaturgy in performance, in order to provide a completely original reading of each of these plays. The authority of public officials was experienced in different ways, by different people, at different times, and as a result the state was manifested in multiple different ways. In embracing this, and considering how the theatre manifested its own states, this thesis

offers a new approach to the perception of the state in early modern England. It argues that drama staged in the outdoor theatres of London performed its own states, states which responded to contemporary concerns about government. The drama of the period frequently presented government at work, and so a variety of different kinds of government appear in these plays. Some present idealised states where contemporary difficulties in government are elided; many present pessimistic visions of states that can barely function. The theatre, therefore, did not simply represent and respond to political discourse over the state: it was a vital participant in this discourse.

These plays, therefore, articulated ideas about the structure and functioning of the state that did not yet have a common language accessible to historians: while the word 'state' was coming to refer to a kind of political organisation, this was a development largely confined to political thought and the upper echelons of government. However, the drama often presents the state without ever using the term 'state', not simply through words, but in performance. It is one of my central contentions that the state was understood in a relational, physical way, through magistrates' actions. The theatre's embodied action manifested the state *physically* for interpretation by audiences, presenting both accurate and unfamiliar versions of the state's officers and processes that they themselves would have interacted with. In so doing, these plays foreground ideas *about* the state's structure and functioning without saying the word 'state': they present the state that ordinary men and women were both governed by and participated in, a network whose officers and institutions spread across the kingdom. These plays, therefore, demonstrate that concerns over the state's functioning and structure were not limited to those versed in political theory or those at the Privy Council table, but were articulated in the theatres attended by thousands of Londoners every week.

'The state' in early modern England

What does it mean to speak of 'the state' in early modern England? I refer to 'the state' as a territorially bounded, coordinated network of magistracies whose authority worked outside of other forms of public or political authority, a definition largely used by social historians, but also recently by some intellectual historians.[5] This concept, moreover, was 'comprehensible to increasing numbers of contemporaries'.[6] The state, therefore, encompasses the range of agencies exerting delegated authority throughout the realm, from local constables to the county bench of Justices of the Peace, and up to the highest officials of the Crown. This definition allows a closer look at the relationship between state and society, providing a more holistic view of the state than simply looking at high politics. For contemporaries, however, 'state' had a long and complex history, originally referring to the monarch's majesty and status, 'estate'. However, over the late sixteenth century 'state' began to be used to refer in some way to the government of England itself.[7] This was not a clean transition, nor was its later meaning stable: *what* 'the state' was remained under debate through the late sixteenth and early seventeenth centuries.[8]

The state has held considerable interest for historians of early modern England for well over thirty years, though interest in the structure and form of Tudor government arguably began with Geoffrey Elton's 1955 *Tudor Revolution in Government*. However, in writing a history of 'the state' in early modern England, historians have broadly faced a choice between an

[5] Michael Braddick, *State Formation in Early Modern England, C. 1550-1700* (Cambridge: 2000); Steve Hindle, *The State and Social Change* (Basingstoke: 2000); Noah Dauber, *State and Commonwealth: The Theory of the State in Early Modern England 1549-1640* (Princeton: 2016).
[6] Braddick, *State Formation*, p. 9.
[7] Stephen Alford, 'From Estate to State, Subject to Citizen? Some Later Tudor Vocabularies', *Journal of Historical Sociology* 15:1 (2002), pp. 86-88.
[8] Both usages appear in contemporary drama. In *2 Henry IV*, the Lord Chief Justice tells the newly crowned Henry V 'as you are a king, speak in your state', before the new king declares that he will 'choose such limbs of noble counsel, / That the great body of our state may go/In equal rank with the best govern'd nation'; V.ii.98, V.ii.135-136, in William Shakespeare, *The Second Part of King Henry IV*, ed. Giorgio Melchiori (Cambridge: 2007).

intellectual history of political thought and high politics, and a social history of the magistracy in the localities: these historiographies have often remained disjunct. Two major questions are raised by these historiographies:

1. The state's structure: how did its constituent parts relate to one another? How did it relate to society? Did it stand separate from the figure of the monarch, or from the officials that made it up?

2. How did the state function — did it work well? How did magistrates ensure they were obeyed?

These questions were also raised by contemporaries and can be found in a variety of contemporaneous sources: ranging from political thought to popular literature and government documents, these sources evince the complexity and prevalence of questions about the state in early modern England.

This thesis primarily focusses upon the state at work, rather than the linguistic developments that saw 'state' coming to mean 'government' or 'sovereignty'. However, there remains an extensive literature on the development of the concept of the state, which raises the overall question: what was the state's structure? In the first instance, many historians have relied on a centre-and-localities model, where the state comprised the central institutions of authority, particularly the Privy Council.[9] While these studies underplay the importance of local officials, multiple historians have demonstrated the extent of contemporary debate about where authority resided, particularly with reference to the question of Elizabeth's succession.[10] Patrick

[9] Elton saw a central government mobilising its will through the increase of offices, identifying a national state in the model of centre governing localities; G.R. Elton, *The Tudor Revolution in Government* (Cambridge: 1953). Jim Sharpe conceptualises the rise of penal statutes and imposition of martial law as the central government's response to disorder; Jim Sharpe, 'Social strain and social dislocation, 1585-1603', in John Guy, ed., *The Reign of Elizabeth I: Court and Culture in the Last Decade* (Cambridge: 1995), pp. 192-211; see also J.P.D. Cooper, 'Centre and Localities', in Susan Doran and Norman Jones, eds, *The Elizabethan World* (Abingdon: 2013), pp. 130-146, and Tim Stretton, 'The People and the Law', in Keith Wrightson, ed., *A Social History of England 1500-1750* (Cambridge: 2018), pp. 199-220.

[10] See Anne McLaren, 'Political Ideas: Two concepts of the state', in Susan Doran and Norman Jones, eds, *The Elizabethan World* (Abingdon: 2013), pp. 92-112. Alan Cromartie argues that key constitutionalist debates took place in the late sixteenth and early seventeenth centuries, where jurists including Sir Edward Coke argued that

Collinson's 'monarchical republic' framework argued that the response to succession uncertainty saw plans for an interregnum being made as early as the 1560s, while Alford notes that the development from 'estate' to 'state' was one bound up with concerns over the preservation of Protestant government after Elizabeth's death.[11] Would it be possible for the government to exist *without* the monarch? For Quentin Skinner, these questions coincided with a development in the idea of the state as an apparatus of authority separate from the person of the monarch; he conceptualises the state, once again, as centre governing localities, and ties it together with sovereign authority.[12] More recently, the state's structure has been examined by intellectual historians investigating the political imagination, in particular Henry S. Turner and Noah Dauber, who have respectively probed how contemporary writers imagined and understood the state's constitution and the relationship between state and society.[13]

Social historians have asked their own questions about the form of early modern government but have addressed them differently. Two major themes emerge: officeholding and the law. Government in early modern England took place through an extensive network of local officials, holding delegated authority from the Crown. These magistrates were generally unpaid, though many gentry and wealthy men sought to be JPs due to the prestige of holding these offices.[14] Lower level officials like constables, however, were generally of lesser rank, with a smaller jurisdiction. The extent of local officeholding was profound: half of all adult

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monarchical power was merely the expression of the law, and that the monarch was made by the law; 'The Constitutionalist Revolution: The Transformation of Political Culture in Early Stuart England', *PP* 163 (1999), pp. 76-120.

[11] Patrick Collinson, 'The Monarchical Republic of Queen Elizabeth I', *Bulletin of the John Rylands Library* 69:1 (1987); Alford, 'From estate to state'; see also Wallace McCaffrey on the development of a 'regime'; McCaffrey, *The Shaping of the Elizabethan Regime: Elizabethan Politics 1558-1572* (Princeton: 1968).

[12] Quentin Skinner, 'The state', in Terence Ball, James Farr and Russell L. Hanson, eds, *Political Innovation and Conceptual Change* (Cambridge: 1989), pp. 90-131.

[13] Henry S. Turner, *The Corporate Commonwealth: Pluralism and Political Fictions in England, 1516-1651* (Chicago: 2016); Dauber, *State and Commonwealth*.

[14] Norman Jones, 'William Cecil, Lord Burghley, and Managing with the Men-of-Business', *Parliamentary History* 34:1 (2015), p. 54-55.

men might hold office in any decade of the sixteenth or seventeenth century.[15] Numbers of magistrates vastly increased over the course of the late sixteenth and early seventeenth centuries, with numbers of JPs rising across England. This increase has led to intense discussion about the relationship between centre and locality: some cleave to the 'increase in government' thesis, though since the late 1980s many have argued that local government was much more independent, with local office-holders executing 'self government at the king's command'.[16] There remains interest in the relationship between centre and locality, as well as considerable discussion about the values according to which officials carried out their duties.[17]

The second major theme is the intensification of participation in the law, and the concurrent elaboration of the common law's position in the legal system. It has long been noted that early modern English people were exceptionally litigious, and that increasingly large numbers of them participated in the legal system.[18] The magistracy, moreover, functioned through the exercise of the law, while the central law courts were asserting supremacy over local courts. The period 1590-1610 saw an expansion of the number of statutes concerning felonies, with many of these directly burdening JPs with new duties.[19] The extension of the law's purview and severity in the sixteenth and seventeenth centuries has been read as a direct consequence of the

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[15] Mark Goldie, 'The Unacknowledged Republic: Officeholding in Early Modern England', in Tim Harris, ed., *The Politics of the Excluded, c. 1500-1850* (Basingstoke: 2001), p. 161.

[16] Collinson's framework has also proven extremely influential in social history. He argued that the localities could 'bring the centre to its knees'; Collinson, 'Monarchical Republic', p. 397. See also Goldie, 'Unacknowledged', p. 166.

[17] Jones, *Governing by Virtue: Lord Burghley and the Management of Elizabethan England* (Oxford: OUP, 2015); Ethan Shagan, 'The Two Republics: Conflicting Views of Local Participatory Government in Early Modern England', in John F. McDiarmid, ed., *The Monarchical Republic of Early Modern England: Essays in Honour of Patrick Collinson* (London: 2007); Chris R. Kyle, ''A dog, a butcher, and a puritan': The Politics of Lent in early modern England', in Kyle and Jason Peacey, eds, *Connecting centre and locality: Political communication in early modern England* (Manchester: 2020), pp. 22-43.

[18] See Brooks, *Pettyfoggers and Vipers of the Commonwealth: The 'Lower Branch' of the Legal Profession in Early Modern England* (Cambridge: 1986). Clive Holmes notes that in 1490, 2,100 cases were in an 'advanced stage of pleading' in King's Bench and the Court of Common Pleas, but by 1640 the number had risen to 29,000; Chancery's annual case number increased sixfold over the same period, from 500 to 3000; Clive Holmes, 'The Legal Instruments of Power and the State in Early Modern England', in Antonio Padoa-Schioppa, ed., *Legislation and Justice* (Oxford: 1997), p. 270.

[19] 30 new felonies added to statute book 1509-1660; *Social Change*, p. 136.

'growing pretensions of the state', suggesting that the intensification of penal codes and demands for prosecution represented the increasing desire of central government to bring the localities into order.[20] However, social historians have more recently shown that the law's function in the state should not simply be understood as a top-down, central process. The state as network of magistracies relied upon the participation of locals: JPs needed locals to bring cases to them to begin the processes of prosecution that would, theoretically, re-establish order. Historians have also shown that alongside participating in the law to maintain local order, many ordinary people used it for their own purposes.[21]

At the turn of the millennium, Steve Hindle and Michael Braddick brought together these historiographies, linking legal system and officeholding to the state, presenting a bottom-up view of state formation. Crucially, both Hindle and Braddick effectively link thought to practice, bringing the social history of office-holding and legal participation closer to the intellectual history of the state. Hindle argues that the state was a resource of authority which could be drawn upon by ordinary Englishmen for their own purposes.[22] State formation for Hindle, therefore, is not simply a top-down process. The state extends into the localities, and is dynamic, its forms shaped by society:

> state authority was created, negotiated and deployed in those interactions and dialogues between centre and localities in which certain sorts of jurisdictional claims and legal practices, certain senses of the public good and public authority were contrived and contested.[23]

Hindle draws upon Michael Mann's conceptualisation of power as dependent on articulating social relationships, arguing that the state is not simply a set of institutions, but instead a 'network of power relations which become institutionalised to a greater or lesser extent over

[20] J.A. Sharpe, *Crime in Early Modern England 1550-1750* (London and New York: 1984), p. 17.
[21] Marjorie Keniston McIntosh, *Controlling Misbehaviour in England, 1370-1600* (Cambridge: 1998).
[22] Hindle, *Social Change*, p. 16.
[23] Ibid., p. 17.

time'.[24] As such, the state comes into being by the practice of political power. Importantly, Hindle argues that although the concept of the 'state' had not *linguistically* been differentiated from 'society', Englishmen understood the law and magistrates operating it as a resource for the resolution of their own disputes: the state as an entity *was* that resource.[25] Examining the rise in 'binding over' via recognisances, carried out by JPs, Hindle argues that using the state's processes further cemented the state as nexus of authority:

> in attempting to preclude the violent settlement of dispute, binding over injected public authority into the regular communion of conflict thus symbolically edging forth the boundaries of the state.[26]

Hindle effectively demonstrates the level of public understanding of the state's institutions as a resource, while also acknowledging the importance of the Crown's actions in state formation:

> on the one hand, [Star Chamber] articulated the judicial priorities of the regime itself; on the other, it stood as a resource for dispute settlement, to be popularly employed by private plaintiffs.[27]

The state's functions were defined by what it was used for: these uses were determined as much, if not more, by people in the localities as the Privy Council. The participatory state was shaped through experience of its processes.

Braddick, meanwhile, identifies the state as a 'coordinated and territorially bounded network of agencies exercising political power' across the country. While Hindle's 'state-as-resource' is focussed upon ordinary people, Braddick's own bottom-up version of state formation centres upon how both 'activist' magistrates in the localities *and* central initiatives were fundamental to the process of state formation, meaning that 'the impetus for political action could come from a variety of sources'.[28] However, most interesting is his conceptualisation of practice

[24] Ibid., p. 19.
[25] Ibid., p. 16.
[26] Ibid., p. 114.
[27] Ibid., p. 68.
[28] Ibid., p. 23.

making different ideas of the state real: the actions of the magistracy were central to forming the populace's understanding of 'the state', which in turn shaped its capacities and functional limitations.[29] Crucially, he describes the experience of the state as 'crystallisations', which usefully conveys the dynamism of social relations, while also emphasising the *understanding* of the state as a snapshot of whatever magisterial actions were being viewed at the time.[30] Braddick and Hindle therefore both connect the use and practice of magisterial authority to the creation of the concept of the state, and explore how the uses of the state define its function and limitations:

> legitimation gives force to ideas and beliefs. The difficulty of establishing and sustaining credible legitimations shapes the exercise of political power, and offers means to resist it.[31]

Here, Braddick emphasises the interpretation of the state by ordinary people, and the very real possibility that legitimation might be unsuccessful. While Hindle demonstrates the dynamic ways in which the state's authority became established in the eyes of those that used it, Braddick emphasises how successful legitimation concretised certain versions of the state. However, while the insights of Braddick and Hindle on state formation as a participatory process have been of use to multiple historians in the last two decades, their linkage of practice to thought has unfortunately been given less attention.[32]

Braddick's focus on how a magistrate needed to legitimise himself in the eyes of those he governed also derives from a wider historiographical interest in compliance. Were magistrates

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[29] Ibid., p. 9.
[30] Ibid., p. 7-8.
[31] Ibid., p. 71.
[32] Two major exceptions are Phil Withington, 'An 'Aristotelian moment': democracy in early modern England', in Braddick and Withington, eds, *Popular Culture and Political Agency in Early Modern England and Ireland: Essays in Honour of John Walter* (Woodbridge: 2017), and Jonathan Healey, 'The Fray on the Meadow: Violence, and a Moment of Government in Early Tudor England', *HWJ* 85 (2018), pp. 5-25. Withington argues that practical experience of politics through magistracy was vital to the understanding of democracy, though perhaps inadvisedly using 'democracy'. Healey is more successful, arguing that in a constable's intervention in an affray in 1530s Weymouth, as the constable cried 'keep the king's peace' the state became real, in a 'moment of government'; p. 9.

merely able to enact their will by dint of their social standing?[33] In the late 1990s, such questions about the reception of authority became a popular theme in early modern historiography. As Hindle, Fox and Griffiths note, 'the dictates of governors were never simply disseminated, they also had to be received and interpreted by the governed': magistrates had to affect their audiences' behaviour, be that binding them to keep the peace or to pay their taxes.[34] The governed were not simply static receptors of authority, but responded to it, interpreting it: gentry officials needed to 'meet a definition of gentry they did not themselves control'.[35] Even as social status was partially constitutive of political authority, there was no static definition of the level of social status one would need to be authoritative. Indeed, magistrates that faced threats to their personal reputation — perhaps due to dissolute behaviour — might find their natural authority challenged. On the other hand, magistrates that were disrespected in doing their office might find themselves unable to carry out their duties in the future, their *office*, not personal status, having been challenged.[36] Magisterial authority was far from a settled fact, and we must therefore understand how magistrates legitimised themselves. Unarmed and lacking any monopoly on legitimate force, magistrates needed to ensure their actions were viewed as legitimate: 'normally compliance with political power does not result from the use of force but from a recognition of the essential legitimacy of the action in hand'.[37] Social historians have

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[33] Alison L. Wall, *Power and Protest in England 1525-1640* (London: 2000), p. 113; Anthony Fletcher, 'Honour, Reputation and Local Officeholding in Elizabethan and Stuart England', in Fletcher and Stevenson, John, eds, *Order and Disorder in Early Modern England* (Cambridge: 1985), p. 111-113.

[34] Paul Griffiths, Adam Fox and Steve Hindle, 'Introduction', in Griffiths, Fox and Hindle, eds, *The Experience of Authority in Early Modern England* (London: 1996), p. 5.

[35] Braddick and John Walter, 'Introduction. Grids of power: order, hierarchy and subordination in early modern society', in Braddick and Walter, eds, *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge: 2001), p. 15.

[36] See Hindle, 'Self-image and public image in the career of a Jacobean magistrate: Sir John Newdigate in the Court of Star Chamber', in Braddick and Withington, eds, *Popular Culture and Political Agency in Early Modern England and Ireland: Essays in Honour of John Walter* (Woodbridge: 2017), pp. 123-143, and Braddick, 'Face, légitimité et identité partisane dans la négociation du pouvoir de l'État en Angleterre (1558-1660)', in H. Hermant, ed., *Le Pouvoir contourné: infléchir et subvertir l'autorité à l'âge moderne*, (Paris: 2016), pp. 193-221 [read in original English draft, 'Face, legitimacy and partisanship in the negotiation of state power in England, 1558-1660', from author, February 5th 2021].

[37] Braddick, *State Formation*, p. 9. Most magistrates in Elizabethan and Jacobean England could not rely on force to enforce authority, and violence might well be met with violence from those present; see Braddick and Walter, 'Grids of Power', p. 5, and Hindle, *Social Change*, p. 114.

particularly leant on sociologists to explain this, particularly James C. Scott and Erving Goffman. Scott's work on 'hidden transcripts' of resistance has helped social historians to see how disruptions could occur to authority in day-to-day interactions, while Goffman's 'interaction order' has proved fruitful for examining how magistrates presented themselves as legitimate and gained compliance from those they governed. Walter and Braddick, quoting Scott, note that subordination and domination were not simple binaries, as 'in situations where direct physical coercion is not routine, "domination is not simply imposed by force but must assume a form that gains social compliance"'.[38] Viewing the interactions of magistrate and local through these theories that emphasise negotiation and representation of authority offers new insight into processes of legitimation, revealing the multiple languages of legitimation (and hence resistance), and the real fragility of magisterial authority.[39]

Studies of enforcing obedience and negotiating power that rely upon Scott and Goffman's insights have also invoked the idea of 'performance'. Alongside the common metaphor of the 'theatre of state' so beloved by historians of high politics, social historians have also paid attention to the direct representational work of presenting legitimacy: 'gentility as the basis of social and political power had to be actively represented'.[40] Crucially, this idea of performance — of intentional representational work — reveals the fragility of magisterial authority, as it foregrounds the interpretive power of an audience. As Braddick notes in his study of 'administrative performance', it was vital that a magistrate was perceived as legitimate: 'in making it clear that he was acting in a particular role, an office-holder sought to define the

[38] Braddick and Walter, 'Grids of Power', p. 5; as Braddick and Walter note, 'legitimating languages may be used tactically by both the powerful and the weak; the crucial issue is the plausibility of their use and the extent to which their invocation elicits consent', p. 9.
[39] See the University of Portsmouth's 'Disrupted Authority' project, which ran a conference, 'Disruptions to Authority, 1450-1700', June 14th -16th 2021. See also https://www.port.ac.uk/research/research-projects/disrupted-authority.
[40] 'Grids of Power', p. 27.

nature of the encounter and manage others' impression of him'.[41] Walter and Braddick, again leaning on Scott's ideas about resistance and shared languages of legitimation, note the 'potential for disruption in these public performances' of authority: if authority was performed and negotiated, the audience's response was central to the success of that authority. However, despite Braddick's interest in the negotiation of power, his model of participation has been critiqued as overly consensual for failing to consider the role of coercion.[42] Andy Wood makes a strong case for the coercive powers of the state increasing over time, noting the use of martial law in the 1590s and the increase in penal statutes; however, he does not provide a way to mediate between the state's coercive mechanisms and the bottom-up model, and understates the extent to which magistrates' day-to-day actions rarely could rely upon force for creating compliance.

Both Hindle and Braddick, moreover, emphasise how the use of the law connected to the development of the state into a central body constituting authority. Anthony Fletcher had noted that the law was 'the means of [magistrates'] purchase on power' when 'the law was already deeply embedded in the productive relations and the social patterns of people's lives', but Hindle and Braddick connect this more securely to the institution of the state.[43] Braddick notes that the state 'is the ultimate arbiter of what constitutes legitimate force within its territory' and that all officeholders were 'legitimated with reference to, and coordinated by, a single centre and constituted, collectively, a single political organisation', thus tying together legitimation and state formation neatly.[44] Hindle, meanwhile, contextualises his analysis of state formation

[41] Braddick, 'Adminstrative performance: the representation of political authority in early modern England', in Braddick and Walter, eds, *Negotiating Power*, p. 171.
[42] Andy Wood, 'The Deep Roots of Albion's Fatal Tree: The Tudor State and the Monopoly of Violence', (*History*, 2014), p. 402; see also Malcolm Smuts' article in the same volume, 'Organized Violence in the Elizabethan Monarchical Republic', pp. 418-443.
[43] Fletcher, 'Honour', p. 113.
[44] Braddick, *State Formation*, p. 18.

with discussion of how contemporaries were reconceptualising the locus of authority during the sixteenth and seventeenth centuries.[45] Braddick also identifies the state as a 'network of agencies distinguished by the kind of power that they exercise, rather than the precise form of these agencies', meaning that the state was an entity beyond simply the sum of its parts.[46] Questions therefore remain about the extent to which the state *did* stand separate during the late Elizabethan and early Jacobean periods.

The relationship between state and society, between magistrate and individual, was one of clear concern to contemporaries. Owing to its reliance upon unpaid officials instead of any true bureaucracy, the early modern English state was not fully differentiated, meaning that office-holding was woven into the fabric of society. The terms 'private' and 'public' were often used to differentiate between those that bore office and those that did not, as famously used by Sir Thomas Smith in *De Republica Anglorum*; Conal Condren has also noted that 'public' carried 'strong associations of officeholding'.[47] 'Public' was that concerning the whole commonwealth, and therefore entangled with ideas about office. 'Private', however, poses more problems. Private could express self-interest, but also could refer to community interests, such as a guild or company. Noah Dauber argues that 'public' and 'private' as a pair of terms expressed the relationship between state and society: in his analysis, 'private' did not have negative connotations or refer to the individual, but to social (as opposed to 'public') concerns. Officeholders could hence act both publicly and privately, depending on their intentions.[48] Crucially, Dauber argues that those writing about 'commonwealth' were not theorising the

[45] Hindle, *Social Change*, p. 16-17.
[46] Braddick, *State Formation*, p. 6.
[47] Sir Thomas Smith, *De Republica Anglorum*, ed. Mary Dewar (Cambridge: 1982), p. 65; Conal Condren, 'Public, Private and the Idea of the 'Public Sphere' in Early-modern England', *Intellectual History Review* 19:1 (2009), p. 21. In his JP handbook, Michael Dalton distinguished between those empowered to act in a public manner, and those that remained 'private' men, and therefore were not allowed to, for example, intervene with force in a fight; Michael Dalton, *The Countrey Justice* (London: 1618), p. 28.
[48] Dauber, p. 17-20.

state, but the *relationship* between state and society: More, Smith and Hobbes were imagining a point where the private could be transformed into the public – a differentiated state. However, this was not the reality of the early modern state, where authority was conferred by office *and* social status.[49]

This blurred line between public and private caused concern over the efficiency of the state. Magistrates increasingly found themselves burdened with more duties, with the jurist William Lambarde infamously commenting upon the 'stacks of statutes' piling up for JPs to execute.[50] At the same time, central government constantly commented upon the perceived failings of its magistrates in the localities. The Lord Keeper often rained the monarch's complaints down upon JPs in Star Chamber, criticising their laxness and failure to carry out the statutes and orders required of them. Concerns were raised by central government about the extent to which central directives could be met in the localities, with the keeping of order a particularly sore spot. Crucially, local magistrates often found themselves caught between 'two concepts of order': between what the law demanded, and what the community considered acceptable.[51] Indeed, magistrates were often unwilling to perform their (unpaid) duties because of the risk of losing social standing.[52] What we see here is a disjunction between social and political roles: that of a member of the community, and a local magistrate, representing government. Handbooks for magistrates often denigrate the indigence of local officials, with Michael Dalton prefacing his 1618 handbook *The Countrey Justice* with an assertion that JPs 'grew in neglect'.[53] There was a clear sense that the magisterial system was not working. This was a

[49] See Braddick, *State Formation*, p. 35.
[50] Ibid., p. 30; Joan Kent, 'The English Village Constable, 1580-1642: The Nature and Dilemmas of the Office', *Journal of British Studies* 20:2 (1981), p. 31.
[51] Keith Wrightson, 'Two concepts of order: justices, constables and jurymen in seventeenth century England', in Brewer, John, and Styles, John, eds, *An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries* (London: 1980), pp. 21-46.
[52] Braddick, *State Formation*, p. 40.
[53] Dalton, *Countrey Justice*, sig. A3^{r}.

period marked by vast demographic growth, socioeconomic distress, and spiralling costs of war, with unpaid officials being required to enforce the Reformation and the law in the face of disorder.[54] On the other hand, the necessity of participation in the legal system meant that magistrates charged with keeping order might find themselves held over a barrel, unable to prosecute because their witnesses refused to participate. Hindle notes the extent of complaints about the perceived insufficiencies of magistrates and witnesses in the troubled 1590s, where justice was felt to be insufficient.[55] Indeed, the increasing penalties placed on those who did not participate in law enforcement as expected suggest real problems with the participatory state.

Performing the state

Historians' penchant for the use of 'performance' and 'theatre' as terms for understanding the practice and experience of early modern government is as understandable as it is frustrating. The terms do a great deal of work in their ability to convey some sort of dynamic between governor as performer and populace as audience, and indeed the use of purposive human action as representation of power. 'Performance' is also a useful shorthand for expressing how the exercise of magistracy required a man to step beyond himself in some way to take on his office. Unfortunately, historians' lack of real conceptualisation of what specifically *was* performance means that we can go no further than simply stating that some kind of performance is taking place, in some kind of theatre. However, we can tie these performances much closer to *early modern* ideas about performance. By thinking through the state's enactment as a performance akin to that of an actor on the stage, we gain a new way of examining how the state was constructed and understood in the minds of ordinary English men and women.

[54] The population rose from 2.8 million to 4.3 million from 1545 to 1603; Philip Edwards, *The Making of the Modern English State, 1460-1660* (London: 2001), p. 8.
[55] Hindle, *Social Change*, p. 114.

As discussed above, we must ask how a magistrate defined his actions as being those of his office, as opposed to him acting in a personal capacity. Braddick uses Bourdieu's concept 'state magic' — where the state 'requires a certain dramaturgy or theatricalisation' — arguing that magistrates needed to perform their authority.[56] The notion of 'state magic' is useful, as it implies the transmutation of private person into public official by some intangible, ineluctable force; furthermore, the 'state magic' only happens when the magistrate is *successful* in his performance. However, even as Braddick highlights performance's integral role in the practice of magistracy, and the way that relations between 'performer' and 'audience' involved a specific defining of the situation, he does not go into further detail on the 'administrative performance' that presented a magistrate as legitimate.[57] However, this sense of transformation was also seen in contemporary descriptions of acting: a good actor 'does not strive to make nature monstrous, she is so often scaene with him… what we see him personate, we think truely done before us'.[58] This performance, crucially, was one to be interpreted by those present. Healey's analysis of a magistrate invoking the king's name conveys this sense of transformation, but also includes an implied audience: 'he uttered a phrase that was supposed to raise his actions above those of a petty vigilante, or – worse – someone just settling scores, and to make these actions of state'.[59] Standing unarmed and very possibly outnumbered, a

[56] William Schinkel, 'The sociologist and the state. An assessment of Pierre Bourdieu's sociology', *British Journal of Sociology* 66:2 (2015), pp. 1-21. Bourdieu identifies state magic with 'bureaucratic manoeuvres that, in a way, change nothing, and in another sense, change everything, specifically, the collectively attributed meaning and publicly recognised social value of the act or thing'; Pierre Bourdieu, *The State Nobility: Elite Schools in the Field of Power*, trans. Lauretta C. Clough (Palo Alto: 1996), p. 376. See Braddick, 'Adminstrative performance', and *State Formation*, p. 21. Treasurer Buckhurst's critique of the City of London's government in 1602 clearly divided between person and office: 'theise were things that must be better regarded than they have bin; otherwise, howsoever he honour the cytie in his privat person, yet it is his dutie in regard of his place to call them to accompt for it'; John Manningham, *The Diary of John Manningham of the Middle Temple 1602-1603*, ed. Robert Parker Sorlien, (Hanover, New Hampshire: 1976), p. 113.
[57] See *State Formation*, pp. 76-80.
[58] Sir Thomas Overbury, 'An Excellent Actor', in *New and Choise Characters, of Severall Authors* (London: 1615), sig. M5^{v}.
[59] Healey, 'Fray', p. 18.

magistrate needed to ensure that no one interfered with his actions: the extensive records of cases of 'rescues' in Star Chamber demonstrate the very real threat of bystanders coming to interrupt an arrest, often with violence.[60] He therefore needed to ensure that those around him remained an *audience*, something that was commonly associated with *compliance* for early modern writers.[61] The importance of securing compliance has certainly been adumbrated by multiple social historians, but here it is useful to think more in terms of the interpretive work done by an audience. Mary Thomas Crane argues that theatrical 'performance' in early modern England was a specifically embodied process, to be interpreted: 'it involves both a physical reality of embodied enactment and a secondary level of representation that emerges from it'.[62] This can easily be applied to Healey's constable: the idea of 'raising his actions' implies the active representational work done by the magistrate, to transform his actions into those of the state.[63] Lorna Hutson's work on circumstantial rhetoric and the early modern theatre has shown the importance of an audience's imagination and reasoning: to understand a play's plot, the audience needs to put together the things they see onstage, and attribute meaning to them.[64] The interpretive imagination is also vital to the practice of the state in early modern England: in a world where officers did not identify themselves with uniforms and were often part of the local community, those present for the actions of magistrates needed to ascribe meaning to

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[60] Cf. T.G. Barnes, *List and Index to the Proceedings in Star Chamber for the Reign of James I* (Chicago: 1975).
[61] John McGavin and Greg Walker note the early modern idea of audiences as sanctioning performances. Thomas More claimed that mere attendance at Anne Boleyn's coronation would imply his support for it; *Imagining Spectatorship: from the Mysteries to the Shakespearean Stage* (Oxford: 2016), p. 70.
[62] Mary Thomas Crane, 'What was performance?', *Criticism* 43:2 (2001), p. 171.
[63] 'Performance assumes the operation of agentive action, of intentional representation of language and other modalities in the service of social meaning'; Allan Bell and Andy Gibson, 'Staging Language: An introduction to the sociolinguistics of performance', *Journal of Sociolinguistics of Performance* 15:5 (2011), p. 559. See also Recorder Croke praising departing Mayor Sir John Jarrett in October 1602: 'his own performaun[c]es were speaking witnesses for him'; Manningham, *Diary*, p. 113.
[64] Hutson argues for 'the emergence of a kind of theatrical realism based not on the vividness of what is seen or enacted onstage, but on precisely these hidden, causal or motivational elements of dramatic action that are merely inferred from dialogue and narrative, and which encourage us to think of dramatis personae as real people who preceded and outlast the drama in which they act'; Lorna Hutson, 'Law, Probability and Character in Shakespeare', in Batsaki, Mukherji, and Schramm, eds, *Fictions of Knowledge*, (Basingstoke: 2012), p. 61. For a fuller exploration, see Hutson, *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford: 2007), esp. pp. 64-103.

what was happening, to understand the relation of the actors in the drama. Instead of an audience at Shakespeare's *Winter's Tale* noting that Polixenes is Leontes' best friend and another king, and that Hermione's pregnancy creates uncertainty for the already insecure Leontes, here the crowd present at the affray recognises that their neighbour James Ford is hitting Jack Shepherd with a stave *because* he is the constable, and Shepherd has been trying to kill Benjamin Linus, *not* because Ford is personally involving himself in a fight in the street. Officeholders needed to perform their legitimate office, in the hope of maintaining the audience's compliance. While historians have examined the creation and assertion of legitimacy, much work remains to be done on how legitimacy was performed.

However, this application of 'performance' should not be limited to discussions of legitimacy: there is another part to the performance which has not been identified. The majority of Braddick's consideration of 'performance' lies in his discussion of 'state magic', but his formulation of the state (and, indeed, Hindle's) as brought into reality by practice can also be read in this way. The actions of magistrates performing their duties *constituted* the relations and structure of the state: when a magistrate successfully arrested a criminal, the act made concrete the delegation of authority from the monarch to an ordinary man, confirming the legitimacy of the arrest. The secondary level of representation that came out of this embodied action, therefore, was the demonstration of the acceptable forms and purview of the state: those present witnessed what the state could do, interpreting it. Once again, we can draw similarities to the early modern theatre here: much as those watching *The Winter's Tale* might derive their own sense of the 'extramimetic world' that lay outside of the play's onstage action, those witnessing the magistrate's actions interpreted them, and constructed their own understanding of the state's structure.[65] Moreover, 'performance' was understood by contemporaries as a

[65] On the extramimetic world created by circumstantial rhetoric, see Hutson, *Circumstantial Shakespeare*

carrying out of an action, of executing something to its full extent.[66] This language was one shared by government and legal system, with criticisms of magistrates and communities often demanding 'performance' of policy and/or statute: 'perform' connoted bringing something into reality, of moving from theory to practice.[67] Enacting state authority, therefore, was a bipartite performance: the magistrate needed to successfully manage his audience and perform his role as a public man, with this successful 'state magic' bringing the state into reality at this moment. The state was not just an idea: as Braddick and Hindle have shown, it was something that came into being through action and through the witnessing of this action. Nor was the state simply verbal or oral, as Healey suggests: it was embodied in physical practice.

This approach to the state offers new ways of thinking about the process of state formation in early modern England, and about how this process was understood by ordinary English people. Although there is not space to consider this fully here, considering the enactment of authority as performances offers a revelatory way of exploring compliance with and resistance to authority in early modern England.[68] There are, however, three conclusions to be drawn from this. Firstly, this conceptualisation of the state reveals the level of fragility in magisterial authority, by emphasising the power of the audience to decide whether a performance was successful or not. The audience is often implied in social histories of authority, but rarely fully theorised: by focussing more carefully on the audience, it is possible to explore the relative

(Oxford: 2015), esp. pp. 36-62.

[66] Crane, 'What was performance?', p. 172. See also Luke Wilson, 'Promissary Performances', *Renaissance Drama* 25 (1994), pp. 59-87. Contemporary examples include the Lord Keeper's Star Chamber speech of May 1603, instructing JPs to 'observe and perfourme' the King's proclamations, with 'all Contemners or neclecters of the perfourmance of them' being punished, in William Paley Baildon, ed., *Les reportes del cases in Camera Stellata, 1593-1609: from the original ms. of John Hawarde* (London: 1894), p. 161; *APC* XXXII, p. 47 and 164 for the Privy Council demanding that magistrates 'perform' their duties; the Act for the Enlarging of the Hue and Cry, 39 Eliz 25, which refers to 'perform[ing] the same Statutes'; BL Lansdowne MS 160/64, where the Privy Council notes warrants 'for the performance of this service', March 1602.

[67] Manningham describes a sermon that conceived performance as acting out: 'Here is an acted performance, a demonstracion… which are most forcible to persuade, being of all thinges, saving the thinges themselves, neerest our apprehension'; Manningham, *Diary*, p. 101.

[68] This will be my next project.

strength and weakness of magisterial authority. Secondly, this fragility is further evidence of how the state's capacities were shaped by what it could practically do. Finally, conceptualising the state as performed into being allows us to think holistically about the state: through focussing on the relations of bodies in (often-public) space, and the meanings attributed to them, we can analyse how the state as a 'network of power relations which become institutionalised to a greater or lesser extent over time' was viewed by ordinary people.[69] As such, we can explore common perceptions in a way that captures the dynamism of a state that was still forming.

Why drama?

Recent work on early modern political culture has seen an intensification in interest in the 'public sphere'. While Habermas' concept has been tossed around as a historiographical football between historians that believe it can be applied directly to the sixteenth and seventeenth centuries, and those that take umbrage with the term being applied to anything before the long eighteenth century, recent work on the public sphere has emphasised communication above all else.[70] Indeed, the notion of the state as a network of magistracies has become entangled with the notion of the public sphere in Jason Peacey and Chris R. Kyle's recent collection *Connecting centre and locality*. As the editors emphasise, despite a lack of connection between the historiography of local government and that of the public sphere, they note

> from debates about the 'county community' and 'state formation' to work on 'negotiating power' and 'mobilisation', it has become clear that historians are beginning to think about ways of recovering the communicative links between the centre and the localities.[71]

The focus on 'communicative links' offers a way to think about the public sphere that is

[69] Hindle, *Social Change*, p. 19.
[70] See Jacqueline Rose, ed., *The Politics of Counsel in England and Scotland, 1286-1707* (Oxford: 2016), p. 30.
[71] Peacey and Kyle, 'Intro', in Kyle and Peacey, eds, *Connecting centre and locality*, p. 3.

appropriate to sixteenth- and seventeenth-century England. Lake and Pincus, in the introduction to their 2007 collection, note that it is vital to examine 'the stories people told about what was happening' if we are to examine the public sphere.[72] This focus on stories being told is instructive, as it offers the opportunity to examine *perceptions*.

If we think of the public sphere in terms of stories being told, early modern drama is a perfect sourcebase. Magistrates proliferate in late sixteenth- and early seventeenth-century English drama: a quick glance at the seven volumes of the Wiggins-Richardson catalogue of British drama from 1533 to 1642 furnishes a reader with all number of staged magistrates. In the period 1533-1642, there are 69 plays that include 'magistrates', with 39 occurring in the period 1580-1620. Characters known as 'justice' appear in 218 plays 1533-1642; excluding morality plays by narrowing to the years 1580-1620 furnishes 116 plays featuring some form of 'justice' character. There are 170 plays featuring a 'constable', with 93 in the years 1580-1620, and 91 including a 'sheriff' 1533-1642, 48 being from the years 1580-1620.[73] And drama was an exceptionally popular medium, with a diverse audience: while it is difficult to establish exact attendance numbers, thousands of Londoners were attending the theatre each week.[74] The public theatres were, therefore, one of the most popular and accessible forms of entertainment, and boasted significantly larger and more diverse audiences than either university or inns of court drama, rendering them a far better candidate for a study like this one. Unfortunately,

[72] Pincus and Lake, 'Rethinking the public sphere in early modern England,' in *The Politics of the Public Sphere in Early Modern England*, ed. Pincus and Lake, (Manchester: 2007), p. 3.
[73] Martin Wiggins and Catherine Richardson, eds, *BriDr* (Oxford: 2020).
[74] The outdoor theatres' starting ticket price was a penny, the same as a bearbaiting; an artisan's average weekly wage was 5s 3 1/2d, so theatre was exceptionally accessible entertainment; Keenan, p. 134. Audiences were socially diverse; see Siobhan Keenan, *Acting Companies and their Plays in Shakespeare's London* (London: 2014), p. 136-137. Charles Whitney asserts that the pit 'enabl[ed] widely contrasting and conflicting social groups to stand alongside each other in the most exciting and important theatrical location'; Charles Whitney, *Early Responses to Renaissance Drama* (Cambridge: 2006), p. 198. Siobhan Keenan takes Gurr's figure of 15,000 per week in 1595, and 25,000 by 1620, which does not account for the increasing number of theatres being built; Keenan, p. 128. Charles Whitney estimates a lower figure but does not account for repeat playgoers; p. 118.

discussion of the public sphere has often focussed upon cheap print, but less upon the drama which thousands regularly watched in the theatres, and the flourishing trade in printed editions of playtexts. However, in the last ten years increasing attention has been paid to the theatre's role in the public sphere. Alison Findlay and Peter Lake have both integrated the theatre into the public sphere, with Findlay arguing that a public sphere was created in the audiences of the public playhouses, as audience were transformed from 'private people' into a collective.[75] Indeed, some recent work has suggested growing awareness of drama's negotiating function. Charles Whitney writes that 'the theatre was a powerful engine for public circulation of discourses, omnivorously assimilating, re-fashioning, and disseminating them,' conjuring the theatres as an active part of political discourse.[76] In one of the few examples of a literary critic using the insights of social history, Derek Dunne responds to Braddick, arguing that

> if the negotiation of authority is evident in all the social dramas of early modern England, surely this too is applicable to those other dramas of the period, being written and performed in the playhouses of early modern London.[77]

Dunne offers something more than a discourse-centric idea of the theatre's role in negotiating political meaning: his analysis of revenge tragedy is built upon examining what is *done* onstage, considering how the law is used by characters in the plays. This is a crucial development, as it offers the opportunity to think about performance's role in the negotiation of authority onstage.

In this vein, drama as a historical source offers something that other written sources do not. This is not to fall into the trap of seeing literature as inherently subversive or 'more truthful' than other forms of discourse.[78] Instead, it is about the nature of theatrical performance. As

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[75] Lake, 'Theatre and 'The Post-Reformation Public Sphere'', in *The Oxford Handbook of the Age of Shakespeare* (Oxford: 2016); Alison Findlay, 'Shakespeare, Ceremony and the Public Sphere of Performance', *Shakespeare* 14:1 (2018), p. 27. See also Jeffrey Doty's extremely misguided *Shakespeare, Popularity and the Public Sphere* (Cambridge: 2017).
[76] Whitney, *Early Responses*, p. 118.
[77] Derek Dunne, *Shakespeare, Revenge Tragedy and Early Modern Law: Vindictive Justice* (Basingstoke: P2016), p. 30.
[78] See Subha Mukherji, 'Understood Relations: Law and Literature in Early Modern Studies', *Literature*

Luke Wilson writes, 'the early modern theatre was in the business of simulating rather than simply representing purposive action – it was most emphatically a form of life'.[79] Theatre functions by making something real: it operates not simply through spoken discourse but through bodies onstage. Erika Lin argues that theatrical performance is material because its signifiers are objects — bodies, props, playhouse itself — and that it is 'transformative activity that turns onstage action into fictional representation'.[80] The state was performed into actuality when people witnessed magistrates' actions: onstage, then, physically performing such actions presented the state in a more direct way than a description in a political text. Furthermore, Lin's illuminating analysis offers another way to think about the performance of the state, onstage and off. Lin argues that

> for theatre to be legible as representation, it must cite cultural understandings that circumscribe what counts as semiotically viable. These understandings are constitutive of thought; they are that without which it is impossible for meaning to come into existence. By "the materiality of performance", then, I also mean these baseline assumptions and expectations, the codes of intelligibility imbricated in all aspects of social life.

These cultural logics are 'always in the process of being constructed': they are an accretion over time of multiple performances in which audiences have accepted what is 'semiotically viable', which then constitute what remains acceptable.[81] This can also be applied to the dynamic construction of the state as seen in Braddick and Hindle: the state was defined by what it could do, and it came into existence in moments where magistrates did successfully assert their authority over a situation, the state's purview extending in these moments of performance. Lin describes theatrical performance as 'unique in that it itself is also the *act* of production: the medium *is* the process of transformation': the state was also the act of production, something that only came into view when it was in action, and which was constructed in the mind from

Compass 6 (2009), pp. 706-725, on debates over this view in the 'law and literature' movement.
[79] Wilson, *Theaters of Intention: Drama and the Law in Early Modern England* (Stanford: 2000), p. 3.
[80] Erika T. Lin, *Shakespeare and the Materiality of Performance* (Basingstoke: 2012), p. 9; see also Jeremy Lopez, 'Imagining the Actor's Body on the Early Modern Stage', *MERD* 20 (2007), pp. 187-203.
[81] Lin, *Materiality*, p. 7-8.

witnessing that action.[82] The social history framework for examining the state's construction is thus perfectly applicable to the theatre.

Clearly, the theatre, in its *presentation* of the workings of magisterial action, and in its mass appeal and popular audience, offers a new source base for examining how the 'state' was brought into being in the 'public sphere'. This is not to say that the drama is a direct representation of the state in early modern England: quite the opposite. Drawing on the recent focus on the political imagination in early modern literature, this thesis explores drama's political imagination, examining the states that *are* presented onstage. Indeed, the drama is at its most political when changes are made: paying attention to the changes from source text, from ordinary practice, and from known events, allows us to explore what an ordinary audience might have taken away from a performance of one of these plays. I am most interested in how these plays present the state to audiences familiar with its processes and officials, and so discussion of how accurately a play depicts an aspect of the state is important only for considering how that accuracy or inaccuracy might inflect an audience's perceptions of the state actualised onstage. While it is near impossible to state definitively how audiences experienced any early modern play, placing the scripts in detailed performance context, with an awareness of theatrical production conventions, and in the context of their first performance, it is possible to reconstruct a plausible sense of how the plays worked onstage.[83]

Unfortunately, despite the opportunity for examining perceptions of the state in the vast array of drama that presents magistrates at work, literary critics and historians alike have neglected

[82] Cf. Colin Hay, 'Neither real nor fictitious but 'as if real'? A political ontology of the state', *British Journal of Sociology* 65:3 (2014), pp. 459-480, and Philip Abrams, 'Notes on the Difficulty of Studying the State', *Journal of Historical Sociology* 1:1 (1988), pp. 58-89, on the elusiveness of the state.
[83] Cf. Emma Whipday and Freya Cox Jensen, '"Original Practices", Lost Plays, and Historical Imagination: Staging "The Tragedy of Merry"', *Shakespeare Bulletin* 35:2 (2017), pp. 289-307.

the theatre as an arena in which the state was constructed. Literary critics' engagement with the politics of early modern England has flourished since the early 1980s, but the general tendency has been to examine the state only through high politics. Studies proliferate of the representation of counsel, monarchy and republicanism, and the development of the nation-state in early modern drama.[84] In general, studies focussing on the 'state' take a Skinnerean view, equating the 'state' with the Privy Council rather than drawing upon the extensiveness of the early modern state.[85] This is unfortunate, as it limits analysis of politics to the educated elite.[86] Indeed, literary critics, despite their interest in placing early modern plays in historical context, have largely failed to locate the plays in terms of ordinary political knowledge and experiences. The totemic *Shakespeare and Early Modern Political Thought* collection, edited by David Armitage, Conal Condren and Andrew Fitzmaurice, while wide-ranging in approaches, largely confines itself to the sphere of high politics and government without exploring local politics: it is unsurprising that the afterword is by Skinner.[87] There has also been far less interest in the magistracy: with one major exception, literary critics have largely ignored it well into the 2010s.[88] When magistrates are assessed, it is generally in terms of them as characters, not officials; it is unfortunate that both historians and literary critics have leant so

[84] Eg. Paulina Kewes, 'Jerusalem thou dydst promyse to buylde up': Kingship, Counsel, and Early Elizabethan Drama', in Jacqueline Rose, ed., *The Politics of Counsel in England and Scotland 1286-1707* (Oxford: 2016), pp. 171-192; Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: 1992); Kevin Dunn, 'Representing Counsel: *Gorboduc* and the Elizabethan Privy Council', *English Literary Renaissance* 33:3 (2003), pp. 279-308; Andrew Hadfield, 'Tragedy and the nation state', in *The Cambridge Companion to English Renaissance Tragedy*, ed. Emma Smith and Garrett A. Sullivan (Cambridge: 2010), pp. 30-43.

[85] Chris McMahon's *Family and the State* opens promisingly, arguing that 'early modern revenge drama presents an exceptional opportunity for the analysis of how family and state were conceived (which is to say, constructed)', but falls into the trap of seeing literature as inherently subversive, *and* failing to define the state properly; *Family and the State in Early Modern Revenge Drama: Economies of Vengeance* (New York and Abingdon: 2012).

[86] See Louis Montrose, 'Form and pressure: Shakespearean Drama and the Elizabethan State', in Tricomi, Albert H., ed., *Contextualising the Renaissance: Returns to History* (Turnhout, Belgium: 1999), pp. 171-201: an otherwise sensitive analysis of theatre as a space for dissent is let down by viewing the state as a hegemonic unit collocated with the Privy Council.

[87] David Armitage, Conal Condren, and Andrew Fitzmaurice, eds, *Shakespeare and Early Modern Political Thought* (Cambridge: 2009).

[88] Ceri Sullivan, *Literature in the public service: sublime bureaucracy* (Basingstoke: 2013)

hard on *Much Ado About Nothing*'s incompetent constable Dogberry as the epitome of early modern magistracy. Dogberry raises another problem: the over-dominance of Shakespeare in studies of early modern literature's political engagement. It is unsurprising that Shakespeare dominates criticism, but this over-representation has had the impact of also limiting studies to the kind of politics seen in Shakespeare's oeuvre: hence, unfortunately, a preponderance of scholarship on monarchy and counsel that locates the state with the kings and councillors so often at the forefront of Shakespeare's drama.[89]

The exception to this tendency is the law and literature movement. Alongside Hutson's work on forensic rhetoric in early modern drama, Derek Dunne establishes a revisionist picture of revenge tragedy, presenting revenge as not simply the polar opposite of law, but as a work of communal participation in justice, coming very close to an account of the Hindleian state.[90] There is also increasing interest in literature's presentation of magistracy, with four panels on bureaucracy at the Renaissance Society of America's annual conference in March 2019, and a new research network on 'Literature and Bureaucracy' appearing in 2020.[91] Increasing attention is being paid to the portrayal of local legal officials in drama, which investigate the portrayal of the law and its officers more than the characters that just happen to be magistrates.[92] This suggests that there may be future interest in the early modern magistracy's depiction in drama and literature more broadly. The law and literature movement, moreover, stands apart from other literary critics who have failed to draw upon the wide range of historiography on the legal system's conflicts and development, such as the changing status of Star Chamber into

[89] Eg. Robert B. Pierce, *Shakespeare's History Plays: The Family and the State* (Columbus, Ohio: 1971).
[90] Dunne, *Vindictive Justice*.
[91] See also https://www.rensoc.org.uk/srs-virtual-show-tell-the-work-of-early-modern-paperwork/, [accessed December 16th 2021].
[92] Hutson, ed., *The Oxford Handbook of English Law and Literature, 1500-1700* (Oxford: 2017), contains multiple essays exploring different officials in drama.

the Stuart period.[93] Multiple critics have examined the crossover between the literary and legal imagination, offering important insights into the creation of meaning and reality by both law and literature.[94]

However, despite the profound contribution of the law and literature movement, work remains to be done:: examining the presentation of processes of the law allows examination of the presentation of the state itself, in its functioning and efficiency, as well as its structure. While the state continually seems to lurk underneath Dunne's analysis, it only receives one explicit mention.[95] Hutson's focus on rhetorical realism underemphasises the role of bodies onstage in creating realism, and the transformative power of theatre 'where a chair becomes a throne or a boy actor becomes a female character'.[96] Finally, neither the law and literature movement nor broader political readings of early modern drama have built particularly on the recent surge in performance-centric criticism of early modern drama. Dunne's work comes closest, with his interest in the enactment of legal process, but in general critics have not engaged fully with the possibilities of performance-centric readings. There has, however, been some interest, such as a 2017 conference held by the Oxford Centre for Early Modern Studies, entitled 'Mimesis on

[93] Eg. Penelope Geng, *Communal Justice in Shakespeare's England: Drama, Law, and Emotion* (Toronto: 2021); Geng argues that English playwrights resisted the growing professionalisation of the common law by celebrating communal justice.
[94] Two of the finest examples are Bradin Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of the Common Law, 1509-1625* (Chicago, Illinois: 2007) and Jessica Winston, *Lawyers at Play: Literature, Law, and Politics at the Early Modern Inns of Court, 1558-1581* (Oxford: 2016). Cormack argues that the rise of the common law against other forms of jurisdiction involved processes of authorising and delimiting meaning that mimicked the fictive imagination, while Winston argues that, in response to the state's challenge to the common law's status, the Inns became a sort of alternative polity with drama as a 'collective, politically charged expression'; p. 4. By contrast, Paul Raffield's 'imaginary constitutions' have been criticised for lacking historical rigour; Paul Raffield, *Shakespeare's Imaginary Constitution* (Oxford and Portland, Oregon: 2010), and Wilfrid Prest, 'Review, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558–1660*', *American History Review* 110:3 (2005), pp. 860-861.
[95] Eric Heinze's article on legal authority and the foundations of a state in Shakespeare's Histories offers a possible departure, but is let down by only examining legitimacy as related to high politics, impoverishing his analysis of Henry Bolingbroke; 'Foundations of Sovereign Authority: The Example of Shakespearean Political Drama', in Angus Vine, and Katie Halsey, eds, *Shakespeare and Authority: Citations, Conceptions and Constructions* (Basingstoke: 2018), pp. 135-154.
[96] Lin, *Materiality*, p. 7.

Trial', which focussed upon the modes of probability within which law and literature both operate, considering more generally the themes of rhetorical persuasion and fictive structure at work in both law and literature; however, one panel, entitled 'Realism effects', productively considered the crossover between legal and staged mimetic modes.[97] Some work has explored actors' and lawyers' shared rhetorical techniques, though only one book-length study exists.[98] Political readings of early modern drama outside the law and literature movement have also largely failed to examine performance effects and their political ramifications. However, Janette Dillon's *Shakespeare and the Staging of English History* marks a distinctive departure, offering compelling accounts of how certain 'stage pictures' and uses of stage space affect the political message of Shakespeare's Histories.[99]

Methodology and sources

This thesis focusses on how magistrates enacted the state in practice, both in plays and in reality: if the drama stages its own states, how do those states relate to the experience of government in early modern England? My methodology, therefore, is broadly comparative, relying upon reconstructing the practice of authority from various primary and secondary sources, and then comparing this with how the same process is presented on the stage. It is vital, moreover, to explore the plays in performance, to examine the specific effects that their dramaturgy has on their presentation of the state. I thus work towards reconstructing possible responses to the drama, as a way of considering how the state was brought into the minds of audiences in the outdoor theatres.

[97] These papers examined onstage sound effects and spectacle, rather than acting.
[98] Carla Dente, 'Rules and Textual Construction of the Vocational Practices of Actors and Lawyers in Early Modern England', *Journal of Early Modern Studies* 1:1 (2012), pp. 155-173; Holger Syme, *Theater and Testimony in Shakespeare's England: A Culture of Mediation* (Cambridge: 2012).
[99] Janette Dillon, *Shakespeare and the Staging of English History* (Oxford: 2012).

Non-dramatic sources

My contextual research has been guided by the content of the plays themselves: even aside from the wide range of themes raised by these plays — local government, attitudes to domestic violence, the relationship between City of London and Crown, riots, and the development of constitutional thought — the constraints of a doctoral thesis demanded that my research be well delimited. After establishing each chapter's focus, I have used historiography and criticism to establish the critical landscape around the plays, as well as existing scholarship on the kinds of magistracy and aspects of the state presented. I then selected primary sources to compare the play's presentation of these aspects of magistracy to 'real' life, and to examine contemporary concerns and ideas about these aspects of the state: I do not simply look at expectations of government from the centre, but at the practice of authority by magistrates, and how that authority was experienced by those being governed. As such, my methodology is absolutely qualitative rather than quantitative. I build upon existing historiography where possible, but also draw upon primary printed and manuscript sources to establish how particular aspects of the state were practiced *and* perceived, and what was therefore expected by audiences.

Prescriptive texts such as handbooks for magistrates, proclamations and statutes were all useful for exploring expectations of magistrates. Particularly for the chapters focussing on local government and crowd management, it was important to establish what magistrates were expected to do to handle crime and disorder. There were multiple handbooks for various kinds of magistrate in the period, perhaps the most famous being William Lambarde's handbook for Justices of the Peace, *Eirenarcha*, first published in 1582, and reprinted twelve times before 1620.[100] These handbooks' detailed instructions of how to handle incidents such as riots, affrays

[100] J.D. Alsop, "William Lambarde (1536-1601)", *Oxford Dictionary of National Biography* (Oxford: 2004), https://ezproxy-prd.bodleian.ox.ac.uk:2102/10.1093/ref:odnb/15921.

and forcible entries, give us the theoretical form of these actions. They also often offer detail on the role of the community in the maintenance of order, prescribing what locals should do during a fight in the street. Statutes and proclamations, meanwhile, offer insight into central government's expectations of magistrates and communities. The 1555 Marian Bail statute, which overhauled the justice system just before Elizabeth came to the throne, for example, lays out the expected process of information gathering before trial. These sorts of sources, therefore, are a central part of establishing the expectations of how magistrates should act in 'real' life. It is worth remembering how many spectators in the playhouses would have held office at some point, and might have read these handbooks and statutes themselves.

However, a balance must be struck between prescriptive texts and evidence of how prescription translated to practice. Statute and proclamation, moreover, are documents of central government, and so it is important to judge how central directives were experienced in the localities, if at all: we cannot necessarily draw a clear correspondence between law imposed by parliament and locals' own perceptions of the law. My contextual research has thus been concerned less with high politics than with getting a feel for what the ordinary person at the theatre might understand of issues surrounding government. I have limited my research to materials that would allow this: generally, I have not concerned myself with the documents of Privy Council and *arcana imperii*. I use statute, proclamations and other documentation of central directives, such as Star Chamber speeches to JPs, to explore the extent to which these directives were visible in the localities. Complaints about magistrates, in Star Chamber speeches and Privy Council records, have proven useful for exploring the limitations and failings of the magisterial system, though one must at least attempt to disentangle the rhetoric of laziness from the extent to which magistrates *were* failing in their tasks. I also pay close attention to duties laid upon the community, examining the expectations of participation

expressed by handbooks and statute, as well as noting the various fines and punishments for failing to meet these expectations. While such punishments cannot tell the full story of the participatory state, they help build a picture of how central concerns about government were experienced by the communities that came under fire from above for their failure.

My research into the everyday experience and understanding of the state can be broken into two major categories. Firstly, it was vital to examine what ordinary people saw magistrates doing, and how they did it. For such purposes, the records left by some magistrates of their own duties, such as Lambarde's diary *Ephemeris*, have been useful, although many of these journals do not go into as much detail as I would have liked. Legal records, too, have proven extremely useful: the extensive, detailed bills of complaint and interrogatories of selected records from the court of Star Chamber have helped me to get a sense of how proclamations, invocations of the monarch's name and arrests worked in practice, and to explore conceptions of the household's boundaries in the face of violence. Crucially, I have focussed on how these documents record what was an *embodied performance*. I think spatially, imagining where officers stood in relation to their audience, and considering where the riskiest points of their performance of authority might have been. This side of my research has, naturally, not been the centre of my thesis research, but is foundational to my understanding of government in practice.[101] Secondly, it was important to examine how theatregoers experienced relationships between different aspects of the state, so I examined documents about the management of London's suburbs, as well as the communications that passed between City and Crown during the 1590s, taken from the London Metropolitan Archives and the British Library's Lansdowne manuscripts. This was done *not* to reconstruct what Crown or City government wanted, but instead to identify moments when certain magistrates would have been visible around the City.

[101] In March 2020 I carried out practice-as-research workshops that staged proclamation, arrest and riot calming, investigating the balance of power between magistrate and audience. My upcoming research project will build upon and continue these workshops, as part of an investigation of the performance of authority in England from 1558 to 1642.

It was also important to contextualise the plays in the moment of their first performance. This could largely be done through historiography, but also involved cross-referencing with the Acts of the Privy Council and reports of cases in Star Chamber, along with other manuscript sources already mentioned, to check for events in the public eye that may have been recalled by audiences.

Histories and other printed texts have also been useful for exploring ordinary playgoers' expectations. The Elizabethan boom in chronicle histories meant that books were often one of the best sources for contemporary understandings of government. Raphael Holinshed and John Stow's depiction of the politics of the king and his council, and questions of the commonwealth, would have furnished their readers with an understanding of the functioning of these aspects of the state. Literary depictions of government proliferated, too: the multiple editions of the *Mirror for Magistrates* are just one example of literature's engagement with questions about authority and governance. Plays, too, both in printed form and on the stage, were a vital aspect of this nascent public sphere. Histories, alongside crime pamphlets, were also a key source for many of the plays: as such, a large part of my research has been comparing the plays to their often widely-read source material, to examine what audiences would have recognised as being changed or kept the same in these plays. Similarly, contemporary accounts of crime, disorder, and other recent events similar to the plays' plots were extremely useful for looking at the experience of, for example, the June 1595 Tower Hill riot as context for *Sir Thomas More*'s depiction of 'Evil May Day': comparing the plays to recent events as recalled and recorded by the same people in the audience offered an invaluable source for exploring what those audiences expected, understood and remembered of the state.

Dramatic sources

In exploring the drama's presentation of the state, it is paramount to reconstruct what audiences might have experienced in the theatre, and from there what they could have understood from the plays. I am, therefore, not concerned with authorial intentions: much as my contextual research focusses on perceptions, it is most important to imagine how these plays plausibly looked and functioned onstage, and from there reconstruct how they may have worked upon the minds of their audiences. Audiences were not monolithic entities: however, by focussing on the plays as performed, and reading them in their own context, it is perfectly possible to uncover at least one aspect of audience reception of the early modern state. This is also not a reading of magistrates as individuals: there are no Dogberrys to be found herein. Instead, I am interested in exploring how magistrates' offices are presented onstage, in relation to other characters and institutions, and in their effectiveness. My approach is thus concerned with how the drama, in performance, presents the relations of the state's components and magistrates' ability to do their job, and how its effects upon audiences might inflect their perception of the state.

Selection of plays

The period 1590-1610 was one of immense upheaval and difficulty. Elizabeth's waning years saw great anxiety about the succession, and intensification of long-held questions about the nature of government if the monarch were to die. Alongside this, material conditions during the 1590s severely worsened.[102] This is also one of the most flourishing periods of drama in the public theatres: it is unsurprising to find multiple studies of politics in Shakespearean drama that contextualise the plays in the turmoil of regime change and socio-economic difficulty.[103]

[102] Sharpe, 'Social strain'.
[103] Eg. Peter Lake, *How Shakespeare Put Politics on the Stage: Power and Succession in the History Plays* (New Haven: 2017).

However, the plays examined herein are not ones traditionally used for 'high politics' readings of the state. Instead, I chose plays for their detailed depiction of magisterial process. From a survey of around fifty plays featuring magistrates of some sort, I narrowed down a shortlist of twenty. From here, I selected nine plays, one standalone, and four pairs that covered similar themes: regulating crime within the household and the community; the spaces of London; crowd management; absentee monarchy. The plays feature detailed presentation of magistrates at work. As such, they allow exploration of the presentation of the structure of the state, in how magistrate relates to community, how jurisdictions interact, and how magistrate and monarch are linked, while some also offer the opportunity to examine 'state magic' as presented onstage. I excluded plays that presented magistrates that did not have a clear analogue for early modern English audiences, including several Roman plays (Jonson's *Sejanus*, Shakespeare's *Coriolanus*). All but one of the plays covered were (probably) written during the 1590s: this was not intentional, but the plays that turned out to be of most relevance to my methodology and investigation happened to be those first performed during the 1590s. However, at least two — *1 Edward IV*, *Thomas of Woodstock* — continued to be performed into the 1600s and beyond, raising questions about how they were received by audiences after the immediate moment of their first performance. All told, this period offers tremendous scope for examining how drama imagined the state in the context of immense dislocation.

Most of these plays are non-canonical. Five are anonymous, with three previously attributed to Shakespeare. Despite Shakespeare's looming presence in political readings of early modern drama, in my focus on the actions of magistrates and their interactions with society, Shakespeare's works have proven less useful than the far more detailed portrayals of the state in lesser-known plays. They were popular: several were repeatedly restaged through the 1590s and 1600s, and even beyond, while all but two of those performed were printed in

quarto, suggesting popular demand for them.[104] They also appealed to audience tastes: three are true crime plays, dramatising murders that captured the popular imagination, and five are history plays, one of the most popular genres in the late Elizabethan period. They were all also originally performed (or intended to be) in outdoor playhouses. This was, primarily, to establish a delineated source base. The public theatres, moreover, tended to have a more socially variegated and common audience, owing to the lower price of tickets and larger capacity of outdoor playhouses compared to the indoor ones. This is not, however, to lean into a hard and fast elite-popular distinction between the indoor and outdoor playhouses.[105] The nine plays are also drawn from the repertoires of multiple playing companies, staged in multiple London theatres, and a few were likely performed on tour, especially during the plague of 1592-3.[106] Although some theatre historians have argued that different theatres had their own distinct audiences, the even spread across companies suggests that tastes for plays handling government were shared across the theatregoing population.[107]

Reading texts in performance

This thesis hinges upon reconstructing how a play might have looked, and what impacts that might have had upon audiences with a knowledge of the state structures and processes dramatised within them. It is primarily concerned with how action and words create an embodied reality within the playhouse's architecture. Luckily, we are experiencing a flourishing of performance-centric studies of early modern drama and research into early modern playhouse practice. By drawing upon this extensive scholarship, I approach each play

[104] Only *1 Henry VI* and *Woodstock* have no extant quarto, the former only published in the *First Folio* in 1623, the latter only existing as a heavily marked up manuscript for playhouse use. *Sir Thomas More* was never staged, so has no contemporaneous printed text.
[105] See Alfred Harbage, *Shakespeare and the Rival Traditions* (New York: 1952).
[106] Of the seven with attested performances, three belonged to the Lord Strange's Men/Earl of Derby's Men, one to the Lord Admiral's Men, one to the Pembroke's Men, which was then sold to the Lord Chamberlain's Men/King's Men, who also held the remaining two.
[107] See Harbage and Brian Gibbons, *Jacobean City Comedy* (Abingdon: 1980).

with as much information about staging and rehearsal methods as possible, exploring them as they would have been by the actors performing them. All history begins with imaginative reconstruction: all historians are ever doing is making reasoned, well-informed conjecture, where they have secured as many variables as possible.[108] My research methods are much the same.

Understanding playing conditions for the actors playing the parts is vital. Considerable research has been done on early modern rehearsal, focussing on the limited amount of rehearsal time and the use of cue-scripts.[109] An actor generally did not receive the full playtext, but a part containing all his lines, with just three-to-four-word cues ahead of each line. Furthermore, London was far too small for a run of a play, so companies performed in repertory, performing a different play six days of the week, often not repeating a play for up to six weeks. Actors therefore needed to have an extraordinary amount of mental flexibility. It has also been argued that certain parts of plays in performance might well be set-pieces that could be inserted with ease into any relevant production: Dillon has noted that scenes displaying rank would have had a standard formula for how the characters were arranged, a spatial dynamic that could be repeated in any play.[110]

This raises another crucial aspect of reconstruction: stage space. The public theatres of London were, largely, laid out as a thrust stage jutting out into a polygonal yard, with standing audiences on three sides, and three levels of gallery seating around the yard.[111] The stage space varied in size, but was usually rectilinear, with two pillars supporting a roof over the stage ('the

[108] R.G. Collingwood, *The Idea of History* (Oxford: 1946), pp. 232-249.
[109] Tiffany Stern, *Documents of Performance in Early Modern England* (Cambridge: 2009); Tiffany Stern and Simon Palfrey, *Shakespeare in Parts* (Oxford: 2010).
[110] Dillon, *English History*, p. 31.
[111] Glynne Wickham, *Early English Stages 1300-1660*, Vol. II (London: 1972).

heavens'), and a back wall, the *frons scenae* with three entrances into the 'tiring house' behind the stage. Most theatres also had a balcony above this back wall, which could either be used by musicians or for scenes requiring an 'aloft' space. This stage space relied more on imagination for set-dressing than what we are generally used to today: while props such as hellmouths, brazen heads and banks of flowers were certainly used, the stage space remained comparatively bare.[112] Without curtains, large changes of scenery were impossible; changes of location would either be indicated by dialogue or by a couple of emblematic props, such as a bed or throne. The *frons*' central entrance, usually set with double doors that could be opened to reveal the interior to the audience, was known as the 'discovery space', and could be used to signify all manner of interior locations. There was only natural lighting, with plays staged in the afternoon around two o'clock: audiences and actors shared the same level of light. As blackouts and curtains were both non-existent, scene changes also operated symbolically.

The state was experienced relationally, seen in the interactions of bodies; as such, we must explore how these plays use the playhouse's architecture. Because the stage space relied so heavily upon the audience's imagination, with dialogue and action transforming the balcony into the walls of a besieged city, the pillars to box hedges in a knot garden, the stage to the deck of a ship, its architecture was central to the experience of a play, and so we must map the plays' action onto the theatres' fabric. Multiple critics have examined how particular plays functioned in particular playhouses, with their architecture and the associations of the playhouse's location and history contributing to the play's meaning.[113] Another vital aspect of the playhouses'

[112] Impresario Philip Henslowe's *Diary* records the Admiral's Men's impressive array of props, including a hellmouth, Neptune's fork, and stairs for Phaeton; J. Payne Collier, ed., *The Diary of Philip Henslowe from 1591-1609* (London: 1845), p. 273. See also Gurr and Ichikawa, *Staging in Shakespeare's Theatres* (Oxford: 2000), p. 20 on the symbolic stage.

[113] Stern, 'A Ruinous Monastery: the Second Blackfriars Playhouse as a place of nostalgia', in *Moving Shakespeare Indoors: Performance and Repertoire in the Jacobean Playhouse* (Cambridge: 2014), 97-114; Chloe Preedy, 'Breaches in a Battered Wall: Invasion, Spectatorship and the Early Modern Stage', *Cahiers Élisabéthains* 88 (2015), pp. 65-79.

architecture that must be considered is visibility. 'Stage pictures' on the early modern outdoor stage needed to be three-dimensional (rather than the two-dimensional arrangement in a proscaenium arch theatre, where audiences are largely oriented in one direction towards the stage), meaning that audience members' views depended on their location in the auditorium. To examine the experience of the plays, we must consider how audiences could or could not see what was happening onstage.[114] This also draws upon the extensive recent literature on the actor-audience relationship, a relationship of equal (if not greater) concern to many contemporary commentators.[115] The theatre's defenders and detractors alike believed in the transformative power of acting to move body and soul: what they disagreed upon were the moral and spiritual ramifications of such an experience.[116] The outdoor theatres created a unique relationship between audience and actors, thanks to the daylight shared by both parties.

The final aspect of my performance-centric methodology is practice-as-research (PAR). This method has been used extensively by critics working on early modern drama, staging plays to explore questions that cannot be satisfactorily answered by simply imagining their staging. Methodologies vary, with some critics deploying 'original practices' in order to further their research. Chapters Three and Four both draw heavily upon PAR workshops, where I had student actors stage *A Warning for Fair Women,* and Act 1 Scene 3 of *1 Henry VI*, using original practices — cue scripting, limited rehearsal, an analogous stage layout — to explore them better. This is a perfectly defensible *historical* method: by retaining accurate modes of

[114] Cf. Paul Yachnin, 'Eye to Eye Opposed' in Anthony Dawson and Yachnin, eds, *The Culture of Playgoing in Shakespeare's England: A Collaborative Debate* (Cambridge: 2001), pp. 69-87, and Dawson, 'The distracted globe' in ibid., pp. 88-107; Annalisa Castaldo and Rhonda Knight, 'Hiding in Plain Sight: Eavesdropping and the Physicality of the Stage', in Castaldo and Knight, eds, *Stage Matters: Props, Bodies, and Space in Shakespearean Performance* (London: 2018), pp. 107-126.
[115] Alison Hobgood, *Passionate Playgoing in Early Modern England* (Cambridge: 2014); Bridget Escolme, *Talking to the Audience: Shakespeare, Performance, Self* (Abingdon: 2005).
[116] Compare Heywood's *Apology for Actors* (London: 1612) to Munday's *A Second and Third Blast of Retrait from Playes and Theatres* (London; 1580) or Stubbes' *Anatomie of Abuses* (London: 1583).

rehearsal, actors' performances and blocking were directed by the information only in their part, and in responding to other characters onstage, much as would have been the case in the period. As such, the workshops provided a version of the play in performance that was plausibly like its original staging. The leaders of the innovative *Experience of Worship* project, which staged liturgies to explore the experience of late medieval worship, note that all history is imaginative (re-)enactment: practice-as-research merely extends the intellectual to the physical. The researchers did not claim to have created something accurate: there was

> no way in which this experience was definitively historical. Even as an experience in the present it was particular to each individual. Nevertheless, while it was impossible to elucidate the nature of the experience for a late medieval worshipper, it offered an actual experience of a medieval ritual, and in so doing raised important historical questions through engagement.[117]

For Richard Fitch, manager of Historic Kitchens at Hampton Court Palace, his research into Tudor recipes is not simply about reconstructing an accurate version of the original dish:

> One should be clear that the intention over this quarter of a century of public presentation has never been to present these recreated recipes as being examples of what food tasted like, or indeed looked like in the past, but rather as the end products in the investigation of the processes that would have been gone through by the cooks of Henry VIII's Court and their counterparts through history.[118]

Historians using practice-centred methods are not simply trying to create something 'authentic': it is the *practice* that serves as the investigation. Jacquelin Jenkins prefers to use the term 'practice-based-research' over 'practice-as-research', as 'PAR implies that the practice/performance *is* the research outcome and requires no further theorising, while PbR implies that the practice/performance is one part of the research that usually leads to further research conclusions'.[119] While I disagree, given that my use of PAR was to further explore

[117] *The Experience of Worship* Project, http://www.experienceofworship.org.uk/ [accessed May 3rd 2021].
[118] Richard Fitch, 'Cooking the Books: A cautionary tale of material culture and the recreation of historic recipes for public viewing', tudorcook.co.uk/blog/cooking-the-books-a-cautionary-tale-of-material-culture-and-the-recreation-of-historic-recipes-for-public-viewing-2/ [accessed 6th October 2020].
[119] Jacquelin Jenkins, 'Practice-based Research and Early Period Theatre Histories: A Performance Methodology', Performance as Research in Early English Theatre Studies: *The Three Ladies of London in Context* (http://threeladiesoflondon.mcmaster.ca/par/JacquelineJenkins.htm) [accessed July 22nd 2019].

particular research questions not limited to the staging practicalities, she does raise an important question: where (re)enactment leads. In these workshops, the re-enactment was not the end goal, but a starting point for exploring how these plays might have looked, and *then* considering how they presented the state.

Performed states

Each of my chapters focusses on one or two plays featuring magistrates at work. The thesis moves, overall, from a focus on local government, to London, through to high office; it also moves from considering the performance of the state as an entity in chapters one to three, to a more detailed examination of 'state magic' in chapter four, while chapter five combines both aspects of the performance of the state. The thesis, therefore, takes a holistic approach to the state.

The first two chapters focus on local government. Chapter One examines the presentation of justice at the king's command in the anonymous 1592 play *A Knack to Know a Knave*. It suggests that the allegorical figure of Honesty stands as a preternaturally observant magistrate figure, able to uncover immorality where King Edgar cannot: it presents a fantasy of the state where the commonwealth can be reformed in the localities by an omniscient magistrate, in stark contrast to contemporary criticism of magistrates' insufficiencies. Chapter Two, meanwhile, examines the presentation of the participatory state — where community members were expected to take a proactive role in law enforcement, particularly the uncovering and reporting of crimes — in two domestic tragedies, *Arden of Faversham* (1592) and *A Yorkshire Tragedy* (1605). In their staging of murder planned, committed, and discovered, they both offer detailed depictions of the participatory state. Critics have generally viewed these plays as fantasies of communal law enforcement. However, this chapter suggests that their depiction of the relationship between household and community offers a rather more pessimistic view of

the participatory state, where the failed *prevention* of crime demonstrates the insufficiency of a state that relies on ordinary people, and that the household is a troublingly opaque space beyond the access of the state. They respond to increasing demands by central government for communities to prevent crime, with *A Yorkshire Tragedy* especially suggesting that such demands cannot be met.

Where the first two chapters focussed on the relation between magistrate and community, and between state and society, Chapter Three considers the relationship of different parts of the state. Centring upon two extremely geographically-specific plays set in London, the anonymous *A Warning for Fair Women* (1595) and Thomas Heywood's *Edward IV Part I* (1599), the chapter examines how these two plays imagine the jurisdictions of Crown, City and county during a time of intense tension. Taking the backdrop of intensified crown presence in the City during the mid-to-late 1590s, the chapter examines how stage space stands for various jurisdictional locations, and how the plays' dramaturgy link London and its surroundings. *A Warning for Fair Women* presents the state as an efficient and seamless network, the dramaturgy presenting City, Crown and county working in flawless tandem; *1 Edward IV*, however, presents the City as a sovereign unit, separate from the Crown. As such, both plays respond directly to the crown's interference within the City's limits: *Warning* does so by inserting the City into a story that had very little to do with London itself, giving it pre-eminence in the state, while *1 Edward IV* presents the Crown as dependent on the City, while the City needs little from the Crown.

Chapter Four and Five each focus on 'state magic' and concerns about the succession. Chapter Four examines two history plays that deal with the control of tumults, Shakespeare's *Henry VI Part 1* (1592) and the unstaged *Sir Thomas More* (1593-5) by Anthony Munday and others.

The chapter focusses on the management of the two brawls of servingmen in the first play, and Thomas More's ahistorical calming of the Evil May Day riot of 1517, examining how the two plays present the risky moment of performance where an outnumbered magistrate attempted to calm crowds with words alone. It argues that both plays suggest the essential precarity of these moments of performance, and that *1 Henry VI* presents a frightening vision of a realm without a monarch, where a lack of stable monarch renders magistrates unable to call upon the 'king's peace' as a persuasive tool, and where the jurisdiction of Rome interferes with the proper enactment of authority. *Sir Thomas More*, meanwhile, equates performance skills with authority, presenting More as not simply a great speaker but a great performer, hence putting the play in stark contrast with the failure of the City authorities to curtail riot in June 1595.

Finally, Chapter Five examines two plays staging regimes without a strong ruler, *The Downfall of Robert Earl of Huntingdon* (1598) and *Thomas of Woodstock* (1595-1600?). It examines the succession crisis in an original way, examining how the plays present the practicability of government on the local level in the absence of a strong monarch. It argues that *Huntingdon* suggests that the state cannot function when the monarch is absent, due to the immorality of the magistrates left behind to govern. *Woodstock*, meanwhile, presents a pessimistic view of the possibility of government with a weak monarch, by showing the devaluation of two sources of legitimacy for magistrates: the law, and the king himself. Both plays, in different ways, express extreme anxiety about the succession, through questioning the ability of either law or magistrates to govern the commonwealth in the absence of the monarch.

Most of these plays rarely use the term 'state'. Indeed, it is only in the final chapter that contemporary constitutional debate over 'the state' is heard verbally in the plays; it is perhaps unsurprising that this occurs in two plays that seem to suit the 'high politics' approach to the

state's representation in early modern drama, *Thomas of Woodstock* and *The Downfall of Robert, Earl of Huntingdon*. However, as I have shown, the state was apprehensible without words, experienced through legal process and visible relations between magistrates, community, and the crown. The drama similarly presents the state through performance: instead of restricting our understanding of their politics to a narrow consideration of what is said, examining how the plays may have functioned in performance allows us to see how they constructed the state. In 1996, Barbara Freedman charged the New Historicists with flattening the distinction between different levels of social and cultural practice, tending to privilege the literary over the realities of 'lived experience'. 'By democratically insisting that all symbolic forms are equal,' she wrote, 'New Historicism ignores the differences between types of formal constraints and the crucial issue of their limits on the level of lived experience'.[120] Here, however, it is important to acknowledge that drama is a very specific *kind* of historical source, that offers a particular insight into how ideas about the state were constructed. As Lin notes, 'far from a physical object, performance is an action, an experience'.[121] The primary unit of meaning in theatre is the actor's body and its actions: interpreting those actions is a different process to simply reading a text. It is, indeed, far more aligned with the real experience of the state. By imagining the relations between bodies-playing-magistrates and bodies-playing-commoners onstage, we can explore how the drama constructs the relationship between state and society; by paying attention to the mapping of jurisdictional space onto the architecture of the theatre, we can explore perceptions of the structure of the state; and by examining moments where magistrates enact their will successfully or unsuccessfully, we can see how the purview of the state was performed into reality onstage.

[120] Barbara Freedman, 'Elizabethan Protest, Plague and Plays: Rereading the "Documents of Control", *ELR* 26:1 (1996), p. 22.
[121] Lin, *Materiality*, p. 7.

Overall, therefore, these plays perform their own recognisable states into being onstage, presenting familiar processes for audience interpretation. It is notable that all the plays scrutinised are based, at least loosely, on true events, which would have been well known to contemporary audiences. *Arden of Faversham*, *A Yorkshire Tragedy* and *A Warning for Fair Women* are each based on murder cases that featured in popular crime pamphlets, with the first and last also featuring in several different chronicle accounts. The other six, meanwhile, variously play with English history. *A Knack to Know a Knave*, though its central plot is the author's invention, draws upon the known pre-Conquest figures of King Edgar and St Dunstan, while *1 Huntingdon* inserts the folk hero Robin Hood into a play about Prince John's late-twelfth-century rebellion against his brother. As such, a contemporary audience would likely have a good sense of any changes made to the story. Crucially, drama's *staging* of magistrates at work constructs these different states in positive and negative terms, thanks in part to their genre: with the drama up for audience interpretation, and generic expectations and conventions shaping the way the state was presented, the drama could turn the state into the stuff of tragedy, comedy and moral lesson. In so doing, the plays articulate criticism and praise in ways that did not need the word 'state' to be *about* the state: they present ideas about the state that did not yet have a common vocabulary. The plays, moreover, respond to contemporary concerns. While many of these plays are not performed today, considering their performance and representation of the state demonstrates that these non-canonical plays tend to be far more tightly linked to their own moment of composition and performance than the sorts of drama that have heretofore been treated as dramas of 'state'. In presenting different states at work — some successful, some failing — they articulate ideas and concerns about the functioning of early modern government. Several themes recur: the insufficiency of the participatory state for handling crime; the relationship between different magistracies and parts of the state, often expressed through jurisdictional space; the risk of performing authority to a hostile audience;

and the fears of what would happen to government after the monarch's death. The concerns raised by drama, therefore, parallel concerns raised by contemporary writers and statesmen. However, they do so in the terms of everyday political experience, staging the recognisable encounters of magistrate and community, jurisdiction and jurisdiction, monarch and locality.

Though each of these plays present their own take on the state, and articulate criticisms and concerns in different ways, it is extremely notable that most of them appear pessimistic about the state in one way or another. The plays in the last two chapters link a weak or absent monarch to the ruin of the commonwealth. The two history plays — *1 Henry VI* and *Thomas of Woodstock* — offer versions of the medieval past that suggest that chaos will ensue at a local *and* national level if the monarch is weak in any way. *The Downfall of Robert Earl of Huntingdon*, meanwhile, frames its tragedy in the immoral wasteland created by the absence of the monarch, its central character meeting his fate as a direct result of the self-interested magistrates left to govern the country in Richard the Lionheart's absence. All envision government as part of a monarchical system: these plays are all set in England, where there is no alternative to monarchical rule. Even in plays where the Crown or monarch are presented in an unflattering light — such as the sexually incontinent kings of *A Knack to Know a Knave* and *1 Edward IV* — the states presented still hinge upon recognisable versions of government with power delegated from the monarch. This is understandable, given contemporary concerns about the uncertain succession, but it is important to notice that this is not concern over who would succeed, or how, but *how* the country would be governed without the monarch. There may have been intellectuals and statesmen considering the possibility of an interregnum, but those in the theatres had an entirely different view of acephalous government that related to their own experience of the state in the localities. This pessimism is also echoed in the depiction of local government, where increasingly it seems that local communities cannot be relied upon

to prevent and manage crime. *A Knack*'s idealised magistrate, Honesty, seems the only person who can be relied upon to reform the commonwealth and protect the common man, in stark contrast to contemporary criticisms of JPs and other officials. *Arden* and *Yorkshire*, meanwhile, mark two points in increasing concerns over the state's ability to regulate crime within the home, with the latter play's increased pessimism about public participation perhaps relating to the intensified social wants and conflict during the difficult 1590s and 1600s.

In *Forms of Nationhood*, as the conclusion to a chapter that covers several of the plays in this thesis, Richard Helgerson identifies the popular theatre as the literary form most distant from the 'councils of power'.[122] He describes the Shakespearean English history play as either about the 'mystified' monarchy, or about the suffering of monarchical power on the ground level. What Helgerson fails to consider is the pervasive nature of politics in this period. To draw upon Fox, Hindle and Griffiths' conception of the political as that to do with the ability to affect others' actions, the exercise of political power was everywhere in early modern England.[123] Most of the plays within this thesis do not directly feature monarchs; indeed, many of them work on the level of the 'common'. This is not to say, however, that the 'common' was alienated from politics. The drama does not stand distant from politics. Political power was enacted in daily life on a face-to-face level, small interactions manifesting and transforming the relations of governors and governed. If we are to properly use these plays, as Helgerson suggests, to examine early modern popular culture and popular politics, we must understand them not simply as stories of the lower levels affected by the top-most tier of authority, but as complex performances of multi-levelled relations. This, then, is theatre with the social history put back in.

[122] Richard Helgerson, *Forms of Nationhood*, p. 245.
[123] Fox, Hindle and Griffiths, 'Introduction', p. 1.

1. 'Offenders never bewray their offences, / Till the law find them, and punish them': justice and the reform of the commonwealth in *A Knack to Know A Knave* (1592)

> When not only the multitude of men was grown infinite; but wickednesse also was much increased with the time: and consquently *contentions* waxed so many in number, and manifold in matter, as neither any one person was found able to determine the *suits*, nor any one place sufficed to containe the *suitors*: then accordingly (as *Iethro* advised *Moses*) the *Iurisdiction* (or *chardge* of administering *Iustice*) was first broken into parts.[124]

In his history of the English justice system, William Lambarde thus highlights the necessity of a legal system to maintain the peace. He presents the network of magistracies as a necessity, there being too much 'wickedness' and resulting 'contentions' for a single king to manage alone: the delegation of jurisdiction to magistrates is a way of managing disorder across the kingdom. Lambarde's idealised view of the early modern state thus centres upon the ability for criminals to be brought to justice. However, over the late Elizabethan period, concerns grew about the ability of this system to handle the extent of 'wickedness' in the country. JPs and other lesser magistrates found themselves lambasted in proclamations and Star Chamber for their 'remissness and negligence', while Lambarde's own charges to Quarter Sessions, one of the few extant sixteenth-century charges, evince a clear concern with participation in the legal system, suggesting that members of the community were failing to report crimes or prosecute criminals adequately.[125] Historians have echoed these late-sixteenth-century concerns in their attention to the efficiency of the state's law enforcement mechanisms, with many drawing upon Wrightson's 'Two Concepts of Order' formulation to track the disjunction between state and community.[126] Hindle notes the state's dependence on victims being willing to prosecute, and

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[124] William Lambarde, *Archeion, or, A discourse upon the high courts of England* (London: 1635), p. 5-6. While *Archeion* was only published in 1635, Lambarde wrote the text in around 1591; Alsop, 'William Lambarde'.
[125] Proclamation placing vagrant soldiers under martial law, 13th November 1589, in Paul L. Hughes and James F. Larkin, eds, *Tudor Royal Proclamations, Volume III: The Later Tudors (1588-1603)* (New Haven and London: 1969), p. 46; see *Reportes del cases,* p. 19 for a classic example of the Lord Keeper's disdain for 'negligente and undiscreete' JPs; William Lambarde, *William Lambarde and Local Government: His "Ephemeris" and Twenty-Nine Charges to Juries and Commission*s, ed. Conyers Read (Ithaca, New York: 1962).
[126] Wrightson, 'Two concepts of order'.

upon the continued cooperation of witnesses during legal process, suggesting the participatory state's limitations.[127] Sharpe, meanwhile, has argued that the dislocations of the period 1585-1603 witnessed extreme concern about disorder caused by dearth and hardship, much of which was blamed upon the 'deficiencies in the current system of law enforcement', due to locals' unwillingness to prosecute, and magistrates being negligent. However, despite the 'manifest law and order problem of the 1590s', Sharpe argues that local and central government were able to bear the brunt of these circumstances without too much difficulty, suggesting that the period was not a crisis for government.[128] Crucially, however, we see that the twin concerns of inadequate magistrates and non-participating locals were of vital importance to contemporaries' understanding of the disorder and suffering of the early 1590s.

This chapter investigates contemporary concerns over the ability of government to handle both disorder and socio-economic distress through the law enforcement system. To do so, it examines the anonymous comedy *A Knack to Know a Knave*, first performed at the Rose Theatre in 1592, exploring how its depiction of a disordered commonwealth being reformed responds to contemporary concerns about government.[129] The play's two plots create the image of a disordered, ill-ruled kingdom. In the main plot, the pre-Conquest King Edgar is visited by the figure of Honesty, who offers to rid Edgar's land of knaves by bringing them to justice. While Edgar remains unaware of the crimes in his kingdom, Honesty uses an array of tricks to force four knaves to reveal themselves. These four knaves – a farmer, a courtier, a priest and a coneycatcher – come to stand for the whole realm's disorder, with Honesty's uncovering of their crimes acting as a purgation of the whole commonwealth. In the second plot, drawn predominantly from Grafton's *Chronicle*, Edgar attempts to seduce a woman called Alfrida,

[127] Hindle, *Social Change*, p. 130.
[128] Sharpe, 'Social Strain', p. 192; p. 203.
[129] The first printed edition dates from 1594; Anon., *A Knack to Know A Knave* (London: 1594), and claims to have been 'sundrie tymes… played by ED. ALLEN and his Companie'; sig. A1^{r}.

through the proxy Ethenwald. Ethenwald betrays Edgar, marrying Alfrida himself: in response, the previously peaceable King tries to have his disloyal subject murdered. The interweaving of these plots, as David J Houser notes, 'serves to emphasise and qualify the play's themes… the problems of detecting and correctly responding to misdoing'.[130] The play's emphasis on Honesty's 'knack' to know knaves, while Edgar is palpably unable, centres the reformation of the diseased commonwealth upon the ability to make hidden crimes public, one of the key responsibilities of both local magistrates and the communities they served.

This responsibility can be productively read through the problematic of private and public. These relational terms had a variety of meanings and were of particular relevance to government, and the order of the commonwealth. As discussed in the introduction, 'public' was strongly associated with office-holding, but also could refer to concerns of community or national relevance; private, meanwhile, referred to personal concerns, and could also be associated with self-interest.[131] 'Public' and 'private', however, could also refer to an information differential. 'Public' could mean open to view and scrutiny, as used tellingly by Henry Chettle to describe acting: actors were 'publike in everie one's eye, and talkt of in every vulgar mans mouth'.[132] This description of actors as visible and audible highlights how 'public' could refer to accessible information. Private, or 'privy', by contrast, could refer to what was hidden, secret: Bacon collocates a private life with an 'obscure' one, highlighting the epistemological significance of privacy.[133] The dynamic between hidden crimes and open

[130] David J. Houser, 'Purging the Commonwealth: Marston's Disguised Dukes and *A Knack to Know A Knave*', *PMLA* 89:5 (1974), p. 994.
[131] Roger Wilbraham recorded the Lord Keeper's speech at the dissolution of Parliament, 19 December 1601: 'touching your lawes made, [her Majesty] finds more private lawes than publick… therein she notes private respects are carried in publick affairs which ought not to be'; Wilbraham, *Diary*, p. 43
[132] Henry Chettle, *Kind-harts dreame Conteining fiue apparitions vvith their invectives raigning* (London: 1593), sig. E4v.
[133] Francis Bacon, *The tvvoo bookes of Francis Bacon. Of the proficience and aduancement of learning, diuine and humane To the King* (London: 1605), p. D1v. See also *De Republica Anglorum*, p. 104 on 'privie complots'.

actions for the public good was of key significance for the practice of law enforcement in early modern England, with communities and magistrates expected to be vigilant in uncovering sin in their localities.

This chapter, therefore, will examine how *Knack* presents Honesty's use of justice to curb disorder, and how it frames the problem of discovering hidden evils. This chapter reads Honesty not simply as a representation of a moral virtue, but as a magistrate figure: as I will show, Honesty's ability to detect knaves, and the ensuing reform of the commonwealth, presents him as a figure like a JP. Critics have generally ignored *Knack*, with most focussing upon its authorship, and few dealing with its political imagination. The printed text of 1594 is garbled, but does tell us that the play was in the possession of the Lord Strange's Men, who played at the Rose Theatre until the plague outbreak of 1593, and that it may have been taken on tour.[134] It was performed multiple times, according to the title page, and was recorded by Henslowe as earning well above the Rose's average takings on its premiere and on its second performance five days later, indicating its popularity with audiences.[135] *Knack* is, broadly, a morality play: Honesty remarks at the end that the fate of the four knaves is the natural end point for those breaking the law and harming the commonwealth. Alan Dessen notes that

> the host of allegorical personae characteristic of the earlier tradition has here given way to an historical kingdom in which an allegorical figure, who embodies a standard of conduct available to all, brings representative types to "literal" justice. Such emphasis, moreover, upon representative types, who often provide a cross-sectional or panoramic view of society as a whole, is perhaps the distinctive feature of the "Estates" tradition.[136]

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[134] Anon, *A Knack to Know A Knave* (London: 1594), sig. Ai[r]. Hanspeter Born notes that *Knack* may have been performed on the same day as a large riot in Southwark, where apprentices gathered under the guise of going to see a play; Hanspeter Born, 'Why Greene was angry at Shakespeare', *MERD* 25 (2012), p. 167. This riot was the catalyst for the city authorities to close the theatres, but it is unclear what part (if any) *Knack* played in these riots.

[135] Henslowe's Diary… As A Blog! http://hensloweasablog.blogspot.com/search/label/Knack%20to%20Know%20a%20Knave [Accessed 2nd January 2022].

[136] Alan C. Dessen, 'The "Estates" Morality Play, *Studies in Philology* 62:2 (1965), p. 135.

However, despite the emphasis in the morality tradition upon justice, critics have failed to put *Knack* in context with socio-legal material, nor have they considered its theme of a diseased commonwealth in the light of contemporary concerns about how to best manage the country.

Knack centres around a problem of privacy, both in terms of the privately minded actions of individuals and the hiding of these faults: the commonwealth is suffering because of crimes remaining undetected and unpunished. However, *Knack* diverges from both Lambarde and the Crown's party line on the failure of the law enforcement system to adequately contain disorder and vice. Instead of blaming the community, or upon magistrates, the responsibility for the diseased commonwealth is manifestly laid at King Edgar's feet; it is manifestly a result of *Edgar's* lack of knowledge of his own realm. Moreover, Honesty is presented as an idealised magistrate with the ability to make information public in a way that mimics the duties of a JP, but that far outstrips the actual powers of magistrates wielding the non-inquisitorial common law. The play thus responds to the increasing hardships of the 'second reign of Elizabeth', by suggesting that the only way that the disordered commonwealth can be healed is by a magistrate with far greater powers.[137] Furthermore, the play locates this reformation not with the King but with Honesty, constructing a state that is less reliant upon the monarch's will.

Public, private, and the magistracy

The historiography of early modern government has highlighted the vital importance of information transfer to the state's functioning. Jones' study of William Cecil's management of JPs emphasises the extent of communication between centre and locality, noting the large volumes of information passing between justices of the peace and the Privy Council.[138] Neil

[137] John Guy, 'Introduction: The 1590s: the second reign of Elizabeth I?', in Guy, ed., *The Reign of Elizabeth I*, pp. 1-19.
[138] Jones, *Governing by Virtue*.

Younger's analysis of a letter from Lambarde to Lord Cobham, then Lord Lieutenant of Kent, meanwhile, has also emphasised the extent to which magistrates were not simply the static recipients of orders, but that 'the lieutenancy acted as a conduit for the transmission of ideas and opinions in both directions'.[139] Indeed, the 1489 Justices Act ordered that

> every man, what degree or condition that he be of, that let them in word or deed to execute their said authorities in any manner form abovesaid, that they shew it to his Grace; and if they do it not and it come to his knowledge by other than by them, they shall not be in his favour but taken as men out of credence and be put out of Commission for ever,

demonstrating the need for communication in government.[140] Thomas Smith describes a 'certain' manner of ruling the people where the monarch and his council would choose particular 'penall lawes alreadie made for to represse the pride and evill rule of the popular', and ask the Justices of the Peace to consider the best way to put them into action.[141] The JPs for a county would divide into teams to implement the said statutes,

> and then within certain space they meete againe and certifie the Prince or his privie counsell how they do finde the shire in rule and order touching those pointes and all other disorders.[142]

Clearly, information from the localities was vital for choosing the best way to rule.

Local magistrates, moreover, were expected to uncover hidden crime and bring it to justice. Lambarde's explanation of the development of petty officers such as constables centres upon the original office of 'borsholder', responsible for keeping tabs on their communities, in the interests of mutually maintaining the king's peace.[143] This responsibility for keeping an eye on

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[139] Neil Younger, 'William Lambarde on the politics of enforcement in Elizabethan England', *HR* 83 (2009), p. 72.
[140] Reprinted in J.R. Tanner, ed., *Tudor Constitutional Documents, AD 1485-1603, with an historical commentary* (Bath: 1971), p. 465; see also Nicholas Popper, 'An Information State for Elizabethan England', *Journal of Modern History* 90 (2018), pp. 503-535, on the early modern state's control of information.
[141] Smith, *De Republica Anglorum*, p. 88.
[142] Ibid., p. 89.
[143] Lambarde, *The Dueties of Constables, Borsholders, Tythingmen, and such other Lowe and Lay Ministers of the Peace* (London: 1599), p. 5-7.

the commons saw the maintenance of order as directly linked to the observation of the community: indeed, Lambarde wrote that that JPs were first instituted as 'speciall eyes and watchers over the common people', highlighting an important metaphor of visibility and surveillance.[144] Crucially, the transformation of the judicial role of the JP over the sixteenth century put greater emphasis on the collection and transmission of information. The common law was non-inquisitorial, in contrast to the canon law that dominated continental Europe, and so the court itself was not expected to make investigation into the crime. Instead, it was up to the jury, and judge, to decide whether the 'fact' at issue — whether the crime *had* been committed — was true or false. As J.H. Langbein has shown, The Marian Bail and Committal statutes of 1554-1555 radically changed the JP's role in the legal system: according to the first, when an accused felon was to be bailed, two justices needed to

> take examination of the said Prisoner and information of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony shall be put in writing before they make the… Bailment, which said examination together with the said Bailment the said Justices shall certify at the next general Gaol Delivery.

The Committal statute, however, went further, requiring a JP not only to take and record examinations of accused and accusers, but also

> to bind all such by Recognizance or Obligation, as do declare anything material to prove the … Felony… against such prisoner… to appear at the next general Gaol Delivery… to give evidence against [him].[145]

As Langbein writes,

> the bail statute intended to deter or to detect and punish a corrupt practice among a relative handful of JPs. The committal statute turned the pretrial investigation into a device for the production of prosecution evidence at trial in every case of felony in the realm.[146]

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[144] Lambarde, *Eirenarcha, or of the Offices of the Justices of the Peace, in two Bookes* (London: 1582), p. 21.
[145] Quoted in J.H. Langbein, 'The Origins of Public Prosecution at Common Law', *American Journal of Legal History* 17 (1973), p. 320-321.
[146] Ibid., p. 32.

This legislation therefore placed the burden of collecting information about crimes upon JPs, with Langbein arguing that JPs became 'back-up prosecutors' when there were no private accusers, or if their evidence would be insufficient in court. This is significant on two counts: firstly, it allows for prosecution of cases at common law even if a crime was not brought to the JP by many accusers, arguably allowing for the JP to act as a form of public prosecutor. Secondly, as Langbein notes, it meant that it would be the JP himself who would undertake an investigation if there were not sufficient accusations or witnesses. As such, the JP found himself increasingly required to investigate over the latter half of the sixteenth century: Hindle notes a sharp 'intensification of pre-prosecutory activity' over the period 1590-1620.[147] Indeed, the sixteenth century saw a great rise in central government monitoring of JPs.[148]

It is worth noting here that the community was also expected to participate in the uncovering of hidden information. The Marian statutes emphasise the role of accusers and witnesses: the binding over of all that 'declare[d] anything material to prove the Felony' attempted to ensure that the prosecution of criminals could not be halted by witnesses and accusers failing to attend court. Hindle notes that the 'most obvious symptom' of the participatory system of justice was 'the private responsibility to identify, capture, secure, prosecute and try suspects', but also notes that these expectations were not always met.[149] Lambarde frequently lambasted Kent juries for failing to bring criminals to light:

> if casting our eyes about we shall discover manifold corruptions and noisome manners to run and reign amongst us… if many be seen to violate the sacred peace of her Majesty by murders, robberies, thefts, riots, and affrays, mo to disturb the repose and quiet of her people… if generally officers be found negligent of their places, private persons disobedient to such as have public charge… where then is the fault of all. of this, I pray you, but only in them that do lock up the sword of justice which they have in their hands, choosing rather to let it rust in the scabbard than to be drawn (as it ought)

[147] Hindle, *Social Change*, p. 129.
[148] Holmes, 'Legal Instruments of Power', p. 274.
[149] Hindle, *Social Change*, p. 121.

and used for execution.[150]

The uncovering and making public of hidden information was also collocated with the public interest. Here, both 'officers' with 'public charge' *and* community were criticised for failing to bring crime to light: in chapter two, we shall see how anxieties over communal participation in the state manifested onstage. However, for the moment we must return to the magistrates so often criticised for their slackness in their judicial duties.

These concerns grew to new heights in the difficult period beginning in the mid-1580s. Sharpe has shown that the period 1585-1603 saw a rise in social discontent and crime, and a concomitant rise in concern over how local magistrates could and did manage dearth, poverty and resulting crime.[151] The Somerset JP Edward Hext, writing to Burghley in September 1596 repeatedly criticised JPs for failing to carry out justice during the current difficulties, with felons therefore going unpunished and contributing to the crisis of poverty and vagabondage. All these issues would be ameliorated, he argued,

> if every Justice of peace in England dyd in every of ther devisions quarterly meete and before ther metyng cause a diligent serche to be made for the apprehending of all roages and vagrant suspicious persons, And to brynge them before them, where they shold receave the Judgement of the lawe.[152]

Crucially, Sharpe notes that there was a general view that increased vigilance was needed in order to combat the imminent collapse of social order: this vigilance would allow cases to be brought to the courts for resolution.[153] The desire for 'good circumspection' to observe better was seen in pressure laid upon both ordinary members of society and magistrates: Hindle notes the intensification of surveillance with parish officers being empowered to carry out searches

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[150] *William Lambarde and Local Government: His "Ephemeris" and Twenty-Nine Charges to Juries and Commissions,* ed. Conyers Read (Ithaca, New York: 1962), p. 69, 71, 98-99.
[151] Sharpe, 'Social Strain ', passim.
[152] Reprinted in R.H. Tawney, and Eileen Power, eds, *Tudor Economic Documents: Being Select Documents illustrating the Economic and Social History of Tudor England*, vol 2: *Commerce, Finance and the Poor Law (*London, New York and Toronto: 1924), pp. 339-346; p. 344.
[153] Ibid., p. 203.

of suspected places during the late 1590s.[154] The raft of proclamations demanding greater vigilance also ramped up the demand for searching out crime. When vagrant soldiers were placed under martial law in November 1589, the proclamation noted 'remissness and negligence of the justices of peace and other the inferior officers' as a key cause of the large numbers of wandering soldiers through the land, while a proclamation of 1590 demanded that

> the sayd Bayliffes, Constables, Thyrdboroughs, Tithingmen, Churchwardens, and all other inferior officers, and euery of them, doe euery Sunday, and festiuall day, make diligent viewe and search in all Churches, Chappels, and all other places within the circuites and compasses of their offices and authorities, for all and singular breakers and offendors of the saide statute, and without delay cause the names of all such offendours, and of the parents, gardians, gouernours, and masters of euery childe, seruant, and warde, so offending, together with the day and place of the offence committed, to be then written, and to be lawfully and orderly presented, at such Assises, Sessions, or Courts (next after such offences) as haue authoritie to enquire or determine the sayd offences.[155]

Here, the central government once again conceptualised the uncovering of information as paramount to the maintenance of order. The 1590s, therefore, were riven with questions and concerns from contemporaries and central government about the ability of the state to handle the steep rise in discontent and crime, with criticisms being levelled at magistrates for failing to detect crime in their midst, and failing to bring them to justice.[156]

Edgar's disordered commonwealth

Despite critical attention to the reformation of the commonwealth in *Knack*, scholars have failed to contextualise this with contemporary concerns about the ability of government to handle the distress and disorder that abounded in the years after England first went to war with Spain. As I will demonstrate, the play's depiction of the commonwealth's suffering draws clear

[154] Hindle, *Social Change*, p. 128.
[155] Hughes and Larkin, no. 716, p. 46; ibid., no. 594.
[156] Paul Griffiths argues that 'surveying was an act of government that was ever more deeply rooted in culture and society', with local and national government increasingly attempting to keep detailed information on their purview; Griffiths, 'Surveying the People', in Wrightson, ed., *A Social History of England 1500-1750* (Cambridge: 2018), p. 42.

parallels with the increasing hardships of the early 1590s. In its presentation of Edgar's ignorance of the ills within his realm, the play flips the narrative of negligent magistrates and locals failing to uncover crime, laying the blame upon the monarch.

From the play's opening, the 'commonwealth' is a key touchstone. The discourse of commonwealth was embroiled in debates over governance and public welfare, having come to represent a nexus of overlapping and conflicting meanings, ranging from an older view of common weal – the common welfare of the land – and newer uses of commonwealth to mean state or bounded polity.[157] In the play, 'commonwealth' generally seems to mean the territorially bounded polity, but with lingering overtones of the common profit of the land. This is particularly significant, given the play's interest in the public issues of disorder and selfishness. Edgar introduces this theme at the start, declaring to his counsellor, Bishop Dunstan, that he will preserve the commonwealth's health:

> Then as I am Gods vicegerent here on earth,
> By God's appointment heere to raigne and rule,
> So must I seeke to cut abuses down,
> That, lyke to Hydra's heades, dailie growes up, one in another's place,
> And therein makes the land infectious.[158]

This rhetoric was frequently employed by central government and local magistrates alike: in a proclamation of 1590, paupers were described as 'likely to perish, or to become unprofitable to the common weale'.[159] Edgar appears a perfect king, wishing to remove the abuses that 'make the land infectious'. This is also seen in his actively asking for counsel: he tells Dunstan

> Counsell still the king
> To maintaine justice, were it on himself,

[157] See Craig Muldrew, 'From Commonwealth to Public Opulence: The Redefinition of Wealth and Government in Early Modern Britain', in Steve Hindle, Alexandra Shepard and John Walter, eds, *Remaking English Society: Social Relations and Social Change in Early Modern England* (Woodbridge: 2013), pp. 317-340 ; Turner, *Corporate Commonwealth*.
[158] Anon., *A Knack to Know a Knave*, ed. Richard Proudfoot (Oxford: 1964) l. 13-17. All further references taken from this edition.
[159] Hughes and Larkin, no. 594.

Rather than, soothing him in his abuse,
To see subversion of his common wealth. (41-44)

Good counsel was of paramount importance to good rule, and the protection of the commonwealth: as such, Edgar fulfils this expectation of good kingship. His words also echo Elizabeth's own deployment of the trope of good counsel which prioritised the 'weale, surety, and honour' of state and monarch, demonstrating the primacy of the common weal over private interest.[160] He also ties good kingship to meting out justice, and thus to the promotion of the good health of the commonwealth; he also suggests that the law should be used upon subjects as it 'were on himself'. He constructs himself as a king that values the law and its exercise, viewing it as a necessity: enacting justice prevents 'subversion' of the commonwealth. Dunstan also echoes Edgar's words, happily telling him that he is 'Solomon of our age', and

how blest had Sodome been in sight of God,
If they had had so kinde a Governour,
They had then undoubtedlie escapt that doome,
That God in justice did inflict upon them. (26-29)

Dunstan thus reinforces the image of Edgar as a paragon of good rule, connecting him to the reform of the commonwealth by presenting the destruction of Sodom as avertible if only Edgar had been their king.

However, this image of Edgar's rule is punctured by Honesty's entrance. He immediately tells the king that 'thou art not happy, Edgar, / Because that sinnes, like swarmes, remain in thee' (54-55). From the very opening of the play the audience know that Edgar embodies the sins of the commonwealth in his own person. Edgar responds

Why, 'tis impossible; for I have studied still,

[160] Susan Doran, 'Elizabeth I and Counsel', in Rose, ed., *The Politics of Counsel in England and Scotland, 1286-1707*, p. 155-156; see also John Guy, 'The Rhetoric of Counsel in Early Modern England', in Hoak, Dale, ed., *Tudor Political Culture* (Cambridge: 1995), p. 294. Guy notes that the feudal-baronial language of counsel – usually spoken by the ruled – drew on ideas of commonwealth, of public welfare being placed above the interests of evil counsellors and flatterers who manipulated the king for their own ends.

To root abuses from the common wealth,
That may infect the king or communaltie,
Therefore, base Peasant, wilfull as thou art,
I tell thee troth, thou hast displeasd the king. (56-60)

Honesty speaks plainly, recalling the rhetorical device of *parrhesia*, or the appearance of free speech, as liberty of speech was felt to be vital to counsel, as all advice to princes must be frank.[161] His words are astringent counsel, to which Edgar *refuses* to listen. Susan Doran argues that Elizabeth sought out information from different constituencies in order to make an informed decision about how to act or respond to a given issue.[162] Edgar's refusal is the opposite: it undercuts his self-description as a king that seeks counsel, presenting him as *unwilling* to listen to counsel, taking it as an insult. Honesty's next lines emphasise Edgar's failure as a king for listening to false praise:

Nay, the king hath displeased himselfe,
In trusting every one that speaks him faire:
For through faire words, kings manie tymes are faine
To countenance knaves by their authority. (61-64)

This undermines Dunstan's counsel just twenty lines earlier, presenting it as flattery rather than truth. Honesty therefore emphasises that Edgar is *not* as good a king as he claims, because sin and wickedness remain in his realm to be stamped out.

Honesty, indeed, presents crime as rampant yet totally unseen. Edgar tells Honesty he is a 'good plain fellow', but Honesty demonstrates the proliferation of knaves in the kingdom:

Honesty is plaine, my Lord, but no good fellow,
For good fellowes be purse-takers now a daies:
And there be so manie of such good fellowes,
That Honesty may walke the streetes without company. (94-99)

Later in the play, Honesty declares that knaves 'have so many clokes to collour their abuses, /

[161] David Colclough, *Freedom of Speech in Early Stuart England* (Cambridge: 2005), p. 63.
[162] Doran, *Elizabeth I and Foreign Policy, 1558-1603* (Abingdon: 2000), p. 45, 49; see also Doran, 'Elizabeth I and Counsel'.

That Honesty may well suspect them, but dares not detect them': the blindness to crime in the kingdom is such that even the embodiment of Honesty might not be able to prove it to those around him (579). In this vein, throughout the play, 'honesty' becomes destabilised: 'of all Elizabethan words, *honest* had possibly the most bewildering instability of meaning'.[163] The knaves refer to themselves as honest, members of a nation apparently riddled with liars. Similarly, Edgar's failure to understand that he is surrounded by knaves sees him repeatedly refer to the villains as 'honest', indicating at worst a lack of discernment, or at best an inability to uncover the truth (1251-1525). Perin declares in scene i, 'there are no starres to know a knave', highlighting that the detection of criminals is beyond divination (76). For everyone apart from Honesty, it seems, ill-doing is continually going unseen. Late in the play, Honesty remarks that he has 'taken in hand an endles taske, / To smell a knave', highlighting the prevalence of disorders within the kingdom (1754-1755).

The extent of wickedness in the realm is epitomised by the Bailiff of Hexham's four sons. Hexham is in northeast England, easily recognisable as the localities. His deathbed advice to his sons is to harm the commonwealth, to pursue private gain: the scene parodies the counsel of a dying father to his sons, presenting an almost ridiculous image of bad magistracy. This is furthered by the fact that in some political theories, the family was sometimes defined as an analogue for the state, a miniature commonwealth. The father, notably, instructs the Priest to 'make shew of holinesse, / And blinde the world with thy hipocrisie', and the Farmer to wait until his master trusts him before 'be[ing] thou the first to worke deceit to him', this advice once again highlighting the play's key theme of wickedness being kept hidden (283-284; 262). These four sons – Perin the courtier, Cuthbert Cutpurse the Coneycatcher, the Priest, and Walter the Farmer – are stock figures more than true characters, and stand for a wide variety

[163] Paul A. Jorgensen, 'Honesty in *Othello*', *Studies in Philology* 47:4 (1950), p. 557.

of perceived ill-doers in the commonwealth, ranging from the evil counsellor to the criminal con-artist, to the corrupt priest and grain-hoarding farmer. As such, they stand for the large-scale disease in the body politic: while Honesty receives permission from Edgar to seek out all knaves in the land, the play only shows him dealing with these four representative types. The bailiff's immoral offspring, therefore, allow the play to contain the entire commonwealth's disorders onstage.

The play emphasises the extent of social dislocation through its depiction of the ills that wrack the kingdom thanks to private interests. In scene viii, a Knight and Squire enter, in conversation with Walter the Farmer. The Knight — conventionally, an esteemed local figure — bemoans how 'housekeeping is decayed within this thirtie yeare', highlighting a decline in hospitality offered by individuals to others (930). However, the Knight admits that 'where the fault is, God knowes, I knowe not': while the decay in charity is apparent, it is a mystery how society has fallen (931). Further on in this scene, two Poor Old Men plead with a Bailiff over two cases started by Walter. The suits are vexatious and legally ludicrous: the first Old Man is being sued for damages to a field done by his horse, even though one of Walter's farm hands drove the said horse into Walter's field, while the second borrowed corn from Walter, and returned it, 'but then was corne sold for foure shillings a bushel, and now tis sold for two' (999-1000). The Knight points out that both cases are deeply unfair, but Walter refuses to listen, instructing the Bailiff to send both Old Men to prison until they have paid the damages. The first Old Man declares 'twere litle better than plain knaverie' (1014-1015). The preposterous injustice of the exchange is heightened by Another onstage declaring that they will have the horse examined in court (1016-1018). Not only is the legal system being misused by the wealthy farmer, but the obvious wrongdoing — of driving the horse into his own fields to extort damages — remains unpunished. Walter continues to attempt to extort the Old Men, telling them that if

they 'make me that [house] over by deed of gift, I am content/ To draw my action' (1027-1028). The complete immorality of this is intensified by the second Poor Man replying desperately 'No, you Caterpiller, I will never make/ Away my house; I wil die first': 'caterpillar' was commonly used to mean people harming the commonwealth, Walter's actions thus identified as ruinous to the realm (1030-1031).[164] Indeed, this exchange seems to explain how it is that hospitality has so declined: private interests have overcome public duties. This is further seen when Perin enters, after the Knight offers to pay the 'debts' of the two Old Men: he asks those onstage how much they can afford to lend the King. The Knight and Squire offer up the most they can — twenty and ten pounds respectively — but Walter, demonstrably fattened by his abuses of the legal system, and pretending not to know his brother, offers two hundred pounds, and asks Perin to 'prefer a suit I have to the king' for a bribe (1062). Walter asks for 'the Kings letter to convey corn beyond seas': a license for purveyance, to remove corn from the realm and sell it at higher prices elsewhere (1071-1072).

The ruin of the commonwealth is further demonstrated when Piers Plowman enters in scene x. Plowman, who originates in Langland's late fourteenth- century poem about the search for truth and the state of ill-governance in post-Black Death England, was part of a long tradition of religious and agrarian complaint.[165] Once again, the play highlights that there is a known criminal within the commonwealth, but that his identity remains unknown. Honesty brings Piers to Edgar, explaining his long absence:

> I have been searching for a privie knave
> One (my Lord) that feeds upon the poore commons,
> And makes poore Piers ploughman wear a threadbare coate. (1221-1223)

These lines maintain the association between private information and private interests,

[164] Cf. Shakespeare, *Richard II*, ed. Charles R. Forker (Oxford: 2002), III.iv.372.
[165] Scott Oldenburg, 'The Petition on the Early English Stage', *SEL 1500-1900* 57:2 (2017), p. 327.

collocating the suffering of the common people with the hidden crimes of one single knave. Plowman presents a petition to Edgar, declaring 'There is an unknowne theefe that robs the common wealth, / And makes me and my poore wife and children beg for maintenance (1230-1231). The invisibility of disorder's perpetrators prevents them being caught and punished, allowing the knaves to behave in a self-interested manner: the curative to the realm's ills will be a justice that uncovers these privy knaves. The knave responsible for the suffering of Piers Plowman (and, presumably, the rest of the commons for whom he stands) is Walter, as the Clerk of the Assize tells Edgar:

> Honesty: Sirra, tell me who hath most poore men in suit at this Syses?
>
> Clerk: That hath Walter Would have more. (1258-1259)

Walter's greed is compounded by the Clerk reading all the indictments *against* Walter:

> First, he hath conveyed corne out of the land to feede the Enemie. Next, he hath turned poore Piers Plowman out of dores by his great raising of rents. Next, he is knowne to be a common disturber of men of their quiet, by serving Writs on them, and bringing them to London, to their utter undoing.
>
> Also, he keeps corne in his barne, and suffers his brethren and neighbours to lie and want; and thereby makes the market so deare, that the poore can buy no corne. (1263-1272)

The decay of hospitality and the sharking of the rich upon the poor through the legal system call to mind very real early 1590s concerns. In October 1590, a proclamation was issued to prohibit grain and beer from being exported, the Crown fearing that, due to scarcity abroad raising prices, people would sell their grain overseas for higher prices, thus impoverishing England.[166] Clearly, this was severely worrying, as anyone guilty of such purveyance would face 'imprisonment during their lives and such fine as shall be assessed by her majesty's council upon their lands or goods'. Perin and Walter's connivance to get a purveyance license

[166] 'The Queen's majesty, understanding the likelihood of great dearth of all manner of grain to follow this present year within her realm if good foresight be not had to restrain the carrying out of all sorts of grain to foreign parts, where it is known there is scarcity and thereby occasion given for private lucre to carry into foreign parts such kinds of grain as (God be thanked) there is sufficient therefore in this realm for her own people and subjects'; Hughes and Larkin, no. 726, pp. 61-62.

thus immediately recalls a well-known contemporary example of private interest causing public suffering: corn prices were 'a constant theme of plebeian discontent'.[167] Moreover, Walter's abuse of the legal system, and the ubiquitous general decay of hospitality, recollects the increasing gulf between rich and poor during the late sixteenth century. Sharpe notes the effects of structural poverty in agricultural areas and the increased prosperity of the rich as contributing to a loss of solidarity between rich and poor, a trend that has been much noted by historians seeking to explain why gentry stopped leading revolts in the later Elizabethan period. He argues that during these times of hardship in the 1590s, peasant sentiments 'acquired a tinge of something approaching class consciousness'.[168] The play therefore presents the abuse of the commonwealth in ways that resonated extremely powerfully with audiences living through these hard times.

Disorders ensuing from war also find expression in the play. In scene i, Honesty mocks men pretending to have served in the wars coming into the ports:

> Then comes a souldier counterfeit, and with him was his Jug,
> And Wil the whipper of the dogs had got a bouncing trug:
> And coging Dick was in the crue, that swore he cam from France
> He swore that in the king's defence he lost his arm by chance,
> And yet in conscience, if I were put to sweare,
> I would be bound to lay a pound, the knave was never there. (154-159)

This was resonant for 1592 audiences: the central government had issued repeated edicts relating to imposters from 1589 onwards, beginning with the proclamation placing vagrant soldiers under martial law, which noted the prevalence of 'vagrant and ill-disposed persons and others pretending to have served her highness in the wars'.[169] A further proclamation was issued in November 1591, suggesting that the problem had worsened, remarking upon the

[167] Sharpe, 'Social Strain', p. 200.
[168] Ibid., p. 200.
[169] Hughes and Larkin, no. 716, pp. 46-48.

> common wandring abroad of a great multitude of her people, whereof the most part pretend, that they have served in the warres of late on the other side of the Seas, though in trueth it is knowen, that very manie of them, either have not served at all.[170]

'Cogging Dick' coming from France calls to mind the expulsion of English and Huguenot forces from Brittany in 1590, pulling the pre-Conquest narrative closer to the moment of its staging.

The play's presentation of the damaged commonwealth locates the problem with privacy: with private minded individuals pursuing personal gain at the cost of the public good. The only resolution to this, for both Honesty *and* the prevailing legal thought of the day, is to execute justice upon such offenders. The patent lack of justice and subsequent ruin of the commons is in stark contrast to Edgar's self-identification as defender of the commonwealth. As the play continues, the presence of the Courtier, Perin, emphasises Edgar's ignorance: the audience is repeatedly shown that Perin is a knave, but Edgar continues to call him honest and keep him as a close counsellor until the play's final scene. The juxtaposition of this ignorance, and the manifest crimes that are visible to the *audience* and Honesty, therefore, present Edgar's lack of knowledge of his realm's suffering as the cause of that suffering: despite being the fount of justice, no justice is coming for those abused by the knaves in the realm.

'If your Grace vouchsafe to give me leave, you shall see me find more knaves than one': Honesty's execution of justice

However, despite Edgar's ignorance of his realm's suffering, his acquiescence to Honesty's request to seek out knaves recalls the process of delegation characteristic of the early modern state. Lambarde argued that 'from the King (Who is the head of Justice) ought to flow all authoritie to the inferiour and subalterne Justices'.[171] This scene therefore mimics the

[170] Ibid., no. 740, pp. 96-97.
[171] Lambarde, *Eirenarcha*, p. 26.

distribution of jurisdiction upon which the JPs depended, with the king's peace being placed in the hands of Honesty. Edgar declares that 'we give thee leave to work what means thou may'st, / So it be not prejudice to the state nor us' (138-139). 'We give thee leave' sounds like the JP's commission, which included a writ of *dedimus potestatem* (we give you the power).[172] As such, Edgar vesting Honesty with authority would be recognisable to a late sixteenth century audience.

Although this delegation does mimic that of the JP, Honesty is presented as having preternatural powers of detection. In contrast to the problem of private information which riddles the play, Honesty continually speaks of the visibility of knaves. He knows Perin is a knave before anyone else, telling him in scene i that 'Honesty can clap a knave on the shoulder for al his braverie', to which Perin demands 'meane you me?', suggesting that Honesty has smacked his hand on his shoulder (101-102). At the end of scene four, Honesty declares 'I must about my busines, / To fynd some knacke to know this knave at large,' emphasising the need to bring this proof to light (719-720). Much as a JP needed to make evidence public in the prosecutory narrative to the court, Honesty must make evidence public in the world of the play. Honesty tells Perin: 'Offenders never bewray their offences, / Til the Law fynd them, and punish them' (84-85). Along with suggesting the legal need to reveal the crimes of those committing them, Honesty reminds the audience of the full process of justice: both the process of bringing them to justice, and ensuring their punishment.

Honesty's ability to recognise knaves, and the language of visibility that pervades the play, recalls a JP's duties. As previously discussed, when a crime was brought to a JP, he was expected to

[172] Ibid., p. 59.

> take the examination of the said Prisoner and information of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony, shall be put in writing.[173]

As such, the JP had control of information surrounding a crime. The condition 'as much thereof as shall be material to prove the felony' gave the JP control of the narrative of proof: the rhetorical method of inquiry meant that the JP's creation of a convincing narrative was vital to the governing of the localities. Hutson notes that legal narratives relied on a creation of 'virtual witnessing', through the rhetorical technique of *enargeia*, or vividness.[174] It is notable that this term was also known as *evidentia*, etymologically connected to 'evidence'.[175] Early modern legal texts thus proliferate with a discourse of direct visual experience. A report of the treason trial of the Earl of Northumberland in 1585 opens with a note to the Reader that claims Malice blinds the eyes of good men so that 'they cannot see or perceive the bright beames of the truth, although the same be delivered with never so great puritie, proofe, circumstance and probabilitie'.[176] This preoccupation with the ability to see the truth of a matter of fact persists throughout the account; the writer repeatedly uses the phrase 'shewed' in describing how the prosecution demonstrated that the Earl's actions were traitorous and thus led to his conviction. The use of artificial proofs to demonstrate that the Earl had *intended* to commit treason functioned to bring the 'truth' to the eyes of the jury. This idea of visual discovery also manifests in murder pamphlets with lurid titles such as 'Treason and Murther Discovered'. Similarly to trial accounts, they retell the use of artificial proof to argue for a probable explanation of events, using the terms of witnessing. This 'discovery of proof' may thus be compared with *enargeia*. As such, both law and drama operated in part through virtual

[173] Quoted in John Langbein, *Prosecuting Crime in the Renaissance* (New Haven: 1974), pp. 10-11.
[174] Hutson, *The Invention of Suspicion* and *Circumstantial Shakespeare*.
[175] See also Hutson, *Poetic and Legal Fiction in the Aristotelian Tradition* (Princeton, NJ: 1986), p. 71.
[176] Anon, *A true and Summarie reporte of the declaration of some part of the Earle of Northumberlands Treasons, delivered* publiquely *in the Court at the Starre Chamber* (London, 1585), sig. Aii^{r}.

witnessing that made non-present things seem apparent.

Honesty's constant references to being able to see knaves call to mind this key aspect of legal process. He identifies himself as someone 'that knowes a knave, if he doe but see his cap', collocating his 'knack' with his sense of sight. (80) However, instead of relying on the virtual witnessing of forensic rhetoric, Honesty moves beyond simply collecting information: to make crime visible to Edgar, he presents solid evidence. Honesty attempts to reveal Perin's knavery, by pinning a paper on his shoulder, and telling Edgar that he will know a knave by the paper on his shoulder. However, this revelation is not enough to convince Edgar: he replies, 'What, Perin? I cannot think that Perin wil be false to me'. (1826) Here, Honesty's 'knack' is insufficient, meaning he must change tack. He tells the king to 'look in his pocket and see', at which point 'a false writ that he hath used, / Unknowne to your Majestie, and levied great summes of money, / And bribed upon your poore Commons extreamlie' is revealed (1827-1830). *This* evidence is enough to convince the King of Perin's guilt at last, but even so, Edgar remains astounded: 'Believe me, Dunstan, I durst wel have sworn/ That Perin had not hatcht so base a thought' (1834-1835). The scene therefore stages a disjunction between the weight of evidence versus Edgar's own personal feelings, and once again highlights the importance of witnessing. This is further seen in Honesty's reply 'I, but your grace sees you are deceived': the emphasis falls upon *sight*, and upon the fact that hard evidence — the writ — has allowed Edgar to see the truth (1836). This is also seen in the earlier revealing of Walter the Farmer. Perin brings Walter to the court as 'an honest man… that loves your Majestie', before Piers Plowman enters to report the suffering of the commonwealth (1201-1202). Unsurprisingly, Edgar greets him as 'honest fellow', before the Clerk of the Assize reads the indictment against Walter, which prompts Edgar to declare 'enough! Now, fie upon thee, thou monster of nature!' (1215; 1273). Once again, Honesty has brought information to light through a physical

document: it is interesting that the document which needed to be proven in the court has been taken as straight proof of Walter's knavery. Honesty goes further than a JP here, not simply gathering information by testimony, but bringing physical evidence for direct witnessing.

This direct witnessing is also seen as Honesty side-steps the limitations of the non-inquisitorial common law by tricking both Coneycatcher and Priest into revealing their villainy. While Lambarde highlights jurisdiction as the power to compel testimony, Honesty's tricks instead compel direct witnessing of crimes.[177] In scene v, Honesty brings the disguised King to meet Cuthbert the Coneycatcher at the Exchange, where Cuthbert will stand as false witness in front of a judge for the disguised king who he believes to be a farmer:

> Edgar: I bought a farme of one that dwels here by
> And for an earnest gave an hundred pound
> The rest was to be paid as sixe weekes past.
> Now, sir, I would have you as witnesse,
> That at my house you saw me pay three hundred pound,
> And for your paines I will give you a hundred pound. (785-790)

Cuthbert happily tells Edgar 'I have sworne against mine owne father for mony:/ I have sworne right or wrong any wayes for money', demonstrating himself to be a knave, but also undermining the value of witness testimony (797-798). This is furthered by the entrance of Perin disguised as a judge, and Dunstan as the farmer that Edgar is supposedly conning. Cuthbert agrees that he will swear on the Bible that he witnessed Edgar paying Dunstan the sum owed, before Dunstan breaks into a long, moving speech that calls to mind the late Elizabethan perception that the rich were growing richer at the cost of the poor:

> The poore man never yet went from my dore,
> But to my power I did releeve his want:
> I was no farmer that inricht myself
> By raysing markets and oppressing poore. (864-867)

[177] Lambarde, *Eirenarcha*, p. 66.

This, however, does not move Cuthbert, who begins to swear on 'the holy contents of this Byble, / And by that just God before whome I stand', before Edgar finally bursts out 'Peace, shamelesse villain, execrable wretch, / Monster of nature, degenerate miscreant!' (879-882). Witness testimony has been shown to be of no value: Dunstan's impassioned speech emphasises how desperate a man would be faced with such false testimony taken as fact, as that testimony could hold such power in the courtroom. However, witnessing knavery *as it happens* has worked. Similarly, the Priest is caught by such means. The Priest asks Honesty to procure him a letter with 'the King's seale/ To carie Tin, Lead, Wool, and broad Clothes beyond seas', once again calling to mind concerns about purveyance in the early 1590s (1784-1785). Once again, Edgar witnesses this ill-doing, appearing from where he has been hidden onstage: 'O monstrous! Dunston, didst thou ever heard the like? / Now fie upon thee base villain! lay hands on him' (1794-1795). *Testimony* does nothing to convince Edgar of the guilt of the knaves in his realm and court, but *direct evidence* does. The play presents Honesty's inquisitorial powers as necessary for bringing the knaves to justice, suggesting that the regular jurisdiction of the JP is insufficient.

Reforming the commonwealth

When the first knave is revealed to Edgar, the *topos* of justice as curative for the commonwealth is once again highlighted. Upon witnessing Cuthbert's swearing to false testimony in scene vi Edgar demands 'Have I such monstrous vipers in my land, / That with their verie breaths infect the aire?', recalling the trope of ill-doing as a disease to the commonwealth (885-886). Dunstan's response drives home that ill-doing must be stamped out for the whole realm's sake:

> Such lothsome weeds must needs infect the corne,
> Such Cankers perish both the root and branch,
> Unlesse they be soon spied, and weeded out. (888-890)

The reference to 'root and branch' may been seen as arguing that the whole body politic including the king will sicken if offenders are not found and punished, further adding to the

critique of Edgar's rule. The importance of 'spying' these weeds again heightens the importance of finding the criminals, much as Honesty has done: justice is vital to the commonwealth's health. The image of gardens, and the roots and branches of trees, collocate with the commonwealth, much as in *Richard II*'s gardener scene, and Dudley's *Tree of Commonwealth*: it is thus notable that the image of justice as necessary for the *whole* commonwealth is recurring alongside the recommendation that such justice requires criminals to be 'spied'.

This theme is even clearer when we consider the historical Edgar. As Richard Lee Baskin notes, the Edgar and Alfrida subplot is taken almost directly from Grafton's *Chronicle*.[178] However, placing the play's *main* plot in context with the Edgar presented in both Grafton and Holinshed's *Chronicles* reveals much about how the play's political ramifications might have been understood in the 1590s, when the latter was widely owned.[179] Edgar, ruling from 959-975, was known as 'the Peaceful', having 'joined and united together all the provinces and Lordships of England, and made them one monarchie'.[180] Most significantly, both Grafton and Holinshed emphasise Edgar's love of justice: Holinshed notes that 'justice in his day was strictly observed', with Edgar being 'sharp and hard to offenders'.[181] This is corroborated by Grafton: 'this Edgar kept such justice and did so sharpe execution upon Malefactors, that never before his dayes were used lesse felonyes or robberyes then was in his time'.[182] The historical Edgar for 1590s audiences who had read the chronicles was a king associated with the practice of justice, where punishment was laid upon those who deserved it, to the realm's benefit. More significantly given the play's themes of uncovering evil, Holinshed notes that Edgar created

[178] Richard Lee Baskin, 'Figuring the Commoner-Hero on the English Stage, 1588-1600', PhD Thesis, University of Tennessee, Knoxville, 2000, p. 97.
[179] Felicity Heal, 'Readership and Reception', in Kewes, Heal and Archer, eds, *The Oxford Handbook of Holinshed's Chronicles* (Oxford: 2013), pp. 355-372.
[180] Richard Grafton, *A chronicle at large and meere history of the affayres of Englande and kinges of the same* (London: 1569), p. 154.
[181] Holinshed, *Chronicles of England, Scotland and Ireland*, Vol. 2, p. 158.
[182] Grafton, *Chronicle*, p. 155.

the system of Hundreds in which 'every man do justice to one another'.[183] The Hundred was a system designed to ensure that communities would be able to watch over one another and deal with crime: Edgar, therefore, was associated with having spread jurisdiction across the realm to handle wickedness with justice. Grafton develops this impression of vigilance and overseeing:

> in the Wynter he used to ryde over the lande, and to understand how his officers intreated the people. And if any were accused of extorcion or other crymes, and that duely proved against them, he did upon all such, sharpe correction.[184]

This image of Edgar riding across the land to keep an eye on his officers furthers the image of vigilance, with a specific sense of Edgar's justice physically being spread across the whole realm.

This is in stark contrast to the fictional Edgar's execution of justice. In scene iii, the Father brings his son Philarchus to be judged and punished: he associates justice with the figure of the king, making classical allusions to his great judgement -

> Then, vertuous Prince, myrour of curtesie,
> Whose Judgements, and whose lawes for government,
> And punishing of everie foule abuse,
> Is like the iudgment of great Alexander. (388-391)

These allusions are quickly undermined: Edgar is easily swayed by both Father and son, ending up unable to judge Philarchus fairly. His counsellor Dunstan advises him to 'judge as he deserves', despite Edgar bemoaning that

> I am sorie for the Youth,
> Because in heart I ever wisht him well. (464-466)

The *topos* of the ill-governed family recurs, with Dunstan counselling

> He that disdaines his Father in his want,

[183] Holinshed, *Chronicles*, Vol. 5, p. 694.
[184] Grafton, *Chronicle*, p. 155-156.

> And wilfullie will disobey his Syre,
> Deserves (my Lord) by Gods and natures laws,
> To be rewarded with extreamest illes. (468-471)

The private sphere of the family has become a matter for the law, with Dunstan finishing

> As your Grace hath stablisht lawes for government,
> So let Offenders feele the penalties,

linking the enforcement of good government to the enforcement of good filial behaviour (472-473). However, the supposed establisher of laws is unable to carry them out, his reason undermined by his emotions. He asks to plead for Philarchus, prompting the Father to demand 'will Edgar now be found a partiall Judge?', his phrasing suggesting a trial and judgement for Edgar that will find him wanting as a king (482). This parody of a trial becomes all the more ridiculous as Edgar gives his robes of office to the Father, who comments upon the inappropriateness of the swap, describing himself as 'an Asse attyred in costlie robes' (517). Edgar is unwilling to behave in a manner befitting a king, the supposed 'head' of justice. The Father judges his son, banishing him; however, Edgar completely undermines this judgement, assuring Philarchus that he will be given a large pension during his exile so he may live well. This removes the severity of the punishment for disorder that stands as analogue to the disordered state, once again heightening that Edgar's failure to enact appropriate justice on ill-doers is part of the sickness in the body politic. Edgar does not assert justice; he merely adapts it when he feels the punishment is too harsh.

By contrast, Honesty is completely without emotion in his pursuit of justice. He asks 'That I may have the punishing of them, / Whom I have so laboured to fynde,' presenting himself as responsible for bringing them to justice (1839-1840). Lambarde argues that judgements are not performed until punishment 'bring[s] them to effect', adding that 'Punishment is an orderly

execution of a lawfull judgement'.[185] Punishment was part of the role of the JP, the counterpart to their jurisdiction. Edgar easily hands over this power to Honesty: 'with all my hart, Honesty: use them as thou wilt' (1841). In so doing, justice functions with the permission of the king, but defined by Honesty. The punishments are grimly appropriate for each knave's crimes. Cozening Cuthbert is to have his trickster's tongue cut out, Walter the farmer is to be mutilated in a cornfield, 'because [he] loved corn so wel' (1852). The Priest is to be shot as a 'hypocrit' in Finsbury Fields, and Perin the courtier is to meet a common criminal's death at Tyburn, 'in a good two-peny halter' (1862; 1869). These brutal punishments enact a poetic justice that is both apt and chilling in comparison to the play's otherwise merry tone, presenting the regulation of good and evil by lawful punishment. Where Philarchus' disorders were not fully punished, these four knaves meet the justice they deserve: equity has prevailed. While grim, there is still a sense of humour in these punishments and Honesty's sarcastic mockery of the knaves: the humour amplifies the atmosphere of restoration.

Moreover, each punishment is public. Cuthbert

> is to stand at the Market-crosse,
> And have thy cursed tongue pind to thy breast,
> And there to stand for men to woonder at,
> Till Owles and night-Ravens picke out thy cursed eies. (1843-1846)

His private gains have endangered the commonwealth's health, and now he faces public judgement: public both in the sense of it being for the good of the greater community, and in its visibility before the wider community. While these punishments do not occur onstage, the performance of the judgement and the prescribing of punishment before a crowd of spectators evokes the practice of exemplary punishment. Lambarde keenly highlights the importance of punishment for 'example's sake, that others thereby may be kept from offending', while Hindle

[185] Lambarde, *Eirenarcha*, p. 67.

notes the importance of exemplary punishment for a pre-police state.[186] This is seen in Honesty's final speech, in which he presents the events of the play as a lesson.

> I warne you all that use such subtill villanie,
> Beware least you lyke these be found by Honestie,
> Take heed I say, for if I catch you once,
> Your bodies shall be meat for Crowes,
> And the Devill shall have your bones. (1885-1889)

With this abrupt change in tone, Honesty's punishments become a threat of the continuation of his violent justice. This speech closes the play, vesting the authority of its lesson in Honesty's hands: Honesty has had the authority to comment upon the state of the commonwealth and make reparations to its condition through the assertion of exemplary justice. Furthermore, this exemplary justice can be read as Honesty defining the norms of behaviour within society. The threat of punishment acts as a deterrent, this regulation of behaviour mimicking the ways in which the JP was furnished with power to 'constraine [offendors] to obey [his] order and decree'.[187] It is thus significant that this presents Honesty, instead of the King, as the arbiter of what is acceptable within the realm: justice was seen by many as 'the most powerful means of enforcing norms in early modern society'.[188] As such, Honesty is presented as reforming the commonwealth as a whole, rather than the historical Edgar. This reinterpretation of history relocates the impetus for this justice with Honesty, the 'plain man of the country', as well as indicating the importance of magistrates for effecting the king's justice. Edgar's reign might be remembered for justice, but the implication is that is because his officers were so effective. As such, the play vests Honesty with an idealised power of legal reform, where he can re-establish order unilaterally: the four knaves' executions stand as a purgation of the whole commonwealth. The historical Edgar was famed for his riding across the land to reform his officers, but the play presents *Honesty* as the character that can work justice across the realm.

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[186] Ibid., p. 66; Hindle, *Social Change*, p. 124.
[187] Lambarde, *Eirenarcha*, p. 66.
[188] Hindle, *Social Change*, p. 120.

All the ills presented in the play are the handiwork of the four knaves, so Honesty's bringing them to justice functions as a restoration of the entire commonwealth of England. Houser notes that 'by assembling the vicious characters and effectively disposing of them all, the final judgment scene emphasises the fixing, purging effect of the whole process'.[189] Honesty's idealised magisterial powers allow him to reveal private crime and bring it to public account, largely without the king: instead, a commoner has reformed the commonwealth. Honesty's practice of justice where Edgar remains deficient presents an idealised vision of a participatory state, one that can function almost independently of a strong personal monarch.

This is intensified by the play's continual revelation of previously hidden crimes. This dynamic of secrecy being unveiled is maintained throughout the play, the repeated appearance of knaves and their crimes making Edgar look rather foolish for his lack of awareness of what is going on in his realm. It is, also, not simply Honesty who has information about events. Throughout the play, the audience are given more information than any character within the fiction. In scene ii, the audience are presented with the four knaves, before Honesty meets Walter, Cuthbert or the Priest. The audience are privy to the Bailiff's deathbed speech to his sons, and thus always know who the knaves wracking the country are. The audience become as epistemologically privileged as Honesty, if not more:

> Walter: Then, father, hark how I have profited,
> Walter your son that keeps the countrie,
> I have raised the markets and opprest the poore,
> And made a thousand goe from dore to dore:…
> Perin: Sometime I can counterfeit [the king's] hand and seale
> And borrow money of the communalty. (306-330)

This scene's supposed privacy — at the father's deathbed — cannot hold in the theatre and makes the audience a witness to the crimes. As such, the audience are identified with Honesty's

[189] Houser, 'Purging', p. 995.

knack to know knaves, equally aware of the ironies of Edgar's trust in Perin and Walter, and party to the fact that, by necessity of the morality play plot, these knaves will be brought to justice. The dramaturgy gifts the audience a participation in the uncovering of knaves, through their identification with Honesty, and through their ability to see the same things as him. The audience have more information than the king, intensifying the presentation of Edgar as unreformed and unreforming.

Furthermore, in his choric role, Honesty invites the audience into his practice of justice. Honesty makes asides which act as clarification for the audience, his status as the embodiment of Honesty lending him a pedagogical weight. In scene iv, Honesty explains what is happening while Cuthbert the Coneycatcher and the Broker begin their business deal:

> A crafty knave needs no broker,
> But here is a crafteie knave and a broker to:
> Then imagin there wants not a knave. (622-624)

Honesty acts as chorus, interpreting events into a narrative for the audience. Much of the humour in the play derives from his snarky asides about people onstage:

> Gentleman: If you deale amisse with me, I am undone for ever.
> Broker: I would not deal amisse with any man for a thousand pound.
> Honesty: And yet he wil cut a mans throte for twelve pence. (641-643)

These moments draw the audience into sympathy with Honesty, as they can laugh at his mocking the unknowing knaves. As witty interlocutor in a comic play, Honesty stands on the boundary between the real world of the audience, and that of the play's fiction; in the play's moralising frame, he is more commentator than character, speaking apparently to the audience in many of his asides.[190] He therefore gives the audience information about the knaves that other characters lack: he brings the audience with him on his knave-hunt, allowing them to see Cuthbert's plot as if watching over his shoulder. The audience are thus invited into the same

[190] See Penny Gay, *The Cambridge Introduction to Shakespeare's Comedies* (Cambridge: 2008), p. 11.

epistemological space as Honesty, privileged above the rest of the play's characters, and given the information that allows him to practice his justice.

While the play includes the audience in its judgement of Edgar's insufficiency, the audience do not get off scot-free. This is partially a function of the play's genre: the 1590s and 1600s saw a trend 'for moral instruction on stage', usually centring on secular affairs rather than the religious concerns of the earlier mystery plays.[191] However, it is also a result of the threat of discovery that Honesty declares extends into the audience in the theatre. Standing at the fiction's *limen*, able to interact with the audience, Honesty says 'Would all men living lyke these in this land, / Might be judged so at Honesties hand' (1873-1874). This, just before the play's end, topples the fiction that the entire realm has been reformed: plenty of other knaves remain to be brought to justice. This abrupt about-face shifts Honesty's 'knack' to the audience: after a play in which crimes have been perfectly visible to the audience, emphasising how easy it is for Honesty to find knaves, the movement of his focus to the audience is an explicit threat. Edgar invites Honesty to return to court for his reward, but Honesty is not yet done with his message for the audience, perhaps suggesting that Edgar and his retinue leave the stage while Honesty hangs back to hammer his point home:

> I thank your grace. You that will damn yourselves for lucres sake,
> And make no conscience to deceive the poore:
> You that be enemies of the common wealth:
> To send corne over to inrich the enemy:
> And you that doe abuse the word of God,
> And send over woolle and Tin, broad cloath and lead,
> And you that counterfeyt Kings privie seales,
> And thereby rob the willing-minded commonalty. (1877-1884)

Once again, these crimes are topical for the early 1590s, but notably Honesty does not maintain the standard rhetoric of declaring that everyone has a responsibility to uncover crime: instead,

[191] Baskin, 'Figuring', p. 96.

he tells criminals that they *will* be found. This threat comes from a virtue functioning as a public official, with preternatural skills of observation and surveillance: for those who had heard charges at local sessions, or proclamations about the maintenance of order, Honesty is a far superior kind of magistrate, one not reliant on the local community.

Conclusion

Audiences were bombarded with rhetoric emphasising the importance of acting in a public manner by revealing hidden crime. This had only intensified with the advent of disorder and dearth brought on by England's new involvement in wars on the continent. Magistrates found themselves castigated for failing to be vigilant, and for failing to bring criminals to the justice which was conceived as the greatest cure for the commonwealth's ills. *A Knack to Know a Knave* taps into these concerns through its depiction of a disordered commonwealth where crime is not brought to justice, and where the crimes are ones extremely familiar to a contemporary audience. However, the play presents a different version of the problem of unseen and un-prosecuted crime by suggesting it is the King that has failed to bring justice to the land. In stark contrast to the Edgar on the pages of contemporary chronicle history, the play presents him as naive and ignorant of the sickness within his realm. The commonwealth cannot be reformed as long as crime goes undetected and justice remains unpractised.

Honesty, however, is presented as able to reform the commonwealth through bringing the four knaves to justice. He therefore stands in stark comparison to criticisms of JPs and other magistrates that proliferated in the period: his powers to observe are far greater than those of the JP in the non-inquisitorial common law. That these powers of surveillance are what allow the reformation of the commonwealth suggests that magistrates were currently under-powered and hence unable to uncover crime in the ways that they were demanded to do by central government. The play thus presents a fantasy of law enforcement and justice that suggests the

current system is insufficient, but does not place the blame on either magistrates or locals: unlike the plays in the next chapter, the emphasis does not fall on the local community or their magistrates to report and prosecute crime, but upon the *monarch's* failure to notice his realm's lack of justice.

2. Testing the participatory state: *Arden of Faversham* (1592) and *A Yorkshire Tragedy* (1605)

> About this time there was at Feversham in Kent a gentleman named Arden, most cruellie murthered and slaine by the procurement of his owne wife. The which murther, for the horriblenesse thereof, although otherwise it may seem to be but a private matter, and therefore as it were impertinent to this history, I have thought it good to set it foorth somewhat at large.[192]

In explaining the inclusion of a local murder in a history of England, Scotland and Ireland, Holinshed outlines a crucial dynamic between private affairs and public knowledge. The desire to 'set it foorth somewhat at large' indicates the teaching purpose of showing 'horriblenesse' to a wider audience, but also suggests that there is a wider relevance to what 'may seem to be but a private matter'. Holinshed thus suggests that the crimes of individuals could neither remain private (hidden), nor fail to become a public problem. As discussed in the previous chapter, central government emphasised the active role that communities and magistrates should take in maintaining the public peace, demanding vigilance in uncovering crime and pushing for prosecution. This chapter explores this aspect of the participatory state from a different angle, examining how concerns about the functioning of law enforcement related to the household, through two plays that stage domestic murders, and the capture of the perpetrators. There is a considerable literature on the relationship between household and community, particularly with reference to the role of gossip and reputation, which draws attention to the problematic informational status of the household, considered both open and closed to view, of public concern but also only to be attended to when domestic disorder had occurred.[193] This chapter, therefore, brings together scholarship on the household and its regulation with the Hindleian framework of the participatory state, to assess how these two plays present the functioning of local law enforcement.

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[192] Holinshed, *Chronicles*, Vol. 6, p. 1062.

[193] See Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: 1990); Lena Cowen Orlin, *Locating Privacy in Tudor England* (Oxford: 2007); Bernard Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford: 2003).

Arden of Faversham and *A Yorkshire Tragedy* exemplify the popular genre of domestic tragedy and engage with the public nature of private murders. *Arden* was first printed in 1592, but dramatises a 1551 murder in Faversham in Kent, which had appeared in multiple chronicle accounts by the 1590s.[194] Thomas Arden was a respected citizen and former mayor, but fell foul of his wife Alice's extramarital affair with a butcher, Mosby. Mosby and Alice attempted to kill Arden several times before hiring a pair of ex-soldiers, Black Will and Shakebag, who themselves made several abortive attempts on his life, both in Kent and in London, with the help of Arden's manservant Michael. After all these attempts had failed, Arden was murdered by the confederates within his own home, his body dumped in a snowy field in the hope that his murder would be blamed upon the crowds currently in town for the St Valentine's Day fair. However, guests invited into Alice's home directly after the murder – including the Mayor – noticed something amiss. The Mayor and his company searched out the body, and discovered footprints leading back to the Arden household. The play dramatises the multiple attempts on Arden's life with relish, largely maintaining the plot given by Holinshed. However, one crucial change is the addition of the character of Arden's friend Franklin, who is central to the murder being discovered.

A Yorkshire Tragedy is from sixteen years later, and dramatises another famous murder. However, while Arden's murder had happened nearly four decades previously, the murders which are the subject of the later play were extremely recent. In 1605, Walter Calverley of Calverley Hall, Yorkshire, murdered two of his sons and stabbed his wife, and was later executed. A pamphlet was swiftly released, entitled *Two most unnaturall and bloodie murthers*,

[194] It appears in Stow's *Chronicles* and *Annals*, and a manuscript account found in Stow's papers; the second (1587) edition of Holinshed's *Chronicles*; and the lost *A Cruell Murder Donne in Kent from 1577*; Emily O'Brien, 'The Tragedy of Master Arden of Faversham, True Crime, and the Literary Marketplace of the 1580s', *Shakespeare Studies 45* (2017), p. 114.

which tells the story of the Calverley murders in lurid detail, along with that of a woman who killed her husband, with the help of her servant.[195] This pamphlet forms the source for Middleton's play. Another play dramatises the Calverley affair, entitled *The Miseries of Enforced Marriage*, written by the brothel-owner-turned-playwright George Wilkins in 1607, but its tone is comic, not tragic, and replaces the murders with a family reconciliation. Middleton's play, however, is unremittingly tragic, drawing upon the pamphlet in detail. The Husband slanders his wife on the open street, is rebuked by local gentlemen, and then is visited by the Master of the College where his brother has been caught in debt for him. The Husband, declaring that he will not be the father of a set of beggars, determines to kill his three sons and his wife. While the Master is outside, he stabs his wife, and successfully kills his two sons. A servant attempts to stop him, but is wounded. While the Husband flees, attempting to get to his final son who is at nurse in a village nearby, the Master enters the room, discovers the bodies and raises the hue and cry upon the Husband. The Husband is captured, and brought to a local Justice, a Knight. The final scene in the brief play shows the Husband returning to the scene of his crime, before being removed to a place of judgement.

Both plays have been attributed to Shakespeare. *Arden* was anonymously published in 1592, and since 1770 has been the subject of various claims about Shakespeare's hand in the text. The most recent Oxford Shakespeare credits it in part to Shakespeare, as well as an unknown author. The play's first performance date is uncertain, though the 1592 text is likely to have been one of the plays that the short-lived Lord Pembroke's Men took on tour to the provinces with them during the closure of the theatres in 1592 and 1593.[196] Roslyn Knutson puts forward

[195] Anon., *Two most unnaturall and bloodie murthers* (London: 1605).
[196] O'Brien dates its first performance to the late 1580s; O'Brien, p. 114. Most critics have placed it around 1592; EK Chambers, *The Elizabethan Stage*, Vol. II (Oxford: 1923), p. 129 and Roslyn Knutson, 'The Repertory of the Chamberlain's Men, 1594-95, With Observations on its Commercial Value', *Explorations in Renaissance Culture* 8 (1982), p. 76.

the now widely accepted view that *Arden* changed hands (along with *Edward II* and *Soliman and Perseda*) by 1594, when Pembroke's Men went bust and turned to selling their playbooks, *Arden* and its fellows ending up with the newly formed Lord Chamberlain's Men.[197] It was reprinted in 1599, potentially after a resurgence in demand for copies after the Lord Chamberlain's Men had kept it in their repertoire.[198] Whether performed in a country innyard or at the Theatre, *Arden* was habitually performed on thrust stages with an audience on three sides, in natural light and with little to no set.[199] *A Yorkshire Tragedy*, meanwhile, was attributed to Shakespeare in its first documentation in the Stationer's Register in 1608, and was included in William Jaggard's 1619 False Folio. However, critical consensus now attributes it to Thomas Middleton, though critical treatments of it as part of Middleton's oeuvre are few and far between. *A Yorkshire Tragedy* also lays claim to being the property of the Chamberlain's Men (by then the King's Men), declaring on its coverpage to have been performed by 'his Maiesties Players at the Globe'.[200] Critical consensus hence identifies it as a King's Men play: Knutson highlights that *Arden* and *Yorkshire* would have fitted a certain space within the Chamberlain's/ King's Men's repertory, much as *A Warning for Fair Women*, first performed in 1599, would have.[201] There is some dispute about the date of the first performance, ranging between 1605 and 1608.[202] Moreover, the coverpage claims that the play is 'Not so New, as Lamentable and true', suggesting that the play was perhaps a common offering at the theatre.[203] In any case, the

[197] Ibid., p. 76; Knutson, 'Shakespeare's Repertory' in David Scott Kastan, ed., *A Companion to Shakespeare* (Oxford: 1999), pp. 346-361. See also Gurr, *The Shakespeare Company, 1594-1642* (Cambridge: 2004), pp. 127-133.
[198] Tom Lockwood, 'Introduction', in *Arden of Faversham*, ed. Martin White (London: 2007), p. xxiii.
[199] See Emma Whipday, '"Marrow Prying Neighbours": Staging Domestic Space and Neighbourhood Surveillance in Arden of Faversham', *Cahiers Elisabethains* 88 (2015), p. 104-105. Touring shows would have used innyards and scaffold stages in public places, mimicking the spaces from which the outdoor theatres drew their origins. The Theatre belonged to the Lord Chamberlain's Men until 1598.
[200] William Shakespeare [sic], *A Yorkshire Tragedy* (London, 1608), sig. Ai^{r}.
[201] Knutson, 'Chamberlain's Men', p. 81.
[202] Knutson dates it to 1606, while Peter Kirwan puts it at 1605 (see Kirwan's '*If the Law could forgive as soon as I*: A Review of *A Yorkshire Tragedy* at the White Bear Theatre Pub, London, January 2010.', *Law and Humanities*, 4:1 (2010), pp. 162-168).
[203] *A Yorkshire Tragedy*, sig. Ai^{r}.

play's association with the Globe indicates that it, too, was staged in an open-air theatre with an audience on three sides. To fully understand both plays' tragic force and their political significance, we must consider the dynamic between audience and stage, and the physical architecture of the theatre-as-house.

Scholars have long recognised the political potential of plays that stage domestic murder. As Lake notes,

> given the centrality of the household and the gender and social hierarchies and relationships inscribed within it to wider notions of both political and social order it would be surprising if the retelling of these bitter little tales of domestic dysfunction should not have expressed and addressed the political realm as well.[204]

Catherine Richardson, meanwhile, has highlighted the genre's depiction of relations between household and community, particularly with reference to the detection and punishment of crime.[205] This theme in criticism stresses the relationship between public and private, particularly drawing upon the work of Lena Cowen Orlin, with Emma Whipday insightfully noting that public and private become blurred in *Arden*, demonstrating that the household cannot remain private in the eyes of the community.[206] However, despite the clear interest in the processes of communal detection and punishment, critics have missed the opportunity to read the play with reference to the participation in the state that communal law enforcement entailed.[207] By reading these plays with reference to the law, this chapter considers the ways in which these two domestic tragedies stage the problematic relationship between the public and the private in community-household relations; it further examines the effect of performing

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[204] Peter Lake with Michael Questier, *The Antichrist's Lewd Hat* (New Haven: 2002), p. 78; for Catherine Richardson the 'particular frisson' of domestic tragedy was in 'the way that the household and the state were seen to be linked in this period'; 'Tragedy, family and household', in Emma Smith and Garrett Sullivan, eds, *The Cambridge Companion to English Renaissance Tragedy* (Cambridge: 2010), p. 18.
[205] Richardson reads domestic tragedy as reasserting the power of the community to detect crime and have it punished; Richardson, *Domestic Life and Domestic Tragedy in Early Modern England: The Material Life of the Household* (Manchester: 2006).
[206] Whipday, '"Marrow Prying"'.
[207] The closest anyone has come is Derek Dunne's work on 'communal justice' in revenge tragedy; see Introduction, p. 24.

them outdoors, with reference to the staging and the manner in which audiences are identified with the community in each play.

As such, it argues that both plays stage a participatory vision of the state: in each, locals successfully enact justice, enabled in part due to the inability of the household to remain private. However, the chapter departs from previous critical studies of both plays, and from Steve Hindle's assessment of the participatory nature of early modern state formation, by further arguing that the presentation of the entanglement of magistrate and community in both articulates a deficiency in the state's structure. In both plays the community, upon whose intervention the public peace relies, intervene too late. When read through the prism of the crown's growing anxiety over the prevention of crime, and the placing of responsibility for this prevention upon locals, the failure of communities to intervene sooner reads as a strong comment upon the inability of the participatory apparatus of the state to prevent crime. This deficiency is especially problematic because of the inscrutability of the household in *A Yorkshire Tragedy*, but also due to the failure of individuals to act in a public-minded manner until it is too late.

Public and private: sharing the burden of law enforcement

The English crown grew increasingly concerned about crime levels over the course of the sixteenth and early seventeenth centuries, leading to a growing focus upon the maintenance of the public peace.[208] Hindle notes that the expansion of the number of felonies was part of a 'desperate and uncoordinated scramble' by central government to impose order upon a country that was felt to be slipping into disorder, linking state formation to the expanding remit of

[208] J.S. Cockburn, 'The Nature and Incidence of Crime in England 1559-1625', in Cockburn, ed, *Crime in England 1550-1800* (London: 1997), p. 49.

criminal justice.[209] As the number of felonies on the statute books increased, magistrates found themselves drowning in new duties. Lambarde highlighted that JPs were burdened with 'stacks of statutes', complaining that this was harming their ability to maintain the peace, while the new commission of the peace in 1590 added even more to their tremendous list of responsibilities.[210] By 1599, there were 306 statutes giving JPs duties, 75 of those having been instituted in the period 1558-1597, while Joan Kent notes the increasing raft of statutes relating to constables duties over the course of the seventeenth century.[211]

As previously discussed, the 1590s and 1600s witnessed great concerns about the insufficiency of the legal system to handle disorder. James McComish has noted that there were 'substantial gaps in the content of the law and in the efficacy of its enforcement', while Hindle cites how 'contemporaries bewailed the shortcomings of criminal justice, making vocal and often desperate complaints about the extent of crime and the inadequacies of witnesses and magistrates'.[212] Hindle here raises a vital aspect of the participatory system that caused problems and concerns for those living in the late 1590s and early 1600s: that law enforcement also relied upon members of the community to act in a public manner. As Hindle notes, 'magistrates' labours would have been fruitless without the active cooperation of inferior officers and sections of the public at large'.[213] While JPs were instructed to

> take the examination of the said Prisoner and information of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony, shall be put in writing,

[209] Hindle, *Social Change*, p. 118.
[210] Wall, *Power and Protest*, p. 3.
[211] Braddick, *State Formation*, p. 30; Joan Kent, 'The English Village Constable, 1580-1642: The Nature and Dilemmas of the Office', *Journal of British Studies* 20:2 (1981), p. 31.
[212] James McComish, 'Defining Boundaries: Law, Justice and Community in Sixteenth Century England', in Fernanda Pirie, and Judith Scheele, eds, *Legalism: Community and Justice* (Oxford: 2014), p. 125; Hindle, *Social Change*, p. 144.
[213] Hindle, *Social Change*, p. 97.

it was of course impossible for a JP to know the details of every crime that went on around him.[214] As such, ordinary legal process necessitated an increased reliance upon information brought by private persons. Bacon writes that

> If any man will lay murder or felony to anothers charge, or do suspect him of murder or felony, hee may declare it to th constable, and the constable ought upon such declaration or complaint, carry him before a Justice.

The evidence of locals could, by the end of the sixteenth century, be enough for a local officer of the state.[215] This system was not inherently flawed: Sharpe notes that the appearance of repeat offenders at assizes 'should not obscure the importance of local opinion in bringing offenders to the notice of the authorities': the participatory system could certainly work.[216]

Individuals were also expected to actively help in the case of present crime that they witnessed around them. The crime of affray — of causing violence or threatening to do so — was a major example of members of the community's duty to act in a public manner. As Dalton wrote,

> every private man being present before, or in and during the time of an affray, ought to stay the affrayors, and to part them, and to put them in sunder.[217]

This was one major example of the community's expected participation in state processes of peace-keeping; significantly, Dalton emphasises that *private* men are still expected to behave in the interests of the community as a whole. The hue and cry was also a prime example of the public responsibility for law enforcement. While the hue and cry could be called by either public official or private man, it relied upon the community coming together — as the 'power of the town' — to catch criminals, and pursuing them until the next town's jurisdiction began.[218] It is significant that Smith's much-reprinted account of English government places

[214] Quoted in Langbein, *Prosecuting Crime*, pp. 10-11.
[215] Bacon, *Cases of Treason* (London: 1641), p. 27; see also J. H. Baker in Cockburn, ed., p. 22.
[216] Sharpe, *Crime in Early Modern England,* p. 80.
[217] Dalton, *Countrey Justice*, p. 28.
[218] Coke, *The Thirde Part of the Institutes of the Lawes of England* (London: 1644), p. 116; Smith, *De Republica,* p. 107; Dalton, *Countrey Justice*, p. 65-66.

recognisances — the weapon of the JP, used to bind people to keep the peace or attend a later assize session — in the same chapter as the hue and cry, which was reliant upon the community.[219] In so associating these parts of the justice system, Smith highlights the participatory structure of the state in the localities, and further emphasises its reliance upon ordinary people.

Over this period, however, the crown's desire for order became increasingly reliant upon the communities which magistrates served: the cooperation of locals became increasingly essential to the maintenance of law and order. Hindle identifies an 'intensification of the responsibilities of early modern English men and women to participate in the prosecution of crime' in the years 1590-1610, highlighting the increased participation expected from (private) members of the public.[220] Hindle notes that the 'most obvious symptom' of the participatory system of justice was 'the private responsibility to identify, capture, secure, prosecute and try suspects', but also notes that these expectations were not always met.[221] Indeed, these expectations demanded an almost constant vigilance, as evidenced by the range of different circumstances in which felons found themselves apprehended: Hindle lists 'strangers riding unsaddled and unbooted at nightfall; vagrant women sleeping in sheepcotes; passengers hovering about the town after failing to depart at the expected time', noting the level of private vigilance that such apprehensions required.[222] As indictment 'depended upon the continued co-operation of the victim' in order to get the necessary testimony for a prosecution, officers of the state and members of the communities they served often differed in their regulatory responses, victims

[219] Smith, *De Republica*, p. 107.
[220] Hindle, *Social Change*, p. 143.
[221] Ibid., p. 121.
[222] Ibid., p. 128. Raffield interprets JPs' role as one of surveillance, though this may be a step too far in a non-inquisitorial system; 'The Monarchical Republic, Constitutionality, and the Legal Profession', in Hutson, ed., *Oxford Handbook of English Law and Literature,* p. 25.

and witnesses less willing to prosecute.[223] Lambarde's charges to quarter sessions evince real concern about insufficient participation which intensifies over the 1590s: he demands of juries 'but how shall we that be the mouth speak unless you the eyes will first show and tell us whereof?'. In his April 1595 charge, Lambarde insists that juries must trust witnesses unless they are known to perjure themselves, condemning how 'good and well-meaning witnesses have not their due and deserved credit but are most injuriously discountenanced hereby'.[224] This perhaps suggests one reason why witnesses might be unwilling to come forward: that local opinion might turn against them. This is the first time in Lambarde's charges that he makes such a claim, maybe in desperation at the 'the disorder, malady, and mischief that is bred and nourished within the body of the commonwealth amongst us' without proper prosecution.[225]

The Crown's anxiety about forcing this participation can be seen in the increased use of binding over to force testimony, a trend Langbein refers to as the move from 'option to obligation', emphasising how the state relied upon the participation of the community.[226] Edward Coke writes that 'they that are present when any man is slain, and do not their best indeavour to apprehend the murderer or manslayer shal be fined or imprisoned', while communities that failed in their duties in the hue and cry would be fined for the sum of assets lost to a robbery if the thief was not caught by dint of their negligence.[227] Similarly, on circuit in September 1598, the Lord Chief Justice imposed fines if full presentments were not made, emphasising the importance of full participation in the justice system.[228] These fines placed upon non-compliant communities can be read as the crown attempting to force compliance from the ordinary people whose participation law and order relied upon. As Hindle notes, the *motivations* for legislation

[223] Ibid., p. 129; Wrightson, 'Two concepts'.
[224] *William Lambarde and Local Government*, p. 120; see also p. 69, 71, 86-87, 98-99.
[225] Ibid., p. 118.
[226] Langbein, *Prosecuting Crime*, pp. 35-9.
[227] Coke, *Third Parte*, p. 53; 13 Edw I 2.
[228] Roger Wilbraham, 'Wilbraham's Diary', in *Camden Miscellany X* (London: 1902), p. 20.

and policy decisions are vital for understanding the condition of law and order in the period: the movement towards forcing participation demonstrates genuine anxiety about the level of prosecution in the period.[229] Clearly, ordinary Englishmen and women were increasingly expected to behave in a public manner, state officials unable to wield the sword of justice sufficiently without their participation.

Crucially, the requirement of vigilance cast the failure in terms of failing to see that which was apparent and public. Much of the concern over crime came down to insufficient reportage. Lambarde argued in April 1595 that

> it must needs be confessed that without search and inquiry offenses against law are not discovered, without discovery they are not informed, without information they cannot be heard, without hearing they ought not to be judged, and without judgement they neither may nor can be lawfully and condignly punished. So that, take away discovery of faults by search and inquiry, which is the first motive and leading link of all this chain, then must you necessarily therewithal take away and withdraw all the means, power, and possibility to deliver that good and profit which otherwise these laws do offer and we all might enjoy by them.[230]

Concerns over the ability of the law enforcement system to handle disorder and crime were tightly bound up in the problematic of public and private: contemporaries feared that members of the community would fail to act in a public manner by bringing crime to public knowledge, thus leaving crime unprosecuted and unpunished. This problematic had particular relevance to the household.

'Break open the doores': the household as contested space

The centre of both *Arden of Faversham* and *A Yorkshire Tragedy* — the household — was a troubled space during the early modern period, its publicity a vexed problem. On the one hand, the household was frequently referred to as being a 'little commonwealth', a microcosm of the

[229] Hindle, *Social Change*, p. 34.
[230] Lambarde, *William Lambarde and Local Government*, p. 119.

wider body politic, whose internal order was fundamental to the rest of society: as John Dod and Robert Cleaver argued in their tract upon the regulation of the household, 'in all places there should be such good laws publikely in the commonwealth, and privately in mens houses established'.[231] As such, the household was a matter of public order. Hindle notes that less frequently incited crimes, such as petty treason or infanticide, were viewed as 'particularly offensive to the state'.[232] While a man killing his wife, or his servant, was a felony, a woman killing her husband, or a servant killing his master, was defined as 'petty treason'.[233] Such a murder represented not just a killing, but a killing of one's superior, 'to whom [one] is subordinate, and oweth faith and obedience'.[234] Like high treason, the crime lay in the attack on the hierarchy. In a similar vein, infanticide was viewed as one of the most heinous crimes imaginable, as it represented the order of the commonwealth falling in on itself. Crimes within the household were a crucial domain for the crown in its pursuit of order.

State officers and the communities they served were therefore expected to intervene in household affairs: for example, if a constable were informed of adultery in his town, he should investigate to see if it were really happening.[235] Lambarde's records of his time as a JP highlight the role of state officials in the maintenance of good behaviour. He often found himself binding over adulterous persons to prevent them from sinning again: in 1582, he records that

> My father-in-law and I sent to the gaol William Barra for getting Elizabeth [blank], servant to Willliam Clark, alias Butcher, of Northfleet, tippler, with child and refusing to give sureties of his good behaviour.[236]

Similarly, locals had their own practices for the regulation of behaviour, such as shaming

[231] John Dod and Robert Cleaver, *A Godlie Form of Household Government* (London: 1600), p. 23; see also Smith on the family as *οἰκονομία*, a 'societie' like the commonwealth, *De Republica*, p. 58, and William Perkins' *Oeconomie* (London: 1609), p. 2.
[232] Hindle, *Social Change*, p. 142.
[233] Bacon, *Cases*, p. 7; Coke, *Third Parte of the Institutes*, p. 20.
[234] Bacon, *Cases*, p. 7.
[235] Lambarde, *Dueties*, p. 18.
[236] *William Lambarde and Local Government*, p. 23-4.

rituals, as well as turning to local magistrates and church 'bawdy' courts if informal regulation failed.[237] This regulation depended on the flow of information through gossip and reputation: Martin Ingram and Bernard Capp highlight the importance of the social capital of respectability, especially among women, noting the manner in which gossip could transmit private information around a small community, making neighbours' infidelities and indiscretions a matter of public conversation.[238] Sexual immorality was of prime concern, making the affairs of private individuals the community's domain. As Erica Longfellow notes, privacy was only allowed within the marriage bed, where sexual relations were by their nature moral.[239] However, any sexual activity outside of marriage had no right to privacy: it implied there was something to hide, and that there could be immoral activity going on. Early modern communities therefore viewed the household as a necessarily public domain.

The public status of the household was mirrored by its presumed informational openness. In communities where houses were close to one another, often sharing thin walls knocked through larger properties, and where window curtains were a rarity, the household was a largely open space.[240] Rumour and gossip, too, made private affairs public: Lena Cowen Orlin notes that 'sexual knowledge serves as a leading example for how much intimate information coursed through household and neighbourhood cultures'.[241] Rumour and reputation were also vital legal evidence. Lambarde highlights that 'if the common voice and fame be, that A.B. hath done a felonie, that is sufficient case for any of these officers (that shall thereto suspect him) to arrest him for it': disorders became informationally public and of public concern, one's reputation

[237] See Martin Ingram, *Church Courts, Sex and Marriage*.
[238] Ingram, 'Family and the household', in Arthur F. Kinney, ed., *A Companion to Renaissance Drama* (Oxford: 2002), pp. 93-108; Bernard Capp, *When Gossips Meet* (Oxford: 2004).
[239] Longfellow, 'Public, Private and the Household', p. 323.
[240] Martin Ingram, 'Family and household', p. 96.
[241] Orlin, *Locating,* p. 154; see also Ingram, *Carnal Knowledge: Regulating Sex in England, 1470-1600* (Cambridge: 2017), and Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: 1999).

enough to make one a suspect.[242] As such, the expected interventions of both magistrate and citizen could legally open the household to scrutiny. It was well within the jurisdiction of a constable to break open the doors of a house where he suspected a criminal to be, or a pair indulging in extramarital sex. Lambarde writes that

> if men be fighting together in a house (the dores being shut) yet may such Officer [a constable] break open the doores to cause the peace to be kept, though none of the parties have taken hurt,

highlighting that the inside of a house could become the domain of the state, the public peace still a concern even within the household.[243] When felons were pursued by the hue and cry, suspected households could also be broken open by officers.[244] It was also completely acceptable for members of the community to eavesdrop and observe their neighbours: in church court depositions involving sexual indiscretions, those making accusations would frequently claim to have overheard through walls or chinks in windows.[245] These legal fictions indicate how members of the community would cast their deliberate attempts at discovering their neighbours' private misdemeanours as an act of overhearing *public* disorder. Here, the walls of the house became 'selectively permeable': 'the house only became visibly subject to the laws of Church and state once it had contravened those laws'.[246] The house became public when its disorders were of public concern.

However, the insistence on thresholds – doors, windows, chinks in the fabric of houses – indicates a crucial problem: the household needed to be broken open to allow communities and magistrates to regulate within. The household could prove problematically opaque, hampering the process of justice by enclosing crimes within, away from observation. While the process of

[242] Lambarde, *Dueties*, p. 17.
[243] Ibid., p. 16–17.
[244] Dalton, *Countrey Justice*, p. 176, 266, 314.
[245] Orlin, *Locating*, p. 154.
[246] Whipday, *Shakespeare's Domestic Tragedies* (Cambridge: 2019), p. 12.

the hue and cry placed responsibility for the catching of the criminal in the community's hands, at the pain of fines, Dalton writes that 'if any man be robbed in his house, the Hundred shall not be charged therewith'.[247] This suggests that the community had less responsibility for preventing crime when it occurs within the house, or at the very least that there was less that the community could do in response to such hidden disorders. Similarly, Dalton highlights that if there was no proof of any violence, nor 'show of any force' having taken place within the home, a JP or constable could not legitimately arrest suspected affrayors.[248] A 1591 Star Chamber case expresses this informational problematic: the plaintiff, Walter Cave, claimed that Ralph and James Ellerker, their friend Philip Dalton, and two servants, had made forcible entry into his home, and attempted to kill him.[249] The defendants, however, claimed that they had been invited in by Cave's mother-in-law, and that Ralph merely raised his knife to Cave after the latter attempted to injure James Ellerker. Interrogatories ask if Philip Dalton did stand in the doorway to prevent 'going forth of the said home to call for help'. Given that the bill of complaint claims that Cave would have been

> presently and most wickedly… murdered had not the neighbours of the said subject near adjoyning upon the pitiful cry of the said subject's wife and family come into the house,

the news of the violence needed to leave the household's boundaries to protect the victim. While the bill of complaint describes the neighbours as having heard by simply being nearby, witnesses for the plaintiff deposed that Cave's wife 'went out into the street and cried murder', suggesting the difficult informational status of the interior of the household. Furthermore, after the local JP was brought to the scene of the supposed crime, he 'found not the defendants guilty of any misdemeanour that either in his justice or favour towards the plaintiff he thought he could punish them for': the interior of the household had confined any proof upon which they

[247] Dalton, *Countrey,* p. 117.
[248] Ibid., p. 49.
[249] TNA, STAC 5/C5/27.

could be prosecuted, leading to Cave making this suit in Star Chamber in the first place. The household was a key focus of tension in the relationship between the mandates of the crown, and the communities and magistrates expected to act upon them: its contested informational status made detecting crime, and subsequently acting in a public manner, far harder.

'Why should our faults at home be spread abroad? / Tis grief enough within doors': the household's necessary lack of privacy

Domestic tragedy frequently addressed the management of household behaviour and the relationship between community and household. The thrill of these plays lies somewhere around their frightening, challenging depiction of disorder, and their presentation of the ability of the community to discover crime. Richardson argues that

> the interest that neighbours were to take in household matters raises the question of the relationship between privacy and household space in early modern life, so important for tragedies because it shapes the way crimes are concealed or revealed within the house itself.[250]

In these two tragedies, domestic disorder is necessarily public, bearing out that the household was a space of public concern, and supporting the commonplace idea that the household lost the right to privacy when it stopped being orderly and well-governed.

The disorders in both households appear as disturbing attacks on the settled social order. Much has been made of the gendered disorder in *Arden*, highlighting how Alice's defiance of her proper place within the home as loyal wife, and her subsequent murder of her husband, represented an attack on the patriarchal order. When in scene iv Franklin advises the despairing Arden that he should not return home, Arden responds 'then that base Mosby doth usurp my room', highlighting how the affair disrupts his household's order (iv.29-30).[251] Whipday

[250] Richardson, 'Tragedy, Family and Household', in Emma Smith and Garrett Sullivan, eds, *The Cambridge Companion to English Renaissance Tragedy* (Cambridge: 2010), p. 20.
[251] All line references from Anon., *Arden of Faversham*, ed. Martin White (London: 2017).

emphasises that Mosby is inappropriately invited into Alice's house, noting that contemporary audiences would have recognised letting another man stand in her husband's place as tantamount to social disorder.[252] The wife was supposed to protect the house: Alice, however, invites in the man that fosters her disorder.[253] Furthermore, a wife murdering her husband was a far more serious crime than simple infidelity: petty treason. *A Yorkshire Tragedy*'s depiction of disorder, however, is bleaker, as it depicts the head of the 'little commonwealth' turning upon his demesne. In quick succession, he stabs his son, pushes a maid down the stairs, wrestles with his wife for the son she carries, stabs him, and then stabs his wife, the patriarch turning on everyone below him. The attempted defence of the Wife by the Lusty Servant represents an inversion of the social order, servant turning on his master for the sake of peace and justice. The servant declares ''Sblood, you have undone us all, sir,' the inclusive 'us all' emphasising that the Husband's actions have ruined the whole family's lives: Servant and Wife, already considered part of the same family, are collocated in this tragedy.[254]

> Husband: Tug at thy master?
> Lusty Servant: Tug at a monster! (C3^{v})

The servant is presumably grappling with his master, the Husband's affronted response highlighting the inversion of due respect and hierarchy in the household that has been necessitated by his murder.

In both plays, domestic disorder is demonstrably public knowledge. Arden declares in the play's first scene that 'love letters pass 'twixt Mosby and my wife, / And they have privy meetings in the town' (i.14-15). The fact that Arden knows about their 'privy' meetings highlights how Alice and Mosby's 'private' affairs are made public. Arden accuses Mosby 'All

[252] Whipday, '"Marrow-Prying"', p. 102.
[253] See Henry Smith, *A Preparative to Marriage* (London: 1591), sig. E7^{v}-E8^{r}.
[254] Linda Pollock, 'Little Commonwealths I: The Household and Family Relationships', in Wrightson, ed., *A Social History of England*, p. 60.

the knights and gentlemen of Kent/ Make common table-talk of her and thee', 'table-talk' suggesting that the conversations about their affair have made their way inside the homes of others: their bad fame is such that private disorder is now a topic of private conversation within other peoples' homes (i.643-644). *A Yorkshire Tragedy*, meanwhile, opens inside another household where three servants discuss their mistress' former love for a man who has now married: the Husband. The three servants of another household act as prologue, informing the audience of the Husband's disorders: Sam declares 'he has consumed all, pawned his lands, and made his university brother stand in wax for him' ($A2^{v}$). This opening scene truncates the pamphlet's account of the first woman that the Husband had originally wished to marry.[255]

> Sam: Why, he's married to another long ago.
> Ambo: I'faith, ye jest.
> Sam: Why, did you not know that till now? Why, he's married, beats his wife, and has two or three more children by her. ($A2^{r}$)

The presentation of three lower-class men in a *separate* household having intimate knowledge of the Husband's fortunes demonstrates how personal actions have become a matter of public knowledge and interest. Moreover, this well-known story has become an object of public consumption, for entertainment: Calverley's misdemeanours are presented as spectacle on the stage, for a crowd that might include serving-men like those onstage. The presentation of the passage of rumour into another clearly domestic space, upon an open stage surrounded by observers, underlines that personal behaviour was a public concern.

This is also seen when, in the second scene of the play, the Husband is accosted by three Gentlemen, who enter 'hearing' him ranting and raving about his lowered fortunes, and calling his wife a strumpet. The gentlemen rebuke him for his slandering his Wife's honour, concerned enough by his behaviour to intervene. One contemporary advised against chiding one's wife in

[255] *Two Most Unnatural*, p. 2-8.

'open Assemblies' as it 'betrayeth her imperfections': chiding was not the issue, but openly revealing the truth about one's wife.[256] This moment of overhearing also reveals that the Husband is slandering his wife in open space — the street — owing to the passage of the four gentlemen across the stage. The Husband's disorders are offensively public, both open and of community concern, emphasised by the common audience surrounding the stage on three sides. In these scenes, a household's physical interior is laid open to view, as are its affairs. This moment confirms the powerful conflation of private and public space onstage, as in *Arden*. Whipday argues that the stage becomes a liminal space between public and private: despite the play's extreme geographical specificity, the bare stage of the outdoor theatre lacks markers of location except for indications given in the speech of characters. Whipday notes that

> *Arden* is unusual in setting a scene in an exterior and an interior location without clear distinctions between the two: the entire stage becomes a threshold to Arden's house. Thus the staging of this first scene exhibits the extent to which Alice's transgressions have rendered the borders of her home permeable.[257]

Much as the traffic of people onstage in the second scene of *A Yorkshire Tragedy* blurs the lines between the household and the exterior space, *Arden* opens in a liminal space, presenting the stage as open and private at once. The outdoor theatres in which both plays were originally staged add to this effect, the surrounding audiences acting as a neighbourhood to these households, watching in as the most privileged viewers. Window curtains were a rarity in the late sixteenth and early seventeenth centuries, leaving the windows into a home open to view.[258] The outdoor theatre's open stage left the Arden and Calverley homes even more open to their audience, providing the audience with an even greater sense of the way these homes' disorders cannot, and should not, remain hidden.

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[256] Anon., *The court of good counsell Wherein is set down the true rules, how a man should choose a good wife from a bad, and a woman a good husband from a bad* (London: 1607), sig. C4v.
[257] Whipday, '"Marrow-prying"' p. 105.
[258] Ingram, 'Family and Household', p. 96.

'It shall be my part/ To raise the town upon him': staging the community's participation in justice

As previously discussed, criticism has frequently viewed domestic tragedy as fantasies of successful communal intervention in crime and catching criminals. In both *Arden* and *Yorkshire*, the community are demonstrated to be successful participants in the state, in part through the enacting of familiar processes of law enforcement in an idealised manner, and in part through each play's dramaturgy in performance.

Faversham's assiduous citizens are indispensable in the apprehension of the murderers. While her household has become the scene of petty treason, Alice cannot keep it secret. Arden's fresh corpse is placed within the counting house — a private space within the household — presumably the discovery space at the back of the stage. During the scene that immediately follows his murder, the audience must imagine his body to remain there, mere feet away from Franklin's questioning his whereabouts. While Franklin never sees the body within the counting house, that fact that he immediately suspects foul play suggests, once again, that the private space cannot be hidden, and murder will out (so long as a watchful member of the community stands up). Franklin brings the Mayor and the Watch to the door: he does not exist in Holinshed's version of events, but in the play he becomes an assiduous member of the community. Barely 25 lines pass between his leaving the house and the sighting of the Watch and the Mayor coming across the fields towards the Arden household to investigate the murder. Michael tells Alice,

> O mistress, the Mayor and all the watch
> Are coming towards our house with glaives and bills,

prompting a flurry of activity within the house as Mosby escapes into town, and Michael and Susan hide the body (xiv.337-338). Given that the only exits onstage would have been through the *frons scenae*, the back wall of the stage comes to stand for the boundary between the house

and the outside world, the stage a confined space in which they are becoming surrounded. The Watch can *only* enter from that direction, emphasising the inevitability of their discovery, as the audience imagine the power of the town marching towards them.

This compression of time is dramatically satisfying: Arden's body is dumped behind the Abbey, and 20 lines later Franklin re-enters to let the audience know the body has already been found. Time tightens around the murderers, who cannot escape the long arm of the law: after the play's adherence to the realities of Kent's geography, this moment's break from realism heightens the power of the community and state, as the Watch and Mayor seem able to defy the rules of time in their process of capturing Alice and her confederates. This is, notably, the first time any large number of the community have come anywhere near the Arden household. As time tightens around the confederates inside the house, desperately attempting to scrub blood off the floor while we are told that the Watch are making their way across the fields, it becomes apparent that the domestic space is *not* a private one. The Watch come through the doors into the house, emphasising that Alice's house and crime cannot remain private:

> Alice's attempts to deceive the mayor by claiming that her husband has not returned are met with his simple refutation: 'I saw him come into your house an hour ago'. The full import of this statement is only appreciated in the context of communal observation… and the extraordinary jurisdiction over domestic space which it allowed.[259]

There is never any question about Alice being a prime suspect in Arden's disappearance. Michael's mistake of leaving bloody murder weapon and towel in view adds to a sense of inevitability about the discovery of the crime: it is out of Alice's hands. By presenting the inescapability of the law coming for Alice and her confederates, the play effectively demonstrates both the necessarily public nature of the household, and the efficiency of the community's involvement in law enforcement.

[259] Richardson, *Domestic Life*, p. 124-125.

The play emphasises that the community are responsible for the capture. The Watch was a classic example of communal responsibility: it was to be raised by a constable or JP, but it relied upon being able to call up men from the local area. Everyone would eventually be called for their turn in the Watch, and those who did not take their place could find themselves in the stocks.[260] The Watch would be responsible for 'the arresting of persons suspect, and night-walkers (be they strangers or others) that be of evil fame or behaviour', but also could be used as a militia if criminals struggled or fled.[261] The community therefore provided the local state officials with physical backup to maintain the peace: the Watch was given weapons, arguably extending the monopoly on legal violence to those taking part in the watch. It is notable that the Watch are collocated with the Mayor, highlighting the Hindleian sense of participation between state and society: they accompany him during the search for Arden and the arrest of Alice. The Watch are also present and unspeaking during scenes xvi and xviii, first guarding the prisoners and then merely watching while the Mayor pronounces sentence upon those involved in the murder of Arden. Their silent presence furthers their identification with the Mayor and the practice of justice, heightening the play's suggestion of the importance of community participation in the keeping of the peace.

Crucially, it is Franklin's actions that have allowed this to occur. It is Franklin that finds the body behind the Abbey, and the murder weapons which reveal Alice's guilt *sine dubio*. After the capture of Alice and her Faversham-based conspirators, Franklin further takes it upon himself to fetch a warrant for the apprehension of the escaped Shakebag and Black Will, declaring 'those ruffians shall not escape. I will up to London/ And get the Council's warrant

[260] Dalton refers to a case of 32 Eliz that determined the punishment for refusal to participate in the watch in the 1661 edition of the *Countrey Justice,* (London: 1661), p. 174.
[261] Dalton, *Countrey* (1618 edn.), p. 127.

to apprehend them' (xvi.20). Once again, an individual acts in the public interest, calling upon higher structures of state power to ensure justice is served. It is thus significant that Franklin speaks the play's epilogue. His speech begins 'thus have you seen the truth of Arden's death', furthering the identification of the play as a communication of evidence (1). However, his speech truncates the play's denouement, merely relating the fates of Black Will and Shakebag: the dramaturgy presents Alice and Mosby's capture as the most important parts of the narrative of community-led prosecution, suggesting that the removal of private disorder was the most important part of the story. Franklin represents the community, an ordinary man acting in the name of justice, and underlining to an audience the power of this participation in the state.

A Yorkshire Tragedy's depiction of law enforcement centres around the process of the hue and cry, one of the major ways in which private citizens were expected to intervene in crime around them. The hue and cry could be summoned by either a private individual or a public official, either a constable or JP; in the play, a member of the community successfully raises it. The Master, upon discovering the sons' corpses and the injured Wife, declares 'it shall be my charge/ To raise the town upon him', using language that mimics that of legal theorists: Coke, describes the hue and cry as 'rais[ing] the power of the town', while Smith speaks of 'rais[ing] the parish'(C4^{r}).[262] The Master thus acts in a palpably public manner, and turns to the community before any mention of the local magistrate is made; indeed, the Husband is caught onstage by members of the community before the local Justice is first mentioned. The hue and cry had been the focus of new legislation twice during Elizabeth's reign, in 1584-5 and 1597-8. The earlier statute makes reference to the 'unhabilitie' of communities to perform the hue and cry successfully, due to the 'lardge scope of negligence… given to the Inhabitauntes and Resiaunts in other Hundreds and Counties not to prosecute the Huie and Crie made followed

[262] Coke, *Third Parte*, p. 116; Smith, *De Republica*, p. 107.

and brought unto them': because it was only the Hundred in which the crime was committed that would have to pay the hefty fines, other Hundreds were less likely to bother carrying out their duties. The statute draws attention to the risks of increased crime, with criminals

> seeinge it in maner impossible for the Inhabitantes and Resiants of the said Hundred and Fraunchises wherein the robberie is committed, to apprehend them, without the aide of the other Hundreds and Counties adjoying.[263]

The statute therefore reduced the financial burden of failing in the hue and cry, demonstrating the Crown's interest in leaving this responsibility in the hands of communities. The later statute exposes the tremendous burden that the hue and cry could still be for communities. The law responds to the struggle of Beynershe being too small a village to handle the number of highways that ran through it: 'all the able men of the same small Hundred cannot soe watche the same severall wayes, as that thereby Robberyes may be prevented'. Beynershe's inhabitants had made the claim that 'it lyeth not in their power as well for want of notice as otherwyse to performe the same statutes', clearly demonstrating the burden the law's expectations placed on communities.[264]

However, the dramaturgy of the hue and cry scenes highlights the efficacy of this communal intervention. As the cry comes from 'within' in scene viii, presumably in the tiring house behind the stage, the onstage Husband has no way to escape the justice coming for him (C4^{v}). Noises from 'within' would usually be understood either as someone beyond the boundaries of the stage, or an event happening within the tiring house.[265] In this moment, the boundary of the *frons scenae* that visibly protects the Husband from being sighted is not enough to hold off the hue and cry: outside the house, there is no privacy to hide within. Those carrying out the hue and cry would run to the edge of their town's jurisdiction: in this case, the stage is also their

[263] 27 Eliz 13.
[264] 39 Eliz 25.
[265] *DictSt*, p. 253.

jurisdiction, the effectiveness of their pursuit emphasised by the staging.[266] The cries within are identified by the Husband as 'like hew and cry', and seem to disorient him: the first cry of 'follow, follow, follow' prompts him to 'struggle to [his] horse', presumably back towards the tiring house (as he has entered 'as being thrown off his horse') (C4v; D1r). The next cry ('here, this way, this way') prompts him to ask, 'At my back?', as if he has been caught off guard. However, the hue and cry cannot be held off: offstage, their cry 'this way, this way' indicates to the audience that they know where the Husband is, and are coming for him. Four lines later, the Master, three Gentlemen and other members of the hue and cry reach the Husband, arresting him. The success of the community's part in law enforcement is made all the clearer because the playhouse's fabric does not prevent their ability to see and follow the Husband.[267]

Furthermore, it is the hue and cry that brings the information of the murders to the local magistrate. The Second Gentleman declares at the end of scene viii 'bear him along to the Justice… There shall his deeds be blaz'd', a member of the community expressing the importance of getting both the Husband, and the information of his crimes, to their nearest magistrate. Scenes viii and ix shift from the Husband's arrest on the road out of town, to the home of the Knight, the quick change emphasising the efficacy of the hue and cry. Barely any stage time elapses between the exit of the hue and cry with the Husband, and the entrance of the Justice. The scene begins *in media res*, with the local magistrate asking 'Endangered so his wife? Murdered his children?' of the gentlemen that accompany him (D1^{v}). However, the hue and cry has succeeded, as these gentlemen who were not present onstage for the murders are now in charge of presenting this information to the magistrate: the Fourth Gentleman responds 'so the cry comes', information spreading quickly thanks to communal participation in law

[266] Smith, *De Republica*, p. 107.
[267] See Sarah Lewis and Emma Whipday, 'Sounding Offstage Worlds: Experiencing Liminal Space and Time in *Macbeth* and *Othello*', *Shakespeare* 15:3 (2019), pp. 272-282, on how offstage sounds simultaneously create a sense of an 'offstage world' and remind audiences of the limits of the theatre's architecture.

enforcement (D1^{v}). The Knight is thus palpably reliant upon the community bringing him information to maintain the peace. 'So the cry comes' precedes the bringing of the Husband into the house, immediately after the hue and cry, the shouts audibly following the Husband from the tiring house, before his pursuers from the town catch him onstage. The shouts then seemingly follow into the next scene, the information travelling ahead of the men in charge of the capture. The quick shift in scenes thus emphasises the movement of information and justice made possible by the hue and cry, the play moving from capture to evidence-taking through two scenes involving the cry, and ending with the 'Master of the college and the rest, with the prisoner' entering into the space of justice, the Knight's parlour, visually underlining their participation (D1^{v}). The play thus enacts an extremely successful vision of participation in law enforcement, with the community preeminent in a murderer's capture.

The community's enthusiastic participation in justice stands in some contrast to the Justice himself. He is identified in the playtext as 'The Knight', drawing our attention to his social position as much as his office, and acknowledges that he 'knew' the husband (D2^{r}). This seems to hold the Knight back from performing his public role, saying 'take this sad voice from me;/ Never was act played more unnaturally'(D2^{r}). The discomfort felt by the Knight in playing his role as Justice is heightened by the double awareness of the actor beneath the character: the failing performance of justice by officers of the state is lent a metatheatrical force. It is therefore worth noting that the Knight seems so unwilling to take on his role as magistrate, owing to his personal relationship with the accused: he fails to properly perform the virtues that should be vital to a public official. Furthermore, the contemporary perception of magisterial negligence – seen in Dalton's prefatory material to *The Countrey Justice,* where he denigrates JPs for 'gr[o]w[ing] in neglect' – can be seen clearly in the depiction of the Justice.[268] The play's

[268] Dalton, *Countrey Justice*, sig. A3^{r}; see also *Reportes del Cases,* p. 101, 159.

version of the Justice differs on one very specific point from the source pamphlet. In the pamphlet, Sir John Savill is described as 'bewail[ing] his fate, yet being in the place of iustice, hee was inforced to aske him the cause that had made him so monstrous', but in the play, the Knight asks no questions of the Husband. He merely says

> Do not repeat it [the knowledge of the murders] twice: I know too much
> Would it had ne'er been thought on.
> Sir, I bleed for you,

leaving it to the Fourth Gentleman to ask 'what made you show such monstrous cruelty?' (D1^{v}). As such, the local magistrate actively disregards his duty as Justice — 'to heare and determine' — in favour of his own personal feelings towards the Husband. The play thus articulates the difference between the community and their magistrate in terms that flatter the locals, presenting them as ideal participants in the state as central government demanded. As such, *A Yorkshire Tragedy* seems, on the surface, to present a version of the participatory state that rebukes contemporary criticisms of under-reporting crimes.

'The preventing justice': affray, misprision, and the failure of community intervention

Despite the community's successful capture of murderers in both plays, reading both plays with an eye to both law and to their performance in the outdoor theatres raises problems for their positive depiction of the law enforcement process. In both plays, preventable crimes are left to occur, with tragic results. When viewed in this light, both plays suggest that the participatory structure of the state is insufficient, in part due to the privacy of information, and in part due to the failure of individuals to act in a public manner.

While Richardson argues that *Arden* represents a fleshed-out depiction of the relationship between the household and the community, the play actually shows a community failing to

intervene in sexual immorality.[269] Despite the continued mention of others making 'common table talk' of Mosby and Alice's affair the play notably lacks *any* attempts by the community to regulate their behaviour: very few neighbours approach the house at all, and none offer admonishment. Whipday notes that all the neighbours are male, arguing that this indicates Alice has been left out of the female whisper networks which were essential to defining credit in the local community.[270] While this may have been how audiences viewed the lack of female neighbours within the play, it is instead important to note the *lack* of onstage censure. The men that approach the house are all, except Franklin, inveigled into Alice's plot to murder her husband: the community has failed to intervene in this regulation of behaviour, and that Alice's disorders have spread outwards, from household into the town itself.[271] Arden's obsession with his wife's bad fame seems ill-founded: in a period where the state and community would, ideally, have been concerned to regulate behaviour, it is strange that there is no one onstage casting shame upon the adulterous pair. In their apparent retreat from society, it seems that Alice and Mosby have escaped scrutiny, able to plot Arden's murder in safety away from the community's watching eyes. This would have resonated with audiences' expected participation in communal moral regulation and the legal system.

It has already been shown that the burden of responsibility for law enforcement was shared between community and magistrate, with increasing pressures on both over the later Elizabethan and early Jacobean period. I suggest further that the increased burden of responsibility was particularly felt, by both magistrates and communities, with respect to the *prevention* of crime. The expectation of vigilance increasingly extended to preventing breaches

[269] Richardson, 'Tragedy, family and household', p. 21.
[270] Whipday, '"Marrow-Prying"', p. 100.
[271] Clarke is happy to paint the poisoned picture 'for you at any time', i.248; Greene easily agrees 'I'll pay him home', i.515; Mosby naturally is delighted to murder his rival; even Arden's servant, Michael, is inveigled into the plan, i.162-163.

of the peace, as part of the development of the concept of malice aforethought — *mens rea* — had become essential to the definition of murder: for a killing to be murder, rather than an accident in a 'chance medley', the slayer's intentions had to be proven.[272] In this vein, magistrates were exhorted to stop crimes before they could happen. Lambarde writes that JPs were enabled with 'meete authoritie to represse al intention of uproar and force', indicating the importance of uncovering secret motives in order to maintain the peace.[273] The developing importance of criminal *intent* was crucial to the increasing concern with *preventing* crime before it could happen: Bacon, significantly, highlights that constables were instituted 'for the conservation of the peace… and that as well by prevention as punishment'.[274] This was also connected to the development of the crime of misprision. Originally, misprision referred to simply failing to report a felony which one did not consent to, or helping to conceal it. However, over the second half of the sixteenth century, the definition of the crime widened to include knowledge of a crime being planned: Coke wrote that 'every treason or felony includeth in it a misprision of treason or felony'.[275] By 1618, this definition was secure: Dalton writes that 'misprision is properly, when one knoweth that another hath committed, or is *about* to commit, any Treason or Felony, but was not, or is not consenting therto, and will not discover the offendor, to the King or his councel, or to some Magistrate, but conceales the offence'.[276] It is crucial to notice the prevention of the transfer from hidden to open, from private to public, that the newer form of the crime of misprision entailed, and that the formalisation of this crime placed greater incentive upon ordinary people to report on others.

[272] See Cockburn, 'Patterns of Violence in English Society: Homicide in Kent 1560-1985', *PP* 130 (1991), pp. 70-106; Hindle, 'Bleeding Afreshe'? The Affray and Murder at Nantwich, 19 December 1572' in Angela McShane and Garthine Walker, eds, *The extraordinary and the everyday in early modern England: essays in celebration of the work of Bernard Capp* (London: 2010), pp. 224-245.
[273] Lambarde, *Eirenarcha*, p. 22.
[274] Bacon, *Cases*, p. 22.
[275] John Bellamy, *Strange, Inhuman Deaths: Murder in Tudor England* (Stroud: 2005), p. 23.
[276] Ibid., p. 24.

By identifying the audience with the community, *Arden* draws attention to a failure to intervene in what is a public matter. Alice is constantly aware of the risk of broadcasting one's plans to commit a crime in public, warning Mosby not to share their 'drifts', but seems happy to continually inveigle different people — Greene, Michael, Clarke — into the plot, apparently without care of their discovery. Mosby tells her

> I take it passing ill
> You would be so forgetful of our state
> To make recount of it to every groom.
> What! to acquaint each stranger with our drifts,
> Chiefly in case of murder! (i.575-579)

From the very beginning of the play, therefore, the conspiracy passes between characters all standing on the stage's public threshold. The attempts on Arden's life also occur in public places - Rainham Common, the crossing to the Isle of Sheppey, St Paul's Cross - but there are never witnesses. Indeed, the only time there is any real community presence onstage is at the very end of the play, suggesting that the community have only intervened after it is too late. Threats and attempts are made against Arden's life throughout the play, but no one from the community reports them.

The audience, meanwhile, have unfettered access to events in *Arden*. Alice comments that 'these my narrow prying neighbours blab, hinder our meetings when we would confer', the deictic 'these' pointing at the audience and including them in the knowledge of this sexual skullduggery (i.135-136). Moreover, by including them as her neighbours, Alice presents this audience as responsible for driving her affair inside, potentially rendering the audience culpable for the events that follow. The audience are identified with the community whose responsibility it would be to report and intervene in cases of affray and threatened murder. Their knowing, watchful silence resonates with the crime of misprision, as they come to stand for the community. This privileged access to events creates unease: the playwright frequently has his

characters refer to the weather or the darkness of the night in scenes that would have been well-lit owing to the outdoor stage. In scenes xi and xii, staged on the ferry crossing to the Isle of Sheppey, both Arden and the Ferryman, and Black Will and Shakebag, note how misty it is:

> Arden: Oh ferryman, where art thou?
>
> *Here enters the Ferryman.*
>
> Ferryman: Here, here! Go before to the boat, and I will follow you. (xi.1-2)

The scene thus emphasises the difficulty of seeing through this mist, before the Ferryman comments 'Fie, what a mist is here!'. The characters onstage presumably visibly perform their inability to see, thus emphasising the low visibility. The next scene begins as a parody of its predecessor:

> Shakebag: Oh Will, where art thou?
>
> Black Will: Here, Shakebag, almost in hell's mouth, where I cannot see my way for smoke. (xii.1-2)

The two murderers must stumble about onstage, before they fall afoul of the mist:

> Black Will: Come, let us go on like a couple of blind pilgrims.
>
> *Then Shakebag falls into a ditch.*
>
> Shakebag: Help, Will, help! I am almost drowned! (xii.18-19)

Though Shakebag and Black Will cannot kill Arden because they cannot see, the mist is invisible to the audience: the conditions of secrecy that also stop anyone from catching the two murderers are completely absent from the audience, making them increasingly aware of their privileged epistemological position. But they are necessarily unable to intervene in the play, despite a probable awareness of their expected role within the community. As such, the failure of the community is compounded by the presence of a silent, knowing audience, associating the community with misprision.

The audience's uneasy knowledge is manipulated to create a sense of helplessness. As more and more attempts are made upon Arden's life, the farcical failures of the murderers to successfully kill him draw the audience into enjoyment of the failure to prevent this crime. Holinshed's account of the various attempts to kill Arden are fairly bland: on Rainham Downs, Arden

> came at the place where blacke Will laie in wait for him, there overtooke him diverse gentlemen of his acquaintance, who kept him companie: so that blacke Will mist here also of his purpose,

while on the Isle of Sheppey Black Will 'mist the waie, and taried in a wrong place'.[277] However, the play transforms these moments into a zany, Coen Brothers romp. Hiding behind a stall in St Paul's Cross, Black Will and Shakebag lie ready to attack Arden, but are interrupted by an apprentice:

> Prentice: 'Tis very late; I were best shut up my stall, for here will be old filching when the press comes forth of Paul's.
>
> *Then lets he down his window, and it breaks Black Will's head.*
>
> Black Will: Zounds! Draw, Shakebag, draw! I am almost killed! (iii.46-48)

Instead of Arden being protected by 'so manie gentlemen that accompanied him to dinner', the 'paltry fray' resulting from the apprentice inadvertently bludgeoning Black Will occupies the would-be assassins.[278] Their continued incompetence escalates through the play, alternating with scenes in Faversham itself, contrasting Alice's own dedication to her plot with their constant bungling. After the incident with the bookstall in iii, in scene v Shakebag and Will attempt to enter Arden's London house:

> Shakebag: This is the door. [He tries it] — but soft, methinks 'tis shut.
>
> The villain Michael hath deceived us.

[277] Holinshed, *Chronicles*, Vol. 6, p. 1063.
[278] Ibid., p. 1063.

Black Will: Soft, let me see. Shakebag, 'tis shut indeed. (v.34-36)

Presumably Black Will elbows his colleague out of the way to have a go at opening the door, despite it being very clearly locked, then declaring, rather redundantly, ''tis shut indeed'. In ix, the conspirators boast to one another of their criminal prowess, each trying to outdo one another:

Black Will: I have took more purses in this Down
Than e'er thou handlest pistols in thy life.

Shakebag: Ay, haply thou has picked more in a throng;
But should I brag what booties I have took,
I think the overplus that's more than thine
Would mount to a greater sum of money
Than either thou or all thy kin are worth. (ix.12-18)

The two end up brawling; their posturing, already ridiculous given that they have so far managed to carry out precisely none of their plans, is further made laughable by Greene begging them to 'list to Aesop's talk' and stop fighting, for risk of missing Arden entirely. Shakebag tumbling into a ditch in scene xii compounds this: they are completely and utterly incapable of murdering Arden. The audience are thus encouraged to laugh at the bungling assassins, their incompetence becoming more and more ridiculous as every one of their attempts fail. The enjoyment of the play is thus entangled with the uneasy knowledge of the murder coming. The frenetic shifting between locations as more and more attempts are made on Arden's life creates a sense of desperation for the murderers but also for the audience who are unable to avert the course of events.

This is intensified by the play's manipulation of information. The audience are repeatedly told that Black Will and Shakebag are about to make yet another attempt on Arden's life, but not given the details. In scene vii, Shakebag tells Michael that they and Black Will will 'plot our purpose thoroughly' at the Salutation inn, removing the plot from audience scrutiny, and

placing them in the uncomfortable position of knowing something is going to happen, but not being sure of how (vii.25). Similarly, in scene x Michael remarks 'so, fair weather after you, for before you lies Black Will and Shakebag in the broom close', letting the audience know there will be another attempt, but giving them no idea of what will happen (x.43-44). This is intensified by the play's specificity of location, which ensures that the audience know exactly where each attempt upon Arden's life occurs. As such, the audience are put in a state of uneasy anticipation, where they have enough information to dread the crime, but not enough to know how it will happen. This creates an air of helplessness, drawing attention to the difficulties of needing to be vigilant over crime: the audience stand for the community and are bound to merely watch. The factual basis of the play further adds to this sense of helplessness. The Arden case was a famous one, having spawned a pamphlet and at least one ballad by the time of the play's first performance, and featuring in both Stow and Holinshed's chronicles of the history of England. The title-page, too, tells the story ahead of time: it announces that Arden was 'most wickedlye murdered', and offers the show of 'the shamefull end of all murderers'.[279] As such, the audience know that the murder cannot be averted, adding to the sense that murders cannot be prevented when left to the community: they can only be discovered after the fact.

A Yorkshire Tragedy also draws attention to a failure of prevention through its depiction of violence escalating. JPs were expected to prevent violence turning to 'injurious force', which Dalton refers to as the 'preventing justice'.[280] The prevention was not of the fight, but of the violence that could follow: while violence was ever-present in early modern England, a physical altercation escalating to a slaying was unacceptable.[281] In the early years of James' reign, the crown repeatedly instructed JPs on the need to be more vigilant, in response to threats

[279] Reprinted in White, ed., *Arden of Faversham*, p. 1.
[280] Lambarde, *Eirenarcha*, p. 6; Dalton, *Countrey Justice*, p. 7.
[281] Susan Amussen, '"Being Stirred to Much Unquietness": Violence and Domestic Violence in Early Modern England', *Journal of Women's History* 6:2 (1994), p. 75.

to public order. In February 1605/6, the Lord Chancellor told JPs in Star Chamber that

> yf they had looked to their offycers and execution of the lawes against wanderinge Rogues, theise wandringe preistes would have been mette withall, and this greate treason have bene prevented,

blaming the Gunpowder Plot upon the lack of vigilance. Two years later, in the wake of the Midlands Revolt, the Lord Chancellor told JPs

> it is the parte of a Justice of Peace to foresee and provide againste theise thinges, and not to use the last parte, which ys the worste and the hangman's parte, punishemente, but to withstande the beginninges.[282]

This emphasis on prevention was linked to the fear of escalation: the focus upon 'withstand[ing] the beginninges' reveals the anxiety of one form of disorder escalating into another, worse crime. Similarly, during a riot case in January 1608, the judges of Star Chamber commented that

> Theise small begynninges would be nypped in the budde, which, yf they were well looked into by the Justices of the peace, in time they woulde be stayed, or else they will growe in little time to the popular rebellyons of Northamptonshire.[283]

The problem of escalation was again hammered home in the June 1608 address to JPs, where JPs and 'all other officers' were ordered to 'look diligentlye to prevente in the begynning all assemblyes in riotous manner, as this last yeare the Levellers in Northampton and other shires'. The Crown, in the wake of Gunpowder Plot and Midlands Revolt, was increasingly pushing its magistrates to pay attention to the duty of *preventing* crime before it could happen, especially in cases where crimes could escalate to something much worse.

The responsibility of the 'preventing justice', moreover, was shared with non-officeholders. One of Lambarde's admonishments to a jury exemplified the rhetoric:

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[282] *Reportes del cases,* p. 263, 326.
[283] Ibid., p. 347.

> if you would discovere such as either do compound for money with thieves that have robbed them or that will not detect their names, then both should all men travel by the ways with less peril and this country of ours should not be everywhere so infamously reproached with robberies.[284]

The escalation of crime was therefore directly linked to a responsibility for prevention: as Dalton insisted, it was the responsibility of any private individual to intervene in an affray.[285] The desire to prevent violence from becoming fatal was also applied to violence within the household.[286] Domestic violence occupied a difficult legal and cultural space, viewed as unacceptable and shameful by preachers and domestic writers, but also lacking a definitive legal status that would allow it to be prosecutable: Fletcher argues that lower level domestic violence was probably common, as it rarely appears in legal records, and suggests that Puritan views against wife-beating were uncommon.[287] It was perfectly legal for a man to beat his wife, servants and children, as the expression of his patriarchal authority, and so no intervention would be expected from the community. However, in cases where household violence risked escalating to fatalities, things were much less clear-cut. As Gowing and Amussen have shown, women bringing cases for separation to the church courts would have to show that they were at risk of further, fatal violence.[288] Anne Gosling could only bring her case in 1600 *after* she was knocked out cold: her neighbours had been aware of her husband beating her, but only intervened when her life appeared to be in jeopardy.[289] Domestic violence was not a legal issue requiring communal intervention in itself, but when women were at risk of death the 'preventing justice' could come into play.[290]

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[284] Lambarde, *William Lambarde and Local Government*, p. 71.
[285] Dalton, *Countrey Justice*, p. 28; see also Amussen, '"Being Stirred"', p. 74.
[286] Amussen, '"Being Stirred"', pp. 70-89.
[287] Anthony Fletcher, *Gender, Sex and Subordination in England 1500-1800* (New Haven and London: 1995), p. 193-194; 198.
[288] Amussen, *An Ordered Society*, pp. 128-134, 166-168; Laura Gowing, *Domestic Dangers* (Oxford: 1996), pp. 206-211.
[289] Fletcher, *Gender*, p. 197; Amussen, *Ordered Society*, p. 129.
[290] Stretton suggests that inflicting violence was becoming less acceptable over the early modern period, though focusses more on the eighteenth century; Stretton, 'People and the Law', p. 209.

The fear of escalation is demonstrated through the staging of a threat to the Wife's person. While domestic violence was rarely portrayed onstage, the play includes two instances of the Husband kicking — 'spurning' — the Wife. These assaults are unusual and shocking for the early modern stage, but most significantly they are presented as the precursor to a further act of violence. The Husband kicks the Wife in a rage after she tells him she has procured him a prestigious position, before threatening: 'Money whore, money, or Ile-', before he is interrupted by the entry of a servant (B4^{r}). The servant's fearful reaction to the scene he has walked in upon prompts the Husband to demand 'what? May I not look upon my dagger?', indicating that the threat is an armed one, and a substantial escalation from the earlier spurns (B4^{r}). It is also only prevented by the entry of the Servant onstage: this is a moment of violence narrowly averted. The Husband's threat — 'speak, villain, or I will execute the point on thee' — indicates that the Husband has still not sheathed his dagger even after this interruption (B4^{r}). The staging of an armed threat is one reminiscent of the language used in court to prove a defendant or plaintiff's own intention to cause harm: in the Cave vs Ellerker case, witnesses were asked

> did you see the said complainant draw his dagger before any other in the house offered to draw or lay hand upon any weapons… And being drawn did you see him offer to strike or stab the said Ralfe Ellerker.[291]

The emphasis here is upon the action begun but not finished, the possibility of the dagger causing bodily injury before any provocation. The stage language of 'offering' to stab was common, and importantly was used to 'denote an action that is started but is then interrupted or otherwise not completed'.[292] This scene therefore calls upon both the legal and stage tradition of attempted violence, and stages the very real risk of this domestic violence escalating into 'injurious force'.

[291] TNA, STAC 5/C5/27.
[292] *DictSt*, p. 152.

Communal intervention in cases of domestic violence was expected. While neighbours might be unwilling to intervene until a definite threat was made, Fletcher notes that a beaten wife's best hope of support was to cultivate the sympathy of her community, and separation cases frequently relied upon the supportive testimonies of friends, servants and neighbours.[293] Longfellow, in her analysis of the abuse against Frances Kinnersley by her husband and mother-in-law, argues that intervention *was* expected from outside the home, given that all of the involved family members 'attempted to prevent his wife from broadcasting her plight'.[294] By presenting the very obvious risk of death to the Wife, the play foregrounds the community's failure to intervene. Despite the opening of the play mentioning the rumour that the husband beats his wife, and the staged openness of his abuse, there is no mention made of this during the attempts to regulate his behaviour: the men seem more interested in the fact that he calls his wife a strumpet and is wasting his fortune. Early in the play, the Husband expresses his *intention* to kill his wife onstage, declaring 'but thou shalt bleed' during scene ii (B3^{r}). This moment takes place on the open street, as indicated by the passage of the four Gentlemen: in front of a crowd loosely identified with the community surrounding the Calverley household, the play draws attention to the failure to prevent a crime which could have been predicted. As Fletcher notes, 'the threats of men who were apparently unstable and had a reputation for violence were likely to reach the ears of JPs if they talked of killing', but here the completely public threat has done nothing.[295] No attempt is made to involve the local magistrate, despite public knowledge of the threat to her life, nor does the Servant who witnesses the drawn knife

[293] Fletcher, *Gender*, p. 194; see Gowing, *Dangers*, p. 210, and *Gender Relations*, p. 127-128.
[294] Erica Longfellow, 'Public, Private and the Household in Early Seventeenth-Century', *Journal of British Studies* 45 (2006), p. 331; see also Gowing, *Gender Relations in Early Modern England*, (Marlow: 2012), pp. 34-37.
[295] Fletcher, *Gender*, p. 197; the Warwickshire bailiff John Fisher noted how one Richard "Donghill" Dongon had been brought to him 'upon the outcrye' of his neighbours about his violent conduct towards others; Fisher, and Kemp, ed., *The Book of John Fisher, Town Clerk ... of Warwick, 1580-88*, Transcr. and Ed. T. Kemp (Warwick, 1900), p. 11.

act in any way to involve law enforcement. Perhaps this is simply due to the characters' respect for the Husband's inviolable patriarchal authority, but with the Calverley case being a well-known story, an audience would be *very* aware of the fact that this is certainly a case of violence escalating. The play therefore indicates a failure to intervene not simply in domestic abuse, but in the threat of 'injurious force': both Servant and Gentlemen fail to behave publicly, with tragic effects.

The misprising household: the impossibility of regulating within the home

The failure of prevention is given even greater tragic force in *A Yorkshire Tragedy*'s presentation of the household's boundaries. Mariko Ichikawa writes that 'one major characteristic of the drama of the early modern period is the way it allows the imaginative truth of the fictional world to intersect with, even interpenetrate, a recognition of the wood, lath and plaster reality of the playhouse itself,' deftly drawing attention to the importance of where the playhouse and imagined household intersect with one another.[296] Crucially, the two murders and the attempted murder of the Wife, all occur within the household, while the Master is within close proximity onstage. While Richardson argues that 'there is seldom a sense in which exits are intended to seem productive of an offstage activity which bears upon what the audience see', the Husband's references to the specific locations within his house in scene iv suggest to an audience a *very* clear sense of inside and outside.[297] During scene iv, the Master of the College enters the house, as indicated by the welcome offered by the Husband and by the servant who enters to wait upon them. After this, the Master is invited to 'spend but a few minutes in a walk about my grounds below' (C1^{v}). It is possible that this 'below' could be referring literally to stage space, indicating that the Husband and Master are upstairs on the balcony, but the most notable stage direction is that the Master leaves

[296] Mariko Ichikawa, *The Shakespearean Stage Space* (Cambridge: 2013), p. 28.
[297] Richardson, *Domestic Life*, p. 186.

the stage before the Son enters. The exit the Master leaves through thus becomes identified with the exit from the house into the surrounding gardens. Given that the original Globe would likely only have had the exits into the *frons scenae* at the back of the stage, the tiring house becomes identified with the outside of the house, the *frons* a barrier between inside and outside. The Master is imagined as close to, but not quite inside, the household; the Husband is left inside (as defined against the garden 'below'). During the remainder of this scene, the Husband murders his son, and leaves the stage.

In the following scene, the action delves deeper into the Calverley household. A maid enters 'with a Child in her arms, the mother by her asleep' (C3^{r}). This kind of stage direction can mean a character enters and then goes to sleep onstage, or is 'discovered', perhaps in the 'discovery space'.[298] This suggests that the murder either occurs within the discovery space, next to whichever door the Master left by, or onstage near to the central doors. The sons are murdered, and their mother attacked onstage without the Master hearing of it, despite the cries of sons, Wife, Maid and Lusty Servant. This foregrounds the impermeability of the household: the thin wall between stage and tiring house becomes a barrier to knowledge, rendering the disorder private. Following this, the Husband speaks with the Master, who he encounters presumably as he moves from one location to another, either outside the house or inside it. In the pamphlet, this encounter happens as the Husband walks towards his stable, to reach his horse.[299] However, there is no reference to where the interaction is in the play, and their interaction thus indicates the proximity of the Master to the murders just done: his entrance occurs directly after the Husband leaves the stage, dramaturgy emphasising the house's ability to enclose crimes that happen incredibly close to a possible witness and intervention.

[298] *DictSt*, p. 203.
[299] *Two most unnaturall*, p. 15.

This raises the question of where the dead and wounded are left onstage. If the murder happens onstage, the encounter with the Master could happen onstage, but in a way that allows him to not see the bodies; the Master could enter in the discovery space; the Master could enter from one of the other doors onstage, but be prevented from entry by the Husband. Alternatively, if the murder were to occur in the discovery space, the doors could have been shut, meaning it would be perfectly believable for the Master to not have seen the bodies, or if they remained open, the conversation in scene vi could simply happen by one of the side doors. In this moment, the architecture of the playhouse, and subsequent proximity of bodies to the Master would test the suspension of disbelief of an audience. The Master is extremely close to the crime and the bodies, but does not see them or hear the shouts from the murder taking place, highlighting the privacy of this household; imagining his place in just a different room or the garden creates a sickening sense of how close the Master would have been to averting the crime. The association of tiring house and household is inverted, leaving the inside of the house open to view, heightening the sense of narrowly un-averted tragedy. It is thus only when the Master enters the stage with the spectacle of corpses that he discovers the murder that has been done. The household — even the mere wall between rooms — has become impermeable, even with the Husband's bad fame, allowing a double murder to take place. *A Yorkshire Tragedy* seems, thus, to suggest that the household is a place that can be private enough to allow murder.

Conclusion

Both plays engage with similar issues to *Knack*: the problem of detecting and revealing crime, and the contemporary fear that the system of law enforcement was not equipped to handle the strains of discontent and disorder. While both *Arden* and *Yorkshire* engage with the problematics of hidden crime and communal duty to report, they do so in a manner that focusses upon the household. Although historians have rightly argued that the household was a link

between domestic and political order, this chapter has shown the importance of examining the household as a key locus of *tension* between state and society: owing to the need for communities and their magistrates to keep a close eye on neighbours, the household was a major site where the burden of law enforcement could be felt. As such, examining these plays' presentation of the dynamics of community detection, reporting and capture of criminals offers a new insight into perceptions of the state at a time when great criticism was laid upon both magistrates and the locals they served.

Crucially, reading *Arden* and *Yorkshire* with detailed reference to the ways in which communities were expected to participate in the legal system offers a radically different view of these plays than heretofore argued. Superficially, they present a fantasy of communal law enforcement, but considering the Crown's increased expectations of intervention and prevention offers a different story. Tragedy derives from their depiction of a failure to intervene: their communities, while they condemn Alice Arden's infidelity and Walter Calverley's dissolution and domestic abuse, fail to involve themselves in any way, in stark contrast to existing informal and formal means of regulation. The dramaturgy of the plays in performance is central to this tragic effect: when staged in the outdoor theatres, these plays emphasise the visibility of both disordered households. Alice's plans to murder her husband are all the more plain when staged in such a manner, the audience continually aware of the death waiting at the end of the play for her husband, and thus all the more aware that no one has stepped in. *Yorkshire*'s visibility is even more upsetting, as it stages a physical threat to the Wife that risks escalating, and as its dramaturgy emphasises how close to discovery (and hence prevention) the slayings are. Both plays, therefore, articulate the insufficiency of the participatory state; *Yorkshire*, however, is far more pessimistic, both through its intensified tragic tone (in comparison to the black humour that ripples through *Arden*) with its reluctant

magistrate and the much plainer failure of the community. This may well suggest an increasing sense of pessimism about the legal system which had grown from the early 1590s into the first years of James' reign, while also responding to intensified calls for prevention from central government. Both plays are satisfying at the point of capturing criminals: however, read in the context of law enforcement, they illuminate a clear flaw in the participatory state.

3. 'My scene is London': jurisdictional space, stage space and the relationship between City and Crown in *A Warning for Fair Women* (1595) and *Edward IV Part I* (c. 1595-9)

Early modern English people often conceptualised jurisdiction spatially: Lambarde, for one, wrote that 'Sheriffes, Coroners, Hundreders, Burgesses, Serjeants, and Beadles, have their Courts within every their particular limits'.[300] While these limits can be thought of as a list of magisterial duties, most magistrates below the level of the Crown were assigned to a specific location. A magistrate's remit was spatially delimited, whether to one of London's wards for an alderman or watchman, or a whole county for a JP. The early modern state, then, can be imagined as a network of spaces over which individuals or groups of magistrates had authority and responsibility. This renders borders and thresholds between jurisdictions extremely significant: spaces of changeover — such as handing over the hue and cry between Hundreds, or coordinating an arrest across county boundaries — leave traces of *how* the state functioned. However, in many cases, jurisdictions were not clearly delineated, causing crossover and confusion for magistrates working in these murky thresholds. As such, by examining the crossover between jurisdictions, and the ways that these thresholds were managed and negotiated, one can understand the structure of the state in practice. This chapter, therefore, examines how the relationship between different state agencies was presented in two plays set in an area particularly given to jurisdictional confusion and conflict: London. Given the essential role spatial dynamics played in how Londoners experienced the state, paying attention to these London-set plays' use of space, and how they map real locations onto the architecture of the playhouse, offers a unique way of considering the much-discussed relationship between

[300] Lambarde, *Archeion*, p. 38. Descriptions of the hue and cry also draw attention to the spatiality of jurisdiction: pursuivants should run to the edge of their town before it became the responsibility of the next town; Smith, *De Republica Anglorum*, p. 107; Coke, *Third Parte of the Institutes*, p. 116. See also 'within the compasse of his iurisdiction', a formulation often used by Holinshed; *Chronicles*, Vol. 1., p. 140, 184, Vol. 6., p. 133, 139. A 'compass' could be a circumference, boundary, or circumscribed area; "compass, n.1, adj., and adv.", *OED Online* (OUP) [accessed 30th September 2021].

City and Crown. Crucially, this chapter explores this question through practice-as-research, which offers an invaluable way to reconstruct how jurisdictional space is created onstage.

Both plays feature City government in relation to the Crown. The anonymous *A Warning for Fair Women* dramatises the cooperation of City, Crown and county in law enforcement. It retells a notorious 1573 murder, drawn largely from the homiletic pamphlet *A Briefe Discourse* by Arthur Golding.[301] The play opens with George Browne, an Irishman, meeting the merchant George Saunders, and Saunders' wife Anne in the City of London. Browne falls in love with Anne and resolves to murder Saunders, with accomplices Anne Drury and 'Trusty' Roger. After two failed attempts, Browne follows Saunders to Greenwich, and murders him and his companion, John Beane, at Shooter's Hill. Browne then flees to the Court, then back to the City. At this point, the Lords of the Council enter the play, hearing of the murder, and subsequently organise the efforts to catch Browne in London and then Rochester. Browne is interrogated by the Lords, before he is brought to trial. Anne and the two accomplices are tried at the same location, before the Lords of the Council, Mayor of London and Sheriffs. The play then stages Browne's execution and Anne's repentance. The play was first performed in 1595, probably at the Theatre, and printed in 1599.[302] The first half of *1 Edward IV*, meanwhile, focusses upon the City government's defence of London against the 1471 Falconbridge rebellion, where Thomas Neville's army attempted to put Henry VI back on the throne. The play dramatises the civic authorities' mobilisation of apprentices and citizens to defend the City, and the bulk of the action takes place within sight of the City's walls. The second half of part I centres on Edward and his un-kingly capers with Hobs the Tanner of Tamworth, before

[301] A.G., *A Briefe Discourse*, printed in Charles D. Cannon, ed., *A Warning for Fair Women* (The Hague: 1975), pp. 216-230. The story also features in Stow's *Annals*, Holinshed's *Chronicles*, Lodge's *Wits Misery* and Heywood's *Troia Britannica*; see Marissa Greenberg, *Metropolitan Tragedy: Genre, Justice, and the City in Early Modern England* (Toronto: 2015), p. 25.
[302] Roslyn Knutson, 'The Repertory of the Chamberlain's Men 1594-95, With Observations on its Commercial Value', *Explorations in Renaissance Culture* 8 (1982), p. 82.

turning to Edward's seduction of Jane Shore, honest wife of the citizen Matthew Shore, who plays a key part in the City's defence. *1 Edward IV* was performed at the Boar's Head theatre, and repeatedly revived for at least ten years after its premiere in the late 1590s; it originally belonged to Derby's Men.[303] It was published anonymously in 1599, but is attributed to Heywood.

London's government has received great attention in the last fifty years, with particular interest in the relationship between City and Crown, as well as to the nature of civic government within the City's bounds.[304] Ian Archer, in particular, has argued that the suburbs of the ever-growing metropolis caused problems for both City and Crown: the City's jurisdiction did not spread fully into these suburbs, whose government was often only coordinated by the Privy Council.[305] Literary critics have also explored the relationship between metropolis and crown, and much has been done on the way the extramural theatres came under fire from civic, crown and suburban authorities.[306] Literary critics, meanwhile, have often focussed on how drama related to and mapped the urban space.[307] Both *Warning* and *1 Edward VI* have featured in a spate of articles about mapping place onto the early modern stage.[308] Otherwise, *Warning* has largely been ignored by critics, despite its detailed depiction of magistrates and cross-jurisdictional coordination.[309] *1 Edward IV* has more often featured in New Historicist readings of the

[303] Richard Rowland, 'Introduction', in Heywood, *The First and Second Parts of King Edward IV*, ed. Rowland, (Manchester: 2009), p. 1.
[304] Ian Archer, *The Pursuit of Stability: Social Relations in Early Modern London* (Cambridge: 1991); Steve Rappaport, *Worlds Within Worlds: structures of life in sixteenth-century London* (Cambridge: 1989); Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England* (Cambridge: 2005).
[305] Archer, 'Government in Early Modern London: The Challenge of the Suburbs', *Proceedings of the British Academy* 107 (2001), pp. 133-147.
[306] Cf. Janette Dillon, *Theatre, Court and City, 1595-1610: Drama and Social Space in London* (Cambridge: 2000); Stephen Mullaney, *The Place of the Stage: License, Play, and Power in Renaissance England* (Chicago, London: 1988).
[307] Jean Howard, *Theater of a City: The Places of London Comedy, 1598-1642* (Philadelphia: 2007)
[308] Rebecca Tomlin, "I trac'd him too and fro': Walking the Neighbourhood on the Early Modern Stage', *Early Theatre* 19.2 (2016) pp. 197-208; Tomlin, 'Aldgate in Thomas Heywood's *Edward IV*', *TLJ* (2019), pp. 1-17; Preedy, 'Breaches in a Battered Wall'.
[309] The nearest is Marissa Greenberg's *Metropolitan Tragedy*, which examines justice and topography in several

relationship between monarch and polity, and metropolis and crown.[310] While critics have noted the significance of the play's jurisdictional location, they have not extended this analysis into any consideration of the relations of different state agencies in London.[311] Moreover, despite Archer showing how tensions between City and Crown magistrates escalated during the 1590s, critics have failed to relate either play to this context.[312]

This chapter unites the spatial and political through considering how jurisdictional space is created, challenged and problematised in these plays. It considers that 'London is a city imagined as experienced, imagined in mental maps that helped people to get from one place to another'.[313] I examine how these plays imagine their own maps of London, to consider how they depict jurisdictions relating to one another, and what the resulting jurisdictional map might indicate about the City's relation to the Crown, during the strained 1590s. As Dillon has shown, London-set drama often played with distinctions between within and without the City, sometimes conjuring clear borderlines that did not always exist, and sometimes blurring the jurisdictional divides that were experienced by inhabitants of City and suburbs, though she does not connect this to the state.[314] While Howard argues that London-set comedy 'imaginatively transformed urban places into settings for specific kinds of social interaction', this chapter draws attention to how urban places were transformed into settings for politically charged *jurisdictional* interaction, examining the ways that dramaturgy and urban topography

plays, including *Warning*, but without considering the state.
[310] Jesse M. Lander, '"Faith in me unto this Commonwealth': Edward IV and the Civic Nation', *Renaissance Drama* 27 (1996), pp. 47-78; Nora Corrigan, 'The Merry Tanner, the Mayor's Feast, and the King's Mistress: Thomas Heywood's 1 "Edward IV" and the Ballad Tradition', *MERD* 22 (2009), pp. 27-41.
[311] See Tomlin, 'Aldgate'.
[312] Archer, 'Rhetorics of Municipal Incorporation. The Dialogue Between City and Crown in Elizabethan London', in Antoine Roullet, Olivier Spina, and Nathalie Szczech, eds, *Trouver Sa Place. Individus et Communautés Dans L'Europe Moderne* (Madrid: 2011), pp. 153-167.
[313] Paul Griffiths, *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1660* (Cambridge: 2008), p. xiii.
[314] Dillon, *Theatre, Court and City*, pp. 1-19.

coincide, through practice-as-research.[315] *Warning* responds to the increased jurisdictional difficulties of the 1590s, presenting an idealised version of the state as a seamless network of agencies run by the Crown. The play's dramaturgy blurs jurisdictional boundaries, which *allows* the Crown to easily coordinate magistrates from London to Kent. However, in its centring of London, and its muddled justice scenes, the play responds to another facet of the 1590s: in emphasising London's role in the narrative, the play suggests the pre-eminence of the City to the state, in rebuke to increased pressure from the Crown upon the City's own jurisdiction. Through questioning and manifesting boundaries, *1 Edward IV* presents a view of the relation of the City's government to the rest of the early modern English state, where the city is a sovereign unit, *independent* of the Crown. In performance, *1EIV* asserts a clean dividing line between the City and its environs, one that did not exist in reality: its dramaturgy presents the suburbs of the City as both under civic jurisdiction, and easily defended by their own forces. By altering the historical record to present a jurisdictional unit that needs no outside help, and successfully resists all invasion, the play presents both a positive view of the civic government, and a strong reproach to the intervention of the Crown in the City during the 1590s. Furthermore, this chapter departs from previous literary studies of the play which have focussed upon the person of Edward, arguing that the play responds to the relationship between the Crown and City in a different way: with its depiction of the city's defence by its governors and citizens. The vision of the state articulated in this play is staunchly civic, trumpeting the independence of the city from other state agencies, but the dependence of the Crown upon the City.

'In and aboute the Citie': jurisdictional problems in 1590s London and its suburbs

By the 1590s, London sprawled across several jurisdictions, resulting in a suburban penumbra

[315] Howard, *Theater*, p. 3.

that posed difficulties for both civic and county magistrates. The City, whose jurisdiction stretched beyond the walls in six wards, held tightly to its independence from the Crown: while the City's charter presented its authority as a gift from the Crown, it was generally accepted that its governors had the right to govern the City unimpeded, and that its courts stood separate from the system of assizes.[316] Jurisdictional problems could cause real tension: in under-incorporated Southwark, a feltmakers' riot of 1592 began with a jurisdictional disagreement between residents and the Knight Marshall's men, while the City government wrote to the Privy Council in 1590 pointedly asking why the Lord Admiral had encroached upon 'ancient Charter and prescreiption [which] hath en pertained to the jurisdiction of the Lord Maior of this Citie'.[317] 'London' and 'the City', therefore, were not the same: as such, I will refer to the settlement that included the growing suburbs as 'London', and the smaller jurisdiction of the civic authorities as 'the City'. While the jurisdiction of the City was theoretically circumscribed, the spread of buildings along the roads from the City's gates presented issues: while arguably still London, these areas were technically in the county of Middlesex. Archer has noted how London's suburbs were a problem for both City and Crown authorities, arguing that 'if anyone had a 'metropolitan' vision in the later sixteenth and early seventeenth century it was the Crown', suggesting that the government of the suburbs was often only coordinated by the Privy Council.[318]

This, I argue, created a spatially difficult threshold around the City's edges. In 1591, the Privy Council stated that

[316] John Stow, *Survey of London* (Vol. I), ed. Kingsford (Oxford: 1908), pp. 119-120. London was 'uneasily placed between dependency on the monarchy and a profound sense of its own autonomy'; Archer, 'Rhetorics of Municipal Incorporation' [read as word document from author during COVID-19; page numbers incorrect], p. 4. See also the Lord Mayor's oath; BL Sloane MS 2177, fol. 2. Dillon notes how civic pageantry and Londoners, both governors and citizens, strongly asserted distinctions; Dillon, *Theatre, Court and City*, p. 11.
[317] LMA, Remembrancia Book 1, items 569, 571, 579; BL Lansdowne 71/17; see also 71/15.
[318] Archer, 'Government in Early Modern London', p. 136.

> the Quenes Majestie beinge informed of sondrie greate disorders committed in and about the Citie of London… and chiefely for lack of due Direction in time of such manifest offenders, by the officers of hir Citie and others in the places rownde and abowt hir Citie… doth most streightlie charge all hir officers both in the Citie and in places neare to the Citie in the Counties of Middlesex, Kent, Sussex and Essex that have authoritie to preserve the peace.[319]

The string of relational propositions — 'in and about', 'rownde and abowt', 'in the Citie and in places neare to the Citie' — is descriptive but not prescriptive, connoting proximity, but not definitively stating limits. The notion of 'in and about the Citie' draws a distinction between the City and the surrounding counties, but one that is fundamentally blurred: the orders are specifically given to both magistrates 'within' the City and those 'neare' to it.[320] The spreading suburban penumbra inherently led to overlapping jurisdictions: certain Aldermen, the Mayor, and Recorder were 'Justices of the Peace for the County of the City of London and the suburbs thereof, in as ample a manner as any other Justices of the Peace in other counties of the realm', the suburbs' murky definition making this far from a hard and fast demarcation.[321] The suburbs thus led to further magisterial difficulties: Paul Griffiths has noted that arranging which magistrates from City and Middlesex would man the watches on the threshold could prove problematic.[322]

Cooperation over this tricky threshold was thus vital. Shared personnel could reduce friction: 'overlapping authorities do not necessarily give rise to conflict if the different jurisdictions are staffed by the same people'.[323] In other cases, coordination between different personnel could

[319] BL, Lansdowne 66/92.
[320] See also BL Lansdowne 160/64.
[321] David Hughson, *An Epitome of the Privileges of London, including Southwark* (London: 1816), p. 48.
[322] Griffiths, *Lost Londons*, p. 352; see also Norman G. Brett-James, *The Growth of Stuart London* (London: 1935), p. 21.
[323] Archer, 'The Government of London, 1500-1650', *TLJ* 26:1 (2001), p. 26; see BL Lansdowne 78/39 and 53.

work very well. William Fleetwood, Recorder of London from 1571-1591, assured William Cecil in 1571 that thieves who had robbed his estate would be caught, telling him that 'if they come near this citie, I am sure to have them'.[324] His assurance suggests his belief that, even in the blurred area 'near' the City, officers of varying jurisdictions could work successfully together. However, in many cases the Crown would need to step in to coordinate between suburban and City authorities.[325] In September 1595, Lord Mayor Spencer wrote to the Privy Council, 'beseeching you to direct your letters to the Justice of peace of the County of Surrey next residing to the said Borrough' for help with illicit buildings in Southwark.[326] Clearly, the growth of London beyond the City's wards necessitated coordination across jurisdictional boundaries; moreover, the reference to the JP in Surrey that was 'next residing to the said Borrough' once again highlights both proximity, and the lack of a definite boundary. The managing of extramural areas would have been visibly the work of magistrates of multiple jurisdictions, rendering Londoners familiar with seeing the coordination of personnel.

The relationship between City and Crown became fraught during the dearth-and-disorder-ridden 1590s, drawing attention to jurisdictional issues in London's suburbs. Food shortages and vagabonds were particularly felt in this area: Stow records that in 1595, food shortages were such that 'some prentices and other young people about the citie of London, being pinched of their victuals' had started stealing food.[327] 'About' emphasises both proximity and approximation: the apprentices causing trouble are near to the City, but where remains unclear. The Privy Council also saw disorder lurking in this area: in February 1592, the Privy Council wrote to 'such as ar [sic] appointed to examine the souldiers within and about the cittie of

[324] Thomas Wright, ed., *Queen Elizabeth and her Times: a series of original letters selected from the inedited private correspondence of the Lord Treasurer Burghley*, vol. 2 (London: 1838), p. 70.
[325] Archer, 'Government', p. 22.
[326] LMA Remembrancia II, item 102.
[327] Stow, *Annals up to 1600* (London: 1600), p. 1279.

London', ordering them

> to cause all such souldiers as are about the Cittie of London to be brought before you at some convenient place and certaine tyme, to the which purpose they shall have the assistance of the Maiour, Justices and Conestables.[328]

Here, again, we see the troubling threshold around the City: 'within' and 'about' attempts to establish an unambiguous opposition between inside and outside, but 'about' emphasises approximation. In July 1596, the Privy Council wrote to Middlesex's JPs, criticising them for discontinuing the Provost Marshalls' rides through the area, highlighting that while the 'care and payne of the Provostes Marshalles in the cytty have been greate in ryddinge the same of a nomber of lewd and badde people', the negligence of the Middlesex officials had led to a number of undesirables lurking in the fields 'about the citie'.[329] London's Provost Marshals were pushing rogues out of the City, but the *suburbs* were not being adequately policed, leaving a disorderly fringe about the City. This area was a visible site of governmental difficulty as coordination between jurisdictions increased.

Furthermore, over the mid-1590s the Crown's presence was felt far more strongly *within* the City's limits than before.[330] Archer has shown tensions between these two state agencies at the yearly Exchequer presentments of the Mayor, but examining these events with an eye to jurisdiction exposes Crown pressure within the City.[331] In 1593 the Lord Keeper informed the Mayor, Aldermen and Recorder that 'touching your discourse of lawes she [the queen] approveth them true, requiring at your handes due administration, within your liberties'.[332] This statement both reminds the City of the limits of their jurisdiction – 'within your liberties' – while again pushing upon the City's jurisdiction, insisting that the laws be carried out *because*

[328] *APC* XXII, p. 295.
[329] *APC* XXV, p. 23; see also XXV, p. 487, and XXIX, p. 128.
[330] LMA Remembrancia II, item 17; Historical Manuscripts Commission, *Hatfield House* V (London: 1894), p. 250; BL Harley 6849 fol. 325-328; Manningham, *Diary*, p. 73.
[331] Archer, 'Rhetorics', p. 8.
[332] Wilbraham, 'Diary', p. 5.

the Queen said so. In emphasising the expectation that order be kept within the City, the Crown was nudging against the capital's special liberties. Throughout the 1590s, the Privy Council put pressure upon the civic authorities to ensure greater order in the City, often critiquing the incumbent official for his perceived 'slackness' or lack of 'care or discretion'.[333] The provost marshal's appointment represented yet more crown incursion: during 1595, the crown official rode daily through the City with armed troops, apprehending rogues and other persons that had not been sufficiently handled by the City's authorities.[334] The exercise of government and justice in and around the City was becoming increasingly tense, the Crown's presence felt clearly within the City's bounds, while London's blurred fringes displayed jurisdictional difficulty for all to see.

Stage space and jurisdictional space

The interactions of different state agencies in London were experienced spatially: as such, it is important to investigate how *Warning* depicts space if we are to examine how it presents the state. As discussed in the previous chapter, the early modern theatre functioned through imagined and real spaces coinciding on the stage.[335] In a play that takes place over major jurisdictional boundaries it is therefore productive to consider how the boundaries of the theatre — its external walls and *frons scenae* — do or do not stand for boundaries. It is also important to consider how entrances and exits define space, by considering the spatial relationship between imagined offstage world and that onstage.

In June 2019, I carried out three practice-as-research workshops to examine how an audience might map the known spaces and places of London and its environs onto theatre space and

[333] *APC* XXVI, p. 481 and XXVII, p. 298; BL Lansdowne, 81/28; LMA Remembrancia II, items 97, 98, 110; BL Harley 6849 fol. 325-328.
[334] Stow, *Annals*, p. 1281.
[335] Cf. Ichikawa, *Shakespearean Stage Space*, p. 28.

performed action onstage. Imitating Emma Whipday and Freya Cox Jensen's workshop on "The Tragedy of Merry", where practice-as-research was used to explore the dynamics between household and neighbourhood onstage, the workshop blended recognisability and original theatre conditions.[336] The first two workshops were rehearsals, and the final took place at The Oxford Centre for Research in the Humanities, with a small audience. Both actors and audiences were briefed at the beginning of the workshops with information that an ordinary Londoner would have known: the general size of the metropolis, the different jurisdictions and their officers, and the specific locations mentioned in the play. To further recreate the familiarity of London and its magistrates for early modern audiences, every official had their title pinned to their shirt, and each audience member had a map to refer to during the performance. As part of creating a representative version of the play, early modern rehearsal and playing conditions were reproduced as far as possible. The stage space was small, but mimicked the basic layout of a rectilinear outdoor stage (Fig. 1), and the audience 'like their own early modern counterparts, watched "actors dressed like themselves"'.[337] Much as in the early modern theatre, actors were only given their part, and with the exception of 'John Beane/Sheriff of London', none had read the play in its entirety. Again, in keeping with early modern theatrical practice, I did not direct scenes, but merely offered clarification on what lines might mean, and resolution on difficulties with stage directions.[338]

[336] Whipday and Jensen, '"Original Practices"'.
[337] Ibid., pp. 292.
[338] For more on parts and rehearsal, see Stern and Palfrey, *Shakespeare in Parts*.

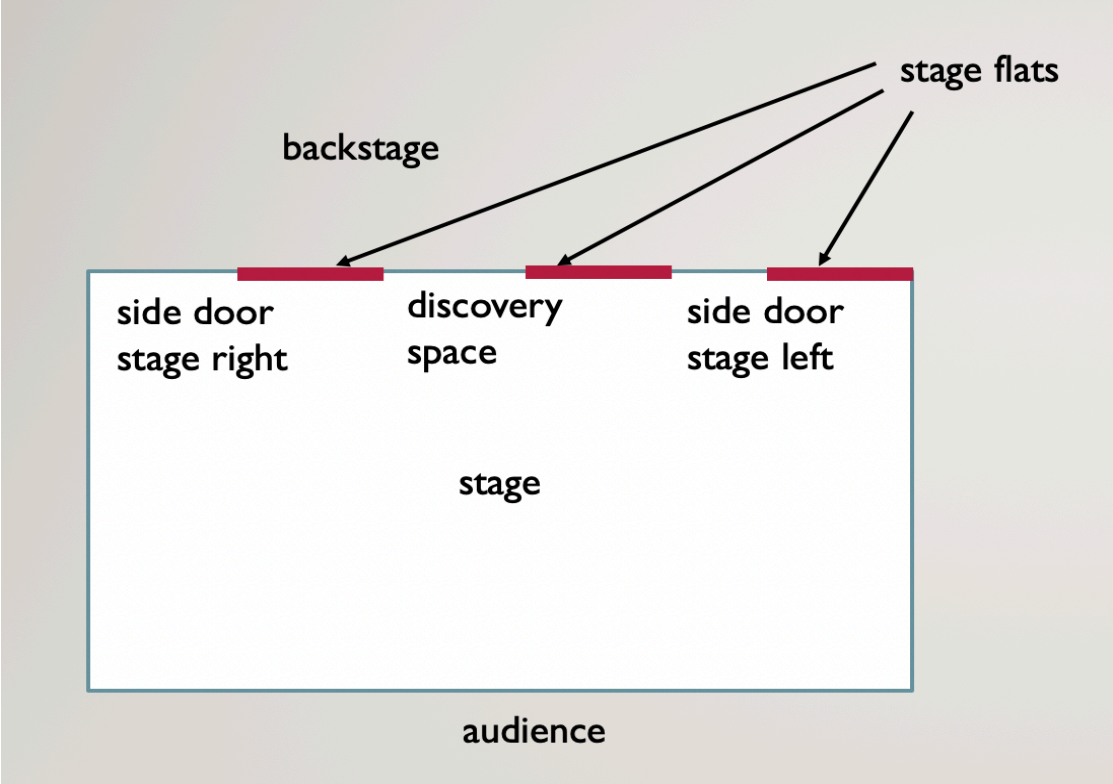


Figure 1. Layout of the workshop stage.

The workshops offered the opportunity to see how the play in performance stages London's known spaces, and the relations between different state agencies. By using cue scripts and no direction, actors' performances and blocking were directed by the information only in their part, and in responding to other characters onstage. Entrances and exits were therefore guided by the content of scenes: when characters were clearly entering from different locations, they would enter from different doors. Characters 'meeting' onstage would enter from different doors, their point of meeting largely decided by the actors, but in line with early modern conventions.[339] Characters moving in and out of the same location, such as a house, required continuity of entrances. As such, the workshops provided a version of the play in performance that was plausibly like its original staging. Being able to see how characters moved onstage, and how both audience and actors related the stage space to the map of early modern London,

[339] Cf. Walter C. Hodges, *Enter the Whole Army: A Pictorial Study of Shakespearean Staging 1576-1616* (Cambridge: 1999).

provided invaluable insights into how the boundaries between jurisdictions are elided by the play's dramaturgy in performance. The workshops drew particular attention to the relationship between onstage and offstage world, and how audiences perceived real space mapped onto the offstage area. Discussions with the actors and audience, moreover, revealed how they experienced the play's emphasis on location and travel through its performance, not simply reading the text as I had. The lessons taken from the *Warning* workshops derived from taking the text into rehearsal as it would have been originally, and from presenting it to an audience with analogous knowledge, if not experience, of the city in which it is set.

'My scene is London': translating Greenwich murder into a London story

Warning takes its audiences on a series of journeys. It traverses the City of London, to the Court at Greenwich, back to the City, and onto Westminster, thus crossing between City, Crown, and county. However, while the murder takes place in Kent, the play's narrative foregrounds London itself. The play's metatheatrical opening draws attention to the real city surrounding the playhouse. The personifications of Tragedy, Comedy and History meet onstage, the latter two complaining that Tragedy's presence will give poor entertainment on the stage: 'Roome, roome, for God's sake, let us stand away, / Oh we shall have some doughtie stuffe today' (11-12). Their debate constantly highlights their location *inside* the playhouse: Tragedy, whipping Comedy and History off the stage, declares 'T'is you have kept the Theatres so long, / Painted in play-bills, upon every poast, / That I am scorned of the multitude' (74-76). After successfully clearing the stage, Tragedy claims the theatre as her own, crowing that 'all this faire circuite is left to me', demanding the audience's attention through referring to their real place in the theatre (92). Her declaration that 'my scene is London, native and your owne' then flips the real city into the space of the stage, the assertion of its familiarity emphasizing that this 'subject too well knowne' – the story of the Saunders murder – is a London story (95-96). The span of the city is contained within the theatre's walls.

The real location of the Theatre outside the City's walls would have intensified this effect. Some critics have seen the playhouses as marginal, subversive spaces, lying in the unregulated and ungoverned suburbs.[340] However, instead of reading their position outside the walls as inherently marginal, it is constructive to think of them as existing within the troubled threshold between City and county. The Theatre, on Curtain Road beyond Bishopsgate, lay in an area of growth outside the walls filled with 'small and base tenements, for the most part lately erected'.[341] The unchecked sprawl beyond Bishopsgate caused specific jurisdictional issues: while Bishopsgate Ward stretched up east of Bishopsgate Street up to the liberty of Norton Folgate, on the west side lay Shoreditch, under Middlesex's jurisdiction.[342] It is striking that the metatheatrical induction instead locates the real Theatre *within* London: the self-conscious identification of the play's space within the suburban playhouse elides the distinction between inside and outside the City, resulting instead in a blurred threshold which stretches from inside the City walls all the way to Curtain Road. The fact that many playgoers would likely have come from inside the City proper to watch the play emphasises this slippage: in leaving the walls, they have entered another space identified as London.

The play's deviation from source text centres London at the heart of the story. The pamphlet begins with Saunders' murder, with a few brief pages of providentialist homiletic material on the inevitable revealing of crime. The pamphlet does little, therefore, to locate itself specifically in London, other than identifying Saunders as a city merchant. The play, however, delves into Browne's motivations, opening with his first meeting the Saunderses, and depicts him planning the murder, with the help of accomplices Ann Drury and her servant Roger. The first third of the play thus fleshes out Golding's narrative with a clear sense of location. When Roger

[340] Mullaney, *Place*.
[341] Stow, *Survey*, II, p. 74.
[342] Ibid., p. 73.

recounts his day following Saunders, he locates the uncertain space of the Saunders home in relation to known places:

> I watcht at Sanders doore til he came forth,
> Then followed him to Cornhil, where he staied,
> An hower talking in a marchants warehouse,
> From thence he went directly to the Burse
> And there he walkt another hower at least,
> And I at s heeles. By this it strooke eleven. (1122-1127)

Roger's imagined path walks past recognisable landmarks, the specific timings attached to each location intensifying the sense of mapping London, by conjuring up the familiar distances between Thames Street, Cornhill, and Burse. In the workshop, the actress playing Roger entered out of breath, realising that her lines reflected having dogged Saunders' footsteps for the entire day. This once again brought the city within the extramural theatre: it seemed as if she had just run off the street, her entrance through the *frons scenae* placing the City behind it. This is also seen as Browne references how Saunders will travel to Greenwich: 'if he should land at Billingsgate, / Yet are we still betwixt his house and him' (1167-1168). The attempt to murder Saunders is thus placed on a mental map of London, tying Browne's crimes to the city's streets and waterways. Instead of beginning with the murder in Greenwich, the play makes London's topography central to the plot. In so doing, it emphasises the importance of London to the crime and prosecution that follows.

The play's constant deictic pointing to locations was more pronounced onstage. Cox Jensen and Whipday note that their actors 'were always able to situate themselves in terms of the imagined spaces of the home and neighbourhood'.[343] The actors in my workshops also felt a strong sense of location, commenting throughout rehearsals on how specific their fictive location was: the actors playing Browne and Beane/Sheriff particularly noted their characters'

[343] Cox Jensen and Whipday, '"Original"', p. 295.

references to locations such as Shooter's Hill, Smithfield and Newgate. The play thus highlights its own relation to the real locations of London and its environs: all locations are drawn into the 'scene' that Tragedy has declared as the audience's own, London.

The play's dramaturgy collapses the boundaries between London and Kent. The play moves in and out of London, offstage motion — often drawn attention to by characters or Tragedy in the dumbshows — transposing the action across jurisdictional boundaries. When Roger recounts his day following Saunders, his route takes the audience in and out of the City on a familiar route:

> [I] followed him to Lion key, sawe him take boate,
> And in a paire of Oares, as soon as he
> Landed at Greenewitch, where ever since,
> I traced him too and fro, with no lesse care
> Than I had done before, til at the last
> I heard him cal unto a water man,
> And bade he shoulde be ready, for by sixe
> He meant to be at London backe againe. (1135-1142)

This part of the journey is constructed as part of Roger's almost-chorographic account of his footsteps, containing the location within the imagined London he has conveyed in such detail. Furthermore, Roger's compression of his time following Saunders in Greenwich — merely informing that he 'traced him too and fro' between his arrival and his calling for a waterman to depart — helps further to contain the location: there is no sense of distance in Greenwich. The distance between London and Greenwich is also closed by *Warning*'s characteristic quick scene changes, which are indicated largely by characters' exits and entrances. In scene xii, as the Lords of the Council gather information about the murder, the play is in Greenwich, but fifty-five lines later the action skips back to the Saunders' neighbourhood within the City. These quick scenes elide the distance between London and Kent, the open stage aiding the blurring of locations. While the length of the journey to Greenwich depended on the tides, the extra-metropolitan area is contained by the play's dramaturgy, drawing it closer to the imagined

space of London.

The play's three dumbshows also metatheatrically confine Greenwich within the sphere of London. In Dumbshow II, Tragedy instructs the audience to 'suppose him [Saunders] on the water now for Woolwich'. (1249) The journey down the Thames is contained by Tragedy herself, her metatheatrical address informing the audience of the action that is happening in the 'real' events of the play. The entire three-mile journey is thus confined within the space of the stage itself, in an atemporal moment that lasts only as long as Tragedy is speaking. The depiction of the journeys to Greenwich from the quays at Billingsgate and London Bridge naturally take place offstage, but the quick transitions of scenes — flashing between London and Greenwich and back again — tie together the two locations, holding them together as unitary space. Michel de Certeau writes that 'the walker constitutes, in relation to his position, both a near and a far, a *here* and a *there*'.[344] In walking the action in and out of London, the play creates a "here" and a "there" — an inside and an outside — that are closer together, tightened by the stage space through which they are represented. The play turns a Greenwich murder into a story specifically about moving inside and outside of an extremely recognisable London, where the capital is as significant a location as any other.

'Command the sheriffes make wide and speedy search': efficient coordination

In scenes xii to xv, the Council efficiently manage the response to the crime, collapsing jurisdictional boundaries. Firstly, these crown magistrates are presented easily obtaining information through a network of cross-jurisdictional messengers. In xii, the news of the murder reaches Court. The stage directions read 'Enter three Lords, Maister James, and two Messengers, with their boxes, one Lord reading a letter' (1671-1673). The murder is very

[344] Michel de Certeau, 'Walking in the City', in *The Practice of Everyday Life*, translated Steven Rendall (Oakland, California: 1988) p. 99.

recently done, but has already been reported to the Council:

> Tenne wounds at least, and deadly ev'ry wound,
> And yet he lives, and tels markes of the man,
> Ev'n at the edge of Shooters hill, so neare? (1680-1682)

Entering with the letter in hand suggests that the Lord was only just handed this fresh news offstage. This is intensified by the entry of the Fourth Lord: he tells his colleagues

> Tis noysd at London, that a marchants slain,
> One maister Sanders dwelling neere Tames streete,
> And that George Browne, a man whom we al know,
> Is vehemently suspected for the fact.' (1693-1696)

The letter and the testimony of the Fourth Lord thus come together to create a full picture of the crime, where details of the victim, location and perpetrator are woven together by the Lords' conversation. In the workshop, when the Fourth Lord entered, the actor chose to enter from a different entrance, as his delayed entrance and lines suggest he has come from a different direction to the other Lords. The meeting onstage thus emphasised their ability to marshal information:

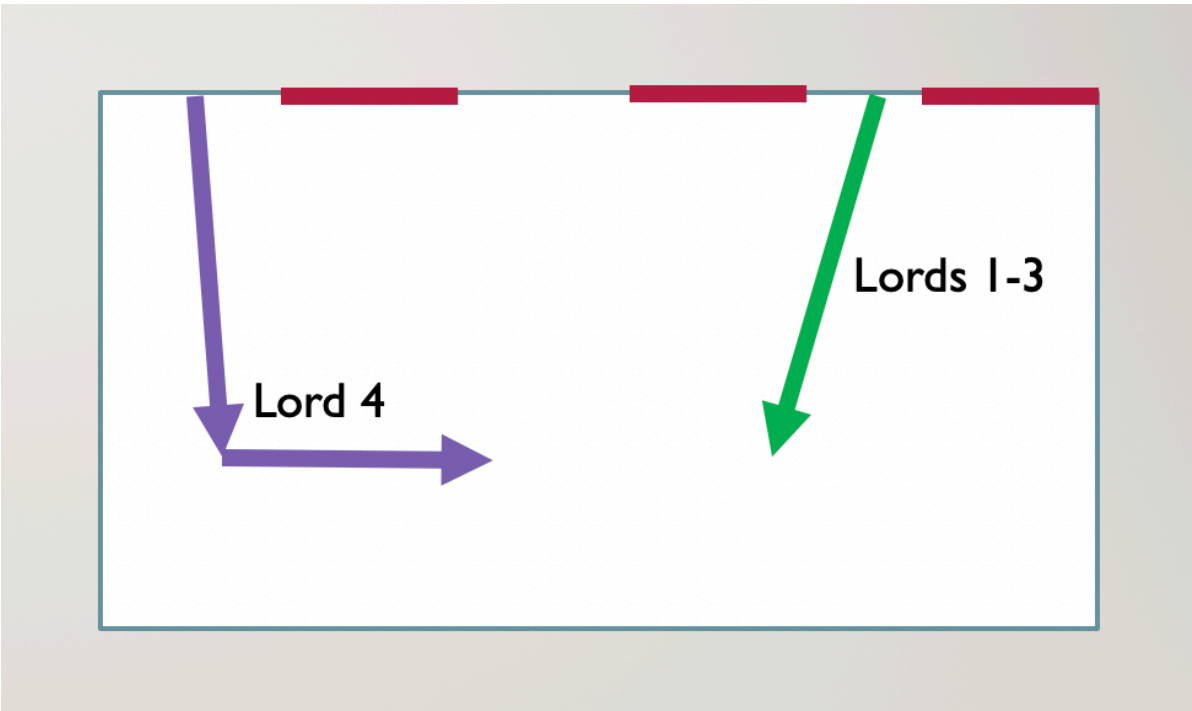


Figure 2. Entrances in scene xii

The Fourth Lord has come from London: he refers to the waterman 'that brought me downe', who is onstage with him, thus emphasizing how he has crossed jurisdictions and come bringing information (1698). The Lords do not simply marshal information within the verge of Court, but from London too.

In xi, Anne Saunders tells Browne that 'the very stones/ That lie within the streets cry out vengeance, / And point at us to be the murderers', and exits (1668-1670). The entrance of the Lords in xii with information about the murders immediately follows. The speed with which the Lords therefore seem to have received the information suggests an almost instantaneous communication network centring upon the Privy Council. The description of it being 'noysd at London' conveys a sense of access to the City's interior, and in its present tense reference to noise, suggests that the Lords have not *heard*, but *are hearing* the rumour as it circulates. The Fourth Lord's entrance with information, meeting with his three colleagues who have separate information, presents a compelling view of the Crown's ability to marshal information from multiple jurisdictions: the scene stages the meeting of different parts of the story, from different places, demonstrating the Crown's ability to cross boundaries. Significantly, this information capture has happened *offstage*: their knowledge of the crime (in a different jurisdiction) has been collected invisibly, seamlessly.

The Lords efficiently control Browne's capture. Although the real Privy Council left out the details of 'caus[ing] diligent enquirie to be made', in the play the Lords directly order London magistrates to act.[345] The fourth Lord orders 'One take boat to London, / Command the sheriffes make wise and speedie search', sending one of their number to ensure justice is done within the city. (1723-1724) The play thus presents the Crown ordering familiar city officers to act

[345] *APC* VIII, p. 91; Golding, *Brief Discourse*, p. 218.

within their own jurisdiction. The Fourth Lord also instructs

> Get warrants drawne: and messengers attend,
> Cal al your fellowes, ride out everie waie,
> Poste to the Ports, give charge that no man passe
> Without our warrant,

suggesting the Crown's officers can reach all the way to the Cinque Ports to prevent Browne's escape (1720-1723). Messengers riding out 'everie waie' again evokes the Crown's powers of coordination across a variety of jurisdictions. In the workshop, the Lords departed severally, through different doors, their movement back into the imagined real world beyond the *frons* indicating their coordinating and delegating to different locations under the umbrella of crown jurisdiction. This effect was dependent on this blocking, but even were the Lords to exit by the same door, there would still be a clear sense of their moving back into the world beyond the *frons*; the First Lord's closing lines 'lets in/ To signe our warrants, and to send them out' emphasise the way that their order will cross jurisdictions beyond the stage space (1727-1728).

The next scenes demonstrate the efficiency of the Lords' orders, and their ability to cross jurisdictional boundaries. In xiii, Roger and Drury discuss funding Browne's escape, already aware that they are at risk if Browne is caught. In the workshop, Roger left and re-entered by the lefthand door, supposedly heading to the Saunders' home, while Browne entered and left by the righthand door, approaching Drury who remained onstage. Roger's motion on and offstage constructed the Saunders household as being behind the stage, Drury and Browne having their conversation in the middle of the street, an effect that was intensified by Roger's continuity in doors. When Roger re-entered in a hurry, advising that Browne 'be gone', as Anne Saunders 'heares the Shiriffes wil be there anone, / And at our house', this mapped the law's approach onto the offstage space: bursting onto stage, panicked and out of breath, the actress helped to conjure an image of the sheriffs marching down the street offstage towards them, growing inexorably closer (1767-1768). The Saunders' household *must* be offstage, as the only

entrances onto the stage would be in the *frons scenae*. With the space beyond the *frons* standing for the less definite space of the Saunders' household, collapsing the space between accomplices and sheriffs, Roger's terrified entrance intensified the sense that the sheriffs were barely on the other side of the *frons*. The Lords' edict is so effective as to have London's officers already on the hunt for Browne a mere thirty-five lines later; the quick shift from command in Greenwich, to performance of the order in London, again collapses the space between jurisdictions, the Crown managing the whole threshold from Greenwich to London.

The capture of Anne Drury, Anne Saunders and Roger also demonstrates the ability of the Crown to coordinate inside the City of London. While Browne's capture occurs in 'real' play action, the accomplices are captured during the third dumbshow, just before Browne's capture:

> Enter *Justice* and *Mercy*: when having taken their seates, *Justice* falls into a slumber, then enters wronged *Chastitie*, and in dumbe action uttring her griefe to *Mercie*, is put away, whereon she wakens *Justice*, who listning her attentively, starts up, commanding his Officers to attend her. Then go they with her, and fetch forth master *Sanders* body, mistris *Sanders*, *Drury*, and *Roger*, led after it, and being shewne it, they al seeme very sorrowful, and so are led away. But *Chastitie* shewes that the chiefe offender is not as yet taken, whereon *Justice* dispatcheth his servant *Diligence* to make further enquiries after the murderer, and so they depart the stage with *Chastitie*. (1807-1810)

Workshop attendees noted how the dumbshows bridged the gap between reality and moral set-pieces that stood outside the 'real' action. The first two mix description of action, such as Saunders' path to Greenwich, with allegorised scenes of Anne Saunders being drawn to murder through lust — despite her not consenting to the murder in the play's actual action — but the third instead shows something that *actually* happens. The dumbshow is the only depiction of the accomplices' capture, probably included for the playwright's providentialist argument that murder will out. However, as it directly follows Roger describing the Sheriffs as being nearly at their doorstep, the dumbshow proves him right: Justice comes for the three of them just forty lines later. The cardinal virtues of Justice, Chastity and Diligence thus seem to have been

commanded by the Council. More significantly, capture occurs within the space that Tragedy claims as hers: London.

The Council's hand is even felt when Browne is captured by the Mayor of Rochester. Straight after the allegorised capture of Anne Saunders, Anne Drury and Roger, xiv begins with Browne meeting his cousin in Rochester. There is barely any time between his arrival and that of the Mayor of Rochester: Diligence has followed him from dumbshow to Kent. Again, there is no depiction of the order being passed from Privy Council to provincial magistrates: instead, the order moves offstage, the Mayor of Rochester's arrival seeming part of the same seamless performance of coordination in the dumbshow. While not identified as an officer of the Crown, Master James instructs the Mayor of Rochester 'Come master maior, it is the Councels pleasure, / You must assist us til we come to Woolwich' (1885-1886). James therefore conveys the will of the Counsel to the jurisdiction of Rochester, physically taking their instructions with him. The sense of the Crown's role in coordinating and delegating was also felt in the prop commission, handed over by the Mayor with the line 'Here's a commission that commands it [appearance before the council] so', the authority of the Crown manifested physically (1882). The Lords are thus presented as an efficient organising force bringing together the officers of multiple jurisdictions.

Unlike the often-unwieldy co-ordination of magistrates across jurisdictions in real life, in *Warning* coordination happens offstage, information and orders moving seamlessly, leading to near-immediate capture of the criminal. Within the fictive space of stage and playhouse, the whole of the City *and* its environs (spanning as far as Rochester) are within the Council's remit; the play's providentialist and metatheatrical dramaturgy presents the complex work of coordination as *fait accompli*, in stark contrast to reality.

Policing the City

However, while the Council are shown coordinating law enforcement within the City and across the map with ease, the two scenes where Browne is *prevented* from murdering Saunders presents a flattering vision of London's place in the maintenance of order. Throughout the play, the audience is associated with the neighbourhood surrounding both the Saunders' and Drury's houses. In scene i, the stage is localised as a street, beginning with both Saunderses and Drury wishing farewell to Browne, before leaving the stage: the stage doors thus stand for the doorways into houses on the street, their departure after bidding farewell to company indicating that the Saunderses and Drury are returning into the house. After Browne confides to Roger that he needs Drury's help, Roger goes to fetch his mistress: in our workshop, the actress playing Roger exited the stage from the same door, before bringing Drury back onstage through the same door. This created a clear sense of the household behind the stage, with the *frons scenae* turned into the front walls of houses, and the stage becoming the open street. The audience therefore became the other side of the street, standing in for the residents of the same neighbourhood. In scene ii, the entrances and exits of characters reinforced this association. In this scene, Anne Saunders sits on her doorstep with her youngest son, observed from a distance by Browne. The actress playing Anne entered from and sat down in front of one of the side doors, her back to the entrance; her son's mid-scene exit also came through the same door, emphasising the association of the door with that of the house. Browne's declaration 'yonder she sits to light this obscure streete', spoken from the opposite side of the stage, conjured a sense of the doorstep upon which Anne sat, a liminal point between street and household, further suggesting that the stage stood for the open street once again (343). Notably, the black hangings that the stage was draped in — as per the Induction, where History declares 'the stage is hunge with blacke' — covered all other signifiers of the back of the stage, meaning that the movement in and out of the entrances was often what defined the location of these doors (82).

It is notable that actors must take care to maintain the consistency of entrances and exits in the same scene: during rehearsals, actors being unsure of what entrance to use often caused problems, but on the day itself the fabric of the household was more strongly conveyed by the improved consistency of actors' entrances and exits.

Moreover, the space of the streets is conjured as one where information cannot be hidden. In scene i, where Browne first entreats Drury to help him seduce Anne Saunders, Trusty Roger remains onstage the whole time. Despite Browne having 'taken her aside', in the workshop Roger was visibly overhearing throughout the scene: Roger's line 'Yea forsooth mistress, what? what did ye aske?' thus became quite amusing, as it drew attention to the fact that he had been an active listener the whole time (245). When Browne responds with anger to Drury telling Roger of Browne's feelings for Anne Saunders, he demands 'What meane ye mistris Drurie to bewray, / Unto your man, what I in secret spake?', but this draws all the more attention to the fact that the street cannot keep information secret: the audience is constantly hearing all these supposedly clandestine conversations (250-251). Later in the play, in scene xi, when Browne meets Anne Saunders, the stage is once again localised as the open street. The scene begins with the son of Sanders and another boy entering 'comming from schoole', before playing a game 'here at our doore' (1582; 1592). The boys' game is therefore specifically placed upon the street outside the Sanders' house. When Anne enters, her subsequent conversation with Browne is clearly outside the household. In the workshop, this drew even more attention to how their conversation could be overheard, adding weight to Anne's closing lines:

> Mountains will not suffice to cover it,
> Cymerian darkness cannot shadow it,
> Nor any pollicie wit hath in store,
> Cloake it so cunningly, but at the last
> If nothing else, yet will the very stones
> That lie within the streetes cry out vengeance,

And point at us to be the murderers. (1664-1672)

This rather apocalyptic speech highlighted the audience's witnessing, their observation made possible by the street's openness. While in the workshop, the interval fell just after this scene, in original performance conditions this scene would have been followed immediately by the Lords of the Council receiving the information of the crime, adding further weight to Anne's grim statement that murder will out, thanks to the metropolis.

While the openness of the street to the observing audience is vital to conveying how murder cannot be kept secret in the metropolis, the metropolis itself prevents murder. In scene v, Browne attempts to murder Saunders on his way home from dinner at another man's house. The scene is identified as the street: another gentleman wished Saunders farewell, telling him that 'this house is yours; you come but to your owne', locating them as standing in front of the door to the gentleman's household (874).[346] While Saunders and the gentleman argue goodnaturedly about whether Saunders needs a lantern to light his way home, Browne enters at another door, hiding on the other side of the stage. Browne waits for the gentleman to exit, then declares 'I heare him comming faire unto my stand/ Murther and death sit on my fatal hand': in performance, Browne then moved towards Saunders, ready to strike, but another gentleman entered swiftly after his line, preventing him from being able to strike down Saunders. The cue-script highlights this contingency:

[346] This illusion was slightly broken in the workshop by 'Gentleman 1' forgetting to exit through the door they had entered from.

… EXIT GENTLEMAN 1

Bro. I heare him comming faire unto my stand
Murther and death sit on my fatal hand.

… beene so late sir?

Figure 3. Browne's part

… my fatal hand.

Enters Gentleman 2 with man with a torch before, Browne drawes to strike.

Gent 2. Whose there?

… A friend.

Gent 2. Master Sanders? wel met.

Figure 4. Gentleman 2's part

Browne's actor had to wait for the first Gentleman's exit to strike: as he was on a different side of the stage, 'hidden' from view, he had a fair distance to cover. The line that told him he needed to raise his dagger to strike was the one that also cued the interruption that prevented him: 'sit on my fatal hand'. Because Gentleman 2 had only their short cue, their entrance was extremely sudden, emphasising that murder had only been narrowly averted by another citizen walking in the city: despite Browne's assertion that he knew his 'nearest way' through the city, the city's contingency frustrated his plans. While the scene is identified as dark, in performance, the shared light of our performance space rendered Browne perfectly visible to the audience, and Saunders' path unhindered by any obscuring night.[347] Although Greenberg argues that *Warning* creates a 'scopic regime of London's judicial authorities' through its use of known locations, this moment highlights the City's *unknowability*, and the fabric of the city

[347] Lighting the streets was a major concern for the civic authorities; Griffiths, *Lost Londons*, p. 346.

as multiple, ever-changing paths taken by its residents.[348] It is these residents, whose own, known paths prevent Browne from committing murder within the city's limits.

Similarly, in scene vii, Browne once again has foreknowledge of Saunders' route, and a specific place to attack him. Roger, after dogging Saunders' footsteps all day, brings Browne to Lion Quay, at the bottom of Buttolphe Lane, a little west of Billingsgate Quay. This scene is very specifically located:

> Browne: Come Roger, where is best to take our standing?
>
> Roger: Mary at this corner, in my minde.
>
> Browne: I like it well, tis darke and somewhat close,
> By reason that the houses stand so neare:
> Besides, if he should land at Billingsgate,
> Yet we are still betwixt his house and him. (1163-1168)

However, even a well-chosen location does not allow Browne the opportunity to kill Saunders: just after Browne says 'no more words for being spied', Anne Saunders and John Beane enter, the short cue once again making this entrance extremely sudden.

> … for being spyed.
>
> *Enter Anne Sanders, and John Beane.*
>
> *A. San.* I marvell *John* thou sawst him not at court,
> He hath beene there ever since one a clocke.

Figure 5. Anne Saunders' part

> … tis so indeede.
>
> *Bro.* Peace then, no more words for being spyed.
>
> *Enter Anne Sanders, and John Beane.*

Figure 6. Browne's part

[348] Greenberg, *Metropolitan Tragedy*, p. 28.

In the workshop, the two actors playing Browne and Roger hid beside the right-hand door, Anne Saunders and John Beane entering from the central door. Later in the scene, Saunders and a waterman entered from the left-hand door, passing around the edge of the stage space to convey crossing from a different location: as such, Anne and Beane stood in the way of the two murderers, their entrance foiling Browne's plans. It is, however, possible that on the Theatre's stage, the murderers could have been hidden behind one of the columns supporting the heavens. In the workshop, it became very clear from their position onstage, and Roger's line 'that should be mistris Sanders by her tongue', that neither Browne nor Roger could see Anne or Beane (1186). Anne and Beane's entrance, therefore, was both unexpected and unseen by the would-be murderers, confounding their attempt: they cannot see those that would observe the crime they would commit. However, from their position, Browne and Roger can 'see where Sanders comes', demonstrating how perfect their position would have been, but also their vulnerability to the contingent paths of walkers and witnesses in the City (1190). Anne's foreknowledge of her husband's route home, and her walking through the City prevents his murder: Browne and

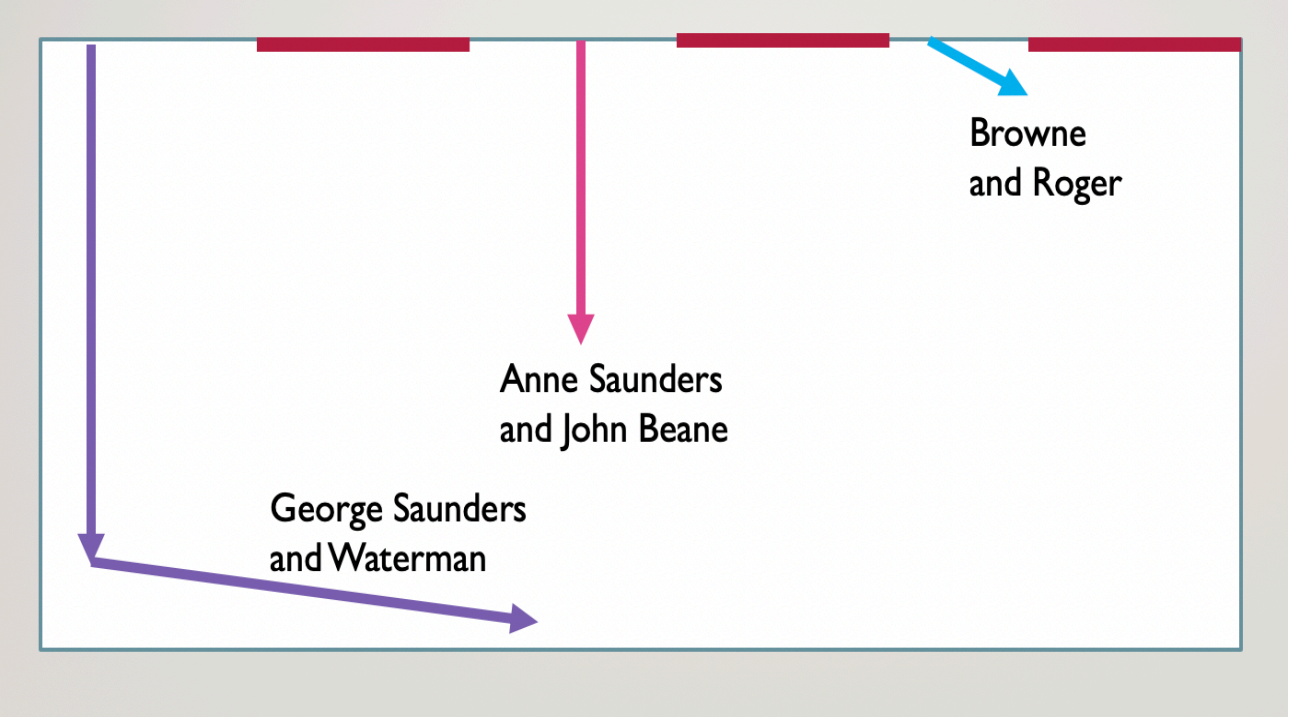


Figure 7. Scene vii

Roger can trace Saunders' path, but they cannot predict hers.

These scenes of prevention present a London where the crimes of an interloper are physically prevented by its citizens' movements. They suggest that the city is able not just to catch criminals, but prevent their crimes. Given both the concern with maintaining the peace by prevention, as well as the context of Crown intervention in the mid-1590s, these scenes can be read as a statement of the City's ability to keep order for itself. In the light of Privy Council-mandated privy searches and curfews to prevent disorder, these scenes dramatise a London whose very nature as a shifting metropolis unknown to outsiders prevents crime.

London/Westminster: blurring juridical spaces

The City's reach into the story continues with the trial scenes. Importantly, London operated outside the royal courts hierarchy, as it was not covered by one of the six assize circuits.[349]

[349] See Brodie Waddell, 'Visualising the early modern state', https://manyheadedmonster.com/2019/10/14/visualising-the-early-modern-state/ [accessed 4th May 2021].

Instead, it had its own central criminal court at the Old Bailey, which held sessions for both City and Middlesex. These sessions were theoretically distinct, with separate juries and records for these two jurisdictions, but the same judges, who included the Lord Mayor and Recorder.[350] Trials could also take place at the Guildhall, in the heart of the City, for crimes ranging from petty felonies to treason. King's Bench, however, and the other royal courts at Westminster, had a national remit: the justices of King's Bench were professionals appointed by the monarch, as opposed to members of the civic government, the foremost being the Lord Chief Justice. King's Bench, moreover, had 'a general superintendence over the due observance of the law by officials and others', which can be viewed as the supreme jurisdiction of the crown over varying local jurisdictions.[351] Cases could therefore be summoned from an inferior court on a writ of *certiorari*. Greenwich, finally, was within Kent, on the Home assize circuit.

The Saunders case involved several of these jurisdictions: Browne was arraigned at King's Bench, the two women at the Guildhall, and Roger Symes at the Middlesex gaol delivery.[352] Browne's trial location is somewhat curious, as instead of the Kent assizes, he was sent to the high courts at Westminster. However, as assize judges would have come from King's Bench, it is not unusual for a murder to be referred up to King's Bench if judges were not currently riding assize. What is more distinctive is the Privy Council's hand in the affair. While there are plenty of warrants for arrest and presentations before the Council in the APC, councillors acting as a form of crown oversight, sending suspects to specific courts and prisons was less common: the major examples are the Gunpowder Plot and 'Five Knights' cases.[353] It is possible that the

[350] Eg. BL Lansdowne 78/53.
[351] Sir George A. Bonner, 'The History of the Court of King's Bench', *The Bell Yard XI* (1933), p. 6; see also Lambarde, *Archeion*, p. 23; Coke, *Fourth Parte of the Institutes of the Lawes of England concerning the jurisdiction of courts* (London: 1644), p. 73.
[352] J.C. Jeaffreson, ed., *Middlesex County Records, Vol. 1* (old series) (London: Middlesex County Record Society, 1886), p. 81-82.
[353] TNA, SP 216/1-3; 3 How St Tr 1, 1627.

Privy Council intervened due to the crime happening within the verge of court; however, it is significant Browne was presented to the Council themselves to be questioned, and that they issued the warrant for his move to the Tower of London (leaving him in King's Bench's jurisdiction). On the other hand, King's Bench had become the venue for the Middlesex gaol delivery, where Roger was tried; this being said, there is no record of Browne's trial in any Middlesex records.[354] The two women, presumably, came under the City's jurisdiction due to having conspired within its bounds, hence their trial at the Guildhall. However, the Privy Council wrote on 12th May 1573 to the Sheriffs of London 'to procede to thexecucon of Anne Calfild [alias Drury] and Saunders' wyfe, according to the judgment given at their condempnacion', suggesting the Crown's continued involvement in the case.[355] Roger's presence at the Middlesex Gaol Delivery is harder to explain: he had been present at the murder in Greenwich, and plotted in the City with Drury and Browne, but found himself in a separate jurisdiction to everyone else. All told, the case presents a series of jurisdictional quandaries.

It is revealing that the justice scenes conflate City and Crown. Firstly, the place of the trial is referred to as both 'Westminster' and 'London': the fourth Lord instructs a messenger: 'Haste you to London to the Justices, / Will them from us see an indictment drawn' (2083-2084), and in the same scene directs the Mayor of Rochester to 'See him [Browne] safe conveyd/ To the Justices of the Bench at Westminster' (2146-2147). In so doing, the place of the trial is confused: the Fourth Lord identifies King's Bench as being both at London and Westminster. Similarly, the trials themselves are blurred between City and Crown jurisdictions: xvii conflates all four suspects' trials into one, first Browne on his own, then the three 'accomplices'. The Sheriff brought all four suspects to the bar, the actress instinctively entering from the same

[354] Jeaffreson, *Middlesex*, p. 81-82.
[355] *APC* VIII, p. 105.

door each time, which constructed continuity between the different prisons in which the four were held, eliding the distinction between jurisdictions. Until this point, the play's locations have been extremely specific: here, however, the specificity falls apart. For any audience member knowing the pamphlet or chronicle history accounts of these murders, it would likely have been striking that the different courts involved had been mashed into one, unspecific location. The meting out of justice is no longer clearly defined as either City or Crown.

The personnel involved in the trial continue this jurisdictional blurring. While King's Bench was overseen by the Lord Chief Justice, the play's single trial is overseen by magistrates from City *and* Crown. The trial opens with the stage direction 'Enter Lord Mayor, Lord Justice, and four other Lords' (2172). Crucially, the 'judgement seat' — the space of jurisdiction over this crime — is shared between the Lord Mayor and Lord Justice, a visible signal of cooperation and shared jurisdiction; this is notable given that the Lord Mayor of London would have had no jurisdiction over Browne's trial. During the workshop, the actresses playing Lord Mayor and Lord Justice sat centre-stage: despite the Mayor's lines being limited, the two figures of Crown and City authority visibly held authority over proceedings. It is the Lord Mayor's that begins proceedings, saying 'Please it your honors, place your selves my lords' (2173). The City's premier magistrate thus acted as master of ceremonies for a well-known trial in the crown's jurisdiction: the actress playing the Justice needed to listen for that cue to summon Browne, everything in the scene hanging upon the Lord Mayor's invitation into the trial space. The Lord Mayor had no further lines, but remained onstage throughout, visibly representing the authority of the City within this jurisdiction. The Lords of the Council, meanwhile, also played a starring role in the trial. The largest group onstage, they took up the most space, visibly standing for the Crown's jurisdiction. Not only did they loom behind Browne throughout his trial, seemingly responsible for his fate, it is them that Browne begs for Anne Saunders' life,

and the privilege of not being hanged in chains:

> My lords forget not my petitions,
> Save poore Anne Sanders for shees innocent;
> And good my Lords let me not hang in Chaines. (2262-2264)

Speaking these lines, the actor turned to address the Lords, following the cue embedded in his part. In performance, the jurisdictional blurring was evident: the Crown's officials oversaw the trials, while the Lord Mayor remained ever present, the silent MC.



Figure 8. The trial scene.

While this conflation of jurisdictional spaces may be simply for the sake of ease or dramatic effect, it is notable that a well-known case's trial is suddenly de-specified. The play is extremely specific about locations until this point, and accurately maintains the pamphlet's version of events: significantly, the play changes tack at the point where justice is actually meted out. It thereby presents a vision of the legal system where the threshold between City and Crown is comfortably blurred, in stark contrast to the thorny jurisdictional issues of the 1590s.

In and out of Aldgate: *1 Edward IV*

Much of the action of *1 Edward IV* takes place in a jurisdictionally difficult space: around Aldgate. Aldgate was one of the ancient gates of the City, next along from the Posterngate by the Tower. The area outside the walls was a textbook example of jurisdictional problems: Aldgate Ward stretched to the bars, just beyond the walls, while Bishopsgate Ward to the west stretched further outside the walls. The road from Aldgate led through the parish of St Botolph's, which lay half in Portsoken Ward, and half in the jurisdiction of Middlesex. Furthermore, the play's fictive location would have blurred with that of the playhouse: the Boar's Head, which stood just outside the walls at Aldgate. While the extramural theatres have often been treated as further from the city's limits, Tomlin argues that the Boar's Head was in a 'transitional space', where the City's jurisdiction was

> generally exercised in this part of Middlesex adjacent to the City as seemed necessary. This indicates that the Boar's Head should be regarded as being much closer to the City, its people, and its social structures, than might be supposed by thinking of it only in connection with the geographically more distant Whitechapel.[356]

This area in which the play is set and was staged was therefore a jurisdictionally confused space, where the issues of managing the suburbs could be acutely felt.

The slippage between the real Aldgate — just beyond the theatre's walls — and that imagined upon the stage further blurs the distinction between London and suburbs. When, in scene v, the rebel captain Spicing orders his subordinate Smoke to 'get thee up on the top of St Botolph's steeple, and make a proclamation', he refers to the church that overlooked the Boar's Head, and would have probably been visible from within the playhouse itself (v.65-66).[357] This moment thus collapses the boundaries between London and its exterior: Spicing's proclamation

[356] Tomlin, 'Aldgate', p. 4.
[357] All line references from Heywood, *The First and Second Parts of King Edward IV*, ed. Richard Rowland (Manchester: MUP, 2009); I am referring only to *Part I*.

comes after the first attack against Aldgate, and so audiences looking up at the steeple outside the playhouse would have been *inside* the walls relative to the church. The play's fictive and real locations slip and slide over one another, the resultant blur emphasising just how confused the jurisdictional boundaries around Aldgate were. Here, the spaces of stage- and play-world resist definite demarcation.

Paralleling invasion and crown incursion

Examining the scenes in the latter half of *1 Edward IV*, particularly Edward's seduction of Jane Shore, critics have argued that the play's blend of domestic tragedy and chronicle history presents Edward as an interloper, a king whose presence inside the City is unwanted and inappropriate.[358] However, the play's depiction of Edward's raising funds is far more significant than this when viewed in the play's performance context. In scene 18, a benevolence is entreated from the counties and City:

> Our lawful sovereign, and most royal King,
> Might have exacted or imposed a tax,
> Or borrowed greater sums than we can spare —
> For all we have is at his dread command —
> He doth not so; but mildly doth entreat
> Our kind benevolence: what we will give,
> With willing minds, towards this mighty charge. (xxviii.21-26)

Theodora Jankowski reads this as 'a public representation of the appropriate attitude of a citizen to Crown appeals for funding', but a quick look to the financial situation in London in the 1590s adds a grim layer of irony to Aston's words.[359] With the costs of war piling up, Elizabeth's government increasingly relied upon forced loans. These loans were keenly felt in the context of harvest failures and dearth, and in London caused serious tensions. Writing to the Privy Council on Christmas Eve 1596, the City government reference a huge payment of

[358] See Joseph Mansky, 'Jane Shore, *Edward IV,* and the Politics of Publicity', *Renaissance Drama* 46:2 (2018), pp. 141-165, and Lander, '"Faith in me"'.
[359] Theodora Jankowski, 'Historicizing and Legitimating Capitalism: Thomas Heywood's *Edward IV* and *If You Know Not Me, You Know Nobody*', *MERD* 7 (1995), p. 313.

100,000 marks, arguing that they cannot provide any further money towards shipping, owing to the food shortages 'which hath so impoverished the general estate of this whole city'. The extent to which demands for money had seriously soured City-Crown relations can be seen when hey refer to the threat of urban disorder:

> For having collected great sums of money within these few years of her Highness's people within this city for those public uses, they complain of late of so great burdens, and begin to enter in consideration by what authority the said payments are imposed upon them by the governors and other ministers of this city.[360]

While Archer suggests that this sort of rhetoric was a tool used by the civic authorities to warn the Crown away from policies of which they did not approve, I would argue that this indicates the extent to which public resentment of the Crown's demands had been inflamed.[361] Similarly, John Chamberlain demonstrated just how badly the Crown's demands for money were received in December 1598:

> The loan of £150,000 makes many of our citizens shrink and pull in their horns, but yet it goes forward and they must furnish it, and some whispering there is that when this is done we shall hear of a benevolence. If we be driven to these shifts already, God knows how we shall hold hereafter.[362]

Chamberlain's reference to the 'benevolence' is significant: the practice had been introduced by Edward IV in 1478 and then banned by Henry VII. However, benevolences were still collected by several Tudor monarchs, despite their dubious legality. The fear of this form of forced exaction provides a suggestive context for its appearance in the play: this is not a measure of amity between commoner and monarch, but instead calls to mind grinding poverty and excessive Crown demands. As Nora Corrigan points out, the financial concerns of the play are not from Edward's reign, but drawn straight from Elizabeth's.[363] Furthermore, these concerns were felt especially acutely in London, the play's depiction of its title figure doubtless

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[360] Historical Manuscripts Commission, *Hatfield House VI* (London: 1894), p. 534-5.
[361] Archer, 'Rhetorics', p. 13.
[362] *The Chamberlain Letters: A Selection of the Letters of John Chamberlain Concerning Life in England from 1597 to 1626*, ed. Elizabeth McClure Thomson, (London: 1965), p. 10; see also HMC, *Hatfield House VI*, p. 534 for the City's resistance to funding Elizabeth's wars.
[363] Corrigan, 'The Merry Tanner', p. 34.

touching on very raw nerves for its audiences.

I want to suggest a new way of approaching the play's presentation of the Crown's actions in London. As previously discussed, during the mid-1590s, the presence of the Crown was felt far more strongly within the City's limits than previously. Along with profound financial demands, the Crown repeatedly pressured the City to maintain better order.[364] This pressure would certainly have been felt after the Queen's proclamation of 4th July 1595, where all officers in the City and nearby were instructed 'more diligently, to the best of their powers, see to the suppression of all offenders against the peace'.[365] Indeed, the Guildhall arraignment and subsequent execution of five youths involved in the Tower Hill riot of June 1595 suggests how the Crown's anxiety about disorder would have been felt within the City's walls. The Crown's desire for information in the City also increased, with increased demands made for privy searches.[366] In response to the disorders of June 1595, the Privy Council sent both a letter of admonishment to Lord Mayor Spencer, and a demand for privy searches to be made within the City: the Crown were demanding the city be made legible to them.[367] The appointing of the provost marshal represented yet more Crown incursion inside the city, and should be understood in terms of gaining *access* to the space of the City: in the mid-1590s, the crown official rode daily through the City, his passage a visible attempt to know and make it legible to the Crown. This crown official rode through the City with armed men, apprehending rogues and other persons that had not been sufficiently handled by the City's authorities.[368]

This provides a suggestive context for Falconbridge's rebellion, which hinges upon breaching

[364] LMA Remembrancia II, item 17; HMC *Hatfield House* V, p. 250; BL Harley 6849 fol. 325-328; Manningham, *Diary*, p. 113.
[365] Stow, *Annals*, p. 1280.
[366] *APC* XXIX, p. 128.
[367] HMC, *Hatfield House V*, p. 250.
[368] Stow, *Annals*, p. 1281.

the City's walls:

> Summon the city, and command our entrance;
> Which, if we shall be stubbornly denied,
> Our power shall rush like thunder through the walls! (iv.1-3)

Falconbridge's men desire access to the City, access unwanted by the citizens. Citizens and apprentices often took the sides of city aldermen in jurisdictional squabbles, and so it is likely that Londoners during the 1590s were painfully aware of the way that the Crown's hand was felt more prominently within their City.[369] Significantly, in scene v the second apprentice cries, 'Die, ere ye lose fair London's liberty' (v.25). Here, we can see the parallels between the threat to London's freedom represented by the Falconbridge rebellion, and the tensions between City and Crown. Recorder Croke, in an Exchequer presentment in 1597, pointedly remarked upon

> the charters of this honorable citie granted by her majesties most noble progenitors and most graciously afirmed and in larged by her most excellent majestie with which all bownden dewtie and thankefullnes we do alwayes acknowledge geving us power of our selves and amongest our selves to make choice of this magistrate.[370]

By emphasising the 'power of our selves', Croke affirms the City's freedom. Falconbridge's rebellion threatens the City's liberties, both in demanding control of the city — 'we will be masters of the mint ourselves' — but also in terms of breaching their walls and entering the City itself (ii.49). The rebels' insistent demands for entrance represent a spatial threat; this spatial threat was also felt in the increased presence of the Crown within the City's 'liberties'.

While the Crown was visibly present in London to manage the perceived inaction of the City's magistrates, the play's disorder is *external*. Falconbridge's troops attack from the marginal suburbs beyond Aldgate, a location already associated with jurisdictional messiness. His soldiers are loud, disorderly, ignorant:

> Falconbridge: Hold, drum.

[369] Archer, 'Government of London', p. 20.
[370] Buckinghamshire Record Office, D138/22/1.

Spicing: Hold drum, and be hanged!

Smoke: Hold, drum, hold! Peace then, ho! Silence to the proclamation!

Spicing: You lie, you rogue, 'tis to the oration.

Chub: Nay then, you all lie; it is to the coblication. (ii.1-5)

The sound of drums as Falconbridge's troops enter 'marching', was a familiar sound, tainted with the memory of disorder: noise, in particular the use of drums and trumpets, was often a key descriptor of riots and tumults.[371] The hooting of Falconbridge's troops might therefore have reminded Londoners of the noise of the disturbances of 1592 and 1595, as Preedy suggests.[372] However, here the familiar sound of disorder emanates from *outside* the walls. Helgerson suggests that the noise and rhetoric used by Falconbridge's troops is carnivalesque, and that 'in associating rebellion with carnival, the authors of *The Contention, Jack Straw,* and *Edward IV* label this kind of festive rebellion as *not* urban'.[373] Furthermore, these men are not Londoners. Just as Falconbridge's rebellion had 'reised a great people of Kent and of Shipmen; and to theym drewe moche people of Essex', the play's first scene emphasises the externality of the rebellion:

Messenger: The bastard Falconbridge
Of late hath stirred rebellion in the south…
From every part of Sussex, Kent and Essex.[374] (i.137-142)

While in the 1590s the Crown took aim at the 'vagabonds and loose men that may upon occasion raise seditions and kindle a rebellious faction within your owne walles', it is significant that this play presents a threat that is definitively external, which the City holds off with ease.[375] We might compare this to the underlying threat of riot in *The Shoemaker's Holiday* (1599) and the riot inside the city's walls in *Sir Thomas More* (1593-5?): all written during the

[371] Stow, *Annals*, p. 1280.
[372] Preedy, 'Staging Spectatorship', p. 74.
[373] Helgerson, *Forms of Nationhood*, p. 221.
[374] Anon., *Chronicles of London*, ed. Kingsford (London: 1905), p. 185.
[375] Wilbraham, 'Diary', p. 6.

1590s, it is interesting that the only *performed* disorder of these three plays was one identified as *outside* the city.[376]

Furthermore, by depicting the rebellion as an external threat, scene v rebukes contemporary governors' attitudes towards the suburbs. It was the suburbs that were stigmatised by Crown and City officials as being hotbeds of disorder, vile 'stews' where the masterless and disaffected collected together.[377] As Rowland notes, the City authorities were constantly afraid of an alliance between dispossessed soldiers and apprentices.[378] However, the play performs an about-face in its depiction of the rebels, directly referring to the suburbs as a place unsettled by Falconbridge's troops. The second apprentice tells the rebels that 'You are those desperate, idle, swaggering mates, / That haunt the suburbs in the time of peace', directly identifying Falconbridge's army with the disaffected soldiers that so often featured in the authorities' nightmares (v.37-38). However, while the spectre of disorder so often took the shape of demobbed soldiers and apprentices joining together, it is significant that the apprentices of the city refuse to join with the soldiers. The apprentices instead identify the disorder in the suburbs, 'rais[ing] alehouse brawls in the street', as external to the city, and external to the suburbs themselves (38). These soldiers, the apprentices argue, merely 'haunt' the suburbs, and 'when the rumour of the war begins, / You hide your heads, and are not to be found', presenting these disaffected men as transient, making an incursion upon the City's suburbs (40-41). This is a powerful reimagining of the typical image of the City's suburbs as hotbed of disorder, which lays the blame upon an invader: the suburbs are *not* the much maligned 'stews'. In clearly identifying the disorder as external to the City *and* its suburbs, the play rebukes the Crown's

[376] See Matt Williamson, '"Cry Clubs for Prentices!": (Not) Performing Riot in Thomas Dekker's *The Shoemaker's Holiday', Shakespeare* 14:3 (2018), pp. 216-225; date for *Shoemaker* from *BriDr*, p. 112. For *More*'s dating, see ch. 4.
[377] See Archer, 'Government in Early Modern London', p. 134.
[378] Rowland, n. 37-41, p. 106.

criticisms of the City. Moreover, it raises the spectre of crown incursion in its depiction of Falconbridge's desire to gain access to the interior of the City.

'We now have manned the walls': knowing the City

When Falconbridge first sees the City, he describes an indistinct boundary between City and suburbs. Viewing the whole of the city from the east, he says 'Look, lads; for from this hill ye may discern/ The lovely town which we are marching to' (ii.76-77). De Certeau argues that it is only possible to see the full picture of a city from a distance, and that at surface level the city is incomprehensible as a unit; Falconbridge's words, therefore, evoke a totalised picture of the whole of London.[379] Significantly, from a distance, the suburbs surrounding the city's eastern walls are included in the picture of the City that Falconbridge draws for his on- and offstage audience:

> Look how the Tower doth 'tice us to come on,
> To take out Henry the Sixth, there prisoner!
> See how St Katherine's smokes! (83-85)

St Katherine's, to the east of the City, was its own liberty, and had its own justice of the peace: it was not under the jurisdiction of the civic authorities. The liberty was identified by Stow as the root of the suburban spread at the east of the City, the beginning of 'a filthy straight passage' of tenements 'a good myle from the Tower'.[380] As such, Falconbridge's description of London is one that includes the suburbs which were not strictly part of the City's jurisdiction: his totalised image elides any definite boundary between city and suburbs. Similarly, in scene iii, the Mayor states that Falconbridge

> Neither comes from Italy, nor Spain,
> But out of Kent, and Essex; which, you know,
> Are both so near, as nearer cannot be. (iii.25-27)

Much as government communications and proclamations drew upon an indefinite language of

[379] De Certeau, p. 93.
[380] Stow, *Survey*, Vol. II, p. 71.

proximity, the Mayor's words highlight the troublesome nearness of that which lay without the City. Standing in the theatre mere metres from the city walls, with the action alternating between outside and inside the City, audience members would have been struck by the difficulties of defining border conditions.

While Falconbridge's men have a unitary picture of the metropolis, and imagine one single, specific route through it, the civic authorities are shown to know their city intimately. In scene iii, the Mayor, Master Shore and Master Josselyn enter, 'in their velvet coats, and gorgets, and leading staves', visibly signifying their offices.[381] They enter *in medias res*, partway through a conversation about defending the City: 'This is well done. Thus should good citizens/Fashion themselves, as well for war as peace', the defence of the City against a threat of national significance identified as the work, specifically, of the citizenry (iii.1-2). Shore informs the Mayor that 'from every hall/ There is at least two hundred men in arms', conjuring an image of London's citizens spanning the city and coming together in unison to defend; similarly, there is a sense of panning across the metropolis (6-7). This is further seen when the Mayor asks:

> Mayor: But where is Master Recorder? His advice
> Must not be wanting in these high affairs.
> Shore: About an hour ago, and somewhat more,
> I left him fortifying the bridge, my lord;
> Which done, he purposed to meet you here. (12-16)

The time that elapses between these lines and the entrance of Recorder at line 45 evokes the distance that he has crossed to meet the Mayor, evoking how varying men of the civic government have spread across the City. The reference to London Bridge ties the efforts to defend the metropolis to a specific location, helping an audience to imagine the defense as a panoptic view of the City. This is also seen when the Mayor asks Shore 'Have ye commanded

[381] See Anon., *The order of my Lord Maior, the Aldermen, and the Sheriffs, for their meetings, and wearing of their Apparrell throughout the yeere* (London: 1621) and June Schlueter, *The album amicorum and the London of Shakespeare's time* (London: 2012).

that in every street/ They hang forth lights as soon as night comes on?', to which Shore assents, suggesting that he made the order across the City, in 'every street' (3-4). When Urswick enters midway through the scene, he immediately informs the Mayor that 'The streets are chained, / The bridge well manned, and every place prepared': along with conveying him having crossed the City, this again suggests the hand of the civic authorities in ensuring the entire City is ready for war (47-48). Viewed from the east, the City is a blurred picture: for the civic authorities, it is a detailed map.

Furthermore, as the magistrates lay their plans, they anatomise the walls as the City's most significant defensive structure. The play thus draws a clear dividing line between within and without. The magistrates enumerate the city's points of vulnerability in scene iii:

> Mayor: What if we stop the passage of the Thames
> With such provision, as we have, of ships?
> Recorder: It's doubtful yet, my lord, whether the rebels
> Purpose that way to seek our detriment;
> Rather, me seemeth they will come by land,
> And either make assault at London Bridge,
> Or else at Aldgate — both which entrances,
> Were good they should be strongly fortified. (iii.68-76)

During Falconbridge's rebellion, the rebels began their attack in Southwark:

> in this while the Comons of Kent associat wyth shipmen cam unto the Subarbys of London as to seynt katherynys Sowthwerk Reedclyff and such other places as duchmen dwelled & held berehowsys, and there Robbed and spoylid wythowt mercy.[382]

However, Southwark is removed from the play's account, and instead the attack centres upon the walls: a site easily mapped onto the architecture of the playhouse. While the difficulty of defending Southwark — never fully incorporated, and lacking the defence of the City walls — would have been less dramatically satisfying, and perhaps harder to stage, the absence of this known attack simplifies events in the first five scenes of the play to an attack upon the walls of

[382] *Chronicles of London*, p. 211.

the City. In so doing, the division between within and outside is asserted, clear and defensible, against the threat of Falconbridge's invasion. In scene v, the City's magistrates enter above, the Recorder stating, 'We now have manned the walls, / And fortified such places as were needful' (v.2-3). This moment strongly evokes the Mayor et al looking from the top of the walls out at the suburbs below. The architecture of the tiring house would stand for the unbroken walls, the clean line drawn between within and without emphasising that all 'such places as were needful' are no longer vulnerable. Later, the Mayor defines the coming battles as the need to 'defend our walls', emphasising the importance of this definite boundary (v.15). While Falconbridge's men see the city as a totality, the London magistrates in scenes iii and v demonstrate the extent to which they know their own City: in ensuring that it is properly defended, they trace paths across it and around its borders, delimiting the space. In distinguishing what is and is not the City, they can deny access to it.

Defending the border

Throughout the first half of the play, the City walls are an ever-present border. C. Walter Hodges notes that the earlier association between the *frons scenae* and upper room being a fortress or defensive structure held right through to the 1610s.[383] Hodges' drawings of stages set up for sieges and battles generally include extra construction to create more obvious ramparts, but regardless of whether there was any extra set, the *frons* stands clearly for the walls of the City. In scene iii, news of the rebels reaches the Mayor. At line 84, there is 'a noise within', coming from within the tiring house, and then identified by the messenger that enters as being a message from the Lieutenant of the Tower (I.iii.88). This moment places the outside of the city — the direction from which the rebels are approaching —within the tiring house, the *frons* a border between within and without.

[383] Hodges, *Enter the Whole Army,* pp. 62-64.

During scene iv, the *frons* clearly stands for the City walls. Falconbridge enters with his troops, probably sweeping around the stage from one side door to convey the army's approach.[384] He demands entrance, emphasising the importance of breaching the walls (iv.1-3). Falconbridge then 'beats on the gates' (4). Presumably, this means that he beats upon the central doors of the discovery space, as these would be the largest opening on the stage. While the three entrances in the *frons* would likely have been the only way to enter or exit the stage, the central doors could remain closed without impeding entrance or exits. As such, it is specifically those doors that become identified with the City gate throughout the play's first half. The association of the *frons* with the City's walls is strengthened as the Mayor orders 'Come, we will pull up our portcullises;/ And let me see thee enter if thou dare' (69-70). The Mayor and Londoners then 'climb to the upper stage' (70). Probably, the Londoners had opened the central doors and stood within the discovery space during the verbal altercation at lines 5-70, and the 'gates' are then shut with the declaration 'we will pull up their portcullises'. The climbing of the Mayor and Londoners would probably be using the staircase in the tiring house, as the presence of ladders onstage would destroy the illusion that the walls were hard to breach. The movement of the Londoners to the upper stage completes the association of the *frons scenae* with the walls, the upper stage standing for their ramparts, the walls mapping perfectly onto the architecture of the playhouse.

These scenes offer no entrance to Falconbridge's army, in direct contradiction of the historical record. Stow records that 'five thousand of them, assaulting Aeldgate, wan the Bulwarkes, and entered the City'.[385] No such breach occurs in the play. The back wall of the stage, standing for

[384] Ibid., p. 25.
[385] Stow, *Survey*, Vol. I, p. 30.

the City walls with the 'gate' of the discovery space, allows no entrance through the central doors. Even as the apprentices fight with the rebels onstage in scene v, the gates do not open. After being held off by the apprentices, Falconbridge demands they attack again, in a moment that once again emphasises the border of the walls.

> Spicing: S'wounds! Scale, rogues, scale! A Falconbridge! A Falconbridge!
> *Enter LORD MAYOR and his train [on the walls]* (I.v.114)

Spicing's orders to scale emphasise the imagined edifice of the wall, while the entrance of the Lord Mayor in the upper space again maps the border between City and outside vividly upon the playhouse.

Furthermore, Falconbridge's attack never moves the action from London and its border. From scenes ii to x, the action shifts inside and outside the walls, sometimes closer, sometimes further away. In scene ii, the audience sees the walls from a distance, the view from Essex vividly imagining the City, before the action shifts inside the City in iii, where news comes from the liminal Tower of the same approach. This shift in scenes constitutes the border between City and exterior through the sense of the viewpoint rotating around, stage space first standing for Essex, and then for London, the only constant the border of the City walls. The action moves to just outside the walls in scene iv, then inside and across the city in v, again creating the border line through the rotating focus of the action. In scene vi, the rebels are pushed out further into the suburbs, near Houndsditch, before scene vii shows the Mayor taking stock of the situation and withdrawing to Guildhall. Scene viii breaks the alternating structure, but dives deeper inside the City to an unknown location: the Shores' home. The alternation begins again in scene x, with the action pulling further out to Mile End. The constant swapping of viewpoints, panning in and out of the City, moving near and farther, creates a clear sense of within and without, where the walls remain constant and unbroken.

The dramaturgy also allows no entrance to any scenes involving Edward: this is the longest stretch of scenes not involving the title character. This helps to create an unbroken sense of the city's integrity against invasion and incursion. The play therefore draws a clear, strong border between the City and its environs, both the dramaturgy and the imagined and theatre walls standing for an effective demarcation between the affairs of the City, and those of a national scale, be they a King or rebels seeking to raise a challenger to the throne. No incursion is allowed, neither from Falconbridge's army, nor from the scenes involving Edward. Despite the repeated claim that they are defending the City for the King, his absence speaks volumes: it is the City that defends itself from *all* comers.

'It never shall be said, when I was Mayor, the Londoners were shut up in the City': containing the suburbs

After the City defends against Falconbridge's first attack, the Mayor orders (from 'on the walls') that the gates be opened. The opening of the gates — presumably the central doors to the discovery space — presages their 'sallying out' (v.115). The Mayor cries 'it shall never be said, when I was Mayor, / The Londoners were shut up in the City', this line all the more resonant to audiences aware of their location (116-117). The City gates are opened, finally letting the Londoners out onto the stage. With the gates behind them, it becomes even more clear that defending the city and its limits requires spreading out into the extramural areas. Significantly, even as the gates are opened to let the Londoners issue out, no rebel can gain entrance, thus demonstrating the power of the City's stretching its reach over the suburbs.

This stretching out past the walls continues with Falconbridge's defeat during the second mêlée, where the rebels are rebuffed into a space outside the City walls, but *within* its jurisdiction. The stage directions at the beginning of vi instruct that 'The Lord Mayor and the citizens, having valiantly repulsed the rebels from the city [, retire]. Enter Falconbridge and

Spicing and their train, wounded and dismayed' (vi.x). Presumably, Falconbridge's men are forced out of one side door, leaving the Londoners to leave the stage via the 'gate', and then for the rebels to arrive from the remaining door. Spicing says

> There's hot drinking at the Mouth at Bishopsgate, for our soldiers are all mouth; they lie like rascals, with their brains beaten out. Therefore, since we are all like to feed hogs in Houndsditch, let us retire our troops, and save our maimed men. (1-5)

The Mouth tavern stood in Bishopsgate Street Without, and Houndsditch was an insalubrious area, named after the ditch that had previously run along the exterior of the walls between Aldgate and Bishopsgate, before being filled with rubbish (including dead hounds) and then built over to make Houndsditch Street in the early 1500s.[386] Houndsditch lay in both Bishopsgate and Portsoken Wards, so despite its extramural position, it was within the jurisdiction of the City. Spicing and Falconbridge thus face the walls, unable to breach them, and remaining in danger even outside them. Spicing's fear that if they do not leave the area, they will be 'put to the sword' emphasises the jurisdiction of the City stretching outside of the walls: his fear suggests that the people of the suburbs — who are collocated with the audience facing them on three sides — are just as much Londoners who will repulse them as those within the walls. In this moment the actors playing the Londoners are behind the *frons*, and the extramural citizens surround Spicing and Falconbridge, giving a very clear sense that they are surrounded by defensively minded *Londoners*. Even with the walls between them and the City proper, there is no way to escape the City's stretching jurisdiction.

The rebels' retreat to Mile End does not remove them from the City's staged jurisdiction. Indeed, before the audience are shown their new location, the Mayor already knows where they are. After being repulsed from the City in scene vi, the rebels march away, announcing their location at line 49. A mere eight lines and a scene change later, the Mayor confirms with the

[386] Stow, *Survey*, Vol. II, p. 73.

Recorder that 'the rebels are retired to Mile End Green?', the quick scene change demonstrating the ease with which information has travelled from the mile post outside the City to within its walls (vii.5). As Falconbridge's army enter in scene ix, 'marching, as being at Mile End', this moment once again mimics the alternating structure of the play's first half, switching from inside to outside London. While in the preceding scene, events had drawn deeper into the City, into the Shores' home, here the action has drawn away from the traditional limits of the City's jurisdiction. Mile End was the site of musters of national importance, and hence a major space for the interaction between the City and Crown: throughout the late 1580s and 1590s, musters ordered by the Crown saw soldiers drawn from City and suburbs assemble at Mile End. Jaggard's *View of All the Right honourable Lord Mayors* makes frequent reference in its brief paragraphs about each Mayor to the City's musters gathered for the Queen: for example, in 1570, 'the citizens trained three times a weeks, the number of 3000. And on May Day mustered before the Queens Majesty at Greenwich'.[387] Musters had a clear association with the Crown, and in their taking place outside the walls of the City, the floating jurisdiction of the City could be felt at these moments, overlaying the fabric of Middlesex. As late as 1598, the Lord Mayor was mustering men at Mile End for defending the Queen against the threat of the Spanish, so the movement of the City's troops to face the incursion at Mile End might have drawn associations for Londoners to the role of citizens in defence on a national scale.[388]

Falconbridge's blurred view of the suburbs and City surfaces again in scene ix. He announces to his followers that 'stand we in the sight of upreared Troy, / And suck the air she draws', once again drawing upon the sense of proximity to the unit of the City that his army's first sight of London called up in scene ii (ix.1-2). This visceral imagery constructs the two locations as

[387] Jaggard, *A View of All the Right honourable Lord Mayors of this honourable city of London* (London: 1601), p. 20.
[388] Ibid., p. 45.

being in the same space, Falconbridge's troops breathing the same air as the Londoners. This would draw attention once again to the audience's own place, physically close to the actual walls of the City, the smells of city and suburb indistinguishable from one another. As Preedy writes,

> the air shared by the city's inhabitants and those who seek to occupy London echoes the spatial doubling within the Boar's Head, where the stage is both London-within and London-without, as well as alluding to the playhouse's real-life location a few feet outside the City's juridical limits.[389]

Furthermore, as the army march, they would likely face back towards the 'walls': the convention of staging marching armies was to have them pass about the stage, tracing a route around the extremity of the stage space. In walking this path, Falconbridge would be able to look back at the *frons*, the nearby boundary associated with one supposedly much further away, the intersection between imagined and stage space collapsing the distance between Mile End and the City's walls. This imagined proximity is strengthened through Falconbridge's assertion that 'our very breath/ Flies from our nostrils, warm unto the walls', placing the span of the eastern suburbs within the space of the stage (2-3).

The containment of Mile End, and the land between it and the City's walls, is furthered by the architecture of the playhouse. The theatre's walls, which previously stood for the unbreachable city walls, now contain the wide-ranging action of scene ix. This scene, through repeated excursions of both armies, conveys the span of the battlefield in the small space of the stage, all held within the theatre's confines. Falconbridge's army splits, in an attempt to lead the Londoners away from the gate of the City and thence to cut them off: 'we are now quite behind our enemies backs, / And there's no let or hindrance in the way, / But we may take the town' (ix.171-173). This means that Falconbridge's men enter from one of the side doors, moving

[389] Preedy, 'Staging Spectatorship', p. 76.

around the edge of the stage (as was conventional for the staging of armies) to come to a point somewhere where they can be intercepted by the Londoners, entering from the other side door.[390] It is possible that they could enter from the same door, one after another, but in either case, the positioning of the two armies must allow the Londoners to physically come between the rebels and the *frons scenae*.

This scene is localised as crossing the span between Mile End and the walls of the city. When Falconbridge instructs Spicing to attempt to cut off the Londoners, Spicing responds

> While thou art employed,
> And holdst them battle on Mile End Green,
> I must provide as harbinger, before
> There be not only clear and open passage
> But the best merchants' houses to receive
> Us and our retinue. (ix.145-150)

The entire space between London's walls and Mile End becomes the battleground, not simply the green. The battle for the City thus becomes stretched over a far more extensive space, reaching from the end point of Mile End back to the City, this stretch imagined as part of the 'clear and open passage'. As such, the repeated excursions that follow the repulsion of Spicing's flanking force associate the confined stage space with the whole span of the extramural area between walls and Mile End, all of which is fought over as part of defending the City's integrity. Similarly, at line 143, the rebels drive the Londoners back, before Falconbridge instructs Spicing to outflank the Londoners. After this, there are further excursions, before the Mayor and Shore enter, the former saying 'we have recovered what before we lost' (ix.154). This suggests that this pushback is reclaiming the space between London and Mile End: if they have 'lost' it previously, it suggests that the land belonged to the Mayor's jurisdiction in the first place. Over the sixteenth century the green space had been

[390] Hodges, *Enter*, p. 25.

increasingly built over. With this, and ever-increasing crown complaints against building in mind, the imagined space is one powerfully associated with the increased disorder of the suburbs.[391] It is thus all the more significant that the Mayor's forces take control of this area. The attack on the city from outside pins the rebels between the edge of the stage and the back wall, confining them to a space outside the walls that remains under the City's control. Again, the changes from source material further the sense of London's independence: while Falconbridge's attempt to outflank the city's troops was in part defeated by the troops of the Earl Rivers, and the Lieutenant of the Tower, no such aid comes in Heywood's play.[392] The excursions that follow the re-entrance of Shore's men lead to the rebels being 'dispersed', broken up into smaller groups and denuded of their power. Although in the historical record London required the help of the Crown to deal with the difficult jurisdictional area beyond the walls, here this threshold is easily defended. London needs no help keeping Edward on the throne.

Even after Edward IV's entrance during scene ix, it is notable that the play continues to locate the extramural suburbs within the jurisdiction of the Mayor. At the end of scene ix, the Mayor informs Edward that he has made proclamation offering a reward to anyone that can bring Falconbridge in. In scene x, the news of this proclamation has reached the extramural suburbs: Falconbridge and Spicing lick their wounds, clearly outside the city's walls, before Chub enters, announcing that 'I bring you news of a proclamation' (x.57). The offstage proclamation has moved from within the city's walls to without them, mimicking the way that proclamations would be read in places both within and 'near' to the City.[393] The city government's efficiency is shown in its ability to cross boundaries, in a form familiar to early modern Londoners. It is

[391] Cf. LMA Remembrancia II, item 17.
[392] Stow, *Survey*, Vol. I, p. 30.
[393] Eg. BL Lansdowne 66/92-95.

not simply information that has made its way out of the walls: the miller who parts the fight between Falconbridge, Chub and Spicing apprehends both the latter men, informing them that 'you shall both together answer it/ Before my Lord Mayor; and here he comes' (x.102-103). This firstly gives responsibility for dealing with rebellion to the City. It also indicates the power of the Mayor's proclamation: action has been taken by an ordinary person, in direct response to the civic authorities' boundary-crossing orders. The approach of the Mayor just at the right moment further places the suburbs within the authority of the City. This scene – unlocalised, but clearly outside the city walls – is defined as within London by the presence of the City government. The appearance of the Mayor presents a sense of contingency, where the Mayor could be present at any point in the suburbs, walking in his jurisdiction. The space of the stage, that has already contained the whole of London, and framed the battlefield as an appendage to the city behind the walls, now stands for the broader jurisdiction of the City government.

In *1 Edward IV* the city asserts sovereignty in its ability to extend beyond its walls. The incursion from beyond the city is not just prevented from scaling the City's walls, but also from gaining any hold over the extramural suburbs. The play's dramaturgy thus not only draws a clean boundary between inside and outside the City's limits, but draws that line to contain what was, in real life, a jurisdictionally difficult area.

Conclusion

'Londoners were acutely aware of boundaries', writes Ian Archer.[394] This is certainly true. However, Londoners were also acutely aware of the problematics of proximity. During the 1590s, the tensions between City and Crown could be felt spatially: seeing the overlap of officers at the suburban fringe, or rioting over the Knight Marshal's overstepping in Southwark in 1592, the City's inhabitants experienced the real difficulty of managing the state's

[394] Archer, 'Government of London', p. 26.

thresholds. As such, the spatial approach to this play, and other London-set drama of the period, is illuminating. However, as this chapter has shown, it is important to consider how political spatial dynamics were: space was a key way through which government, and the early modern state, were understood. We must therefore think in terms of stage space, considering the way that politicised space was imagined and constructed for audiences familiar with their own city and its magistrates. As this chapter has shown, practice-as-research offers a way to investigate the construction of these spaces by exploring how audiences map the known city upon the theatre's architecture and action onstage.

A Warning depicts a version of the state as a Crown-operated, seamless network of magistrates, where commands and communications easily cross familiar jurisdictional boundaries. In its dramaturgy, the play depicts the troubled fringe 'about' the City as a well-oiled threshold managed by the Crown. However, the play does not simply present the obvious pre-eminence of the Crown in the state. In adapting a well-known story to focus upon London, and in presenting the trial as a mixture of both Crown and City jurisdiction, the playwright presents a version of the state where London is central to systems of government and justice. This is superficially unremarkable. However, in the context of Crown pressure in the mid-1590s, the play presents a rebuke to criticisms and intervention, trumpeting London's importance to the state. *1 Edward IV*, however, is far stronger in its reproach to the Crown: it presents the City as able to defend itself, and by extension the whole realm, from external threats. Dillon notes that borders are often more clearly drawn when they have already been transgressed and compromised, and this is accurate here.[395] The play presents a clean boundary between within and without the City, represented by the walls, before demonstrating that the City can also defend its extramural areas *and* the suburbs. In so doing, the play presents the City as able to

[395] Dillon, *Theatre, Court and City*, p. 11.

govern the whole suburban threshold that caused such governmental issues: it therefore presents a vision of the City as vital to the defence of the kingdom, but needing little from the over-hungry Crown.

4. 'See the coast cleared': 'state magic' and the issue of obedience in *1 Henry VI* (1592) and *Sir Thomas More* (c. 1592-5)

Facing incipient rebellion in the City of London in *Sir Thomas More*, the Earl of Surrey suggests that Sheriff More 'May by his gentle and persuasive speech/ Perhaps prevail more than we can with power'.[396] The Earl recognises the power of a magistrate's speech to force obedience from unruly crowds; he also, crucially, recognises that the alternative is to use force, which may not be enough to manage the crowds. The question of obedience and compliance recurs throughout studies of early modern government: why did people obey their magistrates? As discussed previously, historians have approached this question in multiple ways. Some argue that society was so saturated with discourses of obedience that it was simply natural to obey, while others have suggested that the simple fact of office was enough to convey legitimacy upon their actions. Others have emphasised the risk inherent to the enforcement of obedience: several of these historians have relied on the term 'performance' to articulate the dynamic between magistrate and those he attempted to influence. The question, however, of what this 'performance' involved remains unanswered.

This chapter, therefore, examines the presentation of magistrates attempting to enforce their will on groups of disorderly people in two 1590s history plays set partially in London: Shakespeare's *1 Henry VI*, and the unperformed, collaborative *Sir Thomas More*. Both plays dramatise the experience of a magistrate demanding obedience from an unwilling audience, offering the opportunity to examine the practice of authority in a tense situation. *1 Henry VI* dramatises two tumults caused by the retinues of the Duke of Gloucester and the Bishop of Winchester in and around the City of London, forcing the Lord Mayor to attempt to calm the

[396] All references from Anthony Munday and others, *Sir Thomas More*, ed. Vittorio Gabrieli and Giorgio Melchiori (Manchester: 1990); (I.iii.88-90).

situation, partially by a proclamation of the peace. *Sir Thomas More*, meanwhile, presents a riot: the anti-Lombard "insurrection" of Ill May Day 1517, where crowds of angry Londoners protested the perceived preferential treatment of refugee artisans by the Crown. More, a sheriff, quells the riot and 'save[s] the City', and is rewarded by being made Chancellor to Henry VIII. I will hence examine how magistrates are shown to be able or unable to manage brawl and riot in these plays.

1 Henry VI is most often read in terms of kingship and nationhood.[397] While solely attributed to Shakespeare on its titlepage, it is now accepted as a collaborative work, likely between Shakespeare, Nashe and Kyd. It was first performed at the Rose by Lord Strange's Men, in March 1592, and is the only part of the three *Henry VI*s that was not printed in quarto before the First Folio was published in 1623.[398] The play dramatises part of King Henry VI's reign, from 1422 to 1453, compressing the opening of the Wars of the Roses, along with the Lancastrian phase of the Hundred Years' War. The action moves between English forces facing Jean la Pucelle on the battlefields of France, and the widening of factional differences between the houses of Lancaster and York in England. This latter plotline focusses upon the struggle over who may legitimately wield the authority on the underage King's behalf: the Lord Protector, Humphrey, Duke of Gloucester, or the Bishop of Winchester. This plotline includes two scenes involving magistrates attempting to calm tumults: Act I, scene iii, where the Lord Mayor of London is forced to quell a fight between Winchester and Gloucester's men by the Tower of London, and Act III, scene i, where the retinues have laid waste to the capital, and the Lord Mayor has been unable to stop the fighting. While critics have drawn attention to the way in which sovereign authority is under threat in the play, this chapter instead focusses upon

[397] Gillian Woods, 'Incorporating the Past in 1 Henry VI', in *Shakespeare's Unreformed Fictions*, (Oxford: 2013), pp. 25-57.
[398] *BriDr* Vol. 3, p. 161. It is debated whether the play was written before parts II and III, or as a prequel to cash in on their success; Lake, *How Shakespeare Put*, pp. 125-148.

the depiction of the Lord Mayor's attempts to calm tumult.[399]

Sir Thomas More focusses on a full-scale insurrection of the commons. The first third of the play dramatises the 'Evil May Day' riot, from its planning through to the execution of the ringleader, Lincoln. It was never performed, and only exists in manuscript, which has led to considerable debate over its dating. It was written, originally, by Anthony Munday, possibly in collaboration with one or two other playwrights, then later revise by a group of playwrights that may include Dekker, Chettle and Shakespeare. The date of composition and revision are uncertain, but the original draft is likely to date from 1592-3, with revisions made in 1595, before the play was abandoned.[400] The manuscript bears the mark of heavy revision, including comments from the Master of the Revels, Edmund Tilney, who instructed the authors to 'leave out the insurrection wholly'.[401] Though Tilney is often referred to as a censor, Brian Long persuasively argues that the Master's comments did *not* attempt to ban the play, but instead offered a way for the playwrights to get a version of it staged.[402] The comments are undated, which adds further confusion, given that the revisions did *not* 'leave out the insurrection wholly', but did add comic material that 'season[s]… riot with ridicule'.[403] Also of note are the first 159 lines of II.iii, which are solely in the revised version, in Hand D, probably Shakespeare's. The scene is an amplified and altered version of events on Evil May Day, which abandons historical accuracy by having More calm the crowd, and which includes the infamous 'Strangers' Case' speech. The play's contested textual history has attracted attributionists,

[399] Brian Walsh, '"Unkind Division": The Double Absence of Performing History in "1 Henry VI"', *SQ* 55:2 (2004), pp. 119-147.
[400] Metz dates original to 1592-3, edits to 1595; G. Harold Metz, 'The Master of the Revels and *The Booke of Sir Thomas More*', *SQ* 33:4 (1982), pp. 493-495. See also Nina Levine, 'Citizens' Games: Differentiating Collaboration and "Sir Thomas More", *SQ* 58:1 (2007), pp. 31-64. Richardson and Wiggins date the final revised manuscript to 1601, while Jowitt places the additions as late as 1603-4; *BriDr* Vol. 4; John Jowitt, ed., *Sir Thomas More* (London: 2011).
[401] BL Harley 7368, fol. 1[r].
[402] See Brian Long, 'The occasion of *The Book of Sir Thomas More*', in T.H. Howard-Hill, ed., *Shakespeare and Sir Thomas More* (Cambridge: 1989), pp. 45-56.
[403] David Womersley, *Divinity and State* (Oxford: 2010), p. 206.

while other critics have drawn attention to the depiction of the rioting citizens and the aesthetics of the play's structure.[404] Critics have also drawn attention to More's rhetorical brilliance, though it is notable that these critics have not examined this in context with the historiography of riot and rebellion.

This is the first of two chapters that explore the effectiveness of magisterial authority through examining the onstage presentation of officers attempting to enforce their will. Historians have demonstrated that magisterial responses to disorder ran along a spectrum from persuasion to force, with force often being the last resort, and one that was only open in the most serious cases of disorder. However, 'persuasion' as a method of handling crowds and disorderly assemblies has been under-theorised by historians. As I will demonstrate, magistrates performing authority in front of a disorderly audience needed to claim the 'authority of performance', where only the magistrate had the right to act in public space, and where the crowd became a compliant audience to the enactment of state authority. This aspect of the performance of authority was necessary for any persuasion to take place, and was often one of the most difficult aspects of the performance. This, moreover, was crucial to the state being performed into reality: the concretisation of the state that took place when delegated authority was successfully enacted *only* took place when magistrates had seized control of their audience. Both plays' detailed depictions of these performances of authority, along with their factual basis and English setting, offer the perfect opportunity to examine the presentation of this aspect of practising authority in depth: instead of over-emphasising persuasion-as-speech, these plays allow the consideration of more intangible aspects of enforcing obedience from multiple people, such as control of public space and the management of an audience.

[404] Stanley Wells and Gary Taylor, *William Shakespeare: A Textual Companion* (Oxford: 1987), pp. 461–67; *Shakespeare and 'Sir Thomas More'*; Levine, 'Citizens' Games'; Alistair Fox, 'The Paradoxical Design of "The Book of Sir Thomas More"', *Renaissance and Reformation* 5:3 (1981), pp. 162-173.

Concerns about the effectiveness of authority dogged the 1590s, especially during the mid-decade 'crisis'. Both plays tap into this anxiety through their presentation of the difficulties of controlling tumult and riot. In both plays, noise and the lack of spatial control are shown to be obstacles to the enforcement of obedience: this is particularly clear when the plays are examined in performance. Lake has argued that *1 Henry VI* is not about the succession, but about how a weak king seems to fuel power struggle and disorder, my analysis of the play focusses on its presentation of the exercise of magisterial authority.[405] Read in this light, *1 Henry VI* clearly responds to anxieties over the succession by raising difficult questions about the exercise of authority in the face of jurisdictional tension, through presenting the increasing failure of magistrates to assert authority over tumults. With a weak King, jurisdictional clashes increasingly render the practice of delegated authority impossible, leaving a state that is non-functional, hardly a monarchical republic. The final text of *More*, however, presents a very different version of the ability of a magistrate to handle a riot. It equates the successful enactment of authority with performance skills: examining the play's dramaturgy reveals that it is not simply that More is able to influence the crowd with his words, but that the play actively carves out space and silence for him. This chapter therefore diverges from previous studies of the play that have focussed on More's persuasive powers, by examining how the play presents his success with the crowd as a *performance*, not simply as rhetorical brilliance. Crucially, the play contrasts More, a representative of the City, with the lumpen nobles that *cannot* stop the riot, a contrast that also calls to mind the failure of the Lord Mayor to assert authority over the rioters of June 1595. As such, the play presents a challenging view of magisterial authority, where More's authority derives more from his civic identity than the Crown, and which implicitly criticises the failure of the civic authorities to handle London's recent disturbances.

[405] Lake, *How Shakespeare Put*, p. 129.

Imposing the magistrate's will

As we have seen, authority was not simply received by the governed. A magistrate needed to manage his audience's impression of him to appear legitimate: the success of a magistrate's imposition of will lay in its reception. However, despite this, there has been sadly little recent work on how magistrates enforced their will on groups of people, such as arrests and during riots. The historiography on the latter emphasises the limited capacity of the early modern state to affect behaviour: a 'parish constable could often do little when unruly crowds gathered', and historians of popular disorder have largely agreed that the state was 'always punching beyond its weight', simply not having the means to either police the populace, or to repress serious disorders.[406] Indeed,

> it was an awareness of the formal weaknesses of the English state in the face of the reality of large-scale popular protest that rendered government anxious to anticipate and ameliorate popular grievance, so giving protest its force.[407]

Walter's focus upon the anticipation of and amelioration of the causes of riot is representative of the wider consensus among historians on how riots were handled by the early modern state. Generally, studies focus upon the dialogue between rioter and governor, on attempts at prevention, on how rioters appealed to authority for redress, and how that redress was often meted out fairly swiftly afterwards.[408] It has also been shown that local and national authorities worked to *prevent* riots and other disorders via policy, such as imposing price controls on

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[406] Wall, *Power and Protest*, p. 147; Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke: 2002), p. 35. See also Buchanan Sharp, *In Contempt of All Authority: Rural Artisans and Riot in the West of England, 1586-1660*, (Berkeley and London: 1980), p. 3-4; Walter, 'The Politics of Protest in Seventeenth Century England', in Davis, Michael T., ed., *Crowd Actions in Britain and France from the Middle Ages to the Modern World* (Basingstoke: 2015), p. 60.

[407] Walter, *Crowds and Popular Politics in Early Modern England* (Manchester: 2007), p. 11. Wall notes incident where a constable facing a hundred-strong crowd' dared not arrest anyone for riotous assembly', and one where food rioters refused to disperse; *Power and Protest*, p. 147, p. 157.

[408] Wood, *Riot, Rebellion and Popular Politics*, p. 97; Walter, *Crowds and Popular Politics*, pp. 9-10; 27-37

foodstuffs.[409] Others, meanwhile, have investigated how the management and punishment of disorders contributed to state formation.[410]

Unfortunately, historians have largely not drawn together the literature on compliance and the performance of authority with that of riot management. This is an oversight, given the strain that riot and rebellion placed upon the social order: if magisterial authority was so dependent on cultural hegemony, what happened to that authority when rioters and rebels challenged the social order? Generally, the details of these moments of encounter between governor and governed have been brushed over, perhaps because they are evanescent and harder to find in the archival record. Historians tend to use the word persuasion to cover a variety of non-violent strategies by magistrates, including the proclamation of peace and less formulaic negotiations with rebels.[411] Generally, persuasion was preferred to violence, as magistrates could not always call upon force, but armies and trained bands were often part of the crushing of major disorder. However, it is valuable to explore the persuasive dimension of the authorities' response to riot, leaving behind the future-tense attempts at prevention, and the past-tense punishments and policy changes made in the wake of riot, to explore an under-emphasised part of the experience of government, and to explore the strength of early modern magistrates in the face of disorderly crowds in a new way. This approach, crucially, allows us to examine 'the delicate relationship between crowd and authority' during crowd actions.[412]

As we have seen, the assertion of magisterial authority can be understood in terms of performer and audience. A magistrate making an arrest in the open street, lacking the resort of force,

[409] Sharp, *In Contempt*, p. 3-4
[410] Kesselring, 'Mercy and Liberality: The Aftermath of the 1569 Northern Rebellion', *History* 90 (2005), pp. 213-235.
[411] Sharp, *In Contempt*, p. 73; Jonathan McGovern, 'Communication and Counterinsurgency under the Tudors from the Lincolnshire Rebellion to the Northern Rising', PhD thesis, University of York, 2019.
[412] Walter, *Crowds and Popular Politics*, p. 33

needed to ensure that no one would intervene: he needed a compliant audience. This audience, for early modern people, was a sanctioning one: to remain uninvolved was to accept the legality of the action being witnessed. The anxiety of the authorities over whether witnesses to false, libellous proclamations had responded to them as if they *were* actual proclamations indicates the importance placed upon giving audience. In East Allington, Devon, after a church service, William Richardes

> then and there in the presence and hearinge of divers of his majesties subiectes proclaime and ma[d]e one twoe or there loude and solempe oyes Cryes or proclamacions.[413]

Notably, the Star Chamber interrogatories asked 'did the persons then and there assembled geue silence and attencion to the said oyes Cryes or proclamacions', clearly emphasising the concern that a fake proclamation was understood as a real one, and given the same response — 'silence and attencion' — as a legitimate proclamation would have been. Indeed, it is important that such false proclamations' success was marked in terms of their impact upon an audience.

Walter argues that proclamations, and other acts of government 'all involved formal gestural acknowledgement through conventional gestures of submission — kneeling and/or uncovering by removing the hat — of what has been termed the 'absent presence' of the monarch''.[414] What I would like to suggest is that these gestures acted as a recognition of the crowd's place as an *audience*. When the people in the marketplace 'gathered themselves togeather expectinge to heare what should be ther proclaymed', they placed themselves as the receptors of a performance. By assembling, doffing their hats and keeping silence, and hence becoming an

[413] TNA, STAC 8/254/24.
[414] Walter, 'Gesturing at Authority', p. 110.

audience, those present recognised the proclamation as legitimate. Any performance of authority was a creation of reality, whose success depended upon the interpretation of those witnessing it. It was also a creation of the reality of the magistrate's authority: the audience are the fact of the authority delegated to the office, the evidence that their legitimation has succeeded. This is even clearer when we consider space. Lin's reformulation of Weimann's conceptualisation of theatrical authority here proves useful. Weimann created a pair of spatially-specific terms, *locus* — the space from which characters with authority would generally speak — and *platea* — the fringe where the characters had less authority in the play-world, but a greater interactivity with the audience. The *locus*, crucially, 'constructs an invisible line separating actors from spectators'.[415] Lin argues that what distinguishes between *locus* and *platea* is not simply where characters stand on stage, but who is being watched: 'being watched and heard apparently puts one in the *locus*'.[416] This was much the case in the early modern street: a magistrate's authority derived from his being the sole performer. The 'authority of performance', then, was the creation of that line that delineated between governor and governed, and the existence of that line confirmed the power of the state in that moment.

The 1590s and 1600s witnessed anxieties about the effectiveness of magisterial authority, and alongside this the authorities were clearly concerned about the ramifications of others witnessing disobedience to authority.[417] While Braddick has shown that insults to magistrates

[415] Lin, 'Performance Practice and Theatrical Privilege: Rethinking Weimann's Concepts of *Locus* and *Platea*', *New Theatre Quarterly* 22: 3 (2006), p. 287.
[416] Lin, 'Performance Practice', p. 290.
[417] Walter notes 'the dependence of power-holders… on the maintenance of respect for their authority'; *Crowds and Popular Politics*, p. 10. Concerns over imposture suggest real anxiety over the impersonation of officials, and reveal a clear difficulty with the identification of officials: see the 1596 proclamation against persons with forged credentials, who, 'taking upon them to be messengers ... and for that purpose undutifully wearing boxes or scutcheons of arms... by colour wherof they doe warne Gentlemen, Ministers of the Church, Women, Yeomen, and other her Maiesties Subiects, that dwell in sundrie Counties of the Realme, to appeare before the Lords and others of her Maiesties Privie Councell, and exact fees of them for their labor and travaile, as though they had been expressly sent from the Court by the order of the sayd Lords, to those, whose names are inserted in such counterfeit warrants'; Hughes and Larkin, p. 159–62. See also *Harley MS 2143*, for multiple examples, e.g. p. 48, 42, 68, 74, which suggest concern of Star Chamber's judges about impersonation of officials. See also

could very easily impede the execution of their duties, magistrates that failed to exert their authority on others destabilised the performance of the state.[418] When a magistrate was unable to perform his duty, the state had *not* been brought into reality: the authority delegated to him had been insufficient to command behaviour. These moments where authority was challenged were clearly concerning: Star Chamber cases evince a common worry that magistrates' offices were disrespected. After pushing a bailiff to the ground, and demanding to see the writ, Thomas Wilberfosse

> **in further spoyle and mallice of of your said subiect and in Contempt of his office and place of service under your Majesty** pulled of a great part of your said subiects beard from his face, and held the same up aloft and shewed it to all the bystanders and said Rioutous persons and said here is the Bailiffs warrant for the Arrest and the said riotous persons and other the inhabitantes did then and there make a great shout and noyse and continewed in that tumult and uproare for the space of two howers.[419]

There's a clear sense of the ramifications of seeing this disrespect and the 'tumult and uproare'; the bill for Samuel Farebancke's rescue declared that the incident was 'not onelie agaynste your Majesties Lawes… but dangerous for example'.[420] This is especially obvious in the bill for Thomas Salkeld's 1606 rescue. His telling the sheriff he 'had no warrant to arreast him and that he would keepe the wrytt in despit of him and his Aucthorytie' was dangerous because

> the people there abowtes being but newly brought to conformytie would upon any tumult or uprore be ready to take any occasion of rebellion against those that are putt in aucthorytie over them.[421]

What we see here is the fear of the *effect* of witnessing disobedience to authority, and the threat this posed to the state's functioning: seeing failures of authority concretised a vision of a *weak* state. The emphasis on the potential effects of magistrates being disrespected suggests the

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Hug, *Impostures in Early Modern England*.

[418] Braddick, 'Face', p. 13-14

[419] TNA, STAC 8/61/61, emphasis mine.

[420] TNA, STAC 8/296/24.

[421] TNA, STAC 8/16/18. This case was brought by Attorney General Henry Hobart, suggesting that such disrespect of magistrates was of real concern to one of the state's highest courts. See also Star Chamber cases in Harley 2143 prosecuting individuals who resisted officials or showed contempt for magisterial office and/or the court itself; Kesselring, *Harley 2143*, nos 650, 676, 780, 781, 788, 839, 841, 891, 895, 916, 917, 979 and 980.

danger that stalked performances of authority in early modern England: the possibility of a hostile audience.

The stakes of achieving the 'authority of performance' were far higher in the case of riot. Faced with a crowd, and with riot conceived as a devastating strain on the social order, a magistrate *needed* to be able to impose his will. If we examine this 'persuasion' in terms of performance, the fragility of authority in the face of a crowd becomes clear. Once again, a magistrate needed to ensure that he had an audience, but this time it was an *extended* moment of performance, where the audience would need to be persuaded not just to listen, but to obey. During the Midlands Rising, the Earl of Shrewsbury remarked that the JPs handling the disorder hoped by 'open[ing] to them theyr extreme folly… so to have perswaded them to disperse them selves'. The image of 'opening' their folly has implications of *showing* an audience something, of attempting to convince them of something. The stakes of this sort of thing can be seen in an incident that took place during the 1549 rebellions, when a herald offered a pardon to persuade Kett's forces to disband:

> it happened that, before [the herald] had made an end of his speech, that an ungracious boy, putting down his breeches, shewed his bare buttockes & did a filthy act: adding thereunto more filthy words.[422]

This disrespect was so badly received that the boy was killed by the Earl of Warwick's troops: refusing to give audience was perceived extremely badly by the crown's forces. This moment undermined the authority of Protector Somerset's state: in breaking through the line between performer and audience, the audience no longer conferred authority on the herald. 'Persuasion', in its many forms, first required the achievement of an audience.

So how *did* a magistrate manage to present himself as the singular performer, and assert the

[422] Wood, *Riot, Rebellion and Popular Politics*, p. 69.

'authority of performance'? Here, Goffman's 'frame' is helpful:

> I assume that when individuals attend to any current situation, they face the question: "What is it that's going on here?" Whether asked explicitly, as in times of confusion and doubt, or tacitly, during occasions of usual certitude, the question is put and the answer to it is presumed by the way the individuals then proceed to get on with the affairs at hand… [the frame is what] could be appealed to for the answer.[423]

However, this chapter does not attempt to anatomise the assertion of the frame: instead, it explores how these two plays poke at the *possibility* of a magistrate being able to assert the frame, and how they conceptualise magisterial authority in their dramatic action. However, it is worth noting some possible aspects of the frame. As we will see in the following two chapters, invocation could be a powerful tool: the monarch's name could alter a situation, defining a magistrate's actions as legitimate. Props, too, could be helpful: a writ, waved visibly before a crowd, might be enough to confer legitimacy. Space was certainly vital: controlling public space was central to the articulation of authority.[424] It is worth considering how a magistrate might make proclamation from a traditional spot, or move to the centre of a crowd in order to more successfully demand audience. Finally, the very *presence* of an audience could be part of the continuing success of the magistrate in asserting the frame: the visible acceptance of authority that an attentive audience represented could have its own momentum, drawing others into that same acceptance as they witnessed it.

However, sometimes an audience wasn't quite enough. This was seen all too clearly during the Midlands Revolt. Magistrates seem to have attempted to persuade crowds to disperse, both with proclamations and actual conversation with rebels: the Justices of Warwickshire, reportedly, 'hadd conference with a great number of them, perswuadynge them the danger of

[423] Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (Boston: 1986), p. 8.
[424] Wood notes that the 'capacity to control space represented a political achievement'; *Riot, Rebellion and Popular Politics*, p. 8.

the law'.[425] At Newton, one of the Rising's most notable disturbances, magistrates

> began by reading the royal proclamation of 30 May, which charged the protesters with seditious libel for criticizing the government's failure to prosecute enclosing landlords and threatened to crush them with 'force of arms' if they did not disperse. Montagu and Mildmay apparently used 'all the best persuasions' to encourage the crowd to dissolve, and read the proclamation a second time. 'When nothing would prevail', however, the gentry force 'charged them thoroughly with both horse and foot.' At first the crowd stood fast and 'fought desperately', but 'at the second charge they ran away', and in the rout 'some 40 or 50 of them' were slain and 'a very great number hurt'.[426]

Importantly, a proclamation was understood here as part of a scheme of persuasion: while we don't have more details, it is worth imagining these interactions between magistrate and crowds, where the rebels *were*, apparently, listening and paying attention, but weren't willing to provide any further compliance. In this moment, moreover, the state's authority was not manifested: the audience refused to obey. Approaching the imposition of magisterial authority as a performance, therefore, offers us the opportunity to examine the strength of the state in its interactions with those it governed, and to explore how witnessing failures of authority might affect perceptions of the state.

Stable referents, unstable frame: *1 Henry VI*, I.iii

It is of no surprise to anyone with a passing familiarity with *1 Henry VI* that it stages the disastrous effects of having a weak king. The play also obviously engages with the problem of faction: Lake argues that the play does not see uncertain succession as the cause of civil war, but instead locates it 'in the conjunction of noble faction, weak monarchical oversight and foreign war'.[427] However, reading the play's engagement with politics only through the presentation of the monarch and nobility omits another major aspect of the play's depiction of government: magistrates attempting to enact their authority, specifically the Lord Mayor of London. The first of the two scenes depicting the Mayor's attempts to assert control over the

[425] BL Lansdowne 90/23.
[426] Hindle, 'Imagining Insurrection', p. 21-23.
[427] Lake, *How Shakespeare Put*, p. 129.

tumultuous followers of the Duke of Gloucester and Bishop of Winchester offer a vivid depiction of the fragility of magisterial power in the face of jurisdictional conflict, and hence the incorporeality of a state with a weak monarch. In so doing, the play responds to key late-Elizabethan concerns over the efficacy of practising authority, which were inherently linked to the succession.

This scene centres upon questions over the delegation of power. It focusses upon the right to perform authority in the infant King's name, and the linked right to speak for the realm as a whole. It begins with a disagreement between the Duke of Gloucester and the Warders of the Tower, who refuse the Lord Protector entry. Gloucester immediately introduces the problem when refused, demanding

> Who willed you? Or whose will stands but mine?
> There's none Protector of the realm, but I.
> Break up the gates, I'll be your warrantize. (I.iii.11-13)[428]

Gloucester defines his ability to enter the Tower in his office as Lord Protector of the realm, the playwrights maintaining the title of the role given by Hall, and thus emphasising the importance of this role to the whole kingdom.[429] The image of Gloucester being the 'warrantize' (or guarantee) calls to mind how warrants for arrests and other legal processes were made in the King's name: as Lord Protector, Gloucester suggests that his authority functions in the same way. There is the possibility that the *office* of protector stands for more than the King. After Gloucester's men 'rush' at the gates, Woodville, Lieutenant of the Tower asks 'what noise is this? What traitors have we here?', the epithet 'traitor' yet another contestation of the

[428] All further references taken from the Arden 3 edition: William Shakespeare, and Edward Burns, ed., *Henry VI Part I* (London: 2000).
[429] Edward Hall, *The union of the two noble and illustre famelies of Lancastre [and] Yorke* (London: 1548), p. xciiij.

Protector's authority: for him, the Tower, and those holding it, are coterminous with royal authority, while by dint of acting against them, Gloucester and his retinue are the deviants, the traitors against Winchester's version of the state (15).

This is more complicated by the different sources of Gloucester and Winchester's authority. Winchester and Gloucester hold authority through their position as magnates, *not* magistrates. However, both Winchester and Gloucester derive *magisterial* authority from delegation: Gloucester, as Lord Protector, and Winchester as Bishop. Winchester, importantly, represents a separate jurisdiction: Rome. The prelate's defence of his authority is couched in 'haughtily prelatical, indeed sometimes frankly Romanist terms', telling Gloucester 'thou wilt answer this before the Pope' (52).[430] Gloucester's own insults further hammer home Winchester as a Romish interloper, by criticising him in standard anti-Catholic terms: 'thou that giv'st whores indulgences to sin' (35). Gloucester's repeated references to Winchester's cardinal's robes emphasise the jurisdictional confusion and conflict taking place: 'I'll canvas thee in thy broad cardinal's hat'; 'Thy scarlet robes as a child's bearing cloth/ I'll use, to carry thee out of this place'; 'Under my feet I stamp thy cardinal's hat'; 'Out, scarlet hypocrite' (36; 42-43; 49; 56). At this point, Winchester is *not* yet Cardinal: his investiture does not take place until V.i, following Hall's account.[431] While this inconsistency may be due to collaborative authorship, the inaccuracy of calling Winchester Cardinal at this point further emphasises the contested authority upon which he calls: the scene shows him 'laying claim to a title to which he has as yet no right'.[432] Moreover, the clear association of Winchester with Rome villainises him. Womersley argues that the play's Gloucester transforms from 'Hall's rash worldling… to the mouthpiece of robust, English, proto-Protestant good sense, resistant to Catholic imposture',

[430] Lake, *How Shakespeare Put*, p. 136.
[431] See Arden, p. 144n.
[432] Arden, p. 145n.

while also intensifying the critique of Winchester compared to Hall's portrayal of the prelate.[433] This scene, therefore, draws attention to the danger of jurisdictional conflict, and emphasises the issue of having prelates with divided loyalties.

These disputes over authority are further drawn into relief by the Lord Mayor's entrance. The Mayor declares to Winchester and Gloucester 'Fie, lords, that you, being supreme magistrates, / Thus contumeliously should break the peace', appealing to their *offices* (57-58). As previously mentioned, the Lord Mayor's office was conceptualised as a gift from the monarch, even as Londoners often trumpeted the exceptionalism of the city's government. The Mayor's office raises questions about the structure of the state, and the extent to which those structures can continue after the death of a monarch: upon the death of the monarch, the Lord Mayor retained his position, but local magistrates such as JPs derived their authority directly from the monarch. The Mayor, here, tries to put the Duke and Bishop's authority under the same umbrella as his own — the delegated power of a magistrate. The scene, moreover, takes place at the Tower, which was directly under royal jurisdiction, 'mak[ing] conflict more, rather than less volatile'.[434] The Mayor could not, technically, operate within the Tower, and indeed the mid-1590s saw the relationship between the officers of the Tower and the City sour.[435] All told, the scene presents vital questions about the nature of delegated authority, and the jurisdiction of such authority.

This scene, in a play deeply concerned with authority and which magistrates have the right to perform authority in the King (or commonwealth's) name, provides an excellent opportunity

[433] Womersley, *Divinity and State*, p. 242.
[434] Arden, p. 145n.
[435] The climax of these tensions was arguably Lieutenant Blount massing forces against the Mayor in June 1595; see R.B. Manning, 'The Prosecution of Sir Michael Blount, Lieutenant of the Tower of London, *BIHR* 57 (1984), pp. 216-224.

to consider how 'state magic' functions within the play. The stage directions are sparse, and raise questions about when and by whom the violence is halted. In its depiction of London's highest magistrate attempting to force compliance upon a crowd, against the wishes of two holders of high office, the scene presents the opportunity to consider how different magistracies relate to one another in this play. In early March 2020, I carried out a PAR workshop that staged the scene from line 53 — 'Winchester goose, I cry, a rope, a rope' — to the end of the scene after line 89. The workshop aimed to consider how this scene functions in performance, and to specifically consider how the proclamation in the scene works as a performance onstage. With stage combat choreographed by Ariel Levine, and a group of student actors, we staged the scene in several different ways, experimenting with the roles of silence, violence and compliance. Crucially, I instructed the actors to not follow their scripted actions until they *heard* the proclamation. When workshopping this scene, the importance of two things became very clear: managing stage space, and getting the crowd's attention.

Upon the Lord Mayor's first entrance amid the 'hurly burly', he clearly does not have the authority of performance (57). The actress playing the Lord Mayor noted that she found negotiating the space of the stage extremely difficult the first time she burst into the fray from behind. Faced with a tumult, which would require clearing, the Mayor would need to command the space: in this situation, however, it seems this is much harder.[436] In workshop we discovered that the centrality of Winchester and Gloucester's argument greatly affected the stage space. As Lin notes in her reformulation of Weimann, *locus* and *platea* are partially determined by whether a character is watching or being watched.[437] While the Mayor's entrance placed him at the centre of the stage, where the audience's eyes might be drawn by his motion, the actors

[436] Emphasis was often made on clearing tumults of any size; Dalton, *Countrey Justice*, p. 29, 201.
[437] Lin, 'Performance Practice', p. 289.

playing Winchester and Gloucester both instinctively moved forward to answer the Mayor, moving close enough to one another that each could point a finger in the other's face. Neither paid any real attention to the Mayor, their own argument foregrounded, with the Mayor forced to trail behind them.

Similarly, the sheer level of noise onstage made it all the harder for the Mayor to make himself heard. As we experimented with the point at which the rioters actually stop fighting onstage, we saw just how loud the scene was, with swords clanging against one another and the sounds of exertion from the servingmen. It is unclear exactly when the fighting should stop: in one version of the scene, the broil continued through the Mayor's first two lines, the actress having to literally jump out of the way as one servingman slashed at another. Here, the structuring of the action demonstrated the difficulty the mayor had in asserting his authority: this was all the more foregrounded by the fact that in this version of the scene, the fighting only stopped once Gloucester started talking, actors carefully watching Gloucester and Winchester for their cues, *not* the Mayor. The actors playing the servingmen, too, commented on how difficult it was to listen for their cues to stop fighting even if they *were* supposed to stop when the Mayor entered: in many ways, it may have been easier for actors to simply watch for the motion of Winchester and Gloucester across the stage. In the script, the Lord Mayor barely gets a word in edgeways, and in performance this was heightened by the clear control of the stage that Winchester and Gloucester held, while the Lord Mayor seemed out of her depth and unsure, an irrelevant add-on to a scene that she could not control. As the scene devolved into violence again, the two nobles controlled the action onstage, their departure from centre-stage allowing the affrayors to begin again. As the actors playing Winchester and Gloucester's Men did not have their scripts in hand, to allow them to concentrate on the fight itself, the development of the scene relied upon the cue from Gloucester: 'I will not answer thee with words, but blows' (69). The

crowd thus palpably relied upon the direction of their leaders, who stood in the *locus*, with everyone onstage (including the Mayor) watching them.

The scene thus completely undermines the Mayor's authority, through his inability to turn Gloucester and Winchester into an audience to his authority. His physical presence does nothing to stop the fray. Gloucester's line 'peace, mayor, thou knowst little of my wrongs,' completely cut across the Mayor, the actor not even looking at her, his motion across the stage towards Winchester drawing the eyes of an audience (59). The exchange between the rivals also drew the attention of the audience: Gloucester's line 'here's Beaufort, that regards nor God nor king, / Hath here distrained the Tower to his use', underlined by the actor stabbing his finger towards Winchester, acted less as a statement appealing to the Mayor, but to the audience's own feelings (60-61). Winchester's retort that Gloucester is 'a foe to citizens' worked similarly, possibly also appealing to contemporary London audiences with a strong sense of citizen identity (62). The central performers in the scene *before* the proclamation happens are, clearly, Winchester and Gloucester, who stage manage while the Mayor cannot. Troublingly, London's officials are unable to assert themselves by their own authority against these noblemen who happen to be magistrates, and in the face of a broil, their practice of 'state magic' fails.

The Mayor's proclamation, however, changes things. Its form mimics an actual proclamation:

> *All manner of men, assembled here in arms this day against God's peace and the King's, we charge and command you, in his Highness's name, to repair to your several dwelling places, and not to wear, handle, or use any sword, weapon or dagger henceforward, upon pain of death.*[438] (73-77)

[438] Compare to the standard version:
'At his comming to the place where the force is supposed by this Writ, he may cause the Oyes for silence to be made, wyth this, or such an other Proclamation.
The Queenes Maiesties Justice of hir Peace straightlye chargeth, and in hir Maiesties name commaundeth all

The scene draws attention to the necessity of the Mayor being audible, the Mayor instructing the Officer to 'make open proclamation./ Come, officer, as loud as e'er thou canst' (71-72). Anyone who had experienced a proclamation in the marketplace would have known the expected response: to go silent and listen to the proclamation. After the proclamation is made, both Winchester and Gloucester recognise the legitimacy of the Mayor's authority. Gloucester immediately responds after the proclamation is finished, telling Winchester that 'I'll be no breaker of the law' (78). The proclamation, thus, seems to have changed reality and forced the two rivals into compliance. At this point in the play, the authority of the King seems to be a stable referent upon which the Mayor can draw: the illocutionary force of declaring the tumult to be 'against God's peace and the King's' is strikingly successful, turning Winchester and Gloucester into an audience at last.

However, performing the scene complicated things. While the proclamation *did* clearly affect events, one major impact on the proclamation's efficacy is at what point the second fray stops. If the actors were given the cue to stop as they heard the proclamation, this certainly created a sense of the efficacy of the proclamation. In this version of the scene, the silence that the proclamation was met with emphasised the power of the proclamation, the Mayor suddenly seeming able to seize control of the stage, grasping hold of the frame. However, the actors noted again how difficult it was for them to even hear the proclamation, let alone respond to it,

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and everie person to keepe silence, whilest hir Maiesties Writ upon the Statute made at Northampton, in the 2. Yeare of King Ed.3 hir noble Progenitour, delivered to the said Iustice, be reade, and Proclamation bee thereupon made accordingly.
Then may be read the Writ, or declare the effect thereof in English.
After that, let the oyes be made againe, and thereupon may this Proclamation follow.
Hir Maiesties sayde Iustice, doeth in hir Highnesse name, and by vertue of hir sayde Writte, straightlye charge and commaunde, that no manner of person, of what estate, degree, or condition soever, nowe beeing within the house of B. &c. named in the said Writ, shall goe armed, nor [] kepe force of armor or weapon, nor do any thing there, or else where, in disturbance of hir Maiesties Peace, or in offence of the saide Statute, upon the paines of loosing his saide armour and weapon, and of imprisoning of his bodie at hir Maiesties pleasure.
God save the Queene.'
Lambarde, *Eirenarcha*, p. 167-168.

while carrying out complex combat choreography. The struggle to be heard might mean that different actors would stop at different points during the proclamation, perhaps undermining its power. This was emphasised by how I in the audience *could* hear the proclamation, but could see the rioters *not* responding to it, further concretising a version of the state where the gift of authority to the Mayor does not work. This complicates matters further if the cue to stop was *not* the proclamation, but was instead Gloucester or Winchester's following lines. In one version of the scene, the servingmen were instructed *not* to stop until after their two leaders had spoken: in this version, one of Gloucester's followers *only* stopped fighting after the actor playing Gloucester had specifically directed one of his lines to her. This version of the Mayor's performance was therefore much less powerful than if silence and obedience had neatly followed his proclamation. Indeed, the Mayor was *still* forced to compete with rival performers, and faced an audience that had not accepted their place as such.

The insufficiency of the proclamation is shown by how the stage is *not* cleared immediately. After Winchester's threat to Gloucester — 'thy heart-blood I will have for this day's work' — the Mayor tells them 'I'll call for clubs, if you will not away' (I.iii.81-82). Here, it becomes clear that those involved the fight are still at risk: both from the authority of the Mayor, and of continuing to fight. With both parties still onstage, it seems that the Mayor has *not* fully asserted authority, the place still at risk of tumbling into tumult, depending on how Gloucester and Winchester act. The exeunt stage direction — apparently for *both* Gloucester and Winchester, along with their followers — does not come until line 86, possibly suggesting that even after Gloucester bids the Mayor farewell, he remains onstage until Winchester has made his final threat, 'Guard thy head;/ For I intend to have it ere long' (85-86). In workshop, we agreed that this made the most sense as a cue for the servingmen to exit if the proclamation itself does not stop the tumult: given the apparent loyalty of the servingmen to their leaders, their leaving

before approval from Winchester and Gloucester did not make sense. Once again, the Mayor fades into the background, the two rival nobles holding authority over their own groups of servingmen. The Mayor's final instruction, 'see the coast cleared, and then we will depart' compounds the sense of danger that remains: even as the servingmen exit, it seems that the space still requires clearing, in case of further violence (87). If the Mayor says these lines *as* the crowds exit, it compounds his powerlessness. While the Mayor may have some strategies to assert the frame in this scene, the nature of cues for the servingmen affects just how successful his practice of 'state magic' is, by determining whether he has control of the scene or not.

This scene is the dramatists' creation: it dramatises an incident between Winchester and Gloucester that was reported in the 1426 Parliament, held at Leicester. Holinshed, reprinting the accusations against Winchester, notes that Gloucester,

> being protectour, and defendour of this land, desired the Tower to be opened to him, and to lodge him therein; Richard Wooduile esquier (hauing at that time the charge of the keeping of the Tower) refused his desire, and kept the same Tower against him vndulie and against reason, by [...] he commandement of my said lord of Winchester; and afterward in approouing of the said refusall, he receiued the said Wooduile, and cherished him against the state and worship of the king, and of my said lord of Glocester.[439]

This parliament is dramatised later, in scene III.i, but the adaptation of historical events allows the factional fighting to come into clearer view in the play. However, the scene does not just dramatise the coming of civil war: in its inclusion of the Mayor, his attempts at persuading the two nobles, and the proclamation of peace, it offers a depiction of the practicalities of government. The scene in performance, therefore, does not simply emphasise the danger of noble faction, but presents the fragility of magisterial authority in the face of it: by creating an

[439] Holinshed, *Chronicles*, Vol. 6, p. 591.

onstage audience that barely listen to the Mayor, the scene demonstrates the shifting stands upon which the state rests.

Unstable referents and factional fracturing: *1 Henry VI*, III.i

1 Henry VI is 'a play about crumbling structures of authority and stability'.[440] However, despite broad critical consensus on this point, there has been less attention paid to the Mayor's attempts to impose his will, and no real mention made of what the failure to do so might indicate about the state. As I will show, by III.i, the structures of authority that the Mayor could draw upon in the play's first act have crumbled entirely, leaving a situation where neither King, Protector nor Lord Mayor can control tumult. Delegated authority, therefore, has become destabilised. The only person who can control the disorder, by this point, is Winchester, whose authority represents a *foreign* jurisdiction. The state at this point of the play is thus a *failed* one: delegated authority fails to function in the event of having a weak monarch *and* jurisdictional conflict.

Once again, the scene foregrounds the jurisdictional conflict between Winchester and Gloucester. Here, the dramatists return to the 1426 Parliament, with several significant changes from Hall's account: instead of Duke of the Bedford summoning the Parliament in Leicester to castigate the Lords for their role in bringing the country to near civil war, the scene is presented as a trial for Winchester: 'Gloucester offers to put up a bill; Winchester snatches it, tears it'. (III.i.0) Winchester is, thus, once again presented as the villain of the play, Womersley arguing that this depicts Gloucester as a proto-Protestant hero. The rivals snipe at one another, each declaring the other's authority to be inferior to his own:

> Winchester: For what are you, I pray,
> But one imperious in another's throne?
>
> Gloucester: Am I not Protector, saucy priest?

[440] Walsh, '"Unkind Division"', p. 126.

Winchester: And am not I a prelate of the Church? (43-46)

Here, the anxiety over what might remain in the absence of a monarch is brought to the fore, along with the vexed question of which magistrate can represent the monarch. The opening of the scene stages this debate with repeated references to Winchester's bishopric and Gloucester's Protectorship, the two factions repeatedly butting heads over the inability to square these two kinds of authority:

Warwick: It fitteth not a prelate so to plead.

Somerset: Yes, when his holy state is touched so near.

Warwick: State — holy or unhallowed — what of that?
Is not his grace Protector to the King? (57-60)

This opposition between lay and ecclesiastical authority would have been troubling for a 1590s audience. Gloucester declares his fear that 'the King, thy sovereign, is not quite exempt/From envious malice of thy swelling heart', the reference to sovereignty all the more pointed given that Winchester is a cleric (25-26). The religious note to the struggle over sovereignty and authority over the realm becomes even sharper as Winchester spits 'Rome shall remedy this', calling to mind concerns over Rome's jurisdiction over recusants and church papists in Elizabethan England (51).

The debate over who is the true representative of the king's wishes and the realm is problematised by Henry's plea to his uncles at line 65-66. He refers to them as the 'special watchmen of our English weal', the playwrights drawing upon the cultural touchstone of the commonwealth. This complicates matters. On the one hand, 'our' may refer to the nobles as a whole, or the body politic, suggesting an inclusive version of the commonwealth. On the other, it could be that Henry speaks in the royal 'we', claiming possession of the commonwealth as a whole. It is difficult to pry these meanings apart: the multivalent term thus emphasises the problem of distinguishing between being protector to the king and protector of the realm. Henry

fails, too, to separate Winchester and Gloucester's jurisdictions, placing them on the same level as 'watchmen' in the commonwealth. An infamously weak king behaving so on the English stage in 1592 might have drawn the censure of audiences for such a failure: Elizabethan England was certainly not willing to allow a clergyman to stand on the same footing as Lord Protector, and definitely not a Rome-aligned bishop.

The announcement of tumult at line 73 reveals how unmanageable the City has become in the face of jurisdictional conflict. The Lord Mayor's entrance is markedly different to his previous one. After the din of tumult, the Mayor enters, imploring

> O my good lords, and virtuous Henry,
> Pity the City of London, pity us:
> The Bishop and the Duke of Gloucester's men,
> Forbidden late to carry any weapon,
> Have filled their pockets full of pebble stones,
> And banding themselves in contrary parts,
> Do pelt so fast at one another's pate
> That many have their giddy brains knocked out. (III.i.95-202)

By contrast to his attempts in I.iii to assert himself over Winchester and Gloucester, here he pleads, making an emotional appeal to the higher authority. Perhaps audiences would wonder if another proclamation had been made offstage: if so, it must have been unsuccessful. The Mayor's and civic government's authority has apparently been insufficient to enforce order within the City. The fact that the fighting has continued even after both factions have been forbidden to bear weapons again shows how authority has crumbled within the City: despite the attempt to prevent further strife, the desire to fight has overcome the City's law. As the Mayor informs his audience, 'Our windows are broke down in every street, / And we, for fear, compelled to shut our shops', the City's mercantile activity coming to a grinding halt as a result of this total disorder that apparently cannot be halted (III.i.84-85). It is significant that the violence has rendered the Mayor's own jurisdiction unmanageable. While ill-behaved noble

retinues were by no means an unfamiliar problem for the watchmen and constables of late sixteenth century London, the play presents a vision of the City being overcome by the followers of two of the supreme magistrates of the realm. London has become a subject.

This depiction of chaos had clear resonances for the moment of the play's performance. The City descending into violence, with one side identified with Rome, would likely have had strong resonances with recent events in France: the Day of the Barricades, 12th May 1588, had seen a spontaneous Catholic uprising in Paris against Henri III's moderate policy towards Huguenots. As Lake notes,

> if late Elizabethans wanted a glimpse of what might well be waiting in store for them in the near future they could do so, not only by looking back to English history, but also by merely looking across the Channel to France:

the barricades and violence that had filled the French capital demonstrated all too well how dangerous a succession crisis could be.[441] The French Wars of Religion may have followed the defeat of the Spanish Armada, but the threat of invasion remained: England's safety depended in no small part on whether a Catholic or Protestant controlled the Channel ports.[442] The play's dramaturgy also emphasises the relevance of this crisis to the present day. The cry 'down with the tawny coats' is heard within at line 73, and 'stones, stones' at line 75. This offstage noise imagines the tumult within the city as just beyond the *frons scenae*: those in the audience might thus imagine the riot as within the City, hearing it scant feet away from their place in the theatre. As well as flattening the geographical distance between theatre and onstage London, the offstage noise might well have reminded audiences of the sound of disturbances within the City's walls, crushing the temporal distance between the early fifteenth and late sixteenth centuries. This would draw the play's depiction of governance closer to the contemporary,

[441] Lake, *How Shakespeare Put*, p. 32.
[442] Ibid., p. 32.

perhaps encouraging audience to think even more about the links between this revived history and their own moment.

Furthermore, much as in I.iii, the creation of a moment where a broil *must* be managed by magistrates once again draws attention to the practice of authority. As previously mentioned, the Parliament that begins the scene was held at Leicester, not Westminster, but the change in location allows the dramatists to include this dramatic showdown between Winchester and Gloucester's men. Hall and Holinshed refer to the complete disarray the rivalry had brought upon the City:

> so that the citezens of London fearyng that that should insue vpon the matter, wer faine to kepe daily and nightly, watches, as though their enemies were at hande, to besiege and destroye theim: In so muche that all the shoppes within the cite of London wer shut in for feare of the fauorers of those two greate personages, for eche parte had assembled no small nombre of people.[443]

The dramatists transform this account from urban brawl to a pair of magistrates attempting to enforce their will upon a tumultuous crowd. However, while in I.iii the King's peace could be called upon in order to assert the Mayor's legitimate authority, here the King's presence is insufficient to stop the broil. Henry declares 'We charge you, on allegiance to ourself, / To hold your slaughtering hands and keep the peace,' but the servingmen refuse to stop fighting.

> 1 Servingman: Nay, if we be forbidden stones, we'll fall to it with our teeth.
>
> 2 Servingman: Do what ye dare, we are as resolute.
>
> *Skirmish again*. (III.i.89-91)

But it is not just that the King is weak: the structures of authority emanating from the King have broken down. The self-declared representative of the realm, the Duke of Gloucester, is unable to enforce authority upon this tumult. While in I.iii, the brawl's restarting depended on

[443] Hall, *Union of Two*, p. xciiij.

a cue from Gloucester, here the servingmen wait upon a cue from one of their own to begin fighting again. Gloucester pleads

> Stay, stay, I say:
> And if you love me, as you say you do,
> Let me persuade you to forbear awhile. (104-106)

Gloucester's words fall on deaf ears: even as he tries to persuade his men in emotional terms, they will not submit. This is even more significant given that he is Lord Protector: the authority that he holds because of that position seems to matter little amid this tumult. Both Mayor and Lord Protector are unable to enact the authority that has been delegated to them: the state is falling apart.

The breakdown of magisterial authority in the face of a weak king and factional fracturing is intensified in performance: the scene's stage business makes it exceptionally clear that the practice of the state crumbles in the face of jurisdictional conflict. After Gloucester pleads with his men to stop fighting, Winchester remains silent from the entrance of the tumult at line 85, until 119. Given that the servingmen involved in the broil do not verbally acquiesce to Henry's request for them to stop fighting until line 147, the discussion between Winchester, Gloucester, Warwick and King must take place amidst the tumult that 'begin[s] again' at line 103. Winchester's refusal to back down, even as Gloucester begs his men 'stay, stay', is thus foregrounded: while Gloucester argues that his 'compassion' for the king 'commands me stoop', the crowd are not convinced to stop until *both* stage managers are in agreement. (120) It is striking that the servingmen's divided attention has such a great impact on the ability to stop them fighting: even when one magistrate behaves in a public manner, half the servingmen still have an authority to look to, to sanction them to carry on fighting. This is an unsettling version of the state where its authority crumbles in the face of faction and divided loyalties, where monarchical authority is not enough to assert legitimacy over a broil. Where in I.iii, the

Mayor still had strategies to assert the frame, in III.i the frame has broken down entirely. Winchester, visibly identified as a representative of Rome's jurisdiction, holds all the cards in this crisis: the play thus suggests the danger that Catholics might pose to the practice of state authority in the event of an invasion or Catholic succession. As Alex Gajda notes,

> the crisis in France fascinated and appalled Elizabethans, who were only too fearful that England would experience their own civil wars, if their confessional divisions and unsettled succession remained unresolved.[444]

Read in this context, the play's presentation of Winchester as palpably in charge of the stage, offers a frightening vision of magisterial authority overcome by a Catholic threat.

The play thus presents a version of the state where those entrusted with authority are largely powerless in the face of a tumult. This is a failed state, whose magistrates can barely bring their versions of reality to term: for Mayor and Lord Protector alike, a hostile audience and a powerful clergyman render their grasp on order tenuous at best. *1 Henry VI* thus responds to the troubled 1590s, offering its own take on the fragmenting of order that many perceived to be taking place, and concerns over the efficacy of authority. More importantly, however, the play shows structures of authority crumbling: the power delegated is increasingly shaky, with the monarch's name — let alone presence — unable to force compliance. In presenting both Lord Mayor and Lord Protector being unable to wield the force of the King's name, *1 Henry VI* presents a polity where the central idea of the monarch lacks any kind of force. It is not simply that *1 Henry VI* is about a weak king: exploring these two scenes where magistrates must assert the authority delegated to them exposes the way that the play shows the entire structure of the state to be on shaky foundations. With no higher power for the Lord Mayor to refer to, London falls into jurisdictional chaos, riven by divided loyalties. As Henry rebukes

[444] Alexandra Gajda, 'Political Culture in the 1590s: the "Second Reign of Elizabeth"', *History Compass* 8:1 (2010), p. 92.

his uncles,

> Civil dissension is a viperous worm,
> That gnaws the bowels of the commonwealth:

the commonwealth is diseased by its lack of a uniting monarch (72-73). Crucially, this chaos is only manageable by Winchester, Rome's representative in England. As Elizabeth aged, and the threat of Catholicism lurked within the realm and just beyond the Narrow Sea, the fear of what might happen to national and local government without an heir found its expression in this play.

June 1595: magisterial precarity

Magistrates facing a crowd already stood on shifting sands, but the increasingly shaky footing of magistrates as they attempted to control riotous, hungry crowds was a key dimension of events in the capital during the summer of 1595. While historians have debated the extent of the 'crisis' in London in the 1590s, John Walter's brilliant recent analysis of events during 1595 highlights a new angle for considering these difficult years:

> there was a crisis — of authority. The City's reaction to popular disorder in 1595 reflected an underlying belief, voiced by the Aldermen in 1592, that 'popular multitudes being once incited and assembled together can hardly be suppressed and kept within obedience by any authority of Magistrate whatsoever.'[445]

In June 1595, at the high point of the 'crisis', a crowd of apprentices stormed Tower Hill, with a trumpeter rallying their troops, leaving the City government with a dangerous, armed crowd. Stow's account of the incident records that the Mayor 'by his wise and discreate pacification as also by proclamation in her Majestys name, in short time, cleared the hill of all trouble'.[446] This, however, is far from the full story.

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[445] John Walter, ''A Foolish Commotion of Youth'? Crowds and the 'Crisis of the 1590s' in London', *TLJ* 44:1 (2019), p. 27.
[446] Stow, *Annals*, p. 1280.

When proclamation of the Queen's peace was made on Tower Hill in June 1595, the crowds did not disperse. Despite 'commanding all persons their assembled quietlye to departe whome [sic] to their houses and places of abode', the Mayor was unable to secure the compliance of the crowd. This refusal to obey looms large in both the trial of the Lieutenant of the Tower, Sir Walter Blount, whose prosecution offers some detail on events, and in *A Students Lamentation that hath sometime been in London an Apprentice, for the rebellious tumults lately in the citie hapning: for which five suffred death on Thuresday the 14th Iuly last*., printed in 1595. The anonymous writer of the *Lamentation* demands 'Contemned they not her Maiesties proclamation, by which they were three times charged to avoid?'.[447] The emphasis on disobedience to the proclamation is significant: as foundation for his complaints about the rioters, the author notes the need for concord within 'every well guided commonwealth', before insisting that all must 'honor the magistrate with al dutious reverence'.[448] As Walter argues, the respect for magistrates was vital to civic order: without a belief in the authority of the magistrate, it would be impossible to control a crowd.[449] However, 'despite repeated orders made against doing so, the ability of the crowds to assemble and their refusal to disperse revealed the fragility of this assumption'. The failure of the proclamation represented the disavowal of the mayor's authority: as the documents of Blount's trial state,

> Notwithstanding the said proclamacion and all good meanes used by the saide lorde maior to dissolve and disperse the said rebellious asssemblye, a great multitude of the said disordered and sedicious persons continewed theire still in open contempts of your highnes authorytye which the said lorde maior represented being your majesties leiutenant [sic] of the said cytye.[450]

The entire structure of city government — with the Mayor as possessing delegated authority from the monarch — was challenged by this disobedience.

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[447] *Student's Lamentation*, sig. B^{v}.
[448] Ibid., sig. A4^{v}.
[449] Walter, 'Foolish Commotion', p. 27.
[450] 'Prosecution', p. 222.

I agree with Walter that the crisis of 1595 was one of authority; however, I would surther note that it was, in particular, a crisis of 'state magic'. It was a crisis where the magistrates of London had lost the ability to control their audience, and where those present at the disturbances *witnessed* the failure of authority: the state did *not* come into being at these moments. Crucially, what links these incidents is an inability to assert the authority of performance, and where violence became the only recourse. Along with the refusal of crowds to obey a proclamation of peace, the troubled summer was marked by moments of challenge to the performance of authority. Even before events escalated on Tower Hill, unruly apprentices asserted their own authority in the butter and fish riots where they seized foodstuffs and proclaimed a lower, fairer price. In these moments, apprentices seized control of public space, their voices creating a new reality where the *taxation populaire* was made material. When the Mayor rode to Tower Hill on June 29th, he found himself facing a mob that had organised themselves with a trumpet, spread out across the open space. The proclamation 'command[ed] all persons their assembled quietlye to departe whome [sic] to their houses and places of abode'. However, the proclamation was made to a disparate and hostile crowd, who *did not disperse*, forcing the Lord Mayor to 'travell[…] on horse backe from place to place uppon Tower Hill aforesaid suppressinge the unlawfull assemblye of the said tumultuous persons'.[451] Spencer could not assert himself as a single performer getting the attention and compliance of everyone present, but instead had to actively fight to assert authority, using violence instead of persuasion. Much as the Crown instructed its officers to be ready to use force if persuasion was not enough, the Mayor's men went to Tower Hill armed to 'suppresse the fury of those rebellious conspirators and to reduce them to their due allegience and obedience'.[452] If persuasion would not work, the

[451] Ibid., p. 222.
[452] Ibid., p. 222.

use of force would help to 'reduce' rioters to a more acceptable standard of behaviour, limiting their responses to authority. Indeed, writing to Burghley on June 29th, *before* the riot on Tower Hill, Lord Mayor Spencer expressed his worry that the unruly apprentices could not be persuaded to stop rioting: 'I feare the same will not be suppressed untill some of them be ponished accordinge to the Marshall lawe'.[453] The time for persuasion had apparently passed.

Blount's interference during the riot, meanwhile, indicates just how concerned the authorities were about the possibility of crowds *witnessing* disruptions of authority. Blount was accused at his trial of having ordered his followers to rescue some of the rioters that had been arrested by the Mayor's men. 'In the viewe and presence of dyverse of the said riottous and rebellious conspirators assembled', Blount's followers assaulted the Mayor,

> to the great weakeninge and disabeling of the power and aucthorytie used by the said lorde maior in suppressinge of the said tumulte and to the encouragement of the said conspirators did very contemptuouslye and dispitefully and in highe contempte of your highnes sovereigne aucthorytye beate downe the said sword of justice then and theire carried before the saide lorde maior.[454]

Blount's actions were significant because they weakened the authority being used by the Lord Mayor: they made it less effective, by *visibly* undermining it. The reference to 'the encouragement of the said conspirators' is also significant, as it suggests a competing focus for the rioters: instead of simply having the view of the Mayor's men arresting and taking away their fellows, confirming the version of the state where they had the ability to do that, there was another version of reality being created in view, that entirely undermined the one that the Mayor wished to perpetuate.

During the events of June 1595, 'state magic' came under stress. Magistrates found themselves

[453] BL, Lansdowne MS 78/64.
[454] 'Prosecution', p. 223.

facing hostile audiences that would not accept their authority as legitimate, unable to use the techniques that would assert the standard frame that demanded obedience. The Lord Mayor found himself contending with his audience, unable to wield the authority of performance. The reality that a proclamation of peace attempted to assert was unsuccessful, unaccepted: the frame that would have rendered his authority believable was out of his reach amid the noise and chaos of Tower Hill. The state of which he was an officer remained intangible as his delegated authority failed to come into reality. These memories of disobedient crowds that denied the authority of the magistrate by refusing to obey proclamations, I argue, offered a potent context for *Sir Thomas More*, had it been performed, where the play presented an unflattering comparison with the failure of magisterial authority in June 1595. The dynamic between persuasion and violence, too, is central to the play: on Tower Hill, violence had been the only method for the state to control the crowd, while the fictional Thomas More is able to manage them with persuasion alone. The play recalls June 1595's crisis in how its crowd scenes raise the memory of noise and confusion as preventing the assertion of the authority of performance. While Lord Mayor Spencer was unable to assert the frame on Tower Hill, at least in part to his complete inability to make himself heard, More manages to get an attentive audience in a way that appears effortless.

'To calm our private foes/With breath of gravity, not dangerous blows': precarious magistrates in *Sir Thomas More*

Sir Thomas More's depiction of riot, and its difficult textual history, has led to disagreement over why it was never staged. Though some critics suggest that Tilney banned the play after seeing its vivid depiction of Evil May Day, others have noted that Tilney's comments are too detailed and specific to be banning the play: instead, it seems more that the Master of the Revels was trying to get the play performed.[455] The question then remains of *why* the play never saw

[455] Long, p. 46.

performance. The original composition seems to be most likely 1593, given the strong resonances with the spike of tensions over immigrants around the Dutch Church Libel. I follow both Metz and Long, in suggesting that the play was abandoned in the summer of 1595 by its writers who recognised that they were in dangerous waters.[456] This, crucially, is borne out by the depiction of riot's extraordinary similarity to the disorders of that troubled year in the capital.

Whether the play was being edited in 1595 or 1601, its depiction of Evil May Day is strongly reminiscent of the disorders of 1595. Firstly, there is a clear issue with food supplies and prices in the city. At the beginning of the riot in II.iii, Lincoln expresses the legitimacy of his right to speak with reference to high prices: 'he that will not see a red herring at a Harry groat, butter at elevenpence a pound, meal at nine shillings a bushel, and beef at four nobles a stone, listen to me' (1-4). Although referring to the Henrician 'Harry groat', this resonates with the price hikes and shortages of the mid-1590s.This would certainly have called to mind the fish and butter riots of June 1595, where the rioters proclaimed fairer prices for foodstuffs — including, presumably, red herring and butter.[457] Moreover, the rioters lay the blame on City government. Quoting the Spital sermon verbatim, Lincoln begins the list of wrongs against the City with an address 'to you all the worshipful lords and masters of this city', clearly identifying the City governors as being at fault for the citizenry's suffering (I.i.106-107). In I.iii, a messenger brings the four noblemen the news that 'the mayor/Is threatened if he come out of his house', in the midst of five lines marked for deletion by Tilney (75-75).[458] This is markedly similar to the threats made against Lord Mayor Spencer in June 1595, where rumours circulated that a gallows had been set up outside his front door, and that an 'Irish trick' would see him

[456] Metz, p. 494-495; Long, p. 54.
[457] BL Harley 2143, fol. 57^{v}.
[458] Melchiori and Gabrieli, p. 82n.

decapitated.[459] Indeed, the play originally included a scene involving an attack on the Mayor, removed in the revisions. Furthermore, a rumour that circulated about Southwark in the wake of the disturbances provide an illuminating context for the play's depiction of the City government's involvement in the harsh punishment of rioters: one Edward Flower was accused of having said that

> yt is pyttye, theye Apprentices shuld be thus punisshed for wheare the Lords of the counsell had gyven direccon that theare should be but two punisshed the Lorde maior dothe punishe a great meanye.[460]

The wave of discontent aimed at Spencer might well have come to mind for an audience watching the apportioning of blame to the City fathers in *More*. Again, much as the rioters in the play claim to be taking justice into their own hands in the absence of proper government by the civic authorities, those involved in the Tower Hill riot claimed that they intended to 'take the sworde of aucthorytye from the magistrats and governours lawfully aucthorised'.[461] While this is of course linked to the common language of riot and rebellion, it is notable that probably the most recent examples of such rhetoric had been the rioters on Tower Hill, and those involved in the two food riots: in both cases, those involved were accused of doing things 'of their own authority' or taking authority from those supposed to have it.[462] Adding this all to the quick suppression of an anti-stranger pamphlet by the aldermen in the same month, *More*'s rioters bear striking similarities to the multiple complaints raised by the citizens of London in June 1595.[463]

The Crown's interest in the insurrection was strongly reminiscent of Crown intervention within the City in June 1595. The riot is constantly shown to be a crown issue: in scene I.iii, the Earls

[459] SP 12/252 fol. 1; HMC *Hatfield House* V, p. 249-250.
[460] SP 12/252, fol. 3-4.
[461] Archer, *Pursuit*, p. 1.
[462] BL Harley 2143, fol. 57v.
[463] LMA, Remembrancia Book 2, item 98; Archer, *Pursuit*, p. 1.

of Shrewsbury and Surrey discuss the threat of uprising with two other courtiers. Importantly, this scene is unhistorical, but the speeches themselves are drawn from Hall and Holinshed: the dramatists have here drawn attention to the aristocracy's concerns about the City's level of order.[464] The courtiers specifically reference the relationship between monarch and subject, Surrey marvelling, 'That this high-crested insolence should spring/ From them that breathe from his majestic bounty' (12-13). The play's Crown are constantly present, commenting upon their fear of the riot escalating, and visible onstage in II.iii where More manages to calm the crowd. As shown in chapter 3, during the 1590s the Crown's presence was increasingly felt within the City, particularly with reference to order: the introduction of martial law in 1592, and the continued orders from Privy Council to manage disturbances around the City's fringes, were hard to ignore. The focus on the harsh punishment of the rioters, too, calls 1595 to mind. As Tracey Hill notes, the threat of severe repercussions does not vanish entirely beneath More's skilful rhetoric. After the rioters have agreed to cease their disorder, with More promising them that 'mercy may be found/ If you so seek it,'

> Shrewsbury then says to the Lord Mayor: 'let them be sent to severall prisons, / and there in any case, be well intreated' (scene vi, 482). 'Intreated' in this context has a range of possible meanings, but overall, the sixteenth- and seventeenth-century examples of its usage give the clear impression that it is a negative term, thus meaning 'badly treated'. The sense of threat, regardless of either Shakespeare's input or More's purported geniality, is clear.[465]

Lincoln's execution in II.iv demonstrates the consequences of rebellion. The messenger at line 5 brings the Privy Council's orders to the other Sheriff, while at line 135 the royal pardon is brought by the Earl of Surrey, 'since his highness is so merciful/ As not to spill the blood of any subject' (140-141). It is notable that the Sheriff points out to Surrey that 'the council's warrant hastened our dispatch;/ It had not been done so suddenly' (143-144). As such, the

[464] Melchiori and Gabrieli, p. 78n.
[465] Tracey Hill, ''Marked Down for Omission': Censorship and *The Booke of Sir Thomas More*', *Parergon* 17:1 (1999), p. 77.

execution is explicitly linked to the Crown, whose orders seem to have hastened the death of Lincoln, who would otherwise have lived. Similarly, the Crown's response to disorders in London during June 1595 were also extreme. Those involved in the market disturbances of 12th and 13th June were not tried in Southwark, despite the Mayor setting up sessions to take place in the same jurisdiction as the disorders had taken place, and his attempt to play down the riot's severity.[466] Instead, the Privy Council moved to ensure punishment, seeing the rioters tried in Star Chamber by the Attorney General.[467] As Walter notes, this was far beyond the normal response to food riot. The intensity of the Crown's response went ever further in the execution of five of the Tower Hill ringleaders for high treason, on the orders of the Privy Council: despite Spencer's attempt to downplay the severity of the disorders, the Crown wanted punishment. If staged, *More*'s emphasis on the involvement of the Crown in the management and punishment of the riot would have been clear, drawing parallels to the events of June 1595.

The play's description of the coming riot emphasises the complex relationship between force and persuasion in the face of disorder, drawing attention to both the precarity in which the magistrates find themselves, and the crisis of authority in June 1595. Notably, in both May 1517 and June 1595 proclamations were made to halt rioters, but failed, and in the end force was the only option to end both riots. Surrey both identifies More as able to persuade the crowd, *and* emphasises that persuasion is likely to be more successful than force:

> He, backed with other grave and sober men,
> May by his gentle and persuasive speech
> Perhaps prevail more than we can with power. (I.iii.87-90)

[466] LMA, Remembrancia Book 2, items 97 and 98; Spencer wrote to Burghley that 'one Thomas Blest a Constable dwelling neere the place and seeing the disorder comanded those rude and unruely parsons to surcease their strife and to depart that place, which presently they did every one of them departing whom without farther busynes or breach of the peace', and then added in a second letter that 'upon good enquiry I find nothing ells butt a great concourse and presse of peopell for buying of butter, and other victuall without any force or other disorder'.
[467] BL Harley MS 2143, fol. 57v; Walter, 'Foolish Commotion', p. 23.

Palmer has already informed the other nobles that he was unable to persuade the strangers to behave better:

> Where by persuasion I enforced the wrongs
> And urged the grief of the displeased city,
> He answered me, and with a solemn oath,
> That if he had the Mayor of London's wife
> He would keep her in despite of any English. (32-37)

Where the characters identified with the Crown have been palpably unable to use persuasion, More is already felt to be talented in this regard. More himself introduces the dichotomy between force and persuasion in II.ii: ''Tis time that force or parley do encounter/ With these displeaséd men' (9-10). It is important that More expresses his belief that persuasion *will* be enough to halt the broil: those familiar with the chronicle histories and the events of summer 1595 could certainly have raised eyebrows at this. Notably, More was *not* able to pacify the rioters in 1517. His dramatic alter-ego, however, asserts twice that words will be enough:

> I doubt not but we shall appease
> With a calm breath this flux of discontent…
> A god's name on, to calm our private foes
> With breath of gravity, not dangerous blows. (30-31; 42-43)

With both the clear memory of 1517 and 1595, where persuasion was *not* possible, and the general awareness that the use of force was often not an option for magistrates, the play effectively sets up the precarity of More's position.

The appearance of the crowd in II.iii, moreover, exemplifies this precarity. The stage directions set up a dramatic entrance, with the rioters entering from one side, and More, Cholmley, Palmer and the other Sheriff from another: the rioters hold the stage. Lincoln immediately draws attention to the need to be heard: 'peace, hear me', he begins, ending with another demand for audience, 'list to me' (II.iii.1-4). The other citizens onstage listen carefully to him, one echoing 'mark him' at line 6. This scene would force the magistrates to listen to Lincoln's speech for

their cues, the audience in the playhouse also potentially paying careful attention to his words, as he speaks of food prices and rehearses xenophobic rhetoric. Here, the rioters very clearly have the authority of performance: Lincoln is being watched, not just by his fellows, but by magistrates and playgoers alike. This might call to mind the two June 1595 market disturbances, where rioters declared their own prices for goods, 'making proclamation thereof of their own authoritie'.[468] In those two disturbances, part of the offence in the eyes of the crown was the seizure of authority that the proclamation represented: here, the control of public space might well have reminded audiences of the events of June 1595. More is faced with a riotous crowd already in control of the stage.

As soon as a magistrate attempts to enforce order — the Sergeant, asking 'What say you to the mercy of the King?' — the scene descends into more noise, Lincoln insulted by the Sergeant's comment that they are 'simple', leading to the crowd yelling 'prentices simple, prentices simple!' (28). The confusion worsens with the entrance of the Mayor and Earls of Surrey and Shrewsbury. Different characters talk over one another in a burst of single lines:

> Sheriff: Hold, in the king's name hold!
>
> Surrey: Friends, masters, countrymen—
>
> Mayor: Peace ho, peace! I charge you keep the peace. (29-31)

This scene presents a distressing vision of the chaos of crowd actions, where no magistrate can be heard. The rioters disagree with one another, some calling to hear Surrey, some for Shrewsbury, before declaring 'we'll not hear my Lord of Surrey'. (41) In a world where the need to be heard was vital to the imposition of order on riotous crowds, this is a stunning moment of disrespect for authority. In the clamour of voices, none able to win out, and with multiple actors competing for control of the stage, an audience is presented with a scene where

[468] BL Harley MS 2143, fol 57^{v}.

'state magic' is doomed to fail. As More remarks, 'Whiles they are o'er the bank of their obedience, / Thus will they bear down all things' (43-44). Much as Lord Mayor Spencer had made proclamation into an unhearing and uncaring tumult, his authority going unheard, rendering persuasion impossible, *More* suggests an ominous vision of a weak state in the face of a crowd. The play's presentation of riot is worryingly close to the raw memory of June 1595, and one that sets up Evil May Day as a similar moment of the failure of authority. As such, it makes sense that the writers would recognise the risk of staging such a play: perhaps Tilney's suggested edits came after the first draft but before the revisions, or perhaps the playwrights felt that the play couldn't work without the riot scenes. Either way, these scenes clearly present a vision of disorder entirely too close to recent events for comfort: however, what critics have not noticed is that this similarity also calls to mind the *inability* of the civic authorities to handle the disorders of 1595.

'Master Shrieve More, you have preserved the City': the power of persuasion

Tilney marked the entirety of the riot for deletion. It seems that the Master of the Revels originally made small comments, then cut speeches wholesale, until the entirety of II.iii had been cut, leading to the infamous comment

> Leave out… / the insurrection wholy with / the Cause ther off and / begin with Sir Thomas / More at the mayors sessions/ with a reportt afterwards / off his good servic' / don being' Shrive off London / uppon a mutiny Agaynst the / Lumbards only by A shortt / reportt & nott otherwise // att your own perilles.[469]

Here it is important to explore the distinction between having the insurrection staged, and the preferred 'shortt reportt' that was requested. Multiple critics have noted the difficulty of staging riot, but I'd like to draw attention to Tilney's emphasis upon More's 'good servic'. It is not simply that riot would be presented onstage, but that the depiction of More's incredible

[469] Melchiori and Gabrieli, p. 17.

performance of authority would have been too unflattering a contrast with the failure of Lord Mayor Spencer during June 1595.

Naturally, critics have remarked upon More's bravura display of rhetoric in his speeches to the crowd in II.iii. Womersley notes that More's 'role as the source of social cohesion… is evident… in the way he leads the rioters to a voluntary orderliness through the power of persuasive speech'.[470] More deploys hypophora, asking his audience to consider what things would look like if 'your noise/ Hath chid down all the majesty of England', before presenting them with the grim answer (II.iii.78-79). His impassioned defence of the strangers appeals to the audience's sympathies, describing

> The wretched strangers,
> Their babies at their backs, with their poor luggage
> Plodding to th'ports and coasts for transportation,

vividly drawing attention to their suffering (78-79). More's use of pathos runs throughout the speech, but he also appeals to the crowd's self-interest: 'and by this pattern/Not one of you should live an aged man' (88-89). He walks the crowd through his hypophora, explaining in detail how the rioters' lives would be if they found themselves strangers:

> Whither would you go?
> What country, by the nature of your error,
> Should give you harbour? Go you to France or Flanders,
> To any German province, Spain or Portugal,
> Nay, anywhere that not adheres to England,
> Why, you must needs be strangers. (136-141)

More creates a logical argument that forces the rioters to consider themselves refugees. Clearly, this *is* a rhetorically powerful speech. However, More's convincing of the crowd is not simply about his words: the play presents his 'persuasion' in terms of *performance*. More controls the stage and gets an audience in a way that no other characters can.

[470] Womersley, *Divinity and State*, p. 211.

Where other magistrates — and, indeed, the rioters' leader himself — fail to get an audience from the disenfranchised citizens onstage, the dramaturgy gives More a stage presence. We have already seen that the assertion of the authority of performance was imperative for magistrates handling crowds, and how fragile their grip on this frame could be in the face of hostility. Amid the confusion of the first forty-odd lines of II.iii, it is all the more striking that More *immediately* gets an audience. After More's remark 'thus they will bear down all things', Lincoln says 'Shrieve More speaks? Shall we hear Shrieve More speak?' Doll then calls 'let's hear him', mentions her brother, and then again says 'let's hear Shrieve More' (45-49). Where others in the scene have palpably failed to get an audience, More's first lines immediately result in him being heard. Where the earlier cues are likely to lead to difficulties for actors, here the cues are far clearer, allowing things to proceed seamlessly. At line 34, repeated cues and unison lines emphasise the chaos onstage:

> George: We'll hear the **Earl of Surrey**.
>
> Lincoln: The Earl of **Shrewsbury**.
>
> George: We'll hear **both**.
>
> All: Both, both, both, **both**!
>
> Lincoln: Peace I say, peace! Are you men of wisdom or what **are you**?
>
> Surrey: What you will have them, but not men of **wisdom**.
>
> Some citizens: We'll not hear my lord of **Surrey**! (34-41; emphasis mine)

Lincoln's cue would potentially result in the actor interrupting the crowd, emphasising his inability to control them. The cue of 'wisdom' for 'Some citizens', too, is repeated, first occurring as a false cue partway through Lincoln's line, perhaps resulting in the crowd cutting into his and Surrey's speech. The play offers a script of confusion and speakers interrupting one another, the authority of performance belonging to no one.

Things change when More begins to speak. While Doll's two calls for audience seem similar, the cue would be 'Shrieve More', not 'let's hear', and so there is nowhere near the level of cue confusion seen earlier. There is still some difficulty between lines 50 and 57, where the name 'More' might cause interruptions —

> All: Shrieve More, More, More, Shrieve More!
>
> More: Even by the rule you have among yourselves,
>
> Command still audience.
>
> Some: Surrey, Surrey!
>
> Others: More, More!
>
> Lincoln: Peace, peace!
>
> George: Peace, peace! (50-57)

However, Lincoln responds to More's demand to 'command them to a stillness' immediately, and after his cry 'good masters, hear me speak', Doll agrees: 'ay by th'mass will we' (59-60; 63-64). Although More has some struggle to get his audience, he is very easily able to seize the authority of performance in the eyes of two of the most significant rioters: Lincoln and Doll. There is something uncanny about this: both these characters *immediately* seem to recognise his authority and give him audience. The ineluctable dimension of the performance of authority is brought to the fore here, emphasising the magical part of 'state magic'. This is emphasised by a series of metrically incomplete lines for More:

> Thus will they bear down all things; 7 syllables (44)
>
> Command still audience; 6 syllables (52)
>
> Command them to a stillness; 7 syllables (57)
>
> Good masters, hear me speak; 6 syllables (62)

These lines, which break from More's iambic pentameter, jolt the listener. Once again, More

stands out onstage, seemingly by just his speech, the script once again presenting More as having some kind of uncanny hold on the crowd. It is even more striking that after the profusion of noise and confusion the crowd call 'Peace, peace!' at line 66, actively casting themselves as listeners to More's coming oratory. Where proclamations had failed in both 1517 and 1595, More is able to grab silence from the audience, the silence that Lord Mayor Spencer palpably failed to achieve amid the tumult of Tower Hill.

Furthermore, More continues to become the central performer onstage. His 'stranger's case' speech has attracted a great deal of attention from scholars of Shakespearean authorship, but more notable is the effect this speech might have upon an audience. It is a masterful rhetorical performance which is specifically *staged as successful*, the crowd becoming persuaded over the course of More's oratory. Doll remarks at line 94 'that's as true as the gospel', demonstrating how she is already being swayed. At line 105, the crowd declare 'Marry, God forbid that', in response to the suggestion that they are 'in arms against God'. By line 151, the crowd are unanimous in their response: 'Faith, 'a says true; let's do as we may be done by'. Between 105 and 151, then, the question remains of what those onstage do in response to More's extended speech. It is the longest string of lines in the entirety of the first third of the play, undoubtedly standing out for the way that More remains uninterrupted: he very clearly has the authority of performance, all onstage apparently listening to him. This, too, would be echoed by the audience in the theatre itself: with no other speech to distract from the potent rhetoric and emotional appeal, all eyes would be on More. Given the nature of cue-scripting, this scene would leave the actors playing the crowd with the cue 'mountainish inhumanity' for their unison line at 151. The result of this would be that the onstage crowd would have been actively listening to the actor playing More, intensifying his authority and control of the stage. Where everyone else has been palpably unable to manage the crowd, More manages to with

more than just rhetorical brilliance: his authority is equated with his *performance* skills.

In the wake of More's speech, the play offers an idealised vision of a magistrate being able to calm a crowd with persuasion alone. The stage direction at line 160 — 'they lay by their weapons' — enacts a perfect riot-calming, mimicking how proclamations of peace and other moments of persuasion required rioters to put down their weapons.[471] Moreover, while the stage had been disordered, with multiple performance focusses, by this point, the crowd are *physically* under More's control. They affirm that they will go 'whither you will have us' at line 164, the scene's final unison line. The crowd thus become a silent mass onstage, patiently waiting for their exit, which comes at line 188, where they are led away. Magistrates handling riots needed to clear the space of all disorderly people, and here More clearly controls stage space, certainly reminding Londoners of Spencer's failure in 1595 to manage the chaos on Tower Hill.[472] Fundamentally, both rioters and representatives of the crown emphasise that it was More's persuasion, not violence, that halted the tumult. Doll remarks, 'Well Sheriff More, thou hast done more with thy good words than all they could with their weapons', while Palmer congratulates him after the rioters are led away: 'not steel but eloquence hath wrought this good' (II.iii.181-182; 195). This was the dream for early modern authorities, one that certainly did not come true in either 1517 or 1595.

In stark contrast to the failure of the authorities in June 1595, More is a consummate performer. The play, had it been performed, would have drawn attention to the way that More holds sway over both onstage crowd and offstage audience, clearly drawing a line between himself and those present in a way that Lord Mayor Spencer had been unable. More can command the stage

[471] Cf. Lambarde, *Eirenarcha*, p. 167-9; Dalton, *Countrey Justice*, p. 54.
[472] Wood, *Riot, Rebellion and Popular Politics*, p. 40; Wall, *Power and Protest*, p. 157.

in a way that the representatives of the Crown cannot: where in 1517 force, marshalled by nobles, had been the only way to bring the riot to a halt, in the play, the performance of one man is enough. In the unflattering comparisons the play draws with actual government in the 1590s, it is perhaps no wonder that Tilney took such exception to the depiction of More, and that the dramatists abandoned the play. Significantly, II.iii's dramaturgy presents him as able to wield authority effortlessly: More instantaneously gains his audience, the script offering him listeners on a platter.

Conclusion

In a world where extraordinary force was largely out of the question, and compliance was essential to good order, magistrates needed to delineate the frame of their encounters with those they governed. Both plays' depiction of attempts to impose magisterial will emphasise the importance of getting and holding an audience, equating performance skills with authority. This was a recognisable facet of the enactment of authority in Elizabethan England: as London's 1595 disorders drew into focus, the failure to assert one's place as the singular performer could entirely undermine one's authority. Crucially, in their presentation of this aspect of performing the state, these plays offer a vision of how secure the state was, by demonstrating whether the state comes into being from the successful performance of authority — whether 'state magic' takes place. Both, therefore, tap into a key vein of government anxiety in 1590s England: the efficacy of authority. This anxiety was particularly clear in attempts to prosecute those who disrupted or otherwise disrespected the enactment of magisterial authority, and the constant fear of the effects of *witnessing* disruptions to authority: seeing the failure of authority was felt to be deleterious to the future practicability of that authority. These plays engage with these concerns by staging moments of encounter between magistrates and groups of unruly people: magistrates directly face those upon whom they must enforce their will, transforming moments from the historical record into dramatically charged contests between

magistrate and tumult.

In *1 Henry VI*, the moment of performance is clearly contingent and insecure, and increasingly so: by the midpoint of the play, it has become impossible for magistrates to call on the King's name and peace *even* in the monarch's presence. It presents a troubling view of the monarchical republic, where the authority derived from office — for Lord Mayor, and even Lord Protector — is insufficient, and where a weak king's name and presence count for nothing. We must note that Shakespeare *invents* these two scenes where authority must be asserted over the retinues: in so doing, he creates a contrast between the success of the proclamation of peace in I.iii to the complete disorder of III.i. This is not simply about the presentation of the monarch, but about the structures of government and authority that emanate from him. Things do not bode well for a realm without a strong monarch, where it seems that authority itself has gone through a process of degradation: indeed, by III.i, the state seems barely to exist, as both the authority of the King and the delegated authority of the secular magistrate cannot be practised. The Bishop of Winchester, however, holds power over at least part of the tumult, able to enact his own will above that of the monarch. This suggests clear anxiety about the possibility of a Catholic invasion, and the threat that divided religious loyalties could pose to the realm's government in the absence of a strong monarch.

Sir Thomas More also emphasises the risk attendant on performances of authority that attempted to halt disorder. In particular, its depiction of riot and responses to it emphasises the choice between violence and persuasion, the latter becoming the key focus of the first two acts. The play's depiction of More's persuasion does not simply ascribe his crowd management to his rhetoric, but to his *performance*, specifically his ability to compel audience from those onstage. The play's dramaturgy is crucial to this effect: if performed, the play would have

demonstrated that More is the only character able to assert the authority of performance, attributing extraordinary authority to a figure deeply tied to the City of London. This stands in striking contrast to the disorders of 1595, where Lord Mayor Spencer utterly failed to assert his authority over rioters; along with the inflammatory presentation of the City's grievances against foreigners, the play's presentation of unhistorical magisterial brilliance would have been an implicit and powerful critique of the current civic government.

5. 'I say I must for I am the king's shrieve': locating authority in *The Downfall of Robert, Earl of Huntingdon* (1598) and *Thomas of Woodstock* (1595-1600)

On March 31st 1603, the new King James I assuaged the worries of his predecessor's Privy Council by writing to them that they should 'continue their places, and keepe house, and order matters according to their discretion till he come'.[473] This crystallises a crucial problem about the succession: how was the realm to be governed in the absence of the monarch, when all offices were supposed to derive from the monarch themselves? Elizabeth's uncertain succession cast a pall over her last years, and further sharpened existing questions about where sovereign authority resided in the inchoate early modern state.[474] After her death, the swift actions of the Privy Council to ensure a clean changeover between monarchs brought, at least partially, previous proposals for an interregnum to life: the Council, well aware that its authority would technically cease with Elizabeth's death, brought together the nobles of the realm, coordinating the proclamation of James' succession and avoiding major upheaval.[475] In the 1590s, however, this was far from certain.[476] In this chapter, I will offer an original take on the question of succession: instead of examining the staging of debate over *who* would succeed Elizabeth, or *how*, I will examine how two 1590s plays explore whether the polity functions without a monarch, and where they locate authority in such a situation.

In their staging of debates over authority and counsel/councils, these plays share an interest in the structure of the state. Furthermore, they involve moments where legal process is staged,

[473] Manningham, *Diary*, p. 219.
[474] See Alford, 'From Estate to State'.
[475] Alexander Courtney, 'The Scottish King and the English Court: the secret correspondence of James VI, 1601-3', in Kewes and Doran, eds, *Doubtful and Dangerous: The question of succession in late Elizabethan England* (Manchester: 2014), pp. 134-152; Doran, '1603: a jagged succession', *HR* 93 (2020), pp. 443-465.
[476] Kewes and Doran's edited collection *Doubtful and Dangerous* has demonstrated that James' succession was by no means settled in the 1590s; Paulina Kewes and Susan Doran, eds, *Doubtful and Dangerous*.

raising contemporary questions about where authority is located in interactions between magistrate and commoner. *Woodstock* is particularly interesting in its depiction of the *resistance* of the realm to misgovernment. The plays, moreover, dramatise two of the most notorious kings of English history: *Huntingdon*'s Prince John, and *Woodstock*'s Richard II. The King is absent in the former, and abandons his realm in the second, leaving government to others. As such, these plays offer the opportunity to examine 1590s perceptions of how the polity would function without Elizabeth: they engage with contemporary questions about the relationship between law, commonwealth and the monarch, both on the level of the council of state, and on the local level. In their staging of government, they offer an invaluable source for investigating how 1590s writers imagined the structure of the state without Elizabeth.

The Downfall of Robert Earl of Huntingdon is the first of a pair of 'Robin Hood plays' by Anthony Munday, the first narrative to make the folk hero an outlawed nobleman. It is set during Richard I's first crusade, so Robert Earl of Huntingdon's outlawry and adoption of the name Robin Hood is set against the backdrop of Prince John's struggle with Richard's appointed regent, the Bishop of Ely, over who should govern the country in Richard's absence. The play opens with Richard giving Ely the regency, before leaving for the Holy Land. At his betrothal feast, Robert, Earl of Huntingdon is outlawed because of a conspiracy: Prince John wishes to seduce Robert's betrothed, Marian, and his mother Queen Eleanor wishes to seduce Robert. As such, the two have plotted with the Prior of York and Justice Warman, Robert's steward, to have the bankrupt earl outlawed. Much of the play is taken up with Ely and Prince John battling over whose authority is sovereign: John raises a rebellion and declares himself King, arresting Ely. It is Robert, now called Robin, who brings together a few banished Lords and magistrates and greets Richard when he returns to England and restores his authority over the realm. The play largely skips the classic, 'merry' Robin Hood tales of robbing from the rich

to give to the poor, and instead presents the country going to ruin after the 'tyrant' Prince John's seizure of power. The play has a striking metatheatrical framing device, where a troupe of actors, including the poet John Skelton, are putting the play on for Henry VIII. This framing device, as I will demonstrate, raises important questions about the ability of those left behind to represent the monarch in his absence. First printed from authorial foul papers in 1601, the play was initially performed, as *The First Part of Robin Hood*, by the Admiral's Men at the Rose Theatre in March 1598.[477]

Thomas of Woodstock presents rather more questions about its origins. Existing only as a promptbook, its authorship is uncertain, and the manuscript is missing at least one leaf, leaving Act V incomplete. Its date is disputed: its themes of flattering favourites and evil counsel have led many to date it to the 1590s, raising questions about the play's relationship to Shakespeare's *Richard II*, probably first performed in 1595.[478] However, the manuscript itself dates to the 1610s, with annotations from George Buc, Master of the Revels from 1610-1622.[479] Wiggins and Richardson, among others, use this to date the play as Jacobean, with their best guess being 1611.[480] Others, however, have suggested that the manuscript may have just been a playhouse copy, and that it therefore dates from Jacobean performances of a late Elizabethan play.[481] As the play both conforms to the 'English history play' genre characteristic of the 1590s, and the majority of critics have read it as such, I will be proceeding on this basis, and assuming that it was written and first performed in that decade, before being revived in the 1610s.[482] The play

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[477] *BriDr*, Vol.4, p. 9.
[478] Lea Luecking Frost, 'The Historiography of Texts and Textiles in *Thomas of Woodstock*', *ELR* 45:1 (2015), p. 122; *BriDr*, Vol.3, p. 287.
[479] *BriDr*, Vol.6, p. 171; Arthur Kincaid, 'Buck [Buc], Sir George', *ODNB* https://ezproxy-prd.bodleian.ox.ac.uk:2102/10.1093/ref:odnb/3821.
[480] *BriDr*, Vol.6, p. 171.
[481] Peter Corbin and Douglas Sedge, *Introduction*, in Corbin and Sedge, eds, *Thomas of Woodstock* (Manchester: 2002), p. 3.
[482] Helgerson notes that the turn of the seventeenth century saw 'a marked shift in generic preferences, as the national history play and romantic comedy gave way to satire, city comedy, tragedy, and eventually tragicomedy and romance'; *Forms of Nationhood*, p. 198.

begins with the attempted poisoning of Richard II's uncles, the Dukes of York, Lancaster and Gloucester. The young Richard is shown to be under the sway of the flatterers, Bushy, Bagot, Scrope and Green, who induce him to poison his relatives. Gloucester, Thomas of Woodstock, chastises his nephew for trusting his favourites and for misappropriating the realm's money, prompting Richard to remove his uncles from their positions of office and place on his council. Woodstock breaks his staff of office and resigns his protectorship, and the uncles all retire from court to the country. The realm descends into disorder and suffering, as new Lord Chief Justice Tresilian devises an original way to squeeze money out of the populace: blank charters, which demand payment of an obligation to the monarch without specifying the amount. These charters are taken to the localities, where Tresilian's agents collect signatures and arrest people for whistling. Richard quarters his kingdom for each of the favourites to farm taxes in their allotted region. Richard and his favourites kidnap Woodstock, and have him murdered at Calais, leading to an armed rebellion of the realm's barons against Richard. Richard is defeated in battle, and Tresilian is betrayed by one of his agents, before the playtext abruptly cuts off.

While the historiography on succession anxiety and its sharpening of debates over the locus of authority in early modern England is of great relevance to these two plays that stage similar questions, historians have not examined either play in relation to these contemporary issues. Literary critics, meanwhile, have also focussed on other aspects of the plays' engagement with politics: *Woodstock*'s preoccupation with law and monarchy has produced several readings of its depiction of poor rule disordering the commonwealth, while critics writing about *Huntingdon* have generally focussed on its reimagining of the Robin Hood legend, disagreeing upon for what Robin stands.[483] Womersley, however, has offered fascinating, if eccentric,

[483] See Lea Luecking Frost, 'Historiography of Texts', and Alzada J. Tipton, '"The meanest man… shall be permitted freely to accuse": The Commoners in "Woodstock"', *Comparative Drama* 32:1 (1998), pp. 117-145. Larissa Tracy argues that Robin 'functions as a normalised figure upon whom the interests of English national identity are inscribed', while Meredith Skura argues that Robin Hood was never a truly radical figure, and that

readings of both plays: alongside arguing that the central relationship between law and monarch in *Woodstock* is 'coloured with confessional associations', Womersley suggests that the play is a 'critique of strict primogeniture', and as such is 'an anti-Stuart play'. His reading of *Huntingdon*, meanwhile, argues that the Robin Hood myth's 'festive traditionalism' made it a 'solvent of the disposition most favourable to Protestantism', and that Munday hence eschews this festive tradition to create an *anti-Catholic* tragedy which includes little of the tales of Robin Hood and his merry men.[484] Overall, critics either tend to concentrate on the high politics angle —Frost, Womersley — or on local interactions between magistrate and commoner without examining what these interactions might suggest about the nature of authority in either of these kingdoms, as Tracy and Skura do. Alzada J. Tipton's study of the commoners in *Woodstock*, however, comes closest to drawing the play together with 1590s debates over law and monarchy: she argues that the play uses the commoners to dramatise the interpretation that the law must protect the property of the commonwealth's members, and establishes them as 'a significant force in political events'.[485] Tipton's focus on the law in *Woodstock*, however, is not connected to the way that the threat of a weak or even absent monarch drew questions about the relationship between law, monarch and commonwealth into sharper focus.[486]

I will examine how these two 1590s plays present the locus of authority in their depictions of polities where the monarch is weak or absent. Can a council rule the country without the monarch? Is the law enough to regulate the commonwealth? And can government function on

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Munday's 'gentrification' of the character is 'part of a larger readjustment in urban mythology that was shifting to accommodate the concerns of an entire mobile middling class'; Larissa Tracy, '"For Our dere Ladyes sake": Bringing the Outlaw in from the Forest – Robin Hood, Marian and Normative National Identity', *Explorations in Renaissance Culture* 38:1-2 (2012), p. 36, and Meredith Skura, 'Anthony Munday's "Gentrification" of Robin Hood', *ELR* 33 (2003), p. 173. Ingram has also noted the changing shape of the Robin Hood myth over the sixteenth century, suggesting that the decline of Robin Hood plays was part of a larger decline in rituals caused by the English Reformation; 'Who Killed Robin Hood?: Transformations in Popular Culture' in Jones and Doran, eds, *The Elizabethan World*, pp. 461-481.

[484] Womersley, *Divinity and State*, p. 197; 204; 361.

[485] Tipton, 'Meanest man', p. 118.

[486] See also Donna B. Hamilton, 'The State of Law in Richard II', *SQ* 34:1 (1983), pp. 5-17.

the local level without a strong monarch as the centre of authority — is authority only delegated from the monarch, or can the law grant sufficient legitimacy to have magistrates' actions accepted by the commoners onstage? Is local government practicable if the monarch is weak or absent? In tackling these questions, the chapter offers a new reading of 1590s succession anxieties. While both *Huntingdon* and *Woodstock* can be read as moral lessons on the disordering of the commonwealth resulting from misgovernment, these plays are making a more specific political intervention in contemporary discourse over the locus of authority, thus presenting severe concerns about the ramifications of a weak or absent ruler. This manifests in questions over whether authority can be successfully delegated to officials, and how local officials can legitimise their exercise of the law when central authority is weak or absent. *Huntingdon* fixates on the themes of delegation and representation, before demonstrating that the state cannot function when its magistrates are corrupt; the successful delegation of power, and performance of the state, cannot take place when magistrates fail to act legitimately in the eyes of their onstage audiences. Therefore, despite contemporary jurists' arguments that the law would be sufficient to regulate state and commonwealth, the law becomes a tool of the corrupt. *Woodstock*, meanwhile, presents a troubling vision of the monarchical state, where two crucial sources of authority have been entirely devalued: the law, and the king himself. As such, the play does not simply show the effect of poor government on the commonwealth: it dramatises how government becomes non-functional when both monarch and law are no longer stable sources of authority, *because* of the failure to care for the commons. In this dislocated commonwealth, the only people who can successfully enact authority — and be obeyed — are Richard's uncles, who have the commons' interests in mind. These plays thus respond to contemporary debate over the relationship between law, monarch and authority, suggesting less-than-hopeful views about the possibility of a state that does not centre upon a strong monarch.

(Re)locating authority in the 1590s

The central question that both plays interrogate was one of immense significance during the reign of Elizabeth: how would authority be exercised in the absence of the monarch? What would happen if Elizabeth passed away with no clear successor? How would the state function if its head had died? These questions proliferated throughout Elizabeth's reign: from the 1560s onwards, as Patrick Collinson demonstrated, Elizabeth's Privy Councillors drew up plans for an interregnum, such as the Bond of Association in 1584, and Act for the Surety of the Queen's Most Royal Person in 1585. Collinson viewed these plans as a 'quasi republican statement', where the punishment of Elizabeth's assassin would be 'enforced by no other authority than that residing in the body politic'.[487] Concerns about the succession, therefore, were intrinsically linked to questions about sovereign authority: where did it reside if the monarch were dead? While such proposals demonstrate that it was absolutely possible to imagine a state where authority was vested in something other than the monarch, these imagined states were not necessarily agreed on exactly *where* authority would be located: as Collinson writes,

> The 1584 Act was as silent on the Bond itself on the delicate subject of who, or what, in the scenario envisaged, would wield the sovereignty by which the tribunals allowed for were to sit and armed force be raised and deployed,

showing that imagining a possible future without the monarch raised difficult questions about where authority would be located without her.[488] These questions were asked with particular anxiety over the continuance of Protestant government: how would it be preserved if there was no sovereign authority outside of the monarch? As Alford notes, the development of the language of 'state' to refer to the apparatus of authority was connected to Elizabeth's Privy Council's desire for 'the preservation of England as a *Protestant* state by its governors and *by*

[487] Collinson, 'Monarchical Republic', p. 416.
[488] Ibid., p. 417.

subjects themselves'.[489] The problem of the succession thus pressurised existing debate over the relationship between a monarch and their council: Joanne Paul argues that both Mary and Elizabeth's reigns saw 'negotiation between the power of council and crown', as counsel became increasingly institutionalised, and discussions took place over mixed monarchy and the nature of sovereignty.[490] These questions had been inflamed by a series of 'weak' monarchs: a Regency Council had governed the realm during the minority of Edward VI, while both his sisters' gender was the source of great anxiety.[491] Did the Council have sovereignty, and could it stand without the monarch after she died?

This was not simply a question about the state-as-council, but one with significant ramifications for the entire state-as-network-of-magistrates. The delegated network of authority depended, at least in theory, on there being a living monarch, from whom their authority was derived. Wilbraham, writing in his diary on March 20th 1602 of the preparations for Elizabeth's death, pointed out that 'if god should call her maiestie, at which time the authoritie of the councellors of estate did actuallie cease': the defence of the realm would need to remain in the hands of the nobility and any corporations whose authority did not technically derive from the Queen's person.[492] Manningham noted at the same time that 'most of the other officeres authority is expired with the princes breath'.[493] The possibility of the entire system falling apart as the queen died, possibly opening the realm up to invasion and disorder, was clearly a worry: the law was not necessarily going to stand on its own. Indeed, Susan Doran has recently shown that James' succession was not as smooth as traditionally argued: in many parts of the country, there was a practical hiatus in the execution of government, as orders sent before Elizabeth's death

[489] Alford, 'From Estate to State', p. 86.
[490] Joanne Paul, *Counsel and Command in Early Modern English Thought* (Cambridge: 2020), p. 129
[491] Cf. Stephen Alford, *Kingship and Politics in the Reign of Edward VI* (Cambridge: 2002), and Anne McLaren, *Political Culture in the Reign of Elizabeth I: Queen and Commonwealth 1558-1585* (Cambridge: 1999).
[492] Wilbraham, 'Diary', p. 54.
[493] Manningham, *Diary*, p. 208; see also Dalton, *Countrey Justice*, p. 8.

became invalid upon her decease.[494] In a system where the monarch was the fount of justice and source of all magisterial authority, the uncertain succession was something to be feared.

These anxieties, however, were entangled with developing questions over the relationship between monarch, law and magistrate, and the authority wielded by lesser magistrates in relation to that of the Crown. As the activities of the centralised legal system intensified, with the common law becoming relatively autonomous, a culture of office-holding evolved that was autonomous of royal input. This evolution took place as the later sixteenth century saw the reconceptualisation of the locus of authority: against the backdrop of continental debate over mixed monarchy and sovereignty, and profound worries about the continuance of government in the event of an uncertain succession, Hindle and Hull have shown that the location of sovereign authority was under question by jurists, political philosophers and writers of office-holding manuals.[495] Moreover, amid these questions, some authors argued that the monarch was subject to the law, developing upon the Bractonian formulation that the monarch dispenses the law but does not make it.[496] This, crucially, was linked to discussion over the function of law and monarchy with regard to the commonwealth: it had long been accepted that good rule defended the commonwealth, and that the law was a key aspect of this defence.[497] The common law, particularly, was seen as a defender of the rights of the subject, especially *property*.

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[494] Doran, 'Jagged', p. 451.

[495] See Gajda, 'Political Culture', on the variety of theories of monarchy in English intellectual culture in the late Elizabethan period; Hindle, *Social Change*, p. 16-17; Helen L. Hull, "Lowe and lay ministers of the peace": The Proliferation of Officeholding Manuals in Early Modern England', *Renaissance Papers 2009*, p. 44.

[496] Alan Cromartie, 'The Constitutionalist Revolution', p. 107.

[497] Polish writer Laurentius Grimaldus notes the importance of law in preserving the commonwealth: 'For as mens manners, delightes and estates bee diuers, so also is the gouernment of common weales manifould. And though the end of euery of them is but one thinge, that is to say, good, or wel beeing, which consisteth in the felicitie of men, and euery state doth labour to attaine, yet are the meanes of aspiring to that happines diuers, and so consequently lawes and customes of sondry sortes are by them vsed'. Laurentius Grimaldus, *The Counsellor* (London: 1598), p. 8. Grimaldus also cites Plato: 'The power & authoritie… of one Prince gouerning with good lawes, is among the sixe kindes of commonweales, the best and most perfect. But such gouerment being without lawes, is heauy, & hard to those that liue therin', emphasising keeping the balance between monarch and law, p. 10-11.

However, the law's role in the commonwealth was debated. Dauber argues that writers on 'commonwealth', such as Smith and Hooker, disagreed among themselves about whether the social order was best maintained by an honour system or by a penal one.[498] Amid these discussions, the relationship between monarch, law and commonwealth was being reconceptualised, in particular by Edward Coke and other constitutionalist thinkers, as Cromartie has shown:

> It was, of course, a commonplace that monarchs had a duty to promote the public good… It was going rather further to believe that royal power was given to protect the common weal, conceived of as *excluding* the king's own benefit, but this argument arose quite naturally from charitable presumptions for legal purposes. If law presumed that royal power was given to promote the public good, meaning the benefit of English subjects, and if, as Coke was teaching Englishmen, the law's account of kingship was exhaustive, then royal power was simply a means to an end.[499]

In this view, the law, operated by magistrates, could regulate the commonwealth and/or state: for Coke in particular, the common law was omnicompetent.[500] Bacon described Star Chamber as 'the great court of state of the realm', while Coke described King's Bench as 'all sufficient in itself to serve the state'. These men were theorising an idea of the state as a 'positive legal and constitutional order capable of action in its own interests', a body at least partially separated from the person of the monarch.[501] As Cromartie and David Chan Smith have both demonstrated, Coke and his fellow jurists' insistence on the primacy of *discretio legalis* (legal discretion) as the basis of legal judgments represented part of the movement towards a depersonalised state where decisions were in the hands of legal precedent, not individuals' personal discretion.[502] For Coke, and other jurists with similar views, therefore, the law was the

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[498] Dauber, *State and Commonwealth*, p. 21.
[499] Cromartie, 'Constitutionalist Revolution', p. 100.
[500] See Croke, Speaker of the Commons, on law as an ordering force: 'man cannot live without societie, no societie can contynue without order, no order without lawes which are the bonds and ornaments of all societie'; Wilbraham, 'Diary', p. 41.
[501] Hindle, *Social Change*, p. 17.
[502] Dalton uses Coke's formulation, discretion is '*per legem quid sit iustum*', what is just by the law; Cromartie, p. 91; David Chan Smith, 'Was there corruption in early modern England? Reconceiving the Law and Official Conduct', presented to the Institute of Historical Research Tudor-Stuart Seminar, 14th December 2020, via Zoom. Dauber also notes that Smith 'appreciated [the Marian exiles'] emphasis on the state as a legal order;

sovereign authority in the realm.

In the light of these intellectual and legal developments and the uncertain succession, the question of how magistrates legitimated themselves came into sharper focus. As Braddick writes

> the courts were royal organs, administering royal justice, but they were independent of the will of the monarch… Justice legitimated political power at an overarching level and it was the duty of the monarch to foster both, but it legitimated, rather than served the state.[503]

This raises the question of how the actions of magistrates were authorised in practice: by reference to the law, or to the monarch?[504] Did a magistrate convincingly enact their authority by referring to themselves as a servant of the crown, or by their reference to the law? Healey suggests that a magistrate intervening in an affray by ordering 'keep the king's peace' may not simply 'have been thought of as an evocation of the person of the monarch, but the abstract body politic'.[505] He further posits that the exhortation of the king's peace was a moment where the magistrate drew on the authority of the *state*, not necessarily simply the figure of the monarch. Similarly, Cromartie argues that 'the class who were in practice charged with governing the English provinces were thus encouraged to regard their power as an expression of the common law'.[506] Once again, we find ourselves at the disjunction between Bodinian sovereignty and mixed monarchy: was the authority of a magistrate delegated from the monarch, or was it a product of their legal office? Here we must remind ourselves that legality did not necessarily equate to legitimacy, and that witnesses to and subjects of the exercise of authority might therefore disobey even when the law was invoked.[507]

State and Commonwealth, p. 85.
[503] Braddick, *State Formation*, p. 39.
[504] It is not within the scope of this thesis to explore this theme as fully as it deserves!
[505] Healey, 'Fray', p. 20.
[506] Cromartie, p. 91.
[507] Braddick, *State Formation*, p. 68.

In normal circumstances, these disjunctions were not of any great practical significance. However, if the monarch were weak, inadequate, or absent, the relationship between monarch, law and magistrate would be challenged. What effect would this have on delegated authority? Would the law be enough to legitimate the actions of magistrates, and to regulate the commonwealth? And would the law legitimate the immoral actions of a monarch or magistrate? Where *1 Henry VI* offered a pessimistic view of the central idea of the monarch as an insufficient legitimating strategy for magistrates, these two plays stage attempts at legitimating the actions of the magistrate through reference to the law and monarch, hence exploring the relationship between monarch, magistrate and law in kingdoms where the monarch is weak or absent.

The 'state' in *1 Huntingdon*

It has been shown, extensively, that Elizabeth's Privy Councillors and political writers alike were concerned about whether the Privy Council would be able to govern after Elizabeth's death.[508] *1 Huntingdon* taps into these concerns by foregrounding the struggle for power between Richard's viceroy, the Bishop of Ely, and his heir presumptive, his brother John. By deploying the contested terms 'state' and 'estate' throughout this struggle, the play draws attention to debate over the extent to which government could continue without the monarch: we see continued disjunction between 'state' as the apparatus of authority that outlives the

[508] See Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558-1569* (Cambridge: 1998), and Kevin Dunn, 'Representing Counsel: *Gorboduc* and the Elizabethan Privy Council', *English Literary Renaissance* 33:3 (2003), pp. 279-308.

monarch, and '(e)state' as the magnificence and rank of the monarch above all else. Munday's alteration of his source material, by introducing these contested terms, alongside a Council, orients the play closely to contemporary discussion over the extent to which the Privy Council would be able to govern after Elizabeth's death.

The struggle between Ely and John presents multiple models of authority that come into conflict when the monarch is absent. On the one hand, Ely stands as viceroy for Richard, able to wield his authority. However, John refuses to accept the regent's authority over him, and does so in terms that emphasise the slippage between different kinds of authority. When summoned by Ely, John quibbles with the messenger:

> Messenger: My Lord, my Lord of Ely sends for you,
> About important businesse of the state.
>
> Prince John: Tell the proud prelate I am not dispos'd,
> Nor in estate to come at his commaunde. (670-673)

Where the Messenger uses 'state' to mean government, John puns on 'estate' to mean condition, while also challenging Ely's authority: John is not of a rank (estate) to be commanded by him. The use of the term 'state' by Ely and his allies is notable throughout the play, especially given that Holinshed and Stow do not commonly use 'state' to mean government. Communications from Richard are continually addressed 'to all the State': even John claims to have letters

> Sent out of Joppa, in the holy land,
> To you, to these, to mee, to all the State,
> Containing a repeale of that large graunt,
> And free authoritie to take the seale
> Into the hands of three Lords temporall
> And the Lord Archbishoppe of Roan, he sent. (745-750)

Similarly, when Leicester arrives to fetch Richard's ransom from imprisonment by the German emperor, he explains: 'I came to Ely, and to all the State, / Sent by the King' (1817-1818). On the one hand, this seems to refer to the government more widely: both John and Leicester seem

to identify the state with the Lords onstage in these scenes, 'the state' meaning the council and Ely. However, Holinshed reprints these letters from Richard, which were addressed 'to all the States of the land', meaning the aristocracy.[509] As such, the play is pressurising the word 'state', calling up the contested meanings of the word and therefore questions about the nature of authority. Does authority rest with the nobles that make up the council, or with the nearest heir to the throne?

Scene viii, after John has seized power, displays this very clearly. While Chester's accusation that John wants to 'set thy footsteppes on the cloath of state', uses state to mean *e*state or rank, conjuring up a clear sense of John as usurping kingly power, Fitzwater's arguments that John cannot be king while Richard still lives emphasise a sense of the state as a body that exists beyond the monarch:

> Queene Elinor: My sonne is king, my sonne then ought to raine.
>
> Fitzwater: One sonne is king, the State allows not twaine. (1071-1072)

The state is standing as a body *external* to the figure of the monarch, that can regulate the monarchy, and indeed holds the law over it. Later, in scene xii, Leicester again supports the idea that the state-as-council-of-peers can regulate the monarchy:

> I muse to see a mother and a Queene,
> Two peeres, so great as Salsbury and Chester,
> Sit and support proud usurpation,
> And see king Richards crowne, worne by earle John. (1794-1797)

Leicester presents Chester and Salisbury as complicit in this usurpation, implying that they could have stopped it. This is a vision of the state-as-council which endures beyond the monarch: it remains in place to regulate the monarchy. John's mockery of Ely's former allies after seizing the throne heightens this: his address to the 'noble Lords, / Peeres, and upholders

[509] Holinshed, *Chronicles*, Vol. 6, p. 132; p. 140.

of the English state' reads as a mockery, a complete disavowal of the vision the state that the Lords had attempted to defend. Indeed, he parodies the rhetoric of the state-as-entity:

> Since you are agreed that I shall beare
> The weightie burthen of this kingdomes state,
> Till the returne of Richard, our dread king,
> I doe accept the charge, and thank you all,
> That thinke me worthie of so great a place. (1088-1092)

Here John seems to do away with the state as the Lords see it, instead thinking of the condition of the kingdom, but also suggests that he has been awarded an office — 'the charge', 'so great a place' — mocking the language of office-holding. The positive constitutional order cannot stand when a usurper with military might does not care for it.

Crucially, Munday's insertion of the Council as a key aspect of Ely's government is non-historical. Neither Holinshed nor Stow mention Ely ruling through a council: the only mention in Stow's *Annals* is a 'counsell of the Earles and Barons' called by the Archbishop of Canterbury to disposess John of all his land in England, *after* his struggles with Ely were already over.[510] However, the Council is imagined by Ely and his allies as an entity that can regulate the monarchy. At the end of scene v, when John leaves the stage as he 'lifts up his drawne sword' to move to war against Ely, Ely declares that he will move for war against 'haute usurping John', to the horror of Chester (761). Chester sees the council as a possible check on John:

> We will call the Counsell of Estate,
> At which the mother Queene shall present be.
> Thither by summons shall Prince John be cald,
> Lester, and Lacy, who, it seems,
> Favour some factious purpose of the Prince. (775-779)

Here, Chester articulates a vision of the state where the council has the right to summon and bring the disloyal to heel. While John moves straight to war, Chester believes that conciliar

[510] Stow, *Annals*, p. 238.

government still has something to offer: he believes in that particular constitutional order. Although there was pitched battle fought between Ely and John over the control of the kingdom, this does not feature in the play at all – instead, Munday chooses to dramatise the verbal, constitutional slanging matches between supporters of different kinds of authority. Margeson suggests that

> because the audience knows these [generic] patterns, the playwright can allow the links between episodes to be filled in by the audience's imagination and concentrate instead on the dramatic moments he wishes to highlight,

arguing that the jump from Ely's calling the council of state in scene v to his capture by the colliers in scene viii is all that is needed to make the point about Ely's pride leading to his fall.[511] I'd suggest something slightly different: because the audience does not see the battles, the emphasis is put upon these moments of constitutional debate.

This is intensified by the play presenting John as a tyrant. Far from the proto-Protestant hero of Bale's *Kyng Johan* or Foxe's *Acts and Monuments*, John is identified as the play's primary antagonist. Ely is characterised by Holinshed as a tyrant 'taking upon him the state of a prince', but although Munday's Ely is clearly corrupt, it is John, not him, that is referred to as a tyrant.[512] Doyeeta Majumder argues that 'while the early Tudor morality plays are concerned with the legitimate monarch who becomes a tyrant, the later historical and tragic drama of the century foregrounds the figure of the illegitimate monarch who is a tyrant by default', a trend she identifies with 'a poetic turn in political thought that impelled political writers to conceive of the state and sovereignty as a product of human making, independent of transcendental legitimization'.[513] This aptly describes the play's emphasis on 'the state' as a body that exists beyond the monarch: John is not a legitimate king ruling tyrannically, but one that can never

[511] Margeson, p. 227.
[512] Holinshed, *Chronicles*, Vol. 6., p. 128.
[513] Doyeeta Majumder, *Tyranny and Usurpation: The New Prince and Lawmaking Violence in Early Modern Drama* (Liverpool: 2019), p. 2.

be anything other than a tyrant, for his abuse of the constitutional order. This is conveyed by Fitzwater and Chester's responses to John seizing the throne in scene xii: Chester declares 'for peace, I yield to wrong', while Fitzwater curses 'To see wrong rule, my eyes run streams of water' (1096; 1098). Even as they submit, to 'shunne commotion' and avoid civil war, the Lords' reluctance emphasises the illegitimacy of John taking power in such a way.

In adding the Council and references to the 'state' to the narrative, Munday's version of events is markedly different to chronicle accounts. These changes emphasise the sense of an external body that can regulate the realm in the absence of the monarch: where Holinshed and Stow's Ely is an overmighty tyrant, Munday presents him and his allies as speaking a language redolent of those that saw the possibility of a Council as a governing body in the absence of the monarch. These additions call to mind the idea of the Council as 'the continuing manifestation of power, the "state"'.[514]

Delegation and representation

Along with presenting the possibility of the state as a body separate from the monarch, the play engages with contemporary discourse over the vesting of authority by drawing attention to a difficult question: does Ely stand for the King, or for the state? This question is presented through a persistent theme of substitution, representation and delegation. Much of the early battle between John and Ely for dominance is about respecting Ely *because* he stands for the king: Chester chastens John 'Be reverent, Prince John; my Lord of Ely, / You knowe, is Regent for his Majestie' (742-743). In the first scene of the play, King Richard's departure and deputising of his chancellor, the Bishop of Ely, is dramatised via a dumbshow:

> *Trumpets sounde, enter first King Richard, with drum and Auncient, giving Ely a purse and scepter, his mother, and brother John, Chester, Lacie, others at the kings appointment doing reverence. The king goes in; presently Ely ascends the chaire;*

[514] Dunn, 'Representing Counsel', p. 282.

Chester, John, and the Queene part displeasantly. Enter Robert, Earle of Huntington, leading Marian; followes him Warman, and, after Warman, the Prior, Warman ever flattering and making curtsie, takeing gifts of the Prior behind, and his master before. Prince John enters, and offereth to take Marian. Queene Elinor enters, offering to pull Robin from her, but they infolde each other and sit downe within the curteines; Warman with the Prior, Sir Hugh Lacy, Lord Sentloe, & Sir Gilbert Broghton folde hands, and drawing the curteins, all but the Prior enter and are kindely received by Robin Hoode.[515] *The curteines are againe shut.* (41-56)

Here, the symbols of rule – purse and sceptre – are handed to Ely, who then takes the throne, clearly representing his assumption of power. The dumbshow is then repeated, with Skelton narrating:

Enter King Richard, with drumme and Ensigne, giving Ely a purse and scepter, his mother, and brother John, Chester, Lacie, others at the kings appointment, doing reverence. The king goes in.

Skelton: Richard calde cor de Lyon takes his leave…
The rule of England and his princely seate
He leaves with Ely, then Lord Chancellor,
To whom the mother Queene, her sonne, Prince John,
Chester, and all the Peeres are sworne.

Exit Richard cum militibus.
Ely ascends the chaire; Chester, John and the Queene part displeasantly.

Now reverend, Ely like the deputie
Of Gods greate deputie, ascends the throne,
Which the Queene mother, and ambitious John
Repining at, rais'd many mutinies;
And how they ended you anone shall heare. (59-77)

Many of the play's crucial themes are here outlined: the exchange of power and placing it in the hands of a regent; the relative balance between regent, aristocracy and Prince John; and the question of representation. The dumbshow emphasises how Ely is now substituting for the King. However, the staging of Ely 'ascend[ing] the chaire' raises questions, as it suggests that Ely is assuming the position of king — indeed, later in the play John refers to him as a traitor and usurper.[516] It is also important that Skelton narrates that all the peers and royal family are

[515] The playtext refers to Robert as Robin throughout.
[516] A cavalcade of throne-stealers were referred to as usurpers in the literature and drama of the period. Richard III looms large: Anon, *The true tragedie of Richard the third wherein is showne the death of Edward the fourth* (London: 1594); Richard Crompton, *The mansion of magnanimitie Wherein is shewed the most high and*

sworn to Ely: once again, he seems to stand for the king himself.

Things are complicated by Ely's delivery of commissions in scene iv. If, as Sharpe argues, 'the king's very power lay in the authority of his word', what does Ely's word stand for in the absence of King Richard?[517] This is a significant a question given that Richard does not speak until his return at the very end of the play: as far as we can see, Ely's voice *is* coterminous with that of the monarch. However, when Ely issues patents and commissions for officials in scene iv, he refers to them with the royal we, but also remarks on his personal feelings:

> Ely: And master Warman, here's your Patent seald,
> For the high Sheriffewick of Notingham:
> Except the King our master doe repeale
> This gift of ours.
> Prince John: Let him the while possesse it.
> Ely: A Gods name, let him; he hath my good will. (537-542)

Here, we see a slippage between Ely-as-regent and Ely the man, confusing the question of who he represents. Furthermore, the appearance of the commissions in scene iv stages the delegation that made up the early modern state. It is interesting that the display of this delegation is done from the hands of the chief officer of the realm: the play seems to confirm, for a moment, the image of all authority deriving from the king 'by his own hand'. What is also notable here is the document serving as a metonymy for office. The document stands for the office as whole, but here it also has more of a sense of its source — it is not simply a document but a document presented by the regent.

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honorable acts of sundrie English kings, princes, dukes, earles, lords, knights and gentlemen (London: 1599), sig. F1r. 'Usurper' is also thrown around in Shakespeare's *Henry VI* plays and in Peele's *Battle of Alcazar*. Philip II of Spain, after seizing the Portuguese throne, was described in a translation of Vasco Figueiro's *The Spaniards monarchie, and Leaguers olygarchie* as a usurper. (*The Spaniards monarchie, and Leaguers olygarchie* (London: 1592) For Majumder, 'in Elizabethan and Jacobean political drama the theme of usurpation has a pervasive presence'; Majumder, *Tyranny and Usurpation*, p. 2.

[517] Kevin Sharpe, 'The King's Writ: Royal Authors and Royal Authority in Early Modern England', in Sharpe and Lake, eds, *Culture and Politics in Early Stuart England* (Palo Alto: 1993), p. 118.

In this version of the state, where authority is located with Ely and the Council, and delegated out, it seems in scene iii that the performance of magisterial will has been perfectly successful. In the brief scene that precedes Robert's betrothal feast, the Prior of York tells the Sheriff that 'the outlawry is proclam'd' (154). The scene ends a scant twenty lines later, before Robert's first entrance onstage, declaring 'As I am outlawed from my fame and state, / Be this day outlawed from the name of daies': Robert's outlawry is an offstage *fait accompli* (169-170). As such, the play creates the illusion that officials have seamlessly proclaimed Robert an outlaw: the state's processes move faster than the play's plot does, demonstrating that, to begin with, Ely's government is functioning. Robert's question to Little John, 'Am I not outlawed?' again constructs the outlawry as a present-tense occurence that is still happening (182). His statement that he is 'proclaim'd in court, in citie, and in towne, / A lawlesse person?' furthers the sense of the efficiency of the state's structures, the tricolon of locations effectively conveying how far the the outlawry has moved in barely any time (183-184). At this point, the state is functioning well, in the sense that its magistrates can make their will reality: the delegation of power from Ely has worked. However, it is notable that at this point in the play, the successful practice of authority has been made possible by shared envy and bribery. When it comes to enacting their will on Robert and his allies later, things change substantially.

Prince John also leans into this logic of substitution. When he summoned by Ely, he savagely beats the messenger, and explains that

> I meant it Ely, not his man:
> His servants heade but bleedes: hee headlesse shall
> From all the issues of his traitor necke
> Poure streames of bloode, till he be bloodless left. (684-687)

John's metaphor of representation here — where the hurt done to Ely's representative is a hurt to Ely —plays into the idea that the authority drawn upon by a magistrate was that of its source, in this case Ely. The messenger, because he comes to summon Ely with Ely's authority, can

take the blow for Ely. Even as John curses Ely, his rhetoric echoes the incarnational metaphor of office. John's assumption of power is tied up with his seizure of the ability to make officials:

> Sheriffe of Kent, take Ely to your charge,
> From Shreeve to Shreeve, send him to Notingham
> Where Warman, by our Patent, is high Shreeve. (1152-1154)

In usurping authority, John has also usurped the powers that Ely held, slipping into the royal we, suggesting a continuity in the system of conferring office. The formal legal order remains theoretically functional, with a figure standing for the monarch. However, as we will see, the reality of delegated authority is different from theory.

The play's metatheatrical frame is crucial to this logic of substitution and representation. The play is framed with a fiction of a troupe of actors putting on the play for Henry VIII, with the poet John Skelton playing the part of Friar Tuck:

> Eltham: Nay master Skelton, for the king himselfe,
> As wee were parting, bid mee take great heede
> Wee faile not of our day; therefore I pray
> Sende for the rest, that now we may rehearse. (17-20)

Skelton jumps in and out of the fiction, intermittently lapsing into Skeltonics as he forgets to play his part, needing to be reminded by his fellow 'actors' to get back to the play:

> Little John: Stoppe master Skelton: whither will you runne?
>
> Friar: Gods pittie, Sir John Eltam, Little John,
> I had forgotte my selfe; but to our play; (890-892)
>
> Little John: You fall into your vaine,
> Of ribble rabble rimes, Skeltonicall,
> So oft, and stand so long, that you offend.
>
> Friar: It is a fault I hardly can amend
> O how I champe my tongue to talke these tearmes,
> I doe forget oft times my Friers part. (2234-2239)

Critics have argued that this device draws attention to Munday's innovation in the Robin Hood narrative, or to place the audience in a more consciously judging space, but instead it

emphasises the importance of role playing, with an audience forced to remember the actor as both Skelton and Friar Tuck, both narrator and character, thus recalling the theme of representation and substitution.[518] The play's emphasis on this theme draws attention to the question of where authority truly lies in a polity whose monarch is absent, but only resolves this potent 1590s question in its presentation of the ability of local government to continue in the absence of the monarch.

Invoking the King's name

Amid the theme of substitution, representation and delegation, the play presents serious difficulties for magistrates in Ely's England: *dedimus potestatem* are empty words in scenes four to seven. In scene iv, Robert's man Little John attempts to convey some of his lord and friend's money away from seizure by the Sheriff. When stopped by the Sheriff, and Justice Warman, Little John insists the goods are his, and will not submit to having them search the chest he is carrying.

Enter little John, fighting with the Sheriffe and his men, Warman perswading him.

Little John: Warman, stand off, tit tattle, tell me not what ye can do:
The goods I say are mine, and I say true.

Warman: I say the Sheriffe must see them ere they goe.

Little John: You say so Warman, little John saies no.

Sheriff: I say I must for I am the kings Shrieve.

Little John: Your must is false, your office I beleeve. (430-437)

Here we see competing speech acts, where Warman and Sheriff both attempt to assert reality with their emphatic statements, but Little John refuses to accept their version. What this should have been is a moment of 'state magic' where the official enforced his will, something in the

[518] William D. Wolf, 'Anthony Munday as Popular Artist', *Journal of Popular Culture* 13:4 (1980), p. 660.

Sheriff's performance transmuting his actions into legitimate. The fact that Little John resists the exercise of authority emphasises that here, the assertion of office cannot define the situation. Little John acknowledges the office, but denies the legitimacy of the action. Braddick notes that acting legally, in line with a magistrate's office, might not always confer legitimacy upon that magistrate. If an action was viewed as illegitimate, he notes, it would be much harder to achieve compliance.[519] Here, we see this failed performance in action: the sheriff's calling upon his office does not confer legitimacy on what is perceived as an immoral and unfair action. The Sheriff fails to assert the frame, to raise his actions to something legitimate. Compliance is not achieved through referring to the delegation of the authority of king to sheriff, and in this moment, the state is not brought into being *because* the action is illegitimate, and not accepted.

There is an on-stage audience for this moment, as well as the playhouse's patrons.

Sheriff: I say I must for I am the kings Shrieve.

Little John: Your must is false, your office I believe.

The Watch: Downe with him, downe with him.

Little John: Ye barke at me like curres, but I will downe
With twentie stand-and-who-goes-theres of you,
If yee stand long tempting my patience. (436-441)

The Watch's declaration 'Downe with him, downe with him!' theoretically suggests that the actions of Warman and the Sheriff are perceived as legitimate (438). But theatregoers have already been shown *amply* that Ely's state is one riddled with corruption, and Little John, unlike the Sheriff, has the benefit of being a beloved character from a long-standing folk tradition. As such, Munday encourages us to sympathise with Little John. John's reference to the Watch as 'stand-and-who-goes-theres' suggests a general distrust for those participating in this state, something surely echoed in the minds of the theatre audience, encouraged to see Robert and

[519] Braddick, *State Formation*, p. 68.

his men as the greenwood heroes of legend. Moreover, in the Robin Hood tradition, evil was usually associated with 'established figures of church and state': the play's rich inheritance from the ballad tradition would likely have helped to characterise the Sheriff and Watch as the villains.[520] The figures of the law — recognisable ones with direct Elizabethan equivalents, the watch possibly reminding audiences of their expected participation in the law — are transformed into villains, despite their legal office.

Ely's state is characterised by corruption. The outlawry that kicks the play's plot into gear is clearly shown to be motivated by envy and wickedness, and is made possible by magistrates acting in ways that abuse their position. In the play's second scene, the Prior of York, Sheriff and Justice Warman enter 'as it were in haste', having come from putting their conspiracy against Robert in motion (142). Legally, Robert *can* be outlawed, as he is bankrupt. However, as we have already been told in the first scene that Warman 'Judas-like betraies his Liberall Lord/ Into the hands of that relentlesse Prior', and that 'at Huntingtons faire house a feast is helde, / But envie turnes it to a house of tears', the audience is under no illusions as to the morality of these actions (92-93; 102-103). In that first scene, Warman is shown in dumbshow 'taking giftes of the Prior behinde, and his master before', while Skelton narrates that he is an 'ill-fac't miser, brib'd in either hand'; in scene ii, meanwhile, the Sheriff is paid 100 marks for his part in the plot (81-82; 90). While this may technically be legal it has been made possible by bribery. Chan Smith suggests that corruption in the late sixteenth and early seventeenth century was not, as Peck argues, about a blurring of the public and private, but instead about the misuse of legal authority.[521] Here, corruption is alive and well, as these officials misuse the law to destroy Robert, and the law fails to order the commonwealth according to the public

[520] J.M.R. Margeson, 'Dramatic Form: The Huntington Plays', *SEL, 1500-1900* 14:2 (1974), p. 225.
[521] Chan Smith, 'Was there Corruption in Tudor-Stuart England?'.

good. While this may read, simply, as a conventional 'public official fails to act in a public manner' story, reminiscent of the *Mirror for Magistrates*, it is important to contextualise it with the specific legal questions of the 1590s.

It is striking, then, that Little John's resistance is phrased in legal terms.

> Why master Shrive, thinke you mee a foole?
> What justice is there you should search my trunkes
> Or stay my goods, for that my master owes? (442-444)

Here, again, we see the problem of legal office not necessarily conferring legitimacy on an action in the eyes of an audience. The assertion of illegality was often a very powerful tool in the hands of those attempting to resist the exercise of authority. When Robert Webster was arrested in 1604, Thomas Wilberfosse

> with great rage and impatience came to the said Richard Bussell and William Darrell in whose Custody the said Robert Webster then was in the street or Towne gate of Wighton aforesaid and publiquely in the hearing of the said Inhabitantes used threatning words and revyling speach as to them the said Bussell and Darrell and to your said Subiect and said that the said arrest was unlawfull and uniust and that by the law it might be resisted without daunger; And that it was a Shame for the Inhabitantes to suffer any such honest neyghbour as the said Webster was to be taken fro amongst them by any knave Bailiffe of them all, or by tickettes and Warrantes which they had no reason to beleeve.[522]

This appeal to those in the open street was extremely successful, as it resulted in Bussell and Darrell being beaten into the dirt, with Webster successfully rescued by the bystanders. It is extremely suggestive, though perhaps unsurprising that, in a culture suffused with popular legal knowledge and participation, the assertion that a magistrate's actions were illegal could pose such major problems for the exercise of justice.[523]

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[522] TNA, STAC 8/61/61.

[523] As Braddick and Walter note, 'legitimating languages may be used tactically by both the powerful and the weak; the crucial issue is the plausibility of their use and the extent to which their invocation elicits consent'; 'Grids of Power', p. 9. Resistance in legal terms was clearly felt by central and local authorities to be of serious concern. While the prosecution of rescues leans heavily upon the formulae of insult to the monarch and their laws, the focus upon the challenging of those imbued with legal authority — and, indeed, their documents — shows how concerned the court was with ensuring that those given authority could wield it. When Samuel Farebancke was rescued from arrest, those responsible were accused of 'threaten[ing] the sayd speciall Bailives

It is also important that the Sheriff attempts to legitimate himself by reference to the monarch — 'I say I must for I am the king's shrieve'. Here we see, once again, the question of what it means to serve the monarch as a magistrate: is the Shrieve merely articulating his authority as directly delegated from the monarch, or something closer to Healey's idea of the 'abstract body politic'? Later in the scene, Prince John demands 'What tumult have wee here? Who doth resist/ The kings writs with such obstinate contempt?' (479-480). This certainly recalls the principle that the monarch was the fount of all justice, and that all offences were against the monarch: 'in manifest and apparent contempte of your highenes and of your Maiesties said writt of Capias and of the authority of the same'.[524] But at this point, the audience understand that the monarch is *absent* from government, not simply in the centre away from the localities. Prince John's line therefore pressurises the question of from where authority derived, foregrounding the acephalic conditions in which England finds itself in the play. Warman's response that Little John is a 'Rebell' suggests that he is identifying himself and the sheriff with the regime as a whole, presenting another view of the delegated state (482). But Little John *does not* acquiesce to the Sheriff, even if he does represent the figure of the absent king, because his actions are illegitimate. The delegation of authority to Sheriff is incomplete, and the state is not performed into being. The state cannot monopolise the law as its own, here, because legality does not result in legitimacy.

We see another scene in Ely's commonwealth where the state is not functioning on the local level because of how magistrates' actions are received. In scene vii, Warman, now Sheriff of

for that they had arrest the sayd Samuell without any lawfull warrant'. Indeed, the accused rescuers were asked whether or not they had heard any of the defendants 'challenge the same warrant to be unlawfull', suggesting that this specific aspect of the rescue was felt to be central to the case against them; TNA, STAC 8/296/24.

[524] TNA, STAC 8/165/23.

Nottingham, attempts to have the outlaws Scarlet and Scathlock executed for theft; Friar Tuck enters with the bound prisoners as their confessor. Once again, we have a moment where a legal action is presented as illegitimate. Warman tells the outlaws that they 'must answere lawe, for what is done', presenting the law itself as the authority behind his actions (915). However, this legitimacy is put into question by Scarlet and Scathlock:

> Scarlet: Well, if there be no remedie, we must,
> Though it ill seemeth, Warman, thou shouldst bee
> So bloodie to pursue our lives thus cruellie.
>
> Scathlock: Our mother sav'd thee from the gallowes, Warman;
> His father did preferre thee to thy Lord. (916-920)

This exchange calls to mind the central concept of magisterial discretion — it was necessary for magistrates to exercise discretion in their office, to judge whether certain applications of the law were appropriate.[525] Scarlet's remark that Warman is 'so bloodie to pursue our lives thus cruellie' conveys a sense of inequity: the punishment does not seem to fit the crime. Warman has not only disregarded his ties to the outlaws' families, but is operating within the law at its harshest extent. Once again, legality does not equate to legitimacy, and the audience are reminded of Warman's failure to be a moral magistrate.

As the outlaws are led to execution, Robin enters, disguised as an old man. The scene erupts into a brawl, with the Friar making a show of helping the Sheriff while actually helping Robin to free the outlaws: '*Enter little John, Much, Scarlet, and Scathlock: Fight: the frier, making as if he helpt the Sheriffe, knockes downe his men, crying, "Keepe the kings peace."*' (989-991). The king's name in this moment is meaningless: it is used as the punchline to a comedic

[525] Discretion was also a key focus of debate over the relationship between law and monarch. Chan Smith suggests that Coke and his fellow jurists were attempting to limit the use of discretion by providing detailed rules and maxims, along with precedents: magisterial discretion offered the opportunity for legal authority to be used to pursue private interests under the public good. This can be seen as part of development of a depersonalised state, where decisions would be guided by legal precedent, instead of magistrates' personal discretion; Chan Smith, 'Was there corruption in Tudor-Stuart England?' Dalton wrote that discretion was 'per legem quid sit iustum' — what is just by the law; Cromartie, p. 91.

scene where Warman finds himself unable to carry out his office. Indeed, it is only used by the Friar to colour his actions to better resist the Sheriff. It is especially interesting that the king's peace, weapon of the magistrate, has been used in such a way, given that Warman's *attempted* execution of his authority has fallen through. At this point, Warman's commission from Ely is a recent memory, but Warman's authority does not function, even after the onstage delegation. The document signifying his authority is meaningless, and his office will not protect him: he tells Ralph, 'Fly Ralph, wee die else; let us raise the shire' before running offstage with all his officers (998). It is striking that any raising of the shire — the *posse comitatus* — only takes place offstage, if at all, further demonstrating that Warman cannot command his will into reality, and that the metonymy of commission as office has fallen through.

The failure of invoking the king's name in these two scenes also suggests that authority does not rest with him while he is absent. The king's name *could* have tremendous force: in Plymouth in 1606, Burrage and Grymes, two men with an axe to grind decided to seize a crate of sugar from against Hawkins, a local JP and Viceadmiral. According to the Star Chamber bill, they

> Com*m*aunded & Required in your Ma*jes*ties: name the Constable of the sayd Towne of Orston to breake open the dore of the sayd howse where the said Chest of sugar was,

and successfully seized it. Later, they sailed into the harbour, pursued by Hawkins, where they

> made a solemne oyes, (w*hi*ch ys vsed before proclamac*i*ons made in yo*u*r Ma*jes*ties: name) Com*m*aundinge all that were pr*e*sente in yo*u*r Ma*jes*t*es*. name to Keelpe silence and to be vncovered and to appr*e*hend your sayd subiect and all his company sayinge that your sayd subiect was not Viceadmirall and had noe authorytie there.

With a crowd of people already turning against the legitimate magistrate, Burrage and Grymes used the king's name one more time,

> Commaundinge the Maiour of Plymouth and all the people there assembled to the number of a hundred or thereaboutes in Your Majestes. name againe to apprehend your sayd subiect (beinge then there presnte) and his Companu and soe by force and violence and by the countenance of the sayd Iustice Bagg kept from your said subiect the said

Chest of sugar.[526]

Here we can see the force that invoking the monarch's name could have. But in the play, the King's name palpably affects nothing: perhaps there is a sense that the misuse of authority said to derive from monarch undermines the authority of said monarch. Perhaps the king's name is no longer a stable referent because it is no longer attached to any sense of the realm's government.

Christine Chism argues that Robin Hood ballads 'confront the ways in which socio-judicial authority was exercised in local and national arenas': this, too, is the case in *Huntingdon*, but the play draws attention here to distinctively Elizabethan questions about compliance and the delegation of power.[527] In the absence of the monarch, and with immoral magistrates using the law for their own ends, the state founders. Neither law nor the monarch's name is enough to legitimise a corrupt magistrate's actions: the law is insufficient as a regulating force, either for state or commonwealth, without accounting for the law's administrators. The law cannot be used as a weapon of the state: instead, it gives force to resisting authority. *Huntingdon*'s presentation of the difficulty of imposing authority in an acephalous polity, therefore, evinces little hope for a future without a monarch. Crucially, this is a vision of the future where the law is not reformed: discretion lies in the hands of public men who use the law for their own ends. This is, perhaps, in line with contemporary scepticism about whether public men could be trusted to behave in the interests of the commonwealth.[528] However, there remains one character who can preserve the commonwealth: Robin.

[526] STAC 8/177/9. Transcription courtesy of Clare Egan.
[527] Quoted in Tracey, '"For Our dere Ladyes sake"', p. 38.
[528] Alexandra Gajda, 'The Gordian Knot of Policy: Statecraft and the Prudent Prince', in *The Oxford Handbook of the Age of Shakespeare*, ed. Malcolm R. Smuts (Oxford: 2016), pp. 286-305.

Avenues all lined with trees: Robin's alternative England

Over the play's first half, the law is clearly deployed as the weapon of the wicked and selfish: it has failed to protect Robert, his property and the common good. It is thus significant that Robert is made an outlaw, deprived of his legal rights and protections. Meredith Skura describes the impetus for the play's action as a question: 'what do you do when someone invokes the law to take away what you know that only you deserve by right?'.[529] Robert's response to the corrupted realm is to remove himself from it: after rescuing Scarlet and Scathlock in scene vii, Robert decides once and for all that he will renounce the corrupt England.

> John, on a sodaine thus I am resolv'd,
> To keepe in Sherewodde, till the kings returne,
> And being outlawed, leade an outlawes life. (1012-1014)

Robert, at this point, becomes Robin Hood, Matilda Maid Marian, actively embracing their new outlaw lives. Crucially, this existence beyond the law is a way to stay safe: Robin remarks upon how Scathlock and Scarlet 'lived and scap't the malice of their foes' in their seven years of outlawry (1016). J.M.R. Margeson writes that 'major action of the play takes place in the greenwood where the loyal and honourable have gone to escape the tyranny of the usurper', but more importantly, the law is no longer something that can be trusted to protect the rights of 'yeomens sons' or peers of the realm: in the absence of the monarch, the law is not regulating the commonwealth.[530]

This greenwood space is constructed as an alternative realm. The first entrance of Robin and his legendary 'merry men' comes in scene ix, the company 'all in greene' and armed with bows (1260). Robin describes Sherwood Forest as a replacement for the courtly world they have left:

> Marian, thou seest though courtly pleasurs want,

[529] Skura, '"Gentrification"', p. 177.
[530] Margeson, 'Dramatic Form', p. 226.

Yet coutnry sport in Sherewodde is not scant.
For the soule-ravishing delicious sound
Of instrumentall musique, we have found
The winged quiristers, with divers notes,
Sent from their quaint recording prettie throats,
On every branch that compasseth our bower,
Without commaund, contenting us each hower. (1366-1373)

The forest provides its own replacements for what they have lost from the court; similarly, Robin says that

For Arras hangings, and rich Tapestrie,
We have sweete natures best imbrothery.
For thy steele glasse, wherein thou wontst to looke,
Thy christall eyes, gaze in a christall brooke,

once again finding substitutions for the luxuries that exist outside the forest. (1374-1377)

When John banishes Fitzwater, he visits his daughter in Sherwood, and his description of the solace the woods will give him once again imagines them as an alternative space to the corrupted England:

When I sleepe, heavens glorious canopy
Mee and my mossie coutch doth overspreade.
Of this, injurious John cannot bereave me. (1482-1484)

Fitzwater imagines the leaves and moss as the rich tester and bed to which a nobleman would be accustomed, Robin's Sherwood a place apart that can easily substitute for England. It is also significant that Fitzwater expresses a sense of security: while his property in the 'real' world is at risk from John, because the law does not defend it, in the greenwood there is no such fear. In being beyond state and law, Sherwood is safe.

This greenwood realm is a well-ordered one, unlike the state in Richard's absence. Robin declares to his merry men, as they leave to hunt, that 'Marian and I, as Soveraigns of your toyles, / Will wait, within our bower, your bent bowes spoiles' (1362-1363). In casting themselves as sovereigns, Robin's words construct Sherwood as a kind of state. The well-

ordered state is also seen in scene ix when Little John reads a set of 'articles' of agreement between Robin and his band:

> Little John: First, no man must presume to call our master,
> By name of Earl, Lord, Baron, Knight, or Squire,
> But simply by the name of Robin Hoode.
>
> Robin: Say, yeomen, to this order will ye yielde?
>
> All: We yield to serve our master Robin Hoode. (1329-1333)

These articles are a code of conduct for the merry men: along with abstaining from sex with 'widowe, wife or maid', they must never do 'the poore man wrong, / Nor spare a Priest, a usurer, or a clarke', and swear to 'defend with all your power, /Maids, widowes, Orphants, and distressed men' (1342; 1354-1355; 1357-1358). These articles are read from a prop document, further suggesting that they are a sort of written constitution for the merry men which define how things will take place within the forest. This alternative realm is strikingly different to that beyond the trees, where the laws governing succession have been overturned, and where there are no longer protections for the common good. Sherwood's direct substitution for the corrupt court also calls to mind the alternative systems of government set up by participants in various Tudor rebellions: on Mousehold Heath in 1549, Kett's rebels were organised by village, each sending a representative to the central council.[531] Much as the rebels of 1549 sought new government in response to hardship and misgovernment, Robin's alternative realm recalls a strong sense of injustice.[532]

Significantly, Robin's greenwood state acts as a magnet for the dispersed officials and nobles that made up Richard's government. After Fitzwater is received with open arms by his daughter

[531] Andy Wood, *The 1549 Rebellions and the Making of Early Modern England* (Cambridge: 2007), p. 154.
[532] John Cheke criticised rebels 'pretend[ing] a commonwealth'; Archbishop Cranmer asked 'is it the office of subjects, to take upon them the reformation of commonwealth?'. Early Modern Research Group, 'Commonwealth: The Social, Cultural, and conceptual Contexts of an Early Modern Keyword', *THJ* 54:3 (2011), p. 669.

and future son-in-law, the former regent, Ely, also chances upon Robin. While the real Ely left England after his defeat, in the play the disgraced chancellor remains within the realm.[533] Ely encounters Robin's men while disguised as a poor man selling eggs, a serendipitous meeting that perhaps suggests the operation of providence in Robin's alternative England. Importantly, Ely still holds the Great Seal of England: Robin declares 'O God, my Princes seale, fair Englands royall seale!' after Scarlet finds it in Ely's bag, underlining the significance of this object (2176). It is certainly significant that in a play all about the functioning of government in the absence of the monarch, Prince John is hamstrung without the Seal, despite his military victory over Ely. In scene xii, after John ascends the throne, 'his head impal'd with Englands diademe, / And in his hand the awfull rodde of rule', he calls for the prisoner Ely, emphasising his lack of the Seal: 'Warman, bring forth your prisoner, Ely, the Chancellor, / And with him, bring the seale that he detains' (1632-1633; 1659-1660). The Seal, a recognisable necessity for the functioning of conciliar government, remains out of John's grasp, suggesting continued difficulties for his attempts to govern. Importantly, Ely bribed Justice Warman to release him from prison: once again, the state cannot work through immoral magistrates. Munday's invented plotline thus presents Robin as bringing together the constituent parts of Richard's regency government, his alternative realm reconstituting the state.

This is emphasised when Richard finally returns to England, and is greeted by Robin in his 'bower'. The scene mimics the pomp and ceremony of the dumbshow dramatising Richard's departure in scene i, with Robin telling all present 'The trumpet, sounds, the King is now at hand./ Lords, yeomen, maids, in decent order stand' (2695-2696). Robin stage manages this show:

> [The trumpets sound, the while Robin places them. Enter first, bare-heade, Little John

[533] Stow, *Annales up to 1603*, p. 236.

> and Scarlet; likewise Chester, and Lester, bearing the sword and scepter; the King follows crowned, clad in green; after him Queene Mother, after her Salsbury and Richmond, Scarlet and Scathlocke turne to Robin Hoode; who with all his company kneele downe and cry.
>
> All: God save King Richard, Lord preserve your Grace. (2697-2704)

Robin's central role as the master of ceremonies presents him as the ordering force in this display of the restored state, the virtuous man that returns things to their correct places for his king. Robin hands 'gifts' to his king, paying homage by presenting him with his former officials and advisors:

> First take againe this jewell you had lost,
> Aged Fitzwater, banished by John…
> Take good Ely in your royal hands,
> Who fled from death, and most uncivill bands. (2725-2740)

Robin even presents Richard with his brother John, pleading that his rebellion 'with his submission may be buried' (2759). Indeed, Robin forgives all wrongs done to him with a magnanimity that seems unwise, given 'Eltham''s acknowledgement at the end that 'other matters tragicall/ That followe in the processe of the storie' remain (2788-2789). Margeson argues that Robin is an archetypal romance hero, his virtue undaunted by the wrongs done to him, but the play is making a more specific point: Robin's virtue has allowed him to reconstitute both monarchical government and the commonwealth, when those left in charge of it could not put their office above their own interests.[534] Richard calls Robin 'true piller of my state', a line which plays upon the multiple contemporary meanings of the word: Robin has maintained Richard's honour, his realm, and his government (2709).

Importantly, this state is loyal to the monarch. Robin declares he will remain in Sherwood only until Richard's return, viewing the monarch's return as the only way that law and order will be restored. The play's ending seems to agree; indeed, it recalls Stow's account of Richard I

[534] Margeson, p. 224.

restoring his control over England.[535] But the play does not let its audiences relax: instead, it reminds them of the coming absence of Richard I. Ely attempts to return the seal to his King, but is refused: 'Keepe it, good Ely, keepe it still for me' (2748). Firstly, the appellation 'good Ely' seems rather inaccurate for anyone that has watched the rest of the play. Secondly, this draws attention to the fact that Richard will once again be absent from his realm: Richard returned in 1194, but left soon after for the Holy Land. Even as this loyal state has been reconstituted, the monarchical absence that led to the play's plot is about to begin again. With Eltham and Skelton's grim pronouncements of looming tragedy ending the play, the 'happy' ending does not seem likely to last. Without the monarch, the commonwealth cannot function, and immoral men cannot be trusted to act in a public manner. *1 Huntingdon* presents the fate of the commonwealth in the absence of the monarch as riding on the morality of the men left to govern it: the play is not hopeful about an England governed by 'public men' after Elizabeth's death. The only commonwealth that remains well-governed is the one that remains loyal to the monarch: both Ely and Prince John's governments suffer from a lack of clarity about where authority resides in their state. *1 Huntingdon*, then, makes a distinctively anti-republican statement, evincing no belief in a state that does not centre upon a monarch.

State and commonwealth in *Thomas of Woodstock*

Thomas of Woodstock's take on one of the other most contested reigns in English history – that of Richard II – also calls to mind 1590s questions about sovereignty and authority. It stages the conflict between two groups who locate authority differently: the flattering favourites, who perceive the king to be the single, supreme locus of authority, and the King's uncles, who conceive an idea of the state as located with the council. Historians of counsel in Privy Council and Parliament have demonstrated the growing institutionalisation of advice giving, and the

[535] Stow, *Annals*, p. 238-9.

intensification of questions over the sovereignty of the Council.[536] These questions were drawn into particular focus when the ruler was perceived to be weak: as Joanne Paul has demonstrated, during Elizabeth's reign concerns about her female weakness came into conflict with fears of private-minded counsellors acting for their own interests over that of the commonwealth.[537] *Woodstock*'s presentation of the conflict between these two groups thus recalls intensely 1590s concerns. Like *Huntingdon*, moreover, the uncles' use of 'state' is not drawn from the chronicle sources: the dramatist thus connects the play's foregrounding of government's duty to the commonwealth to constitutional debates taking place during the period.

The favourites use 'state' for most of the play to mean the rank and magnificence of the monarch. In II.i, Bushy, Bagot, Greene and Tresilian encourage their king to assert total power:

> Greene: Let me have Richard's love
> And like a rock unmoved my state shall stand
> Scorning the proudest peer that rules the land.
>
> Bushy: Your uncles seeks to overturn your state,
> To awe ye like a child, that they alone
> May at their pleasures thrust you from the throne. (II.i.8-13)

The uncles' criticisms of Richard's rule are characterised as threats to his sovereignty, his 'state' defined simply as his position of power. This is also seen when Tresilian describes Richard's uncles as 'underminers of his sacred state', prompting Greene to advise 'Cut off all their heads, / And then, King Richard, claim the government' (II.i.34; II.i.40-41). The 'sacred state' that the flatterers imagine is an untouchable version of monarchy, where none shall comment upon the king's failings, or lose their heads.

The sense of 'state' as 'estate', or magnificence is further conveyed through Richard's court's

[536] Alford, *Early Elizabethan Polity*, p. 210; McLaren, *Political Culture*, p. 87.
[537] Paul, *Counsel and Command*, pp. 122-144.

obsession with fashion and grandeur. Frost argues that this is 'presented not as a national failing but as a sign of the court's failure to serve that nation', highlighting the difference between the 'habit' of Woodstock's plain English clothes, and the elaborate 'fashion' brought in by Richard's cronies.[538] This is certainly accurate: in II.ii, Scroop informs Richard that

> We must have money to buy new suits, my lord;
> The fashions that we wear are gross and stale.
> We'll go sit in council to devise some new. (II.ii.206-208)

These new councillors are using the king's council for personal gain, spending their time discussing fashion rather than state affairs. Richard's first entry into the play emphasises the value he places on display: the dramatist instructs that Richard enters 'in great state' at the beginning of I.iii, presumably decked out in ceremonial garb and moving with great pomp and majesty.[539] It is in this attire that Richard takes issue with Woodstock's criticism of his favourites who 'tax and pill the commons so' to pay for their own expensive garments, demanding, 'Who is't that dares encounter with our will? / We did bestow them' (I.iii.161-162). This associates Richard's sense of 'state' with his belief in his own authority above anything else.

The uncles, meanwhile, use 'state' in the new sense developing during Elizabeth's reign, to refer to the apparatus of authority outside of the figure of the monarch. At the beginning of the Parliament the uncles have called (the dramatist's addition to the story, as peers could not summon Parliament), York criticises 'those hateful flatterers/ That daily ruinate his state and kingdom' (II.ii.18-19). Later in the play, as the playwright further deviates from the historical record by staging the uncles' armed rebellion against Richard, Surrey describes the flatterers as 'those flattering minions that o'erturns the state' (V.iii.28). Once again, we see the state

[538] Frost, 'Historiography of Texts', p. 136.
[539] Entering 'in state' is a dramatic commonplace; *DictSt*, p. 215.

conceived of as an entity. The contrast between the two factions is perhaps best dramatised during III.ii, when a courtier outfitted from top to toe in the latest fashions visits Plashy House to summon Woodstock to court:

> Courtier: I assure your grace, the King his council sat three days about it.
>
> Woodstock: By my faith, their wisdoms took great pains, I assure ye. The state was well employed the whiles, by th'rood! (III.ii.203-207)

Here Woodstock identifies the state with the council, his angry curse evoking his disgust at the council failing to carry out their duty. Later, Woodstock remembers how

> I compared the state, as now it stands,
> Meaning King Richard and his harmful flatterers,
> Unto a savage herd of ravening wolves
> The commons to a flock of silly sheep
> Who while their slothful shepherd careless stood
> Those forest thieves broke in and sucked their blood. (IV.ii.29-36)

Woodstock emphasises that the state must care for the commonwealth: here it is a vicious predator, preying upon the commons. For Woodstock and his brothers, the state is a positive constitutional order, a body charged with governing with the populace's interests in mind. This use of 'state' rarely appears in Holinshed, Grafton or Stow: instead, Holinshed's account is peppered with references to the 'estates' of the realm.[540]

This theme is further emphasised by the play's preoccupation with officeholding. Much as the uncles centre the commonwealth to the state, while the Ricardian party emphasise the power of the monarch to act as he pleases, Woodstock and his brothers continually identify themselves not simply as magnates, but as magistrates. Amid 1590s debate over what authorised magistrates – the law, or the monarch – republican and commonwealth discourses raised questions over who a magistrate served. Collinson argues that citizens were concealed in

[540] Holinshed, *Chronicles* Vol. 6, p. 457.

subjects, with many MPs and Privy Councillors conceiving of themselves as not simply 'counsellors to her Majesty', but counsellors 'to the whole state'.[541] Officeholding is emphasised in the play's early dialogue and stage business. The uncles make direct reference to their positions in the chief offices of state: Arundel suggests that 'my office of the Admiralty' might have been the motivation for the attempted poisoning. Woodstock is identified as Lord Protector, an office that was never formally created during Richard II's reign: this awards Woodstock a formalised, recognisable office. Office-holding is also emphasised by the extensive use of maces and staves in the play's first two acts. When Woodstock first enters in I.i, he enters with the mace 'carried before him', a visual cue for authority in both theatre and politics.[542] The mace denotes his authority as Lord Protector, his office a constant part of his stage presence. In II.ii, the mace is once again carried before him, while Woodstock also carries the staff that denotes his office as a councillor to the monarch, as do Arundel, Lancaster and York. The mace's significance is clear from a marginal note at line 162 in the manuscript: the book-keeper saw the mace as such an important prop that he wrote a reminder that it should be onstage.[543] Kathrin Strauss argues that maces shifted from proving *individual* authority to symbolising *institutional* authority over the fifteenth century, looking forward to the accepted seventeenth-century symbolism of the mace representing the House of Commons: it is worth considering how the mace, added into the narrative, had specifically late sixteenth-century resonances.[544] Either way, the dramatist clearly emphasises both verbally and physically that

[541] Collinson, 'Servants and citizens: Robert Beale and other Elizabethans', *HR* 79 (2006), p. 497; Elton argued that Cromwell's reforms saw a movement from the council being felt to serve the monarch, to holding together social order throughout the realm; 'Tudor Government: the Points of Contact. II. The Council', *Transactions of the Royal Historical Society* 25 (1975), p. 196. Dunn, meanwhile, notes the influence of Fortescue on late sixteenth-century discussion over counsel and sovereignty: for Fortescue, flatterers and favourites were not the problem, but 'the great lords who dominated the King's Council and whose interests were rarely those of the king and country'; Dunn, 'Gorboduc', p. 283.

[542] Maces are common in contemporary drama, eg. in *Sir Thomas More*, Brome's *The Antipodes*, Barnes' *The Devil's Charter*; *DictSt*, p. 137.

[543] Corbin and Sedge, p. 85n.

[544] Kathrin Strauss, 'From Personal to Institutional: Ownership of and Authority conveyed by Ceremonial Maces in England, 1272-1649'. Paper given to the Cambridge Legal and Social History Workshop, 16th March 2021, via Zoom.

Woodstock and his brothers hold specific, delineated offices. Indeed, the stripping of office from the uncles is figured through the handing over of ceremonial staves: Woodstock declares 'I thus yield up my sad Protectorship' as he gives up the mace at line 103, visually emphasising the discharge of office. At line 128, Richard informs Arundel that he will no longer be Lord of the Admiralty:

> Richard: Deliver up your staves and hear ye, Arundel,
> We do discharge ye of the Admiralty.
>
> Scroop, take his office and his place in council.
>
> Scroop: I thank your highness.
>
> York: Here, take my staff, good cousin. (II.ii.129-132)

The dramaturgy thus emphasises the transfer of office from uncles to favourites, verbally and physically underlining this transition.

The notion of officeholding presented by the uncles is one of duty to the commonwealth. Woodstock's 'plain frieze' garments draw mockery from the fantastically-dressed Richard, but Woodstock acerbically responds

> and by th'rood
> In these plain hose I'll do the realm more good
> Than these that pill the poor to jet in gold,

criticising the elevated favourites' splendid garments (II.ii.35-37). When Woodstock enters into Parliament in II.ii, he does so 'with petitions' carried in front of him, as well as the mace. This ties together Woodstock's office with his concern for the commons, especially given that this Parliament has no historical basis. This notion of office as public service to the commonwealth is sharply contrasted with the way that the favourites perceive office as a position of power alone. At the end of I.iii, the newly-appointed Keeper of the Privy Seal, Bagot, threatens the uncles 'Remember this, my lords, / We keep the Seal: our strength you all

shall know' (I.iii.205-206). Most striking is Richard describing the commons as 'hoarding cormorants' in III.i: where the gluttonous 'cormorant' would be more associated with the feasting nobles at the top of the social hierarchy, Richard constructs his people as greedy, determining that their goods are his (III.i.8). This links, crucially, to the Ricardian party's views on the role of the law:

> Richard: King's words are laws. If we infringe our word
> We break our law…
>
> Bushy: His highness can direct himself sufficient.
> Why should his pleasures then be curbed by any
> As if he did not understand his state? (64-71)

Here, the law is to be altered to serve the purposes of the monarch: the common good is no longer protected. Moreover, the idea of 'direct[ing] himself' suggests the ordering of government, but here the assertion is that the law *cannot* direct the monarch. This stands in stark contrast to the uncles' adherence to precedent: Woodstock, commenting on the blank charters, declares 'There's nothing spoke or done that has not been', emphasising that the law is based on custom and precedent — indeed, its strength comes from its duration through time. (III.ii.70) Examining the language of 'ancient right' used by Woodstock in II.ii, Tipton writes that the uncles

> put another spin on the word "rights" when they greet Richard as "sovereign lord of England's ancient rights" (2.2.116). The mention of "ancient rights", as we have seen, is a key phrase for the idea of the ancient constitution, a verbal clue to the audience that the uncles are sliding on the word "rights" from sovereign to subjects and transforming the idea of kingship from one of privileges into one of responsibility.[545]

Richard is a typical tyrant, one who 'regardeth not the wealth of his people', but the play's continued references to 'state' and foregrounding of officeholding and law as protecting the commonwealth calls to mind contemporary thought that argued that monarchy was 'no

[545] Alzada J. Tipton, '"The meanest man… shall be permitted freely to accuse": The Commoners in "Woodstock"', *Comparative Drama* 32:1 (1998), p. 123.

different from any other public office, publicly accountable'.[546] Crucially for Richard II, deposed onstage in Shakespeare's version of his reign, in this model monarchy 'was also an office from which he, or more properly she, could be displaced'.[547]

I've got a blank space, and I'll write your name: destabilising the law onstage

From its opening, *Woodstock* emphasises the law being changed and reshaped. Textually, the play's exploration of these themes matches the 1559 *Mirror for Magistrates'* version of events neatly. However, the play in performance deviates significantly from the *Mirror* in its depiction of the blank charters. The law is not simply changed, throwing precedent out of the window: instead, the law is shown to have been utterly devalued by Richard and Tresilian's legal 'innovations'.

The play foregrounds the theme of changing the law through changing its meaning. The *Mirror* describes the way that Tresilian 'wittingly and wretchedly did wrest the sense of law', presenting Tresilian's crime as one of altering meaning and the material of the law (13-14).[548] This is echoed throughout the play. In I.ii, when the favourites, Bagot, Greene and Tresilian discuss the latter's rise in status, Greene instructs the new Lord Chief Justice that 'You must observe and fashion to the time, / The habit of your laws', the first appearance of the language of fashionable clothing that permeates the play, presenting the law as shifting and changing like style trends (I.ii.38-39). Similarly, Tresilian declares

> 'Zounds, I will screw and wind the stubborn law
> To any fashion that shall like you best.
> It shall be law what I say is law,
> And what's most suitable to all your pleasures. (45-48)

[546] Smith, *De Republica*, p. 53. Turner suggests a transition in the period from a metonymical mode of thinking to a representational one, from someone standing *as* the body politic to standing *for* it; Turner, *Corporate Commonwealth*, p. 26.
[547] Collinson, 'Servants and Citizens', p. 494.
[548] All references from Scott C. Lucas, *A Mirror for Magistrates: A Modernized and Annotated Edition* (Cambridge: 2019).

Frost notes that 'screw' and 'wind' are tailor's terms, referring to different kinds of decoration: here, then, Tresilian's words call to mind adding matter to the law, decorating and changing it, as well as a sense of pushing and pulling the law until it fits whatever shape is desired.[549] If the law referred to in the play is common law, based on custom, or statute law, deriving from written laws approved by parliament, the mercurial shifts of fashion entirely disavow the law's stability. The *Mirror's* Tresilian emphasises that he and his fellow justices were

> sworn to serve the common law.
> Which was that in no point we should make digression
> From approved principles in sentens nor in saw,

again emphasising the importance of precedent to the stability and functioning of the law (65-67). However, these precedents were entirely ignored. The play condemns the innovations in the law both through its presentation of the greed motivating the changes, and through the uncles' traditional, commonwealth-centred criticism. Richard gleefully praises Tresilian for devising blank charters 'to fill up our treasury', after declaring that 'like an emperor shall King Richard reign', clearly presenting the self-interest at the heart of these legal innovations (III.i.7; 2). One scene later, Woodstock and his brothers abhor the 'strange, unheard-of vile taxation!', Lancaster's words drawing attention once again to the abuse of precedent (III.ii.67). Woodstock further presses this point, demanding

> Who is't can help my memory a little?
>
> Has not this e'er been held a principle:
>
> 'There's nothing spoke or done that has not been?' (III.i.68-70)

Here, Woodstock refers to the importance of legal precedent, characterising his opposition to this new taxation in terms of breaching custom: 'This is a thing that was never spoke nor done' (III.ii.73). The play thus emphasises the insupportability of breaking with precedent and 'wresting the sence' of the law.

[549] Frost, 'Historiography of Texts', p. 130.

In both *Mirror* and play, bending the law causes insecurity. The *Mirror*'s Tresilian declares that 'so working lawe like waxe, the subiect was not sure/ Of lyfe, lande, nor goods, but at the princes will', highlighting that the law no longer protected the common good, particularly with reference to property (85-86). The uncertainty and fear created by the law's new flexibility is explored in both scenes where the blank charters are deployed, III.iii and IV.iii. In the latter scene, when the Shrieves of Kent and Northumberland are brought before Nimble, Crosby and the rest of the officers implementing the charters, Crosby remarks with glee that the sheriffs and twenty others are arrested

> For privy whisperers against the state;
> In which I know my lord will find some trick
> To seize their goods, and then there's work for us. (IV.iii.4-6)

The entire principle of the blank charters is against the defining idea of the common law as preserving the commonwealth, as a curb on princes taking possession of private property: as Tipton notes, 'the right to property guaranteed a person's survival and also restricted the prince's access to privately-owned resources', an interpretation of the common law that resonates throughout *Woodstock*.[550] The play's focus upon property, therefore, emphasises what a gross abuse of the law and commonwealth is taking place: the law is no longer protecting property or any other rights of England's subjects.

Life and liberty are also now at risk. In III.iii, the commoner Cowtail expresses the risk that *anyone* can lose their property to the blank charters: 'We shall be all hoisted and we tarry here' (III.iii.56-57). 'Hoisted' here means 'overtaxed', and the certainty of 'shall' indicates that the new law is irresistible. The danger intensifies after the commoners set their seal to the charters:

> Butcher: I hope ye have done with us now, sir.

[550] Tipton, '"Meanest man"', p. 120.

> Nimble: No ye caterpillars, we have worse matters against ye yet. Sirrah, you know what your landlord told ye concerning my Lord Tresilian and King Richard's new favourites; and, more than that, you know your own speeches and therefore, Master Baily, let some of your billmen away with them to the high shrieve's presently, either to put in bail or be sent up to the court for privy whisperers.
>
> Ignorance: Their offences are most pestiferous. Away with them.
>
> Omnes: Now out alas, we all shall to hanging, sure! (III.iii.144-155)

The short discussion about the charters between Cowtail, the Farmer and the Butcher at the beginning of the scene has become treasonous, their private conversation now a public concern. The commoners' conviction that they will be hanged for their 'offence' indicates the extent to which the law is no longer protecting their liberty. Nimble's appellation of them as 'caterpillars' once again rearranges the law's position: 'caterpillars' was a common epithet for persons acting against the commonwealth, perhaps most notably seen in Shakespeare's *Richard II*. In characterising commoners as caterpillars, Nimble presents the commonwealth as something that does not include the commons: instead, the commonwealth that the commons are supposedly 'eating' is conceptualised as the *King's* interests. The law has thus been clearly reconstituted: it is the tool of the tyrant to wreak his will, as opposed to the defender of rights that late sixteenth-century commentators frequently viewed it as.

Examining these scenes in performance, however, reveals that the law has not just been changed, but *devalued*. The play's depiction of the charters draws attention to the frightening power that these documents hold, while simultaneously emphasising that they lack any substance. In III.i, the charters are first brought onstage by Tresilian. The charters' physical appearance is evidently important, as the book-keeper added a marginal note at line 5 — 'blankes' —as if to remind the actors that they were a vital part of the scene that needed to be onstage.[551] This also suggests that the charters are visibly blank: Dunne notes the importance

[551] Corbin and Sedge, p. 101n.

of working out whether onstage documents visibly resembled their real-world counterparts, and here it is particularly important.[552] Their visible blankness emphasises their immateriality, as does Tresilian:

> Tresilian: See here, my lord, only with parchment, innocent sheepskins. Yet here's no fraud, no clause, no deceit in the writing.
>
> All: Why, there's nothing writ!
>
> Tresilian: There's the trick on't. (III.i.11-14)

Literally, there *is* no 'fraud' or 'deceit' in the charters because they are blank, but the audience can see the empty sheets of parchment and knows that they will be used to extort undisclosed sums of money. Even as the charters are repeatedly demonstrated to be empty, they are constructed as having great power. The law operated through documents, as previously discussed, with an official-looking document often the key to securing compliance with magisterial commands. Despite their emptiness, Nimble takes it upon himself to elevate the status of the charters:

> I mean, my lord, if they should but give this paper an ill word, as to say, 'I will tear this paper', or worse, 'I will rend this paper', or fouler words than that, as to say, 'I will bumfiddle, your paper'; if there be any such, I have a black book, for them. (146-148)

The necessity of respecting these documents intensifies the irony — they are nothing, but no one can say that. The play thus draws attention to the odd vanishing act the charters must perform: by existing as legal documents, they must be obeyed, but to work they must remain blank.

Indeed, the charters' blankness is what makes them powerful. Historically, blank charters were imposed upon rich citizens during 1398-99, allowing Richard to write any sum of his choosing above the signature. The charters are frightening because they are *not* limited by the law:

[552] Derek Dunne, 'Shakespeare's License', paper given to the Oxford Literature and History in Early Modern Britain Seminar, 20th May 2019.

instead, they allow the monarch to rip property away from his subjects by the *appearance* of law, but not through its formulae. To seize the commons' goods, the law becomes necessarily immaterial. This is seen in the inability of the commoners to parse the charters. In III.iii, the locals seem to not understand what is wrong with the charters:

> Nimble: Here, ye bacon-fed pudding eaters, are ye afraid of a sheepskin?
>
> Cowtail: Mass, 'tis somewhat darkly written.
>
> Farmer: Ay, ay, twas done i'th'night, sure.
>
> Cowtail: Mass, neighbours, here's nothing that I see.
>
> Butcher: And can it be any harm, think ye, to set your hands to nothing? These blank charters are but little pieces of parchment. (115-122)

This exchange is grimly ironic: the Famer and Butcher's failure to perceive that the danger is in the blankness is undercut by the clear visibility of these blank parchments. Indeed, it is only Cowtail that seems to understand the danger at hand: the only one of the three to correctly identify the malapropised 'black chapters' as 'blank charters' earlier in the scene, he remarks 'Ay, and our own hands undoes us, that's the worst on't', the emphasis falling upon 'our' (135-126). These charters gain their force through signature — 'our own hands' — becoming able to seize property once *carte blanche* is given. Their immateriality is grossly ironised, Cowtail reminding the audience that the sheets that will undo the commons are just empty paper.

The immateriality of the law is further emphasised by Master Ignorance, the Baily of Dunstable. At the beginning of III.iii, Crosby instructs Ignorance 'You have seen the high shrieve's warrant and the council's commission, and therefore I charge ye, in the king's name, be ready to assist us' (4-6). Here, the charters are deployed by legal documents that authorise the Baily to aid Crosby and Nimble. However, the aptly named Master Ignorance proudly informs them that 'I cannot write nor read' (11). It hence appears that it doesn't matter whether the charters are legally authorised: Ignorance cannot read the documents issuing legal authority.

Ignorance further assures Nimble that 'though I cannot write, I have set my mark — *ecce signum*. Read it, I beseech thee', confidently placing his trust in the charters that he could not read even if they *did* contain any text (16-17). Ignorance's own catchphrase — 'pestiferous' — degrades over the scene. It begins with 'be not too pestiferous', already an incongruous word given its meaning of 'pestilential', before Ignorance informs Fleming that his brother 'will be most pestiferous unto ye' (7; 34). After Cowtail, the Butcher and the Farmer are stopped by Nimble at line 101, crying 'Saint Benedicite!, What must we do now, trow?', Ignorance tells them 'be not so pestiferous', presumably meaning fearful (102-103). 'Pestiferous' then flips between meanings: Ignorance declares that 'their offences are most pestiferous', before assuring Nimble seven lines later 'you shall find me most pestiferous to assist ye', palpably demonstrating that Ignorance has no idea what the word means (153; 159). A similar shift in meaning occurs again as Ignorance declares the Schoolmaster and Serving-man to be 'two most pestiferous traitors', then demanding that they cease their denials by saying 'be not so pestiferous', before ending the scene by declaring with pride 'we have done this day most strange and pestiferous service' (207; 215; 273-274). Ignorance's catch-phrase dissolves into an empty signifier, no longer attached to any stable meaning: his illiteracy draws attention to the degradation of meaning that has occurred with the blank charters. It is not simply that the law has been changed: it has become meaningless.

The blank charters demonstrate that the source of authority which the law represents has become utterly devalued: they are manifestly blank, even as they apparently hold great power. The charters are beyond the law, barely resembling legal documents, but they are given paradoxical force by the signatures that are coerced from the commons. This deviation from the *Mirror*'s version of events is a vital part of the play's engagement with contemporary questions about legitimate authority: here is a classic tyrant that abuses the law for his own

ends, but this abuse of the law actively damages it. A monarchy ruled by such a king, therefore, is one in which the law is not simply 'wrested' from its original sense, and in which the law cannot protect the commonwealth, but one where the law cannot be used to enforce authority. As becomes clear, abusing the law like this renders it worthless as a weapon for Richard's government: devaluing the law neuters it.

Resistance to government: destabilising authority

The devaluation of the law through the blank charters is part of a wider devaluation of authority that takes place throughout the play. Although critics have rightly pointed out the favourable depiction of rebellion in the play presents resistance as a natural consequence of bad government, the play does not simply legitimise resistance, but presents ill rule as making government impracticable: disorder is fostered by the complete devaluation of both monarch and law as sources of legitimacy.

Woodstock presents bad government as naturally leading to resistance and rebellion: 'no other play of the period is so peppered with references to the mutiny of the people'.[553] The threat of rebellion due to Richard's poor rule is present from the outset: in I.i, Lancaster remarks that

> The commons murmur 'gainst the dissolute king.
> Treason is whispered at each common table
> As customary as their thanks to Heaven. (157-159)

Popular discontent is a constant threat in the play, with open rebellion breaking out in Kent and Essex at the end of I.iii. Here the dramatist once again compresses the events of Richard II's reign to heighten their portrayal of governmental failure. The year is supposed to be 1387, but the mention of rebels from Kent and Essex clearly calls to mind the Peasants' Revolt of 1381.[554] By compressing history, the playwright emphasises rebellion as result of misgovernment.

[553] Corbin and Sedge, 'Introduction', p. 37.
[554] Ibid., p. 76n.

However, the commons' rebellion is never shown onstage: it is only reported, so no violence which might 'cast the commons in an unfortunate light' is shown.[555] Instead, the audience is constantly reminded of looming rebellion: in II.iii Queen Anne bemoans how

> Distressèd poverty o'erspreads the kingdom:
> In Essex, Surrey, Kent and Middlesex
> Are seventeen thousand poor and indigent,

and an act later, Woodstock tells his brothers that,

> This foul oppression will withdraw all duty
> And in the commons' hearts hot rancours breed
> To make our country's bosom shortly bleed. (II.iii.18-20; III.ii.87-89)

Woodstock's reference to duty presents a view of the commonwealth failing to hold together in bonds of mutuality because of the mistreatment of the commons by the monarch.[556] As Tipton notes, 'Woodstock's description of the impending rebellion is always yoked together with its causer', directly linking cause with consequence.[557]

The uncles' sympathy towards the commons' discontent further suggests that rebellion is natural. In II.ii, Woodstock tells his nephew

> Thy wrongèd kingdom's in a mutiny.
> From every province are the people come
> With open mouths exclaiming on the wrongs
> Thou and these upstarts have imposed on them,

emphasising that the commons are the victims (II.ii.43-46). All the more radical is Woodstock's later question 'can they be rebels called that now turn head?', calling the authority of the monarch into question (III.ii.85). This is not the first time that Woodstock has done so: in I.iii, he snaps at the mocking King that 'I'll build castles in my t'other hose' (108). This is a direct challenge to Richard's authority, as a noble needed permission to build any kind of

[555] Tipton, '"Meanest man"', p. 125.
[556] Cf. Smith, *De Republica Anglorum* on 'mutuall societie', p. 57.
[557] Tipton, '"Meanest man"', p. 131.

fortification.[558] This challenge comes after Woodstock's extensive criticism of Richard's treatment of the commonwealth, collocating his challenge to monarchical authority with Richard's bad government: Woodstock's words thus recall the Bractonian idea that a king is king *while* he rules well. Moreover, after the uncles are stripped of their offices, Woodstock breaks his staff of office. This performative moment symbolises more than simply giving up office: officials would commonly break their staff over their deceased lord's coffin: doing so before his *living* sovereign implies disavowing Richard's authority.[559] The opening acts already present clear questions about the legitimacy of Richard's authority as monarch.

However, the questioning of authority is not limited to these moments, or to the depiction of Richard himself. In the scenes showing government in the localities — the blank charters scenes, III.iii and IV.iii — we see a devaluation of the monarch as a source of authority. In the earlier scene, invoking the monarch's name as part of the immoral deployment of the blank charters *devalues* said name. As Cowtail and his neighbours attempt to evade Nimble and his colleagues, Nimble instructs 'Step forward with your bills, Master Baily. Not too fast, sirs! I charge ye, i'th' king's name, to stand till we have done with ye' (III.iii.99-101). Ignorance then affirms the same instruction: 'I charge ye in his highness' name presently to set your hands and seals to these blank charters'(105-107). The audience has already been given plenty of information as to the immorality of the blank charters, and attaching the king's name to them does nothing to legitimise them further. Crucially, the instruction to sign the charters is accompanied visually by the threat of force. Cowtail et al are clearly unwilling to comply with the officers of the state here, but Nimble's instruction 'step forward with your bills' refers to the officers with polearms that accompany the Baily: the unwilling locals are corralled by the

[558] Corbin and Sedge, p. 71n.
[559] Ibid., p. 91n.

threat of force. The presence of the armed bill-men adds an unsettling tone to the exchange between Cowtail and his neighbours about the risk of signing the charters: Cowtail's remark 'and our own hands undoes us' takes on a grimly ironic edge given that he is signing out of fear. This is intensified by Cowtail's aside 'would you and they were sodden for my swine!', his wish to feed Nimble and his colleagues to his pigs demonstrating his reluctance (130). As such, the scene in performance strongly suggests that Richard's state only functions through threatened violence. Neither the king's name, nor the documents, are enough to legitimise the charters to the men onstage, nor to the theatrical audience. Both king and law are immaterial: it is the threat of force that allows the King's officers to succeed.

Richard further degrades his own authority by actively dismantling kingship. His promotion of the favourites unsettles his position as sovereign: at the beginning of act III, the 'richly attired' favourites enter with their king, he declaring them to be 'so many kings attendant on him' (III.i.3). The unnatural reordering of the hierarchy is also seen in the new fashions introduced into the court, particularly the knee-chains and pointed shoes that are modelled by the Spruce Courtier in III.ii. The Courtier proudly displays the long toe connected to his knee: 'this chain doth, as it were, so toeify the knee and so kneeify the toe that between it both it makes a most methodical coherence or coherent method' (III.ii.223-226). For Frost, this conveys the complete disarraying of the commonwealth:

> the imagery has a clear resonance: the body politic, the courtier implies, is walking on kneeified toes. The metaphor of the body whose parts abandon their normal functions and thus disorder the whole is familiar in early modern discourse… [but] the pointed and chained shoes in Woodstock pose a more complex threat: the elevation of the foot is enacted with the full participation of the head.[560]

The fashions of Richard's court mimic the unsettled hierarchy.

[560] Frost, 'Historiography of Texts', p. 125.

The devaluation of authority is compounded as Richard rents out England. To fill his coffers, and free himself from the burden of government, in IV.i Richard divides his kingdom into quarters, eagerly declaring himself 'landlord to this warlike realm' (147). Bushy, Bagot, Greene and Scrope are each given one quarter, for which they must each pay £7,000 a month to Richard. Richard eagerly accepts this deal: he describes himself as 'eas[ing] our wanton youth', in comparison to his father 'toil[ing] his royal person' (46; 144). Richard has no interest in actual government: he is most concerned with procuring an income. The favourites, too, perceive this, assuring that Richard 'shall not need to trouble yourself with any business': the scene hammers home the King's abandonment of his kingdom in favour of profit (135-136). The extent to which the rented-out kingdom will not pay any attention to the common good is seen in Richard's exchange with Greene:

> King Richard: Look to your bargain, Greene, and be no loser, for if ye forfeit, or run behind hand with me, I swear I'll both imprison and punish ye soundly.
>
> Greene: Forfeit, sweet king? 'Sblood, I'll sell their houses ere I'll forfeit my lease, I warrant thee.
>
> Richard: If they be stubborn, do, and spare not. Rack them soundly, and we'll maintain it. Remember ye not the proviso enacted in our last parliament, that no statute, were it ne'er so profitable for the commonwealth, should stand in any force 'gainst our proceedings? (166-175)

Richard's prime concern is 'rent', while Greene will sell the homes of those living within his dominion before losing his land.

This is a perception of the commonwealth as an opportunity for profit, not a body to be defended and cared for. This stands in stark contrast with the perception of the law as defender of the common good: instead, Richard turns the law to his own purposes. As Hamilton writes on Shakespeare's *Richard II*, for 1590s audiences Bracton's interpretation of the relationship between King and law would have held sway:

> To abuse the law is, in effect, to unavail himself [the king] of his authority; if he acts

> outside the law he soon finds that his relationship to the law deteriorates to that of a bondslave.[561]

Richard is thus already standing on shaky ground: the law that, in the eyes of a generation of common lawyers, granted the powers of the king, has ceased to offer authority.[562] For a 1590s audience, Richard's 'transcending' of the law would already have placed his authority under question; this scene compounds the problem further through transforming king into landlord. Richard abandoning the care of the commonwealth — both by removing himself from its government, and by abusing the law that enshrines its rights — transforms him from sovereign to landlord, no longer ruling by law and with consideration of the common good, and instead only taking profit from the land. As Hamilton notes, a landlord does not have the authority over the populace that a king ruling by law does. In the light of this, Greene's assurance 'you still retain the name of king' rings hollow: Richard only has the *name* of king.

Hamilton and Tipton's analyses of the relationship between law and kingship both hold true for *Woodstock*, but critics have not considered how the play explores government after authority is devalued. The favourites seem confident that with their new power, they will be able to rule easily. Once again, they use 'state' to mean position: Richard assures that once they have arrested the uncles, 'then all is sure:/ Our kingdom quiet and your states secure' (IV.i.132-133). The favourites seem to believe that they can use the law and themselves to manage the kingdom: Greene reassures Richard that 'This old turkey-cock, Tresilian, shall look to the law and we'll govern the land most rarely' (136-138). Despite the devaluation of the law that has been witnessed just one scene before, the favourites trust in the ability to use it. However, despite the favourites' belief that they will be able to rule the kingdom by Richard's gift of

[561] Hamilton, 'State of Law', p. 12. Bracton's view was *rex est, dum bene regit*: the king is king while he reigns well. Here, the opposite is happening.
[562] Grimaldus: 'A king that studieth for priuate commodity oppressing his subiectes, contemning his lawes, and liuing dishonorably, doth lose the name of a King and is called a Tyrante'; *The Counsellor*, p. 10.

authority and by the law, things are rather harder. Richard himself recognises that government cannot be further dispersed beyond the four young lords. He tells them 'You four must be all, then, for I think nobody else will follow you, unless it be to hanging', presenting a view of governing the kingdom where there is no delegated authority beyond the four renters (155-156). Clearly, government will work differently now that Richard has devalued his own kingship.

The deleterious effects of devaluing kingship and law are seen most profoundly in IV.iii. Crosby informs Nimble and Fleming that

> The high shrieves of Kent and Northumberland
> With twenty gentlemen are all arrested
> For privy whisperers against the state,

revealing the extent of resistance to the blank charters (IV.iii.2-4). Here, it is important that state officers have refused to carry out central orders: after the two shrieves are brought onstage, Tresilian demands

> Becomes it you, sir, being Shrieve of Kent,
> To stay the blanks King Richard sent abroad,
> Revile our messengers, refuse the charters
> And spurn, like traitors, 'gainst the King's decrees? (15-18)

The Shrieves thus resist both the legal documents and the monarchical orders they represent, despite their office. The state cannot exist, as local officials will not obey central directives. It is notable that this is the first time the Ricardian party definitively use 'state' in the same way as the uncles: Crosby identifies the Shrieves resisting carrying out Tresilian's orders as a crime 'against the state', only imagining the state as it fails.[563]

[563] The only mention of 'state' as government in Holinshed's entire account of Richard's reign refers to the Peasants' Revolt as 'villainies… against the king and the state, tending wholie to the subversion of law and civill gouernement'; Holinshed, *Chronicles*, p. 433. Notably, Holinshed reprints Richard's 'Act of Counsell' made at Nottingham Castle in 1397, where Arundel and Woodstock were declared traitors; Woodstock protested that he had worked to 'advance the king's honour, prosperous state and good liking', identifying 'state' as 'estate'; ibid., p. 457.

The Shrieves' resistance is phrased in terms of law and rights, clearly associating their refusal with the law as protector of the commons. The Shrieve of Kent tells Tresilian,

> My lord, I plead our ancient liberties
> Recorded and enrolled in the King's Crown Office,
> Wherein the Men of Kent are clear discharged
> Of fines, fifteens, or any other taxes,
> Forever given them by the Conqueror,

drawing upon the law to oppose the monarch: the written records of the law stand in stark contrast to the monarch who misuses the law (19-23). In response to Tresilian's arch question 'is not the subject's wealth at the King's will?', the Shrieve of Northumberland expresses the commonwealth principle that the king cannot 'like bondslaves, force [our wealth] from our hands!' (30; 38). Richard has abused the law, and reduced himself to a landlord, but here he is resisted. The Shrieve of Northumberland's final line particularly heightens the image of government failing:

> Your hard oppressions have undone the state
> And made all England poor and desolate. (45-46)

This use of 'state', in the context of crimes 'against the state', connotes the state as apparatus of authority, not simply the polity: misusing law has undone the government itself. It is impossible to rule in such a situation: it is of no surprise that in Act V, Tresilian's proclamations against the uncles have no effect whatsoever. Tresilian confidently tells Nimble in I.ii that 'I rule the law; you by the law shall stand'. However, his 'ruling' the law has led to it no longer being a source of authority for Nimble, Fleming and Crosby to draw upon: the law is how government is resisted, not how it is practiced.

While the favourites and their king increasingly struggle to claim legitimacy, the sons of Edward III prove able to command the commons. From the opening of the play, Woodstock and his brothers are clearly natural authority figures: in I.i, the conspiracy to poison Arundel,

Lancaster, Surrey and York is halted by a Carmelite friar informing Woodstock, who sends Cheney to stop the plot. In I.iii, the news of rebellion in Kent and Essex, comes to Woodstock, even after Richard's assertion of his sovereignty: 'but as for you/ We'll shortly make your stiff obedience bow' (203-204). It is perhaps unsurprising that such intelligence would come to the Protector, but the play already centres Woodstock and his brothers in networks of governmental communication. Furthermore, the uncles can draw upon the commonwealth's authority: after speaking for the commons throughout the play, it is unsurprising that Richard fears how Woodstock is 'so well beloved/ As all the realm with rise in arms with him' (IV.i.81-82). Where Richard cannot keep the peace, Woodstock is confident in his ability to do so, as shown by his parting words at the end of III.ii: 'commend me to the King:/ Tell him I'll keep these parts in peace to him' (244-245).

Indeed, where Tresilian's proclamation in V.ii fails, the uncles' proclamation succeeds. When Nimble betrays Tresilian in V.v, he does so because he has heard the proclamation 'that whosoever sees you, does not presently take ye and bring ye to the lords, shall be hanged for his labour' (V.iii.45-47). Nimble mocks his master, 'You hear not the proclamation?', before remarking that 'all the country's full of them': the uncles' proclamations have easily stretched across the country *and* been adhered to (V.v.42-44). Their efficiency is underlined in the next scene: Lancaster remarks 'Our proclamations shall soon find [Tresilian] forth,' before Nimble immediately enters with his bound captive (V.vi.13). In the manuscript's final lines, Nimble confesses that he acted out of 'fear of the proclamation', inadvertently giving a lasting image of the success of the uncles' government (34-35). In defending the commonwealth, the uncles have retained their authority, while Richard's government is a failed state that *cannot* work its will on the populace or its own local officers. *Woodstock* clearly demonstrates that a government which does not care for the commonwealth must and will be resisted: this is fairly

conventional for an Elizabethan history play. However, where *Woodstock* diverges from other histories, such as *Richard II*, is by dramatising failed attempts at government: its depiction of the doom of such a polity is specifically linked to the impracticability of government on the local level.

Conclusion

Helgerson argues that non-Shakespearean 1590s history plays are focussed differently to Shakespeare's:

> these plays are not unconcerned with monarchic power. But, unlike Shakespeare's history plays, they represent such power from the point of view of those who suffer its harshest consequences.[564]

This is broadly correct as regards *Huntingdon* and *Woodstock*. However, both plays are also signally different from Shakespeare's in their exploration of the delegation of monarchical power to magistrates, and how that authority is exercised. They present a grim view of a realm with an absent or weak monarch, neither hopeful about a post-Elizabethan future. They each engage with questions over the relationship between law, government and monarch, and about the legitimation of magisterial authority when a monarch is weak or absent: they explore this through scenes of high politics *and* magistrates at work in the localities. In both, government becomes impracticable in the absence of a strong monarch: the law and monarch's name cannot be weaponised by magistrates in either play. Both strikingly revise their source material, introducing a contested language of 'state' to their medieval subject matter, and adding recognisable aspects of Tudor governance – a council in *Huntingdon*, and an emphasis on office-holding in *Woodstock*. In so doing, both plays engage with contemporary political and legal thought, foregrounding questions about the location of authority and the nature of legitimacy in the absence of a strong monarch. In their focus on the law as defender of the

[564] Helgerson, *Forms of Nationhood*, p. 239.

commonwealth, moreover, both present threat to property as a central risk in these corrupted realms. However, they differ from one another in their emphasis, and in scale.

Huntingdon is specifically an anti-republican play: the commonwealth is returned to health only through loyalty to the monarch, and by the reconstitution of the monarch's government. Government cannot be practiced when those executing justice are immoral: the play evinces no faith in the constitutionalist idea of the law regulating the commonwealth, and suggests that magistrates cannot be trusted to rule the realm for the common good. Robin is a cipher for the whole realm's suffering: his dispossession emblematises the corruption of England after Richard's departure. *Woodstock*, however, focusses more clearly on the theme of the suffering commonwealth: its scale is larger, actively depicting the struggles of ordinary Englishmen. It is more pessimistic than *Huntingdon*: the law is not simply misused, but devalued, providing no legitimacy whatsoever for King or magistrate: this is poignantly emphasised when the kidnapped Woodstock calls futilely to the king and law to defend him — 'I'll put in bail and answer to the law./ Speak, is King Richard there?' (IV.i.179-180). Both plays therefore engage with contemporary questions about the succession, but not in classic terms of who would inherit the throne from Elizabeth: instead, they explore the ramifications of a weak or absent monarch on the every-day practice of magisterial authority , suggesting that the state cannot function in either case. They evince an understanding of the difficult constitutional questions that resounded through the 1590s, demonstrating that the drama of the time offered such ideas for ordinary theatregoers: the theatre was an arena for questions of legitimacy and authority debated by common lawyers and privy councillors, presented not simply on the level of high politics, but also in terms of the local enforcement of magisterial authority with which theatregoers themselves would have been intimately familiar. The state in these plays is visible *as it fails*, presenting a frightening vision of a realm without Elizabeth.

Conclusion

Ordinary theatregoers could very well apprehend the idea of the state in the late sixteenth and early seventeenth centuries. It has been a central contention of this thesis that the state was a relational concept, understood through interactions that dynamically constituted what the state was and what it could do: it was performed into being. The 'theatre of state' was everywhere, not simply confined to the expression of monarchical power: every moment where a magistrate attempted to enact his authority was a moment where the state could be performed into reality. These nine plays, when approached through this prism of the everyday *experience* of government, evince a wide range of knowledge and understandings of the state. They are generically diverse, from comedy to domestic tragedy to history play, but all share one major characteristic: they all present their own version of the state, in the same way that the state was manifested for ordinary people witnessing magisterial authority. The drama does not simply speak *of* the state: it creates and constructs states corporeally, through purposive human action. The early modern theatre, therefore, was as much a participant in political discourse over the state as any work of political theory.

Drama expressed a variety of opinions and concerns about the state. Its functioning is a clear theme: does the participatory state work? How does a magistrate legitimise himself and affect the behaviour of others? Are magistrates doing their duty? Could different jurisdictions cooperate successfully? Concerns about the state were not the preserve of government or jurist: the drama dramatises them in ways inflected by their genre. Except for *Warning*, each of the tragedies present a grim view of government; *Arden* and *Yorkshire*, meanwhile, specifically locate tragedy in the failure of the participatory state. The histories, meanwhile, particularly probe the nature of authority, and its ability to be delegated to officers. Fundamentally, the presentation of concerns over the state functions in part through the deployment of source

material and recognisable process. All the plays have some factual basis, with their specific criticisms and concerns relating directly to how factual matter is used: *Warning* and *1 Edward IV* change events to present London as supreme, while *Knack*'s reimagining of King Edgar reshapes justice as the domain of commoners. It is vital to note where the plays obey their source material, and where they diverge: these moments of divergence, such as placing the Master closer to the murder in *Yorkshire*, draw certain themes and concerns to light for an audience familiar with the subject matter.

What is also clear is that these plays need to be read with reference to their performance. Given that the state was performed into existence, drama is a uniquely useful source, one that functions not simply in words but through action, objects and bodies. Ignoring how they use stage space, affect their audiences, and triangulate relationships between different officers and institutions denies the opportunity to explore how early modern audiences might have visualised the structure and functioning of the state. Stage space is particularly vital: as I have argued, the state was understood in part as a network of spaces over which magistrates had jurisdiction. Examining the relationship between stage space and imagined space therefore reveals how these plays present the spaces of the state: the household seems to be a space that cannot fully be regulated by the state, but it is possible for London's government to comprehensively control the entirety of the suburban fringe. Given the importance of reportage and information transfer to the participatory legal system, moreover, examining what can and cannot be seen onstage by audiences and characters is central to exploring how they present the participatory state: the visibility of crimes to an audience undermines the communities onstage, presenting them as failing to notice the wrongs done in their own neighbourhood. Performance-based readings and practice-as-research have allowed me to explore these plays in greater detail, uncovering new aspects of their presentation of the state: it is only in

performance that we see the failure of the community in *Arden*, or the magisterial brilliance of Thomas More that is granted by cue-scripting.

These plays are largely pessimistic. It is notable that the only truly optimistic views of government occur in the two London-set plays, *Warning* and *1 Edward IV*: both praise the City of London's government in relation to the rest of the state, their positive depiction of the City deriving from staunch civic pride during a time of Crown interference. *More* is notably positive in its depiction of its hero, but this depiction stands as a stark critique of the failure of City government in June 1595. The rest of the plays articulate criticism and concern in a variety of ways. In *Knack*, *Arden* and *Yorkshire*, we see worry that the participatory state was insufficient, either due to magistrates being under-empowered to find criminals, or due to the impossibility of expecting ordinary members of the community to regulate crimes within the home. *1 Henry VI*, *1 Huntingdon* and *Woodstock* present worry about the succession, through emphasising the difficulty of exerting authority, and therefore foregrounding the question of whether delegated authority can truly function in the absence of the monarch. Both these themes of concern may be contextualised with the slow formalisation of the state and its differentiation from society. In the first two chapters, we see pressure put upon the participatory system, suggesting that greater differentiation from society is needed if crime is to be truly managed. Chapters four and five emphasise the problem of representation: was a magistrate authorised by the law or did he hold delegated authority directly from the monarch? These plays can therefore be seen as engaging with contemporary questions over the nature of the state, and whether it stood beyond the figure of the monarch. Given the centrality of performance to the enaction of magisterial authority, it is perhaps unsurprising that the theatre offered such powerful explorations of the possibility of controlling others, metatheatrically drawing attention to the acts of representation and presentation that these magistrates perform onstage.

These plays' pessimism may be partially explained by their dating: the 1590s witnessed intense scepticism about the ability of the state to manage disorder in the face of socioeconomic distress, as well as profound fear about the future after Elizabeth's death. It is perhaps unsurprising, then, that the plays which turned out to be most interested in the state were ones from the 1590s. This said, the two which were later restaged took on new associations during James' reign. *1 Edward IV*'s depiction of an interloper monarch concerned only with pleasure, who remains absent from the defence of his own realm, might well have resonated with a king so reputed for his attachment to personal pleasures. *Woodstock*'s themes of poor rule, evil counsel and favourites were also germane to James' reign, with Robert Carr's influence over the king reaching a peak in 1611. Its engagement with the role of the law in the commonwealth, moreover, would have sharply called to mind the debates taking place between Ellesmere and Coke. *A Yorkshire Tragedy*, finally, is significant for its amplification of themes seen in Elizabethan domestic tragedies, in response to the intensification of demands for prevention.

The fact that none of these plays evince any faith in a state without a monarch is significant. While they do not necessarily present the state in a flattering light, there is never any sense that the country can be ruled without a monarch. This may be partially because they are all set in England, but it is certainly notable that there are no republican fantasies here. Indeed, despite the raft of historiography and literary criticism that identifies republican thinking as one of the most important discourses in early modern England, few evince much hope in public-minded magistrates. In *1 Henry VI* and *Woodstock*, men who think of themselves as servants of the commonwealth do not prosper. In *Huntingdon*, moreover, the only stability that can be found is in loyalty to the monarch, and the men left in charge cannot be trusted to act publicly in the commonwealth's interest. While civic republicanism doesn't make much of an appearance in

these plays, the law is ever-present. Its processes feature in the majority, the drama once again drawing upon the knowledge an audience would have of the day-to-day processes of the state. While canonical drama features few detailed depictions of the law, these non-canonical plays present vivid, fleshed-out version of legal processes, suggesting that drama could and did participate in the extraordinarily legalistic culture of early modern England. Indeed, drama's presentation of the law at work might well have shaped conceptions of the law, and how it could and should be used.

The historiographical ramifications of this thesis are profound: even if an artisan from Eastcheap did not necessarily know the terms in which Coke asserted that the monarch was bound by the law, watching *Thomas of Woodstock* would present a specific view of the relationship between law, monarch and commonwealth that is articulated in words *and* embodied action. This thesis hence strongly suggests the accessibility of ideas and debate about the state as they were presented in the drama of the period: the drama presents the state for understanding in the same way that the state itself was formed in the minds of those it attempted to govern. The drama often articulated ideas about the slow formalisation of the state and its separation from society non-verbally: such ideas were not the preserve of intellectual thought. Furthermore, the methodology of this thesis offers a vital new departure. If we are to examine how the state was understood by ordinary people, we must think in a three-dimensional way that focusses on the experience of government and the construction of the state's structures and spaces. My methodology, therefore, has much to offer historians: approaching what records we *do* have of magistrates at work through performance will provide completely new insights into the experience and practice of authority. How *did* a magistrate legitimise himself and create an audience? What happened when passersby witnessed a magistrate failing to arrest a local? How strong *was* the state in these moments of encounter? As I have demonstrated, thinking about

the state as performed offers us a completely new way of approaching these questions. Practice-as-research, furthermore, is the perfect historical tool, as it allows three-dimensional reconstruction that is vital to understanding the experience of the state. It is time, then, for social history with the performance put back in.

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