WITCHES OF HERE AND EVERYWHERE: COURSE AND CONTAINMENT ON THE EARLY MODERN STAGE



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A thesis submitted to the

Faculty of English Language and Literature

for the degree of *Doctor of Philosophy*

Michaelmas Term 2019

Abstract

This thesis is the first sustained analysis of witchcraft and the law as represented on the English early modern stage. It spans the period 1576-1642, from the rise of the professional theatres until their closure, with a brief coda testing its conclusions beyond the period of its central focus. The thesis argues that staged persecution of witches corresponded with anxieties outside the theatre around discovering and justly prosecuting witches and witchcrafts. In the early modern period, witchcraft posed a number of challenges to English law, driving developments in ways of proof and rules of evidence, and affecting contemporary conceptions of the status of confessions, witness testimony, and circumstantial evidence. In each of these areas, witch trials forced judicial process and legal theory to evolve to meet witchcraft's epistemic-evidentiary vacancy and its perceived threat. These dilemmas also figure in early modern staged representations of witchcraft. The theatre, in turn, affected popular conceptions of witchcraft and culpability, thereby ultimately affecting how witch trials were conducted and perceived. Therefore, this thesis argues that the same ontological and epistemological factors which complicated witchcraft as a category of crime made it a fruitful narrative tool; and the exploitation of witchcraft as a foil for the construction of judicial and jurisdictional authority had its counterpart in the staging of authority and characterisation. This thesis does not advance a normative reading or insist certain plays be read primarily as 'witch plays' or read exclusively for their witchcraft content. Its aim is to bring aspects of staged witchcraft jurisprudence into greater critical focus in order to demonstrate how productive the embattled witch figure was to early modern English dramatists, and therefore how vital to our understanding of the period. Analysing the interplay between stage and court's visual imaginaries of witchcraft – along with judicial strategies for controlling witchcraft – helps elucidate significant changes in both drama and the law in the period. Finally, the thesis demonstrates how staging of and storytelling around witchcraft and the law continue to be used to construct judicial and political authority in the present day.

Acknowledgements

First and foremost, I wish to thank Diane Purkiss, whose scholarship in *The Witch in History* inspired this journey, and whose wisdom guided me through many unexpected turns along the way. If the arguments here rise occasionally to the level of cogency, that is her influence. Where they fall short, the failures are my own.

I would also like to express profound gratitude to Agnieszka Badger, who encouraged me at many points where I faltered – I owe her more than I can repay. Our daughters, Daria and Hannah, came along for the journey and inspired me throughout. My parents, Cindy and Bill Badger, supported me and got after me about delays. Tammy and Mike Brand and Kathleen and Kurt Badger offered me advice, financial support, and often a roof over my head. Their kids made lonely times less lonely. I am indebted to Jakub Boguszak, Edwina Christie, Chris Crosbie, Andrzej Dethloff, Luke Drasgow, Smriti Jaiswal, Bronwyn Johnston, Margaret Kean, Jessica Lazar, Rhodri Lewis, Mark Lyons, Katie Murphy, David Norbrook, Iwonna and Andrzej Sękowscy, Tiffany Stern, Josh Van Alstyne, Peter van Dolen; with particular thanks to Bo Bolander, Celeste Doaks, Dani Holtz, Emily Howson, Kij Johnson, Will Menarndt, Chris and Sarah Schenk, Emma Smith, Danielle Yardy, and Matt Wimberley. At Pembroke, I was encouraged by Ed Adkins, Dame Lynne Brindley, Meghan Campbell, Sophie Elkan, Alice Gosling, Giles Henderson, Mike King, Ryan Lynch, Lynda Mugglestone, Kendall Murphy, Andy Orchard, Andrew Seton, Helen Small, Sam Wills, and the entire Porters' Lodge. Special thanks to the Clarendon Fund, Liripoop, Walter Hooper, Tim Tolkien, the Tolkien Lecture Committee, Brighthorn, and Gabriel Schenk, who read most every word and helped first and last – and to the Schwartz family, for one home away from home, and Kristin and Lawrence Rouse for another: *De Oppresso Liber*. I also wish to thank Lisa Hopkins and Laurie Maguire for serving as my assessors.

Deepest thanks to Maria Dahvana Headley, who helped me reach the finish line. She timed our son, Grimoire, so he was beginning just as this project was ending.

And finally, thanks to Wilton Barnhardt, without whom, nope.

Notes on Usage

Due to the cultural and hierarchical implications of the term 'Renaissance', this thesis mainly uses 'early modern' to emphasise the cultural, social, political, and intellectual shifts towards modernity taking place across the period of its focus. However, because witchcraft studies is an inherently interdiscliplinary (and productively unstable) field, and because the sources and scholars herein do not always agree, this thesis also occasionally follows Marion Gibson's accessible practice of using both 'Renaissance' and 'early modern' to label the period c. 1550 to 1700.

In the interest of readability, the use of capitalisation has been silently normalised, the thorn, and 'vv' have been silently modernised, and contractions have been silently expanded. Italics within quotations have been removed except in the case of foreign languages.

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Introduction

This thesis argues that theatre and court participated in creating the social and juridical construct of early modern English witchcraft, and that representations of this construct were productively interpenetrative for both stage and court. Because of this, reading plays for witchcraft jurisprudence offers an unmatched lens through which to see the juridical and forensic turn in the theatre of late sixteenth-century England.

Many dramatists trained at one of the Inns of Court.[1] Others benefitted, as Shakespeare did, from a grammar school education, itself a pre-law programme of sorts.[2] Significant recent scholarship has explored the influence of popular legal culture, forensic rhetoric, and legal lexicons on the theatre.[3] Another research current has explored the implications of witchcraft for legal development, particularly in terms of ways of proof, evidence theory, and the beginnings of adversarial criminal trial.[4] But so far, no

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[1] James McBain, "'Attentive Mindes and Serious Wits": Legal Training and Early Drama', in *The Oxford Handbook of English Law and Literature, 1500-1700*, Lorna Hutson, ed., (Oxford: Oxford UP, 2017).

[2] Though on its own this is not sufficient explanation of Shakespeare's punctiliousness in incorporating legal elements into his plays over and above that of a trained lawyer like John Marston, for example; Lorna Hutson, *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford: Oxford UP, 2007), p. 3; p. 7. Rosemary O'Day notes that 'most of those who entered the Inns of Court had been educated at home and/or at grammar school' (*The Professions in Early Modern England, 1450-1800: Servants of the Commonweal* (Abingdon: Routledge, 2000), p. 131).

[3] Along with Hutson and McBain in footnotes above, see Bradin Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625* (Chicago: Chicago UP, 2014); Bradin Cormack, Martha Nussbaum, and Richard Strier, eds., *Shakespeare and the Law: A Conversation among Disciplines and Professions* (Chicago: Chicago UP, 2013); Dennis Kezar, *Solon and Thespis: Law and Theatre in the English Renaissance* (South Bend: Notre Dame UP, 2007); Quentin Skinner, *Forensic Shakespeare*, (Oxford: Oxford UP, 2014), Holger Schott Syme, '(Mis)representing Justice on the Early Modern Stage', in *Philology*, 109:1, Winter 2012, pp. 63-85.

[4] See, among others, Orna Alyagon Darr, *Marks of an Absolute Witch: Evidentiary Dilemmas in Early Modern England*, (Farnham, Surrey: Ashgate, 2011); Brian P. Levack, 'Witchcraft and the Law', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America* (Oxford: Oxford UP, 2013), pp. 468-484; C.R. Unsworth, 'Witchcraft Beliefs and Criminal Procedure in Early Modern England', in T.G. Watkin, ed., *Legal Record and Historical Reality* (Southampton: The Camelot Press, 1989), pp. 71-98.

systematic attempt has been made to explore the overlap of these enquiries, namely the impact on the theatre of legal constructions of witchcraft.

This thesis demonstrates that witchcraft influenced playwrights both culturally and as a legal concept, and that its protean nature made it useful to a variety of settings and genres. Witchcraft material surrounded the early modern dramatist and could be lifted from anywhere: from the elaborate systems of classification in demonological treatises and from condemnatory witch trial pamphlets; taken from folk traditions; or simply adopted from tales and cultural stereotypes about what witches were. Once borrowed, whatever the source – and often sources were multifarious – witches could be pressed into service to make things happen on stage, and what they made happen was as varied as the sources from which they were summoned. On one hand witchcraft could be used to fashion plots. Gareth Roberts has referred to witchcraft as a sign without a referent,[5] an idea expanded upon by Marion Gibson to suggest that witchcraft's existence in language allows it to resist classification and cause language – and hence, ultimately, reality, via the impact of language on a speech community – to accommodate *it*.[6] This linguistic flexibility made it an ideal tool for playwrights reliant on language to bring worlds into being. On the other hand, witches, together with magicians such as Faustus and Prospero, could wield magic to wondrous effect: juggling, the street magic of the day, was often conflated with witchcraft, and it shared many of its illusions and tricks with the spectacular stage.[7] Finally, witches tended to affect the tone of a play by their very presence in it. Whether this trended towards farcicality or fierceness depended on

[5] Gareth Roberts, 'The Descendants of Circe: Witches and Renaissance Fiction', in *Witchcraft in Early Modern Europe: Studies in Culture and Belief*, Barry, Hester, and Roberts, eds. (Cambridge: Cambridge UP, 1998), 183-206.
[6] Marion Gibson, *Rediscovering Renaissance Witchcraft* (New York: Routledge, 2018), p. 2-3.
[7] This latter influence is considered extensively in Philip Butterfield, *Magic on the Early English Stage* (Cambridge: Cambridge UP, 2005). On the association of witchcraft with juggling see Reginald Scot's *The Discoverie of Witchcraft* (bk. xiii, ch. xxxiv); cf. also Shakespeare's *The Comedy of Errors*, where jugglers and Lapland witches share space in the psychological landscape of staged Ephesus with the clownish cunning man and conjuror Doctor Pinch.

the witch and on the genre, with which the witch figure was sometimes in problematical or tangential correspondence.

In its primary focus on the first of these influences, the affect on the theatre of legal constructions of witchcraft, this thesis joins a body of critical work concerned with the impact on the making of culture, and specifically drama, stimulated by developments in early modern English legal thought and practice. Where this thesis differentiates itself from the work to which it is indebted and with which it is in conversation, is in exploring witchcraft as a nexus of overlapping and (at times) contradictory legal notions, which facilitated dramatic development and exploration in various ways. Precisely because these concepts and categories were difficult to define culturally and legally, they presented a productive challenge to legal thinkers. They proved similarly productive for dramatists, particularly because the writers were steeped in questions of invention, judicial rhetoric, and guilt and innocence. Lisa Hopkins and Helen Ostovich write of early modern magical plays' capacity to work 'on the attitudes of their audiences, in ways which not only offer to diminish the distance between play and spectators, but also […] thwart simplistic and facile demonisation of magic'.[8] The playwrights plotting with witchcraft both created culture and were shaped by it in turn.

Of course staged representations of witchcraft were not unique to early modern theatre. Classical precedents were taken up as models on the early modern stage. Witches also found place in the forms of drama that preceded the outpouring of theatrical representation of the London stages. For example, John Bale's morality play *A Comedy Concerning Three Laws* (1538) depicts the Catholic Church as Idolatry, a witch.[9] This depiction prefigures the prevalence of witchcraft in the theatre of spectacle[10] later in the

[8] Lisa Hopkins and Helen Ostovich, 'Introduction', in Lisa Hopkins and Helen Ostovich, eds, *Magical Transformations on the Early Modern Stage* (Farnham, Surrey: Ashgate, 2014), 1-15, p. 3.
[9] John Bale, *A Comedy Concerning Three Laws of Nature, Moses and Christ*, Tudor Facsimile Editions vol. 40, Princeton, 1908.
[10] Jenny Sager explores the Elizabethan desire for spectacle in *The Aesthetics of Spectacle in Early Modern Drama*

century and also suggests how reading for witchcraft can point up aspects of cultural production. Unpicking the figure of the witch in drama (and parsing the degree to which that figure is a device, trope, or metaphor, or all three) can help show how early modern playwrights both participated in creating and were influenced by juridical culture.

i. Why Read for Witchcraft and Law?

Marion Gibson has argued that witchcraft 'functions as a cultural barometer, responding to changing pressures around authority, religion, national identity, economics, gender and sex, attitudes to past, present and future, youth and age, science and technology, race and class and our basic understandings of human nature and being'.[11] With such a rich vein of connections and associations it should not be surprising that what we see when we look for witches can tell us much about our cultural preoccupations: our view of the world and our place in it. Witchcraft can function like the boggart[12] in JK Rowling's multi-billion-pound Harry Potter franchise, assuming no form until the viewer imposes her own fears upon it. Alternatively, it can function like the same series' Mirror of Erised; inscribed around the mirror's frame in reversed text are the words: 'I show not your face but your heart's desire'.[13] In *Naming the Witch* (2006), James Siegel asserts that witchcraft 'insists on the continued presence of an unknown'.[14] Because of its linguistic and ontological flexibility, witchcraft can be a vehicle both for our deepest fears and our profoundest desires.

While present-day reception of the witchcraft in early modern drama is largely beyond the scope of this thesis – though the conclusion does point out potential paths

and Modern Cinema: Robert Greene's Theatre of Attractions (London: Palgrave, 2013).
[11] Gibson, *Rediscovering*, p. 2.
[12] J.K. Rowling, *Harry Potter and the Philosopher's Stone* (London: Bloomsbury Children's, 2014), p. 208.
[13] J.K. Rowling, *Harry Potter and the Prisoner of Azkaban* (London: Scholastic, 1999), p. 123.
[14] James Siegel, *Naming the Witch* (Stanford: Stanford UP, 2006), p. 25.

forward in this respect – within its purview is what witchcraft-inflected aspects of early modern plays can tell us about early modern attitudes to witchcraft, primarily but not exclusively in a legal context. Towards this end, the thesis advances often quite focal readings of Shakespeare and other playwrights. Chapter 3, for example, focuses closely on the legal discourses surrounding witchcraft present in *The Merry Wives of Windsor*. Such a close reading may seem to come at the expense of other elements of the plays, but the project of the thesis is neither to advance a normative reading nor to suggest that certain plays must be read primarily as 'witch plays' or read exclusively for their witchcraft content. Instead, its project is partly to explore the range of possibilities for writing with witchcraft within the early modern English theatre – *how* witches could be written – and what the effects of that writing were.

This approach can be compared with that of postcolonial criticism, a set of tools designed to help uncover the power dynamics in interactions between colonial European structures and the indigenous populations they colonised. Broadly speaking, this criticism has two central dimensions: a socio-historical focus, engaged with exploring and exposing the social codes and conventions embedded in a text, and a cultural-theoretical one, unpacking the ways texts reify power structures in the course of their circulation and reception. As Jyotsna Singh notes regarding 'plays like *Othello*', postcolonial criticism 'not only draws our attention to Renaissance attitudes toward Moors, Africans, and Turks, among others, but it also examines how the play may have been interpreted and performed in countries involved in recent colonial and post-colonial struggles'.[15] An example is Meredith Anne Skura's article 'Discourse and the Individual: The Case of Colonialism in *The Tempest*' (1989), which both sketches the colonial afterlives of *The Tempest* and goes so far as to suggest that the play 'not only displays prejudice but fosters

[15] Jyotsna Singh, 'Post-colonial Reading of *The Tempest*', in *Discovering Literature: Shakespeare & Renaissance*, British Library <www.bl.uk> [accessed 20 March 2019].

and even "enacts" colonialism by mystifying or justifying Prospero's power over Caliban'.[16] This influential reading of *The Tempest* engages both with Shakespeare's enculturation to hegemonic attitudes towards the peoples of the Americas, and with the play's implications for colonial and postcolonial discourses from the time of its composition until the present. While some critics have argued that postcolonial readings serve to obscure other aspects of texts[17] – and even to obscure the ongoing operations of colonialism and neocolonialism by adopting an inapt post hoc position[18] – reading for colonial discourses has nevertheless offered new tools for engaging with texts and their cultural impacts over the past half century.

Similarly, reading early modern plays for witchcraft and law can reveal tensions surrounding the figure of the witch, an identity that Marion Gibson, drawing on Deleuze and Guattari's terminology, has called 'the ultimate "minority"'.[19] Rather than constituting an imbalanced criticism, then, reading for witchcraft offers a corrective to the hidden-in-plain-sight obscurity of witchcraft elements in the drama. It can point attention towards attitudes regarding minoritarian communities in the culture of the plays' composition, and also reveal changing attitudes towards these communities down to the present day. As such, reading for the nexus of witchcraft and juridical discourse has objective critical value. It is a project concerned with addition rather than subtraction. Alongside other critical approaches, reading for witchcraft and its links to the law can add to our appreciation of the plays and enhance our understanding of their cultural moment and the materialist conditions of their composition.

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[16] Meredith Anne Skura, 'Discourse and the Individual: The Case of Colonialism in *The Tempest*', in *Shakespeare Quarterly* 40:1, April 1989, 42-69.
[17] See, for example, Jonathan Bate's *The Genius of Shakespeare* (Oxford: Oxford UP, 1998), wherein Bate argues that postcolonial criticism of *The Tempest* suggests 'that the play is in fact a text reeking of the discourse of colonialism. *The Tempest* must bear the blame for the Atlantic slave trade' (p. 250).
[18] See, for example, Arif Dirlik, 'The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism' in *Critical Inquiry* 20, (1994), 328-356; Anne McClintock, 'The Angel of Progress: Pitfalls of the Term "Postcolonialism"', in *Social Text* 31/32 (1992), 84-98; and Ella Shohat, 'Notes on the "Postcolonial"', in *Social Text* 31/32 (1992), 99-113.
[19] Gibson, *Rediscovering*, p. 3.

ii. Some Preliminary Definitions and Delineations

Who is a witch? According to Brian P. Levack in his introduction to the *Oxford Handbook of Witchcraft* (2013), in early modern legal and social contexts '[t]here was little consensus regarding the identity of a typical witch or the powers she or he possessed'.[20] Considerations of jurisdiction, religious denomination, and local tradition influenced the question, and any answer was always fluid. Generally speaking, from the late Medieval period, notions surrounding the magic ability of the male, educated magical practitioner began steadily to be absorbed into the concept of the illiterate witch. 'Towards the end of the period of the witch trials, the incorporation of magic into witchcraft was reversed, as the composite crime of witchcraft broke down into its various components'.[21] It became gradually easier to prosecute someone for magic than for a putative diabolic pact; by the end of the period of witchcraft prosecutions, composite ideas of malicious power had become further disaggregated, until it was easier to prosecute someone for poisoning than for magic.[22] This conceptual breaking down of harmful power into constitutive physical and spiritual components, along with the gradual decline of belief in the latter, took place at different rates in different countries and communities.

Even by the mid-sixteenth century, there were those who questioned composite notions of witchcraft. In Johann Weyer's *De Praestigiis Daemonum et Incantationibus ac Veneficiis* (1563), the answer to the question 'who is a witch?' is no one. Weyer accepted the reality of demons and demonianism, but his 'approach was marked by naturalism, a commitment to what could and could not be performed in the physical world known to

[20] Brian P. Levack, 'Introduction', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America* (Oxford: Oxford UP, 2013), 1-10, p. 3.
[21] Levack, 'Introduction', p. 4.
[22] Diana Paton, 'Witchcraft, Poison, Law, and Atlantic Slavery', in *The William and Mary Quarterly*, 69:2 (April 2012), pp. 235-264.

him as a physician'.[23] For Weyer, so-called witches were women who:

> being by reason of their sex inconstant and uncertain in faith, and by their age not sufficiently settled in their minds, are much more subject to the devil's deceits, who, insinuating himself into their imagination, whether waking or sleeping, introduces all sorts of shapes, cleverly stirring up the spirits and the humours in this trickery.[24]

For these poor women, it was all a delusion: the diabolical pact, the sabbaths, the ability to control the weather. The only harm within their grasp was poisoning, but for Weyer this was clearly a different category of crime, as it was for later sceptical thinkers and jurists. While he believed in the reality of magic, it was only learned (male) magicians who might accede to such power.[25]

> In England and heavily influenced by Weyer, Reginald Scot went further. Towards the close of his *The Discoverie of Witchcraft* (1584), he offers his own definition of witchcraft: a cousening art, wherin the name of God is abused […] and his power attributed to a vile creature. In estimation of the vulgar people, it is a supernaturall worke, contrived betweene a corporall old woman, and a spirituall divell […]. It is incomprehensible to the wise, learned or faithfull; a probable matter to children, fooles, melancholike persons and papists (bk. xvi, ch. ii).[26]

Particularly in the sixteenth and early seventeenth centuries, however, these sceptical positions were outliers. In *The Anatomy of Melancholy* (1621), a medical and philosophical treatise as well as an early psychological analysis of the origins of depression, Robert Burton offers a list of prominent thinkers 'that deny witchcraft'.[27] He includes Weyer and Scot, along with 'Austin Lerchemer, a Dutch writer, Biarmanus, Ewichius, Euwaldus'.[28] Against this handful of names he arrays himself, together with 'most lawyers, divines, physicians, philosophers' and a much more numerous cast of

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[23] Stuart Clark, *Thinking with Demons: The Idea of Witchcraft in Early Modern Europe* (Oxford: Oxford UP, 1997), p. 200.
[24] Johann Weyer, *De Praestigiis Daemonum et Incantationibus ac Veneficiis*, Basel, 1583, 'Praefatio de totius operis argumento', p. 8, in Stuart Clark, *Vanities of the Eye: Vision in Early Modern European Culture* (Oxford: Oxford UP, 2007), p. 314.
[25] Clark, *Demons*, pp. 198-203.
[26] Scot, *Discoverie*, p. 274.
[27] Robert Burton, *The Anatomy of Melancholy*, Oxford: 1621, (New York: Wiley & Putnam, 1847), part 1, § 2, member 1, sub-§ 3, p. 128.
[28] Burton, *The Anatomy of Melancholy*, p. 128.

demonologists and believers, a list he lengthened in subsequent editions, demonstrating an ongoing interest in the question.[29] For his own part, Burton divides magic from witchcraft by taking the former to be the province of those who command the devil, and the latter, of those commanded by him.[30]

James I's degree of scepticism or witch belief is less straightforward to fix. So much surrounding his beliefs passed into legend already in his own day, taken up by both sceptics and believers to justify their respective positions. Already well known as a 'royal' demonologist during his reign as James VI of Scotland, he personally oversaw the 1590 North Berwick witch trials. In the preface to his *Daemonologie* (1597), he calls out the 'damnable opinions' of both Scot and Weyer:

> the one called Scot an Englishman, is not ashamed in publike print to deny, that ther can be such a thing as Witch-craft: and so mainteines the old error of the Sadducees, in denying of spirits. The other called Wierus, a German Phisition, sets out a publick apologie for al these craftes-folkes, whereby […] he plainely bewrayes himselfe to haue bene one of that profession.[31]

Indeed, for centuries there existed a tradition that upon his accession as James I, the king caused Scot's book to be burned. Philip Almond could not trace this tradition back any earlier than Philip Bliss's 1813 (third) edition of Anthony Wood's *Athenae Oxonienses* (first edition 1691), wherein Bliss adds a footnote indicating that 'All the copies of the first edit. 1584, were burnt by the order of King James I. an author on the other side of the question'.[32] Perhaps more remarkable than the tradition about burning Scot's *Discoverie* is the one about James's being 'on the other side'. This was not an uncommon idea. The entry for 'Witchcraft' in the fifth edition of the *Encyclopaedia Britannica* (1817) reads in

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[29] For example, Niderius (Johannes Nider) is not named in the 1621 (first) edition, but is cited in the fifth (1651-2).
[30] Burton, *The Anatomy of Melancholy*, p. 128.
[31] James I, *Daemonologie* (London: Printed for Robert Waldegrave, 1597), A2^{v}.
[32] Philip Bliss, ed., *Athenae Oxonienses* (London, 1813–20), I, 679, qtd. in Philip C. Almond, 'King James I and the Burning of Reginald Scot's *The Discoverie of Witchcraft*: The Invention of a Tradition', in *Notes & Queries* (June 2009), 209-213, p. 211.

part:

> In this country, while the belief in witchcraft was supported by royal authority (for James I. is universally known to have written on demonology) countenanced by Bacon, and generally adopted among the people, only one writer was hardy enough to oppose it. This was Reginald Scott'.[33]

The entry also repeats the story about burning: 'James ordered the book to be burnt by the common executioner'.[34] Even today, it is not at all uncommon to read about James I's witchcraft belief.

But which 'side' James was on was disputed even during his reign. His initial view of witchcraft was as strict as any Continental demonologist's – the demonological aspects of his own treatise were derivative – but it grew more nuanced. In his *Church History of Britain* (1655), Thomas Fuller records that the frequency of fake possessions in the kingdom 'wrought such an alteration upon the judgement of King James, that he receding from what he had written in his *Demonologie*, grew first diffident of, and then flatly to deny the workings of Witches and Devils, but as falsehoods and illusions'.[35] Later in his reign in particular, he came to see accused witches as victims or charlatans. On several occasions he intervened, or caused his judicial appointees to intervene, in local trials in order to save the lives of accused witches. At Leicester in 1616, for example, he saved five accused women following the conviction of nine others.[36] William Coventry notes that by that latter half of his reign, 'James and his Anglican hierarchy […] were deeply skeptical of demonic possession'.[37] James Sharpe concurs, writing in his 2001 study of the Anne Gunter false-possession case that 'Certainly, by the time of his death James's reputation among his contemporaries as an exploder of false accusations

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[33] 'Witchcraft', *Encyclopaedia Britannica* (Edinburgh: Archibald Constable and Co., 1817), vol. xx, p. 726.
[34] 'Witchcraft', *Encyclopaedia Britannica*, (Edinburgh: Archibald Constable and Co., 1817), vol. xx, p. 726.
[35] Thomas Fuller, *The Church-History of Britain* (London: 1655), p. 74.
[36] James Sharpe, *The Bewitching of Anne Gunter: A Horrible and True Story of Deception, Witchcraft, Murder, and the King of England* (London: Routledge, 2001), pp. 177-9.
[37] William W. Coventry, *Demonic Possession on Trial: Case Studies in Early Modern England and Colonial America*, 1593-1692 (Lincoln, NE: iUniverse, 2003), p. 42.

of witchcraft was equal to his reputation as a demonologist'.[38] But these dichotomous reputations seem to have settled into established scholarly tradition almost independently of each other. James's ambivalence – also in his role as a legal scholar[39] – highlights how the question of what constituted a witch could be an evolving one, personally also, and not just societally.

The consolidation in England of the diabolic definition of witchcraft – consistent with Continental ideas and those echoed in James's *Daemonologie* – happened mainly in the latter half of the seventeenth century, outside the central period under consideration in this thesis. There are many factors which impinged upon the recrudescence of demonological fervour; significant among these, and a spur to the general trend, was the publication in 1651 of Hobbes's *Leviathan*, with its anticlerical and anti-metaphysical stance. Towards the close of the seventeenth century, clergymen such as Meric Causabon (*Of Credulity and Incredulity in Things Natural, Civil, and Divine*, 1668) and Richard Baxter (*The Certainty of the World of Spirits*, 1691) – and in Colonial America, Cotton Mather ('Discourse on Witchcraft', 1693) – lined up to defend the existence of witchcraft in order to vindicate belief in the spiritual realm.[40]

Like these others, Joseph Glanvill (*Sadducismus Triumphatus*, 1681), reasserted the reality of diabolically inspired witches in the face of the scepticism of Weyer, Scot, Thomas Ady (*A Candle in the Dark, or A Treatise Concerning the Nature of Witches and Witchcraft*, 1656) John Wagstaffe (*The Question of Witchcraft Debated*, 1669), John Webster (*The Displaying of Supposed Witchcraft*, 1677), and others.[41] Julie Davies argues that

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[38] Sharpe, *Gunter,* pp. 177-9.
[39] In the dedicatory epistle to *The Great Instauration*, Francis Bacon famously refers to James as 'resembling Solomon […] in the gravity of your decisions, the peacefulness of your reign, the expansion of your heart, and, lastly, in the noble variety of books you have composed' (London: 1620).
[40] Christine L. Krueger, *Reading for the Law: British Literary History and Gender Advocacy* (Charlottesville: University of Virginia Press, 2010), p. 74.
[41] Julie Davies, *Science in an Enchanted World: Philosophy and Witchcraft in the Work of Joesph Glanvill* (Abingdon: Routledge, 2018), p. 151.

'[w]itchcraft, for Glanvill, was necessarily diabolic witchcraft'.[42] He sought to use reliable witness testimony and natural philosophy, not to prove positively the existence of spirits and therefore of the witches who communed with them, but to disprove the impossibility,[43] to retain a space for natural faith. It is important to Glanvill that witches are able to commune with spiritual beings, because disallowing this is a high road to atheism. 'Notion of a spirit is impossible and contradictious,' he writes, 'and consequently, so is that of Witches; the Belief of which is founded on that Doctrine'.[44] Recent reconsiderations of Glanvill's position that the fundamental aspect of witch identity is the possibility of spirit communion (or diabolical possession) has led to a reappraisal of the former consensus that 'English witchcraft beliefs were focused on malefic acts rather than diabolic associations'.[45] As a general trend, the diabolic nature of witchcraft grew more prominent in English cases following the accession of James I in 1603, and became acute during Witchfinder General Mathew Hopkins's career coinciding with the Civil War.[46]

In his *Religio Medici* (1643), Sir Thomas Browne anticipates this position:

> It is a riddle to me […] how so many learned heads should so farre forget their Metaphysicks, and destroy the Ladder and scale of creatures, as to question the existence of Spirits: for my part, I have ever beleeved, and doe now know, that there are Witches; they that doubt of these, doe not onely deny them, but Spirits; and are obliquely and upon consequence a sort, not of Infidels, but Atheists (§30).[47]

In the subsequent section of his work, Browne writes 'that all that use sorceries, incantations, and spells, are not Witches, or as we terme them, Magicians'.[48] Here is another example of instability in the division of witchcraft and learned magic – in this

[42] Davies, *Science*, p. 5.
[43] Moody E. Prior, 'Joseph Glanvill and Seventeenth-Century Science', in *Modern Philology*, 30:2 (Nov., 1932), 167-193.
[44] Joseph Glanvill, *Sadducismus Triumphatus* (London, 1681), p. 4.
[45] Davies, *Science*, p. 151.
[46] Davies, *Science*, p. 5.
[47] Thomas Browne, *Religio Medici*, (London, 1643).
[48] Browne, *Religio Medici*, §31.

case both are grouped by Browne on one side of a binary, namely those whose magic is derived from the devil. Browne goes on to assert a belief in natural magics, 'not learned immediately from the Devill'; perhaps derived from spirits once, but which now 'will under any Master produce their effects'.[49] Like other learned people of his time, he believed angels could share secrets of benign magic with those with the skill to make use of it, and that devils might be hoodwinked into giving up their tricks.

The sequel to Browne's belief in witches was dire rather than droll: in 1662, he attended the trial of two accused witches, Rose Cullender and Amy Duny (or Denny), at Bury St Edmunds, where his expert testimony that the young people involved were definitely bewitched helped to convict the two accused women.[50] In his testimony, Browne testified that the children were suffering from natural illness, but he also observed that such illness could be 'heightned to a great excess by the subtilty of the Devil, co-operating with the Malice of these which we term Witches, at whose Instance he doth these Villanies'.[51] Cullender and Duny were hanged.[52]

Browne's answer to the question 'who is a witch?' had deadly consequences. It was influenced by his travels on the Continent, particularly by a Danish witch panic that he cited in his testimony, but the evidence from the trial on which Browne's judgment was based was, in a very literal sense, staged. The children said to be bewitched were brought into the courtroom and their symptoms performatively displayed as they fell into 'strange and violent fits'.[53] In addition, their parents offered testimony – the children were struck dumb – about the malefic acts of Cullender and Duny. This corresponds to

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[49] Browne, *Religio Medici*, §31.
[50] Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth Century England* (London: Penguin, 1971), pp. 524-5.
[51] *A Tryal of Witches at the Assizes Held at Bury St Edmunds* (London, 1682), sig. D5^{r}-D5^{v}.
[52] Gilbert Geis and Ivan Bunn, *A Trial of Witches: A Seventeenth-Century Witchcraft Prosecution* (London: Routledge, 1997); see also Christine L. Krueger, *Reading for the Law: British Literary History and Gender Advocacy*, (Charlottesville, University of Virginia Press, 2010), p. 74.
[53] *A Tryal of Witches*, sig. B1^{v}.

the coupled physical spectacle and the spoken text of staged witchcraft: its aural and physical components are plain, but the metaphysical component must be imagined. In this respect the audience for legal proceedings against witches have a large degree of overlap with playhouse audiences. Metaphysical evidence admitted at the 1662 Bury St Edmunds trials worked on the imaginary forces of trial audiences and judicial officials alike, at times against the better judgement and forensic instincts of the latter.[54] The pamphlet account of the 1662 trial indicates that the afflicted children would complain of 'Apparitions appearing before them, to their great terrour and affrightment: And sometimes they would cry out, saying, There stands Amy Duny, and there Rose Cullender'.[55] Like the 'spectral evidence' admitted in the Salem trials later in the century, where afflicted girls testified of attacks by demons who had taken the spiritual shapes of the the accused, such ways of proof constitute a merely temporary redoubt against growing scepticism, as a decline in belief in the power to harm of malefic witches led to a search for spiritual, rather than tangible proofs.

But while spiritual evidence could supply a relative lack of physical and social evidence (such as witches' marks, familiars, individual testimonies, and community reputation as to the harmfulness of the accused), without any index to tangible evidence, anxieties about unrestricted accusations were destined to outweigh anxieties about witchcraft. In *Witchcraft, Magic, and Religion in 17th-Century Massachusetts* (1984), his influential sociological analysis of the Salem witch trials and the subsequent decline of witch prosecutions, Richard Weisman notes the paradox: by arguing for spiritual crimes in order to avert scepticism about the spiritual realm, divines and legal scholars undermined belief in the latter once enthusiasm waned for potentially unlimited

[54] Sir Matthew Hale, sometimes considered the founder of English jurisprudence, was the presiding judge at the 1662 trial. Evidence of his discomfort with the verdict includes his unwillingness to sum up evidence during sentencing. Doing so was standard practice at the time (see Krueger, *Reading for the Law*, p. 74).
[55] *A Tryal of Witches*, sig. C2v.

prosecutions based on spectral evidence.[56] Following the Salem trials, a semi-chastened Increase Mather was clearly aware of the spiritual risks this posed to the flock. In *Cases of Conscience Concerning Evil Spirits Personating Men* (1693) he spoke out more strongly than theretofore against spectral evidence, suggesting that the ways of God, including those of angels and devils, were beyond the knowledge and access of man. It 'was a demonstration within the framework of orthodox doctrine that the workings of the invisible world were not available to human understanding and that, accordingly, errors in the discovery of witchcraft could be neither controlled nor eliminated'.[57] This further shifting of the goalposts attempts to avoid theological scepticism by means of a retreat into philosophical scepticism.

The purpose of multiplying examples of instability in definitions of witches and witchcraft is not to suggest that no definition is possible, but rather to highlight that every definition is labile and represents a moment in an ongoing conversation. This includes legal definitions and conceptions, which were also fluid and contested. Playwrights and other authors participated in this conversation, both as members of society and, in many cases, as specialist members of the legal profession, for jurists constituted one of the communities with the most power to define witchcraft. As Christine Kruger notes, 'witchcraft was perhaps the first crime legal historians recognized as having been created discursively'.[58] In an important sense it was created by the steps taken to prevent it.

Influence in terms of representations of witches and witchcraft was not merely passed unidirectionally from the courts to the stage. Owen Davies writes of Shakespeare that 'his witches are largely fantasies drawn from classical literature and influenced to a

[56] Richard Weisman, *Witchcraft, Magic, and Religion in 17th-Century Massachusetts* (Amherst: University of Massachusetts Press, 1984), pp. 96-114.
[57] Weisman, *Witchcraft, Magic, and Religion*, p. 183.
[58] Krueger, *Reading for the Law*, p. 53.

degree by demonological texts […] [with none] that reflect the everyday fears and belief in witchcraft held by his Stratford and London neighbours', but other writers have noted how his witches nevertheless influenced those neighbours' views and attitudes. Frances Dolan, Stephen Greenblatt, and Diane Purkiss separately made this point already at the close of the twentieth century, arguing (to various degrees) for the stage's influence on the decline of witchcraft persecutions.[59] More recently, Lisa Hopkins and Helen Ostovich have noted the early modern stage's power to transform audiences' perceptions of witchcraft,[60] while Marion Gibson has seen staged witches as 'at least as entertaining as they are threatening […], inhabiting a blurry space between lawcourts and gallows'.[61] Christine Kruger notes the 'peculiar susceptibility to literary influence' of witchcraft prosecutions.[62] In analysing the interplay between crime pamplets and domestic tragedies, Peter Lake finds in both forms a productive tension between puritanical moralising and enormous appetites. He also adduces a complex mutual reinforcement between press, theatre, and pulpit in competing for audiences; of their scrabbling it could be said that they make hungry where most they satisify.[63] Perhaps the strongest argument, however, for the interpenetration of court and theatre with regard to witchcraft stems from an inversion of U.S. Supreme Court Justice Potter Stewart's (in)famous threshold test in *Jacobellis v. Ohio* (1964): you know it when you *don't* see it.

This observation is not glibly intended. In this thesis's period of focus juridical and theatrical witchcrafts share a common ground. It is not a straightforward or uniform relationship; instead, like Lake's conception of the confederacy of pamphlet and play, it is

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[59] Frances Dolan, *Dangerous Familiars* (Ithaca: Cornell University Press, 1994), p. 217; Diane Purkiss, *The Witch in History* (London: Routledge, 1996), p. 283; Stephen Greenblatt, 'Shakespeare Bewitched' in *New Historical Literary Study*, Jeffrey N. Cox and Larry J. Reynolds, eds. (Princeton: Princeton UP, 1993), pp. 108-35.
[60] Lisa Hopkins and Helen Ostovich, Introduction to *Magical Transformations on the Early Modern English Stage* (Farnham, Surrey: Ashgate, 2014), 1-15, p. 3.
[61] Gibson, *Rediscovering*, p. 25.
[62] Krueger, *Reading for the Law*, p. 73.
[63] Peter Lake and Michael Questier, *The Anti-Christ's Lewd Hat: Protestants, Papists and Players in Post-Reformation England* (Yale: Yale UP, 2002).

plastic, messy, reflexive. It is also bounded by time.

When theatres reopened in London after the Restoration, there was no longer a mutually productive overlap between court and theatre with regard to their representations of witchcraft jurisprudence. Witches and witchcraft still featured on the stage – in fact, moreso than ever, but the anxieties around identifying and justly prosecuting witches had faded. The witchcraft debate had continued while the theatres were shuttered, and the playhouses had temporarily lost their currency as contact zones bringing together imagination, fears, and desires across social strata – as least insofar as questions of defining and prosecuting witchcraft were concerned.

Tracking the transformation of the witchcraft debate in pamphlets and trial documents – in short, in prose – is therefore critical to this thesis's efforts to help define what was unique about the witchcraft drama in the period of the thesis's focus and better specify what changes took place to bring about its end. For this reason, in the introduction, mainly, but also from time to time in the body of the work, this thesis considers the work of prose writers on withcraft from outside the thesis's central period of focus.[64] It also includes a brief coda comparing representations of witchraft and the law on the Restoration stage with those before the Civil War. It does so to bring to light what shifted in the interval, in order to show, even amid its diversity, what was unique about staged representations of witchcraft and the law prior to 1642.

'Who is a witch?', then, is a fraught question, one that was asked in a variety of social, legal, and political contexts across the early modern period and continues to be asked today. At times it has been asked and answered by those who themselves identified as witches, as a means of identity construction or self-fashioning. Often it has been asked of others by people in power as part of violent exclusionism, or by relatively powerless

[64] One example is in Chapter 4, where engaging Lorna Hutson's argument for the pervasiveness of forensic thinking in English early modern society requires the thesis to address a later seventeenth-century crime pamphlet she uses to elucidate her position.

community members as a diagnostic for their powerlessness, or fear, or misfortune. Like the question 'Who is a Jew?', the question of who or what is a witch is one connected to a marginal or minoritarian identity, and connected therefore also to broader questions of power and hegemony.

For Carlo Ginzburg, the questions are in fact related, at least in terms of a 'chain' of victimisation and persecution. He writes in *Ecstasies: Deciphering the Witches' Sabbath* (1989) that: 'the chain we have described implies a gradual series of stages that leads from the enemy without to the enemy within […]. And if the first was by definition beyond the reach of justice, the second was within reach waiting to be massacred, imprisoned, tortured, burnt'.[65] Ginzburg finds this chain coalescing in southwestern France in the fourteenth and fifteenth centuries, with documentary evidence pointing to suspicions being levied in overlapping stages against lepers, Jews, and Muslims, and later against Jews, heretics, and ultimately witches.[66] For Ginzburg, these transferable suspicions find their ultimate expression in witchcraft persecutions, because while witches share marginal status with these other groups, they are a potentially unlimited class, not checked by obvious physical malady (lepers) or ethnic or religious identity (Jews and Muslims).[67]

Such chains can add to the instability of any definition of witchcraft or witches. As well as concatenation, there is circularity here: If witches are, by one definition, those who do witchy things, and witchy things are things done by witches, then separating out witches from these other marginalised groups becomes difficult. Jews were suspected of poisoning wells and spreading plague in anti-Christian conspiracies,[68] while poisoning was a crime routinely associated with witches.[69] In 1409, Pope Alexander V issued a Bull

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[65] Carlo Ginzburg, *Ecstasies: Deciphering the Witches' Sabbath* (Chicago: University of Chicago Press, 1991), p. 52.
[66] Ginzburg, *Ecstasies*, pp 33-86.
[67] Ginzburg, *Ecstasies*. p. 72.
[68] Ginzburg, *Ecstasies*, p. 65.
[69] Brian P. Levack notes that of the crimes that made up the composite definition of witchcraft, poisoning,

indicating that in the regions around Avignon, there were many 'Christians and Jews who practise witchcraft, soothsaying, invocations to the devil, magical spells, superstition, forbidden and pernicious arts', as well as Jewish converts who 'try to spread among the Christians the Talmud and other books of their law'.[70] No neat separation of learned magic from folk witchcraft is here in evidence, nor any separation of religious texts from grimoires.

In English legal codes, too, categories of malefic magics and of magical practitioners are often conflated. Sorcery, from Latin *sors*, or 'lots', via Old French – literally one who casts lots; also known as cleromancy, from the Latinised Greek for 'lot', *kleros*[71] – stands alongside witchcraft, enchantment, invocation, and conjuration in the Witchcraft Acts (note the title) of 1542, 1563, and 1604. In practice, accusations of witchcraft were affected by social status. In local trials, village folk and other commoners were most often accused of ordinary malefic witchcraft. At the other end of the social scale, those with class status could be accused of witchcraft as well as charges such as high treason.

In 1536, for example, Anne Boleyn was accused of plotting against the life of the king, adultery, and incest when Henry VIII wanted to set her aside. Privately, he also accused her of bewitching him into marriage, an accusation which may have had an effect on public opinion of the queen.[72] Four years later, Walter Hungerford, the first Baron Hungerford of Heytesbury, was charged with treason and attainted for conspiring with the Pilgrims of Grace, as well as for buggery, and along with two other men, with

'which could be interpreted in either natural or supernatural terms' was the one most frequently prosecuted ('Witchcraft and the Law', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: OUP, 2013), 468-84, p. 483.

[70] Luke Wadding, *Annales Minorum*, IX, Romae 1734, pp 327-9, cited in *Ecstasies*, p. 69.

[71] *OED*, s.v. 'cleromancy' <oed.com> accessed 12 June 2019.

[72] G.W. Bernard, 'The Fall of Anne Boleyn', in *The English Historical Review* 106:420 (Jul., 1991), 584-610.

conjuring to determine the length of the king's life.[73]

As this thesis will show, this shift in accusatory focus from the court to the very poorest members of society was tied to a number of social and political factors, including the increasing stratification of society following the expansion of the literate classes and accelerated economic growth. Though still uneven, the diffusion of forensic-mindedness, scepticism, and scientific understanding happened much more quickly among elites, such that as the seventeenth century wore on, learned debates grew to be less and less about how to catch and punish witches and more about the theological implications of their existence. These more rareified debates tended to leave the urban and rural poor behind, however, and belief in malefic witchcraft lasted longest among those who had the least. As Malcolm Gaskill writes, witch-hunting techniques nevertheless remained in use through the end of the seventeenth century and beyond, with the difference 'that few cases resulted in convictions: grand jurors accepted their legal validity, but trial jurors were directed to find the evidence lacking.'[74] Such an account may help to explain the last-gasp outbreak of violence in New England at the close of the century, for it is difficult to imagine an English community further on the periphery or more marked by precarity.

Ironically, before these social transformations took place, the ability to read no doubt played a role in making upper-class people vulnerable to the additional charges and higher stakes, including attainder and the loss of property upon a guilty verdict. Even illiteracy, though, was not a universal bar to being accused as a sorcerer. Iris Gareis, writing about witch trials in early modern Spanish and Portuguese colonial America, notes that while in Spanish-dominated regions, sorcery (*hechicería*) was distinguished from

[73] William Jerome Harrison, 'Hungerford, Walter (1503-1540)' in *Dictionary of National Biography*, ed. Sidney Lee (London: Smith, Elder & Co., 1891), 259-261.
[74] Malcolm Gaskill, *Witchfinders: A Seventeenth-Century Tragedy* (London: John Murray, 2006), p. 279.

witchcraft (*brujería*), this was not the case in Portuguese colonial areas.[75] And in Italy meanwhile, the distinction between magician and witch 'was often blurred'.[76]

This thesis departs from some recent scholarship in its broader construction of witchcraft in drama. Where the trend has been to separate out elements of the staged supernatural, and to attempt to connect them with classical antecedents or with their origins in folklore, theology, or anthropology, this thesis resists that (undeniably useful) approach and instead considers staged juridical aspects of witchcraft as they exist within the context of the broader staged supernatural. In doing so it attempts to recover some sense of the discursive and cultural continuity that the phenomena of witchcraft, learned magic, diabolism, fairies, and spirits would have presented for early modern audiences, dramatists, and legal officers.

Victorian critics tended to deal with the supernatural as a critical and conceptual category of related contents. As Dorothea Kehler notes of pre-twentieth-century critical work in her survey of *A Midsummer Night's Dream* criticism: 'most men of letters – and they *were* men – wrote impressionistically and touched on multiple issues. As literary study became more specialized, critics often chose to address a particular aspect of the play, though such subjects as dream, love, imagination, and the supernatural are often linked'.[77] Recent criticism has been more focal: the early modern staged supernatural has been parsed and reparsed into articles and monographs on witches, on learned magicians, on demons, ghosts – in the case of the last also attempting to unpick whether these were Protestant or Catholic ghosts.[78]

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[75] Iris Gareis, 'Witchcraft in Spanish and Portuguese America' in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: OUP, 2013), 412-28, pp. 414-15.
[76] Tamar Herzig, 'Witchcraft Prosecutions in Italy', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: OUP, 2013), 249-67, p. 265.
[77] Dorothea Kehler, 'A Midsummer Night's Dream: A Bibliographic Survey of the Criticism', in *A Midsummer Night's Dream: Critical Essays* (London: Psychology Press, 1998), 3-76, p. 4 (emphasis in original).
[78] See, among others, on staged witches: Lisa Hopkins and Helen Ostovich, eds, *Magical Transformations on the Early Modern Stage* (Farnham, Surrey: Ashgate, 2014); Stephen Greenblatt, 'Shakespeare Bewitched', pp.108-35; on magicians: Liberty Stanavage, '"Such a Sinner of His Memory": Prospero, Bruno, and the Failures of Neo-Platonic Memory Magic', in Verena Theile and Andrew D. McCarthy, eds.,

One result of such focused supernatural studies has been the highlighting of early modern understanding that the supernatural functioned in accordance with natural laws. In her work on staged devils, Bronwyn Johnson notes there were at least fifty-two 'devil' plays on English stages between 1509-1638.[79] Her comparative readings of these plays demonstrate that the staged diabolic power in them was not presented as a path to subversion of the natural order, but instead as a shortcut to power, or ease, or wealth. Immorality stemming from diabolic aid, whether played for laughs or as a cautionary tale, consisted in this end run around natural (god-ordained) processes, not in their abrogation. As Johnson's work suggests, historicised readings of these plays can show us the degree to which they are grounded in contemporary demonological thought, or more specifically, how orthodox understanding of how devils functioned worked to condition the composition of plays.

Stuart Clark, in his monumental *Thinking With Demons*, goes even further in arguing that for early modern people, attributing effects in the physical world to supernatural beings was not a surrender to indeterminacy. Clark writes: 'to attribute effects to devils *was* to know their causes – to know them perhaps uncertainly and fragmentally (for such was the problem with occult causes) but still to know them'.[80] There were widely held systems of belief, entire ontological frameworks, spelling out how, for example, the devil could and could not operate. Where early modern dramaturgy violated the conventions of these frameworks, it nevertheless necessarily operated in obvious conversation with them.

Staging the Superstitions of Early Modern Europe (London: Routledge, 2013), pp. 171-190; on devils and demons: Bronwyn Johnston, *The Devil in the Detail: Demons and Demonology on the Early Modern Stage* (unpublished DPhil thesis, Oxford University, 2013); on ghosts: Catherine Belsey, 'Beyond Reason: Hamlet and Early Modern Stage Ghosts', in Elisabeth Bronfen and Beate Neumeier, eds., *Gothic Renaissance: a Reassessment* (Manchester: Manchester UP, 2014), pp. 32-54; on Hamlet's ghost and Protestantism: Stephen Greenblatt, *Hamlet in Purgatory*, (Princeton: Princeton UP, 2002); David Scott Kastan, *A Will to Believe: Shakespeare and Religion* (Oxford: Oxford UP), 2014, pp. 118-150.

[79] Johnson, *Devil in the Detail*, p. 4.

[80] Stuart Clark, *Thinking With Demons: The Idea of Witchcraft in Early Modern Europe* (Oxford: Oxford UP, 1997), p. 160.

Separating out genera of supernatural beings from the broader supernatural taxonomies of Victorian and Edwardian scholars and specifying them narrowly has broadened our knowledge in key ways. For example, because nineteenth- and early twentieth-century criticism tended to see the supernatural as a category in need of classification, scholarship regarding Shakespeare's use of supernatural elements tended to focus on his debt to folklore and folk belief tout court.[81] By breaking out elements from these systems and treating them individually, recent scholarship has deepened our knowledge of Shakespeare and his contemporaries' social, folkloric, and religious milieux.

Take the evolving conversation around the ghost of Hamlet's father. For T.F. Thiselton-Dyer, writing in 1883, 'The important part which Shakespeare has assigned to the ghost […] has a special value, inasmuch as it illustrates many of the old beliefs current in his day respecting their history and habits'.[82] Shakespeare's use of a ghost, including its staged activities, are reflective of his engagement with folk tradition in the broadest terms. By 1906, as an aside in a discussion of Hamlet's Christian duty, Maurice Francis Egan writes: 'It did not surprise the English of the beginning of the seventeenth century that the murdered King should come back from the state of purgation in which many Englishmen still believed'.[83] The ghost has become an ingress into a discussion of Shakespeare's religious beliefs, though still in relatively uncritical fashion: 'The English' are dealt with as a monolith, with Shakespeare's views representative of the whole. A century later in his *Hamlet in Purgatory* (2001), Stephen Greenblatt complicates the question of the ghost and 'refuses to take a position on whether it is from hell or

[81] See, for example, Cumberland Clark, *Shakespeare and the Supernatural* (London: Williams & Norgate, 1931); Thomas Keightley, *The Fairy Mythology* (Whittaker, Treacher, & Co., 1833); Minor White Latham, *The Elizabethan Fairies: The Fairies of Folklore and the Fairies of Shakespeare* (Columbia University: Thesis, 1931); T.F. Thiselton-Dyer, *Folk-lore of Shakespeare* (London: Griffith & Farran, 1883), pp. 41-2.
[82] Thiselton-Dyer, *Folk-lore of Shakespeare*, pp. 41-2.
[83] Maurice Francis Egan, *The Ghost in Hamlet and Other Essays in Comparative Literature* (Chicago: A. C. McClurg & Co, 1906), 11-47.

purgatory'.[84] Nevertheless, inasmuch as purgatory is a site for communion with the dead, Greenblatt sees Shakespeare transpose it to the stage where such communion may happen. Another generation on, Rhodri Lewis's *Hamlet and the Vision of Darkness* (2017) is more interested in Shakespeare's engagement with early modern humanist ideologies than with the provenance of his 'theologically confounding' ghosts.[85] Thus, over a century, a certain thread of critical evaluation of the ghost in Hamlet has gone from seeing it as an embodiment of folk beliefs, to a sublimation of them, to a device useful for exploring other engagements.

However, the insights that can be garnered from recovering and analysing such contemporary ontological frameworks, accelerated perhaps by the reality of academic overspecialisation, can also result in a critical view that loses the forest for the trees.[86] While there is value in separating out supernatural elements in early modern drama to reveal more about their origins and implications, there is also a need to understand these elements in context. Analysing minutely the discrete supernatural components of *The Late Lancashire Witches*, for example, offers a range of fascinating insights, from the reception and diffusion of demonological discourses among the literate classes, to the currency of werewolf tales in early modern England.[87] However, what is lost in such a breaking out is precisely the interplay of these elements, their gestalt. As will be shown, early modern English dramatists employed representations of witchcraft together with a host of related supernatural phenomena for a range of dramaturgic purposes: to startle, to caution, to entertain, and to construct flexible plots reliant upon the very indeterminacy of the witch as figure and expansible category.

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[84] Terry Eagleton, 'Return of the Worthy Pioneer', in *The Guardian* 9 June 2001 [accessed 19 March 2019]. <guardian.com>, a review of Stephen Greenblatt, *Hamlet in Purgatory* (Princeton: Princeton UP, 2002).
[85] Rhodri Lewis, *Hamlet and the Vision of Darkness* (Princeton: Princeton UP, 2017), p. 50.
[86] See, for example, Laura Jones, 'Converging Paradigms for Doctoral Training in the Sciences and Humanities', in *Changing Practices of Doctoral Education*, David Boud and Alison Lee, eds. (New York: Routledge, 2009), 29-41, p 37.
[87] Some of these receive consideration below, in Chapter 4.

That said, the thesis does not play fast and loose with the figure of the witch. Where a playwright or play connects witchcraft to other (supernatural) ontological frameworks, these connections are noted. This thesis has generally but not exclusively preferred the adjective 'witchy' to more cumbersome phrases such as 'witchcraft-related' and 'witchcraft-inflected'. The *OED* notes that 'witchy' is attested as early as 1667 to mean 'having the nature of or resembling a witch; characteristic or suggestive of a witch', and this definition with its connotations of uncanniness reflects the thesis's view of the witch as an unstable figure. It also reflects the witch's ability to be present at times without being present, an ability to haunt or stalk a text that the witch has in common with other supernatural beings.

Witches could be male or female. Etymologically, the origins of our word 'witch' are uncertain. Generally, following the practice in the demonologies cited above, the thesis marks a distinction between witches of whatever gender and magicians or sorcerers – though, as Edward Bever notes, 'this distinction is neater in theory than it was in practice'.[88] There were 'sorcerer witches' and 'village witches', whose chief distinction was that the former employed rituals, incantations, and props to do harm.[89]

Even where distinctions were observed by scholars, they could be ignored by other segments of society. An anecdote about the apprehension of the notorious 'Doctor' John Lambe, adviser to George Villiers, the first Duke of Buckingham, illustrates the point. According to John Rushworth's *Historical Collections of the Private Passages of State*, the rabble 'reviled him with words, call'd him a Witch, a Devil, the Duke's Conjuror, &c.'.[90] Nevertheless, except as otherwise noted, this thesis uses 'witch'

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[88] Edward Bever, 'Popular Witch Beliefs and Magical Practices', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, Brian P. Levack, ed. (Oxford: Oxford UP, 2013), 50-68, p. 53.
[89] Max Marwick, *Witchcraft and Sorcery* (Harmondsworth: Penguin, 1970), pp. 12-13.
[90] John Rushworth, 'Historical Collections: 1628 (part 5 of 7)', in *Historical Collections of Private Passages of State: Volume 1, 1618-29* (London, 1721), pp. 610-627. *British History Online* <british-history.ac.uk> [accessed 27 March 2019].

to refer to female or male practitioners of harmful magic, often as part of a diabolic pact, and as distinct from practitioners of learned magic, who are called by other names.

iii. Which Plays are Witch Plays?

In *Forensic Shakespeare*, Quentin Skinner sets out to examine the classical and Renaissance sources for the rhetorical content of a group of plays Shakespeare composed between 1594-1605.[91] Skinner focuses particularly on speeches in these plays 'assembled according to a set of rhetorical precepts about how to develop a persuasive case in accusation or defence' with the aim of saying 'something about the dynamics of Shakespeare's creative process by way of excavating the intellectual materials out of which these passages are constructed'.[92] In setting out his project, Skinner notes restrictions on its scope: he is interested not in *interpreting* the plays as individual literary works or as a group, but in *evaluating* this specific aspect of them in order to 'determine why they possess their distinctive characteristics'.[93]

Some critics have cautioned that in reading exclusively for juridical rhetoric one can lose the sense of the play as play. Richard Meek, for example, reviewing the book in *The Review of English Studies*, argues that 'Shakespeare's interest in judicial rhetoric may have been more occasional and opportunistic than Skinner suggests'. He also questions the neatness of Skinner's distinction between explanation and interpretation, and suggests that 'the book's explanatory method does not allow for full consideration of the ambiguities, indeterminacies, and even inconsistencies within Shakespeare's works'.[94]

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[91] Skinner places these into two groups – those composed between 1594 and about 1600: *Romeo and Juliet*, *The Merchant of Venice*, *Julius Caesar*, *Hamlet*, and the poem *Lucrece.* And a later group composed between 1603 and early 1605: *Othello*, *Measure for Measure*, and *All's Well that Ends Well* (see Quentin Skinner, *Forensic Shakespeare* (Oxford: Oxford UP, 2014), p. 1).
[92] Skinner, *Forensic*, p. 2.
[93] Skinner, *Forensic*, p. 2.
[94] Richard Meek, 'Quentin Skinner: *Forensic Shakespeare*', in *The Review of English Studies*, 66:276, 2015, 777-8, p. 777.

However, Skinner's project is not to uncover all rhetorical modes employed in the plays, but to enlarge our appreciation and understanding of the specifically forensic mode. That the project is successful Meek himself allows: '*Forensic Shakespeare* not only highlights the impact of judicial oratory upon plays in the period, but also proves beyond reasonable doubt that Shakespeare made extraordinarily creative use of this cultural resource'.[95] It is difficult to see how any critical work could allow for 'full consideration of the ambiguities' within Shakespeare's plays except gradually, by accreting studies such as Skinner's – or else by avoiding criticism altogether.

An example of Skinner's approach (and its limitations) is his reading of Isabella's plea to Angelo for clemency for her brother as an assumptive case wherein 'she is obliged to content herself with a *confessio* in the form of a *deprecatio*, a straightforward plea for mercy and pardon in the face of an admitted crime'.[96] Highlighting the forensic discourse upon which Isabella draws does perhaps suppress other modes upon which she calls. In her plea, Isabella stresses her position as a nun and employs Christian theology, yoking 'the central Christian tenet [of rebirth] to the concept of judges as gods':[97]

> How would you be
> If He, which is the top of judgement, should
> But judge you as you are? O, think on that,
> And mercy then will breathe within your lips,
> Like man new made (2. ii. 75-9).

However, reading the play for juridical rhetoric does not invalidate other readings. It renders them more nuanced by bringing them into conversation with hitherto unexplored characteristics of the play and its characters.

In terms of witchcraft, Diane Purkiss models a similar approach in her essay

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[95] Richard Meek, 'Quentin Skinner: *Forensic Shakespeare*', p. 778.
[96] Skinner, *Forensic*, pp. 61-2.
[97] William Shakespeare, *Measure for Measure*, ed. J.W. Lever, Arden (London: Methuen & Co Ltd., 1965), p. 43 n. 78-9.

'Witchcraft in Early Modern Literature' in *The Oxford Handbook of Witchcraft*. After noting that 'most literary criticism on witchcraft in the past twenty years has focused on well-known dramatic texts such as *Macbeth*' she spends a significant portion of her essay doing just that. Rather than measuring the play's handling of its witches against surviving trial records, however – which she suggests has become the usual way of proceeding – she reads Lady Macbeth as the play's 'only true witch'[98] in her calling upon spirits (diabolic pact) to unsex her (with age, as a crone) and suckle at her breasts (as familiars).

This is reading with witchcraft in a nutshell: discovering in a play embedded codes and conventions surrounding witches, sometimes in unexpected places, and exploring how witchy elements present in a play – as in the case of the Weird Sisters and their Reginald Scot-influenced cauldron[99] – can intertextually influence other aspects of the play. As Purkiss writes of Leontes' witchcraft accusation in *The Winter's Tale*: 'the accusation seems to spread outwards from the word "witch", which might be the merest insult, to engulf those who seemed innocent'.[100] This engulfment comprehends not only Leontes' 'witchlike' infanticidal role, but eventually also Paulina's apparent magic, Hermione's miraculous restoration, and even, perhaps, the dramaturgic wonder of the 'wide gap of time' in the play's action.[101]

A broadly similar methodological approach is adopted by Helen Ostovich in her essay '"Gingerbread Progeny" in *Bartholomew Fair*'.[102] At the outset she acknowledges that Jonson's 1631 comedy

> is a play not directly about witchcraft, but certainly possessed by everyday

[98] Diane Purkiss, 'Witchcraft in Early Modern Literature', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: OUP, 2013), 122-40, p. 132.
[99] For a discussion of Shakespeare's use of Scot as a source, see William Olaf Gulstad, *'The Forms of Things Unknown': The Impact of Reginald Scot's Sceptical Treatise,* The Discovery of Witchcraft *on* A Midsummer Night's Dream*,* King Lear*, and* The Tempest (unpublished PhD dissertation, University of Illinois at Urbana-Champaign, 1994).
[100] Purkiss, 'Witchcraft in Early Modern Literature', p. 130.
[101] William Blissett, '"The Wide Gap of Time": The Winter's Tale', in *English Literary Renaissance*, 1:1 (Winter 1971), 52-70.
[102] Helen Ostovich, '"Gingerbread Progeny" in *Bartholomew Fair*', in Lisa Hopkins and Helen Ostovich, eds, *Magical Transformations on the Early Modern Stage* (Farnham, Surrey: Ashgate, 2014), pp. 203-14.

> assumptions about magic, demonic agents, and oven-baked or spit-roasted goods, especially transgressive gingerbread, an ancient and potent artefact associated with wise-woman cures, dream landscapes, holiday rituals, Roman Catholic practices, and image magic'.[103]

By electing to read for witchcraft, Ostovich is able to tease out these associations, foregrounding, for example, the magical connotations held by gingerbread at the time of the play's composition. In doing so, she points up Jonson's exploration of 'the hazy borderland between regulation by magical agents and regulation by human agents'.[104] Without such a reading, the magic that simultaneously destabilises and promotes possibility in the play, that says to the viewer 'jinx or be jinxed', would remain out of view – literally occult. In this way, reading with witchcraft almost becomes a phenomenological project, in that it allows what is present in the play to appear.

The project of this thesis is comparable to Skinner's narrow one, in that it approaches witchcraft and the law in the plays descriptively and evaluatively, looking to raise awareness of what is there and what may have been overlooked in earlier criticism. It also explores how this awareness may enlarge our appreciation for the plays, the cultural influences on the playwrights, and the historical and social contexts in which they were composed. Like Purkiss's reading of *Macbeth*, the thesis seeks to read outward from witches and the law and explore how their interaction inflects the plays. In this way it mirrors the projects of certain early modern English pamphlet writers: it is an attempt at a 'discovery' of witchcraft. Sometimes this means exploring the cultural influences and implications of obvious witch figures in well-known plays. At others, it can mean uncovering occult witches, both witchy elements and witchcraft-mindedness in plays and places not overtly concerned with witchcraft.

Thinking with witches in this way can open other sites for consideration of

[103] Ostovich, "'Gingerbread'", p. 203.
[104] Ostovich, "'Gingerbread'", p. 203.

rhetorical overlap: In *A Midsummer Night's Dream*, Egeus hauls his daughter Hermia before the Duke of Athens and asserts her heart has been 'bewitched' by Lysander. This scene is all but a mirror image of the corresponding scene in Act 1 of *Othello*.[105] In both we have stock elements of New Comedy: the *senex iratus* in the characters of Egeus and Brabantio. The *adolescens amans* in the characters of Lysander and Othello – though, in addition to Roderigo, Othello might also be considered a *miles gloriosus*, typically a blocking character, but in this case, self-blocking.

Given *Midsummer*'s likely composition date of 1594 (roughly a decade before the accepted date of *Othello*'s composition), its 'trial' scene could certainly have influenced *Othello*'s.[106] There are other generic similarities between the plays as well. Frances Teague has suggested that in *Othello*, Shakespeare 'uses a comic structure to achieve tragic effect',[107] a concept first explored in depth by Susan Snyder in *The Comic Matrix of Shakespeare's Tragedies* (1979).[108] She suggests that *Othello*'s turn from comedy to tragedy and the destruction of its eponymous character have to do with comedy's rejection of singleness.[109] A similar setup in both plays is succeeded by middles that take structural turns in a process Emma Smith has referred to as 'genre […] being negotiated'.[110] This process leads to the working out of the drastically divergent ends.

But the 'trial' scenes that begin the plays are remarkably similar. Whereas Brabantio says to Othello as he arrests him (a de facto indictment prior to his trial before the signory of Venice in the next scene): 'damned as thou art, thou hast / enchanted

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[105] The author is indebted to Laurie Maguire for this observation.
[106] Dorothea Kehler gives a likely composition date for *Midsummer* in 1594 or 1595 ('A Midsummer Night's Dream: A Bibliographic Survey of the Criticism', in *A Midsummer Night's Dream: Critical Essays* (London: Psychology Press, 1998), 3-76, p. 3), while E.A.J. Honigman dates the composition of *Othello* between 1601 and 1604 (*Othello*, Arden, London: Methuen & Co Ltd, 1996, p. 344).
[107] Frances Teague, '*Othello* and New Comedy', in *Comparative Drama*, 20:1 (Spring 1986), pp. 54-64, p. 54.
[108] Susan Snyder, *The Comic Matrix of Shakespeare's Tragedies:* Romeo and Juliet*,* Hamlet*,* Othello*, and* King Lear (Princeton: Princeton UP), 1979.
[109] Snyder, *Comic Matrix*, p. 51.
[110] Emma Smith, *The Cambridge Introduction to Shakespeare* (Cambridge: Cambridge University Press, 2007), p. 92.

her!' (1. ii. 65-6)[111] – Egeus tells Duke Theseus that Lysander 'hath bewitched the bosom of my child' (1. ii. 27).[112] Brabantio accuses Othello of employing 'foul charms' (line 76), and 'drugs or minerals / That weakens motion' (lines 78-9), while Egeus cites 'love tokens' by moonlight (lines 29-30), 'bracelets of thy hair, rings, guards, conceits / Knacks, trifles, nosegays, sweetmeats – messengers / Of strong prevailment in unhardened youth' (lines 33-5). These accusations have their counterparts in Brabantio's subsequent arraignment of Othello before the Venetian Duke, wherein he accuses Othello of employing 'some mixtures powerful over the blood / Or […] some dram, conjured to this / effect' (1. iii. 108-10). Both fathers accuse their daughters' suitors of 'cunning', which in addition to its definition as deceitfulness, carried a raft of connotations of folk magic, the source of the love charms and philtres both fathers fear.[113]

While Brabantio outright accuses Othello of witchcraft (1. iii. 68), *Midsummer*, consistent with its comic genre, is less explicit. It continues to play with witchcraft, however. Duke Theseus responds to Egeus' accusations by addressing Hermia:

> To you your father should be as a god,
> One that composed your beauties, yea, and one
> To whom you are but as a form in wax,
> By him imprinted, and within his power
> To leave the figure or disfigure it (1. ii. 47-51).

For his simile about the duty a child owes its parent, Theseus alights upon the figure of the poppet. Often composed of wax, poppets were a component of sympathetic magic constructed to look like a living person. They were a source of social and political anxiety, as it was believed that by harming the poppet, the possessor could harm the

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[111] William Shakespeare, *Othello*, ed. Kenneth Muir, (London: Penguin, 2015).
[112] William Shakespeare, *A Midsummer Night's Dream*, ed. Russ McDonald, The Pelican Shakespeare, (London: Penguin, 2000), p. 4.
[113] See Keith Thomas's classic discussion of cunning folk in *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth Century England* (London: Penguin, 1971). The anonymous *The Wisdom of Doctor Dodypoll* (1600) contains a love potion, but one that the play's eponymous character prepares too strong.

individual it represented. In 1566, one John Walsh was interrogated on suspicion of witchcraft by Master Thomas Williams, an appointee of the Bishop of Exeter. Walsh 'said that pictures made in wax will cause the party for whom it is made to continue sick two whole years, because it will be two whole years ere the wax will be consumed'.[114] Poppets also played a role in the Windsor witch trial of 1579. Three wax poppets were found buried in a dunghill the year before, and the Privy Council Register records that 'there hath lately been discovered a practice of that device very likely to be intended to the destruction of Her Majesty's person'.[115] Reliably, Scot, takes up the matter of poppets, too, offering a charme for their construction:

> Make an image in his name, whom you would hurt or kill, of new virgine wax; under the right arme poke whereof place a swallowes hart, and the liver under the left; then hang about the necke thereof a new thred in a new needle pricked into the member which you would have hurt, with the rehearsall of certeine words, which for the avoiding of foolish superstition and credulitie in this behalfe is to be omitted (bk. xii, ch. xvi).[116]

He finishes in high-Pecksniffian tone: 'And if they were inserted, I dare undertake they would doo no harme, were it not to make fooles, and catch gudgins [credulous people]' (bk. xii, ch. xvi).[117]

At the close of *Midsummer*, in a speech some have conflated with the views (or even an ars poetica) of its author, Theseus shows himself to be sceptical of folklore, supernatural phenomena, and mythological stories – therefore ironically sceptical also of those, such as Ovid's *Metamorphoses* and Plutarch's *Lives*, which serve as sources for his character in the play: 'I never may believe / These antique fables nor these fairy toys' (5. i. 2-3). Barbara Mowat connects the scepticism of this curiously substantial speech with Reginald Scot's *Discoverie of Witchcraft*, particularly the following lines from Theseus:

> And as imagination bodies forth

[114] Barbara Rosen, *Witchcraft in England 1588-1618* (Amherst: University of Massachusetts Press, 1969), p. 70.
[115] *Privy Council Register*, New Series, vol. 2, p. 22, in Rosen, *Witchcraft in England*, p. 83.
[116] Scot, *Discoverie*, p. 146.
[117] Scot, *Discoverie*, p. 146.

> The forms of things unknown, the poet's pen
> Turns them to shapes, and gives to airy nothing
> A local habitation and a name.
> Such tricks hath strong imagination
> That, if it would but apprehend some joy,
> It comprehends some bringer of that joy;
> Or in the night, imagining some fear,
> How easy is a bush supposed a bear! (5. i. 14-22)[118]

In a well-known passage of *Discoverie*, Scot writes:

> in our childhood our mothers maids have so terrified us with[…] bull beggers, spirits, witches, urchins, elves, hags, fairies, satyrs, pans, faunes, sylens, kit with the cansticke, tritons, centaurs, dwarfes, giants, imps, calcars, conjurors, nymphes, changlings, *Incubus*, Robin good-fellowe, the spoorne, the mare, the man in the oke, the hell waine, the fierdrake, the puckle, Tom thumbe, hob gobblin, Tom tumbler, boneles, and such other bugs, that we are afraid of our owne shadowes: in so much as some never feare the divell, but in a darke night; and then a polled sheep is a perillous beast (bk. vii, ch. xv).[119]

Theseus' sceptical position is doubly ironic, because it can be read as undergoing its own comic reversal in a play whose final lines – breaking the fourth wall – are given to Puck, a character with origins both in fairy lore and early modern witchcraft pamphlets, including the anonymous *Most Strange and Admirable Discovery of the Three Witches of Warboys* (1593).[120]

Another witchcraft-related element of the play is the penalty that Hermia faces should she accept Lysander against her father's wishes. Duke Theseus warns Hermia that should she disobey her father, her life is forfeit under Athenian law, but this legal provision is delivered by fiat – according to what Egeus calls 'the ancient privilege of Athens' (1. i. 41) – rather than explained in the play. On the one hand, as Mowat writes: 'it is possible that Theseus's response to Hermia reveals the priority in act 1, scene 1 of

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[118] Barbara A. Mowat discusses Theseus' scepticism mirroring Reginald Scot's in '"A Local Habitation and a Name": Shakespeare's Text as Construct', in *Style* 23:3 (1989), 335-51, p. 343.
[119] Thomas Middleton lifts this list almost intact for Hecate's conjuring in *The Witch*: Urchins, Elves, Hags, Satyrs, Pans, / Fauns, Silens, Kit-with-the-Candlestick, Tritons, Cen- / taurs, dwarves, Imps, the Spoorne, the Mare, the Man / i'th' Oak, the Hellwain, the Fire-Drake, the Puckle! (1.ii. 102-105) (*The Collected Works of Thomas Middleton*, Gary Taylor and John Lavagnino, eds., (Oxford: Oxford UP, p. 1136)).
[120] Winfried Schleiner, 'Imaginative Sources for Shakespeare's Puck', *Shakespeare Quarterly* 36:1 (Spring, 1985), 65-68, p. 67.

Plutarch's image of Theseus as the strong supporter of Athenian law, or (as many believe) reflects the influence of Brookes's *Romeus and Juliet'*.[121] On the other hand, the death penalty may suggest witchcraft-related antecedents. While the edict that seems initially insuperable only to be set aside later is a common comic obstacle (present in *The Comedy of Errors* (5. i. 314), and nearly so in *The Merchant of Venice* (4. i. 105), nevertheless the darkness here cannot be fully dissipated through recourse to genre. In the 'real' world of the play's composition, if a man like Lysander were found to be a witch, then as his consort, Hermia could possibly be implicated via accusations of a compact. The play therefore retains the faint implication that Hermia's life could be in jeopardy for tainting herself by uniting with one associated with 'cunning' magic.

Do such witchy elements make *Midsummer* a witch play? It boasts fewer obviously witchy elements than Middleton's *The Witch* (c. 1613), or even Lyly's farcical cunning-woman comedy, *Mother Bombie* (1594) – a crone who is wise rather than magical. As noted above, this thesis does not argue for a jumble sale of supernatural content, conflating anything supernatural with witchiness. However, a cultural and compositional contiguity of the supernatural existed in early modern England, such that Scot, in his warning against credulity, places witches in ranks with a host of other creatures that go bump in the night, and playwrights, including Shakespeare and Middleton, borrow from those ranks to furnish their dramas. To sever these connections is to misunderstand fundamentally how early modern playwrights engaged creatively with their sources and how early modern audiences engaged with the content of the plays.[122]

Reading demonologies or legal acts for their strict taxonomies of magical practitioner, and using these to attempt to separate plays into groups featuring certain

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[121] Mowat, 'A Local Habitation', p. 350, n. 10.

[122] Compare this to Emma Wilby's work on connections between witches and fairies (as familiars): 'The Witch's Familiar and the Fairy in Early Modern England and Scotland', in *Folklore*, 111:2 (Oct., 2000), pp. 283-305. Particularly as the seventeenth century wore on, the demonologists involved in the Sadducean controversy argued for demons and spirits as witches' familiars (see Davies, *Science*, p. 151).

categories of magic user or magical being, misses the rather obvious point that these groups' presence together in the demonologies is inherently interpenetrative and unstable. So also Scot, in his sceptical compendium, includes a chapter on the propensity in English to use 'witch' as a catchall term for all actual (for Scot, *biblical*) or would-be magic users, including, among others: 'couseners'; 'old women which danse with the fairies'; diviners; magicians; idolaters; conjurers; jugglers; 'murtherer[s] with poison'; 'observers of dreames'; 'soothsaiers'; 'observers of the flieng of fowles, of the meetings of todes, the falling of salt'; false miracle-workers; as well as those that are 'old, lame, curst, or melancholike' (bk. v., ch. ix).[123] Scot's actual purpose is to separate out the conflation of terms in this list – i.e. inapt usages – from the four classes of 'witch' spoken of by Moses: the *Praestigiatores Pharaonis* (charlatans); *Mecasapha* ('she that destroieth with poison'); those who divine with the words *Kasam*, *Onen*, *Ob*, *Idoni*; and *Habar* (magicians who 'mumble certeine secret words, wherein is thought to be great efficacie') (bk. v., ch. ix).[124] Of course, Scot's protest against the misuse of 'witch' highlights the prevalence of the practice. As he himself notes: 'at this daie it is indifferent to saie in the English toong; she is a witch; or, She is a wise woman' (bk. v., ch. ix).[125] Moreover, though he is seeking to answer what he sees as unbiblical conflation in the *Malleus Maleficarum* and the demonology of Jean Bodin, Scot includes lists of 'bugges', 'charmes', 'Popish' periapts, feats of 'legierdemaine', and 'Alcumystrie', in his book under the title *The Discoverie of Witches*, effectually participating in the intertextual conflation he decries.

In *Scepticism and Belief in English Witchcraft Drama, 1538-1681* (2019), Eric Pudney misses out the witchy elements of *A Midsummer Night's Dream* identified above: while discussing Shakespeare's sources, he writes that 'one feature of *The Golden Asse* that is

[123] Scot, *The Discoverie of Witchcraft*, p. 62-3.
[124] Scot, *The Discoverie of Witchcraft*, p. 62-3.
[125] Scot, *The Discoverie of Witchcraft*, p. 62-3.

absent from Shakespeare's play is witchcraft'.[126] Nevertheless, he takes note of a process of categorical conflation on the English stage that brings to mind the categorical interpenetrativeness of the demonological treatises. Pudney suggests that Shakespeare's *Midsummer* 'takes Apuleian witchcraft and transforms it, turning witches into much more sympathetic fairies in a process of sublimation'.[127] This sublimation is further underlined and given further support by the witchy sinews of the play that Pudney fails to recognise.

Asking whether *Midsummer* is a witch play is akin to asking whether *Measure for Measure* is a forensic play. In either case, such a designation is reductive (though Quentin Skinner does suggest of the group of plays he analyses that Shakespeare's 'engagement with the *genus iudiciale* is so intense that one might even think of these as his forensic plays').[128] Like reading for forensic rhetoric, reading for witchcraft and judicial discourses can bring important questions into focus, and also suggest intertextual connections, as in the case of the influence of *Midsummer* on *Othello*'s trial sequence considered just above.

Taking a cue from Skinner's interpretation-explanation dichotomy, this thesis avoids interpreting this or that play as a witch play. Instead, as in the examples above, it employs witchcraft as a way of seeing, of uncovering, otherwise hidden connections, sources, and intertextualities. As such, it multiplies sites where reading for witchcraft can be productive. The trial in *The Merchant of Venice*, for example, offers a useful comparison to the witchcraft trials in *Othello* and *Midsummer*, given the above-cited rhetorical conflation of Jews and witches as minoritarian loci of fear and animus .[129] Other staged trials also involve juridical elements that become clearer when read against contemporary witchcraft-related legal discourses. John Webster's *The White Devil* (1612) features a

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[126] Eric Pudney, *Scepticism and Belief in English Witchcraft Drama, 1538-1681* (Lund, Sweden: Lund UP, 2019), p. 98.
[127] Pudney, *Scepticism and Belief*, p. 98.
[128] Skinner, *Forensic Shakespeare*, p. 1.
[129] See Ginzburg, *Ecstasies*, pp. 33-88; see also Ronnie Po-Chia Hsia, *The Myth of Ritual Murder: Jews and Magic in Reformation Germany* (New Haven: Yale UP, 1988); Miri Rubin, *Gentile Tales: The Narrative Assault on Late Medieval Jews* (New Haven: Yale UP, 1999).

woman, Vittoria Corombona, on trial for crimes bordering on witchcraft, including petty treason. Webster's *The Duchess of Malfi* (c. 1612), where witches feature as 'part of the sociopathic mental furniture of Ferdinand',[130] also contains veneficia, as well as wax effigies, and can also be read productively for witchcraft.

The Lost Plays Database has numerous entries that likely could profitably have been read for witchcraft and juridical discourses: *Black Joan* (1597), though only doubtfully witchy – the name may in fact be John; *Doctor Lambe and the Witches* (1634), probably in the genre of plays that dramatise elements of contemporary pamphlets, and likely capitalising on the success that year of Heywood and Brome's *The Late Lancashire Witches*,[131] Thomas Downton and Samuel Rowley's *Friar Fox and Gill of Brentford* (1592-1593); *Long Meg of Westminster* (1595); Michael Drayton and Anthony Munday's *Mother Redcap* (1598); and *The Wise Man of Westchester* (c. 1594). The latter four seem to belong to the cunning folk genre.[132]

Witchcraft-related pre-trial or non-trial juridical elements can be found in works ranging from cunning folk plays (*Bombie*; Thomas Greene's *Friar Bacon and Friar Bungay* (c. 1592)) and plays about cozeners (Thomas Heywood's *The Wise Woman of Hogsdon* (1604); Ben Jonson's *The Alchemist* (1610)), through plays featuring magicians that nevertheless open onto witchy elements (Marlowe's *Doctor Faustus* (c. 1589);[133] George Peele's *The Old Wives' Tale* (c. early 1590s); *The Merry Devil of Edmonton* (c. 1600); Shakespeare's *The Tempest* (c. 1610)) – and plays that feature multiple of these features, including *The Wisdom of Dr Dodypoll* (1600); Jonson's *The Devil is an Ass* (1616) and Rowley's (probably)

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[130] Diane Purkiss, 'Witchcraft in Early Modern Literature', in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: OUP, 2013), 122-40, p. 135.
[131] 'Doctor Lambe and the Witches', in Roslyn L. Knutson and David McInnis, eds., 'The Lost Plays Database' (Melbourne, 2009), <lostplays.org> [accessed 27 March 2019].
[132] Roslyn L. Knutson and David McInnis, eds., 'The Lost Plays Database' (Melbourne, 2009), <lostplays.org> [accessed 27 March 2019].
[133] For a discussion of the witchy basis of *Faustus*, see Paul Kocher, 'The Witchcraft Basis in Marlowe's *Faustus*, in *Modern Philology* 38:1 (1940), pp. 9-36.

The Birth of Merlin (1622) – as well as history plays that touch upon historical witchcraft accusations (Shakespeare's *2 Henry VI* (c. 1591); various Richard III plays), to plays that dramatise and sensationalise elements from contemporary witchcraft pamphlets (Dekker, Ford, and Rowley's *The Witch of Edmonton* (1621); Heywood and Brome's *The Late Lancashire Witches* (1634)). In what follows, this thesis reads many of these plays both for witchcraft and their juridical content, proceeding according to the methodology set out below.

iv. Methodology

The methodology of this thesis is informed by the early modern preoccupation with the discovery of witchcraft, literally with its uncovering or exposure. Witchcraft lurks in the plays as it was considered to lurk within communities: it acts obliquely and inversely; it manifests prominently in titles only to be relegated to subplots within the dramas themselves, or it is embedded in setting in ways that allow for the unfolding of magical plots. Reading for the nexus of witchcraft and associated juridical elements – and especially reading out from this nexus to plays not obviously situated at the point of intersection, to where one or other of these elements predominates – generates a potentially unlimited class of plays to consider using witchcraft as a lens. Therefore, as any literary-critical thesis must, the present one takes decisions limiting the scope of its enquiry in terms of time and authors and works considered. In terms of time, the thesis focuses on the English theatre between 1576, the founding year of the Theatre, and 1642, when the Long Parliament banned the staging of plays. In terms of content, it is organised thematically, with each of its chapters taking as its topic some element of cross-pollinating jurisprudential and theatrical witchcraft discourses in support of the thesis's claim that interpenetration between stage and court's representations of

witchcraft jurisprudence facilitated changes in both.

Chapter 1 demonstrates how reading plays for the intersection of witchcraft and the law – or 'thinking with witch trials', to adapt Stuart Clark's phrase – offers insight into how authority can be built or projected at the expense of accused witches, within and beyond the theatre. It also argues that early modern theatrical representation of witchcraft jurisprudence affected the theatre's representation of law even outside of witchcraft contexts. To show this, the chapter reads out from the witchcraft trial in Shakespeare's *Othello* (1603) to trials in other plays wherein characters are othered by witchcraft in both explicit and implicit ways, reflecting a cultural context with a durable interest in discovering and containing malefic witchcraft.

Chapter 2 moves from courtroom to royal court and from witch trials to dynastic struggles, comparing the narrative possibilities of staging this forensically invisible crime across a trio of Richard III plays: Thomas Legge's *Richardus Tertius* (c. 1580), the anonymous *True Tragedie of Richard III* (c. 1590), and Shakespeare's *Richard III* (c. 1593). Witchcraft accusations were frequently associated with rebellion in both political conflicts and chronicle histories. Dramatists also closely associated rebellion and treason (both petty and high) with witchcraft and often incorporated supernatural elements including witchcraft into histories and other plays to heighten both spectacle and structural flexibility. While the thesis could have analysed witchcraft elements in any number of history plays as representatives of the genre, selecting Richard III offered the advantage of two non-Shakespearean examples to consider alongside Shakespeare's play, enabling comparison of the divergent uses playwrights made of witchcraft and legal elements drawn from the same sources. To further demonstrate how the 'thinking with witch trials' modelled in this chapter could productively be applied to plays of other genres, the chapter also considers Webster's use of witchcraft and legal discourses in revenge tragedies *The White Devil* (1612) and *The Duchess of Malfi* (c. 1613).

Chapter 3 adds to the prior chapters' consideration of staging the legal and political prosecution of witchcraft by examining the role of jurisdiction in staging law and witchcraft. The chapter demonstrates that Shakespeare's *The Merry Wives of Windsor* (c. 1597) contains a local, extra-judicial response to an accusation of witchcraft, and argues that the play's tensions between centralised legal authority and local justice reflect contemporary legal and political concerns.

Chapter 4 dismisses various critical attempts to argue for belief or scepticism with regard to witchcraft on the part of early modern playwrights. The use made of contemporary legal discourses by playwrights such as Dekker, Ford, and Rowley, in *The Witch of Edmonton* (1621), and Heywood and Brome, in *The Late Lancashire Witches* (1634), does, however, reveal sites of scepticism within the culture that gave rise to the plays. Ultimately, the chapter argues, questions of what can be believed or doubted within a cultural context are of greater moment than the chimera of establishing a particular author's belief or scepticism.

Chapter 5 is a coda testing the relevance of the thesis's central argument beyond the period under consideration. In doing so, the chapter demonstrates that despite their diversity, the ways of staging witchcraft and the law in the late Elizabethan and Jacobean periods have a discernible commonality that was no longer prevalent in the post-Civil War theatre. The chapter contrasts Thomas Shadwell's use of sources for his Restoration-era *The Lancashire Witches* (1681) with the correspondence between the plays analysed in Chapter 4 and their legal source materials. This comparison highlights a shift in conceptions of witchcraft among learned elites over the intervening half century, away from legal definitions and prosecution towards questions of theology and natural science – and argues that this shift is also perceptible in staged representations of witchcraft and law.

Together, these chapters construct the argument that dramatic representations of

witchcraft and law in the early modern period reflect – and are influential in – a significant shift in judicial perception over a relatively short period of time, from the Elizabethan era to the Interregnum. Staged witchcraft and the law in this narrow span of years correspond with judicial practices testing out a sea change in belief: from a state of affairs wherein educated elites sublimated popular witchcraft beliefs into legal and theological frameworks, to one where judicial officers resisted popular accusations and tamped down public enthusiasm for prosecuting witches.

A brief conclusion deploys the critical lens developed in the thesis's earlier chapters to demonstrate how types of early modern storytelling around witchcraft and anti-witchcraft jurisprudence continue to be used to construct judicial and political authority down to the present day. It argues for the value of that reading with witch trials as a means of exposing these processes and counteracting their role in the production of power.

I. A Just and Public Trial: *Othello* and the Construction of Authority[1]

Othello sets itself apart from other plays of its period in its unique staging of a witchcraft trial. For the ten years leading up to the play's probable first performance in 1603, even imperfectly surviving records from Essex indicate that in that county alone, at least fifty witchcraft cases were tried.[2] Pamphlets proliferated, offering often-sordid details of the uncovering and prosecution of witches to an insatiate public. Yet despite this social currency, the phenomenon of the witchcraft *trial* seems curiously absent from the boards of the contemporary theatre. As Diane Purkiss notes, 'the only time we see something like a trial for witchcraft dramatised on the Renaissance stage, the defendant is a man'.[3] That man is Othello, of course, but this chapter argues that the play dramatises not just one, but three witch trials – for the implicit 'trials' of Desdemona and Iago also feature striking aspects of early modern anti-witchcraft jurisprudence.

This chapter's examination of *Othello*'s trials is intended as an exemplary case study for the thesis's project of reading with witchcraft jurisprudence. It explores one pathway for the mutual influence of courts and stage: the use of witchcraft as a foil for narrative construction of jurisprudential (and political) authority. This happens within *Othello*, as well as within the literary and social contexts of the play's construction. Again

[1] An earlier version of this chapter grew out from my unpublished master's essay 'Othello: A Play in Three Trials' (Oxford University, 2012). Here it has been significantly rewritten and expanded.
[2] Alan Macfarlane, *Witchcraft in Tudor and Stuart England* (London: Routledge, 1970), pp. 264-5.
[3] Diane Purkiss, *The Witch in History* (London: Routledge, 1997), p. 263.

and again in contemporaneous true-crime and trial pamphlets, JPs and judges – via the proxies of the pamphlet authors – make the case for the justice and rightness of their actions during assizes and other legal proceedings. Because of the inherent difficulty of proving an epistemologically and ontologically challenging crime like witchcraft (and the associated crimes under the various anti-witchcraft statutes), these narrative attempts at self-justification and vindication are particularly pointed, and at times, poignant. This chapter's approach epitomises the broader project of this thesis in two ways: First, it offers a demonstration of how reading with witches – specifically, reading for juridical content in relation to witchcraft – can deepen our understanding of the early modern English theatre's relationships with its political, social, and jurisprudential contexts. Secondly, it highlights how reading in this way can open up new aspects of the plays to our consideration and appreciation.

When the works of Shakespeare are discussed in the context of witchcraft, *Macbeth* is often a touchstone. *Othello* is an interesting contrast, because in it, witchcraft is not so plot-centric as are the witches in *Macbeth*, and its witches – it has several – are arguably less visually memorable. Its witches are not staged, as they are in *Macbeth*, so spectacle does not come into play. But they are nevertheless important to the plot, and as this chapter will argue, important also to the othering of the title character around which the plot is constructed.

Lorna Hutson employs *Othello* as an exemplar in her argument about the robust and innovative forensic character of early modern English drama, but omits consideration of how witchcraft affects this forensic content.[4] The witchcraft elements constitute, apparently, one of Shakespeare's innovations in the plot of the tale of Disdemona and the Moor from Cinthio's *Gli Heccatommithi*. It is possible that he added

[4] See Lorna Hutson, *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford: Oxford UP, 2007).

these elements, and updated the political context of the story to the late-sixteenth century war between Venice and the Turks, to heighten the tension and appeal for contemporary audiences.[5]

Whatever the reason behind the plot intervention, when Shakespeare chooses to use witchcraft (connected to Othello's Moorish otherness) as one vehicle for the distrust between the title character and his society that allows the tragedy to unfold, he also includes elements of witchcraft jurisprudence in the mix. This connects two ways of bringing witchcraft into being: through narrative and through law. This chapter argues that Othello is a witch first in the stories of his accusers. These stories become an indictment, transforming Othello into an accused witch. Whether or not he possesses any supernatural power – and, his own stories to the contrary, the play seems clear that he does not – the formal accusation has a certain ontological power: it creates him as an alleged witch in the same way that being sued today transforms one, whatever else one may be, into a defendant.

One way to think about criminal trials under common law, witchcraft trials among them, is as the contestation of two narratives, with a jury to decide a verdict and a judge to render judgement. As Quentin Skinner notes, in Othello's 'defence' at his trial he advances smoothly from *prohoemium* to *narratio*, evidence of Shakespeare's rhetorical training.[6] Following judgement, another narrative often supervenes – the self-justifying narrative of the judge vindicating his actions at trial. While a judge cannot be said to be created discursively in the same way as a witch – judges are, after all, appointed to their positions, not created by the act of rendering judgement – the *perception* of a judge's righteousness or justness (ethics aside) is one crafted and defended in narrative. Supernatural cases offer a unique challenge to justice and the authority to render it:

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[5] See Owen Davies, 'Shakespeare: living in a world of witches' in *OUPblog* <blog.oup.com> 12 June 2016. [accessed 23 May 2019].
[6] Quentin Skinner, *Forensic Shakespeare* (Oxford: Oxford UP, 2014), pp. 123-124.

where facts are not plain, are literally occult, those adjudicating them are particularly vulnerable to skepticism and accusations of injustice. Perceived injustice constitutes a high road to social and political upheaval.

This judicial vindication is a hallmark of early modern witchcraft pamphlets. Predictably, given the play's interest in witchcraft and witchcraft jurisprudence, it is present also in *Othello*, albeit in the briefest form. After hearing Othello's defence against the charge of witchcraft levelled by Brabantio, namely that story is the only witchcraft he used to win the heart of Desdemona, the Duke renders his initial judgement: 'I think this tale would win my daughter too' (1. iii. 173). When Brabantio continues to protest, the Duke says, 'Let me speak like yourself and lay a sentence / which, as a grise or step, may help these lovers' (1. iii. 200-201). Here 'sentence' means a proverb, after Latin *sententia*, but also connotes the rendering of judgement: the Duke is passing sentence as well as offering advice. And the advice he offers, repeated in several parallel versions, is encouragement for Brabantio to accept the fait accompli of the lovers – and implicitly, to accept the Duke's decision as judge to support them: 'To mourn a mischief that is past and gone / Is the next way to draw new mischief on' (1. iii. 204-205). In other words, 'don't cry over spilled milk'.

In the pamphlets that deal with actual witchcraft trials in early modern England, justificatory features could be much more elaborate. In her work on the Corpus of Early Modern English Witchcraft Pamphlets, a corpus comprising the thirty-six extant witchcraft pamphlets from 1566-1697, Carla Suhr notes that in an attempt to reach the rapidly growing semi-literate audiences, the pamphlets occupy a locus between the communicative immediacy of playtexts and the communicative distance of written legal proceedings.[7] Suhr divides the pamphlets into three different sub-genres: 1) trial reports,

[7] Carla Suhr, 'Publishing for the Masses: Early Modern English Witchcraft Pamphlets', in *Neuphilologische Mitteilungen* 113:1 (2012), 118-121, pp. 118-19. The continuum Suhr uses is based on the historical pragmatics

which retain much of the elevated legal language of the trial documents upon which they are based; 2) narratives, or trial reports edited into narratives, often with much authorial commentary; and at the close of the period, 3) news reports, offering digest accounts of witchcraft and witch trials.[8] Based on their affordability (around two pence per pamphlet), wide proliferation, and lurid illustration, all three sub-genres were aimed at semi-literate audiences.

Owen Davies considers it likely that Shakespeare was familiar with at least some of these pamphlets.[9] Davies speculates that he would have heard of the witches of Warboys, tried at Huntingdon in Cambridgeshire, via the pamphlet *The Most Strange and Admirable Discoverie of the Three Witches of Warboys* (1593). Barbara Rosen argues that this trial 'attracted probably more notice than any other [witch trial] in the sixteenth century'.[10] Shakespeare may have been familiar with other witchcraft pamphlets also; the corpus shows a clustering of trials and pamphlets in the late sixteenth century, coinciding with the period of his activity in London.[11] Like his authorial contemporaries, Shakespeare used his rhetorical and language training partly to transform content from elevated sources (chronicle histories; classical plays and mythologies; learned texts and commentaries) to entertainments for socially diverse urban audiences. In this way, the role of the early modern English playwright shared certain features with the role of the pamphlet author tasked with providing popular accounts of trial proceedings.

The Warboys pamphlet begins with a double attempt to vindicate the trial's outcome: the hanging of Mother Alice Samuel together with her husband and daughter

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theory of Koch and Oesterreicher (1985).

[8] Suhr, 'Publishing for the Masses', p. 120.

[9] See Owen Davies, 'Shakespeare: living in a world of witches' in *OUPblog* <blog.oup.com> 12 June 2016. [accessed 23 May 2019].

[10] Barbara Rosen, *Witchcraft in England, 1558–1618* (Amherst: University of Massachusetts Press, 1969), p. 27, p. 213.

[11] There are three pamphlets in 1579 and another three in 1589-1592, a frequency not surpassed until the witch-hunting of the Civil War (see Carla Suhr, 'Portrayal of Attitude in Early Modern English Witchcraft Pamphlets' in *Studia Neophilologica* (84:1) 2012, 130-42, p. 131.

for the bewitching of the Throckmorton family and the death of Lady Jane Cromwell. In the first vindicatory device, Thomas Man and John Winnington, the pamphlet's authors, dedicate it to Edward Fenner, the judge of the King's Bench who presided at the trial. Man and Winnington begin their dedication by praising Fenner's success at 'crossing of whatsoeuer pamphlets should haue beene preferd, respecting either the matter partly or confusedly'.[12] Fenner's apparent barring of other pamphlets about the trial put forward by 'idle wit[s] seeke[ing] to blaze abroade their vainnesse', makes Man and Winnington's pamphlet in effect authorised. The dedication goes on to note that Fenner himself oversaw the pamphlet and corrected it for error: 'you haue beene carefull aswell for the tryall & iudgement of such hainous offenders, and withall taken extraordinarie paines in perfecting this worke, for the printing to others example'.[13] This is quintessential authority-construction, and the device is reciprocal: if Fenner's conduct and judgment is vindicated, then the pamphlet, which Fenner oversaw, is also bolstered as authoritative.

The second vindicatory device employed at the outset of the Warboys pamphlet is in the preface to the reader. Here the pamphlet's authors explain the delay in the pamphlet's appearance as being due: 'aswell that nothing might escape untoucht which [the Samuels] had done, as that euery thing might bee throughly sifted, least it should passe any way corruptly'.[14] These claims, to comprehensiveness in proof, thoroughness in editing, and faithfulness in transmission, construct the authors' authority as truth-tellers, and also reinforce the earlier construction of Fenner as just judge. By implication, they also reinforce judicial authority generally, as well as political authority reaching as high as Queen Elizabeth, who named Fenner a judge of the King's Bench. This is made explicit, moreover, in the dedication, where Fenner is named 'one of the Iustices of the court of

[12] Thomas Man and John Winnington, *The Most Strange and Admirable Discoverie of the Three Witches of Warboys* (London, 1593), sig. A2, in *Early English Books Online* <proquest.com> [10 January 2020].
[13] *Witches of Warboys*, sig. A2.
[14] *Witches of Warboys*, sig. A2^{v}.

her Maiesties bench'.[15] In this manner, a local trial opens onto and underscores state justice and legal and political authority.

Finally, the Warboys pamphlet constructs its authority and that of Justice Fenner through what historical pragmatists refer to as attitude. On the title page, the 'discouerie' (or exposure) of the Warboys witches is called both 'strange' and 'admirable'.[16] The attitude here suggests that this is no ordinary crime, and to have uncovered and successfully adjudicated it is a feat not only worthy of admiration, but also of exciting wonder.[17] On the first page, the account proper begins by attesting to its own veracity: 'A true and particular observation of a notable piece of Witchcraft, practiced by John Samuel the Father, Alice Samuel the Mother, and Agnes Samuel their daughter'.[18] This is more true-crime than whodunit.

This practice of narrative justification of judicial and political authority – a justification made both to the public and the ruling elite – stretches clear across the period, and is particularly pronounced in the cases of witchcraft, which proved so challenging to justices of the peace in terms of evidence and ways of proof. From the time of the first Witchcraft Act in 1542 through to the excesses of Salem a century and a half later, judicial anxieties about getting it wrong were prevalent in either direction: too lenient and witches might subvert the community and the state; too strict and innocent lives would be lost, resulting in civil and political disorder. Pamphleteers use language to convey an attitude of opprobrium with regards to the witches whose trials they describe for the public; Rosen groups the witchcraft accounts within a genre she calls moralistic

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[15] *Witches of Warboys*, sig. A2.
[16] *Witches of Warboys*, sig. A1.
[17] The first known literary use of 'admirable' to mean 'worthy of admiration' is in Sidney's *Arcadia* (1586). The now-rare meaning of 'exciting wonder; to be marvelled at' was the more current at the time of the pamphlet's publication, and its implications for authority construction are obvious. Particularly in the face of a crime that defies natural evidence and ways of proof, it is vital to have recourse to discernment and judgement bordering on the marvellous (see *OED* s.v. 'admirable' <oed.com> [accessed 31 May 2019].
[18] *Witches of Warboys*, sig. A3.

pamphlets, which 'not only treat events, situations, phenomena, and fashions as objects of moral reflection, but also subject all kinds of experience to moral judgement of a trite and limiting kind'.[19] One example featuring anxieties about judicial leniency is *A rehearsall both straung and true* (1579), a pamphlet relating the 'hainous and horrible actes' purportedly commited by Elizabeth Stile and three other accused witches, along with their arraignment, condemnation, and execution.[20] The anonymous pamphlet begins by moralising about threats to the state arising from judicial 'slackness' and popular indifference:

> For albeeit the Iusticer bee seuere in executyng of the Lawes in that behalfe, yet suche is the foolishe pitie, or slackenes, or both of the multitude and vnder officers that thei most commonly are winked at, and so escape vnpunished, to the dishonour of God, and imminente daunger on hir Maiesties leige people.[21]

The warning here is primarily of the danger that unpunished witchcraft poses to the people, but by appending the adjective 'leige' [sic], the author underscores the relationship between monarch and people, her 'vassals'. A threat the people bring on themselves through moral laxity therefore constitutes a violation of their responsibility as subjects and a threat to the viability of the state. Ultimately, the pamphlet's censure of insufficiently strict under-justices and a neglectful populace amounts to a vindicatory trope by another route: by implication, the judges who condemned Stile and her fellow witch defendants are not merely punishing crime, but protecting the very fabric of society and the state.

Joining the pamphleteers' vindicatory devices, whether justifying their own accounts or the judges who caused the accounts to be written, are those of better-known historical figures. King James, not only pamphleteer, but judge and sovereign by divine right, includes such a device in the preface to his *Daemonologie* (1597), wherein he asserts

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[19] Rosen, *Witchcraft*, p. 33.
[20] *A rehearsall both straung and true* (London, 1579), sig. Aii^{v}.
[21] *A rehearsall both straung and true*, sig. Aii^{v}.

that he produced the work 'not to serue for a shew of [his] learninge & ingine, but onely […] to resolue the doubting harts of many; both that such assaultes of Sathan are most certainly practized, & that the instrumentes thereof, merits most severly to be punished'.[22] This latter point about deserving punishment was especially relevant in light of James's personally presiding over the North Berwick trials in 1590.

While James intends his treatise as a work of reason (the word appears five times in various forms in the brief preface), his self-vindicatory remarks have recourse also to his own ultimate political authority and to the divine. The printer's information on the title page informs readers that the treatise was printed by Robert Waldegraue, 'Printer to the Kings Majestie', and 'Cum Privilegio Regio'.[23] While title pages are primarily the province of printer rather than author, the choice to include the Royal Arms of Scotland makes both commercial and political sense.[24] The motto of the Royal Arms, which frames them on the title page, 'In My Defence God Me Defend', could not offer a better encapsulation of the ultimate backstop for judicial authority. Despite James's stated intention to prove his case discursively, the pragmatics here are reminiscent of the divine vouchsafement of justice as comprehended in medieval trial by ordeal. After all, in terms of justification, there is no higher authority than god.

During the English Civil War, Matthew Hopkins, the self-styled Witch-finder General, oversaw the execution of hundreds of people as witches, primarily in East Anglia. In *The Discovery of Witches* (1647), he cites King James's *Daemonologie* as justification for his practice of ducking the accused.[25] Indeed, Hopkins's entire text is an exercise in post facto self-justification, taking the form of his answers to fourteen 'queries' supposedly put to the Norfolk assizes about his conduct. Hopkins's epigraph,

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[22] James VI, *Daemonologie* (Edinburgh, 1597), sig. A2-A2^{v}.
[23] James VI, *Daemonologie* (Edinburgh, 1597), sig. A1.
[24] Margaret M. Smith, *The Title-Page: Its Early Development 1460-1510* (London: Oak Knoll Press, 2001), p. 11.
[25] Matthew Hopkins, *The Discovery of Witches*, Quer. 10 (London, 1647), B1^{r}-B1^{v}.

'EXOD. 22:18. Thou shalt not suffer a witch to live', suggests the tenor and truculence of the whole'.[26]

Where justifications proved unconvincing, authority-construction could unravel, resulting in social and political disquiet. In the aftermath of the controversial 1645 Bury St Edmunds trials overseen by Hopkins, the *Moderate Intelligencer*, a Parliamentary journal, mocked the witchfinder and raised concerns about his methods.[27] Parliamentary reestablishment of judicial norms in the Eastern Association via the assize courts may have hastened Hopkins's retirement. Across the Atlantic following the period of the witch trials in Salem, 'the crisis of witchcraft was transformed into a crisis of legitimacy'.[28] In late 1692, the governor imposed a ban on the printing of all publications related to witchcraft. Later, magistrates and prelates who had taken part in the trials or advocated for prosecution sought ways to reconcile their involvement. Samuel Parris, the minister whose daughter began the panic by accusing the family's slave, Tituba, of being a witch, remained a lightning rod for public recrimination in Salem Village despite delivering a sermon, 'Meditations for Peace', in which he acknowledged and apologised for his errors.[29] Discontent continued until the winter of 1696, one of the severest yet known to the colonists, when the House of Representatives directed Cotton Mather to compose a document in support of a 'Day of Humiliation', which read in part: 'we were led […] unto those Errors whereby Great Hardships were brought upon Innocent persons, and (wee feare) Guilt incurr'd which wee have all cause to Bewayl'.[30] Nevertheless, the social and political fallout from the trials took years to fade and led indirectly to the removal of Governor Phips and the (relative) fall from favour at

[26] Matthew Hopkins, *The Discovery of Witches* (London, 1647), sig. A2r.
[27] Diane Purkiss, 'Desire and Its Deformities: Fantasies of Witchcraft in the English Civil War' in *Journal of Medieval and Early Modern Studies* (27:1), Winter 1997, 103-132.
[28] Richard Weisman, *Witchcraft, Magic, and Religion in 17th-Century Massachusetts* (Amherst: The University of Massachusetts Press, 1984), pp. 167-8.
[29] Weisman, *Witchcraft, Magic, and Religion*, p. 173.
[30] qtd. in Weisman, *Witchcraft, Magic, and Religion*, p. 174.

Harvard of the Mathers, father and son.

In some cases, self-justificatory devices in pamphlets go beyond assertions of veracity, reliance upon pragmatics, or recourse to royal or divine authority, in order to offer narrative evidence of a judge's perspicacity and justness. Stephen Pumfrey refers to this group as 'tracts […] that reproduced legal documents in order to secure the reputation of the law officers'.[31] One antecedent for such narratives is the Judgement of Solomon story from 1 Kings 3:16-28. This tale of the righteous judge who devises a ruse to separate truth from falsehood is well known in world literature, and has been classified as Aarne-Thompson tale type 926. 'Great Britain's Solomon',[32] James I, saw in the story not a judge offering merely 'a learned exposition of the Law, but a wise sifting and examination of the fact, where testimonie was obscure, and failed'.[33] Francis Osborne, the popular seventeenth-century essayist, relates that James saw himself as one such, capable of separating fact from falsehood in cases where testimony was insufficient. James also cautioned his judges to be wary of testimonies purporting to offer supernatural evidence: 'Charge he gave [them] to be circumspect in condemning those, committed by ignorant Justices, for diabolical compacts. Nor had he concluded his Advice in a narrower Circle (as I have heard) than the denial of any such operations, but out of reason of State: and to gratify the Church, which hath in no age thought fit to explode out of the Common Peoples minds, an apprehension of Witchcraft'.[34] Osborne also relates the a story of three condemned witches set free by James following his cross-examination of their supposed victim, a boy whose testimony began to falter, 'possibly

[31] Stephen Pumfrey, 'Potts, plots and politics: James I's *Daemonologie* and *The Wonderfull Discoverie of Witches*' in Robert Poole (ed.), *The Lancashire Witches: Histories and Stories* (Manchester: Manchester UP, 2002), 22-41.
[32] Maurice Lee, Jr., *Great Britain's Solomon: James VI and I in His Three Kingdoms* (Champaign: University of Illinois Press, 2001).
[33] James I, 'A Proclamation for Jurors', Hampton Court, 1607, in *Stuart Royal Proclamations,* James F. Larkin and P.L. Hughes, eds. (Oxford: Clarendon Press, 1973), pp. 167-71.
[34] Francis Osborne, 'Essay On Such as Condemn All they understand not a Reason for' in *Works* (London, 1682), Kk5-Kk7, sig. Kk6.

daunted at [the king's] presence, or terrified by his words'.[35] Osborne notes that James was 'gratified by nothing more than an opportunity to shew his dexterity in discovering an Imposture, (at which, I must confesse him the promptest man living)'.[36] This admiration, lukewarm as it is, is all the more startling since for Osborne, writing under the Protectorate, James is no Solomon.[37]

Thomas Potts's *Wonderfull Discoverie of Witches in the Countie of Lancaster* (1613) exemplifies this trope of the righteous judge. Marion Gibson calls the pamphlet the 'clearest example of an account [of a witch trial] obviously published to display the shining efficiency and justice of the legal system'.[38] The pamphlet depicts two trials that had taken place at the Lancaster Assizes the year prior: three of the accused, known as the Samlesbury witches, were ultimately exonerated; of the more numerous Pendle witches, all but two were executed after being found guilty. The judges at the trials, Sir James Altham and Sir Edward Bromley, directed Potts, the clerk of the Lancaster Assizes, to write and publish the account, a move that Pumfrey has called a 'high risk strategy. It confidently called attention to conventions that could have been adjudged in London as a miscarriage of justice'.[39] The pamphlet's instigators, therefore, must have been 'confident that it would stop criticism and even advance their careers'.[40] To achieve these ends, the pamphlet needed to demonstrate that Altham and Bromley were not taken in by unreliable testimony, but that they had wisely sifted and examined the facts.

To this end, it employs a multipronged strategy to defend and embellish the judges' reputations and construct their authority. The paratext contains the standard

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[35] Osborne, 'Essay On Such as Condemn All' in *Works* (London, 1682), Kk5-Kk7, sig. Kk6^{v}.
[36] Osborne, 'Essay On Such as Condemn All' in *Works* (London, 1682), Kk5-Kk7, sig. Kk6^{v}.
[37] Elsewhere Osborne writes of the king: 'it may justly be said, He, like Adam, by bringing the Crowne into so great a Necessity through a profuse prodigality, became the originall of his Son's fall' (see Francis Osborne, *Historical memoires on the reigns of Queen Elizabeth and King James* (London, 1658), G5^{v}).
[38] Marion Gibson, 'Thomas Potts's Dusty Memory: Reconstructing Justice in *The Wonderfull Discoverie of Witches*', in Robert Poole (ed.), *The Lancashire Witches: Histories and Stories* (Manchester: Manchester UP, 2002), 42–57.
[39] Pumfrey, p. 26.
[40] Pumfrey, p. 26.

asseverations of veracity by the author and dedication to important personages – in this case to Baron Thomas Knyvet (along with his wife), 'a powerful, and significant, patron at James's court'.[41] By dedicating the work to esteemed patrons so near to the king, its author and instigators likely hoped to curry favour and forestall criticism of their actions at the trial, with its unusually high number of convictions. Moreover, Knyvet had burnished his reputation in 1605 by arresting Guy Fawkes beneath the House of Lords, purportedly in the very act of carrying out the Gunpowder Treason. Dedicating the pamphlet to a figure renowned for uncovering so infamous a plot carried obvious resonance.[42]

Potts incorporates a humility trope in the dedication: 'Here is nothing of my own act worthie to bee commended to your Honours, it is the worke, of those Reuerend Magistrates, His Maiesties Iustices of Assizes in the North partes, and no more then a Particular Declaration of the proceedings of Iustice in those partes'.[43] In a single sentence, Potts manages to praise the judges, note their responsibility for the tract, argue that it constitutes a straightforward ('no more than') relation of fact, and connect the judges to the king and thence to Justice writ large. Potts continues: 'Here shall you behold the Iustice of this Land, truely administred […] Mercie and Iudgement, freely and indifferently bestowed and inflicted; And aboue all thinges to bee remembred, the excellent care of these Iudges in the Triall of offendors'.[44] The judges' excellent care is to be remembered above all things, but lest the reader forget, the judges themselves appear on the page immediately following the dedication: 'Upon the Arraignement and triall of these Witches at the last Assizes and Generall Gaole-deliuerie, holden at Lancaster, wee found such apparent matters against them, that we thought it necessarie to publish them

[41] Pumfrey, p. 30.
[42] Mark Nicholls, *DNB* s.v. 'Knyvett [Knyvet], Thomas, Baron Knyvett' <dnb.com> [accessed 1 June 2019].
[43] Thomas Potts, *The Wonderfull Discoverie of Witches in the Countie of Lancaster* (London, 1613), sig. p2^{r}.
[44] Potts, *The Wonderfull Discoverie*, sig. p3^{v}.

to the World, and thereupon imposed the labour of this Worke vpon this Gentleman'.[45] Both Altham and Bromley's names appear below this text. In a second printing, Bromley additionally appends the following: 'After [Potts] had taken great paines to finish it, I tooke vpon mee to reuise and correct it, that nothing might passe but matter of Fact, apparant against them by record. […] The whole proceedings and Euidence against them, I finde vpon examination carefully set forth, and truely reported, and iudge the worke fit and worthie to be published'.[46] Such insistence might strike the contemporary reader as overmuch protest, but the truth claims and authority-construction of the prefatory materials are not yet complete. Following the judges' testimonials, the *printer* appends a brief note: 'Gentle Reader, although the care of this Gentleman the Author, was great to examine and publish this his worke perfect according to the Honorable testimonie of the Iudges, yet some faults are committed by me in the Printing, and yet not many, being a worke done in such great haste, at the end of a Tearme, which I pray you, with your fauour to excuse'.[47] Before the account of the trial is even set forth, then, the author, the trial judges, and the printer all attest to its accuracy, truth, and perfection.

It is in the body itself, though, that the tract achieves Gibson's description of it as the clearest example of an account intended to vindicate the verdict it sets forth. It does so by using one of the trials it depicts as a foil for the other. By showing restraint and perspicacity in exonerating the accused Samlesbury witches, the judges make it likelier that their judgement in the Pendle case will be perceived as just. This was not idle care; beyond protecting their reputation and careers, there is evidence that the judges were worried over public agitation by the family and friends of Jennet Preston, executed at York in 1612 immediately prior to the Pendle gaol delivery.[48] To make this more explicit,

[45] Potts, *The Wonderfull Discoverie*, sig. A2^{v}.
[46] Potts, *The Wonderfull Discoverie*, sig. A3^{v}.
[47] Potts, *The Wonderfull Discoverie,* sig. A4^{r}.
[48] Pumfrey, p. 26.

Potts – and by their own admission, Altham and Bromley as instigators and editors – 'rhetorically protected Bromley's [the judge with direct oversight of criminal cases] reputation against charges of credulity by the order in which it recounted the cases'.[49] The pamphlet begins with the guilty pleas of certain Pendle accused, but pauses that account and passes along to the Samlesbury trial. Only after relating the remarkable events of the Samlesbury case with its 'miraculous' exonerations does the pamphlet return to deal with the Pendle accused who had continued to insist on their innocence. Potts sets up the segue with a storyteller's aplomb: 'Thus haue we for a time left the Graund Witches of the Forrest of Pendle, to the good consideration of a verie sufficient Iury of worthy Gentlemen of their Countrey. We are come now to the famous Witches of Samlesbury, as the Countrey called them'.[50] This narrative construction telescopes time to give the illusion of simultaneity and currency to two sequences that were a year in the past at the time of the pamphlet's publication and were in any case sequential. Potts's segue almost anticipates the 'Meanwhile, back at the ranch' catchphrase of the silent film era.[51]

In the Samlesbury trial, the sole evidence is offered by Grace Sowerbutts, a fourteen-year-old girl related to two of the defendants. She regales the court with tales of horrifying rites including child murder, cannibalism, and shapeshifting. According to Sowerbutts's testimony, 'said Iennet Bierley [Sowerbutts's grandmother] did meete this Examinate neere vnto the place where shee dwellleth, and first appeared in her owne likenesse, and after that in the likenesse of a blacke Dogge'.[52] Later, according to Sowerbutts, her grandmother kidnapped a baby and 'thrust a naile into the nauell of the said child: and afterwards did take a pen and put it in at the said place, and did suck there

[49] Pumfrey, p. 35.
[50] Potts, *The Wonderfull Discoverie*, sig. K3ʳ.
[51] Eric Partridge, *A Dictionary of Catch Phrases, British and American, from the Sixteenth Century to the Present Day* (London: Routledge, 1977), p. 306.
[52] Potts, *The Wonderfull Discoverie*, sig. L1ʳ.

a good space'.[53] After recounting the grisly testimony against the defendants and summarising the points of Sowerbutts's evidence, Potts offers the reader a rhetorical question: 'Who [would] not condemne these Women vpon this euidence, and hold them guiltie of this so foule and horrible murder?'[54] This sets the stage for the vindication of Bromley, and Potts continues: 'But Almightie God, who in his prouidence had prouided meanes for their deliuerance, although the Priest by the help of the Deuill, had prouided false witnesses to accuse them; yet God had prepared and placed in the Seate of Iustice, an vpright Iudge to sit in Iudgement vpon their liues'.[55] The accused women drop to their knees, and weeping, urge the judge to examine Sowerbutts's testimony in greater depth. She falls apart utterly upon judicial examination, and it becomes apparent that she has been coached in her responses, with a 'treacherous' Jesuit, Father Christopher Southworth, behind her testimony.[56] When Potts returns to his narrative of the Pendle trial, the justness of the judges has thus been bolstered by this account of their masterful, and divinely backstopped, insight and wisdom.

While Potts's *Wonderfull History* may be the most explicit, it is far from the only exemplar of 'a judge using the publication of trial documents in order to defend his competence'.[57] This trope of authority-construction – in terms of both asseverations of justice and narrative-embedded vindications thereof – finds its way into early modern drama. One example is the trial scene of *The Merchant of Venice*, wherein Shylock connects the justice of his suit to the legitimacy of the state. 'If you deny me, fie upon your law– / There is no force in the decrees of Venice. / I stand for judgment. Answer, shall I have it?' (4. i. 102-104).[58] Once she has rehearsed the facts of the case, Portia-as-

[53] Potts, *The Wonderfull Discoverie*, sig. L2^{r}.
[54] Potts, *The Wonderfull Discoverie*, sig. M3^{v}.
[55] Potts, *The Wonderfull Discoverie*, sig. M3^{v}.
[56] Potts, *The Wonderfull Discoverie*, sig. M3^{v}-M4^{r}. See also Christine Goodier, 'The Samlesbury Witches' in *Lancaster Castle: People and Stories* <lancastercastle.com> [accessed 25 May 2019].
[57] Pumfrey, p. 30.
[58] All citations are from William Shakespeare, *The Merchant of Venice* (London: Bloomsbury, 2011).

Balthazar admits that should Shylock demand justice, 'this strict court of Venice / Must needs give sentence / Against the merchant there' (4. i. 193-4). And when Bassanio urges the Duke to 'wrest once the law', Portia demurs:

> It must not be. There is no power in Venice
> Can alter a decree establishèd.
> 'Twill be recorded for a precedent,
> And many an error by the same example
> Will rush into the state. It cannot be (4. i. 208-212).

Shylock greets this pronouncement with praise: 'A Daniel come to judgement, yea, a Daniel! / O wise young judge, how I do honor thee!' (4. i. 213-14). Daniel, whose name means 'God is my judge' in Hebrew, is considered wiser than all the seers and magicians of Babylon (Daniel 1:20). Shylock continues to praise the judgment of Portia-as-Balthazar, calling her 'most reverend doctor' (4. i. 216), and saying:

> It doth appear you are a worthy judge.
> You know the law. Your exposition
> Hath been most sound. I charge you by the law,
> Whereof you are a well-deserving pillar,
> Proceed to judgement (4. i. 227-231).

He goes on to name her 'noble judge' (4. i. 237); 'wise and upright judge' (4. i. 240); 'rightful judge' (4. i. 292); and learnèd judge (4. i. 295). Of course, this is merely the baiting of a trap for Shylock, for having so praised the intermediate judgements of Portia-as-Balthazar, he can scarcely contest her ultimate pronouncement when the trap is sprung upon him. This conceit partly echoes the story of the Judgement of Solomon, in that a 'plaintiff' is offered rope with which to hang himself. Another Shakespearean example can be found in *Henry V*, where the king allows Scroop, Cambridge, and Grey, whose treasonous dealings with France he is already apprised of, to urge 'much correction' rather than mercy in the case of a drunk who has abused the king. When their own treason is brought to light, their strict words stand against them: 'The mercy that was quick in us but late / By your own counsel is suppressed and killed. / You must not

dare, for shame, to talk of mercy' (2. ii. 85-7).[59] What these variations on the justice-vindicated trope lack, however, is a supernatural component: the witchcraft trial's recourse to divine wisdom in order to counteract Machiavellian ambition or the wiles of the devil.

That element is present in the false miracle episode of *2 Henry VI*, in which Duke Humphrey of Gloucester exposes the deception of a beggar called Simpcox. The man is asking alms before the shrine of Saint Albans, claiming to have been healed of blindness. Critics have wondered what to make of this interlude, rare in the early history plays in its attempts to deal with characters of a class below the high-born principals.[60] That it can be played to clownish effect is obvious, but even in this it is tonally distinct from the balance of its scene and the play. Simpcox and his wife appear and then vanish for the duration, and whatever comic potential is built by their presence dissipates to no effect.

However, reading for witchcraft jurisprudence – and in this case, specifically for how it can be used as a foil to build authority – can help to shed light on this interlude. The story's provenance shows that the witchcraft pamphlets are not unprecedented in their use of righteous judge trope. They along with other true crime pamphlets may have been influenced in turn by uses made of it in chronicle histories. Both the play and Shakespeare's source for the false miracle episode, John Foxe's *Actes and Monuments*, are eager to construct Humphrey as both shrewd and just.[61] Towards this end, Foxe, Shakespeare's source, offers up two sources of his own: '[A]s the learning of this Prince was rare and memorable, so was the discreete wisedom and singular prudence in him no less to be considered; as, for the more manifest proofe thereof, I thought it here good,

[59] William Shakespeare, *Henry V* (London: Bloomsbury, 1995).
[60] Elihu Pearlman, 'The Duke and the Beggar in Shakespeare's *2 Henry VI*' in *Criticism* 41:3 (Summer 1999), 309-321, p. 309.
[61] Pearlman, p. 313.

amongst many other of his goodly doings, to recite one example, reported as well by the penne of sir Thomas More, as also by M. William Tindal, the true Apostle of these our later dayes'.[62] Here again we have authority-construction through narrative, and to underscore Duke Humphrey's sagacity and justness, Foxe is willing to quote even from More, an ideological foe.

For Pearlman it is tempting to imagine Shakespeare following up on these sources, giants on either side of the rift of the English Reformation.[63] If he had done so, he would have found accounts with morals less simplistic than a 'Protestant debunking of Catholic magic'.[64] On the one hand, More argues that Humphrey's ability to detect sham miracles derived from God's willingness to protect the reality of his own, approved wonders. On the other, Tyndale suggests that the ability to see through false miracles – and for Tyndale, all latter-day miracles are false – would have constituted 'a hatefull science unto our spiritualtye [the Catholic priesthood] and moare abhorred than necromancye or witchcrafte'.[65] Tyndal argues that it is this talent that made Humphrey 'worthye to dye' according to the laws of a corrupt prelacy, 'and that secretlye if it be possible'.[66] He does not deny that proceeding against supernatural foils – in this case against pseudo-miracles – can contribute to the construction of authority; but he suggests that in this instance it made Humphrey (for Tyndale, a proto-Reformer) a target of Cardinal Beaufort and other great lords who had vested interests in the old faith.

It is unlikely that Shakespeare could have been unaware of the religious ambivalence coded into the false miracle episode. Perhaps, as Pearlman suggests, he was delighted that it 'carr[ied] doctrinal implications that raised hackles on both sides of the

[62] John Foxe, *Actes and Monuments* (London, 1583), 705a.
[63] Pearlman, p. 316.
[64] Pearlman, p. 314.
[65] William Tyndale, *The Practyse of Prelates* (Marbroch, 1530), sig. f4^{v}-fS, qtd. in Pearlman, p. 318
[66] William Tyndale, *The Practyse of Prelates* (Marbroch, 1530), sig. f4^{v}-fS, qtd. in Pearlman, p. 318.

aisle'.[67] In any event, constructing Humphrey near the outset of the play as both just and wise raises the dramatic stakes. It makes his fall the more lamentable, and the death of the wisdom and statecraft he embodies becomes a metaphor for the turmoil awaiting the realm on the brink of the Wars of the Roses. Although Humphrey and his ideological foe, Cardinal Beaufort, play significant roles in *1 Henry VI*, and the false miracle episode comes early in *2 Henry VI* (Act 2, Scene 1), the latter play was first performed and published under the title *The First Part of the Contention* and probably preceded *1 Henry VI* in composition order.[68] Therefore, (re)establishing the authority of 'Good Duke Humphrey' at the beginning of the *Contention* duology makes dramaturgic sense.[69]

The dramatic irony of Humphrey's fall is moreover emphasised by the placement of the false miracle episode between the conjuration scene in which his wife, Eleanor, is taken in the act of summoning a demon (1. iv), and Buckingham's arrival with news of her witchcraft and arrest. This bookending highlights the moral distance between Humphrey and Eleanor, as well as between Humphrey and the plotters seeking to depose him as Lord Protector. It is Richard Plantagenet, Duke of York, who foreshadows the fall of Humphrey, telling his complotters: 'The King is now in progress towards Saint Albans; / With him the husband of this lovely lady [Eleanor Cobham]. / Thither goes these news as fast as horse can carry them– / A sorry breakfast for my Lord Protector' (1. iv. 76-80).[70] It is this York, father to future Kings of England Edward IV and Richard III, around whom the Yorkist party will coalesce.

Authority-construction through witchcraft jurisprudence is nested in this sequence. York arrests Eleanor Cobham for witchcraft, one cause (in the play) for his

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[67] Pearlman, p. 321.
[68] See, for example, R. B. McKerrow, 'A Note on *Henry VI, Part 2* and *The Contention of York and Lancaster*', in *The Review of English Studies*, 9 (1933), p. 161.
[69] G.L. Harriss, *DNB* s.v. 'Humphrey [Humfrey or Humphrey of Lancaster], duke of Gloucester [*called* Good Duke Humphrey]' <dnb.com> [accessed 2 June 2019].
[70] William Shakespeare, *King Henry VI, Part 2* (London: Arden, 1999).

political rise and the fall of Humphrey – and ultimately of the King's party. While Humphrey's goodness and justice are demonstrated by his ability to see through (and punish) supernatural pretence, this ability actually makes more grievous his failure to perceive his own wife's maleficia. When Buckingham relates the news of her arrest, Humphrey laments:

> if she have forgot
> Honor and virtue, and conversed with such
> As, like to pitch, defile nobility,
> I banish her my bed and company
> And give her as a prey to law and shame
> That hath dishonored Gloucester's honest name (2. i. 207-212).

The king retains judicial and political authority for the moment, and he responds thus to Humphrey:

> Tomorrow toward London back again,
> To look into this business thoroughly,
> And call these foul offenders to their answers,
> And poise the cause in Justice' equal scales,
> Whose beam stands sure, whose rightful cause prevails (2. i. 214-18).

The heroic couplets that complete these speeches underscore their speakers' authority, and the rhyme implies an evenhandedness, actting out the balance of justice's scales. However, this too is ironic. Soon Humphrey will be dead and the Henrician regime will be measured in the scales against York to determine whose cause prevails – it is not Henry's.

Another example of the righteous judge motif vis-a-vis witchcraft can be found in *The Lady Falkland: Her Life* (circa 1643-1650), a biography of Elizabeth Cary, Viscountess Falkland, written by an unspecified one of her four daughters. Cary was the first female author to publish an original play in English, *The Tragedy of Mariam, the Fair Queen of Jewry* (1613). Her daughter's purpose in the biography is to honour her mother's legacy and 'to stress her triumphs and trials as an "exemplary" subject of Catholic

conversion'.[71] She does so partly by focussing on Cary's intellectual development and attainments in domains almost exclusively reserved for men. Cary's study of languages – she studied French, Spanish, Italian, Romanian, Latin, and Hebrew – and broad reading connect to her contribution to the Jacobean stage, though her biographer does not mention *The Tragedy of Mariam*.[72]

What does appear is Cary's early interest in the law, in the form of an anecdote about 'a woman who was brought before her father for a witch'.[73] The anecdote mirrors the episode of Grace Sowerbutts's false testimony in that it handles a child's involvement in the judicial procedure against witchcraft. But where fourteen-year-old Sowerbutts's false testimony nearly leads to the death of three accused witches, ten-year-old Cary intervenes to save the life of a woman nearly condemned. '[T]rembling and weeping' the accused 'confessed all to be true', including bewitching a man to death by sending her familiar to lick and breathe on him.[74] Her accusers asked Cary's father 'what more would [he] have than her own confession', but before a verdict could be rendered, Cary encouraged her father to enquire of the woman 'whether she had bewitched to death Mr John Symondes […] her uncle who was one of the standers-by'.[75] The woman confessed to this also, and it became apparent that she had been intimidated into confessing in hopes of attaining mercy. She was then 'easily believed innocent, and [ac]quitted'.[76] In a text designed to vindicate Cary's religious conversion, it is clear that the episode is meant to point to divine favour.

It is easy to picture this scene in the mind's eye; it is almost like a little play. There

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[71] Barry Weller and Margaret W. Ferguson, eds. 'Introduction', in Elizabeth Cary, *The Tragedy of Mariam, the Fair Queen of Jewry, with The Lady Falkland, A Life* (Berkeley: University of California Press, 1994) p. 2.
[72] *The Lady Falkland: Her Life*, Barry Weller and Margaret W. Ferguson, eds. (Berkeley: University of California Press, 1994), p. 186.
[73] *The Lady Falkland*, p. 186.
[74] *The Lady Falkland*, p. 187.
[75] *The Lady Falkland*, p. 187.
[76] *The Lady Falkland*, p. 187.

the sagacious nobleman, sitting at his ease a trembling woman, bent double, cringes before the seat of power. The accusers swarm around, tall and overpowering compared to the accused. Meanwhile, almost hidden behind her father's shoulder, the clear-eyed child looks on. There is nothing apparently supernatural in this interaction; but even the threat of witchcraft is enough to dust the scene with a bit of magic. This is reminiscent of stage magic in the sense that spectacle makes an inward truth externally manifest. As with Solomon, whether the child discovers the truth by her own wit or by God's favour it practically amounts to the same thing. As this chapter will show, the stage excels in such scenes of authority-construction, particularly when it can perform them vis-à-vis witchcraft.

i. Constructing a Witchcraft Defence

In *Othello*, the title character's attempts to defend himself against the charge of witchcraft look something like an inversion of the judges' self-justifying tropes in the prefaces and bodies of witchcraft pamphlets. Othello has the scope not only to assert his innocence, but also to pursue a narrative defence. He offers examples of the types of stories he told Desdemona to woo her – 'This only is the witchcraft I have used' (1. iii. 171).[77] This narrative openness granted to a defendant reflects the dramatic requirements of the play, as well as Othello's high status in the service of Venice. It was not common for an accused witch to have such scope to pursue a defence, whether at trial or in the documents created after the fact by those who had convicted him or her. Many judicial proceedings would have looked more like the indictment described in the Cary biography, wherein the accused witch is immediately in deep water and willing to agree to

[77] William Shakespeare, *Othello*, E.A.J. Honigmann, ed. (London: Arden, 1997).

most anything in hopes of getting free.

The sections that follow consider the construction of judicial and political authority along with other aspects of witchcraft jurisprudence on display in *Othello*, in what can usefully be seen as the trials of Othello, Desdemona, and Iago. By breaking out each 'trial' in this manner, the chapter exemplifies how reading for witchcraft jurisprudence can open up new aspects of plays to consideration.

ii. The Trial of Othello

Roderigo's famous epithet for Othello, the 'stranger of here and everywhere', resonates with the disquiet felt across social boundaries within populations confronted by witchcraft phenomena. The epithet is an amphibology, whose meaning can be read off either as 'a stranger not only here but everywhere', or as a stranger (in whatever sense foreign) who is of here as he is of everywhere, a cosmopolitan who is nevertheless *of this place*. Othello is the definitive insider-outsider, and it is this tension of identity – both self-constructed and externally imposed – that stalks him through the play.

Trial and pamphlet literature demonstrates that witches, too, were imagined as strangers of here and everywhere, as both threats to and potential guardians of domestic spaces. They could be conceived of as foreigners on the very threshold of private, domestic spaces, as well as acquaintances – even family members – rendered alien by struggles as deeply sublimated as the impulse to safeguard fertility or by other, more immediate challenges to hearth and home. 'The "good" witch who helped a client to triumph over an opponent in law or love, or who cured him by transferring his disease to another person, might well be regarded as a "bad" one by the injured party'.[78] This

[78] Keith Thomas, *Religion and the Decline of Magic* (London: Weidenfeld & Nicolson, 1971), p. 520.

healer-harmer dichotomy appears again and again in the trial literature of the period; the accused often have reputations as cunning folk and healers before they are tried as witches.[79]

In the fantasy of Bennet Lane, for example, a deponent in the St. Osyth trials in Essex in 1582, 'the witch is a kind of antihousewife, her own dark Other who causes pollution where there should be order'.[80] After acrimonious domestic dealings with Agnes Heard, a woman subsequently arraigned as a witch, Lane has problems both with her spinning and in the dairy. This domestic disorder is set aright only by Lane's using the proper counter-magics: 'shee tooke a horse shue and made it redde hote, and put it into the milke in the vessals, and so into her creame: and then she saith, shee coulde seath her milke, fleete her creame, and make her butter in good sort as she had before'.[81] Along with other cunning skills, such counter-magics constituted a valuable part of village craft-life and economy, and seemingly only became exceptionable in times of communal stress. When stressors did arise, however, such as intersections with broader national witch crazes or confrontations with inexplicable death or disease, especially in relation to maternity, a pre-existing reputation as a cunning person was a strong predictor of witchcraft accusation and ultimate trial.[82]

This construction of witches as both latent threats and potential saviours intersects with Othello's dubitable position in Venice. At the outset of the play, he already possesses a potentially fatal reputation. He is an outsider granted access to the centre of Venetian society, whose Moorish origins associate him with strange magic.[83]

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[79] Marilynne K. Roach, *The Salem Witch Trials: A Day-by-Day Chronicle of a Community Under Siege* (New York: Cooper Square, 2002), pp. xxiv-xxv.
[80] Purkiss, *History*, p. 97.
[81] Marion Gibson, *Early Modern Witches: Witchcraft Cases in Contemporary Writing* (Abingdon: Routledge, 2000), p. 115.
[82] For cunning folk in village economies, see Thomas, *Decline*, pp. 252-300. For the role of cunning reputation in witchcraft accusation, cf. mentions in the abstracts of Essex witchcraft cases in Macfarlane, *Witchcraft*, pp. 280-85.
[83] Purkiss, *History*, p. 263.

The ambivalence of his position is linguistically reified in that he is almost invariably referred to as 'the Moor' rather than with an honorific, despite the position he has attained as the city-state's foremost soldier. Even when the epithet is coupled with a complimentary descriptor – the senator's 'valiant Moor' (1. iii. 48); Montano's 'noble Moor' (II. iii. 134) – there is a certain irony in play, for 'Moor' is often a metonym for otherness and malign magic in the period.[84]

Most telling, because rare, are the places where Othello is not referred to by a moniker, sardonic or otherwise. The Duke calls Othello by name – one might say by his Christian name – throughout scene three of the first act, for example, but the Duke is clearly not disinterested in the outcome of their interaction: he wishes to press Othello into service against the Turks. Even so, the Duke's practice is book-ended by reductive usage: as Othello approaches, a senator observes 'Here comes Brabantio and the valiant Moor', calling the one by name and the other by his handle (1. iii. 48). During the trial scene, the senator follows the Duke's example in referring to Othello by name, but afterwards Othello is once again 'brave Moor', as the senator dismisses him (1. iii. 292).

Iago leverages Othello's tenuous reputation in bringing a witchcraft accusation against him. Once set in motion, this charge carries him to trial and, in a sense, finally to the scaffold. Iago is able to construct Othello as a threat to the polity by constructing him first as a private threat to Brabantio and his paternity:

> Zounds, sir, you're robbed, for shame put on your gown!
> Your heart is burst, you have lost half your soul,
> Even now, now, very now, an old black ram
> Is tupping your white ewe! Arise, arise […]
> Or else the devil will make a grandsire of you (1. i. 84-90).

Iago's accusations here are drawn from elite demonological discourses as opposed to

[84] William Shakespeare, *Othello*, E.A.J. Honigmann, ed. (London: Arden, 1997). On the Moor as Other, see G.K. Hunter, 'Elizabethans and Foreigners', in *Shakespeare and Race*, ed. by Catherine M.S. Alexander and Stanley Wells (Cambridge: Cambridge UP, 2000), pp 37-63.

domestic, cunning-folk magics; he employs the tropes of pact witchcraft, which could be read out of Continental prelatic treatises like the *Malleus Maleficarum* or in King James's *Dæmonologie* :[85] the diabolical symbolism of the ram; sexual congress with the devil; the insecurity of the soul. Compare Iago's 'old black ram' with the words of demonologist Jean Bodin, glossed in Reginald Scot's *Discoverie of Witchcraft*: 'First, as touching the divell (*Bodin* saith) that he dooth most properlie and commonlie transforme himselfe into a gote. […] Howbeit, he sometimes alloweth the divell the shape of a blacke Moore'.[86] For Iago's audience as well as Shakespeare's, such diabolical aspersions would have resonated with conceptions of magic-tainted Moorishness and rendered Iago's accusations all the more powerful.[87]

The threat to the domestic sphere soon becomes a matter of concern to the polity. Not only is Brabantio's paternity in danger, but by extension his place among the Venetian patrician elite. Due to the implication of witchcraft, Iago's warning that Brabantio has lost half his soul dangerously connotes more than the loss of a daughter. As Alison Rowlands notes, one of the ways men could get caught up in witchcraft accusations was 'as "secondary witches" who were related to women also suspected of witchcraft'.[88] Brabantio may be stirred to action not only to protect his daughter and the reputation of his house, but also to protect himself. When Iago's allegations move forward, Brabantio becomes the mouthpiece for them.

Othello's arrest and trial map well onto legal procedure against witches in the period. Marion Gibson reconstructs the typical process in which a plaintiff would

> come before the magistrate with a complaint against a suspect […] The

[85] Heinrich Kramer and James Sprenger, *The Malleus Maleficarum*, trans. Montague Summers (New York: Dover, 1971); Donald Tyson, ed., *The Demonology of King James I* (Woodbury, MN: Llewellyn, 2011).
[86] Reginald Scot, *The Discoverie of Witchcraft* (New York: Dover, 1970), p. 51.
[87] Lewis Spence, *Legends and Romances of Spain* (London, 1920), p. 333.
[88] Alison Rowlands, *Witchcraft Narratives in Germany: Rothenburg 1561-1652* (Manchester: Manchester University Press, 2003), p. 161. Rowlands has the term from Rolf Schulte, *Man as Witch* (London: Palgrave Macmillan, 2009), pp. 209-17. While both Schulte and Rowlands are discussing Central European witch trials, the 'secondary witch' concept has also been identified in early modern English legal contexts.

> magistrate would question the victim, using questions likely to elicit a response which would be useful at the assizes […] The accusations would be put to the suspected witch, whose responses would be recorded […] [and on] the basis of these accounts of events, the accused witch would be committed by the magistrate for trial at the next assizes – a period of waiting which he or she would pass in gaol.[89]

Events in the play unfold similarly to how they might in a rural community confronted by witchcraft phenomena. Iago lodges a witchcraft complaint with Brabantio, who has magisterial authority in his role as a member of the signiory of Venice. Brabantio displays an initial ignorance of witchcraft, asking of the feckless Roderigo whether he has not read of charms 'By which the property of youth and maidhood / May be abused' (1. i. 170-71). But perhaps Brabantio's naivety is feigned, reflecting the desire to distance himself from what was often the familial character of witchcraft accusations. When he accosts Othello, Brabantio does not merely repeat Iago's charges. He elaborates them, seeming suddenly to possess specific knowledge of the sophisticated witch discourses he earlier professed no understanding of. The legal character of the altercation is emphasized by Brabantio's language: 'I therefore apprehend and do attach thee / For an abuser of the world, a practiser / Of arts inhibited and out of warrant' (1. ii. 77-9). When Othello asks where he must go to answer the charge, Brabantio responds 'To prison, till fit time / Of law, and course of direct session / Call thee to answer' (1. ii. 85-7).

Justice is speedy in the world of the play. Brabantio and Othello are soon before the 'assizes' of the Ducal court, where the formerly halting Brabantio accuses Othello in ready demonological shorthand.[90] Desdemona is described as having been abused, kidnapped, and corrupted by 'spells and medicines bought of mountebanks'. Brabantio asserts that this could not have been accomplished 'Sans witchcraft' (1. iii. 61-5). Though this melange of accusations might be expected to raise doubts in its auditors, conflating

[89] Gibson, *Witches*, p. 3.
[90] Just because common law elements are present in the play does not mean an audience untrained in the law would have noticed them; to some the action might have suggested a foreign legal system, as in Webster – one meant to look inferior to English justice.

as it does folkloric elements with pact witchcraft and even scepticism, the Duke immediately proclaims the capital punishment of whomsoever should be found guilty of the charges.

Othello's response is predictable. It is after all in language that he has constructed himself a Venetian, perhaps even more so than by strength of arms; the only evidence we have for the latter is Othello's own asseverations.[91] Under duress and in the dock, Othello does what he will do elsewhere: he retreats into language. His linguistic self-fashioning is bipartite. In its first phase, it represents a recourse to rhetoric. As if lifting a page from the *Rhetorica ad Herennium* – a text with which Shakespeare was familiar[92] – Othello commences his defence with affected humility, a standard rhetorical mode in the exordium, or introductory portion of a discourse: 'Rude am I in my speech / and little blest with the soft phrase of peace' (1. iii. 82-3).[93] He continues by reminding his auditors of the martial service he has done the state, launching into one of the high-flown speeches that have enabled Iago to accuse him of 'a bombast circumstance / Horribly stuffed with the epithets of war' (1. i. 12-13). He completes the exordial phase of his defence by restating Brabantio's charges against him with a lawyer's exactitude (1. iii. 89-94). Similar high-rhetorical strategies have apparently worked before; they have underwritten Othello's bid for integration with the Venetian elite. It is as though he employs language of a certain register to insist that he is as noble as the Venetians among whom he aspires to move, but the register is not natural to him. He performs the proper rhetorical sequence, and as Skinner has shown, the Duke lavishly endorses his formal

[91] Stephen Greenblatt, *Renaissance Self-Fashioning from More to Shakespeare* (Chicago: University of Chicago Press, 1985), p. 9.
[92] Patricia Parker, *Shakespeare From the Margins: Language, Culture, Context* (Chicago: University of Chicago Press, 1996), p. 220.
[93] Elsewhere Othello insists that '[I] have not those soft parts of conversation / That chamberers have' (3. iii. 268-9). But note here also the high register of the speech in which this self-deprecatory language appears.

rhetoric, but his diction seems continually to hover between bombast and bathos.[94]

Throughout the play, in fact, Othello seems tone deaf to the ways his overly ornate speeches situate him as much outside the Venetian centre as within it. It is as though he has just one mode for the public performance of self; when this mode breaks down, it is not into another, less grandiloquent style, but into incoherence.

The second phase of Othello's linguistic defence is his employment of magical tale telling as a strategy for co-opting and deflating the witchcraft accusations, a strategy accused witches adopt with surprising frequency. There is an incantatory quality to Othello's stories, a sense that real magic inheres in the power and cadence of words. It is no empty boast when Othello says of Brabantio's accusations, 'My services, which I have done the signiory, / Shall out-tongue his complaints' (1. ii. 18-19). In using the verb 'out-tongue' to assert the worthiness of his exploits, Othello seems aware that he must speak for them as much as ever they will speak for him.

Othello rebuts the charge of witchcraft in his wooing of Desdemona by admitting to enchanting her with words rather than spells. In making this defence he adopts the discourse and even the specific vocabulary of his accusers. In Othello's own words, his stories 'beguile' Desdemona (1. iii. 157). But this is not only a near synonym for the words employed by Brabantio in his attacks – it is an exact echo of the operative word employed in the doom proclaimed by the Duke moments before: 'Whoe'er he be, that in this foul proceeding / Hath thus beguiled your daughter of herself, / […] the bloody book of law / You shall yourself read' (1. iii. 65-8). Furthermore, Othello's exotic stories are soaked in the same pact-witchcraft stuff with which he is being accused: cannibalism, demonic creatures, vast caves, hills whose 'heads touch heaven'.[95] Even

[94] Skinner, *Forensic Shakespeare*, pp. 122-24; E.A.J. Honigmann, Introduction, *Othello* (London: Arden, 1997), pp. 79-80.

[95] For allegations of cannibalism within witchcraft trials, see Lyndal Roper, *Witch Craze: Terror and Fantasy in Baroque Germany* (New Haven, 2004), pp. 69-81. For exotic or otherworldly creatures associated with witches, see Roper, p. 107 or see Thomas, *Decline*, pp. 530-31. Caves were associated with the dead and

Desdemona's breathless response, bidding Othello that 'If [he] had a friend that loved her, / [Othello] should but teach him to tell [Othello's] story / And that would woo her', is a repackaging of the most repeated of Brabantio's accusations, namely the use of some sort of love philtre. There is a transferability claimed here for the incantatory quality of Othello's words that points them up as essentially magic, in effect if not by nature. When Othello finishes by stating 'This is the only witchcraft I have used', (1. iii. 170), the irony is inescapable.

At the urging of the Duke, Brabantio agrees to drop the charges against Othello provided Desdemona confesses to be 'half the wooer' (1. iii. 176). This decision may be simply a pragmatic one: the Venetians need a general in Cyprus more than they need a witch in Venice. Desdemona does confess, paradoxically securing Othello's release while (provisionally) positioning herself as a willing consort of the demonic. Against such a reading one might argue that Othello is not, finally, a devil. To say this, however, is to see or read the play already familiar with the outcome. In light of Brabantio's accusations and the subsequent trial, it must be allowed that the Venetian signiory do not know whether Othello is a demon or a witch any more than would audiences viewing the play for the first time in the early seventeenth century. That Othello may in fact be diabolical is one of the possibilities that the play entertains off and on throughout.

Othello's retreat into language is consistent with movements made by numerous historical witchcraft defendants. One productive way to think about witchcraft trials is as a struggle for identity and voice. A trial represents society's attempts to contain anxieties about a person who is seen as a threat or as a locus of disquieting speech – in any case, as

necromancy already in classical times, and there are also strong folkloric associations, especially as the dwellings of fairy folk. On this see Katharine Briggs, *A Dictionary of Fairies* (Middlesex: Penguin, 1976), pp. 62-67; cf. also the Enchanter in the late-Elizabethan play *The Wisdom of Doctor Dodypoll*, who lives in a fairy hill and threatens supposed thieves with imprisonment in a cave: 'Tis thou that hast convaide [my cup] from my bowre, / And I will binde thee in some hellish cave, / Till thou recover it againe for me' (3. iii. 10-12). Mountains and hilltops are associated with the verticality of perspective implicit in witches' flight and are favoured places for Sabbaths in pact-witchcraft accounts. On this see Roper, *Craze,* pp. 108-109.

a social irritant. Strategies for neutralising the irritant are vitally linguistic before they are potentially capital; to restore a community's sense of well being, the witch must be silenced, or at least forced to sublimate his or her self-narrative into the polity's normative discourse.

Othello struggles with and against Venetian norms in the form and content of his speeches, though he consistently overreaches with both. By contrast, most accused witches were not of a social position to grapple rhetorically with their accusers' discourses.[96] Nevertheless, in terms of narrative and content, trial records indicate that early modern witch defendants were consistently inventive in co-opting the language of their persecutors and contending for their identities in legal arenas always already arrayed against them.

Examples from actual witch trials roughly contemporary with the play can give us an idea of how this process functioned. Bartie Patersoun appeared before the Perth (Scottish) assizes on 18 December 1607.[97] She was indicted not only for murdering Johnne Myller and Elizabeth Robinsoune by the 'administering, under the guise of medicine, of poisonous drinks', but also for the

> cureing of James Broun of […] ane unknawin disease, be ministrating to him of drinkis, rubbing him with sawis maid of dyverse grene herbis, and causing him pas hame to his awin hous: and at his bed syde to sitt doun on his kneis, thre sevreall nychtis, and everie nycht, thryse nyne tymes, to ask his helth at all leving wichtes, above and under the earth in the name of JESUS.[98]

This indictment offers another foregrounding of the healer-harmer dyad. Patersoun is

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[96] With rare exceptions. Note in particular the class implications in the cases of Frances Howard, in Purkiss, *History*, pp. 215-17, and John Dee, in Thomas, *Decline*, p. 276 and passim.

[97] Scotland was jurisprudentially distinct from England, and Scottish witch persecutions are very different to English ones in terms of judicial process and even capital outcomes. Despite this and a date several years later than *Othello*'s first performance, the Patersoun trial is relevant both for the prolificacy of the recording clerk and for the obvious ingenuity of the accused in evading and adapting the justices' normative practices. Moreover, thanks to the union of the Scottish and English crowns under James VI and I, Scottish witchcraft trials reverberated throughout England as well as Scotland.

[98] Robert Pitcairn, *Ancient Criminal Trials in Scotland*, 3 vols (Edinburgh, 1833), II pt. 2, 535-6. Original emphasis.

charged with *curing*, as well as with poisoning; both are 'arts out of warrant'.[99] As though the assize documents are a palimpsest, we can almost descry the elite demonological discourses and village folkloric traditions about witches struggling for reconciliation within and behind them. The diabolical poisoner imagined by the pact-witchcraft treatises does battle with the cunning folk healer against a backdrop of folklore and even Catholic survivalism – there is irony to locating malevolence in a prescription explicitly calling upon Jesus for healing, but sectarian anxieties could lead to such prayers being interpreted as diabolical.

In such conflationary ways, trial documents tend to constitute points of rich intertextuality and can hint at the negotiation of witchy identity between accusers and accused. As Purkiss indicates, 'Most [JPs] and clergymen are demonologists or sceptics, so any beliefs which do not fit either of these categories are more likely to be "genuinely popular", and also more likely to give rise to negotiation' – they are more likely to offer something of the authentic (if filtered) voice of the witch.[100]

The indictment's preoccupation with poisons, strongly associated with maleficia in many pact-witchcraft narratives, resonates quite obviously with Othello's trial, where emphasis is laid on charms, drugs, minerals, medicines, mixtures, and drams, in addition to, and as reciprocal euphemisms for, poison.[101] We can imagine that Patersoun dealt with the capital allegation of poisoning as other cunning folk did, by confessing – at least initially – merely to the benevolent application of pharmacopoeiac knowledge. Othello makes a similar rhetorical move by embodying his stories as a transferable love potion.

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[99] They are 'out of warrant' in England as well as Scotland. See Thomas, *Decline*, pp. 525-8 for the English anti-witchcraft statutes and the maleficia covered by them.
[100] Purkiss, *History*, p. 153.
[101] Poisonings, or *veneficia*, are another point of cross-pollination between elite and popular witchcraft discourses. See Scot (*Discoverie*, pp. 67-71), who has several chapters on it. For the conflation of *veneficia and maleficia*, see Hans Peter Broedal, *The* Malleus Maleficarum *and the Construction of Witchcraft* (Manchester: Manchester UP, 2003), p. 133. For the connection between poison and witchcraft in the popular mind, see Barbara Rosen, *Witchcraft in England, 1558-1618* (Amherst: University of Massachusetts Press, 1969), p. 307.

This amounts to a sort of magical plea-bargaining, an assent to lesser charges, but the outcome for an accused witch in a similar position would almost invariably be dire. Rather than satisfy the witch's accusers, such an admission offers them an opening to proceed with the litany of other accusations derived from demonological treatises.[102]

This asymmetrical negotiation between accusers and accused is obvious in the trial records of Elizabeth Dunlop. On 8 November 1576, Dunlop appeared before the Scottish assizes to answer indictments for witchcraft and after reports went round of her associating with Thomas Reid, the ghost or revenant of a man slain at the Battle of Pinkie Cleugh in 1547. The records are robust, purporting to offer both the justices' questions and Dunlop's answers, and the questions tend to be leading, designed to yield lurid but expected – and therefore manageable – answers.

In the Dunlop trial records, we find the usual focus on religion – a subset of the preoccupation with satanic pacts – and sexual matters. It is worth quoting from Dunlop's responses at some length, as they reveal an ongoing collaborative negotiation with her accusers and something of her creative agency in fashioning herself a witch. 'Interrogat, Quhat sche thocht of the new law? Ansuerit, That sche had spokin with Thom about that mater; bot Thom ansuerit, That this new law was nocht gude; and that the auld Fayth suld cum hame agane, but nocht sic as it was befoir'.[103] This seems a deft bit of tightrope walking between the status quo of the kirk and recusancy. In a subsequent passage, the sexualised gaze of the interrogators is discernible in their euphemistic questioning: 'Interrogat, Gif evir sche had bene in suspect place with Thom, or had carnell deill with him? Declarit nocht upoun hir salvatioun and condemnatioun; bot anis he tuke hir be the aproun, and wald haif had hir gangand with him to Elfame.'[104] The

[102] Schulte, *Male*, p. 92, summarizes the most frequently encountered elements of pact-witchcraft discourses as maleficia, the satanic pact, diabolic intercourse, and witches' flights and Sabbaths.
[103] Pitcairn, *Scotland,* I pt. 2, 56.
[104] Pitcairn, *Scotland,* I pt. 2, 56.

intrusion of elves into what is meant by those in the position of power to be a straightforward confession of pact witchcraft is evidence of a knowledge spillover incidental to witchcraft trials generally. Roper describes it this way:

> Under interrogation, every witch had to develop an account of her life with the Devil and her fellow witches.[…] If an accused witch was not already familiar with the main ideas […] the questions put to her ensured that she would cover the main points. Yet nearly every witch made the story her own, conveying complex emotions or providing idiosyncratic detail.[105]

The parallels with Othello's defence are obvious. Like Dunlop, Othello adopts the language of his accusers in an attempt to defend himself, but the language tends to overflow the barriers set for it by his interlocutors. Perhaps the best evidence for Dunlop's irrepressible voice even in the midst of the hardships of her trial is in her attempt to turn her putative oracular abilities back on her accusers. The justices enquire whether Thom had ever hinted that she would get in trouble for associating with him, and Dunlop answers 'That sche wald be trublit thairfoir ; bot [Thom] baid hir seik ane assyis of hir nychtbouris, and no thing suld aill hir:--Forder declarit, that sche suld be brocht to Glasgw, and sche come in the Bischopis handis, sche wald be wele treit, and send hame agane'.[106] Unable to disavow her oracular reputation, she attempts to wrest from her accusers a space of control over her identity and story, by foretelling for herself a merciful outcome.

When things begin to unravel for Othello on Cyprus, he returns to his stories, those vehicles for self-fashioning and self-projection which won him wife and position and preserved him during his trial. But the stories seem to have lost their generative power. It is as though Othello's suspicions of Desdemona represent a final assent to the normative construction foisted upon him. As always with Othello, such a change is

[105] Roper, *Craze*, p. 107.
[106] Pitcairn, *Scotland*, I pt. 2, 57.

reflected first in language, the trowel with which he has constructed himself a Venetian: 'The fluidity and confident expansiveness of [Othello's] narrative voice give way in Act 3 to shorter sentences questions, exclamations, hesitations'.[107] This failure of language at the phonemic level may also contribute to the failure of his stories to enchant as they did before.

Purkiss reads Othello's return to tale telling somewhat differently. She sees the handkerchief story in the third act as cruel, an attempt by Othello to reassert a masculine hegemonic discourse by seducing Desdemona as she has been seduced by him in the past. For Purkiss, Desdemona's 'Is't possible' is the 'authentic gasp of wonder', the sort of rapt response that had once drawn further tales from Othello.[108] But whether we hear Desdemona's exhalation as sceptical or re-enchanted – and perhaps such a distinction can be settled only provisionally, through performance – her reaction is ultimately secondary, even immaterial to the failure of Othello's story.

The failure of Othello's words represents a crisis of belief in his own narrative: literally an identity crisis. If he has truly lost Desdemona, his meticulously crafted identity crumbles, not only as a Venetian, but also as the hero in his own story. In desperation he spins the tale of the handkerchief, as though willing the magic to work again. This time he is not merely appropriating the language of an accusation in order to fend it off. Now he is levelling that language at himself, openly admitting the witchcraft that he denied on trial, wilfully othering himself as though to cut through the Gordian knot that Venetian society has become for him. There is still an echo here of the witch trials' negotiation over identity, for the handkerchief, a sort of cunning talisman, overlaps with classical North African witchcraft (in its origins), and also with 'the signifiers of European witchcraft'.[109] In the new tale, Othello is trebly mothered – magically so – by the

[107] Honigmann, Introduction, pp. 79-80.
[108] Purkiss, *History*, p. 263.
[109] Purkiss, *History*, p. 264.

Egyptian, the sibyl, and his mother, herself a witch by virtue of her use of the handkerchief.[110] This focuses Othello's origins around a trio of powerful witch-mothers, and sets them against the single Venetian, Desdemona, who has been so crucial to Othello's idea of a Venetian space and self. It is difficult to see this sequence as more than reactionary; if it is intended by Othello as a strategy to repossess Desdemona then it misses widely, for its energies are almost wholly centripetal.

As with other witch trials, Othello's ends in silence. But his is a terminal silence of unintelligibility arising from overflowing, amphibolous speech. He dies still attempting to negotiate an identity, returning at the end not only to his martial tale telling – 'I have done the state some service, and they know't' (5. ii. 339) – but to his insider-outsider opposition. In his final speech Othello is exotic, magical Aleppo as much as he is Venice; he is both Turk and Venetian, circumcised and not, both witch and executioner. In this self-selected silence of excessive words, Othello refuses to be constituted or constructed by his interlocutors. In this and by his suicide, Othello accesses a sort of agency and escapes from the fate of most accused witches, though to an equally mortal end.

iii. The Trial of Desdemona

Desdemona's tragedy tracks with particular acuteness the tragedies of the (mainly) women whose stories emerge from contemporary trial documents. Desdemona is not a witch, but she is a witch-defendant. Othello's trial prepares audiences to see how the action of the play positionally implicates Desdemona, for all accusations of Othello are also accusations of Desdemona. He is variously an 'old black ram', 'the devil', and 'an abuser of the world', and she is the witch-consort who has been seduced by him.

Critical consensus has not balked at seeing Othello's ordeal as a witchcraft trial,

[110] Purkiss, *History*, p. 264.

and his diabolism is a fundamental aspect of that trial.[111] G.K. Hunter argues that even the presence on stage of the 'total sable of the Moor […] was seen as an emblem of Hell, of damnation, as the natural livery of the devil'.[112] And if Othello is even potentially guilty, an idea which Brabantio believes and the rest of the Venetian signiory seems at least willing to entertain, then Desdemona is potentially guilty too, by association. If Othello's actual innocence doesn't preclude his exposure by Shakespeare to consideration as witch, how should Desdemona's do so?

Desdemona's trial is less formal than Othello's; it can be understood as ongoing since Iago first implants the suggestion of infidelity (3. iii. 34). And like the accusations leveled against many trial witches, the accusations against Desdemona arise first from her reputation. Just as witch panics could be fuelled by an accused person's naming names under duress, it is Othello's naming of Desdemona while on trial that enables a larger discussion of her role as object of a witch hunt. She is the one, Othello tells the court, who pled for his stories, hung on his every word; she was 'half the wooer.' But these spectres seem to settle as soon as they are raised. The trial scene ends with the Duke's approbation of the match and Brabantio's reluctant agreement to it. Where are Desdemona's accusers?

In a bit of dramatic sleight-of-hand, Desdemona as potential witch is transmuted to Desdemona as potentially faithless wife. In an essay examining similarities between allegations of treason and witchcraft in the early modern period, Katharine Maus points out that 'in both kinds of cases, the problem of assessing guilt was bound up with problems of discovering an inward truth'.[113] No matter how frightening are the putative

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[111] Honigmann, Introduction, p. 63, and Purkiss, *History*, p. 263.

[112] Hunter, 'Foreigners', pp. 56-7. Hunter notes that while 'Moor' could apply to a range of nations and races – African, American, Iberian, Turkish – associated with 'that circuit of non-Christian lands', on the stage the designation would have been exploited for 'its antithetical relationship to the European norm of the civilized white Christian'.

[113] Katharine Eisaman Maus, 'Proof and Consequences: Inwardness and its Exposure in the English Renaissance', *Representations*, xxxiv (1991), 29-52 (p. 33).

physical effects of witchcraft, the crime's invisibility is yet more terrifying, because it is able to upset vertiginously our experience of the physical world. It is in this tendency to disappear, to be unavailable to our organs of perception, that witchcraft has something in common with treason and marital infidelity. After all, what does it mean to observe one's spouse being faithful? Leontes seems to get at the nihilistic nature of this non-phenomenon in *The Winter's Tale*. Speaking of the evidence of infidelity he believes he has observed, he asks

> Is this nothing?
> Why, then the world and all that's in't is nothing,
> The covering sky is nothing, Bohemia nothing,
> My wife is nothing, nor nothing have these nothings,
> If this be nothing (1. ii. 292-5).[114]

If the signs Leontes has observed do not in fact signify, then all signs are unreliable; knowledge is chimerical, nihilism reigns. Once Iago plants his seeds of doubt, Othello is on similarly shaky epistemological ground. If evidence of Desdemona's infidelity exists, it has the power to subvert his construction of reality and even his own identity. If it does not, the vain search for it – especially the 'discovery' thereof – becomes a de facto subversion of ontological reality.

Why is Iago's ploy so effortlessly successful? Without reopening the hoary discussion of Othello's basic goodness or egotism, we ought to answer the question with regards to the broader context of Othello's struggle for voice within Venetian discourses. We have considered this struggle in the courtroom, but it is one that predates the trial; it continues after the trial's comic outcome. Whatever success Othello's self-fashioning achieves, it is always already within a framework superimposed by hegemonic Venice, just as accused witches, struggle as they might, are subsumed into the elite discourses within and by which they are prosecuted.

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[114] William Shakespeare, *The Winter's Tale*. The Arden Shakespeare 3, ed. John Pitcher (London: Arden, 2010).

In the end, it is not Othello's surfeit of credulity that undoes Desdemona, but his lack thereof. Encultured to Venetian norms, he cannot quite believe that Desdemona loves a devil, or believing it, he cannot trust a witch. For Othello, the accusation of infidelity is the witchcraft accusation transformed. It begins with gossip and gains force until Desdemona is summoned to trial. Her execution by smothering is a final echo of the witchcraft trials of England, where witches were hanged – similarly deprived of breath – and not burned.[115] There are grisly Scottish resonances also, for in Scotland convicted witches were wired to a stake and strangled before their bodies were burnt to ashes.[116] The murder of Desdemona is the ultimate act of self-cancellation. By it, Othello destroys the mainstay of his Venetian identity and his lifeline leading from a liminal existence as a perpetual insider-outsider.

iv. The Trial of Iago

Like Desdemona's potential witchcraft, Iago's diabolism is set up by his position in relation to Othello, in this case as tempter and overthrower. Nevertheless, the *human* darkness of Iago's plots seems to be clear throughout. At the play's conclusion, Othello himself says 'but that's a fable' when he glances at Iago's feet to check whether they are in fact cloven hooves; he continues: 'If that thou be'est a devil, I cannot kill thee' (5. ii. 336-7). Of course, despite stabbing Iago, he cannot kill him, but this trial-by-ordeal in miniature proves nothing. Of his own plan, Iago says of his plan that Hell and night must bring it to light – it seems he would turn demon in a moment if only he could (2. i. 402-3). This is not to suggest that there is not plenty in Iago's performance to get him hanged in the midst of a witch panic. As an uxoricide and one with a reputation for

[115] Montague Summers, Introduction, *The Discoverie of Witchcraft* (New York, 1970), p. xvii.
[116] Pitcairn, *Scotland*, I pt. 2, 58.

scheming and invoking the darkest imprecations and oaths, Iago is a likely candidate for a witch trial.

When that trial does come, the previously voluble Iago lapses into silence. This is unacceptable; in a witch trial decorously conducted, silence represents the terminus of a struggle, one that has been made in speech. But this is precisely what Iago thwarts. He will not allow his identity to be externally dictated or compromised.

If we compare Iago's refusal to speak with Aaron's final speech in *Titus Andronicus*, we get a sense of the radical power of Iago's position. Condemned by Lucius to torture and death, Aaron asks, 'Ah, why should wrath be mute and fury dumb' (5. iii. 183.[117] In an echo of Marlowe's Barabas, he goes on to list his crimes and to express a desire to commit many more; it is the going on that is significant. But whether or not Aaron realises it, the horizons of his speech are already set, not only dramatically, but also discursively. He is enmeshed in Roman (and Lucian) discourses. What seems to be his unrepentant speech is merely a last opportunity to compete for identity from within those discourses. It will end – or more precisely, it will *be ended* – either by the play's conclusion, or by the polity's final normative triumph, Aaron's execution.

When witch trials correspond with a society's impulse to impose order on anxiety, the results are similar. A trial must end in silence appropriate to the subsumption of discordant voices back into the normative polity. Iago's premature silence flies in the face of this bid for order, for how can what is already silent be silenced? Such a refusal to speak would not be tolerated in early modern English jurisprudence, where peine forte et dure could be imposed in cases of refusal to plead. In York in 1586, for example, a woman named Margaret Clitherow was pressed to death for refusing to plead on a charge of harbouring Catholic priests. A century later in Salem, Massachusetts, Giles

[117] William Shakespeare, *Titus Andronicus. The Oxford Shakespeare*, ed. Eugene M. Waith (Oxford: Oxford UP, 1984).

Corey was pressed to death by stones for refusing to enter a plea in a witchcraft proceeding.[118] Ludovico's recourse to torture to force Iago to speak is a well-attested historical practice (5. ii. 303).

Iago's final silence has striking parallels with Othello's final speech and suicide: both amount to a rejection of normative pressures placed on identity. In their ability to resist the totalising identity-imposition of the polity – an ability that comes to Othello quite late, and arguably only on the other side of madness – the two characters set themselves apart from most victims of witchcraft trials. Though their respective trials end in death, the silences they achieve are not externally imposed, and the Venetian state is unable to anonymously reabsorb them.

It is Othello's trial that flags up his status and suggests the witch-related character of the subsequent interrogations of Desdemona and Iago. Without the explicit trial scene before the Venetian court, the contiguities might pass unmarked between suspicions of infidelity and suspicions of witchcraft in Desdemona's case, or the similarities in response to trial of Iago and Othello.

Other plays of the period seem almost too preoccupied with dramatising witchcraft as spectacle to bother with witch trials. Perhaps *The Late Lancashire Witches* comes closest. But though Doughty extracts a few pact-witchcraft confessions from the witches prior to their being hauled off to gaol to await an assize, the play seems almost eager to get them off stage so that it can conclude.[119]

By focusing on the discursive negotiation incidental to the witch trial rather than the spectacle of witchcraft, *Othello* deals with the struggle over identity hidden within witch persecutions to a greater degree than other plays. Comparing the progression of witchcraft accusations, trials, and punishment in *Othello* with contemporary witchcraft

[118] See Peter Lake and Michael Questier, *The Trials of Margaret Clitherow* (London: Continuum, 2011), pp. 106-108; and Roach, *Salem*, pp. 292-3.
[119] Richard Brome and Thomas Heywood, *The Late Lancashire Witches* (New York: Garland, 1979).

processes highlights important ways in which witchy identity could be adopted or imposed in the early modern period, ultimately underscoring that the use one might make of witchcraft – in a play, for example – was likely to be every bit as socially conditioned as the question 'who is a witch'?

II. 'Crushed with a Plot': Uses of Witchcraft in Early Modern Dramatic Structures[1]

'Who cannot be crushed with a plot?'

– Parolles, *All's Well that Ends Well* (4. iii. 346)[2]

Following dicta of Aristotle and Horace, early modern dramatists tended to eschew the deus ex machina as a stage device.[3] However, while they usually avoided the classical deus ex machina, dramatists including Shakespeare made heavy use of the supernatural as a principle of dramaturgic flexibility, enabling themselves to navigate increasingly sophisticated plots by calling on the 'quasi' dei ex machinis of supernatural phenomena to help structure their plays.

Perhaps the best example of this is the use made of witchcraft, which figures in

[1] An earlier version of this chapter was delivered as a conference paper at the University of Tehran in 2014 and subsequently published as 'Crushed with a Plot': Shakespeare's Dramatic Structures', in *Culture-blind Shakespeare: Multiculturalism and Diversity* (Newcastle: Cambridge Scholars Publishing), 2016, pp. 39-48. Here that paper has been significantly rewritten and expanded.

[2] William Shakespeare, *All's Well that Ends Well* (New York: Washington Square Press, New Folger Library, 2001), p. 171.

[3] '[*N*]*ec deus intersit, nisi dignus uindice nodus inciderit*' ('Neither let a god interfere, unless a difficulty worthy of a god's unravelling should happen') (Horace, *Ars Poetica* in *The Satires of Horace and Persius*, ed. Niall Rudd (London: Penguin, 2005), 2. 191–2); 'It is obvious that the solutions of plots too should come about as a result of the plot itself, and not from a contrivance, as in the *Medea* and in the passage about sailing home in the *Iliad*. A contrivance must be used for matters outside the drama – either previous events which are beyond human knowledge, or later ones that need to be foretold or announced. For we grant that the gods can see everything' (Aristotle, *Poetics*, ed. Joe Sachs (London: Penguin, 1996), 2. 1454 a 33-1454 b 9).

all but a handful of Shakespeare's plays and runs the gamut from simple imprecation to complex plot element. While other supernatural figures and powers have important roles in the drama of Shakespeare and his fellow dramatists, witchcraft presents itself with unique force due to its position in the culture – the subject of village superstition and learned enquiry, as well as a locus of jurisprudential development. The protean nature of witchcraft ensured its ubiquity in the culture and the courts, and also in the theatre where it functioned with a sort of happy indeterminacy for the playwright; it could be whatever it needed to be.

This chapter examines the structural implications of witchcraft for early modern dramatists through the work of Shakespeare and also of Webster. Adapting the title of Stuart Clark's groundbreaking work of intellectual history *Thinking with Demons* (1997), we might say that the uses made of witchcraft-related phenomena by early modern playwrights in order to form and frame their dramas constitute a sort of plotting with witchcraft.[4] The chapter's analysis begins with a comparison of three Richard III plays, paying particular attention to the political implications of witchcraft and cursing in Shakespeare's *Richard III*. The supernatural elements in the latter play connect the plotting (intrigue) of Richard and other characters with the plot (causal narrative) of the play. In other words, supernatural elements such as prophecy and curses – which, as this chapter will demonstrate, are witchcraft-related – are used to frame and drive the narrative sequences.

As noted in the introduction, the Richard III plays offer a unique site to test the thesis's methodology of reading for witchcraft and the law, because they allow for comparison of how three different authors make use of similar source material. The thesis also uses this scope to analyse how witchcraft and the law can be employed in

[4] Stuart Clark, *Thinking with Demons: The Idea of Witchcraft in Early Modern Europe* (Oxford: Clarendon Press, 1997).

chronicle histories, while other chapters consider their employment in tragedy (Chapter 1), comedy (Chapter 3), and domestic tragedies based on actual witch trials (Chapter 4). This is similar to the approach taken by Lorna Hutson in *The Invention of Suspicion*, where she tests her argument about the diffusion of forensic rhetoric in the late-sixteenth century against a number of different genres.[5] The present chapter also contrasts the structural approach of employing supernatural elements in framing plot with Webster's use of the supernatural in his revenge tragedies *The Duchess of Malfi* and *The White Devil*. In these plays, 'witchcraft' – including related phenomena such as veneficia – is used tonally or as generic foil, rather than explicitly as a plotting device.

Section 1 looks at the use made of witchcraft and associated phenomena in political plotting. In the early modern period, rumours about the supernatural activities of one's political foes could be useful in discrediting them and making them vulnerable to attack; alternatively, accusations of witchcraft could be levelled after the fact to justify retroactively political or dynastic scheming.[6] Examples are drawn from the chronicle histories used so extensively by Shakespeare and his fellow playwrights, as well as from cases from the more immediate Tudor past and contemporary accounts. This latter site of comparison explains why this chapter looks also at *Henry VIII*, a history play with additional poltical resonance for audiences in Shakespeare's day due to its portrayal of the recently regnant Tudors.

Section 2 looks at the employment of witchcraft-related plotting in the dramaturgic sense, arguing that while other supernatural phenomena find use in structural ways – neo-Senecan ghosts, for example – witchcraft can be a uniquely effective device due to its proteanism. Witchcraft is inherently unstable and capacious; not only can it be variously represented, but also it can contain or connect to many

[5] Hutson, *Invention*, esp. Chapter 5.
[6] Barbara Rosen, *Witchcraft in England: 1558–1618* (Amherst: University of Massachusetts Press, 1991), p. 3.

different phenomena. In drama, this means that appearances of other occult phenomena, including poisoning or prophecy, can become associatively inflected – we might also say infected – by the implications of witchcraft within a play. The inherent conundrum to be discovered and the capacity to affect a drama tonally are thereby magnified. This associativity is also a process found in contemporary accusations of witchcraft, in which malign prophecy was often conflated with witchcraft and sorcery.

Section 3 argues that using witchcraft in plot-making sometimes acts as a kind of quasi deus ex machina. Although in early modern England the deus ex machina was never as embattled a device as it was on the French and Italian stages, its use was nevertheless derided. Those playwrights who chose to use it would have done so advisedly, as Shakespeare does to comic effect in *Cymbeline*, where he creates a classical deus ex machina tableau in a dream to foreshadow the later unlikely resolution of the plot's various strands. In support of the argument that use of the deus ex machina was discouraged in the period, the chapter also considers the accessibility of Aristotle's *Poetics* – one source for the proscription of the device – in sixteenth- and seventeenth-century England. Recent research has challenged the former critical consensus that the *Poetics* was not widely known until the mid-seventeenth century. Ambivalence about the deus ex machina correlates with experimentation with other sorts of plot construction and resolution, including plotting with witchcraft. The section argues that the employment of witchcraft plots was also done strategically, rather than merely because witchcraft was a topic available to playwrights in the period. One illustrative example is taken from Shakespeare, whose work has been held to be witchcraft-centric if not witchcraft-obsessed; although various studies have observed the frequency of witchcraft imagery in his plays, none has taken note of its absence in the poetry.[7] This disparity between the

[7] Greenblatt, 'Bewitched', p. 120; compare Diane Purkiss, *The Witch in History* (London: Routledge, 1997), p. 189.

ubiquity of witchcraft references in Shakespeare's plays and its absence in his poetry suggests that he employed witchcraft for the specific dramatic effects it enabled.

The chapter's conclusion briefly returns to the argument that in terms of structure, witchcraft plots excel: they possess causativity par excellence, because witchcraft constitutes an inherent ontological and epistemological problem, and therefore demands development and exposure – in a word, discovery. This idea of structural development or successiveness, what writer and critic John Gardner called profluence, means that just as playwrights build a play, making use of actions and consequences, so audiences and readers can watch or read for plot, anticipating these consequences.[8] This sense of expectation, whether ultimately rewarded or foiled by the play's unfolding, can evoke in readers or viewers the feeling that the plot is merely being uncovered, sleuth-like, as though it has been there all along.[9]

i. Plotting as Plot

Evanthius' dictum that tragedies begin at rest was widely circulated during the Middle Ages and continued to resonate in the English early modern theatre.[10] Heywood stipulated and glossed the point in 1612: 'In Comedies, *turbulenta prima*, *tranquilla ultima*, In Tragedyes, *tranquilla prima*, *turbulenta ultima*, Comedies begin in trouble, and end in peace; Tragedies begin in calmes, and end in tempest'.[11] However, if this epigram is broadly true and tragedies often begin without troubles, they almost never begin without troublemakers.

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[8] John Gardner, *The Art of Fiction* (New York: Vintage, 1983), p. 53.
[9] Compare, for example, the instance of a novel's 'speaking' as an imposition of causality, development, a past, and a future (Frank Kermode, *The Sense of an Ending* (Oxford: Oxford UP, 1967), p. 140).
[10] Sarah Dewar-Watson, 'Aristotle and Tragicomedy', in Subha Mukherji, Raphael Lyne, eds. *Early Modern Tragicomedy* (Woodbridge, Suffolk: D.S. Brewer, 2007), pp. 15-27, 18.
[11] Thomas Heywood, *An Apology for Actors* (London, 1612), F1^{v}. <eebo.com>. [accessed 21 June 2014].

Shakespeare plays explicitly with this tradition in the soliloquy that opens *Richard III*, in which the eponymous Richard declares himself unfitted to the 'weak piping time of peace' following the (temporarily) successfully concluded wars against the Lancastrian party:

> And therefore, since I cannot prove a lover
> To entertain these fair well-spoken days,
> I am determined to prove a villain
> And hate the idle pleasures of these days. (1. i. 24; 28–31)[12]

Found in this formulation are all the elements of the tragedy to follow, including the peace from which it grows and the villain who will ripen and fall in its course. However, Richard goes further. As though he himself is responsible for shaping and giving form to the drama, 'prologue-like' he tells the audience of his planned treason: 'Plots have I laid, inductions dangerous / […] / To set my brother Clarence and the King / In deadly hate, the one against the other' (1. i. 32–35). This speech sets the trajectory of the play and conditions the audience's expectations for its unfolding until its climactic moment.

Worth noting about this opening are the two ways in which it connects witchcraft and associated supernatural phenomena (in this case cursing) to plot: first dynastically, where witchcraft accusations are often metonymically linked to treason, to plotting against the king; and second theatrically, for witchcraft can both drive plots and help to resolve them. In the first sense, witchcraft accusations could be productive as a means of shoring up power or acquiring it. Regnant monarchs often vilified rival claimants to the throne; for courtiers vying for influence, dark mutterings about competitors' witchcraft lay just alongside and were associated with rumours of treason.

For example, in the *Titulus Regius*, the Parliamentary statute whereby Richard, Duke of Gloucester seized the throne in 1484, the relevant legal point was that Edward's

[12] Unless otherwise indicated, all citations from William Shakespeare, *King Richard III* (London: Arden, 2009).

heirs must be debarred from the throne due to illegitimacy, as Edward had pre-contracted with Lady Eleanor Butler prior to marrying Elizabeth Grey, née Woodville, who became the mother of the children in his dynastic line.[13] Nevertheless, the statute also contained unsubstantiated aspersions of witchcraft on the part of the former Queen Consort and her mother:

> And here also we consider, how the said pretensed marriage, between the above named King Edward and Elizabeth Grey, was made of great presumption, without the knowing or assent of the Lords of this Land, and also by sorcery and witchcraft, committed by the said Elizabeth and her mother, Jacquetta, Duchess of Bedford, as the common opinion of the people and the public voice, and fame is through all this Land; and hereafter, if and as the case shall require, shall be proved sufficiently in time and place convenient.[14]

In fact, Elizabeth's mother may have been an easy target, as she had been accused of witchcraft and sorcery just a handful of years previously after earning the enmity of Richard Neville, the Earl of Warwick, and his party.[15] Ultimately she had to appeal to the Privy Council to clear her name.[16] Accusations of witchcraft and sorcery were co-opted into political machinations, and especially for those in powerful positions they usually had political resolutions.

When Richard III, newly arrived on the throne, wanted to suppress the power structures of Edward IV's court further, he accused Jane Shore, one of Edward's mistresses, of using magic and sorcery to waste his, Richard's, body – 'and in witness exhibited his withered arm, in the condition in which it had always been'.[17] Shore was

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[13] According to R.H. Helmholz, if the pre-contract existed, then under canon law Edward's marriage to Elizabeth Woodville would have been adulterous and the issue illegitimate, regardless of the fact that Eleanor Butler predeceased the marriage to Woodville (see 'The Sons of Edward IV: A Canonical Assessment of the Claim that They Were Illegitimate', in *Richard III: Loyalty, Lordship and Law*, ed. P.W. Hammond (London: Alan Sutton for Richard III and Yorkist History Trust, 1986)).

[14] *Titulus Regius*, < www.r3.org> [accessed 23 March 2015].

[15] Warwick's deputies produced a series of political and personal attacks on Jacquetta, culminating in a charge brought by Thomas Wake, one of Warwick's esquires, that the Duchess had made lead figures of Warwick and the King and Queen for use in sorcery (see *DNB*, s.v. 'Luxembourg, Jaquetta de' <oxforddnb.com> 10 March 2015; see also C. L'Estrange Ewen, *Witchcraft and Demonianism* (London: Heath Cranton Limited, 1933), p. 38).

[16] *Historical Manuscripts Commission*, 9th Report, pt. 2 (London: H.M. Stationery Office, 1882), p. 937.

[17] C. L'Estrange Ewen, *Witch Hunting and Witch Trials* (London: Kegan Paul, Trench, Trubner & Co. Ltd.,

forced to do public penance, appearing in London in her kirtle, and thereafter was reduced to penury.[18] Later in Richard's reign, however, after the perceived political threat from Edward's party had subsided, Richard allowed Shore to marry a prosperous lawyer, Thomas Lynom. Under Henry VII, too, Shore dwelt in relative prosperity. Like the Duchess of Bedford before her, apparently Shore was only a witch when she was out of political favour.

In one of Richard's speeches, Shakespeare dramatically conflates the witchcraft accusations against Elizabeth Woodville and Shore:

> Look how I am bewitched! Behold, mine arm
> Is like a blasted sapling withered up;
> And this is Edward's wife, that monstrous witch,
> Consorted with that harlot, strumpet Shore,
> That by their witchcraft thus have marked me. (3. iv. 66–71)

Shakespeare took the charges of sorcery and witchcraft from Thomas More, probably via Halle and Holinshed.[19] Though the categories themselves were often porous and overlapping, in a legal sense witchcraft denoted a status of inherent, diabolic evil, while sorcery reflected an involvement with magic as art; the latter tended to employ charms, periapts, staves, and books in its attempts to interact magically with the physical world.[20] However, in practice this is one more area where witchcraft resisted categorisation. Accused witches often made use of magical props, and indictments and witchcraft statues often seemed to trade in concatenating terms, at least partially to deal with the linguistic difficulty incidental to the reconciliation of a Germanic language of use and an Anglo-Norman and Latin legal vocabulary.[21] Nevertheless, Shakespeare's adaption of the charges against Shore and Woodville from his sources demonstrates that the historical

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1929), p. 41; see also Paul M. Kendall, *Richard the Third* (New York: W.W. Norton and Company, 1956), p. 379.

[18] Ewen, *Witch Hunting*, p. 41; see also *DNB*, s.v. 'Shore, Elizabeth' <oxforddnb.com> 7 April 2015.

[19] James R. Siemon, Introduction, *Richard III* (London: Arden, 2009), pp. 55–79; p. 277 n. 59–65.

[20] Edward Bever, 'Popular Witch Beliefs and Magical Practices' in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: Oxford UP, 2013), pp. 50–68, 53.

[21] Ewen, *Witch Hunting*, pp. 22–24.

productiveness of (political) plotting with witchcraft was very much available to playwrights of his time.

Due to Richard's mention of his withered arm, it seems clear that he means to level a serious, if cynical, charge of witchcraft. However, it is possible that elsewhere, where witchcraft is mentioned among a long list of charges, it is being used as an attack rather than a categorical term. Laurie Maguire suggests that this is true of the word 'whore' as used in the bawdy courts (and by Iago): it is a general insult, a 'word detached from its meaning'.[22] Lisa Jardine observes that in one survey of York bawdy court records, '90 per cent of cases involving a female plaintiff concerned her sexual reputation'.[23] The generalness of this insult, however, did not render it of no effect, for Jardine also notes that if '[t]he charges of adultery, whoring, bastard-bearing, scolding, petty theft, etc. […] were allowed to stand, the person defamed […] stood in danger of being charged in their turn in the courts. In other words, the defamation, if it went unchallenged, could become an "actuality"'.[24] This helps to encapsulate the political danger of witchcraft accusations; even where 'witch' is employed merely as a general insult, the law can transform that insult into a criminal category.

The connection of political plotting with witchcraft continued in Tudor England. Ewen's observation that '[n]ecromancy, heresy, and treason were largely bound up with one another, and an accusation of witchcraft or heterodoxy often served to remove a hated opponent in a political sphere' remained very much the case.[25] For example, in 1536 Anne Boleyn was put aside by Henry VIII, attainted, and executed on a string of unlikely charges. She was indicted for high treason, while rumours of incest and adultery

[22] Laurie Maguire, *Othello: Language and Writing* (London: Bloomsbury, 2014), p. 100; for bawdy court insults and gossip, see also Jonathan Bate, 'The Bawdy Court', in Paul Raffield and Gary Watt, eds. *Shakespeare and the Law* (Oxford: Hart, 2008), 41–50.
[23] Lisa Jardine, *Reading Shakespeare Historically* (London: Routledge, 1996), p. 26.
[24] Jardine, *Reading*, p. 26.
[25] Ewen, *Witch Hunting*, pp. 39–40.

also flew; what connected the charges was their monstrosity and their invisibility. Being monstrous, they were also approximate and gross: the unnaturalness of unbridled sexuality shaded into and merged with disloyalty.

Though no accusation of witchcraft was brought against her at trial, her purported crimes also shaded into the malign supernatural. According to a contemporary report by Eustace Chapuys, Emperor Charles V's ambassador to England from 1529 until 1545, Henry VIII confessed to a courtier that in marrying Anne, he had been 'seduced and constrained by sortilèges' (lot-casting or divination).[26] A whisper campaign against Anne's memory, painting her as a witch guilty of a thousand grotesqueries, grew up in the years following her death, most prominently among Catholic foes of her daughter Elizabeth I.[27]

Such protean formlessness is one of witchcraft's durable characteristics. Like opportunistic infections which appear together with and in the wake of other illnesses, witchcraft accusations are often collocated and hyphenated – they appear alongside and are conflated with other anxiety-inducing phenomena. In the later medieval period prior to the Reformation, when most witchcraft accusations were still dealt with by ecclesiastical authorities, such accusations most often presented alongside charges of heresy.[28] Sorcery and heresy 'were regarded as correlates like two agencies resting on and serviceable to the demoniacal powers'.[29] Later, charges of sorcery and witchcraft appeared commonly with treason. As Katharine Eisaman Maus notes, '[t]he language of monstrosity is characteristically vague, equally applicable to murder, theft, treason, witchcraft, heresy, sodomy, or whatever, so that an accusation of one particular crime

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[26] G.W. Bernard, 'The Fall of Anne Boleyn', in *The English Historical Review,* 106:420 (Jul., 1991), 584–610, p. 586.
[27] Suzannah Lipscombe, *1536: The Year that Changed Henry VIII* (Oxford: Lion, 2009), p. 69.
[28] Ewen, *Witch Hunting*, pp. 7–12.
[29] Johann Heinrich Kurtz, *Church History*, 3 vols, ed. by John Macpherson (London: Hodder and Stoughton, 1888–90), II, p. 195. For the connection of sorcery to witchcraft and the linguistic nuances involved, see Ewen, *Witch Hunting*, p. 22.

tends to slide easily into an accusation of generalized criminality'.[30] The very instability and overlap in terms and associated legal categories made these crimes useful in tainting those against whom they were levelled as much as attainting them; the purpose and the effect was to 'other' the accused. Most of all, the invisibility of witchcraft makes it a particularly difficult charge against which to defend oneself. Because it is, in a sense, an anti-phenomenon, ineffable and unobservable, witchcraft as a concept is intrinsically plural and transferable – hence the urgent felt need to subject it to every form of scrutiny: legal, theological, empirical, and political.

In Boleyn's case, although one man, the musician Mark Smeaton, confessed to adulterous encounters with her, the accusations were not generally believed.[31] Nevertheless, the protean nature of the charges rendered her position all but indefensible. Her uncle, Thomas Howard, and Henry Percy, a former suitor, were both impanelled in the jury of peers that found her guilty. Henry VIII and his confederates had therefore employed accusations of witchcraft, coupled with other monstrous crimes, as a means of shoring up a dynasty, via the instrumental death of the woman they perceived as an obstacle to that goal. The accusation and manoeuvre succeeded, of course, at least in the short term; Henry's next wife, Jane Seymour, gave birth to the future king Edward VI (although ironically the longest-reigning Tudor monarch was to be Elizabeth, the child of the executed Boleyn).

In *All is True* (c. 1613), Shakespeare and Fletcher are careful to protect the figure of Anne Boleyn (Bullen).[32] The play points towards Elizabethan and Jacobean glory rather than the grisly overthrow of Elizabeth's mother, so Boleyn's charges and trial find no place. However, political plotting is given scope in the play. Indeed, the political

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[30] Katharine Eisaman Maus, *Inwardness and Theater in the English Renaissance* (Chicago: The University of Chicago Press, 1995), p. 115.
[31] Retha Warnicke, *The Rise and Fall of Anne Boleyn* (Cambridge: Cambridge UP, 1989).
[32] Unless otherwise indicated, all citations from William Shakespeare, *King Henry VIII* (London: Arden, 2000).

intrigues and plots of Henry's court constitute the substance: Buckingham is tried for treason against the king; the anti-Wolsey party, depicted as being composed of Norfolk, Suffolk, Surrey, and the Lord Chamberlain, try to catch the Cardinal out; and Wolsey not only schemes against Buckingham and Katherine but is shown – via the physical evidence of a packet of letters – to have divided his loyalties between Henry and Rome. Moreover, the play opens with Buckingham's growing intention to accuse Wolsey of treason, and the first scene ends with Buckingham's own arrest on charges of high treason just as he is on his way to prefer charges against Wolsey.

However, despite the presence of the supernatural in the charges against Buckingham, Shakespeare and Fletcher do not make plotting with the supernatural an explicit engine of the plot. The prophecies of Carthusian monk Nicholas Hopkins are cited in the course of Buckingham's trial and are critical to his condemnation, but are only reported and not portrayed dramatically (1. ii. 145–214). Furthermore, despite (historical) charges of witchcraft brought against Wolsey by his political opponents, no such charges appear in the play.[33] It is possible that the playwrights excluded these elements to avoid trampling on political sensitivities.[34] In any case, the effects of this dramaturgic decision to report rather than to dramatise – a missed opportunity to plot with witchcraft – are more sedate pacing and less memorably vivid characterisation.

The application of witchcraft and witchcraft accusations to political contexts is not properly creation ex nihilo, but an ends-based reorganisation and exploitation of already existing anxieties, fears, and fever dreams. In short, it is not only an ideological and political process, but also a narrative one, which involves the imposition of structure and causal connections on phenomena seemingly inexplicable otherwise, and their

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[33] A.F. Pollard, *Wolsey* (London: Longmans, Green, 1929), p. 101; see also Keith Thomas, 'The Relevance of Social Anthropology to the Historical Study of English Witchcraft' in Mary Douglas, *Witchcraft Confessions and Accusations* (London: Tavistock, 1970; repr. Abingdon: Routledge, 2004), pp. 47–80, 55; and Rosen, *Witchcraft*, p. 3.
[34] G. Blakemore Evans, ed., *The Riverside Shakespeare* (Boston: Houghton Mifflin, 1974), p. 977.

subsequent employment towards political goals. To observe this process, Shakespeare and his fellows need not have consulted the chronicle histories; there were plenty of contemporary examples of plotting with witchcraft available to them.

For example, in 1613 Lady Frances Howard sought to have her marriage to the Earl of Essex annulled so that she could marry Robert Carr, the Earl of Somerset. The Essex divorce case was coloured by the occult, for it was alleged that Essex's impotence had been caused by witchcraft, an incident that likely influenced the subplot of Middleton's *The Witch*.[35] The main opponent of the match was Carr's friend Sir Thomas Overbury, and Howard conspired with her waiting-woman Mrs Anne Turner to murder Overbury by poison.[36]

Both legally and culturally, poisoning, or veneficium, existed on an overlapping continuum with witchcraft and sorcery. The overlap was also a linguistic one, as demonstrated by Ewen's gloss of the Anglo Saxon term *wicce-craeft*, a term that could in the early English legal codes 'be rendered "witchcraft" or "sorcery", which may be the same thing, and Lat. *veneficium*, may be Englished, "sorcery" or "poisoning", which are not verbal equivalents'.[37] In fact, when Sir Edward Coke passed a sentence of death on Turner, he pronounced her 'a whore, a bawd, a sorcerer, a witch, a papist, a felon, and a murderer', a mouthful which demonstrates again the linguistic and legal range of associations that witchcraft carried and with which it travelled.[38]

The political and dynastic uses of witchcraft accusations under consideration in the foregoing section, and the categorical flexibility of such accusations, find an echo in the early modern English theatre. As the following section argues, political machinations

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[35] A.A. Bromham, 'The Date of *The Witch* and the Essex Divorce Case', in *Notes and Queries* 225 (1980), pp. 149–52; Thomas Middleton, *The Witch* (London: New Mermaids, 1994).
[36] Alastair Bellany, *The Politics of Court Scandal in Early Modern England: News Culture and the Overbury Affair, 1603-1660* (Cambridge: Cambridge UP, 2002).
[37] Ewen, *Witch Hunting*, p. 22.
[38] Ann Rosalind Jones and Peter Stallybrass, *Renaissance Clothing and the Materials of Memory* (Cambridge: Cambridge UP, 2000), p. 63.

made effective plotstuffs, and witchcraft-related plots were among the most effective of all, for they conjoined the profluence of plot with the enigma of the witch, another mystery that implicated viewers in its call for resolution.

ii. Plotting with Witches

In a way that mirrored its productivity in political plotting, the protean phenomenon of witchcraft was useful also to dramatic plotting. Both in the historically accessible past and in their political present, witchcraft as a tool of political intrigue and ingenuity was available as a trope to early modern English playwrights. Its usefulness stemmed mainly from the protean quality of witchcraft: both in terms of dramatic structure and in terms of spectacle and atmospherics, witchcraft offered playwrights flexibility in the construction of their plays.

The broader supernatural could and did function in similar ways, of course. However, witchcraft seems to constitute an edge case for plotting with the supernatural due to its peculiar transferability and its categorical flexibility. On the one hand, there are the capacious and conflated legal categories referred to in Section 1 above, where terms for practitioners of magic and their practices arrived in English from various languages of origin, with consequent linguistic instability. On the other, witchcraft as a concept was flexible enough to contain other magical crimes within it – a sort of larger Venn circle with others nested inside it. An example is poisoning, which could and did qualify as witchcraft; conversely, though, witchcraft could not usefully be said to be a class of poisoning.[39]

Compare the 'witchcraft construct' in the fifteenth-century Duchy of Savoy,

[39] Ewen, *Witch Hunting*, pp. 21-24.

where the persecution of suspected witches grew out from the persecution of Waldensian heretics, and existed alongside and was succeeded by the persecution of Jews.[40] Here again we see the transitive property of witchcraft accusations – that is, a transitivity in terms of groups targeted as malevolent insider-outsiders – as well as, and alongside, a sort of associative property, by which other supernatural phenomena become conflated with witchcraft, even if only transitorily. Hans Peter Broedel writes that 'the emerging construct of witchcraft within […] [the Duchy of Savoy] incorporated distinctive elements derived from contemporary anti-Semitic discourse, such as the accusation that witches spread disease through the use of poison powders that they obtained at diabolic *synagoga*'.[41] Because there is no observable fixity in witchcraft, not only the accused practitioners but also the practices become conflated in their fluidity.[42]

Though it is true that recent scholarship has tended usefully to consider supernatural spheres of activity (and crimes) individually as a way of getting at necessity and sufficiency for the respective categories – and thereby creating an implicit taxonomy, an impulse that also existed among medieval demonologists – this parsing can be pushed too far if it elides the elasticity of social and even legal conceptions of supernatural activities in the period.[43] There is reason to suspect that early modern people would have

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[40] Hans Peter Broedel, 'Fifteenth-Century Witch Beliefs' in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: Oxford UP, 2013), pp. 32–49, 38–40.
[41] Broedel, 'Fifteenth-Century', p. 40.
[42] The transitive property of witchcraft accusations exists also in early modern English contexts. In one example, after witchcraft persecutions peaked in the 1580s and 1590s, the anti-witch animus was transferred to the pursuit of Jesuits and recusants, actual or equivocal, as well as of Nonconformists (for the 'peak' see Diane Purkiss following Ewen, though Ewen notes that the period 1598–1607 was 'the most dangerous' with accused witches likeliest to meet with capital punishment (Purkiss, *The Witch in History* (London: Routledge, 1997), p. 185); see also Ewen, *Witch Hunting*, p. 31; for anti-Jesuitism see Dympna Callaghan and Chris R. Kyle, 'The Wilde Side of Justice in Early Modern England and *Titus Andronicus*' in Constance Jordan and Karen Cunningham, eds., *The Law in Shakespeare* (London: Palgrave Macmillan, 2010), pp. 38–57; and Peter Lake with Michael Questier, *The Anti-Christ's Lewd Hat* (New Haven: Yale University Press, 2002), esp. pp. 229–280).
[43] Veneficia have been considered by Franck Collard, '"Veneficiis vel maleficiis": reflexion sur les relations entre le crime de poison et la socellerie dans l'Occident medieval' in *Le Moyen Age: Revue d'histoire et de philologie* 109 (2004), pp. 9–57; for sorcery and key differences and similarities to other magical domains, including that of cunning folk, see Owen Davies, *Popular Magic: Cunning Folk in English History* (London: Hambledon Continuum, 2007), and *Grimoires: A History of Magic Books* (Oxford: Oxford UP, 2009); prophecy has been studied for its elaborate language of codification and secrecy by Steven Mullaney (see 'Lying Like Truth:

been more comfortable with a stretchable than a strict view of witchcraft. As Brian P. Levack puts it, sixteenth- and seventeenth-century witchcraft was a composite crime, which 'could denote heresy, apostasy, blasphemy, maiming, murder, poisoning, theft, the destruction of crops, the killing of livestock, arson, sodomy, fornication, adultery, infanticide, and conspiracy'.[44] Which elements received emphasis and were considered *sine quibus non* conditions of witchcraft depended on the social, political, or professional group doing the defining.

Prophecy, too, though not necessarily linked to witchcraft, could easily be conflated with it or inflected by it. In fact, witchcraft *qua* witchcraft was one of the ways that malign prophecy about a ruler's span of life – the sort of prophecy most feared by those in power because of its implications for rebellion – was understood to function. The 1581 anti-sedition statute connected witchcraft and prophecy, forbidding on pain of death the

> setting or erecting of any Figure or Figures, or by casting of Nativities, or by calculacion, or by any Prophecieng Witchcrafte Cojuracions or other lyke unlawfull Meanes whatsoever, seeke to knowe […] howe longe her Majestie shall lyve or continue, or who shall raigne as King or Queene of theis Realme of England after her Highenesse Decease […].[45]

The various sixteenth- and seventeenth-century title pages to Scot's *Discoverie of Witchcraft* collated by Montague Summers in his 1930 edition of Scot's work offer another example of the relationship between witchcraft and prophecy, in their boast that the book will not only show the common opinions on witchcraft 'to be imaginary' but

> Also the knavery and confederacy of Conjurors.
> The impious blasphemy of Inchanters.
> The imposture of Soothsayers, and Infidelity of Atheists.
> The delusion of Pythonists, Figure-casters, Astrologers, and vanity of Dreamers.
> The fruitlesse beggarly art of Alchimistry.

Riddle, Representation and Treason in Renaissance England' in *English Literary History* 47:1 (1980), pp. 32–47); for witchcraft see the works cited at the end of the thesis.

[44] Brian P. Levack, 'Witchcraft and the Law' in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford: Oxford UP, 2013), pp. 468–84; 482-83.

[45] Ewen, *Witch Hunting*, pp. 18–19.

> The horrible art of Poisoning and all the tricks and convey-
> ances of juggling and Liegerdemain are fully deciphered.[46]

Here the enumerated crimes and canards are positioned as subsidiary categories in the broader discovery which Scot's book undertakes to make. Early modern English dramatists used prophecy also in this way, namely as a phenomenon which could be, and often was, associated with witchcraft or witchcraft-related crimes, including invocation and necromancy. In Shakespeare's *2 Henry VI*, for example, both the conjuror Roger Bolingbroke and the witch Margery Jourdain participate with Eleanor Cobham in invoking a spirit to enquire after the fate of King Henry VI and the Dukes of Suffolk and Somerset (1. iv. 34).[47] This scene evokes several actual plots and threats made on the life of Elizabeth I, which involved prophecies about the length of her life and resulted in the 1581 anti-sedition act referenced above.[48]

Ewen notes that from 1533, when Parliament drafted the first anti-witchcraft act, the law recognised two classes or degrees of indictable offenses. In the first class could be found invocations and conjurations of evil spirits; conviction of an offense of this class was capital and ended in a hangman's noose. The second class comprised '[w]itchcrafts, enchantments, sorceries, charms', and this degree of offense was not necessarily capital.[49] Margery Jourdain, the notorious Witch of Eye, had a reputation for both invocation and garden-variety witchcraft. *The Mirror for Magistrates* contains these lines about her:

> There was a Beldame called the wytch of Ey,
> Old mother Madge her neyghbours did hir name
> Which wrought wonders in countryes by heresaye
> Both feendes and fayries her charmyng would obay
> And dead corpsis from graue she could yprere

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[46] From the title page of the 1651 edition, printed by Richard Cotes, in Reginald Scot, *Discoverie of Witchraft*. ed. Montague Summers (London: John Rodker, 1930; repr. New York: Dover, 1972), p. xxxv.
[47] Unless otherwise indicated, all citations from William Shakespeare, *King Henry VI, Part Two* (London: Arden, 1999).
[48] Keith Thomas, *Religion and the Decline of Magic* (London: Penguin, 1971), p. 480.
[49] Ewen, *Witch Hunting*, p. 24.

Suche an inchauntresse, as that tyme had no peere.[50]

In this fragment, not only do witchcraft and enchantment find a place, but also invocation and necromancy, again demonstrating the frequent contiguity of these crimes.

Even where prophecy is employed in drama in a heroic or comic fashion, it can nevertheless be inflected by the diabolical. This is so in the uncertainly authored *The Birth of Merlin* (first performed c. 1622), in which the figure of Merlin reflects a sort of Biblical moral prophet, both a foreteller confounding merely mortal wisdom to predict the future greatness of Britain, and a *forth*-teller, who warns against the spiritual perils of moral turpitude.[51] Yet Merlin himself is the son not only of a witch, Joan Go-to't – even if only in terms of her congress with a devil – but also of a devil, inflecting the play's prophecies both with witchcraft and diabolism. The mother's surname is also a generic marker, of course, resisting anyone's taking her or the play too seriously. Nevertheless, comic as the play is, its witchcraft and supernatural elements allow it to also affect an otherworldly, vatic tone in its final prophetic soliloquoy.

So too when Shakespeare's Richard III – and, as we shall see, the Richard portrayed in certain of the chronicle histories – uses the prophetic supernatural as a method of crafting (or grasping) power, his doing so is unavoidably coloured by the narrative presence of witchcraft, not only in accusations made against Margaret of Anjou, Elizabeth Woodville, and Jane Shore, but in the curses uttered by Richard, Margaret, and others. Speaking vulgarly, it is a witchy play. The manner of Richard's plotting is significant: he lays a trap for his brothers using 'drunken prophecies, libels and dreams', and in fact his opening soliloquy constitutes a moment of dramatic irony with regards to its nested prophecies (1. i. 33). In the speech, Richard predicts the outcome of his planted oracle, authentically prophesying (in a sense) that his brother Clarence will be

[50] *The Mirror for Magistrates*, ed. Lucy B. Campbell (London: Constable, 1960), p. 435.
[51] William Rowley, *A Critical, Old-Spelling Edition of* The Birth of Merlin, ed. Joanna Udall (London: Modern Humanities Research Association, 1991).

'mewed up' over a contrived prophecy that names 'G' – which could stand for the Christian name of George, Duke of Clarence – as a would-be regicide (1. i. 38–40). For Richard, the sphere of malign prophecies and witchcraft productively connects with and overlaps the sphere of treason.

The 'G' prophecy was not a Shakespearean invention, though the sources that record it do not explicitly connect it with Richard. For example, of George, Duke of Clarence, Holinshed writes: 'Some haue reported, that the cause of this noble mans death rose of a foolish prophesie, which was, that after K. Edward one should reigne, whose first letter of his name should be a G'.[52] Halle's Chronicle notes that even though Clarence's untimely death might have seemed to avert it, this prophecy was nevertheless fulfilled when Richard, Duke of Gloucester came to the throne as Richard III, a connection that may have suggested to Shakespeare amotive for Richard's involvement in an anti-Clarence plot:

> The effect of which was, after king Edward should reigne, one whose first letter of hys name shoulde be a G. and because the deuel is wot with such wytchcraftes, to wrappe and illaqueat the myndes of men, which delyte in such deuelyshe fantasyes they sayd afterward that that Prophesie lost not hys effect, when after kyng Edward, Glocester vsurpcd his kyngdome.[53]

Henry Howard came to the same conclusion before Shakespeare, connecting Richard to the 'G' prophecy in his 1583 work *Defensatiue against the poyson of supposed prophesies*.[54] However, Halle offers an alternative, suggesting that thanks to a longstanding grudge between Edward IV and the Duke of Clarence, one of Clarence's men was

> sodainly accused […] of poysonyng, sorcery, or inchauntment, & therof condempned, and put to taste the paynes of death. The duke, whiche myght not suffer the wrongfull condemnacion of his man […] dayly dyd oppugne, and wyth yll woordes murmur at the doyng

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[52] Raphael Holinshed, *The Chronicles of England, Scotland, and Ireland* (London, 1587), VI, p. 703. <english.ox.ac.uk/Holinshed> [accessed 23 November 2014].
[53] Edward Halle, *Hall's Chronicle, Containing the History of England During the Reign of Henry IV and the Succeeding Monarchs to the End of the Reign of Henry VIII*, ed. by Henry Ellis (London, 1809), p. 326.
[54] Henry Howard, *Defensatiue against the poyson of supposed prophesies* (London, 1583), Hh3^{v}-Hh4^{r}. <eebo.com>. [accessed 26 November 2014.]

> thereof. The king much greued and troubled with hys brothers dayly querimonye, and contynuall exclamacion, caused hym to be apprehended, and cast into the Towre, where he beyng taken and adiudged for a Traytor, was priuely drouned in a But of Maluesey.[55]

Consistent across the accounts is the conjunction of witchcraft (in its various forms) with treason, a connection that appears again and again in treason proceedings in the period. In Howard's tract, the accusations against Clarence's man underline the laundry list approach to supernatural crimes. Because both crimes, treason and witchcraft, participate in the unnatural, they could be contiguous both in legal contexts and in the social imagination. Also apparent is the amphibolous and therefore unsettling nature of prophecy, a lack of linguistic fixity that further echoes the instability of witchcraft.[56]

In Shakespeare's day, the powerful Cecil family was dogged by allegations of involvement with these sorts of malevolent prophecies, including in an anonymous 1592 letter which accused Lord Burghley, Elizabeth's chief advisor and Lord High Treasurer, of prophesying the initials of the individual who would cause the destruction of England.[57] This episode may also have found its way into Shakespeare's portrayal of Richard.

In their invisibility and unknowability, witchcraft and treason – here connected through malign prophecy – share many ontological and epistemological features. Katharine Eisaman Maus points out that witchcraft and treason are 'two kinds of felony [which] complicate the usual, rather straightforward relationship between act and *mens rea*', the self-knowledge of culpability, or 'guilty mind', with which a potentially criminal act must usually be committed to rise to the level of criminality.[58] Because of this inaccessibility of witchcraft and treason, particularly in the evidentiary sphere, in both

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[55] Halle, *Chronicle*, p. 326.
[56] For the unsettling ambiguity of prophecy, see George Puttenham, *The Arte of English Poesie*, ed. Gladys Doidge Willcock and Alice Walker (Cambridge: Cambridge UP, 1936), p. 261.
[57] Siemon, Introduction, *Richard III*, pp. 36–39.
[58] Maus, *Inwardness,* p. 110.

cases investigation and criminal proceedings must attempt to get at, to 'discover', inward truths.[59] This impulse to uncover, to disclose, is not only generative for evidence theory in the early modern period, but also has an impact on the theatre, due to large-scale professional and cultural intersections between courts and the stage.[60]

Enacted on the stage, witchcraft and treason also perform similar dramatic functions, 'discovering' or making plain the inward truths of the characters and thereby providing a frame upon which the drama may be constructed. So *Richard III* does not begin with the death of Clarence, or with Gloucester's conversation with the murderers who perform the deed in the fourth scene. Indeed, the murderers' speeches seem, almost metatheatrically, to mock this beginning with plot, as though plotting is mere plodding: 'Tut, tut, my lord, we will not stand to prate,' says the first murderer, 'Talkers are no good doers' (1. iii. 349–350).

Instead the play begins with soliloquy, with Richard's discovery of his inward truth and the structure that his author thereby imposes on what follows, and Richard almost speaks for his author with his plots and inductions (1. i. 32). Later in the play, Queen Margaret, whose prophecies and curses have worked with Richard's plotting to frame the action, bookends Richard's opening, catching even some of the same diction: 'A dire induction am I witness to, / And will to France, hoping the consequence / Will prove as bitter, black and tragical' (4. iv. 5-7). Richard's plotting forms a bridge to Margaret's cursing, and both elements work to structure the play, like a bridge built from either bank to meet in the centre of a river. Eventually it is Margaret's cursing that carries

[59] John H. Langbein, *Torture and the Law of Proof* (Chicago: The University of Chicago Press, 2006), p. 7.
[60] In the case of indictment for treason, torture might be used to secure a confession (see Callaghan and Kyle, 'Wilde'). This was not true of witchcraft accusations, which is one reason anti-witchcraft jurisprudence was especially productive for the development of evidence theory: JPs were compelled to search for new strategies for uncovering hidden truth (see Orna Alyagon Darr, *Marks of an Absolute Witch: Evidentiary Dilemmas in Early Modern England* (Farnham, Surrey: Ashgate, 2011)). Of course, given the polymorphous nature of the crime of witchcraft, it often shaded far enough into treason or heresy to permit the torture of the accused.

the day, overthrowing Richard's prophesying and plotting; the structure of the play reverts from Richard's plot to Margaret's vengeful conceits.

Another supernatural plot device available to early modern playwrights was the ghost. However, unlike, say, a Senecan prologue ghost, a cursing, witchy (or witchcraft-inflected) character had the advantage of being able to participate fully in the action of the drama in an embodied manner – as opposed to the recurrent hauntings of ghost characters – and still to cast a pall of supernatural discontent over what followed. This is true of both Richard at the play's outset, and of Margaret as it unfolds. This is just one way that the flexibility of witchcraft as a structural device reveals itself. It both is and is not, with the consequence that a character can both be fully mimetically realised and also intersect with the surreal world of dreams and nightmares. Like the characters in Pirandello's proto-absurdist 'Six Characters in Search of an Author', who haunt the staging of their own reality, endlessly recurring as though to challenge their own ontological status, cursing characters and otherwise witchcraft-inflected characters are both of their dramas and also transcend them as catalysers of action and stage fates (including, sometimes, their own).[61] In this role of almost-meeting-themselves, as the demiurges of their playwrights, it is as though cursing characters participate against their will in a *mise en abyme*, giving form to the play in a way that sweeps them up in its unfolding.

One way to highlight the structural role of witchcraft and contiguous supernatural topoi (cursing, scrying, necromancy, and so on) is to compare the use made of them in the other extant plays about Richard III from the period. Critics since at least Boswell the Younger have generally agreed that Shakespeare had some exposure to the anonymous *True Tragedie of Richard the Third*, published in 1594.[62] Shakespeare's adaption

[61] Luigi Pirandello, 'Six Characters in Search of An Author', trans. by Mark Musa (London: Penguin, 1995).
[62] Horace Howard Furness, Jr., ed., *The Tragedy of Richard the Third with the Landing of the Earle Richmond and the Battell at Bosworth Field*, vol. 16, The New Variorum Shakespeare (Philadelphia: J.B. Lippincott Company,

of the line 'A horse, a horse, a fresh horse', for example, has proven more durable than the presumed original.[63]

However, this line is not the only bit of *True Tragedie* that is dramatically less artful than Shakespeare's Richard III play. The anonymous author of *True Tragedie* was apparently the lesser dramatist (or, at least, the more bound to Senecan antecedents): the play starts in the wrong place, and points of great narrative interest, culled from Holinshed – scenes dramatised to great effect by Shakespeare's use of the same source – are often merely summarised by a messenger in Senecan fashion.[64] One example is the encounter between Richmond and King Richard, which in *True Tragedie* is given in stage direction and then digested post-facto in a dialogue between a page and personified *Report*:

> *Report.* How may I know the certain true report of this victorious battell fought to day, my friend what ere thou beest, tel vnto mee the true report, which part hath wonne the victorie, whether the King or no?
>
> *Page.* A no the King is slaine and he hath lost the day, and Richmond he hathe wonne the field and tryumphs like a valiant conquerer.[65]

Compare this to Shakespeare's version, where the stage directions are roughly the same but Richmond stays onstage himself, bloody sword in hand, to discuss the battle with Stanley (5. v).

The duller dramatic sense of the *True Tragedie* playwright is also evident in his structural use of the supernatural. Whereas Shakespeare begins with Richard's witchy plotting, a skein that intertwines with Margaret's cursing to carry the plot forward, *True Tragedie* begins with a standard Senecan supernatural prologue. The 'Ghoast of *George*,

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1908), p. ix; one exception to the critical consensus is John Payne Collier, but his legacy is somewhat tarnished by his career as a forger (see J.P. Collier, *New Facts Regarding the Life of Shakespeare* (London, 1835)).

[63] For a discussion of the line as Shakespearean source, see Barron Field, Esq., *The True Tragedy of Richard the Third to which is appended the Latin Play of* Richardus Tertius*, by Dr. Thomas Legge*, (London: The Shakespeare Society, 1844), p. vii; the line itself occurs on p. 64.

[64] Howard B. Norland, *Neoclassical Tragedy in Elizabethan England* (Danvers, Massachusetts: Rosemont Publishing, 2009), p. 139.

[65] Field, *True Tragedy*, p. 65.

Duke of *Clarence*' enters first to demand blood and revenge in mangled Latin. *Poetrie* and *Truth* succeed the ghost to discuss the *status quo ante* the action of the play.[66] Rather than foreshadowing the action, the prologue is primarily concerned with the grounding of the play's generic claims. 'And here begins Truthes Pageant', declares *Truth* at the close of the prologue, retrenching the claim in the play's title to offer facts about King Richard.

Thomas Legge's *Richardus Tertius*, which although in Latin has been regarded as the first English history play, entirely abjures the overtly supernatural.[67] However, the argument of the first act (perhaps only doubtfully by Legge) does look to plotting to incite incident, if not narrative propulsion, for the play. Specifically, the argument addresses Richard's designs on the crown as a 'homo nimia ambitione elatus', a 'man lifted up by great ambition', and his plotting against Lords Rivers and Grey.[68] The play's triumphalist tone also points to divine justice for the tyrannical Richard and divine favour upon the establishment of the Tudor dynasty, as one might expect from a play written for the visit of Elizabeth to Cambridge.

In these three Richard III plays, then, we see a variety of employments of witchcraft-inflected elements, but it is in Shakespeare's play that the dramaturgic possibilities thereof are exploited the most. In Legge's play, the supernatural is minimally present and is continuous with the spiritual; choric elements are political and expository. Meanwhile, in the anonymous *True Tragedie*, supernatural figures participate in the chorus and call for revenge and political restitution, but they exist mostly beyond and apart from the action of the play.[69] Both of these plays closely follow Senecan models. Only in Shakespeare's *Richard III* do the supernatural elements – inflected by witchcraft both

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[66] Field, *True Tragedy*, pp. 3–5.
[67] Robert J. Lordi, *Thomas Legge*, Richardus Tertius*, Prepared with an Introduction*. Renaissance Latin Drama in England, Second Series, 8 (Hildesheim: Georg Olms Verlag, 1989) p. 2.
[68] The True Tragedy of Richard the Third *to which is appended the Latin Play of* Richardus Tertius*,* by Dr. Thomas Legge, p. 76; the translation is the present author's.
[69] The ghost does not take part in the latter stages of the play. Its final appearance is in line 44 (*The True Tragedie of Richard the Third* (London, 1594), A3^{v} <eebo.com> 15 February 2015.

positionally and categorically, as argued above – not only intrude in (and help to resolve) the plot, they also frame, in the character of cursing and monstrous plotting, the drama and its unfolding.

One reason the Shakespearean opening is more dramatically effective than that of the other Richard III plays is its use of treason and plotting – plots (intrigues) beget plots (in the structural sense), and they superimpose a narrative on unruly spectacle. Plots are also able to implicate viewers in a conspiracy, lending an immediacy and intensity to the audience's theatrical experience. Therefore, dramaturgic innovation by Shakespeare and his contemporaries is not necessarily reflected in an increase in the representation of witchcraft and other supernatural topoi, as some late Victorian and Edwardian scholarship had it, but rather the adaption of these elements into a more integral structural role, from a choric position to a more participatory one.[70] The point is not to posit a supercessive developmental paradigm according to which Shakespeare and his contemporaries began to use the witchcraft-related exclusively as a structural principle; rather, the witchcraft and related phenomena could be employed in a variety of modes: as a source of crowd-pleasing spectacle (as in *Faustus* and *Friar Bacon and Friar Bungay*, inter alia),[71] as atmospherics, that is, as background texture included to flesh out magical or liminal settings or inculcate a mood (as in the case of Webster, considered in Section Three below),[72] and as plot device – which is to say, in the case of *Richard III*, a plot-enabling device.

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[70] Some earlier critics who perceive a Shakespearean exceptionalism in terms of the supernatural include J. Paul S.R. Gibson, *Shakespeare's Use of the Supernatural* (Cambridge: Deighton Bell & Co., 1908); Alfred Thomas Roffe, *An Essay upon the Ghost-belief of Shakespeare* (London, 1860); T.F. Thiselton-Dyer, *The Folk-Lore of Shakespeare* (London: The Malone Society, 1883); and others.

[71] Robert Greene, *The Honorable History of frier Bacon, and frier Bongay* (London: 1594) <eebo.com> 28 February 2015.

[72] These modes can be polyvalent, as in the case of the supernatural elements of *Macbeth*, which are in places structural par excellence, and elsewhere merely decorative; Purkiss has noted that Shakespeare's fairy lore inclusions seem at times to be merely a reflexive 'doodling', the sort of automatic writing a writer tends to produce when his primary focus is elsewhere (from 'Scary Fairies', lecture given at the Oxford English Faculty, May 2014).

This section has argued that witchcraft plots could excel over other sorts of plotting in that the figure of the witch (or sorcerer or malign prophet, where these are witchcraft-inflected) added an additional causative element to the plot. Witchcraft plots could also excel (in plotting terms) over other sorts of supernatural plotting, such as the device of the Senecan ghost, because witches possess an inherent liminality that even ghosts lack. Ghosts could be the shades of former intimates and could evoke the horror of death and punishment, but they remain implicitly transcendent. On the other hand, witches are the definitive insider-outsiders, able to participate fully in a play in an embodied manner. Also, due to the capaciousness of the witchcraft construct, both legally and in the social imaginary, witchcraft is categorically flexible, able to appear even in places where it is not explicitly evoked. The following section applies this categorical flexibility to the context for early modern witchcraft plots, and considers how witchcraft and related supernatural phenomena were able not only to drive plots, but also to assist in their resolution.

iii. Deus ex Machina in the Early Modern English Theatre

This section explores the use of witchcraft plotting as a sort of soft deus ex machina device. It begins by considering briefly the ambivalent status of the deus ex machina in the early modern English theatre, as part of a culture of formal dramaturgic experimentation with plot resolution. Against this backdrop, the section explores how witchcraft plotting not only enabled the resolution of plots, but also functioned in other ways, for example in inductions and to navigate plotting cruces. The section connects the function of these other uses of witchcraft plotting to Roland Barthes's sequential codes. Then, the atmospheric and metonymic use that Webster makes of witchcraft is analysed as a foil for other, more overtly structural uses. Rather than obviate the argument about

plotting with witches, however, such uses reinforce the point: the proteanism of witchcraft makes it a plotting tool par excellence.

The section concludes by comparing the witchcraft quotient of Shakespeare's poetry with that of the plays. The purpose of this comparison is to suggest that, rather than being a subject that simply came readily to Shakespeare in cultural terms – and therefore a subject that might appear across his artistic output – witchcraft was a construct that Shakespeare employed in specific generic contexts, to achieve specific dramaturgic results.

Aristotle's *Poetics* became increasingly well known in England over the course of the sixteenth century, although this was a slow process.[73] Roger Ascham and John Cheke, the first Regius Professor of Greek at Cambridge, knew the *Poetics* in Greek in the first half of the century, and Philip Sidney and John Harington sought to popularise the work towards the century's close.[74] Colin Burrow has remarked on the protracted process of naturalisation that Aristotelian criticism underwent in England, and writers including Linda Bensel-Meyers and Martha Rozett have argued against widespread knowledge of Aristotle among Shakespeare's contemporaries.[75] However, Micha Lazarus has recently shown that such arguments rely on previous theses from the 1920s and 1930s, mainly inherited from M.T. Herrick.[76] Making use of period catalogues and with recourse to reader reception, Lazarus has demonstrated that by the close of the sixteenth century,

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[73] Micha Lazarus, *Aristotle's* Poetics *in Renaissance England* (University of Oxford DPhil Thesis, 2014), pp. 1–19.

[74] Lazarus, *Aristotle's* Poetics, pp. 20–70; M.T. Herrick, 'Sir John Cheke and Aristotle's *Poetics*' in *Classical World* 18 (1925), pp. 134–35. Through a survey of sixteenth- and early seventeenth-century library catalogues to collate English ownership of the *Poetics*, Lazarus convincingly refutes the inherited consensus that Sidney (and hence, and all the more so, Sidney's contemporaries) could not have known the work except secondhand.

[75] Colin Burrow, 'Combative Criticism: Jonson, Milton, and Classical Literary Criticism in England' in Glyn P. Norton, ed. *The Cambridge History of Literary Criticism, III: The Renaissance* (Cambridge: Cambridge University Press, 1999), p. 487; Linda Bensel-Meyers, 'Empowering the Audience: The Rhetorical Poetics of Renaissance Drama' in *Style* 23:1 (1989), pp. 73–5; Martha Rozett, 'Aristotle, the Revenger, and the Elizabethan Audience' in *Studies in Philology* 76:3 (1979), p. 248.

[76] Lazarus, *Aristotle's* Poetics, pp. 1–19; M.T. Herrick, *The* Poetics *of Aristotle in England* (New Haven: Yale UP for Cornell UP, 1930).

the *Poetics* was actually widely collected in England, and even more widely known.[77]

As the *Poetics* became established, dramatists were increasingly exposed to the Continental preference for stringent application of the unities as a corollary of a corresponding commitment to dramatic realism, the *verisimile* of the Italian and French neoclassical theatres.[78] That these impositions sat uneasily with English dramatists can be seen in the stridency of certain individuals who took up the cause of their adoption, including Sidney, who decries supposed infractions of the Aristotelian unities in *Gorboduc* and other 'Tragedies and Comedies', writing that the plays observe rules 'neyther of honest ciuilitie, nor of skilfull Poetrie':[79]

> For it [*Gorboduc*] is faulty both in place, & time, the two necessary companions of all corporall actions. For where the stage should alwaies represent but one place, and the uttermost time presupposed in it, should be, both by *Aristoteles* precept, and common reason, but one day: there is both many dayes, and many places, inartificially imagined […] which how absurd it is in sence, euen sence may imagine, and Arte hath taught, and all auncient examples iustified: and at this day, the ordinary Players in Italie, wil not erre in.[80]

That Sidney should feel the need to castigate other dramatists for their stumbling with regard to the unities simultaneously implies a general knowledge of the principles and a general laxity with regard to their implementation.[81]

Though never with the trenchancy and conservatism of the Italian and French stages – under the influence of Cavalcanti, Castelvetro, Trissino, and especially Scaliger – certain voices in English criticism followed Continental models in perceiving a prescriptivism in Aristotle which would almost certainly have been alien to the author of the *Poetics*, for whom the minor unities of space and time were merely descriptive, and

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[77] Lazarus, *Aristotle's* Poetics, esp. pp. 1–19.
[78] Louis Sigmund Friedland, 'The Dramatic Unities in England' in *The Journal of English and Germanic Philology* 10:1 (1911), pp. 56–89, 63.
[79] Philip Sidney, *An apologie for poetrie* (London, 1595), I4^{v} <eebo.com>. [accessed 17 February 2015].
[80] Philip Sidney, *An apologie for poetrie* (London, 1595), I4^{v}-K1^{v}<eebo.com>. [accessed 17 February 2015].
[81] Friedland, 'Dramatic Unities', pp. 68–70.

for whom the major unity, that of action, was paramount.[82] In the Renaissance this emphasis became inverted, and unity of action was often sacrificed to an increasing preoccupation with verisimilitude in scope of timeframe and setting. In early modern England this desultory prescriptivism reached its zenith with Jonson, who mentioned the unities metatheatrically in prologues and epilogues and harangued fellow dramatists about them in person and in print.[83]

Along with this predilection for reading classical authors prescriptively in terms of dramatic structure – however much this was honoured in the breach in actual practice – came a newfound association of the deus ex machina ending with ineptitude, with the malformed plot.[84] Although he himself makes use of the deus ex machina device, Jonson criticises its overuse in the prologue to *Every Man in His Humour*: 'One such, to day, as other playes should be / Where neither *Chorus* wafts you ore the seas; / Nor creaking throne comes downe, the boys to please'.[85] Recently Tiffany Werth has argued that the design of Sidney's *New Arcadia* reflects a desire to relegate the deus ex machina and associated supernatural devices as a way of reforming and expropriating from Catholic antecedents the 'wonder' incidental to romantic plots.[86]

Micha Lazarus holds out the attractive possibility that Shakespeare may have encountered the aesthetic principles of Aristotle's *Poetics* via Sidney, but however that may be, it seems likely beyond reasonable doubt that Shakespeare would at least have been familiar with the Renaissance dramaturgic theories 'fathered on Aristotle' (in Friedland's

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[82] Friedland, 'Dramatic Unities', pp. 68–70.
[83] Friedland, 'The Dramatic Unities', p. 76.
[84] Rush Rehm, *Greek Tragic Theatre* (New York: Routledge, 1992), p. 69.
[85] Ben Jonson, *Euery Man in his Humour*, in *The Workes of Beniamin Ionson* (London, 1616), A1^{r}-F7^{r}, A3^{r} <eebo.com> 1 March 2015; One example of Jonson's use of deus ex machina appears in his epilogue to *Every Man Out of His Humour*, where Malicente/Asper reconciles his roles as malcontent outsider and rewarded social climber only through an appearance of Queen Elizabeth (see David Riggs, *Ben Jonson: A Life* (Cambridge, MA: Harvard UP, 1989), pp. 59–60; Ben Jonson, *The comicall satyre of euery man out of his humor* (London, 1600) <eebo.com> [accessed 1 March 2015]).
[86] Tiffany Werth, 'The Reformation of Romance in Sir Philip Sidney's *New Arcadia*' in *English Literary Renaissance* 40:1 (2010), pp. 33–55.

phrase), including the unities and the 'prohibition' of the deus ex machina.[87] Certainly he would have met with Horace's proscription in his grammar school reading, and would have been exposed to these principles via Continental drama.[88]

Perhaps the best argument that Shakespeare was aware of the putatively Aristotelian and Horatian proscriptions of deus ex machina, whether directly or via Continental neoclassical influences, is the manner in which he plays with and subverts the deus ex machina, thereby demonstrating his awareness of it as a convention. Shakespeare employs the soft deus ex machina of witchcraft in a variety of plays and formats, including usages as diverse as the living statue resolution of *The Winter's Tale* – a play in which he also directly challenges the unity of time with a sixteen-year lacuna – and the abandonment of Joan Puzel by her demon followers immediately prior to her battle with York in *1 Henry VI*.[89]

In addition to these usages, however, Shakespeare creates an explicitly classical god-from-the-machine sequence in *Cymbeline*. The fact that he does this offers additional evidence for his purposive experimentation with plotting and the resolution of plots, and the way deus ex machina is treated in the play seems to indicate the playwright's awareness of the device's ambivalent status. In this latter case, in what must be perceived as a dramatist's joke on the convention, the deus ex machina occurs within Posthumus's dream, and Shakespeare notably does not use the deus ex machina event proper either to meliorate Posthumus's circumstances or to resolve the plot (5. iv. 61–89):[90]

> Whom best I love I cross; to make my gift,
> The more delayed, delighted. Be content.
> Your low-laid son our godhead will uplift;

[87] Lazarus, *Aristotle's* Poetics, p. 236; Friedland, 'Dramatic Unities', p. 64.
[88] See, for example, T.W. Baldwin, *William Shakspere's 'Small Latine and Lesse Greeke'*, 2 vols (Urbana: University of Illinois Press, 1944), II, 497–525; Neil Rhodes, *Shakespeare and the Origins of English* (Oxford: Oxford University Press, 2004), p. 52; Perry D. Westbrook, 'Horace's Influence on *Antony and Cleopatra*' in *Publications of the Modern Language Association* 62:2 (1947), pp. 392–98, 396.
[89] William Shakespeare, *The Winter's Tale* (London: Arden, 2010); William Shakespeare, *1 Henry VI* (London: Arden, 2000).
[90] William Shakespeare, *Cymbeline*, in *Pericles, Cymbeline, and the Two Noble Kinsmen* (New York: Signet, 1988), pp. 220–265, 153–4.

His comforts thrive, his trials well are spent. (5. iv. 71–74)[91]

The usage does, however, let us know that we are in a mode where the disparate elements of plot can be resolved. When Posthumus is subsequently pardoned and the series of unmaskings before Cymbeline make it clear that the king has heirs, and Posthumus, still, a wife, the proceedings are all inflected by the appearance of the god. A somewhat bathetic effect remains, however, as though the deus ex machina tableau's occurrence in a dream has lent to what follows a penumbra of comedy.

By contrast, in the words of critic Maurice Cunningham, the deus ex machina was employed in classical drama to instil 'feelings of wonder and astonishment' in the audience.[92] Rush Rehm notes that Aeschylus and Sophocles used the deus ex machina 'not only to build their dramatic illusions, but to undermine them as well. In so doing, they forced the audience to confront the material of the play, encouraging them to adopt new perspectives and to reorder their priorities when they left the theatre'.[93] It was its use in the resolution of Euripides' *Medea* to which Aristotle objected, and this became the focus of the Continental sixteenth-century critical opprobrium derived from Aristotle. However, Aristotle did not object across the board to the representation of divinity in the theatre. In fact, he found that a god might be best positioned to relate matters beyond the scope of the action (for example, prologically): 'A contrivance must be used for matters outside the drama – either previous events which are beyond human knowledge, or later ones that need to be foretold or announced. For we grant that the gods can see everything'.[94] This nuance was not necessarily lost on Renaissance writers or critics.[95]

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[91] Shakespeare, *Cymbeline*, pp. 153–4.
[92] Maurice P. Cunningham, 'Medea ΑΠΟ ΜΗΧΑΝΗΣ' in *Classical Philology* 49:3 (1954), pp. 151–160, 153.
[93] Rehm, *Greek*, p. 48.
[94] Aristotle, *Poetics*, ll. 1454 a 33-1454 b 9.
[95] For example, the poet Ronsard seems to engage specifically with this Aristotelian distinction in arguing that the intervention of Jupiter to save Francus in the *Franciad* is necessary and a germane matter 'outside the plot' rather than strictly a resolution of it (see Isidore Silver, *Ronsard and the Hellenic Renaissance in France,*

Moreover, there are analogues in Greek and Roman drama to the loose but generative relationship between dramatic structure and the supernatural sketched above. Euripides, perhaps the figure most associated with the classical deus ex machina device, also made use of the supernatural in other ways to structure his dramas and facilitate plots.[96] One example is the prologue ghost of Polydorus at the outset of *Hecuba*, a narrator whose job it is to set the stage for the action. The ghost additionally ensures that the play begins with a spectacular unease, inflecting the drama and the theatre with the spectre of mortality and literally foreshadowing the murder and doom to follow. Elsewhere Euripides employs different supernatural beings in this narrative role of the story preceding the play. Apollo introduces the action in *Alcestis*, and serves as a divine counterpoint to all that follows, an initial figurative zenith from which the play descends into episodes of katabasis (as in the case of Herakles' struggle with Thanatos).[97]

Euripidean influence on Seneca apparently extends to the latter's use of prologue ghosts in both *Thyestes* and *Agamemnon*. Mary Braginton notes that 'Seneca employs the supernatural for motivation of action, revelation and prophecy, melodramatic and spectacular effects, and motivation of the catastrophe' – in other words, from structural rationale, as well as aesthetic and decorative purposes.[98]

It is this latter structural use of the supernatural that constitutes the more direct antecedent of early modern English usages, including witchcraft. Unlike French and

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I: Ronsard and the Greek Epic (St. Louis, MO: Washington UP, 1961), pp. 444–46). In England, exposure to this principle was perhaps likelier to have come not explicitly but via modeling of Senecan uses of the supernatural (see Susanna Braund, "Haunted by Horror: The Ghost of Seneca in Renaissance Drama' in *A Companion to the Neronian Age* (Oxford: Blackwell, 2013), pp. 425–443).

[96] Tanya Pollard traces Euripides' influence in early modern England in 'What's Hecuba to Shakespeare' in *Renaissance Quarterly* 65:4 (2012), pp. 1060–1093; see also Sarah Dewar-Watson, 'The *Alcestis* and the Statue Scene in *The Winter's Tale*' in *Shakespeare Quarterly* 60:1 (2009), pp. 73–80.

[97] D. Felton, 'The Dead", in Daniel Ogden, ed., *A Companion to Greek Religion* (Oxford: Wiley-Blackwell, 2010), pp. 86−99, 94.

[98] Mary V. Braginton, *The Supernatural in Seneca's Tragedies: A Dissertation* (Menasha, WI: George Banta, 1933). 'Senecan' in the period could also refer to closet drama never meant for performance – Seneca's own cycle may well have been closet drama – but this question is beyond the scope of the chapter. Indeed all of the employments of the supernatural credited to Seneca by Braginton apply also to closet drama with the exception of spectacle, if that is understood to be exclusively visual spectacle.

Italian neoclassical theatre, the English stage remained largely unrestricted by a too-strict observation of verisimilitude which impeded dramatic imagination.[99] Thus the English stage could follow classical models in employing supernatural elements wherever they best conduced the unfolding of the plot. Often this meant a neo-Senecan utilisation of prologic ghosts, but other uses abounded.[100]

Supernatural elements, and witchcraft specifically, could be a productive means not only of generating a plot, but also of setting one in motion, and the structural value of witchcraft and witchcraft-related elements is also evident in places other than openings or deus ex machina-reminiscent resolutions. To demonstrate the range of dramaturgic employment of witchcraft-related topoi, it is worth considering their use in plotting in beginnings and endings, and also in on-going usages across plays. Of course these distinctions are too neat in the sense that witchy elements could be employed at various points within individual plays to help in navigating the increased sophistication – relative to the structures of medieval miracle and morality plays – of English early modern theatrical structures.[101]

An explicit English turn towards classical five-act models – according to scholars including Baldwin, turning to works by Plautus, Seneca, and Terence, and to theory from the *Ars Poetica* of Horace and Donatus' commentary on Terence – need not be overdetermined; it is enough for purposes of this chapter's argument to note a shift from the relatively linear morality drama to the more complex structures of the English Renaissance. In any case, Henry L. Snuggs argues that classical drama was never prescriptively restricted to five acts, and that orthodoxy regarding five-act classical

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[99] Friedland, 'Dramatic Unities', p. 64.
[100] Such ghosts include the Spirit of Achilles in Heywood's translation of *Troas* (1559); the ghost of Gorlois in Thomas Hughes's *Misfortunes of Arthur* (1587); Don Andrea observing the play from the frame in Kyd's *Spanish Tragedy* (c. 1580s); Old Hamlet in Shakespeare's play (c. 1599); the ghosts of Claudius and Brittanicus in Matthew Gwinne's *Nero* (1603); Sulla in Jonson's *Catiline* (1611); inter alia (see Brand, 'Haunted', pp. 425-443).
[101] T.W. Baldwin, *Shakspere's Five-Act Structure* (Urbana: The University of Illinois Press, 1947), p. xi.

structures grew up in the sixteenth century around an emphasis on non-choral pacing in Seneca, as well as certain overextensions by Donatus and Horace, but that this orthodoxy only caught on in the private and not the public theatres.[102] John C. Meagher argues that Shakespeare likely did not give any consideration to act divisions in composing his plays.[103]

At least two distinct usages mark witchcraft-related supernatural inductions, and, perhaps unsurprisingly given their role in framing narrative, these correspond closely with the sequential codes identified by Roland Barthes in *S/Z*: first, witchcraft, our edge case example, as explicit plotting (proairetic); and second, the introduction of an accusation or indictment which requires a counterbalancing response for its logical completion (hermeneutic).[104] The first case has been sketched in Section 1 above, in considering the opening of *Richard III*: plotting (read 'scheming') is always already associated with plot, because it is definitionally causal: *this* will lead to *that*. Even if nothing else, audiences will be compelled to find out how the plan develops and whether it achieves its aims.[105] As Barthes indicates in *S/Z*, 'proaireticisms' may be either closed structures conforming to similar sequences in other contexts – closed, that is, in that they require an end – or they may constitute 'an open, infinite series', which will draw readers or viewers on to successive states.[106]

The second witchcraft-related induction, the dramaturgic introduction of a monstrous accusation, is obviously related to the first, but rather than grabbing hold of the viewer with a compulsion for completion, it functions hermeneutically as a sort of call and response. Is an accused witch actually a witch? Is an individual accused of

[102] Henry L. Snuggs, *Studies in a Dramatic Convention* (New York: Vantage Press, 1960) pp. 112–117.
[103] John C. Meagher, *Pursuing Shakespeare's Dramaturgy: Some Contexts, Resources and Strategies in His Playmaking* (London: Associated University Presses, 2003), p. 46.
[104] Roland Barthes, *S/Z* (Oxford: Blackwell, 1974), p. 30.
[105] Barthes, *S/Z*, p. 30.
[106] Barthes, *S/Z*, P. 193.

treason a traitor? The accusation requires an explication and an unpacking, and thereby helps to give shape to the narrative.

As noted above, though some of the accusations that occur in *Richard III* are not of supernatural crimes, the charges of treason shade into and overlap with witchcraft. They do so explicitly for the title character, who employs a series of monstrous accusations as a means of bringing about his plot. He accuses Clarence of plotting against King Edward (1. i. 34–40), Queen Margaret of witchcraft (1. iii. 163), Queen Elizabeth Woodville of witchcraft (3. iv. 66–71), and Rivers, Grey, and Vaughan he commits to Pontefract for offenses 'undisclosed' (2. iv. 43–47).

The kinship of this narrative propulsion involving witchcraft accusations (specifically, as opposed to other sorts of accusations) in the theatre and in the courtroom is self-evident. A reputation as a witch could incubate within a village for some time. Owen Davies has outlined the cunning folk traditions which operated innocuously and even vitally as part of the fabric of many late medieval and early modern communities, only to leave individuals exposed to accusations and danger during periods of communal stress.[107] Once an indictment was brought, the accusation required a formal, legal response. As an example, the Middlesex Rolls contain repeated indictments and acquittals for accused witches sometimes stretching over years. A True Bill was found against Agnes Godfrey in 1611 for practising 'witchcraft &c. in and upon a steere, a pig, a little pig and a mare, of the goods and chattels of William Durante gentleman, thereby destroying the same'.[108] In the same file, however, there are records of earlier witchcraft indictments against Godfrey in 1597, 1598, and 1607.[109]

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[107] Owen Davies, *Cunning*, esp. pp. 1–28; see also Thomas, *Religion*, pp. 252–300.
[108] Middlesex Session Rolls: 1611, '30 November, 7 James I', *British History Online* <british-history.ac.uk> 28 February, 2015.
[109] Middlesex Session Rolls: 1611, '30 November, 7 James I', *British History Online* <british-history.ac.uk> 28 February, 2015. Drama shows this kind of transformation less frequently, though it does appear, as in *The Witch of Edmonton*, where in Act 4, Scene 1, Mother Sawyer actually faces an accusation of witchcraft before Justice, is questioned, and released unharmed. Only later, in Act 5, is she arrested for her crimes (see Thomas

In fact, there is also a classical antecedent for this narrative component, namely the drive towards completion. In the *Poetics*, Aristotle includes among the parts of tragedy: *anagnorisis*, or a movement from ignorance to knowledge, *peripeteia*, a reversal of the situation of the protagonist, and *catastrophe*, a scene of the protagonist's intense moral suffering or death.[110] In the English Renaissance *anagnorisis*, or recognition, was translated as 'discovery'.[111] This idea of discovery as revelation, rather than the more dominant contemporary usage as a synonym for invention, was a common connotation of 'discovery' in the early modern period; it has this sense in Scot's *The Discoverie of Witchcraft* (1584), where it refers to an uncovering or disclosure of supposed witchcraft practices.[112] Other examples of this usage include Thomas Potts's pamphlet *The Wonderful Discovery of Witches in the County of Lancashire* (1613), and Henry Goodcole's *The Wonderful Discovery of Elizabeth Sawyer, a Witch* (1621).[113] 'Discovery' retains something of this sense of revelation of the previously hidden in the legal lexicon of United States civil procedure, where it names the pre-trial phase of a lawsuit in which both parties can request disclosure of facts or documents held by the opposing party (in UK law, this phase is called 'disclosure').[114] Watching or reading a play for plot involves such a sense of connectedness, a sense of the revelation of what was always already present.

In Aristotelian conceptions of tragedy, this discovery or *anagnorisis* is associated with the protagonist's shift from ignorance to knowledge, and often with an accompanying inversion of the previously prevailing state of affairs.[115] For the well-

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Dekker, John Ford, and William Rowley, *The Witch of Edmonton*, Peter Corbin and Douglas Sedge, eds. (Manchester: The Revels Plays, 1986)).

[110] Aristotle, *Poetics*, ix.

[111] Lily B. Campbell, Scenes and Machines on the English Stage During the Renaissance (Cambridge: Cambridge UP, 1923), p. 68.

[112] Reginald Scot, *The Discoverie of Witchcraft* (New York: Dover, 1972).

[113] Thomas Potts, *The wonderfull discouerie of witches in the countie of Lancaster* (London, 1613) <eebo.com> [accessed 14 February 2015]; Henry Goodcole, *The wonderfull discouerie of Elizabeth Sawyer* (London, 1621) <eebo.com> [accessed 14 February 2015].

[114] *OED* s.v. 'discovery' <oed.com>. [accessed 26 February 2015].

[115] John Kerrigan, *Revenge Tragedy: Aeschylus to Armageddon* (Oxford: Oxford University Press, 1997), pp. 3–32).

formed Aristotelian tragedy, we might consider that the protagonist's pre-existing state of ignorance exists in a structural dyad with its inversion; in a way, the ignorance calls forth its own enlightenment, and indeed, for the plot to come full form and catharsis to be achieved, this recognition must take place.

In a less technical but no less structurally important sense, any question or mystery introduced within a drama demands a resolution.[116] This demand is weighted even more heavily if the question is introduced early, when the action is being framed. One way the principle – in cognate form – has been glossed for the modern theatre is the now-hackneyed Chekhovian axiom that the gun hanging over the mantle in Act 1 must be fired by Act 3.[117] As noted above with Richard's parsing of prophecy, the monstrous accusation can be a subset of a plotting induction. However, plot-inducing prophecy can also function separately from accusations proper. In this case, it will still structurally require completion: will the prophecy come true, or will it be foiled?[118]

Such an enigma generates the structure of *Macbeth*. Once the Weird Sisters' prophecies have been uttered, the play can be seen as unfolding in a series of responses to them. Beginning with Samuel Johnson, generations of critics have discussed whether Macbeth believably could perform the deeds the play puts into his hands; this is what the prophecies make us desperate to know. Earlier critics discussed this in terms of decorum, latterly in terms of psychology.[119] The presence or absence of Banquo's guilt

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[116] Barthes, *S/Z*, pp. 30–31. This is true even of theatres of the fantastic, so long as a commitment to mimesis is important to the dramaturgy. Absurdist theatre and other types of postmodern drama which attempt to subvert mimesis or interrogate representation are obviously not covered by the discussion here.
[117] Leah Goldberg, *Russian Literature in the Nineteenth Century: Essays* (Jerusalem: Magnes Press, Hebrew University, 1976), p. 163.
[118] In this movement towards completion, dramatised prophecies also exemplify Todorov's description of metonymy as the key element of the signifying chain of narrative: they are metonymic in that they always already imply concatenative narrative, connecting an origin – for the prophet or ground of the prophecy – with a future, however obscure the prophecy makes this future in the event (see Tzvetan Todorov, 'The Two Principles of Narrative' in *Diacritics* (1971), pp. 37–44; see also Peter Brooks, *Reading for the Plot: Design and Intention in Narrative* (Cambridge, Massachusetts: Harvard UP, 1994). A related point about how prophecies exemplify teleological narrative can be found in Kermode, *Ending*, esp. pp. 3–34.
[119] Samuel Johnson, *Dr. Johnson on Shakespeare*, ed. W.K. Wimsatt (Harmondsworth: Penguin, 1969), p. 133; Kenneth Muir, Introduction, *Macbeth* (London: Arden, 1951), pp. xiii–lxv, xliii–lix.

and the problem of his loyalty have also received much attention.[120] As an audience, we want to know more from the witches; with Macbeth, we want to say, 'Would they had stay'd!' (1. iii. 82).[121]

Of course, plot-productive puzzles need not be supernatural. Jonson's *The Alchemist* turns on a perfectly mundane series of canards[122] – but then, Jonson was working within strict, self-imposed Aristotelian constraints, a different dramaturgic approach which offered diverse opportunities and challenges. *The Alchemist* would probably have pleased Philip Sidney; its scrupulous observation of the unities and its cohesive structure led Coleridge to call it 'one of three most perfect plots ever planned'.[123] Nevertheless, though the play can be seen as a finely faceted gem in terms of its construction, the constraints within which it operates ensure that it partakes of a certain closeness and closedness.

Not so the more open – Friedland might say the more natively English – imaginative (as against strictly realist) drama.[124] When the forensic content of a play is limned by witchcraft, a particularly alluring paradox can be created: the evidentiary quotient of the drama offers up simultaneously the promise of eventual revelation and an aura of ultimate unknowability. To return briefly to *Richard III*, when Richard discloses his plotting in the opening speech, it is both a disclosure and an *en*-closure, a hiding. As in the case of Iago's famously 'motiveless malignity', such pronouncements participate in the paradox of the liar; they are truths which at the moment of their revelation disallow us to trust the revelator.[125] They simultaneously reveal and obscure, and for the

[120] See, for example, *A.C. Bradley on Shakespearean Tragedies: A Concise Edition and Reassessment*, ed. John Russell Brown (Basingstoke: Palgrave Macmillan, 2007).
[121] William Shakespeare, *Macbeth* (London: Arden, 1951).
[122] Ben Jonson, *The Alchemist*, ed. Elizabeth York (York: Methuen, 2010).
[123] Brian Richardson, *Narrative Dynamics: Essays on Time, Plot, Closure, and Frames* (Columbus, OH: The Ohio State University Press, 2002), p. 94.
[124] Friedland, 'Dramatic Unities', p. 64; p. 67.
[125] A.C. Bradley, *Shakespearean tragedy: Lectures on Hamlet, Othello, King Lear, Macbeth* (London: Macmillan & Company, 1951), p. 251.

playwright this tension offers unparalleled structural flexibility.

Objects, including bodies, could occupy similar positions in actual trials for monstrous crimes including murder and witchcraft. Cruentation, the idea that a corpse would bleed afresh in the presence of its untimely undoer, held out to medieval and Renaissance justices the promise of tangible physical evidence, but its operations nevertheless remained in the supernatural realm.[126] During the Lancashire trials of 1612, cruentation was used as evidence against Jennet Preston. When she touched the body of the deceased Thomas Lister, he 'bled fresh bloud presently, in the presence of all that were there present'.[127] Preston was convicted and hanged. Reliance on such physical evidence – other examples include supernumerary nipples, or physical struggles with catechising – was common in witchcraft trials, constituting a way of anchoring the supernatural to the natural world. The paradox, of course, is that these evidences are warranted by the supernatural. Even if they were discoverable at a trial, however, such evidence would remain invisible on stage and also in the woodcuts used on the title pages of disclosive witchcraft pamphlets and printed witch plays.[128]

It is unrecoverable whether dramatists, including Shakespeare, definitely saw witchcraft and the supernatural as a discrete structural device. What makes this at least likely, however, is the propensity for structural experimentation that Shakespeare demonstrates elsewhere – in places like the ending to *All's Well that Ends Well*, where he has the hero give way to the senex, rather than the reverse.[129] This inversion of a time-

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[126] R.P. Brittain, 'Cruentation in Legal Medicine and in Literature', in *Medical History* 9 (1965), pp. 82–3.
[127] Thomas Potts, The Wonderfull Discoverie of Witches in the Countie of Lancashire (London, 1613), sig. Y3.
[128] For example, compare the title page of the 1621 edition of Henry Goodcole's pamphlet *The wonderfull discoverie of Elizabeth Sawyer, a Witch*, with the title page of the 1658 edition of Dekker, Ford, and Rowley's *The Witch of Edmonton*. The play's title page is decorated with figures and scenes from the play, replete with speech bubbles featuring fragments of incantatory speech. The figure of Mother Sawyer is depicted in a pose and with accouterments (a staff, hat, and robe) very similar to her depiction in the pamphlet woodcut that had circulated nearly forty years previously.
[129] Northrop Frye, 'The Argument of Comedy', in Brian Richardson, ed., *Narrative Dynamics: Essays on Time, Plot, Closure, and Frames* (Columbus, OH: The Ohio State University Press, 2002), pp. 102–109; 102–103.

honoured dramaturgic conceit – and its observation otherwise across his oeuvre – indicate that Shakespeare was well aware of the comic rule of completion whereby the youth ultimately triumphs over the senex, yet he remained interested in playing with it.

The use of witchcraft to structure drama also evinces generic constraints and restraints. Beyond the (once) so-called witch 'craze' in early modern England,[130] and apart from the vogue for witches in the theatres,[131] critics have noted a specific Shakespearean interest in witches.[132] Greenblatt writes that there 'is evidence throughout Shakespeare's works of a peculiarly intense interest in witchcraft', and that 'witches […] are a recurrent, even obsessive feature in Shakespeare's cultural universe'.[133] But is this strictly correct? In fact, the witchcraft quotient of Shakespeare's dramas is related at least partially to genre, to the mode of theatrical writing.

A countervailing dramatic construction of witchcraft can be found in the metaphorical architecture of witchcraft in Webster.[134] Webster does not plot with witchcraft per se; he employs witchcraft differently, deriving from it and associated supernatural categories the sui generis, at times almost claustrophobic tone for which he is known. M.C. Bradbrook, and more recently David Coleman, have noted that though genuine supernatural moments in Webster are rare and are usually explicable as psychological states or trickery, nevertheless there is a cumulative effect of melodramatic plot elements, murder, poisonings, hauntings, and depravity which seems to prefigure the Gothic and limn the plays supernaturally.[135] Part of this tonal invocation of the

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[130] Andrew Sanders, *A Deed Without a Name: The Witch in Society and History* (Oxford: Berg, 1994), p. 169.
[131] Diane Purkiss, '*Macbeth* and the All-Singing, All-Dancing Witches of the Jacobean Witch Vogue', in *Shakespeare, Feminism and Gender*, ed. Kate Chedgzoy (Basingstoke: Palgrave, 2001), pp. 216–234.
[132] See, for example, Deborah Willis, *Malevolent Nurture: Witch-hunting and Maternal Power in Early Modern England* (Ithaca: Cornell UP, 1995), pp. 4–6.
[133] Greenblatt, 'Shakespeare Bewitched', p. 120.
[134] Countervailing, that is, relative to the uses touched upon thus far. In analysing the construction of witchcraft as a dramatic device, it is useful to remember that it can be employed variously; indeed, this is the great dramaturgic advantage of its proteanism.
[135] M.C. Bradbrook, *Themes and Conventions of Elizabethan Tragedy* (Cambridge: Cambridge UP, 1935), p. 195; David Coleman, *John Webster: Renaissance Dramatist* (Edinburgh: Edinburgh UP, 2010), p. 105.

supernatural, and indeed of witchcraft, is generated by references within the plays to external witchcraft-related events. For example, in *The Duchess of Malfi* Ferdinand seeks to crush the spirits of his sister, the Duchess, by presenting her with a severed hand, supposedly Antonio's, and arranging the effigies of Antonio and her children before her. These are necromantic (and therefore witchy) doings in their own right, of course. After witnessing the terrible spectacle, the Duchess exclaims on her brother's witchcraft and says:

> There is not between heaven and earth one wish
> I stay for after this: it wastes me more
> Than were't my picture, fashion'd out of wax,
> Stuck with a magical needle and then buried
> In some foul dunghill. (4. i. 61–65)[136]

This curious bit of sorcery not only reinforces and intensifies the artificial necromantic associations of the scene, but also evokes the infamous case of the Windsor witches, a group of villagers executed in 1580 for an extensive list of diablerie, including making wax pictures of their victims and piercing these with 'an hawthorne pricke' before burying the images in dung.[137] Another example comes from *The White Devil*, where Marcello, speaking to Flamineo, draws upon a particularly English bit of witchcraft as metaphor:

> Hum! Thou are a soldier
> Followest the great Duke, feedest his victories,
> As witches do their serviceable spirits
> Even with thy prodigal blood. (3. i. 36–39)[138]

These references to witchcraft practices and known witchcraft trials contribute to the occult atmosphere of Webster's dramas, and affect the way we read other supernatural elements within the plays. As has been shown, for example, *veneficia* can be considered

[136] Unless otherwise indicated, all citations from John Webster, *The Duchess of Malfi* (London: Nick Hern Books, 1996).
[137] Ewen, *Demonianism*, p. 152–4.
[138] Unless otherwise indicated, all citations from John Webster, *The White Devil* (London: New Mermaids, 1996).

witchcraft – also in legal terms. So, in *The Duchess of Malfi* when the Cardinal murders his mistress, Julia, with a poisoned Bible, though in one sense this is a physically natural (if melodramatic) murder, in its context it is both magnified by and contributes to a tone of witchcraft-limned oppressiveness (5. ii. 275–80).

The witchcraft component in Webster's dramas nevertheless functions markedly differently to witchcraft and the witchcraft-inflected supernatural in some of the other plays this chapter has considered. Rather than invalidating a consideration of witchcraft as a dramaturgic device, however, this variety rather highlights once again the protean aspect of witchcraft that makes it so productive for drama. Staged witches could be visually diabolical crones like Mother Sawyer in the *Witch of Edmonton*, but they could also be subtle enough to be invisible, as the Antipholi of *The Comedy of Errors* find on encountering the suspected witches of Ephesus, uncanny and unknowable: we have met the witches, and they are us.[139] The fact that staged witchcraft could either be physically overpowering and repugnant, or occult in a way that unsettled the rest of the drama, offered dramatists the opportunity to employ it also as a tonal device, as Webster does.[140]

Certainly witchcraft could play an important structural role in the plays, as this chapter has argued. But does this plotting with witchcraft represent advised construction on the parts of the playwrights, or solely enculturation or discursive freight? It seems plain that for Shakespeare, at least, witchcraft could be employed purposively as a dramatic device. This can be shown by comparing the frequency of witchcraft references in the plays to those in his poetry, where the situation looks quite different. While the terms 'witch' or 'witchcraft' appear in twenty-three of Shakespeare's plays (or roughly sixty per cent of the dramatic oeuvre), and adding variants including 'bewitch' increases

[139] Dekker, Ford, and Rowley, *Edmonton*; William Shakespeare, *The Comedy of Errors* (London: Arden, 1968).
[140] Another exemplification of this can be found in *Othello*, where the ineffable (but critically invisible) witchcraft of Othello and his mother – and Desdemona by association, with the forensic shuttlecock of a handkerchief – double the inscrutably grounded malignity of Iago (see William Shakespeare, *Othello* (London: Arden), 1996).

this number, 'witch' appears in none of the poetry and 'witchcraft' appears just once, in *A Lover's Complaint*: 'O father, what a hell of witchcraft lies / In the small orb of one particular tear' (ln. 288).[141] Some recent scholarship has re-challenged Shakespearean authorship of *A Lover's Complaint*, and it was excluded from the RSC's *Complete Works* in 2007.[142] Even if the consensus view of Shakespearean authorship is stipulated, however, there is little evidence in the poetry for a Shakespeare who 'could not get [witches] out of his mind or rather out of his art'.[143] If Shakespeare had access to witchcraft as a metaphor mainly as a by-product of cultural or discursive engagement, we would expect to see it elsewhere in his prodigious poetic output. That it does not appear offers strong circumstantial evidence that the variegated uses made of witchcraft in his plays were purposive within the scope of the dramatic genre.

Nor is witchcraft simply a topic or metaphor outside the range of poetic coverage in the period. 'Witch' and 'witchcraft' appear twenty times in Spenser's *Faerie Queene* (1590–96), and Sidney's *Astrophel and Stella* (1591) employs the terms three times.[144] Given the *Faerie Queene*'s fantastical themes and supernatural allegory, it is to be expected that witches and witchcraft appear 'as themselves' in the poem. However, in *Astrophel and Stella*, when witchcraft is invoked it refers metaphorically to infatuation and to the beloved's power over the lover's mind:

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[141] William Shakespeare, *A Lover's Complaint*, in Katherine Duncan-Jones ed., *Shakespeare's Sonnets* (London: Arden, 1997), pp. 430–452, 450. In her gloss of the line, Duncan-Jones writes: 'The reasoning is that if even one tear is irresistibly powerful, containing *a hell of witchcraft* […] no heart can fail to be melted by an *inundation* of tears' (*Shakespeare's Sonnets*, n. 290–1, p. 450; italics in original).

[142] William Shakespeare, *The RSC Shakespeare: The Complete Works*, Jonathan Bate and Eric Rasmussen, eds. (London: Palgrave Macmillan, 2007). Brian Vickers led the opposition to the poem, ultimately publishing the monograph *Shakespeare,* A Lover's Complaint, *and John Davies of Hereford* in 2011 (Cambridge: Cambridge University Press). In building his argument against Shakespearean authorship, Vickers relies heavily on stylometric analysis, but naturally he does not identify 'witchcraft' in the poem as a non-Shakespearean usage. In fact, it is unlikely that any stylometric analysis would have picked up such a contextual anomaly; the questions being asked had to do with whether specific diction was Shakespearean, and not whether a given term was Shakespearean within certain genres of writing (see Vickers, *Davies*, pp. 121–154).

[143] Greenblatt, 'Bewitched', p. 120.

[144] Edmund Spenser, *The Faerie Queene*, A.C. Hamilton, ed. (London: Pearson, 2001); Philip Sidney, *Sir P.S. his Astrophel and Stella* (London, 1591) <eebo.com> [accessed 27 February 2015]. Initial quantitative collation utilised the Hyper-Concordance of *The Victorian Literary Studies Archive* <victorian.lang.nagoya-u.ac.jp> [accessed 20 December 2014].

> A witch, I say, thou art, though thou so faire appeare;
> For, I protest, my sight neuer they face enjoyeth,
> But I in me am chang'd, I am aliue and dead,
> My feete are turn'd to rootes, my hart becommeth lead:
> No witchcraft is so euill as which mans mind destroyeth.
> (lns. 2036–2040)[145]

This is precisely the sort of figurative language that might be anticipated in the love sonnets of Shakespeare, the poet who also wrote 'You have witchcraft in your lips, Kate: / there is more eloquence in a sugar touch of them than / in the tongues of the French council' (5. ii. 273–5).[146]

While quantitative analysis across other works and sonneteers is beyond the scope of this chapter, it may nevertheless be noted that witchcraft was a trope available to poets in the period, which Shakespeare does not take up outside the plays. Put another way, Shakespeare's dramaturgic uses of witchcraft are not therefore the products of a witchy mind; they reflect an interest in plotting with witches to achieve specific dramatic effects.

iv. Conclusion

Just as witchcraft constitutes a vital locus for the development of legal theory in early modern England, so it also constitutes one for structural experimentation in the theatre of the period.[147] Confronted with invisible and unprovable crimes, Justices of the Peace and magistrates demonstrated great resourcefulness in expanding ways of proof, developing witness theory, and incorporating forensic experimentation into legal

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[145] Philip Sidney, *Astrophel and Stella* (Nagoya University, Japan: The Victorian Literary Studies Archive) <http://victorian.lang.nagoya-u.ac.jp> [accessed 14 April 2015].
[146] William Shakespeare, *Henry V* (London: Arden, 1995).
[147] Darr, *Marks*. The importance of Darr's work to the arguments in this chapter does not rest upon the 'marks' in the title of her monograph. Indeed, these marks are always finally chimerical; there is no such thing as a mark denoting an absolute witch. What is relevant – and this is the monograph's central point – is the generative power of the impulse to search for such marks, of the search for an epistemological ground. This impulse towards discovery, and its concomitant readiness to perceive connectedness and design, is relevant to plot construction as well as to the process of reading or viewing for plot.

proceedings.[148] At the same time the most successful dramatists, including Shakespeare, many of whom had legal training or at least the common pre-law rhetorical formation of the grammar schools, were adapting the uniquely protean possibilities of witchcraft and the supernatural into tools useful to their trade.[149]

The qualities that made witchcraft a source of legal and social anxiety, including its invisibility and its categorical instability, made it a protean plotting device. Against a backdrop of robust dramatic innovation, witchcraft offered an additional tool for navigating or resolving plots without recourse to the classical deity-intervention, which was in any case being questioned in some artistic circles. Indeed, witchcraft also excelled as a soft deus ex machina when required thanks to its invisibility, for witchy practitioners and phenomena could in effect lie dormant within a drama until their needed turns or effects were called for, as could be said of Paulina in the *Winter's Tale*. Alternatively, witchcraft could overtly colour a play from its title page onwards, always hinting at and always evading the full discovery for which readers and viewers read or watched.

[148] Darr, *Marks*, esp. pp. 185–196.
[149] See, among others, Lorna Hutson, *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford: Oxford UP, 2007); Quentin Skinner, *Forensic Shakespeare* (Oxford: Oxford UP, 2014).

III. Wild Justice, Merry Wives: Shakespeare and the Local Witchcraft Trial

Francis Bacon refers to revenge undertaken outside the bounds of the established legal order as one kind of 'wilde justice', a term which can be expanded to include a range of practices, legal and not, whose operations in response to crime are excessive or asymmetrical.[1] Extra-judicial punishment of suspected witches comes obviously under this rubric, as does judicial punishment when its operations fall outside sanctioned bounds. But witchcraft, a crime of liminality, tends to challenge such notional distinctions, as it interrogates concepts of criminality, proof, and authority. This chapter will consider the challenge mounted to authority not by witchcraft alone, but by the wild justice inherent in localised responses to it, exemplified by the local response to witchcraft in Shakespeare's *The Merry Wives of Windsor*.

The deflationary, hyper-localised quality of this communal response is unique among extant early modern English drama in the period from the rise of the professional theatres until the Civil War. In other plays we find cunning women subjected to verbal abuse (*Mother Bombie* and *The Wise-woman of Hogsdon*) – though these plays take the accused women's side, resisting such popular condemnation – and examples of witches

[1] Dympna Callaghan and Chris R. Kyle, 'The Wilde Side of Justice in Early Modern England and *Titus Andronicus*', in *The Law in Shakespeare*, ed. by Constance Jordan and Karen Cunningham (Houndsmills, Basingstoke: Palgrave Macmillan, 2010), 38-57.

pursued by local citizens until judicial structures intervene and the accused are either sent to gaol (*The Late Lancashire Witches*), or to their doom (*The Witch of Edmonton*). Arguably, *Macbeth*'s witches transcend their play both morally and ontologically; at least, they do so by turns: by contrast, in Act 1, Scene 3 the first witch engages in straightforward maleficia, laying out for her sisters her planned revenge on a sailor after the man's wife refused to share her chestnuts:

> A sailor's wife had chestnuts in her lap,
> And munched, and munched, and munched. 'Give me,' quoth I.
> 'Aroint thee, witch!' the rump-fed runnion cries.
> Her husband's to Aleppo gone, master o' th' *Tiger*;
> But in a sieve I'll thither sail,
> And like a rat without a tail,
> I'll do, I'll do, and I'll do (1. iii. 4-10).

This passage exemplifies Thomas and Macfarlane's 'charity refused' model; while subsequent historians and literary scholars have complicated the Thomas-Macfarlane picture of the origins of English witchcraft persecutions, the occurrence in *Macbeth* of charity refused as a pretext for maleficia demonstrates that the play does not entirely transcend contemporary witchcraft discourses in its depiction of witches.[2] Nevertheless, even this episode is hypbridised, with the reported local altercation joined to a remote, fantastical sequel. The actual 'magic' of the first witch's revenge is set far away, at or near exotic Aleppo, itself a magical locale, and is enacted not on the guilty party but on her absent husband. The image of a tailless rat setting sail in a sieve has an innocent, nursery rhyme aspect to it as well, adding a comical element to the first witch's imprecations.

Comical too is Middleton's Hecate: non-prosecutable even if morally culpable. As shown above, in *Othello*, audiences are even offered an analogue to a properly constituted witch trial, when Othello is bound over by Brabantio and then hauled before

[2] See James Sharpe's introduction to the paperback edition of Alan Macfarlane's *Witchcraft in Tudor and Stuart England: A Regional and Comparative Study* (Abingdon: Routledge, xi-xxvi), and Malcolm Gaskill's review of that volume and of Marion Gibson's *Reading Witchcraft: Stories of Early English Witches*, in *Social History*, 26:2, 2001, pp. 218–220.

the Venetian signiory. However, only in *Merry Wives* is the 'justice' (wild or sanctioned) encountered by an accused witch staged entirely as a local phenomenon.

This chapter will argue that Shakespeare's representation of local witchcraft legal processes in *Merry Wives* both alludes to and obscures features of the trial of Windsor witches in 1579-1580. The dramaturgic rationale for making this doubled gesture is no doubt partly pragmatic: it is unsurprising that Shakespeare's Garter play would be set in Windsor, the home of the order, and Windsor had a witchy reputation. But beyond considerations of setting, the play's response to witchcraft reflects and participates in a broad, on-going negotiation of judicial power.[3]

The first section of this chapter will reconsider the relationship between extant versions of the play, thereby opening a space for exploring whether and how Shakespeare might have evolved the play's representation of witchcraft in response to political anxieties.[4] While it is unlikely that the versions can be indubitably dated or placed in a definite composition order relative to one another, this section will offer evidence for seeing the Folio version as subsequent to the Quarto. An examination based on this assumption raises illuminating questions regarding certain social and jurisprudential representations in the various versions: for example, why the figure of Gillian of Brentford is foregrounded in Quarto while the Windsor setting is muted, and why this shifts in the Folio to a sharply defined setting with a less well defined witch figure. However, the arguments in this section for the chronological primacy of the Quarto are suggested rather than insisted upon; the play's allusions to historical witchcraft are closely managed to deter potential anxiety across both versions, irrespective of the Q-F composition relationship.

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[3] Callaghan and Kyle, 'Wilde', p. 40.

[4] These include the Folio and Quarto versions and the residual content in them presumed by Giorgio Melchiori and others to belong to a lost masque entertainment performed before the queen (see Giorgio Melchiori, Introduction, *The Merry Wives of Windsor* (London: Arden, 2000), p. 36 and passim).

Though critics including Arthur Kinney and Peter Grav have explored the implications of a localised economics in *Merry Wives*, the play's legal elements have not yet received the attention they warrant.[5] Because the gentleman Ford can be located variously as a sanctioned officer of the peace or as a private citizen, the play's response to the spectre of witchcraft is finally ambivalent. Both in its violence and in its discretion, this response mirrors other sites of anxiety in the play (across versions), including the play's uncertainty about its Windsor setting and discomfort with the feminine power it foregrounds. Looking closely at the representation of local justice in *Merry Wives* highlights how the theatre could serve as a venue for the expression of concerns over developments in legal culture and the increasing protrusion of state power into local structures.

Critics have tended to read witchcraft as a relatively unitary dramaturgic category on the late Elizabethan and early Stuart stage. This is not to suggest that critics are apt to consider Middleton's Hecate to be the same type of character or to arise from similar dramatic considerations to, say, Paulina in *The Winter's Tale*. But recent critical attention paid to stage witches as a group has tended to take as one of its central preoccupations the deflation of an earlier generation's critical exuberance, namely the propensity to read supernatural elements in Shakespeare and other playwrights as reflecting 'authentic' folk beliefs of the English countryside.[6] Victorian biographical criticism, exemplified by such writers as T.F. Thiselton Dyer and James Halliwell-Phillips, was interested in these folk influences, but they received arguably their most far-reaching explication in the encyclopaedic studies of Katharine Briggs, whose work in the middle of the twentieth century incorporated new anthropological emphases from the surging social sciences.

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[5] Arthur F. Kinney, 'Textual Signs in *The Merry Wives of Windsor*', in *Yearbook of English Studies*, 23 (1993), 206-234; Peter Grav, 'Money Changes Everything: Quarto and Folio *The Merry Wives of Windsor* and the Case for Revision', in *Comparative Drama*, 40:2 (2006), 217-240.

[6] Recent is a relative term, as much of this criticism is already more than two decades old.

Briggs went further than any of her predecessors in identifying the freight of folk beliefs pressed into service by early modern playwrights.[7]

More recent criticism has interrogated this model of appropriation of the popular. Mary Ellen Lamb, writing in the context of debates over popular culture, uses the term 'popular' to refer to 'a simulacrum existing in early modern imaginaries created from cultural materials assembled from various lower status groups'.[8] Prior to Lamb, Diane Purkiss and Deborah Willis also mounted challenges to the idea of a (relatively) unmediated uptake of popular beliefs by the elevated classes.[9] Thus, for Deborah Willis,

> [the stage witch] is seldom a 'pure' version of either village-level or elite beliefs. Instead, she is almost always a hybrid, 'contaminated' by multiple traditions, a composite not only of the village witch, the pamphlet witch, the witch of religious tracts, but also of the fairy-tale witch, the witch of ballads, medieval romance, continental demonological texts, the Bible, and the Greek and Roman classics.[10]

Stage witches *are* composite simulacra, of course, but this is saying very little, as so too are all staged characters. What tends to get elided in such formulations is that the stage witches of the period differ from one another in the components and emphases of their cultural borrowings and appropriations. Thus, while inflected by tales of the figure of Gillian of Brentford, and resonant with echoes from the historical Windsor witches, the Witch of Brentford in *Merry Wives* is not so much a popular witch or an elite construction but rather a social and jurisprudential construct as encountered (and imagined) by one of the middling sort.

Here and elsewhere as the argument develops, this chapter will have recourse to

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[7] See, for example, T.F. Thiselton Dyer, *English Folk-Lore* (London: Hardwicke & Bogue, 1878); James Orchard Halliwell-Phillips, *Outlines of the Life of Shakespeare* (Brighton, 1881); Katherine Briggs, *Pale Hecate's Team: An Examination of the Beliefs on Witchcraft and Magic among Shakespeare's Contemporaries and his Immediate Successors*, rev. edn (Abingdon: Routledge, 2003).

[8] Mary Ellen Lamb, *The Popular Culture of Shakespeare, Spenser, and Jonson* (Abingdon: Routledge, 2006), p. 2.

[9] In terms of the supernatural and specifically witches, challenges to this model have come from Stephen Greenblatt, 'Shakespeare Bewitched', *New Historical Literary Study*, ed. by Jeffrey N. Cox and Larry J. Reynolds (Princeton: Princeton UP, 1993), 108–35; Diane Purkiss, *The Witch in History* (London: Routledge, 1996); and Deborah Willis, *Malevolent Nurture: Witch-Hunting and Maternal Power in Early Modern England* (Ithaca: Cornell UP, 1996).

[10] Willis, *Malevolent*, p. 160.

popular conceptions of legal structures and social constructs including witches and witchcraft. By 'popular', this chapter does not intend an oppositional term for subaltern struggle or a locus of objectification for the self-construction of an emergent group; rather, the term is employed in the sense of Peter Burke's usage, broadly meaning something arising from or belonging to the masses of people, working folk, marginalised elements, tradesfolk, even the middling sort struggling to define itself as a class; popular in the sense of a representation that would be 'at home' among, and recognisable to, most members of a given society.[11] Though this usage may seem dated to some, it has proved durable despite critical challenges, and it boasts a particularly fruitful utility when applied to the dramatic context of *Merry Wives*, where rather than serving as an anonymous middle term in a high-low dichotomy, the middling sort are themselves anatomised.

i. Reconsidering Reconstruction, Again

Briefly reconsidering the composition relationship between the Quarto and Folio versions of *Merry Wives* will open a space to analyse the evolving treatment of witchcraft and jurisprudence in the two versions. Melchiori's views and provisional challenges to them are prominent in what follows, as his is the most expansive consideration of Q-F relationships (considered separately from other plays) in recent years.[12]

In the 1980s, critics began once again to explore the idea that the Folio *Merry*

[11] Mary Ellen Lamb identifies three ways that the term 'popular' has been defined in recent debates over early modern popular culture: 1) 'as the culture of an oppressed population engaged in perpetual struggle with a dominant culture'; 2) to refer to the largest section of the populace; and 3) to refer to festive culture, that is, alehouse sociability, amateur dancing and theatrics, and so on. For Peter Burke's social-historical usage of the term, see *Popular Culture in Early Modern Europe*, 3rd edn. (London: Ashgate, 2009).
[12] Melchiori has considered the topic not only in his edition of *Merry Wives*, but also in his monograph on Shakespeare's Garter Plays (see William Shakespeare, *The Merry Wives of Windsor*, ed. by Giorgio Melchiori (London: Arden, 2000); see also Giorgio Melchiori, *Shakespeare's Garter Plays* (Newark: University of Delaware Press, 1994)).

Wives might represent an authorial revision of the Quarto.[13] Eric Sams did so as part of a larger project of general reappraisal of the 'bad quartos' and the concept of memorial reconstruction, though his programme and conclusions have been widely challenged.[14] Meanwhile, Y.S. Bains argued explicitly that the Folio *Merry Wives* was an authorial revision of the published 1602 Quarto version, with the Quarto's crux passages complete and defensible from within their dramatic context.[15] More recently, Peter Grav has taken up the gauntlet, arguing from both structure and content that the Folio is a revision of the Quarto.[16] Structurally, he finds the Quarto's use of New Comedy tropes consistent with the fashion for them in the London of the late 1590s; according to his argument, the Folio subverts these tropes, thereby demonstrating a probable later reworking.

Grav also finds the Folio generally much heavier with economic content, a feature that Arthur Kinney connects to the changing economic fortunes of the middle class. Kinney suggests (somewhat improbably) that the Chamberlain's Men self-censored the Quarto version of the play to avoid offending economically suffering audiences, while Grav believes that the more sophisticated economic representation of the Folio reflects Shakespeare's dramaturgic compulsion to improve an earlier 'rush job'.[17] Without explicitly connecting the phenomenon with *Merry Wives* beyond noting that it is one of the plays with two 'good' versions, Tiffany Stern suggests post-performance revision as a

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[13] Steven Urkowitz, one of the first critics to embrace this reappraisal, noted that 'until the twentieth century many critics and editors read the earliest texts as authorial or theatrical documents showing the development of Shakespeare's plays as working drafts or as performing scripts for Elizabethan acting companies' (see Steven Urkowitz, 'Good News about the 'Bad' Quartos', in *'Bad Shakespeare': Revaluations of the Shakespeare Canon,* ed. by Maurice Charney (Cranbury, NJ: Associated University Presses, 1988), 189–206 (p.190)).
[14] Melchiori, Introduction, p. 34.
[15] Y.S. Bains, 'Making Sense of Some Passages in the 1602 Quarto of Shakespeare's *The Merry Wives of Windsor*', in *N&Q*, 9 (1992), 322–26.
[16] Grav, 'Money', pp. 217–240.
[17] Kinney, 'Signs', p. 225. Grav's argument is weakened by his dubious suggestion that 'any attempt to explain Q-F differences at some point requires a leap of faith to pull the loose ends together' ('Money', p. 236). His own leap of faith is to accept as true the story circulated by John Dennis that Shakespeare composed the play initially in a fortnight at the command of Elizabeth, thereby accounting for its stock New Comedy romantic subplot and for the quality of the drama that Laurie Maguire calls 'jerky and pedestrian' (see John Dennis, *The Comical Gallant; or, The Amours of Sir John Falstaffe. A Comedy* (London: A. Baldwin, 1702), A2^{r}; Laurie Maguire, *Shakespearean Suspect Texts: The 'Bad' Quartos and Their Contexts* (Cambridge: Cambridge UP, 1996), p. 285).

way to account for demonstrable reflexivity in Shakespeare's playtexts.[18]

Laurie Maguire's sophisticated analysis of the so-called bad quartos may be the most difficult formulation for *Merry Wives* revisionists such as Grav to grapple with. Inclined as Maguire is to oppose memorial reconstruction as a concept, she nevertheless concludes that a 'strong case' can be made for memorial reconstruction in the 1602 Quarto.[19] After showing that the Quarto version has internal coherence from a performance standpoint, Kathleen Irace also decides that it is probably memorial reconstruction, with the Garter host as reporter.[20]

Whether one is sympathetic to revisionist, abridgement, or memorial reconstructionist accounts of Q-F *Merry Wives* relationships, or some combination of them, even this brief survey of critical positions suggests that nothing is definitively known. Maguire rules out a hypothetical common feature of bad quartos and suspect playtexts, and then writes: '[b]etter this acknowledgement of untidiness than a false and distorting order'.[21] Nevertheless, this lack of definitiveness should not lead to a free hand to conjecture the existence of entire texts in the pursuit of one's argument. Melchiori's conclusions are in places quite unlikely, reconstituting the bad old argument that whatever seems unworthy in a version cannot be Shakespearean:

> [I]t is safe to conclude that the Quarto is a reported text, a memorial reconstruction of an authorial acting version. It is authoritative in that it throws light on how Shakespeare could restructure his own work for the common stage, and it may well offer guidance to directors for "streamlining" the play for modern audiences, provided they don't

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[18] Tiffany Stern, *Making Shakespeare: From Stage to Page* (London: Routledge, 2004), p. 49.
[19] Maguire, *Suspect*, p. 324. However, in arriving at this judgement, Maguire challenges W.W. Greg's concept of reconstruction arising from the vicissitudes of performance, and from life among the touring companies (and also specifically in response to the tastes of provincial audiences), noting that these audiences could sit through interminable religious dramas and hence probably would not balk at the length of five-act tragedies or comedies (p. 6).
[20] Given her project of 'reforming' the bad quartos, it is somewhat ironic that this judgement of hers echoes Greg, who in 1910 first suggested that the actor in the role of the host might have reconstructed the Quarto text from memory (see Kathleen O. Irace, *Reforming the 'Bad Quartos': Performance and Provenance of Six Shakespearean First Editions* (Newark: University of Delaware Press, 1994), 115–17 (p. 180); William Shakespeare, *Shakespeare's Merry Wives of Windsor, 1602*, ed. by W.W. Greg (Oxford: Oxford UP, 1910), pp. xxxix–xli)).
[21] Maguire, *Suspect*, p. 326.

assume that its language is Shakespeare's.[22]

The argument suggests that because the Quarto benefits from a certain internal structural cohesion, and an almost modern-seeming dramatic incisiveness, its adapted structure must represent authorial attention. Simply put: its structure is sound, so it must be Shakespearean. On the other hand, the language of the Quarto, 'the confusions, the weak paraphrases of the brilliant speeches that we find in F', are not good (to Melchiori's mind) and therefore not Shakespearean.[23]

A few examples will perhaps suffice to show that this approach needlessly complicates questions of Q-F dating, a critical issue around which already there is little consensus. Melchiori notes that Mistress Page's trenchant couplets, from which the play's title is apparently drawn, are transposed from the Witch of Brentford sequence in the Folio to the buck-basket scene in the Quarto. In the Folio, they read:

> We'll leave a proof, by that which we will do,
> Wives may be merry and yet honest too.
> We do not act that often jest and laugh;
> 'Tis old but true: 'Still swine eats all the draff'. (4. ii. 99–102)[24]

In the Quarto, however, the lines are shared by the merry wives:

> MIS.PA. Nay we wil send to *Falstaffe* once again,
> Tis great pittie we should leaue him:
> What wiues may be merry, and yet honest too.
>
> MI.FOR. Shall we be co[n]demnd because we laugh?
> Tis old, but true: still sowes eate all the draffe. (E1^{v})[25]

For Melchiori, this is the 'clinching argument' demonstrating that the Quarto was produced from memory by a reporter aware of the importance to the comedy of the

[22] Melchiori, Introduction, p. 42.
[23] Melchiori, Introduction, p. 37.
[24] Unless otherwise indicated, all citations from William Shakespeare, *The Merry Wives of Windsor*, ed. by Giorgio Melchiori (London: Arden, 2000).
[25] *Merry Wives*, p. 311. Unless otherwise indicated, all citations of the Quarto version are from William Shakespeare, The First Quarto of *The Merry Wives of Windsor* (London, 1602), in *The Merry Wives of Windsor*, ed. by Giorgio Melchiori (London: Arden, 2000), 295–322.

lines above, but unable to recall the specific episode to which they belonged.[26]

It is not at all obvious, of course, that the lines work less well where they are found in the Quarto; could not the playwright himself have repurposed lines of which he was fond, or indeed, if one follows Grav's line of argument, have reused and improved them in a later version? At the least, Melchiori's line of reasoning cannot be understood to be anything like a clinching argument.

Another example of the needless complexity of Melchiori's argument is his approach to verse elements in the Quarto and Folio. He notes that verse sections of the Folio are generally found in verse in the Quarto also, but he finds the latter sections to be of poor quality, including 'a number of jingling rhymes where there are none in F'.[27] To Melchiori this suggests the hand of somebody trying to reconstruct Shakespeare's text: '[a]ware that in those scenes several characters spoke in verse, but unable to recall the lines, he provided others of his own devising, throwing additional rhymes into the bargain'.[28] However, this is precisely the stuff that a reporter – probably an actor, moreover, habituated to the aural world of the theatre – is least likely to mistake, for elements of prosody, and especially rhyme, are mnemonic aids. As W.H. Auden wrote, '[o]f the many definitions of poetry, the simplest is still the best: memorable speech'.[29] There is a lack of statistical analysis to evaluate reconstructed verse alongside reconstructed prose sections to uncover relative levels of error, but such a scheme is beyond the scope of this chapter. It nevertheless seems prima facie correct that if reconstruction of verse elements of a playtext are rife with error, the broad project of a memorial reconstruction of *Merry Wives* is called into even sharper question.

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[26] Melchiori, Introduction, pp. 41–2.
[27] Melchiori, Introduction, p. 38.
[28] Melchiori, Introduction, p. 38.
[29] W.H. Auden, Introduction, *The Poet's Tongue: An Anthology*, ed. by W.H. Auden and John Garrett, 2 vols (London: G. Bell & Sons, 1935; repr., in 1 vol, St. Clair Shores, MI: Scholarly Press, 1971), pp. vi–vii.

Why does this matter? The play's jurisprudential elements are substantially unaffected whether the Quarto version is determined to be an earlier version of the play found in the Folio, or is itself an authorially reduced version of some earlier iteration. However, though the justice meted out to the witch figure does not materially shift, there are interesting distinctions between the ways in which the two versions present this figure. In the Folio version, which has generally been treated as the most authoritative, the witch whose identity Falstaff adopts is called 'the fat woman of Brainford' (4. ii. 71-2), 'the old woman of Brainford' (4. ii. 80-81), '[Mistress Ford's] maid's aunt of Brainford' (4. ii. 161), and 'mother Prat' (4. ii. 173).[30] The last moniker connects the humorous term for buttocks with Robert Copland's well known poem 'Iyl of Braintford's Testament', in which the eponymous character bequeaths a testament of farts to socially irritating characters and her personal enemies, including scofflaws, the lazy, and even the priest who helps her draft her will.[31] In the Quarto version, this connection to Jill is explicit rather than merely allusive, as the witch figure is referred to throughout as Gillian of Brainford.

One way to account for these shifts in naming is as a deflationary strategy for controlling (potential if not actual) anxieties related to witchcraft. The mostly static witchcraft references in the Folio *Merry Wives* are not by themselves enough to identify a later reworking of elements that might have been politically sensitive when performed before Elizabeth – a performance that the Quarto title page famously announces.[32] Still, if one locates the Folio text as in any sense subsequent to the Quarto version, reworked by Shakespeare or by another hand, then one might perceive a trend in the play's revision

[30] Though most modern editors including Melchiori follow Edward Capell's reading of 'Brentford' for 'Brainford', the village is named 'Brainford' throughout the Quarto and Folio versions (see Shakespeare, *Merry Wives*, p. 246 n. 72).
[31] *OED* s.v. 'prat' <oed.com> accessed 7 March 2013; Robert Copland, 'Iyl of Braintford's Testament' (London, 1567), in *Early English Books Online* <eebo.chadwyck.com> accessed 20 February 2013.
[32] 'As it hath bene diuers times Acted by the right Honorable my Lord Chamberlaines ſeruants. Both before her Maieſtie, and elſe-where' (A1ʳ), in *Merry Wives*, p. 295.

from general to more specific detail in terms of setting and character.[33] The significant exception to this trend is specificity in the identity of the play's witch character.

Purkiss follows Leslie Hotson (and presumably also William Green, who dates the play similarly) in locating the first performance of *Merry Wives* with the Garter installation ceremonies of April or May 1597.[34] More recent criticism has closely interrogated this date, however. Melchiori in particular has argued that the full comedy in its available forms – in something like the Quarto or Folio version, that is – 'could not have been written before late 1599'.[35] Among his arguments is the very sensible observation that it 'could not have been written at that date [1597], if for no better reason than that it assumes the audience's familiarity with characters that made their first appearances on the stage only one or two years later'.[36] While Melchiori does not have a problem with a 1597 Garter performance per se, he advances a hypothetical masque as the only plausible candidate for the entertainment then performed. This is more consistent with what we know of other Garter investiture works, and it goes a long way to explain some of the structural and prosodic nonconformities in both the Quarto and Folio versions as residual masque elements.[37] Melchiori identifies the masque-kernel of what became the comedy *Merry Wives* in the portions of the longer play which are set in verse, among them the obvious Garter masque in 5. v, along with 'what are now the only three other scenes of the comedy which are at least partly in verse' in 3. iii, 4. iv, and 4. vi.[38] These portions of the play are thematically self-consistent, focused on the punishment of an unworthy knight and the 'chaste' love plot of Anne and Fenton, with

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[33] For a consideration of distinctions in setting and character detail, see Leah S. Marcus, *Unediting the Renaissance: Shakespeare, Marlowe, Milton* (London: Routledge, 1996) pp. 88–97.
[34] Leslie Hotson, *Shakespeare versus Shallow* (London: The Nonesuch Press, 1931); Purkiss, *History*, p. 192. The case for a performance date of 23 April, 1597 is made most forcefully by William Green, *Shakespeare's Merry Wives of Windsor* (Princeton: Princeton UP, 1962).
[35] Melchiori, Introduction, p. 21.
[36] Corporal Nim, for example, in *Henry V* from 1599 (see Melchiori, Introduction, p. 20, p. 25; see also Melchiori, *Garter*, esp. pp. 92–112).
[37] Melchiori, *Garter*, passim.
[38] Melchiori, Introduction, pp. 22–4.

both tropes certain to please Elizabeth and Garter auditors.[39]

In accepting the date of 1597 for a Garter investiture performance, Purkiss suggests that the witchcraft tensions that had recently affected the court had subsided, for '[i]f the court had really been palpitating with fear of witches in 1597 […] [i]t would have been daring to the point of suicide' to write these threats into a play.[40] No such strong argument need be made if we accept Melchiori's reconstruction of the masque-kernel of the extant comedy, for witches – and therefore, jurisprudence directed against them – notably do not appear in the likely residual matter of the masque to be found within Folio and Quarto versions.

However, apart from its chronological inapplicability due to an absence of witches in the relevant drama, Purkiss's deduction seems a fair one. This chapter will reverse the argument; rather than deducing with Purkiss that court witch anxieties must have been resolved by 1597 if audiences were able to tolerate the presence on stage of an occult witch character, this chapter will argue inductively that the apparent suppression of witchcraft elements in the Quarto version suggests that concerns over witchcraft were still current at the time of the play's composition.

Examining the three versions alongside one another will highlight the differing treatment of witchcraft in each and suggest the outlines of an evolution in this representation. As has been noted, witchcraft does not appear among the likely elements of the earliest version of what would become *Merry Wives*, the masque entertainment which could plausibly have been presented at Windsor in 1597.[41] If witchcraft did appear, it is easy to see how it might unbalance the supernatural freight of the masque, setting the figure of a hidden witch against the salutary caper – and embodied queenly metaphor – of the fairies.

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[39] Melchiori, Introduction, pp. 24–5; Melchiori, *Garter*, pp. 92–112.
[40] Purkiss, *History*, p. 195.
[41] Green, *Merry Wives*, esp. pp. 19–50.

As noted above, the Quarto refers to its witch figure – although present merely as an implication and a Falstaffian disguise – as Gillian of Brainford. This can be seen as a sort of middle ground between the complete avoidance of witches, as in the masque, and the presentation of generic, unknown (and therefore potentially threatening) witches in the Folio. The fact that the witch in *Merry Wives* is actually a fat knight in disguise, although comical, is scarcely reassuring; it is precisely this element of disguise and its associated telescopic smuggling of the wild into the urbane centre that had proved so disturbing to the court earlier in Elizabeth's reign (on which more below).[42] More than any visible threat, the occult figure armed with sympathetic magic constitutes a site of disquiet. The theatre was always already implicated in a similarly dubious multiplication of image, and this effect is redoubled when Falstaff – a character probably brought to life by Will Kempe, the gifted physical actor, in his final role for the Lord Chamberlain's Men – dresses up as a woman, who is in turn duplicitously meant to pass as a witch.[43]

Against this potentially endless reduplication of image, not unlike a person trapped between opposing funhouse mirrors, the attachment of a name such as Gillian of Brentford can be seen as an anchoring strategy, halting an infinite regress. Gillian was a well-known and risible figure, connected in popular ballads and bawdy poems with comically ineffectual cuckoldry and flatulence.[44] Henslowe's diary mentions monies lent to purchase the play *Friar Fox and Gillian of Brentford* in early 1598–1599.[45] It is not known whether this playbook pitted Gillian against a cunning friar using her mundane, scatological powers – as in Copland's poem, where she bequeaths a curate a fart and a

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[42] Indeed, Patricia Parker has noted that Falstaff's corpulence and effeminate masculinity themselves connect him with transgressiveness and instability, and hence with witchiness, even apart from his disguise (see Patricia Parker, *Literary Fat Ladies: Rhetoric, Gender, Property* (London: Methuen, 1987), pp. 21–2.

[43] Lamb, *Popular*, p. 154; see also David Wiles, *Shakespeare's Clown: Actor and Text in the Elizabethan Playhouse* (Cambridge: Cambridge UP, 1987), pp. 116–20.

[44] Lamb, *Popular*, p. 141–2; see also Barbara Freedman, 'Shakespearean Chronology, Ideological Complicity, and Floating Texts: Something is Rotten in Windsor', in *Shakespeare Quarterly*, 45 (1994), 190–210 (p. 207); and Richard Helgerson, *Adulterous Alliances* (Chicago: University of Chicago Press, 2000), pp. 67–8.

[45] *The Diary of Phillip Henslowe, from 1591 to 1609*, ed. by J. Payne Collier (London: The Shakespeare Society, 1845), p. 144.

half after he helps her draft her testament – or whether the two title characters join in supernatural battle after the formula of Greene's *Friar Bacon and Friar Bungay*.[46] In 1589, Thomas Nashe used a line in his preface to Robert Greene's *Menaphon* to decry English tastes that would sooner take Copland's poem into their libraries than works by Tasso.[47] He demonstrated that his disapproval was more than transitory by disparaging the poem again several years later in the preface to his own *Summer's Last Will and Testament* (1600).[48] Testifying to Gillian's enduring popularity as a figure of fun is her appearance as a byword in Dekker and Webster's *Westward Ho*, where Mistress Tenterhook says, 'I doubt that old hag, Gillian of Brainford, has bewitched me' – and as a bedtrick-perpetrating fishwife in the anonymous *Westward for Smelts*, circa 1620.[49]

If Gillian is prominent in the Quarto, the setting, by comparison, is muted. Leah Marcus, who has extensively explored the geographies of the two versions, notes that 'in nearly every place where the Folio specifies a Windsor locale, the Quarto substitutes a more generalised location that could easily be London rather than Windsor'.[50] For

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[46] Copland, 'Iyl'. *Friar Bacon* was popular throughout the 1590s and beyond, and the play appears to have passed into the hands of Henslowe and been performed by several Henslowe-related troupes (see *The Predecessors of Shakespeare: A Survey and Bibliography of Recent Studies in English Renaissance Drama*, ed. by Terence P. Logan and Denzell S. Smith (Lincoln, NE: University of Nebraska Press, 1973) pp. 69–72, pp. 56–68, pp. 72–9; see also Robert Greene, *Friar Bacon and Friar Bungay*, ed. by Daniel Seltzer (London: E. Arnold, 1963); Edmund Kerchever Chambers, *The Elizabethan Stage*, 4 vols (Oxford: Clarendon Press, 1923), III, 328–9)). This commercial success makes the acquisition by Henslowe of a play with a similar formula even more likely.

[47] Thomas Nashe, 'To the Gentlemen Students of Both Universities', in Robert Greene, *Arcadia; or, Menaphon* (London, 1589), in *Early English Books Online* <eebo.chadwyck.com> [accessed 3 April 2013], A3^{v}.

[48] Thomas Nashe, *Summer's Last Will and Testament* (London, 1600), in *Early English Books Online* <eebo.chadwyck.com> [accessed 3 April 2013], B2^{r}.

[49] Thomas Dekker and John Webster, *Westward Ho*, in *The Works of John Webster*, ed. by Alexander Dyce, 4 vols (London: William Pickering, 1830), III, 107; *Westward for Smelts* (London, 1620), in *Early English Books Online* <eebo.chadwyck.com> [accessed 3 April 2013]. Interestingly, Brainford and Windsor seem to become conflated as a metonym for adulterous assignations, a reputation which may have influenced *Merry Wives* and which the play doubtless participated in broadening. In *Westward Ho* the wives go to Brainford to evade their husbands and meet their suitors (p. 82), and in Middleton's Jacobean play *The Roaring Girl*, Laxton attempts to persuade Moll to go with him to 'Brainford, Staines, or Ware', where they can 'lie together' (see Thomas Middleton, *The Roaring Girle; or, Moll Cut-purse* (London, 1611), in *Early English Books Online* <eebo.chadwyck.com> [accessed 5 April 2013], D2^{r}). For Windsor as a place of licentiousness, see Simon Morgan-Russell, 'No Good thing Ever Comes of It': Male Expectation and Female Alliance in Dekker and Webster's *Westward Ho*', in *Maids and Mistresses, Cousins and Queens*, ed. by Susan Frye and Karen Robertson (Oxford: Oxford UP, 1999), 70–84 (p. 73).

[50] Leah S. Marcus, 'Levelling Shakespeare: Local Customs and Local Texts', *Shakespeare Quarterly*, 42 (1991), 168–78 (p. 173); see also Marcus, *Unediting*, pp. 88–97.

example, in the Folio Sir Hugh presses Simple on the locations in which Simple has searched for Doctor Caius. Simple's response demonstrates a good sense of Windsor's physical layout: 'Marry, sir, the Petty-ward, the Park-ward, every / way: Old Windsor way, and every way but the town way' (3. i. 5–6). In the Quarto, there is no mention of geography:

> SIR HU. *I* pray you do so much as see if you can espie
> Doctor *Cayus* comming, and giue me intelligence,
> Or bring me vrde if you please now. (D2^{v})

Perhaps this was another component of a strategy to distance the setting from a town that had been the site of relatively recent disquiet.

Such compositional restraint was not unusual for dramatists and companies reliant upon powerful patrons and official approval of their entertainments. Alfred Hart perceives a similar authorial diplomacy in the Q-F difference in Ford's alias, from Brooke to Broome. According to Hart the change 'took place on the occasion of the recorded performance of *Merry Wives* before the King on 4 November 1604, in order not to "revive unpleasant memories" of plots against his person' by Henry Brooke, eighth Baron Cobham, and his brother George Brooke.[51] Attention to diplomacy and political deference on such a minute scale goes far towards explaining the Quarto's reticence as to place and its insistence upon the 'safe' witch figure of Gillian as an attempt to avoid unpleasant memories for the queen that might result from connecting witchcraft – and specifically image magic – with Windsor.

The strong association of Windsor with witchcraft dates to 1578-1579, when four women were apprehended at Windsor and subsequently arraigned, condemned, and

[51] Alfred Hart, *Stolne and Surreptitious Copies: A Comparative Study of Shakespeare's Bad Quartos* (Melbourne: Melbourne University Press, 1942), pp. 89–90; see also Harold James Oliver, Introduction, *The Merry Wives of Windsor* (London: Arden, 1971), p. lvii. By contrast, Gary Taylor sees the Brooke-Broome shift as censorship of Shakespeare's covert satirising of the House of Cobham, which had been involved in forcing the earlier change from Oldcastle to Falstaff (see Gary Taylor, 'William Shakespeare, Richard James, and the House of Cobham', *RES*, 38 (1987), 334–54, (pp. 349–54).

executed at Abingdon, largely on the evidence of a confession given by one of them, Elizabeth Stile, while she was being held at Reading Gaol. The women were known as Mother Stile, Mother Dutten, Mother Margaret, and the unfortunately named Mother Devell; a fifth, Mother Seidre, referred to in Elizabeth Stile's confession as 'the maistres Witche of all the reste', died before the time of the trial. As a term of address 'Mother' was labile in the period. In protestant congregations it was a term of respect for venerated women and widows, and hence was associated with the spiritual sphere and with good order. However, in the witch's diabolic inversion of moral norms 'Mother' could also be associated with a feminine under- or other-class: cunning women, procuresses, witches.[52]

Stile's confession offered up crimes punishable by death under the Elizabethan anti-witchcraft statute (1563), including bringing harm and death to animals and humans by sorcery.[53] Of those purportedly killed by the witches were a man named Lanckforde, a Windsor farmer, and 'one of Lanckforde's maids'.[54] That the farmer had more than one maid indicates relative prosperity; it seems possible that the name Lanckforde, as published in the 1579 pamphlet *A Rehearsall both Straung and True,* suggested to Shakespeare the name of the patrician Ford in *Merry Wives*.[55] If so, the shortening of Lanckforde's name not only allows for punning with the 'Master Brooke' of the Quarto,

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[52] David L. Holmes, 'Are "Mother" and "Father" Appropriate Titles for Christian Clergy?', in *The Christian Century*, 12 (1985), 1120–22. 'Mother' figures as an honorific (often ironic) term of address in a number of plays, among them in Lyly's *Mother Bombie*, in which the eponymous cunning woman functions as a sort of matchmaker – a role, of course, that is contiguous if not continuous with the roles of bawd and procuress (see John Lyly, *Mother Bombie* (London: 1598), in *Early English Books Online* <eebo.chadwyck.com> [accessed 24 March 2013]). Other 'Mothers' include Mother Bunch, a figure in the uncertainly attributed joke book *Pasquils Iests, and Mother Bunches Merriments*, and Mother Sawyer in *The Witch of Edmonton* (see *Pasquils Iests* (London: 1609), in *Early English Books Online* <eebo.chadwyck.com> [accessed 24 March 2013]). The strong association of 'Mother'-crone figures with comedy (often as catalysts for the upsetting of social norms) has its echo in the Folio *Merry Wives*, where the witch figure is called Mother Prat (4. ii. 173).

[53] 5 Eliz., c. 16.

[54] C. L'Estrange Ewen, *Witchcraft and Demonianism* (London: Heath Cranton, 1933), p. 153.

[55] The full title is given as *A Rehearsall both straung and true, of heinous and horrible actes committed by Elizabeth Stile, Alias Rockingham, Mother Dutten, Mother Deuell, Mother Margaret, Fower notorious Witches, apprehended at winsore in the Countie of Barks, and at Abbington, arraigned, condemned, and executed, on the 26 daye of Februarie laste Anno* 1579 (London, 1579), in *Early English Books Online* <eebo.chadwyck.com> [accessed 25 March 2013].

but also fits with the play's pattern of allusion to Windsor, which both deals in geographical and historical touchstones and simultaneously distances itself from them. As noted above, this distancing is more pronounced in the Quarto version, one reason for accepting the Folio *Merry Wives* as a later, revised version, produced when more time had elapsed between the play's performance and the potentially dangerous events it glosses.

Shakespeare's pattern of deliberately vague allusiveness to the Windsor witch trial may also suggest a reason for his use of the comic parson Sir Hugh Evans and the French courtier Doctor Caius to represent the local Windsor elite. While its emphasis is decidedly on the middling sort, *Merry Wives* nevertheless stages various social strata; servants and working folk figure in many scenes, and the court and nobility are often referred to, even when physically absent (or present only in the theatre galleries). Nevertheless, if the comedy 'fills in the middle term absent from the high-low binary structuring' of other works, as Mary Ellen Lamb argues, still there are gradations in the middling sort which the play represents.[56] Curiously, however, the parson and the doctor are the only characters who rank between the stratum of Ford and Page and that of the court elite. That no other leading Windsorites appear – no town councillors, no bailiffs, no mayor – may be due to the fact that according to Mother Stile's confession, the mayor of Windsor, a Master Gallis, was another mortal victim of the Windsor witches.[57] Representing such a notable borough or town onstage may have been too sharp a reminder of the late, malign reputation of the setting. Instead, Evans and Caius fill out the position and provide an additional buffer to recent history, broadening the comedy while diffusing allusive tensions.

Elizabeth's court was not the first to be concerned with malign magic. In 1542

[56] Lamb, *Popular*, p. 125.
[57] Ewen, *Demonianism*, p. 153.

Henry VIII was the first English monarch to make witchcraft *qua* witchcraft a capital crime, as opposed to witchcraft when coupled with treason or other serious crimes as theretofore.[58] Even earlier, during the Wars of the Roses, Edward IV put to death John Stacey, a fellow of Merton College called by the college's *Catalogus Vetus* a 'nobilis astronomus'.[59] Stacey's crime was conspiring against the king and the Prince of Wales using black magic, 'specifically through the use of horoscopes and leaden images'.[60]

Elizabeth's 1563 Witchcraft Act was in some ways more clement than her father's. Under the Elizabethan statute, the first conviction for attempted murder or personal injury resulted in reformative punishment, a year in gaol and quarterly pillorying; only a second offence was capital.[61] In the case of the Windsor witches, the murders confessed to by Stile ensured that the punishment would be death in any case. The political climate may also have hastened the verdict and the witches' execution, for in August 1578 three female figures made of wax were found in a dunghill in London, pierced with bristles. The *Privy Council Register* records that the Council wrote to Sir Henry Nevell, the justice who had examined the Windsor witches, and to the Dean of Windsor, urging them to enquire whether the Windsor witches had made use of such wax poppets in their conjuring, as 'there hath been lately discovered a practice of that device very likely to be intended to the destruction of her Majesty's person'.[62] An additional Elizabethan anti-witchcraft statute of 1580–1581 made it a capital crime to forecast the hour of the queen's death or to foretell the identity of her successor. It seems this statute had to do with still-simmering concerns over image magic directed against the queen in

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[58] 33 Hen. VIII, c. 8.
[59] Alfred Brotherston Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, 3 vols (Oxford: Clarendon Press, 1959), III, 1749.
[60] Damian Riehl Leader, *A History of the University of Cambridge: Volume 1, The University to 1546* (Cambridge: Cambridge UP, 1989), p. 149.
[61] Ewen, *Demonianism*, p. 153; see also C.R. Unsworth, 'Witchcraft Beliefs and Criminal Procedure in Early Modern England, in *Legal Record and Historical Reality: Proceedings of the Eighth British Legal History Conference, Cardiff 1987*, ed. by Thomas G. Watkin (London: The Hambledon Press, 1989), 71-98 (pp. 79–80).
[62] *Privy Council Register*, 16 Jan. 1578/79; Barbara Rosen, *Witchcraft in England, 1558–1618* (Amherst: The University of Massachusetts Press, 1969; repr. 1991), pp. 83–4; Ewen, *Demonianism*, p. 154 n. 1.

the poppet incident of the year before, as well as with horoscopes used during the Ridolfi plot and on other occasions.[63]

This additional statute and the personal intervention by the Privy Council into the Windsor case demonstrates the level of anxiety experienced by monarch and court about the threat of witchcraft. Ford seems almost to be speaking to this anxiety when he notes of the Witch of Brentford:

> [W]e do not know what's
> brought to pass under the profession of fortune-telling.
> She works by charms, by spells, by the figure, and such
> daubery as this is, beyond our element. (4. ii. 164–7)[64]

These concerns are never entirely absent from Ford's mind, or from the play. Earlier he states that he would rather trust a Welshman with cheese or an Irishman with alcohol than trust his

> wife with herself. Then she plots,
> then she ruminates, then she devises; and what they
> think in their hearts they may effect – they will break
> their hearts but they may effect. (2. ii. 289–92)[65]

Such concerns, whether read out of the Privy Council register or found woven into the fabric of the play, contribute to a strong case for Shakespeare's circumspection with regard to the recent history of Windsor, a setting nevertheless ineluctable due to its Garter resonances.[66] Though there was a not insignificant time gap between the Windsor trial and the composition of *Merry Wives* (up to two decades at the greatest estimate), the points of intersection between play and trial may still have been enough to warrant caution. The theatrical nature of Windsor-connected poppets – and the wax images used

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[63] Keith Thomas, *Religion and the Decline of Magic* (London: Weidenfeld & Nicolson, 1971), pp. 480–81.
[64] This passage, too, is more muted in Quarto, where Ford mentions fortune telling but says nothing of the other magical practices (F2^{r-v}).
[65] This language is reminiscent of the *Rehearsall* pamphlet, which tells how Mother Dutten 'can tell euery ones message, assone as she seeth them approche nere', and that Mother Stile could effect whatever she wished – including the deaths of others – simply by 'over speaking' her targets (see *Rehearsall*, A5^{r-v}; see also Ewen, *Demonianism*, p. 153).
[66] See among others, Green, *Merry Wives*, esp. pp. 7–20; Melchiori, *Garter*, pp. 92–112 and passim.

by the actual Windsor witches – may only have strengthened this dramaturgic impulse. After all, poppets pierced with bristles were not so far removed from the theatrical technologies (dummies, puppets, automata) employed to stage magical effects or violent sequences such as murders.[67] Viewing the play in such a light can render clearer what might otherwise seem a confused dramaturgic gesturing both towards and away from historical witchcraft events centred on Windsor.

That this restraint is more than arbitrary is suggested by the continuity between the witch figures and the setting in both versions. A presumptive self-censorship in the Quarto, giving way to a less politically particular (relative to witchcraft concerns) Folio revision, accounts for central cruces in the Q-F relationship, including the presence of the Garter Inn in the Quarto and the vestiges of Gillian's presence in the Folio.[68] Though the Windsor location is de-emphasised in the Quarto, Garter touchstones persist in the title of the innkeeper and the name of the Garter Inn, an actual Windsor establishment.[69]

The Folio's presentation of the Witch of Brentford is less concerned with connecting the witch figure explicitly with Gillian. Carrying forward a revision thesis, it seems reasonable that by the time of the Folio version's creation, witchcraft anxieties at court had subsided until there was little need either to obscure Windsor or to mark Falstaff's witch disguise as a figure of fun. Alternatively, it is possible the Witch of Brentford had become so readily identifiable with Brainford-Windsor and with Gillian

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[67] Philip Butterworth, *Magic on the Early English Stage* (Cambridge: Cambridge UP, 2005), esp. pp. 113–139; Reginald Scot, *The Discoverie of Witchcraft* (London, 1584; repr. New York: Dover, 1970), pp. 198–203.
[68] Melchiori is forced to go to greater lengths to account for these echoes, when he posits an 'original comedy' – which contained Garter elements as holdovers from the presumptive Garter entertainment of 1597, and which in turn served as the template for the Folio version and for a semi-authorially reduced Quarto version (see Introduction, pp. 31–56, esp. pp. 35–6). It is as though each chronological and textual crux is to be met with an additional presumptive version for which there is little solid evidence. For other explanations of the relationship between Quarto and Folio cruces, see, among others, William Bracy, *The Merry Wives of Windsor: The History and Transmission of Shakespeare's Text. University of Missouri Studies* 25 (Columbia, MO: University of Missouri Press, 1952); W.W. Greg, *The Editorial Problem in Shakespeare: A Survey of the Foundation of the Text* (Oxford: Clarendon Press, 1942), esp. pp. 71–2; Jeanne Addison Roberts, '*The Merry Wives* Q and F: The Vagaries of Progress', in *Shakespeare Studies*, 8 (1975), 143–75.
[69] Green, *Merry Wives*, pp. 17–18.

that no sharper distinction was necessary. Simon Morgan-Russell notes that the loose regulations of Brentford had made it a place synonymous with licentiousness in the period, and both the intended cuckoldry of *Merry Wives* and the recounted cuckoldry of *Westward for Smelts* have Windsor as their setting. Besides geographic propinquity, the localities are joined in the figure of Gillian, who links them across various poems, tales and dramas, always figuring an uncontrollable sexuality and embodiment.[70] By using the known Gillian as his witch figure, Shakespeare is able both to connect *Merry Wives* to the threat of witches in Windsor, and simultaneously to manage this threat via humour.

ii. Windsor as World: Staging Local Justice

The judicial response to witchcraft accusations in *Merry Wives* situates itself at another node of anxiety during the period. Issues of jurisprudential control were central to the construction of Elizabeth as monarch and *fons iuridicum.* Indeed, while the Stuarts are often conceived of as great centralisers, judicial and administrative centralisation had been a royal preoccupation throughout the Tudor period as well.[71] Following the Wars of the Roses, Henry VII exploited widespread personal and economic weariness in the realm, recognizing, in Charles Austin Beard's phrase, that 'the landed and commercial middle classes were anxious for internal order and willing to pay almost any price for it'.[72] As a result, Henry was more successful in his efforts at judicial centralisation than his predecessors had been.[73] For example, during his reign a statute was passed whose purpose was to reassure subjects that they had access to the king's justice in cases of judicial malfeasance. According to the statute, an aggrieved party, regardless of condition

[70] Lamb refers to Gillian's 'over-abundant bodiliness' (see Lamb, *Popular*, p. 142).
[71] Paul Griffiths, Adam Fox, and Steve Hindle, Introduction, *The Experience of Authority in Early Modern England* (Basingstoke, Hampshire: Macmillan, 1996), p. 4.
[72] Charles Austin Beard, *The Office of Justice of the Peace in England in its Origin and Development* (New York: The Columbia UP, 1904), p. 74.
[73] Beard, *Office*, p. 74.

or rank, would have recourse to local justices in the first instance and to travelling assize justices subsequently. If his complaint was not answered, the proclamation instructed the complainant to

> come to the King's Highness […] and shew his grief. And his said Highness then shall send for the said Justices to know the cause why his said subjects be not eased and his laws executed, whereupon, if he find any of them in default of executing of his laws in these premises according to this his high commandment, he shall do him so offending to be put out of the commission, and further to be punished according to his demerits.[74]

That the issue of judicial malfeasance, particularly at the local level, remained a source of concern throughout the Tudor period – as well as a check on the crown's construction of power via a centralised judiciary – can be shown by the fact that Coke still had cause to elaborate this statute in early Stuart days.[75] However, the crown's interest in the untrammelled projection of judicial power should be seen as less about justice for the individual subject and more about maintenance in good order of the system which supported its existence and constituted its authority. In Bradin Cormack's phrase, 'jurisdiction is the principle, integral to the structure of law, through which the law, as an expression of its order and limits, projects an authority that, whatever its origin, needs no other ground'.[76]

Henry VIII discontinued the practice of allowing certain noblemen and prelates to select JPs within their jurisdictions, issuing an act which called for all justices to be made by the king's authority and with royal letters patent, 'in all the shires, counties, counties palatine, or any other of the king's dominions at the King's will and pleasure'.[77]

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[74] 4 Hen. VII, c. 12.
[75] In the fourth part of his *Institutes* (1606), Coke notes that punishing a recalcitrant justice 'according to his demerits' meant that the judge would not only lose his commission but would also be tried for contempt in a regular court of justice (see Sir Edward Coke, *The Fourth Part of the Institutes of the Laws of England: Concerning the Jurisdiction of Courts*, 4th edn (London, 1669), c. 31, pp. 170–83).
[76] Bradin Cormack, A Power to Do Justice: Jurisdiction, English Literature, and the Rise of the Common Law, 1509–1625 (Chicago: The University of Chicago Press, 2007), p. 9.
[77] 27 Hen. VIII, c. 24.

Elizabeth reasserted this royal prerogative in 1595:

> And for that the number of Justices of the Peace are growne allmoste infinite, to the hinderaunce of Justice, th'one trustinge so much vnto another that there are more Justicers than Justice, & as th'old saying is many times *multitudo imperatorum destruit exercitum*, & of these many insufficiente, vnlearned, negligente and vndiscreete. Her Majestie therefore, like a good huswyfe looking vnto her household stuffe, tooke the booke in her handes, & in the sighte of vs, the Lord Keeper and Tresorer, wente throughe & noted those Justices she would have Continue in Commission, & whome shee thoughte not meete.[78]

As this process of centralisation advanced, inroads made by JPs into local policing and judicial spheres beginning in the fifteenth century were marked by a tension between increased judicial flexibility and additional intrusion by central power structures into communal life. On the one hand, Beard observes that JPs could more readily address and adjust minor grievances: they were 'ever ready to do business and could exercise summary jurisdiction over numerous small offences either as individuals or in petty sessions'.[79] On the other hand, in the event of more serious accusations (or if a justice did not wish to handle a minor offence summarily), the community was beholden to centrally controlled jurisdictional structures for judicial relief. The justice could arrest an accused malefactor and conduct an inquest, but he was required to make 'presentments to the higher courts which had authority to hear and determine'.[80] In practice these sessions and associated gaol deliveries were not any more frequent than the meetings of the courts leet, which the JPs supplanted. While Beard believed that this recourse to centralised authority relieved the community of an 'irksome' burden, it also undercut local power structures and a system of judicial self-sufficiency that had been in place in some form since Saxon times.[81]

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[78] John Hawarde, *Les Reportes del Cases in Camera Stellata*, ed. by William Paley Baildon (London, 1894), pp. 19–21.
[79] Beard, *Office*, p. 165.
[80] Beard, *Office*, p. 166.
[81] Beard, *Office*, p. 166. Even in the Middle Ages at the zenith of the power of courts leet and baronial courts, the king enforced his peace with knights commissioned as *Custodes Pacis*, whose responsibility it was 'to take security to keep the peace from everyone over sixteen' (see Bertram Osborne, *Justices of the Peace,*

Some critics have argued that the broader social participation in jurisprudence inherent in the English common law system resulted in a more lenient attitude towards accused witches;[82] it was one thing, perhaps, to make an accusation before a JP in a time of stress or fear, and quite another to have a hand in sending an acquaintance to his or her death.[83] For example, Orna Alyagon Darr sees the from-the-centre projection of legal authority under the Tudors and Stuarts as a guarantor of generally clement treatment of accused witches. She associates this with two features of the centralised judicial system. First, central control meant that local pressures were 'effectively supervised and restrained'; and second, 'witch trials were initially held before the assize judges, [who were] mostly fully trained, experienced and senior legal practitioners'.[84] In other words, assize judges ideally offered both impartiality and consistency. Nevertheless, some of the worst witch persecutions on record under English law as measured by total number of deaths happened not in unregulated local 'panics', but in trials administered by assize judges.[85]

The value of smoothly functioning judicial power to the crown is underscored by the insistence with which the judges involved in these larger witch trials – those that were

1361–1848: A History of the Magistracy (Shaftesbury, Dorset: The Sedgehill Press, 1960), pp. 3–4). By the fourteenth century these Keepers of the Peace had acceded to the authority to deal with minor offences. In practice, however, their involvement with local jurisdictions was desultory rather than schematic, and not until the rise of the JP office were such matters systematically dealt with via authority projected from the centre.

[82] Cynthia B. Herrup has argued that 'The nature of crime and the criminal law [in England] made vigilance a communal obligation' (*The Common Peace: Participation and the Criminal Law in Seventeenth-Century*, Cambridge, Cambridge UP, 1987, p. 70).

[83] For the moderating effects of participatory justice, see Unsworth, 'Witchcraft', p. 82.

[84] Orna Alyagon Darr, *Marks of an Absolute Witch*, (Farnham, Surrey: Ashgate, 2011), p. 2.

[85] This is true is we if we exclude Matthew Hopkins, whose activities as self-titled 'Witchfinder General' during the political excesses of the Civil War are usually understood to constitute a special case (see Unsworth, 'Witchcraft', p. 76). Nine people were hanged as witches in Lancaster (with one in neighbouring York) in 1612. Another, Elizabeth Southerns, died in prison (see Stephen Pumfrey, 'Potts, Plots, and Politics': James I's *Daemonologie* and *The Wonderfull Discoverie of Witches*', in *The Lancashire Witches: Histories and Stories*, ed. by Robert Poole (Manchester: Manchester UP, 2002), 22–41 (pp. 22–3)). By the time the special Salem court established by Governor Phips – with powers analogous to an assize court's – suspended its activities, nineteen people had been hanged in Massachusetts; several more died in prison, and one, Giles Corey, was pressed to death for refusing to plead (see Richard Godbeer, *The Salem Witch Hunt: A Brief History with Documents* (Boston: Bedford/St. Martin's, 2011), pp. 1–7). These rank among the largest English witch trials apart from the events in East Anglia during the Civil War.

seemingly out of control – preemptively defended their actions and decisions to the public and to the ruling elite. Clemency or stringency seemed to be of less rhetorical import than accountability and public defensibility; the centrally projected power to punish was a constitutive strength of the ruling elite, and as is implicit in the above-mentioned concerns of Henry VIII over judicial malfeasance, those in power feared that prejudicial operations – wild justice, in other words – could weaken the position of the monarch and threaten the realm.[86]

In the Lancashire trials of 1612, for example, the presiding judge, Sir Edward Bromley, authorised and actively encouraged Thomas Potts's pamphlet description of the trial as a vindication of his judicial activity. Prior to the Lancashire trial 'no English judge had condemned so many witches at one Assize', and Bromley commissioned the pamphlet 'almost certainly as a response to general feeling that something unusual had happened'.[87] Long afterwards, in the American Colonies in 1692, the governor of Massachusetts, Sir William Phips, created a special court of oyer and terminer to grapple with a spate of witchcraft cases that threatened to glut the regular courts. When the pace of accusation and conviction became apparent – with the former touching, among others, the governor's wife, Lady Phips – he suspended the court and wrote an urgent letter to William and Mary's Privy Council, defending his actions and making vague counteraccusations against enemies of the crown who would seek to bring about Phips's own disgrace.[88] Widely separated as they are by time and space, what these judicial apologies demonstrate is an awareness that the judicial system – and the crown – could not tolerate such judicial excess.

In *Merry Wives*, the response to witchcraft is wild not in terms of its overtopping

[86] Callaghan and Kyle, 'Wilde', p. 39.
[87] James Sharpe, Introduction, *The Lancashire Witches: Histories and Stories*, ed. by Robert Poole (Manchester: Manchester UP, 2002), p. 9.
[88] Godbeer, *Salem*, esp. pp. 3–4, pp. 165-6; Unsworth, 'Witchcraft', p. 76, n. 21.

of judicial norms, but in the way that the staged justice can be located as an alternative to officially sanctioned justice. Paul Hirst and Penny Woolley have noted that witchcraft trials participate with festival cycles in the phenomenon of 'disorderly legality': 'They are desperate measures and by their very form they undermine the possibility of creating a stable, useful and pacified population'.[89] Another example of disorderly legality is the skimmington, also known as rough music, used as a normative shaming mechanism against those who violated communal mores. That such festive customs could be a source of anxiety for official judicial channels is obvious in reports of a skimmington in Cameley, Somerset in 1616, where the participants felt it necessary afterwards to reassure the JPs that it was all innocent fun and no damage had been done or crimes committed.[90] Even the ritual space of the stocks, so feared by Falstaff in his encounter with Ford, could feature as a site of disorderly legality (4. v. 111). Intended to figure just punishment in the body of the accused, and thereby to underwrite the authority of the just punisher, the stocks could also flout that authority if used beyond their constraints.[91] Again, it is not clemency or stringency which is crucially at stake in sites of jurisdictional friction – although this may be the case, as with Hopkins's activities – but judicial (and hence political) control. On one reading, when Ford takes it upon himself to punish a suspected witch, he is acting outside sanctioned judicial channels. C.R. Unsworth argues that

> [p]ossible methods of proceeding against a witch can be arranged in a spectrum running from informal, which might variously be termed immediate popular justice, remedial crime, private vengeance or lynching, to highly formal and structured, with built-in procedural protections for

[89] Paul Quentin Hirst and Penny Woolley, *Social Relations and Human Attributes* (London: Tavistock Publications Ltd., 1982), p. 254.
[90] David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603–1660* (Oxford: Clarendon Press, 1985), p. 102. Heywood and Brome's play *The Late Lancashire Witches* famously includes a skimmington scene, but this figuration of wild justice is subsumed into the play's larger schema of sanctioned justice; the play is bookended with a prologue and epilogue referencing the witches' incarceration and trial (see Thomas Heywood and Richard Brome, *The Witches of Lancashire*, ed. by Gabriel Egan (London: Globe Quartos, 2002)).
[91] Michel Foucault, *Discipline and Punish: the Birth of the Prison*, trans. by Alan Sheridan (London: Allen Lane, 1977; repr. London: Penguin, 1991), pp. 32–72.

the accused.[92]

Though informal justice may result in clement outcomes, it directly undermines the authority of state power, which, as Foucault suggests, is partially constituted by arrogating to itself the power to discipline.[93] Therefore, judicial self-sufficiency in a local community can create a threat to the broader realm.

The representation of justice and punishment that comes nearest to *Merry Wives* is probably Cuddy Banks's verbal and physical abuse of Mother Sawyer in Dekker, Ford and Rowley's *The Witch of Edmonton*. However, the obviously wild justice in *Edmonton* differs from that staged in *Merry Wives* in several important respects. First, though much of the comedy in *Merry Wives* turns on the tweaking of Ford's mastery and his humiliation, his class-derived authority is nevertheless apparently real. By contrast, Cuddy is a marginalised figure in his own village, a lout and wastrel. His crew's abuse of Mother Sawyer amounts to little more than bullying. When the justice and Sir Arthur confront her and subject her to an enquiry in the first scene of Act 4, Mother Sawyer encounters the judicial process in earnest, a process already hierarchical rather than local.[94]

Given the importance of witness testimony and jury involvement to accusatorial legal structures, popular opinion tended to correlate (in many instances) with judicial outcomes, particularly in the case of hidden crimes such as witchcraft. Todd Butler has noted 'the ambivalent interdependence between popular opinion and formalized authority that lay at the heart of the early modern English judicial system'.[95] Critically, though, in *The Witch of Edmonton* popular opinion is initially reined in by the justice, who tells the gathered crowd: 'Go, go; pray vex her not. She is a subject, and you must not /

[92] Unsworth, 'Witchcraft', p. 86.
[93] Foucault, *Discipline*, pp. 32–72 and passim.
[94] All citations from Thomas Dekker, John Ford and William Rowley, *The Witch of Edmonton*, in *Three Jacobean Witchcraft Plays*, ed. by Peter Corbin and Douglas Sedge (London: The Revels Plays, 1986), 143–209.
[95] Todd Butler, 'Swearing Justice in Henry Goodcole and *The Witch of Edmonton*', in *SEL*, 50:1 (2010), 127–45 (pp. 141–42).

be judges of the law to strike her as you please' (4. i. 65–6). Here 'subject' means both 'subject of the law' and 'subject of the crown', an artful re-inscription of central power and a re-subsumption of 'disorderly legality' or wild justice into sanctioned judicial channels.[96] If the mob had not been reined in by the justice and had been allowed to burn Sawyer's roof – or indeed, to burn her – this would have constituted an unsettling dramatic instance of wild justice; but this is precisely what the play does not stage, and how its justice differs from that staged in *Merry Wives*.

In the case of *Merry Wives* the status of the staged justice, wild or not, is not so obvious. If Ford is read as a private citizen (albeit a leading one), his accusation and summary punishment of a suspected witch undermines both local and state order. If he is read as a JP, then his actions may superficially seem to trend towards order and civic stability. However, as with other instabilities in this comically chaotic world of Windsor, Ford's suspect is not what she seems, being neither a witch nor a woman. In this way, Ford's witchfinding is the twin of his efforts to uncloak adultery – both are misguided and both end in failure. While the latter upsets domestic order by exposing the patriarch to ridicule, the former is potentially more significant because of its resistance to centrally organised justice and hence to the principle by which the ruling elite constituted their authority. On such an account, the local justice in *Merry Wives* may have constituted a greater implicit challenge to centrally organised society than the play's presentation of witchcraft in historically witchy Windsor.

However, there is a contrastive way to read Ford's positionality in Windsor, which shifts slightly between the Quarto and Folio versions. As this chapter has suggested, Ford and Page represent the middling sort from among whom justices would be called.[97] If Ford is located as an unnamed JP, then his actions can be construed as a

[96] Hirst and Woolley, *Social*, p. 254.
[97] Darr, *Marks*, p. 25.

conflation of wild justice with more normative procedures. This is consonant with historical trials of the period, for as Unsworth writes, such trials were 'organic to the local community, a dark manifestation of popular democracy. Thus there was no sharp disjunction between formal and informal proceedings: each influenced the other'.[98] Therefore, while the beating of Falstaff is consistent with wild justice, the potential for imprisonment, to which Falstaff himself alludes (4. v. 107–112), is a symbol of judicial authority.

Subtle differences between the Quarto's and the Folio's treatment of judicial elements in the play complicate the issue of whether to locate Ford as citizen or justice. In the Folio, for example, when Falstaff escapes from the fury of Ford's blows, he complains to Mistress Quickly:

> I was like to be apprehended for the witch of Brentford.
> But that my admirable dexterity of wit, my counter-
> feiting the action of an old woman, delivered me, the
> knave constable had set me i'the stocks, i'the common
> stocks, for a witch. (4. v. 107–112)

In the Quarto version of this encounter, Falstaff says:

> What tellest me of blacke and blew,
> I haue bene beaten all the colours in the Rainbow,
> And in my escape like to a bene apprehended
> For a witch of *Brainford*, and set in the stockes. (G1ʳ)

The Folio's mention of a constable hints at sanctioned judicial process, as the parochial constabulary was the main police organisation in the Tudor period.[99]

Ford could possibly be understood to be the constable in this speech, as the beating would certainly earn him the prefix 'knave' in Falstaff's eyes. In 1617 the selection of constables came under the purview of the justices of the peace in each county, but in the period of the play's composition they were still elected by parishioners

[98] Unsworth, 'Witchcraft', p. 87.
[99] Osborne, *Justices*, p. 19.

to serve for one year.[100] Constable may be too mean a position for Ford's dignity, however. J.A. Sharpe has called the parish constable 'the most lowly officer in the whole system of law enforcement'.[101] Because Ford and Page are the leading citizens in the small sample of Windsor that the play offers to audiences (outside of the foreign residents Hugh Evans and Doctor Caius), it is perhaps easier to read Ford as a JP figure than as a parish or even a high constable.

Locating Ford as a JP is another way of foregrounding the economic and social tensions in the play that many critics have capably addressed and that Grav sees as the central preoccupation of the Folio version.[102] There had been a property requirement for justices of twenty pounds per annum since the time of Richard II, which was reconfirmed by statute under Henry VI.[103] Though this requirement could be manoeuvred around in certain instances, J.H. Gleason observes that in fact 'the commission of the peace constituted an elite', and Beard notes that rising middle-class families coveted the position as a means of acquiring economic and political clout.[104]

That a constable should be involved after Falstaff's contretemps with Ford is another hint at Ford's judiciary status, for the 'first care' of a JP, according to Charles Austin Beard, was to 'prevent breaches of the peace by taking surety of possible offenders'.[105] This the justice would commonly do by 'issuing a writ to the sheriff, constable, or other officer ordering him to appear with the person from whom the surety

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[100] Sydney Frank Markham, *A History of Milton Keynes and District*, 2 vols (Luton: White Crescent Press, 1973), I, 266–67.
[101] James Sharpe, *Crime in Early Modern England 1550–1750* (Harlow, Essex: Addison Wesley Longman, 1984), p. 49.
[102] Grav, 'Money', passim; other critics who have seen economic concerns as central to the play include Lamb, *Popular*, esp. pp. 125–59; Kinney, 'Textual', passim; Laurie Maguire, *Studying Shakespeare: A Guide to the Plays* (Oxford: Blackwell, 2004), esp. p. 151; Peter Erickson, 'The Order of the Garter, the Cult of Elizabeth, and Class-Gender Tension in *The Merry Wives of Windsor*', in *Shakespeare Reproduced: The Text in History and Ideology*, Jean E. Howard and Marion F. O'Connor, eds. (London: Methuen, 1987), 116–140.
[103] J.H. Gleason, *The Justices of the Peace in England, 1558-1640: A Later* Eirenarcha (Oxford: Clarendon Press, 1969), p. 47.
[104] Gleason, *Justices*, p. 47; Beard, *Office*, p. 141.
[105] Beard, *Office*, p. 165.

was demanded, and in the default of surety, the prisoner was committed to gaol'.[106] This procedural element reinforces a central difference, noted above, between the jurisprudence staged in *Merry Wives* and that in *The Witch of Edmonton*: although in both cases the jurisprudence directed against a witch begins locally, in *Merry Wives* it not only remains local, but there remains a sense of process throughout.

Set against Ford and Page as prospective JPs, however, are not only the anomalous (for Shakespeare) authority of their wives, but also the foolish figure of Justice Robert Shallow. From the beginning Shallow's presence emphasises the play's implicit critique of centralising judicial forces, for whereas Fenton and Falstaff are class intruders into Windsor, Shallow intrudes with something like official sanction: his commission comes directly from the crown. Even his surname participates in this critique, juxtaposed as it often is with his office:

> SHALLOW [H]e shall not abuse Robert Shallow esquire.
> SLENDER In the County of Gloucester, Justice of the Peace and Coram.
> SHALLOW Aye, cousin Slender, and Cust-a-lorum. (1. i. 3–6)

Cust-a-lorum abbreviates *Custos Rotulorum*, or Keeper of the Rolls, a record-keeping function reserved to the chief JP in each county.[107] Of course, any multiplication of honours to Shallow serves merely to undermine both the honours and their source.

The Folio text opens with Shallow's declaration that he will make a Star Chamber matter of his quarrel with Falstaff (1. i. 1–2). Later, Falstaff taunts Shallow by asking him: 'Now, Master Shallow, you'll complain of me / to the King?' (1. i. 102–103). In doing so, Falstaff holds Shallow and his office up to ridicule. In fact, Shallow's presence is a double-edged judicial critique, for it both shows the crown's officer to be a buffoon and weakens the likelihood of Ford's being an unnamed justice. Because Shallow is present at

[106] Beard, *Office*, pp. 165–6.
[107] Melchiori, *Merry Wives*, p. 125, n. 6; Osborne, *Justices*, pp. 37–40 and passim.

Ford's beating of Falstaff and does nothing to stay his hand – unlike the justice in *The Witch of Edmonton* – the audience sees not only an instance of probable wild justice, but an officially commissioned representative of the judicial system standing by, unable or unwilling to intervene.

iii. Conclusion

The resonances of *The Merry Wives of Windsor* with the actual Windsor witches are managed via the comic and widely known figure of Gillian of Brainford. Gillian is much more prominent in the Quarto version and the Windsor setting is downplayed, lending strength to an argument from context that the Quarto was composed at a time of concern over the implications of Windsor witchcraft.

As has been argued, however, the play's engagement with questions of judicial control and local justice is broader than its concerns over the malign effects of witchcraft. This engagement stretches across both Quarto and Folio versions and interrogates the local justice that it stages. Who has the power to do justice in Windsor? Ford and Page? Justice Shallow, a commissioned JP with the authority of the crown? Or the eponymous wives, whose plans and whims dictate so much of the plot?

The play, finally, entertains a politically safe ambivalence. It gestures at a source of significant anxiety for the crown: local justice, whether administered without established bounds or in surfeit of them. It raises questions about centralised control in a time of jurisdictional negotiation, but it does not fully resolve those questions. Perhaps unsurprisingly, in referring to popular constructions of witchcraft and justice, and taking the middling sort as its explicit subject, the play demonstrates a certain resistance to incursions by the elite. As has been argued, this is particularly true of judicial matters, which have much to do with the construction of these social categories. In the end,

whether the play's use of witchcraft and judicial response represents a challenging provincial self-sufficiency or a community whose ephemeral social challenges are pacified by comedic resolution and resubmission to centripetal power depends on whether one views Ford as a private citizen dispensing wild justice, or as a justice of the peace, maintaining royal and civic order in accordance with his commission.

As has been shown, on either reading, approaching the play with an eye also for the nexus of witchcraft and witchcraft jurisprudence can offer insights into dating. This is due to societal preoccupation with these topics – and the cyclical nature of that preoccupation, which can be tracked in pamphlets and legal proceedings, as well as in entertainments.

IV. Certain, Strange, but also True: Witchcraft Trials on Stage and Page[1]

In his essay '(Mis)representing Justice on the Early Modern Stage', Holger Schott Syme highlights the restrictions on the term 'trial' in an early modern English context, where it tends to denote exclusively 'the process of twelve jurors assessing the credibility of a particular set of charges, whether supported by witness testimony or not', rather than to connote general courtroom processes. Arguing from within this narrow formulation, Syme suggests that 'no English theater ever staged a trial scene before 1642'.[2] The staged prosecution of witches conforms to this dramaturgic constraint; while plays of the pre-Civil War stage are filled with juridical procedure against accused witches, including depositions, arraignments, and evidentiary criteria and debates, no juried witch trials appear. Referring to staged trials generally, Lorna Hutson argues that this representational vacancy constitutes a discursive opening for audiences, which are meant to stand in the place of juries and pass moral judgment upon the staged trials and events.[3]

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[1] An earlier version of this chapter grew out from my unpublished master's dissertation 'Show Trial: Witchcraft Trials on the Early Modern Stage' (Oxford University, 2012), here rewritten and expanded.
[2] Holger Schott Syme, '(Mis)representing Justice on the Early Modern Stage', *Studies in Philology*, 109 (2012), 63-85 (p. 68). This sense of 'trial', however, is arguably too narrow, as it excludes even the jury trial in *Swetnam the Woman-Hater*, a play glossed in Syme's essay (see pp. 73-4). Syme argues that *Swetnam* stages merely two jurors, both women. This may be a shortcoming of representational mimesis – i.e., the representation is insufficient in terms of number and gender – but such a representational insufficiency is not a sufficient disqualifier to vindicate Syme's argument that jury trial is unrepresented in the drama of the period.
[3] Lorna Hutson, *The Invention of Suspicion: The Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford: Oxford UP, 2007), pp. 69-70 and passim.

However, as this chapter will argue, plays representing witches are more discursively closed than Hutson allows – as indeed are the witchcraft pamphlets that often informed the plays. They are broadly of two classes: those in which magical practitioners – be they cunning women, supernatural beings, or ordinary witches – simply do not become subject to jurisprudential processes; and the second class, which more closely concerns this chapter, in which the witch-defendants are not merely accused, but are already guilty and are presented as such. Rather than inviting audiences to pass judgment on the guilt or innocence of staged defendants, the plays in this second category instead position audiences to assent to the verdicts which are always already embedded within the staged 'revelations' of witchy malfeasance and prosecution.

In taking this second category as its subject, this chapter will consider the varied ways in which witchcraft trials – in the broader, present-day sense of the term 'trial', including arraignment, evidentiary hearings, and judicial punishment – were depicted on the late-Tudor and Stuart stages. Recent scholars interested in the interpenetration of jurisprudence and drama have tended to ignore witchcraft plays.[4] On the other hand, critics who focus on witchcraft in drama have tended not to deal with jurisprudence in any substantive fashion.[5] This chapter therefore addresses questions about the interplay

[4] Lorna Hutson is just one critic who has taken up questions of jurisprudence within early modern drama. Other recent treatments include Bradin Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of the Common Law, 1509-1625* (Chicago: The University of Chicago Press, 2007), which analyses the transformative religious, political, and social pressures on early modern law and literature, finding in both of the latter, traces of the nascent state's efforts to perform power. Cormack sees these jurisdictional struggles paradoxically as productive sites for challenging authority, an argument relevant to this thesis's position, spelled out in Chapter 1, that 'performing' anti-witchcraft jurisprudence both establishes authority and inherently undermines it. Subha Mukherji's *Law and Representation in Early Modern Drama* (Cambridge: Cambridge UP, 2006) suggests that early modern plays seek to perform justice, whether in the domestic or the grand political sphere. As do other thinkers, Mukherji emphasizes the theatrical nature of trials and the importance of visual imagery and imagination to both courtroom and theatre. Holger Schott Syme's *Theatre and Testimony in Shakespeare's England: A Culture of Mediation* (Cambridge: Cambridge UP, 2012) connects the early modern theatre's predilection for soliloquies, asides, and reported action with 'mediation', the ability to convey another person's thoughts and actions in speech – obviously also a vital courtroom skill.

[5] Scholars interested in witchcraft in Tudor and Stuart drama include Katharine Briggs, whose *Pale Hecate's Team* (London: Routledge & Kegan Paul, 1962) is dated but still useful; Diane Purkiss, *The Witch in History* (London: Routledge, 1996); and Deborah Willis, whose *Malevolent Nurture: Witch-Hunting and Maternal Power in Early Modern England* (Ithaca: Cornell UP, 1996) devotes a chapter to the stage. Even the most recent of these studies, however, is now almost twenty years old. A useful recent work, though at times it takes on

between stage representations of witchcraft and stage representations of jurisprudence which are not only unanswered, but have largely gone unasked.

Towards that end, its enquiry will have particular recourse to the depiction of witch trial phenomena in the pamphlet literature that existed alongside and influenced the plays. Close consideration will be paid to the jurisprudential representations of Dekker, Ford, and Rowley's *The Witch of Edmonton* and Heywood and Brome's *The Late Lancashire Witches*. Both are based to varying degrees on actual witch trials, presenting the opportunity to consider staged jurisprudence against pamphlet accounts of historical trials.

As the chapter's argument unfolds, it will problematise Hutson's conception of audience as jury and demonstrate that theatrical representation of witch trials existed in a relationship with evolving witchcraft pamphlet and sceptical literature, a relationship which in its forensic and commercial valorisation of disclosure, ensured that the spectacle of a witch's career was of greater importance to playwrights and audiences than the already determined guilt or innocence of a given witch character.

i. Audience as Jury

Critics have long been interested in the frequent occurrence of judicial tropes in early modern theatre. In 1934 Johannes Hoffman pointed out that these elements in early modern plays could be accounted for by the relationship of the playwrights to the legal institutions of the realm:

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the character of a survey, is Eric Pudney's *Scepticism and Belief in English Witchcraft Drama, 1538-1631* (Lund, Sweden: Lund UP, 2019). The essays in the collection *Magical Transformations on the Early Modern English Stage*, edited by Lisa Hopkins and Helen Ostovich (Farnham: Ashgate, 2014), consider staged witchcraft using a variety of lenses: as dramatic proxy for power (or powerlessness!), as an intellectual domain inflected by class and gender, and as a vehicle for bidirectional transformation of the theatre and the audience (society). It is this last lens that has proven most useful to the present thesis.

> Bei den Zusammenkünften der Inns of Court […] fanden gelegentlich besondere Vorstellungen statt, und die 'playwrights', die ja oft auch Schauspieler waren, hatten hier Gelegenheit, mit den Juristen in persönlichen Verkehr zu treten, ja, einige Dramatiker waren sogar selbst Mitglieder dieser Inns of Court.[6]

But while such criticism noted the juridical preoccupation of Elizabethan and Jacobean drama, it did not offer a satisfactory account of this preoccupation. Bertil Johansson even suggested that 'law-court scenes in the drama did not represent anything new – they can be traced back in time as far as the Mediaeval Miracle and Mystery Plays – but their frequent inclusion in Elizabethan plays also points to an increased interest in legal preceedings [sic]'.[7] According to Johansson, the key distinction between the staging of legal process in the English medieval and Renaissance theatres was a distinction of frequency and not of kind. Such observations underplay the role of legal proceedings in early modern drama, however.

The work of Carol Clover on the jurisprudential content of twentieth-century Anglo-American television and film has provided a point of departure for critics interested in challenging this deflationary approach. In her essay 'Law and the Order of Popular Culture', Clover takes up one of Foucault's arguments in *Discipline and Punish*, agreeing with his analysis that the West has sublimated its fascination with torture into an obsession with trial processes.[8] Taking the argument further, she demonstrates that this obsession is traceable (and is more pronounced) in the mass media of countries with common law heritages.[9]

In the critique of Foucault found in her *The Invention of Suspicion*, Lorna Hutson

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[6] 'Special performances were occasionally held at meetings of the Inns of Court […] and the playwrights, who were often also actors, here had the opportunity to come into personal contact with jurists; yes, some of the dramatists were themselves even members of these Inns of Court'. Johannes Hoffman, *Die Gerichtsszenen im englischen Drama von Shakespeare bis zur Schliessung der Theater (1642)* (Breslau: Graphischer Grossbetrieb für Buch- und Offsetdruck, 1934), p. 6.
[7] Bertil Johansson, *Law and Lawyers in Elizabethan England as Evidenced in the Plays of Ben Jonson and Thomas Middleton* (Stockholm: Almqvist & Wiksell, 1967), pp. 5-6.
[8] Carol J. Clover, 'Law and the Order of Popular Culture', in *Law in the Domains of Culture*, ed. by Austin Sarat and Thomas R. Kearns (Ann Arbor: University of Michigan Press, 1998), pp. 97-119, (p. 97).
[9] Clover, 'Law and the Order', pp. 97-119; esp. pp. 97-8.

makes use of Clover's distinction between civil and common law systems.[10] Like Clover, she approves the usefulness of Foucault's 'genealogy of disciplinary power', but she argues that the rise of participatory justice in England during the early modern period was distinct enough from Continental judicial models to create the conditions for a unique forensic turn in the English theatre.[11] Whereas ecclesiastical courts tended to minimise the sifting of forensic evidence in favour of confession and the 'proof' established by witness testimony, evolving common law favoured the accumulation of evidence and its testing before a jury and various magistrates. Changes in dramatic form in the period tended to reflect this shifting value of evidence in various criminal processes.[12] The applicability of this paradigm is obvious in the case of early Jacobean tragedies such as *Othello*, where probability and forensic evidence – and ironic misunderstandings built flimsily upon that evidence – are central to the plot. For example, the handkerchief that Othello gives to Desdemona operates not merely as a magical love token, but as a piece of forensic evidence which 'proves' her infidelity.

The Late Lancashire Witches offers an uncanny exemplification of Hutson's central thesis. In the play's epilogue, Heywood and Brome make the minimally judicial and maximally forensic character of the play a subject of explicit commentary:

> We represent as much
> As they have done before law's hand did touch
> Upon their guilt, but dare not hold it fit
> That we for justices and judges sit,
> And personate their grave wisdoms upon the stage,
> Whom we are bound to honour. No, the age
> Allows it not. Therefore unto the laws
> We can but bring the witches and their cause,
> And there we leave 'em, as their devils did (epilogue, 7-12).[13]

[10] Hutson, *Invention*, pp. 69-70.
[11] Hutson, *Invention*, esp. pp. 5-6; pp. 64-103.
[12] Hutson, *Invention*, esp. pp. 5-6; pp. 64-103.
[13] All citations from Thomas Heywood and Richard Brome, *The Witches of Lancashire*, ed. by Gabriel Egan (London: Globe Quartos, 2002). The running heads and certain contemporary accounts refer to the play as *The Witches of Lancashire*, but this thesis follows the convention of the 1634 title page in referring to the play throughout as *The Late Lancashire Witches* (or the abbreviation *Late Lancashire*).

In place of the pejorative position held by secular judicial hierarchy within medieval sacramental drama – 'the diabolic, merely procedural and exteriorized double of the truly just and merciful jurisdiction of God's representative, the priest', is Hutson's phrase[14] – we have a metatheatrical imposition of limits on the play's mimesis; the playwrights suggesting that they will not attempt to portray judicial process lest they impugn it. We are simultaneously reminded, however, that the play has been a compilation of forensic detail, a representation of 'as much / As [the witches] have done'. In other words, we have Hutson's paradigm in miniature, a gloss on the forensic but not necessarily judicial character of early modern drama.

Hutson's argument that the expansion and democratisation of forensic rhetoric coincided with a forensic turn in the drama of the day – manifested by increasingly sophisticated dramatic plotting coupled with adoption of techniques from New Roman Comedy – does not lose force if we decouple it from the argument that this forensic turn positioned audience members as a sort of jury, passing judgement on the unfolding events of the plays they attended. An audience can be invited to fulfil such a function, of course; Hutson notes that the audience participates in Hamlet's charge to Horatio to serve as judge and witness, and they are implicated by the hortatory address of Marcus, Titus's brother, which calls on them 'to judge what cause Titus had to revenge' (5. iii. 95).[15] But these are instances of dramatic rhetoric rather than substantive discursive positioning. Hutson seeks to prefer the audience-as-jury model as a general characteristic of early modern drama, writing that: 'Sixteenth-century English revenge tragedy […] makes a similar open-ended appeal to our capacity as equitable moral arbiters of the case', that is, 'it links the investigative energy of the plot or narrative structure of the […]

[14] Hutson, *Invention*, p. 5.
[15] William Shakespeare*, Titus Andronicus*, ed. Jonathan Bate (London: Arden, 1995), (qtd. in Hutson, *Invention*, p. 70).

drama to an emotional and intellectual appeal to the audience *as lay judges*'.[16] Subha Mukherji anticipates this point in *Law and Representation in Early Modern Drama* (2006), suggesting that Vittoria's defense in the trial scene of Webster's *The White Devil* is aimed at 'the jury of the audience that is both present and not present', a jury which 'corresponds to the new, common-law model of impartial evaulators of testimony presented in court'.[17] Syme takes exception to this stance, noting that theatre audiences have more in common with trial audiences than trial juries; both types of audience have an exclusively observational role.[18]

Moreover, though Hutson asserts that 'these evidential concepts which were transforming legal practice were not part of some esoteric professional doctrine, but were relatively widely diffused throughout society', the only contact zone she proffers as the site of this diffusion is the grammar schools, where schoolboys were increasingly exposed to the types of Ciceronian rhetoric that well served sequential narrative in both dramatic plots and the courtroom.[19] An education in Latin and rhetoric was still an aspirational good in early modern England, however, the province of the urban (relatively) well-to-do.[20] The audience-as-jury model seems, therefore, to be contingent on the existence of a class of privileged playgoers encultured to evidentiary awareness either through the schools or via contact with the Inns of Court. Though Nathaniel Tomkyns found at the Globe in 1634, 'a greater apparance of fine folke gentlemen and gentlewomen, then I thought had bin in town in the vacation', we know from other sources that fine folk were neither the only, nor the largest proportion of theatregoers.[21]

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[16] Hutson, *Invention*, pp. 69-70; original emphasis.
[17] Mukherji, *Law and Representation*, p. 147.
[18] Syme, '(Mis)representing', p. 78.
[19] Hutson, *Invention*, p. 3; p. 7.
[20] Stephen Greenblatt, *Will in the World* (New York: W.W. Norton, 2004), p. 24.
[21] Nathaniel Tomkyns's letter of 16 August 1634 to Sir Robert Phelips (Somerset Record Office, DD/PH 212/#12), fully transcribed in Herbert Berry, 'The Globe Bewitched and *El Hombre Fiel*', *Medieval and Renaissance Drama in England,* 1 (1984), 211-230, pp. 212-13. For an overview of audience composition prior to the closure of the theatres in 1642, see Andrew Gurr, *Playgoing in Shakespeare's London* (Cambridge:

Over time, audience exposure to the evidentiary content of plays produced by dramatists, who were themselves students of forensic rhetoric, may have cultivated a general taste for the mode, but this would have been a gradual process. Hutson's argument becomes almost circular in its implication that it was the audience's enculturation to participatory justice that called forth the plays. At least as important to playwrights as the forensic rhetoric of New Roman Comedy was the perpetually popular theatre of spectacle. This popularity is perhaps nowhere more apparent than in the period's spate of supernatural dramas, where the inherent surrealism of supernatural phenomena allowed for greater freedom in their staging to accommodate audience tastes. Well into the Stuart period, dramatists were invested in offering audiences a theatre of spectacle, competing among themselves and between companies to stage the most bombastic effects.[22]

Forensic elements too could be spectacular, of course, as they appear to be in the cruentation episode (Act 5, Scene 3) in *Arden of Faversham* (1592), where Thomas Arden's body begins to bleed afresh in his wife's presence. The most famous instance of staged cruentation takes place in the second scene of Shakespeare's *Richard III*, when Gloucester halts the passing casket of the by-him-murdered Henry VI, and the dead king's wounds reopen. While it is possible that these instances of cruentation could have been staged in speeches alone – respectively in Alice Arden's 'The more I sound his name, the more he bleeds; / This blood condemns me, and in gushing forth / Speaks as it falls, and asks me why I did it (5. iii. 4-6), and Lady Anne's 'O, gentlemen, see, see dead Henry's wounds / Open their congealed mouths and bleed afresh!' (1. ii. 56-7) – evidence abounds for the

Cambridge UP, 1987); Andrew Gurr and Mariko Ichikawa, *Staging in Shakespeare's Theatres* (Oxford: Oxford UP, 2000), esp. pp. 21-39; and Herbert Berry, *Shakespeare's Playhouses* (New York: AMS Press, 1987).

[22] Stephen Greenblatt makes this argument (referring mainly to Shakespeare) in 'Shakespeare Bewitched', *New Historical Literary Study*, ed. by Jeffrey N. Cox and Larry J. Reynolds (Princeton: Princeton University Press, 1993), pp. 108-35. For the use Marlowe made of spectacle in developing new genres from the heritage of the 'imagistic' medieval morality plays, see Jocelyn Powell, 'Marlowe's Spectacle', *Tulane Drama Review*, 8:4 (1964), 195-210. Jenny Sager's *The Aesthetics of Spectacle in Early Modern Drama and Modern Cinema: Robert Greene's Theatre of Attractions* (London: Palgrave, 2013) serves as a book-length challenge to the assertion by Andrew Gurr that 'the better the playwright the less spectacle was likely to be used in his plays' (*The Shakespearean Stage 1574-1642*, 3rd edn. (Cambridge: Cambridge University Press, 1994) p. 191).

use of spectacular blood effects such as blood bladders in the staging of murders, battles, and executions.[23] It is unlikely that a Southwark dramatist, competing with the spectacles of executed malefactors on Tower Bridge and bear baiting, would pass up such a gory, crowd-pleasing flourish.

Moreover, this pattern seems to offer a reasonable account for the spread of appreciation for forensic drama: drawing on their rhetorical training, dramatists of the middling sort wrote forensic elements into their plays, coupling them with patterns of genre and spectacular staging, effects, and properties. This coupling seems to have existed outside the theatre as well. Though cruentation was associated with trials by ordeal and God's justice made manifest, Hilary Nunn notes that early modern communities perceived the phenomenon not as direct divine intervention but as emanating from 'motivations, whether physical or spiritual, within the supposedly lifeless corpse itself'.[24] In his *Crime and Mentalities in Early Modern England*, Malcolm Gaskill sets out early modern reliance on cruentation as a common strategy for establishing guilt or innocence in murder cases, with judicial officials and the public invoking the phenomenon to restore equilibrium to a community disrupted by murder:

> In 1572 a Cheshire coroner summoned murder suspects to Nantwich church "that they might stand by and be present about the corps, that all the people according to the opinion of Aristotle & the common experiment, might behold & see whether the body would expel excrements and fall to bleed afreshe in the sight of them all".[25]

The complex in this account is familiar from the examples of staged cruentation mentioned above: supernatural spectacle joined to a forensic process implemented by someone with experience in forensic rhetoric (here a coroner rather than a dramatist) and placed before the public. Mary Floyd-Wilson goes so far as to describe such collective

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[23] See Philip Butterworth, *Magic on the Early Modern Stage* (Cambridge: Cambridge University Press, 2005), esp. pp. 165-172.
[24] Hilary M. Nunn, *Staging Anatomies: Dissection and Spectacle in Early Stuart Tragedy* (Aldershot: Ashgate, 2005), p. 68.
[25] *Crime and Mentalities in Early Modern England* (Cambridge: Cambridge University Press, 2000), p. 211.

processes as 'proto-scientific' in their application.[26] Nevertheless, the object of the process retains an irreducible supernatural element whether this is understood maximally as divine intervention or minimally as a terminal interaction between spiritual and physical worlds.

There is an important distinction between this instance of cruentation 'staged' before the residents of Nantwich in 1572 and staged instances of cruentation in *Arden of Faversham*, *A Warning for Fair Women* (1599), and *Richard III*. In the historical account, villagers became witnesses of the spectacle in an ontologically significant manner; this transformation from members of the public to witnesses affected the outcome of the subsequent trial. In fact, failing the obligation to serve as witnesses ultimately transformed some members of the public to defendants, when Bridgett Crockett, wife of the deceased, lodged a complaint about the trial with Star Chamber, together with an appeal; the Privy Council assigned the Chief Justice of Chester, Sir John Throckmorton, to investigate.[27] By contrast, audiences 'witnessing' a play are only witnesses in a metaphoric sense; they have no opportunity to affect the already-decided outcome of the proceedings they are observing.

Forensic elements could be staged without recourse to excessive spectacle, of course. This is true of Desdemona's handkerchief. While audiences are invited to follow it across the play as a (misleading) marker of guilt or innocence, it is the handkerchief's absence which most powerfully affects the action and the characters. Even the supernatural provenance of the handkerchief is reported rather than staged. Othello tells Desdemona (and the audience)

> That handkerchief
> Did an Egyptian to my mother give,

[26] Mary Floyd-Wilson, *Occult Knowledge, Science, and Gender on the Shakespearean Stage* (Cambridge: Cambridge University Press, 2013), p. 59.
[27] Steve Hindle, '"Bleeding Afreshe?": The Affray and Murder at Nantwich, 19 December 1572', in *The Extraordinary and the Everyday in Early Modern England: Essays in Celebration of the Work of Bernard Capp* (Houndmills and Basingstoke: Palgrave Macmillan, 2010), pp. 224-45, 234-6.

> She was a charmer and could almost read
> The thoughts of people. She told her, while she kept it
> 'Twould make her amiable and subdue my father
> Entirely to her love, but if she lost it
> Or made gift of it, my father's eye
> Should hold her loathèd and his spirits should hunt
> After new fancies (3. ii. 47-55).

In any case, the presence or absence of spectacular or supernatural elements does not affect the audience's inability to alter dramatic outcomes. Though positioned superficially similarly to witnesses or jury in a courtroom, audiences lack the former's ability to testify and the latter's to agree a verdict.

In fact, staged jurisprudence directed against witches constitutes a particularly effective counterexample to the audience-as-jury model. This is because witchcraft dramas are spectacles in support of a pre-existing verdict; witches are never actually tried on stage. In instances where witches are stock comic quacks, benevolent cunning folk – even partially transcendent plot devices, as in *Macbeth* or Middleton's *The Witch* – they often evade trial, or even accusation, altogether. In each case, though, dramatic outcomes are nevertheless conditioned by genre – often by a nuanced interplay of genre and character. Thus, while there are multiple surviving plays in which witchy characters are mere charlatans or bumblers, what is not represented, despite sceptical expressions embedded in the plays, is an accused witch who is found innocent.[28]

It could be argued that Othello's trial is an exception, as in the eponymous play he is hauled before the Duke on charges of witchcraft and is exonerated. However, this exception merely proves the general prima facie closedness of staged trials. As Karen Newman argues, there is a sense in the play that the usual suspects – the racial and the sexual other in the persons of Othello and Desdemona, respectively – are being rounded

[28] Examples of the former include *The Wisdom of Doctor Dodypoll* and *The Wise-woman of Hogsdon*, among many others. Typically in such plays, threats against suspected cunning folk or witches take the form of comic violence rather than formal judicial proceedings.

up and held up to the audience to reinforce just how guilty they are.[29] Emma Smith notes that '[h]owever much Shakespeare's depiction of Othello begins by departing from the stereotype established by his cultural predecessors, in the end it all comes to the same thing'.[30] While Othello's getting off the hook as an accused witch may seem to open up discursive space to jurisprudential questions, his guiltiness is reified by the unfolding of the play, a sequence brought to a conclusion by his auto-execution. Arguably, audiences are indeed invited to pass judgement on Othello at his trial in Act 1, Scene 3, since a verdict is not privileged from the outset by the play's title – save, perhaps, the soft verdict of the tragic genre label. However, despite the fact that if given the opportunity, audiences might well have been inclined to 'convict' Othello based on his magical, racial liminality in Venice – and in England by extension from the world of the playhouse – such a conviction would not be based on evidentiary analysis but on darker impulses. It would also be toothless, for whether or not a given audience would be inclined to convict, their feelings would have no bearing on the subsequent unfolding of the drama. There is perhaps even an ugly sense in which Shakespeare is playing with the audience's impotence to intervene before confirming for them their prejudices at the play's conclusion.

Though dramas featuring anti-witchcraft jurisprudence offer powerful evidence for the discursive closedness of juridically inflected drama, non-witch plays reinforce the point that this ab initio closedness is generally true of juridical drama rather than exclusively true of witch-juridical drama. The title page of the 1600 (first) edition of *The Merchant of Venice* proleptically (and counterfactually) notes 'the extreame crueltie of *Shylocke* the Iewe towards the sayd Merchant, in cutting a iust pound of his flesh'.[31] Here

[29] Karen Newman, "'And Wash the Ethiop White": Femininity and the Monstrous in *Othello*', *Essaying Shakespeare* (Minneapolis: University of Minnesota Press, 2009), 38-58.
[30] Emma Smith, *The Cambridge Introduction to Shakespeare* (Cambridge: Cambridge UP, 2007), p. 153.
[31] William Shakespeare, *The most excellent Historie of the merchant of Venice* (London: Heyes, 1600), in *Early English Books Online* <eebo.chadwyck.com> [accessed 4 June 2012]; original emphasis.

too, a defendant is guilty from the outset, so much so that although it is another character, Antonio, who initially must stand trial in Act 4, it is Shylock who is convicted, Shylock who is punished. Moreover, the title's prefix, 'The most excellent Historie', assures audiences and readers that it will turn out well for the merchant in the end, despite his anticipated weight loss. From the outset, then, the attentions of the audience are attenuated to spectacle as much as to forensic development: the play must display for them not Shylock's guilt – this they have from the beginning – but rather it must 'discover' for them precisely how the cruel Shylock will be caught out.

ii. Of Plays and Pamphlets

Though Lorna Hutson uses early modern crime and trial pamphlets as evidence for her argument that institutions of participatory justice diffused a forensic consciousness through early modern English society, she does not fully credit the role played by the trial pamphlets in this diffusion, or the shifts in drama that accompanied it. For example, in citing the pamphlet *Treason and Murther Discovered* (1674), she notes that 'neighbours and unpaid officers did […] detective work, and gave evidence in the trial'.[32] She omits to note, however, that the *Murther Discovered* pamphlet shares a quality with many of the crime pamphlets and much of the juridically inflected drama of the period, namely a foregrounded verdict. This omission means that while Hutson is right to notice the 'plot' in the pamphlet – it begins with the pre-trial hearing, moves on to the trial, and concludes with sentencing, accumulating evidence along the way – the connection she makes between the forensic character of the pamphlet and that of early modern drama is

[32] Hutson, *Invention*, pp. 82-3; original emphasis. Though the Restoration-era *Murther Discovered* falls outside the thesis's period of focus, Hutson uses the pamphlet to support her argument for the dissemination of 'concepts of fact-finding and evaluation throughout culture' (*Invention*, p. 80), and this chapter's response to Hutson is relevant to the thesis's argument as a whole, and to the plays (and pamphlets) it analyses.

under-defined. By the time of *Murther Discovered*'s publication, the theatre had moved on, transformed by vagaries including the Civil War closure and the Neoclassicism imported from France in the Restoration. But the crime and murder pamphlets of the early seventeenth century – to which *Murther Discovered* is strongly indebted – intersect with forensically limned drama as exemplars and competitors in a discourse of disclosure.

In his landmark *The Antichrist's Lewd Hat: Protestants, Papists, and Players in Post-Reformation England*, partly written with Michael Questier, Peter Lake describes a loose confederacy of pamphlet and play in the late sixteenth and early seventeenth centuries.[33] Stage and page interacted with each other in interpenetrative ways, competing for popular audiences and participating in the definition of each other's genres. For example, domestic tragedies arose already both supported by and in conflict with the murder pamphlets upon which they were often based. These forms existed in conversation with one another as they figured forth aspects of society and the social imaginary. '[C]rime and murder ballads and plays, complaint literature and sermons […] were able to articulate, exploit and allay the anxieties felt by contemporaries in the face of political, religious and social change'.[34] Simply put, plays and pamphlets, along with religious contributions from a variety of competing pulpits and presses, both created culture and commented upon it – and in commenting, changed it further.

Murther Discovered, though a late example, shares its form with earlier murder pamphlets, offering a compilation of evidence in support of a trial that has always already taken place. Any probabilistic assessment on the part of the reader is forestalled by the pamphlet's title and lurid subtitle, which announces that the pamphlet is a 'True and Perfect Relation of the Tryal and Condemnation of James Alsop the Father, and William

[33] Peter Lake and Michael Questier, *The Anti-Christ's Lewd Hat: Protestants, Papists, and Players in Post-Reformation England* (New Haven: Yale UP, 2002).
[34] Lake and Questier, xxv.

Alsop his Son for Treason and Murder'.[35] Additional text on the title page announces the pamphlet's 'wonderfull Discovery both of the *Treason* and *Murder*; with the Sentence of the Court for the manner and places of their Execution'.[36] Although human agency is responsible for uncovering and sifting the evidence, both in the pamphlet and in the actual legal process on which it is based, it is nevertheless the spectacle of disclosure which the pamphlet privileges, not the process.[37] 'Wonderful discovery' is a familiar phrase in early modern criminal and juridical pamphlets; in this context, 'wonderful' connotes 'full of wonder', 'miraculous', even 'supernatural'. It is this supernatural, near-revelatory aspect of the uncovering of a crime which intersects with that euphemistic phrase for jury trial, 'by God and country', a phrase which actually appears in the *Murther Discovered* pamphlet.[38] This may seem to place us back within the Foucauldian discourse that Hutson has been careful to resist (though not refute), a discourse in which the state uses the spectacle of confession and punishment to underwrite its authority. However, in actuality we have arrived at a fundamentally distinct account, wherein the state's legitimacy arises at least partly from its ability to enmesh its people within the spectacle of discovery.[39] Such an account does no violence to Hutson's description of the distinctive 'epistemology' developed in the early modern common law system.[40] It makes use of it, rather, by additionally suggesting that while the early modern common law system may have avoided appropriation of the medieval Church's techniques of

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[35] *Treason and Murther Discovered* (London, 1674), A1ʳ, in *Early English Books Online* <eebo.chadwyck.com> [accessed 5 May 2012].
[36] *Murther Discovered*, A1ʳ, original emphasis.
[37] The shift from divine disclosure of guilt (as in trial by ordeal) to human forensic determination of guilt was neither inevitable nor continuous, as Hutson herself notes (see, for example, *Invention*, p. 82 for a description of the attested belief that a corpse would bleed anew in the presence of its killer). Supernatural indicators of guilt featured *within* increasingly sophisticated forensic investigative processes throughout the period and commonly featured in witch trials (see, for example, the role of the witchmark in Purkiss, *History*, pp. 134-9; and the miraculous restoration of speech in 'The severall practises of Johane Harrison and her daughter', in Marion Gibson, *Early Modern Witches* (London: Routledge, 2000), pp. 151-57).
[38] *Murther Discovered*, A2ʳ.
[39] For Hutson's elaboration on and critique of Foucault's argument in *Discipline and Punish* regarding the production of knowledge/power, see Hutson, *Invention*, pp. 5-6, and pp. 64-103.
[40] Hutson, *Invention*, p. 75.

domination on a large scale, its enculturation to forensic discourse and expansion of communal responsibility for criminal justice constituted similarly totalising structures in terms of their production and perpetuation of state authority. This process of transition must be understood as gradual, however, with ecclesiastical courts existing alongside and struggling with secular ones throughout the period.[41]

The *Murther Discovered* pamphlet dates almost a century later than Hutson's posited shift in dramatic presentation of evidentiary analysis, but there are contemporary pamphlets that underscore the point as effectively. In fact, the witchcraft pamphlets exemplify this shift, because of the unique epistemological and ontological challenges posed by witchcraft. One example is the account of the Essex witch trials at St. Osyth in 1582, whose title page runs 'A true and iust Recorde, of *the Information, Examination* and Confession of all the Witches, taken at *S. Oses in the countie of Essex: whereof* some were executed, and other some entreated according to the determination of lawe'.[42] The reader is also assured that the pamphlet is '*Written orderly, as the cases were tried by* euidence'.[43] Such title pages foreclose a range of possibilities for a text, and more to the point, such contextualisations seem to preclude the moral judgements by readers for which Hutson argues. Instead, readers are left to affirm or deny a sort of moral approbation of the ineluctable verdict, to agree with or reject the pamphlet's assertion that 'all men may see what a pestilent *people Witches are, and how unworthy to lyue in a Christian Commonwealth*'.[44] What requires emphasis are the ways in which such trial pamphlets and their concomitant closed jurisprudential discourses are taken up and pressed into service on

[41] Cormack notes that once conscience – the exclusive province of the church courts – was defined as equity in the early Tudor period, the long decline of the ecclesiastical courts became inevitable (see Cormack, *Justice*, esp. pp. 34-8 and pp. 101-108).
[42] *A true and iust Recorde, of the Information, Examination and Confession of all the Witches, taken at S. Oses in the countie of Essex* (London: Dawson, 1582), A2^{r}, in *Early English Books Online* <eebo.chadwyck.com> [accessed 31 May 2012]; original emphasis.
[43] *A true and iust Recorde*, A2^{r}, original emphasis.
[44] *A true and iust Recorde*, A2^{r}, original emphasis.

stage, demonstrating thereby their value not only as evidence for the diffusion of forensic thought in early modern English society, but also as agents for that diffusion. It is worth noting, without discounting the increasingly forensic character of early modern drama, the ways in which pamphlet accounts of criminal proceedings helped to inform this character.

Already in 1592, this rhetorical closedness, coupled with a forensic interest in (limited) disclosure, was evident in *Arden of Faversham*. The play's first quarto title page indicates that Master Arden 'was most wickedlye murdered, by the meanes of his disloyall and wanton wife'. It goes on to describe the abettors to this complot, and finishes by declaring that within the play 'is shewed the great malice and dissimulation of a wicked woman […] and the shamefull end of all murderers'.[45]

Pamphlets and plays featuring anti-witchcraft jurisprudence tend to follow this same formula. The 1621 pamphlet *The wonderfull discoverie of Elizabeth Sawyer, a Witch*, by Henry Goodcole, purports to offer an account of the deeds, trial, and punishment of a witch from Edmonton in Middlesex. The title page informs the reader that he will be reading an account of the career of a witch, '*her* conviction and condemnation and Death'.[46] There is no plea to the reader to judge the relation; there is only the strongly pressed conceit that the account is a 'discoverie' and that the author is privileged – in this case, not only 'Minister of the Word of God', but also 'continuall Visiter in the Gaole of Newgate' – and therefore the implicit injunction to the reader to assent to the verdict.[47]

Pamphlets operated within a rapidly shifting niche in the late sixteenth and early seventeenth centuries. Thomas Bodley's statement that pamphlets 'were not worth the custodie in suche a Librarie' as the one he founded at Oxford somewhat underestimated

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[45] *Arden of Feversham* (London, 1592), in *Early English Books Online* <eebo.chadwyck.com> [accessed 5 June 2012].
[46] Henry Goodcole, *The wonderfull discoverie of Elizabeth Sawyer, a Witch* (London, 1621), A2^{r}, in *Early English Books Online* <eebo.chadwyck.com> [accessed 1 May 2012]; original emphasis.
[47] Goodcole, *Elizabeth Sawyer*, A2^{r}.

their value to his countrymen.[48] Joad Raymond notes that while pamphlets might be indistinguishable in some respects from other small, inexpensive books (typically) in quarto, they are distinctive due to their unique social, political, and literary contexts.[49] They flourished at the intersection of propaganda and polemics, and their 'historical significance […] lies in the fact that they were read and thereby exercised social influence'.[50] Given economic factors such as the cheapness of pamphlets to produce and their ability to prosper and proliferate an argument, it is unsurprising that the genre lent itself to the burgeoning debates about witchcraft, which itself existed at the crossroads of religious, social, political, and criminological discourses.

Some witch plays possess a polemical thrust similar to those found in the pamphlets upon which they draw – and with which, as playbooks, they directly compete at the bookseller's stall. The title page of the 1658 quarto printing of *The Witch of Edmonton*, which has the same subject as the Goodcole pamphlet, indicates that the play is 'A known true STORY. Composed into A TRAGI-COMEDY By divers well-esteemed Poets'.[51] In *The Late Lancashire Witches* this pressure to assent to a verdict seems most plain. Though the epilogue gestures at a certain authorial agnosticism as to the accused women's guilt ('Perhaps great mercy may / After just condemnation give them day / Of longer life'), they are referred to as 'witches' in the play's title, in its list of dramatis personae, and throughout the epilogue.[52] This is a nominal conviction if not a judicial one. The epilogue also offers additional evidence that it would be a mistake to

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[48] Thomas Bodley, *Letters of Sir Thomas Bodley to Thomas James*, ed. G.W. Wheeler (Oxford: Clarendon Press, 1926), p. 40.
[49] Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge: Cambridge UP, 2003), p. 5-25, esp. p. 25.
[50] Raymond, p. 26.
[51] All citations from Thomas Dekker, John Ford, and William Rowley, *The Witch of Edmonton*, in *Three Jacobean Witchcraft Plays*, Peter Corbin and Douglas Sedge, eds. (London: The Revels Plays, 1986), 143-209; original emphasis.
[52] Heywood and Brome, *Late Lancashire*, epilogue, 5-7; 1. The 'great mercy' of line 5 may be a reference to Charles I and the potential for royal pardon. In the event, the king did intervene, sending his physician, William Harvey, the man who described the vascular circulatory system, to investigate (see C. L'Estrange Ewen, *Witchcraft and Demonianism* (London: Heath Cranton, 1933), p. 250).

understand the play as positioning its audiences in the role of jury members. 'Now while the witches expect their due', the epilogue runs, 'By lawful justice, we appeal to you / For favourable censure'.[53] The play's action is past; now there is a distinction made between the actual accused witches whom the jurisprudential system will condemn according to their due, and the artifice of the play, which the audience is invited to accept or praise. The justice that the witches expect is understood as happening outside the playhouse; within it, as we have seen, the accused of the contemporaneous trial are never merely 'accused'. They begin and end as witches.

This closedness is not the only quality shared by witch trial pamphlets and the plays in which are to be found aspects of judicial processes directed against witches. In their concern for the discovery of witches' maleficia, plays and pamphlets share (and seek to satisfy) their audiences' tastes for such disclosure. Attempting to do so seems to have made them popular, as evidenced by the witch vogue in the late Elizabethan and early Jacobean theatres, and in the case of the pamphlets, by their simultaneous ephemerality and cultural resiliency. Barbara Rosen notes that 'many' witchcraft pamphlets survive from as early as the 1560s, and that the pamphlet was 'for many years the chief written means by which information about witchcraft was circulated and this information was factual rather than theoretical'.[54] In the next section, this chapter will turn to closer consideration of two plays whose authors were influenced by popular accounts of the trials upon which the plays were partially based, *The Witch of Edmonton*, and *The Late Lancashire Witches*.

iii. Two Witch Plays and Their Sources

[53] Heywood and Brome, *Late Lancashire*, epilogue, 1-3.
[54] Barbara Rosen, *Witchcraft in England, 1558-1618* (Amherst: The University of Massachusetts Press, 1991), p. 20.

The relevance of *The Late Lancashire Witches* to a discussion of the forensic turn has been shown above. The play also offers a unique case for this thesis's enquiry into staged anti-witchcraft jurisprudence generally, thanks to its first performance at the Globe in 1634 during the ongoing legal proceedings against the accused Lancashire witches. One audience member, Nathaniel Tomkyns, described the play in a letter to his friend Sir Robert Phelips, noting that it 'consisteth from the beginning to the ende of odd passages and fopperies to provoke laughter, and is mixed with diuers songs and dances'.[55] Coupled with the immediacy of its topic – 'the witches being still visible and in prison here', in Tomkyn's phrase – this frivolity caused Tomkyns to judge the play 'merrie and excellent'.[56] Of greater interest than what Tomkyns found in the play, though, is what he did not find: 'there be not in it (to my vnderstanding) any poeticall Genius, or art, or language, or iudgment to state, or tenet of witches (which I expected,) or application to vertue'.[57] While we should be cautious in generalising Tomkyn's expectations, conditioned as they are by individual temperament, cultural exposure, and class, they nevertheless indicate that educated theatregoers might have anticipated from staged representations of witchcraft not only elements of demonological discourses ('tenets'), but also moral didacticism, even amid comic spectacle.

In fact, though unremarked by Tomkyns, tenets are present in the play, and their presence reflects something of a shift in English witchcraft accusation towards Continental models. During the early Stuart period, incidents of Continental witchcraft continued to infiltrate English trials, affecting both accusations and confessions. In the Samlesbury depositions, for example, part of the 1612 Lancashire trials, there were accusations of cannibalism and necromancy. Though Grace Sowerbutts, the child witness bringing the accusations, was eventually discredited – in favour of explaining the

[55] Tomkyns's letter, 16 August 1634.
[56] Tomkyns's letter, 16 August 1634.
[57] Tomkyns's letter, 16 August 1634.

matter with recourse to a Jesuit plot – the fact that she or those cultivating her had access to these tropes attests to their arrival in the English consciousness.[58]

Rolf Schulte offers a useful list of the most frequently encountered elements of Continental pact-witchcraft discourses: the satanic pact, diabolic intercourse, and witches' flights and Sabbaths.[59] Most of these elements appear in the culminating interrogation scene of *The Late Lancashire Witches*.[60] Once Doughty takes over the examination of Meg in Act 5, Scene 5, his questions hew close to standard Continental patterns of accusation. The usual tropes figure: sexual consort with the devil; the devil's cold member; his fine clothing, all in black; his cloven feet. These details are employed to dramatic effect, obviously, but they are not merely drawn from the aether; each detail figures in one of two recorded confessions of Margaret Johnson, the woman on whom the character Meg is based.[61]

Some critics have tried to find a consistent scepticism in *The Late Lancashire Witches*.[62] However, while Heywood and Brome may have been influenced by the growing Sadducean tradition, scepticism is not privileged in the play, either explicitly, by condemnation of overmuch credulity, or implicitly, by equating witchcraft belief with

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[58] Thomas Potts, *The wonderfull discouerie of witches in the countie of Lancaster* (London, 1613), in *Early English Books Online* <eebo.chadwyck.com> [accessed 30 May 2019]. The Samlesbury trial is documented from K3^{r}-N3^{r}. Though the Samlesbury 'witches' are set free in the aftermath of Sowerbutts's recantation, their acquittal is utilized by Potts as a way to construct the authority of the court and the justice of the other capital trials. There is no mention of them on the pamphlet's title page; they are anonymised and subsumed into the pamphlet's witchcraft discourse. There is even something very like the ecclesiastical court model in the 'discovery' of their innocence. 'Who did not condemne these Women,' writes Potts, '[…] yet God had prepared and placed in the Seate of Iustice, an vpright Iudge to sit in Iudgment vpon their liues' (M3^{v}).

[59] Rolf Schulte, *Man as Witch* (London: Palgrave Macmillan, 2009), p. 92.

[60] Witches' flight and Sabbaths, meanwhile, are referenced throughout. See, for example, the witches' feast in 4. i., and reference to flight at 2. v. 55-6.

[61] Ewen, *Demonianism*, pp. 248-9.

[62] A notable example is Helen Ostovich's critical introduction to the play, where she suggests that 'scepticism behind the questions [as to the veracity of witness testimony] is an over-arching feature of the comedy' (see Ostovich, *'The Late Lancashire Witches* Critical Introduction' <www.dhi.ac.uk/brome> [accessed 12 January 2020], § 15; see also §§ 14-16). Ostovich goes even further: 'Although the play retells some of the events recorded in Lancaster and invents more, largely as evidence of the credulity of northerners, the expectation in London […] was as the epilogue suggests', namely that the witches would be exonerated (§ 15). Rather than merely to descry sceptical elements in the play, this statement appears ready to divine authorial motive, and to do so in fine degrees – 'largely' (and therefore not wholly), 'as evidence of the credulity of northerners'.

fatuous events, which in themselves beggar belief. It is the latter, a sort of encoded reductio ad absurdum, which has received the most attention as potentially flagging up the play as a sceptical project.[63] It is worth bearing in mind, however, that many of the most extravagant elements of *Late Lancashire* actually figure in trial documents. The play's recurrent motif of a pail that floats by itself (2. vi. and 3. iii. 127-8) occurs in the deposition of Mary Spencer, one of the Lancashire defendants. After asserting that the accusation levelled against her and her family amounted to malice and nothing more, '[Spencer] denied ever making a collock or pail run after her, except down-hill'.[64] Other spectacular elements of the play also feature in the various Lancashire examinations and trials, including, as has been noted, Margaret Johnson's diabolic congress and the witches' 'turning into / shapes, their dog-tricks and their horse-tricks, and / their great feast in the barn' (5. i. 60-62).[65] The inclusion of these elements supports the ongoing vitality of a theatre of spectacle alongside the new interest in evidentiary content. Even if Heywood and Brome use these spectacular elements cynically, as Helen Ostovich suggests, to exploit lurid interest in an ongoing legal drama, it would be difficult to separate out a sceptical motive from mere commercial opportunism.[66] As experienced hands, the playwrights would doubtless recognise the tropes likely to attract audiences – which spectacles would shock and which would play comically, the 'fopperies to provoke laughter' of the Tomkyns letter.

Furthermore, plot elements which do not derive from the actual Lancashire trials of 1634-1635 are usually better explained in terms simpler than a recourse to a dramaturgic scepticism. Brett Hirsch makes a compelling case that in staging body parts

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[63] Ostovich, Critical Introduction.
[64] Ewen, *Demonianism*, p. 250.
[65] These latter elements were offered in the testimony of a boy, Edmund Robinson, whose allegations fell apart under further questioning: 'The youth admitted that his whole story was false and feigned, an invented excuse for having been at play instead of bringing home the kine' (see Ewen, *Demonianism*, p. 251).
[66] Ostovich, Critical Introduction.

and magical assaults, Heywood and Brome were doing the sorts of borrowing for which the drama of the period is well known. He locates the source for the severed hand subplot (5. iii. 93-106) in Henri Boguet's demonological treatise, *Discours des sorciers*, and the witches' attack on the soldier at the mill (5. iii) in either the *Malleus Maleficarum* or in *De la demonomanie des sorciers* of Jean Bodin, both of which contain versions of the tale.[67] The soldier-miller subplot itself, in which an itinerant soldier is offered some patrimony in exchange for his ability to break a curse over the property, is well known from Continental folklore.[68] It is a stretch to argue that such inventions are included merely as 'evidence of northern credulity', as Ostovich has it. Such elements seem to speak to a syncretistic dramatic instinct rather than to sceptical conceit. While it is conceivable that Heywood and Brome might have conflated known folkloric elements with their dramatic plot in order to suggest, in code, that the witchcraft case was equally improbable, any such argument must get to grips with the fact that at the time of the play's composition, a trial was ongoing – and the trial featured, as has been shown, some of the most fantastic elements to make their way into the play. The play's anti-Catholic elements, too, though not founded in any of the known trial documents from the 1634-1635 trials, are anticipated in the elements of Catholic survivalism on display in Potts's pamphlet description of the 1612-1613 Lancashire trials.[69]

In other particulars, also, the prosecution of the accused in *Late Lancashire* maps quite closely onto contemporary legal action against witches. For example, the play emphasises reputation as a factor in the persecution of the coven, which it nearly always

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[67] Brett D. Hirsch, 'Thomas Heywood and the Werewolves: Sources for *The Witches of Lancashire*', *Notes and Queries*, 53:4 (2006), 531-3; also Hirsch, 'Werewolves and Severed Hands: Webster's *The Duchess of Malfi* and Heywood and Brome's *The Lancashire Witches*', in *Notes and Queries* 53:1 (2006), 92-94.

[68] Otto Rauchbauer notes that the subplot of the wandering hero spending a night in a haunted mill is 'another example of [Heywood]'s use of an international migratory tale motif'. Otto Rauchbauer, 'The Subplot of Thomas Heywood's The Captives: Some Facts and Speculations', *Etudes Anglaises*, 30:3 (1977), 343-345, (p. 345).

[69] Potts, *wonderfull discouerie*, esp. H3^{r}; I4^{r}-K1^{r}; and K3^{r}-N3^{r}.

was in any early modern witchcraft persecution. 'In most cases [the witch] had a reputation from the beginning', Barbara Rosen writes, 'and this is transferred to her descendants'.[70] In the play this is a running theme, as when Whetstone defends himself from an accusation initially made in jest: 'A witch gentlemen? I hope you do not / mean to abuse me, though at this time (if report / be true) there are too many of them here in our / country' (1. i. 88-91). Later, Doughty asserts that 'all the witches in the / country have their hands in this homespun / medley, and there be no few, 'tis thought' (1. ii. 197-99). This was, of course, a real factor in the witchcraft trials in Lancashire. Ewen notes that the allegations 'readily obtained credence among people, who still retained vivid recollections of the [Lancashire] trials of 1613, which had been revived by four executions in 1633'.[71] Unsurprisingly, perhaps, some of the 1634 accused had family members among the condemned in 1613.[72]

This tension with kinship constitutes the site of one of the play's running gags, as the fool Whetstone finds himself consistently hard-pressed to deflect charges of bastardy. In the event, he accuses himself far more successfully than he defends himself against accusation. This comic element, however, is linked to familial relationships among witches both in the contemporaneous trial and in popular conception, in that Whetstone's most stable and identity-defining relationship is with his aunt, the witch Mistress Generous. Bantam, who has proved an indefatigable bully to Whetstone throughout, mocks him again at the play's close for following after the cart carrying his aunt to justice: 'Why do not you follow / Master By-blow?' (5. v. 251-2). '[M]ine aunt's mine aunt, and for that trick / I will not leave her till I see her do a worse', Whetstone replies, to which Bantam rejoins, 'You're a kind kinsman'. The rejoinder is ambiguous, suggesting both that Whetstone is loyal and that he is of the same kind as his aunt,

[70] Rosen, *Witchcraft*, p. 29.
[71] Ewen, *Demonianism*, p. 245.
[72] Ewen, *Demonianism*, p. 245.

namely a witch. This humorous response is also one of the play's direst lines; positioned as it is it points at the characteristic circularity of witch trials. Though some witches may be carried off, others remain latent among the population, awaiting subsequent disclosure.

This closing line is set up by the play's prior consideration of Whetstone as a witch. Gender is no bar to accusing him – true of gender in the various Lancashire trials too. In the winding-up scene, the young gentleman Arthur says of Whetstone that 'though he be no witch, / he is a well-willer to the infernal science' (5. v. 140-41). As Alison Rowlands notes, one of the ways men could get caught up in witchcraft accusations was 'as "secondary witches" who were related to women who were also suspected of witchcraft'.[73] Though Whetstone's fate is extrinsic to the play, the play's alignment of him with his aunt's maleficia echoes the often-familial character of witchcraft accusation and prosecution. Along with the other witches, he is guilty from the outset, and though he is not arrested, audiences last see him exiled from the community, stumbling after the wagon which bears his aunt away.

In terms of legal procedure, also, *Late Lancashire* maintains a certain mimetic reflexivity to the trial on which it is based. In the play, once the Lancashire coven has been apprehended, Doughty directs an examination of them before a constable and unspecified 'Officers'. Doughty first calls prosecutorial witnesses: 'stand out boy, stand out miller, stand / out Robin, stand out soldier, and lay you / accusation upon 'em' (5. v. 174-6). In English anti-witchcraft legal procedure of the period, records of such examinations would generally be passed subsequently to a grand jury where they would

[73] Alison Rowlands, *Witchcraft Narratives in Germany: Rothenburg 1561-1652* (Manchester: Manchester UP, 2003), p. 161. Rowlands has the term from Rolf Schulte, (see *Man*, pp. 209-17). While both Schulte and Rowlands are discussing Central European witch trials, the 'secondary witch' concept has also been identified in early modern English legal contexts.

be evaluated as part of the evidence for the generation of an indictment.[74] Orna Darr argues that 'central judges' controlled witchcraft prosecution along these lines and thus were able to restrain and contain local pressures.[75] Trial documents establish that this usually was the case, but jurisdiction was a heterogeneous concept in the England of the time, and the remit of municipal and manorial courts could occasionally clash with the Justices of the Peace empowered by the crown.[76] Thus Ewen is able to suggest that the 'justice dealt out in local jurisdictions in some instances was more lenient, but occasionally nasty mistakes occurred'.[77] The socio-political fault lines exposed and exacerbated by the Civil War offered up the most egregious example of these jurisdictional crises in the person and activities of Matthew Hopkins, the self-styled Witchfinder General.[78] Even in more mundane circumstances, though, there is reason to believe that legal action against witches could be both locally generated and locally resolved.

The Late Lancashire Witches gestures at such jurisdictional conflicts through Doughty's judicial activism. In fact, for those searching for evidence of scepticism in the play, the passage in Act 5 in which Doughty arrogates to himself the interrogation of the suspected witches offers a useful starting point. This is because Doughty has no apparent administrative role through which to pursue an enquiry, merely his suspicion. Though officers and a constable are present, it is Doughty who directs the interrogation. In terms of seigniorial authority, either Generous or Seely (both identified as squires) would be the proper *fons iuridicum*. In Cormack's phrase, 'jurisdiction is the principle, integral to the structure of law, through which the law, as an expression of its order and limits, projects

[74] Orna Alyagon Darr, *Marks of an Absolute Witch: Evidentiary Dilemmas in Early Modern England* (Farnham, Surrey: Ashgate, 2011), pp. 50-51.
[75] Darr, *Marks*, p. 4.
[76] For a consideration of the role of jurisdiction both in establishing and interrogating power in early modern England, see Cormack, *Justice*, pp. 2-3; 321-3; and passim.
[77] Ewen, *Demonianism*, p. 129.
[78] Malcolm Gaskill, *Witchfinders: A Seventeenth-Century English Tragedy* (London: John Murray, 2006).

an authority that, whatever its origin, needs no other ground'.[79] By taking jurisdictional authority for himself – even if only momentarily – Doughty not only points towards the legal structure in virtue of which he does so, but he also simultaneously calls it into question. While such jurisdictional cruces do not lend themselves to the type of overarching sceptical analysis that Ostovich advances, the presence of this passage in the play nevertheless hints at a certain scepticism on the playwrights' part towards the decisions taken by the Lancaster sessions court in the actual trials.[80]

As far as Doughty's interrogation goes, it is fairly typical of those known from contemporary records, particularly those trials influenced by the Continental model. 'Because of the probative difficulties in witchcraft cases,' writes Darr, 'confessions were highly desirable'.[81] But as torture was illegal under the English system, confessions were often difficult to get. In the play, Doughty's ability to 'break' Meg and get her to confess reflects the two recorded confessions of Margaret Johnson, which were used to convict her and others she named as accomplices.[82]

Meg is the only witch willing to confess, though 'willing' puts too fine a point upon it; she is essentially tricked into doing so in one of the play's more heart-wrenching sequences. Meanwhile, the other witches abuse and seek to silence her. As spokeswoman for the group, Mistress Generous says 'I will say nothing, but what you know, you know, / And as the law shall find so let it take me' (V. v. 196-7). This echoes Iago's final words in *Othello*: 'Demand me nothing: what you know, you know: / From this time forth I will never speak word' (5. ii. 300-301).[83] Such a refusal to speak was not tolerated in early

[79] Cormack, *Justice*, p. 9.
[80] Such scepticism of the Lancaster sessions court was apparently widespread at the time (see Ewen, *Demonianism*, pp. 250-51).
[81] Darr, *Marks*, p. 60. Sir Edward Coke notes that a prior confession found in court record cannot be purged and that 'Attainder by confession is the strongest attainder that can be'. *The Eleventh Part of the Reports of Sir Edward Coke, Knt.*, trans. by George Wilson (London: J. Rivington and Sons, 1777), p. 30.
[82] Ewen, *Demonianism*, pp. 248-9.
[83] All citations from William Shakespeare, *Othello*, ed. by E.A.J. Honigmann (London: Arden, 1997).

modern English jurisprudence, where 'peine forte et dure' could be imposed in cases of refusal to plead. John Baker explains that in pre-trial procedure, an accused participated in a call and response with the officers of the court. To the question 'Culprit how will you be tried?' the accused had to respond 'By God and my country'.[84] This phrase was a euphemism for trial by jury, and, as noted above, if the accused refused to assent to such a trial, the penalty of pressing could be imposed.[85] Ludovico's recourse to torture to force Iago to speak in *Othello* is historically well attested (5. ii. 303).

The phrasing of Mistress Generous's demurral bespeaks a specific indebtedness to *Othello* rather than a mere affinity. As one of the most popular tragedies of the early modern English stage, *Othello* was frequently revived by the King's Men at the Globe and at Blackfriars.[86] James Wallace notes an affinity between *Late Lancashire* and another King's Men play, *Macbeth*, a link 'which was clearly in the dramatists' conception of their work'.[87] There is, of course, an allusion to *Macbeth* in *Late Lancashire*'s 'You / look like one o' the Scottish weird sisters' (1. ii. 162-3), and it seems likely that the *Late Lancashire* playwrights intended Mistress Generous's borrowing to carry similar allusiveness, pointing at the witchy and jurisprudential content of *Othello*.

After he has got Meg's confession, Doughty addresses the coven: 'Now shall you / all to the Justices, and let them take order with / you till the 'sizes, and then let law take his course / and *Vivat Rex!*' (5. v. 230-33). This is where the play leaves its witches; they are in custody, and the profluence enabled by what Hutson calls 'concepts of narrative probability and the circumstantial coherence of the alleged "facts"' allows audiences to

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[84] John Hamilton Baker, 'Criminal Courts and Procedure at Common Law 1550-1800', in *Crime in England, 1550-1800*, ed. by J.S. Cockburn (Princeton: Princeton UP, 1977), pp. 15-48, (p. 34).
[85] Darr, *Marks*, p. 55.
[86] The popularity of the play is signalled by language from the title page of the 1622 quarto, printed some two decades after the play's first performance: '*As it hath beene diuerse times acted at the Globe*, and at the Black-Friers, *by his Maiesties Seruants*' (William Shakespeare, *The Tragoedy of Othello, the Moore of Venice* (London: Walkley, 1622), in *Early English Books Online* <eebo.chadwyck.com> [accessed 2 June 2012].
[87] James Wallace, 'A Note on the Staged Reading', in *The Witches of Lancashire*, ed. by Gabriel Egan, (London: Globe Quartos, 2002), pp. vi-viii, (p. vii).

feel that the witches are on the way to gaol, there to confront ongoing legal and moral justice.[88] But of course this is mere dramatic illusion.

The epilogue is rather more honest regarding the fate of the play's witches:

> Therefore unto the laws
> We can but bring the witches and their cause,
> And there we leave 'em, as their devils did.
> Should we go further with 'em? Wit forbid! (epilogue, 13-16)

There is a doubled disclosure and concealment coded into these couplets. The first-person plural pronoun is slippery with regard to its antecedent: who does 'we' include here? The lines constitute a disclosure – the final disclosure, in fact, of a play that has discovery as its object – pointing metatheatrically to the limits of the play's dramatic mimesis, as if saying 'thus far but no further'. However, in the precise moment of the play's manumission of the audience in pointing to its own theatrical artifice, the rhetorical 'we' co-opts the audience once again, rendering them collusive in the play's treatment of its witches. The first-person plural pronoun does, of course, refer to the playwrights, and to the production as a whole, apostrophising the audience, but also enjoining the audience's participation, folding them into the 'we' and the treachery of the 'we'. It is the audience, as well as the playwrights, who abandon the witches at the close of the play, leaving them 'as their devils did'.

There is no real opening here for the audience to pass legal judgment; at least the play does not position them to do so. Though it may be argued that the epilogue's gesturing once again at jurisdiction – we 'dare not hold it fit' on stage to 'personate the […] grave wisdom' of justices and judges – points as irreducibly at the limits of this jurisdiction as it does at the limits of mimesis, any jurisdictional challenge must be extrinsic to the play, which has already ended. In response to similar audience-as-jury arguments, Syme notes that '[u]nlike a jury's verdict, which forms an integral part of the

[88] Hutson, *Invention*, p. 91.

judicial process, the audience's verdict is of economic and aesthetic importance but not part of the performance in the same sense'.[89] In other words, in response to Heywood and Brome's appeal in the epilogue for favourable censure, audiences could vote primarily with their purses.[90] Contemporary accounts of the play's popularity indicate that such judgments were made in the playwrights' favour, and in favour of their spectacular conceits.[91]

As noted above, Henry Goodcole's pamphlet *The wondefull discoverie of Elizabeth Sawyer* probably influenced Dekker, Ford, and Rowley's play *The Witch of Edmonton*. That this is at all uncertain is due to the fact that there were apparently other competing pamphlets and broadsides by which they may also or alternatively been influenced. In fact, in his preface to the pamphlet, Goodcole lodges his frustration with these generic competitors, citing their efforts as one reason he undertook the writing:

> the truth of the cause […] hath received a wound already, by most base and false Ballets, which were sung at the time of our returning from the Witches execution. In them I was ashamed to see and heare such ridiculous fictions of her bewitching Corne on the ground, of a Ferret and an Owle dayly sporting before her, of the bewitched woman brayning her selfe […] all which I knew to be fitter for an Ale-bench then for a relation of proceeding in a Court of Justice.[92]

Goodcole closes his prefatory marks by asserting his 'wonder that such lewde Balletmongers should be suffered to creepe into the Printers presses and peoples eares'.[93] Whether the *Edmonton* playwrights were influenced by Goodcole's pamphlet or by the

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[89] Syme, '(Mis)representing', p. 79.

[90] Tiffany Stern has argued that this commercial enfranchisement of audiences affected even the compositional phase of play production, as playwrights would turn to audiences in apostrophic epilogues to gauge their appreciation of given works. Audience response could either ensure a play's success or condemn it to hasty revision or even relegation. Plays printed without prologues and epilogues therefore have something to tell critics about the success of the plays, as these appended pieces were generally meant to be temporary and could be excluded once a play's success was assured (see Stern, *Documents of Performance in Early Modern England* (Cambridge: Cambridge UP, 2009), pp. 81-119). For the application of this argument to *Late Lancashire*, see esp. p. 156; and p. 300 n. 122.

[91] The best source for the play's success is the Tomkyns letter, which states that '*The Witches of Lancasheir*, [was] acted by reason of the great concourse of people 3 dayes togither' (16 August 1634). Such a three-day run was the definitive mark of a play's social and commercial success (see Stern, *Documents*, pp. 81-2).

[92] Goodcole, *Elizabeth Sawyer*, A3^{v}; original emphasis.

[93] Goodcole, *Elizabeth Sawyer*, A3^{v}; original emphasis.

other verbal and textual sources to which he alludes, something of Goodcole's scepticism seems to make it into their play. An echo of his 'to finde out who should be the author of this mischiefe, an old ridiculous custome was used, which was to plucke the Thatch of her house, and to burne it,'[94] can be heard in the justice's response to the thatch-burning device in the play: 'Come, come. Firing her thatch? Ridiculous! Take heed, sirs, / what you do. Unless your proofs come better armed, instead of / turning her into a witch, you'll prove yourselves stark fools' (4. i. 41-3). These lines might have resonated with peculiar force under the thatched roof of an open-air playhouse.[95] But consistent with playwrights' roles as impresarios offering up spectacle in a competitive marketplace – competing, in fact, with the 'lewde Balletmongers' and with pamphleteers such as Goodcole – Dekker, Ford, and Rowley also make use of the sensational charges Goodcole dismisses. In Act 2, Scene 1, Elizabeth Sawyer instructs her familiar, Dog, to despoil the material wealth of Old Banks, saying 'Work on his corn and cattle' (2. i. 166). Of his bewitched wife's fate, Old Ratcliffe relates that 'away she brake, and / nothing in her mouth being heard but "the devil, the witch the / witch, the devil", she beat out her own brains, and so died' (4. i. 208-210). Given these affinities, it seems reasonable to expect a similar reflexivity in the play's representation of judicial process.

In the main, the aspects of judicial process in evidence in *Edmonton* are even more straightforward than those considered in *Late Lancashire* above. That is, the interrogation of the suspected witch takes place at the hands of a justice of the peace, rather than a member of the town or local gentry, vacating some of the jurisdictional anxiety. Though Elizabeth Sawyer's confession takes place off stage – or rather, her confession before the

[94] Goodcole, *Elizabeth Sawyer*, A4^{r}-A4^{v}.
[95] Rowland Wymer's performance history of the play indicates that in seventeenth century, *The Witch of Edmonton* was performed at the indoor Cockpit Theatre and at Court ('A Performance History of *The Witch of Edmonton*' in *Early Modern Literary Studies* (17:2), 2014, 1-23, p. 1). Given the popularity of the play, though (it was revived in 1634 to take advantage of witch-trial vogue caused by *The Late Lancashire Witches* and the associated trial), it is tempting to conjecture additional performances at the outdoor Red Bull Theatre, a sister venue to the Cockpit for Prince Charles's Men.

magistrate does; the audience is privy to more than one confession – the play agrees with the Goodcole pamphlet that it is this confession, coupled with a malign reputation of longstanding, that leads to her condemnation: 'Thus God did wonderfully overtake her in her owne wickednesse, to make her tongue to be the meanes of her owne destruction'.[96] Here is yet more evidence that Hutson's audience-as-jury model is inapt to these witchcraft dramas; if the audience were able to act in the role of jury, they would either condemn Sawyer for murder or for plotting murder (the latter also carried the penalty of death under the Henrician witchcraft statutes, and once again under the Jacobean statutes), not for cursing or an offstage confession.[97] But as Diane Purkiss has noted, both *The Witch of Edmonton* and *The Late Lancashire Witches* embody 'the problematic relations between displaying and discovering truth'.[98] That is, the *Edmonton* playwrights cannot be satisfied with the evidence that the courts allowed to establish Sawyer's guilt, her confession and reputation. Instead the play seeks to figure forth that guilt via surfeit, through a wonderful discovery of its own, making public of the private doings of the witch, who has been guilty since the title page.

In this manner, the witchcraft plays seem more similar to the use made of witchcraft as a political accusation, discussed in Chapter 2 above. Both political theatre and theatre trade in surfeit; both grow out from text into the spectacular, in ways that recall, for separate reasons, the injunction in Habakkuk 2:2: 'that he who runs may read'.

The play's figuring forth of Sawyer's guilt also relates to other instances of discovery, such as the 'showing' of monstrous births, an activity attested from Classical times – though the understanding of the causes of such births underwent an uneven but

[96] Goodcole, *Elizabeth Sawyer*, B1ʳ.
[97] C. L'Estrange Ewen. *Witch Hunting and Witch Trials* (London: Kegan Paul, Trench, Trubner & Co., 1929; repr. London: Redwood Press, 1971), p. 25.
[98] Purkiss, *History*, p. 233.

significant shift in the early modern period from supernatural to natural.[99] For long, 'monstrous' or 'unnatural' births were seen as interventions by deity, and exhibiting them had a variety of motives: profit, potentially, for the parents; vindication of God's activity in the material world; and publication of what were perceived as embodied portents, signs, or warnings.[100] Gradually, supernatural accounts of such births were replaced with naturalist ones, most prominently with the theory of maternal imagination, which held that a mother's illicit longings and secret sins could be made manifest in her offspring through a process of natural imprinting.[101] The theory suggests an inversion of Blake's line 'Sooner murder an infant in its cradle than nurse unacted desires', wherein it is the nursing of unacted desires itself which mars the child.[102] Rebecca Kukla notes that

> an expectant mother's cravings, desires, and experiences – especially experiences that aroused strong passions such as fear and lust – were capable of *directly* inscribing themselves on the body of the fetus, producing deformities and monstrosities that retained the semantic content of the original impression.[103]

The Witch of Edmonton's list of dramatis personae refers to Elizabeth Sawyer as 'Mother SAWYER, the Witch'. This is a common epithet for a cunning woman, of course, but even in such usage it necessarily evokes a linguistic field of motherhood, childbirth, and nursing. Though her own children do not come into the play, there are obvious maternal aspects to her relationship with Tom, the devil-as-dog familiar who appears in response to her curses. In fact, her 'summoning' speech invokes her unruly body as a vessel to birth revenge into the world:

> Would some power, good or bad,
> Instruct me which way I might be revenged
> Upon this churl, I'd go out of myself,

[99] Katharine Park and Lorraine J. Daston, 'Unnatural Conceptions: The Study Of Monsters In Sixteenth- And Seventeenth-Century France And England', in *Past & Present* (92:1), 1981, pp. 20–54.
[100] Park and Daston, p. 20-21; see also Alan W. Bates, *Emblematic Monsters: Unnatural Conceptions and Deformed Births in Early Modern Europe* (Amsterdam: Rodopi, 2005), pp. 145-8.
[101] For the spread of the theory of maternal imagination, see Park and Daston, esp. p. 41; for a discussion of maternal imagination, see Rebecca Kukla, *Mass Hysteria: Medicine, Culture, and Mothers' Bodies* (Lanham, Maryland: Rowman & Littlefield, 2005), esp. c. 1.
[102] William Blake, *The Marriage of Heaven and Hell*, Plate 10 (Oxford: Oxford UP, 1975), xx.
[103] Kukla, p. 13.

> And give this fury leave to dwell within
> This ruined cottage ready to fall with age,
> Abjure all goodness, be at hate with prayer,
> And study curses, imprecations,
> Blasphemous speeches, oaths, detested oaths,
> Or anything that's ill: so I might work
> Revenge upon this miser, this black cur,
> That barks and bites, and sucks the very blood
> Of me and of my credit. 'Tis all one
> To be a witch as to be counted one: (2. i. 107-19)

Dekker, Ford, and Rowley clearly draw upon the idea of maternal imagination in this passage. Sawyer invites fury to gestate within her aged and infertile body in exchange for some means of revenge against the abuse of Cuddy Banks and his fellows. 'Black cur', she calls Banks, one who 'barks and bites, and sucks the very blood' of her (2. i. 116-17). Though Sawyer's insults are intended for Banks, they take shape as an actual dog, a devilish familiar who sucks her blood in a literal echo of Banks's metaphoric bloodsucking. In line 121 the dog – later called Tom, as he is in the Goodcole pamphlet – enters and says, 'Ho! Have I found thee cursing? Now thou art mine own'.[104] This is the devil claiming his servant, shortly to make a blood compact with her, but 'thou art mine own' can also evoke a child's claiming its mother.

Maternal imagination is important to the pamphlet also. Goodcole asks the imprisoned Sawyer how she put out her eye, footnoting his query with the curious explanation: 'The reason why I asked this was because her father and mothers eye, one of theirs was out'. Sawyer responds that she poked out her eye on a sharp stick held by one of her children, while stooping to the bedside of her dying mother.[105] This sorrowful and gruesome scene hints at a doubly marred (and marring) motherhood: the eye injury of her parent is transmitted to Sawyer by her own innocent, but inadvertently monstrous, child. There is irony in this transmission of physical deformity related to the loss of an

[104] The playwrights take this line directly from Goodcole, cut down a little: 'Oh! haue I now found you cursing, swearing, and blaspheming? now you are mine' (*Elizabeth Sawyer*, C1^{r}).
[105] Goodcole, *Elizabeth Sawyer*, D1^{r}.

eye, because the theory of maternal imagination prevalent at the time held that in addition to their thoughts, women could affect their unborn children by what they gazed upon.[106]

Another jurisprudential detail of note in *Edmonton* is the play's preoccupation with burning. It is manifested in the thatch episode as above, but burning recurs as a threat and potential judicial and extra-judicial punishment throughout.[107] This is probably another instance of Continental influence on English witchcraft discourses. Danielle Yardy notes that some English commentators, influenced by European practices, even lamented the leniency of common law punishment for convicted witches.[108] One such, an anonymous pamphlet author known only by the initials W.W., noted enviously that 'the magistrates of forren landes, […] weighing the qualitie of the cryme, they kept a due analogie and proportion of punishment, burning them with fire, whome the common lawe of Englande (with more measure of mercie then is to be wished) strangleth with a rope'.[109] Another possibility is that the play's interest in burning reflects a conflation of the punishment for petty treason, the stake, with the punishment for capital witchcraft, the scaffold. However, though the play features the murder of a wife by her husband, the crime of petty treason only applied to a wife's murdering her husband, due to her legally contingent status upon him, and not the other way round.[110] Though Montague Summers, writing in the 1930s, has ample reason to chide lazy scholars for repeating the myth that English witches were burned, *Edmonton*'s insistence on the stake as a potential

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[106] Writing somewhat later, physician Nathaniel Culpeper advised his colleagues that while 'Doctors cannot cure Monsters, yet they are to admonish women with child not to look upon Monsters' lest they give birth to them (*A Directory For Midwives or, A Guide For Women, In Their Conception, Bearing, and Suckling Their Children, the Second Part* (London, 1641), N5[r]).

[107] For example, at 4. i. 15; 4. i. 26; 4. i. 218; 5. i. 68; and elsewhere.

[108] Danielle Yardy, *Stake and Stage: Judicial Burning and the Elizabethan Theatre*, 1587-1592 (unpublished DPhil thesis, Oxford University, 2015), p. 132.

[109] W.W., 'A Just and True Recorde (1582)', in *Early Modern Witches: Witchcraft Cases in Contemporary Writing*, ed. Marion Gibson (Oxford: Routledge, 2000), 76.

[110] Edward Coke, *The Third Part of the Institutes of the Laws of England; Concerning High Treason, and Other Pleas of the Crown and Criminal Causes* (London,1680), pp. 19-20, in *Early English Books Online* <proquest.com> [accessed 4 January 2020].

outcome indicates that this was subject to confusion in the early modern period, as well.[111]

There is much discussion of judicial punishment in *Edmonton* and in other plays, and indeed, *Edmonton* culminates with Elizabeth Sawyer being taken away for execution. Despite the prevalence of such discussion, though, and despite cotemporary appetite for spectacle and the availability of the relevant stage effects, no witch play actually stages the hanging of a convicted witch. This contrasts with other plays in the period, where hanging features with some frequency. *The Book of Sir Thomas More* (c. 1595) and *The Famous History of Sir Thomas Wyat* (1607), are just two examples.[112] Perhaps the witchcraft plays' reticence to display the deaths of the women they have condemned even in their titles constitutes a sceptical node par excellence; though dramatists felt comfortable holding witches up as spectacle, exposing them to and through the witchcraft stage's newly forensic rhetoric, they were evidently less comfortable showing the objects of their gaze in the moments of their undoing. Whatever the cause of this apparent discomfort, it marks a curious moment of dramatic hesitation – a half-return to privacy amid ongoing disclosure.

iv. Conclusion

Representation of witchcraft jurisprudence on the early modern English stage was not a uniform matter. Dramatists competed with pamphleteers, balladeers, medical and legal professionals, and the accused witches themselves to define various aspects of witchcraft juridical discourses.[113] In actual witch trials, procedural matters were often complicated

[111] Montague Summers, Introduction, *The Discoverie of Witchcraft* (New York: 1930; repr. Dover, 1970), p. xvii.
[112] Philip Butterworth, *Magic on the Early English Stage* (Cambridge: Cambridge UP, 2005), p. 172; p. 174
[113] Purkiss, *History*, p. 234.

by questions of jurisdiction, and English witchcraft trials were unevenly influenced by Continental lines of enquiry, especially as the seventeenth century advanced and elite concerns tended to shift away from local maleficia. Despite critically useful adaptations of Foucault's genealogy of disciplinary power to the early modern English context, in England the transition from the totalising structures of medieval religious control to those of the totalising state was gradual and not unidirectional. Thus, while an expansion of juridical consciousness – at least among certain classes and segments of the population – may have anticipated new directions in drama, this expansion did not, at least in the period before the closure of the theatres, equate with wholesale departure from the 'theatre of spectacle' of the morality plays and the spectacular works of dramatists such as Greene and Marlowe. Indeed Foucault's statement to the effect that the modern West has exchanged fascination with the scaffold for fascination with the courtroom hardly obtains in the English drama of the period.[114] Though the scaffold is not staged in witch plays, it nevertheless haunts the stage. Hutson, Skinner, Syme, and others have revealed the increasing utility of forensic thinking to the plays, but the sorts of uncovering that the plays begin to privilege is not discovery in lieu of confession and punishment, but discovery alongside the spectacle of confession. Witch characters attracted good custom to the theatre and so were useful, but dramatists, Pilate-like, seemed content to let judgement fall upon them extra-theatrically, if at all. Put another way, the early modern English theatre was still as much a theatre of dramatic spectacle as it was of forensic rhetoric. Like the trial pamphlets that so heavily influenced it, this theatre of transition could be simultaneously forensically inflected and discursively closed. In the case of

[114] 'We are far removed indeed from those accounts of the life and misdeeds of the criminal in which he admitted his crimes, and which recounted in detail the tortures of his execution: we have moved from the exposition of the facts or the confession to the slow process of discovery; from the execution to the investigation; from the physical confrontation to the intellectual struggle between criminal and investigator' (Michel Foucault, *Discipline and Punish: the Birth of the Prison*, trans. by Alan Sheridan (London: Allen Lane, 1977; repr. London: Penguin, 1991), p. 69).

witches who came up for accusation and trial, their guilt was assured, but their punishment was often deferred.

In this transitional context, the apparent hotchpotch of juridical elements represented in the theatres bears a startling resemblance to the state of affairs in the contemporary courts. Though audiences were not in any substantial sense positioned by their dramas as juries, they nevertheless shared with juries, legal officers, playwrights – even with accused witches – a concern for the uncovering, the discovery, of a hidden world.

V. Witchcraft, Law, and the Stage: Into the Restoration

While debate about witchcraft continued and even accelerated following the Restoration, the ground of the debate shifted away from legal theory and procedure towards questions of theology and natural science. One way to account for this shift is to track changes in the preoccupations of the elite strata responsible for making and enforcing law. Concerns around discovering who was a witch and appropriately prosecuting witchcraft shifted to questions about whether and in what ways it was possible for the spiritual sphere to interact with our world. While witchcraft was peripherally important to these questions, the fact that learned concerns had shifted from legal praxis to scientific theory meant that fewer lawmakers and officers of the law were willing to prosecute instances of supposed witchcraft.[1] It was over once the debate consensus shifted away from how to identify a witch and toward attempts to prove that witches must exist – the latter is an inherently sceptical position.

The stage reflected this shift mainly in two ways: on the one hand, while playwrights continued to derive from backgrounds which prioritised rhetorical and legal training, the incorporation into the late sixteenth-century theatre of forensic narrative elements had long been an accomplished fact, and a fascination with forensic elements had given way to catering to the tastes of a small but significant group of courtiers used

[1] Gaskill, *Witchfinders*, p. 279.

to French Neoclassical theatre. Elaborate stage engines enabled novel, spectacular representations of magic, but paradoxically, their use also drew attention to their intricate artifice, decreasing the verisimilitude of these effects. First heroic tragedy and then Restoration Comedy became the ascendant forms, pushing aside other genres, such as domestic tragedies, which had often featured witches prior to the Civil War. Though witches were mentioned in plays more frequently than ever, they now primarily appeared in comic or hyperbolic modes.

This brief coda supports the central argument of this thesis that the early modern theatre's representations of witchcraft and the law reveal concerns around identifying and justly prosecuting witches, and that constructions of witchcraft on the stage and in the courts interpenetrate each other. Adapting Peter Lake's description of the interplay between domestic tragedy and its sources, the thesis argues that this interpenetration does not imply 'any obvious or one-to-one representational relationship' between staged witchcraft prosecution and actual incidences of witchcraft prosecution in the world at large, but rather makes itself visible in 'the elements of anxiety- and pleasure-ridden fantasy that inhered in these texts'.[2] Stage and courtroom both offer up 'visual imaginations' of witches and witchcrafts that occasionally overlap and are always in tension with one another.[3]

By the time of the Restoration, however, these anxieties and the corresponding visual imaginations had not only shifted, but also had become increasingly socially stratified. It is beyond the scope of this thesis to provide an account of the complex factors behind these social transformations. The political and religious turbulence of the Civil War was transformative, as was the explosion of literary culture connected to the

[2] Lake and Questier, *Lewd Hat*, xxiv-xxv.
[3] The phrase is Subha Mukherji's, used by her to describe Webster's relation of the construction of spectacle in court to that of the theatre (see *Law and Representation*, esp. pp. 145-8).

ephemeral press and the associated rise of literacy and news culture, and the gradual formation of the public sphere.

While crime pamphlets – such as *Treason and Murther Discovered* (1674) discussed in Chapter 4 – were still being published, their readership, too, had continued the stratification already in progress before the pamphlet wars of the Parliamentary period.[4] The consumption of ephemeral literature must have partially filled the cultural vacancy left by the closure of the theatres. After all, the pamphlets still contained 'precisely the sort of material that, in the drama, tended to burst the banks of moral platitude constraining it, to flood the stage with sex, violence, and depravity'.[5] Naturally there was more than one kind of pamphlet. Though some literary authors expressed initial reticence about the pamphlet form, most could see that the cheap press offered unprecedented opportunities to reach new and exponentially growing audiences. In a relatively short space of time, 'the pamphlet became a preeminent model of public speech, a way of conceving the power of the word'.[6] These pamphlets would be the field on which the witchcraft question was contested and recontested for the balance of a turbulent century.

Other spectacular 'entertainments' grew into this gap left by the closure of the theatres, as well, taking advantage of the upheaval of the Civil War and Interregnum. Some of these were relatively harmless, such as troupes of travelling clowns, musicians, and jugglers. Others travelling the roads had direr aims, however. Due to the war and its associated hardships, the Court of Assizes was all but suspended between July 1645 and June 1646, leaving local magistrates to their own devices when it came to upholding the

[4] Joad Raymond, *Pamphlets and Pamphleteering in Early Modern England* (Cambridge: Cambridge UP, 2003), p. 26.
[5] Lake and Questier, *Lewd Hat*, xxiii.
[6] Raymond, *Pamphlets*, p. 26.

law and punishing malefactors.[7] This interruption of judicial authority – a coincidental echo, perhaps, of the disruption of cultural authority inherent in the theatrical 'establishment' – allowed mountebanks and fortune-seekers to flourish. Among these was Matthew Hopkins, the man who would spark a witch-hunt within the counties of the Eastern Association between 1645-1647. Matthew Hopkins, the self-styled 'Witchfinder General', and his associate John Stearne descended on the villages of East Anglia, offering to detect witches in exchange for money. Hopkins's witch-hunt essentially collapsed theatre and law together into a deadly inversion of the activities of pre-playhouse travelling acting troupes.[8] Where the troupes had once carried religious dramas, morality plays, and entertainments from London to the cultural periphery, Hopkins operated at the judicial periphery and stirred popular suspicions and pent-up fears into home-grown spectacles: ducking, pricking, and searching for devil's marks all featured.[9] 'Watching' was Hopkins's favoured witch-finding tool, an insidious practice involving close observation of the accused at all times, in shifts, in order to prevent their communicating with familiars.[10] This resulted in extreme sleep deprivation and disorientation and led to accusations of torture on the part of Hopkins.[11] There is an obvious theatrical component in this practice, in that the accused is intended to 'perform' witchcraft before the gaze of the witch-hunter and the community. A contemporary pamphlet account of the 1645 Bury St Edmunds trail, which made Hopkins infamous far beyond Suffolk, contains a treatise on the ordeal of watching. The pamphlet describes how townsfolk nominated as searchers strip the suspect

[7] Richard Deacon, *Matthew Hopkins: Witch Finder General* (London: Frederick Muller, 1976), p. 23.
[8] For a recent reevaluation of the travelling troupes and their establishment and royal patronage prior to the playhouse era, see Paul Whitfield White, 'Major English Acting Troupes to 1583' in *Oxford Handbooks Online* (July 2016) <oxfordhandbooks.com> [accessed 20 December 2019].
[9] For a description of Hopkins's use of the ordeal by water, see Malcolm Gaskill, *Witchfinders: A Seventeenth-Century English Tragedy* (London: John Murray, 2006), pp. 105-107.
[10] Gaskill, *Witchfinders*, p. 166.
[11] Gaskill, *Witchfinders*, pp. 237-9.

> starke naked, and on whom the searchers find any teats or dugs, that partie or parties, the said searchers set upon a stoole or stooles, in the midst of the Roome, so that the feete of him, her, or them, may not touch the ground […] that none of his, her, or their severall Impes come at him, her, or them, to suck him, her, or any one of them so suspected, during the space of foure and twenty houers and in that time (if they be Witches) either their Impes will come to suck him, her, or them, or else the partie or parties that is a Witch or Witches will be mightily perplexed and much tortured for want of his, her, or their sucking Impes.[12]

Ultimately, those convicted were variously gaoled, pilloried, and hanged.

Hopkins's reign of terror came to an abrupt close in 1647, when he and Stearne were hauled before an assizes in Norfolk to answer accusations of torture and extortion. This reflects a reassertion of centralised Parliamentary judicial authority, but before Hopkins's career ended, he had presided over the executions of as many as 300 accused, possibly more than half of all people ever executed in England as witches.[13]

How is this relevant to the divergence of the witchcraft debates and staged witchcraft jurisprudence once the theatres reopened in 1660? Though confined geographically to eastern England, the witch-hunt of 1645-1647 resonated far beyond the communities directly affected. The Civil War was partly a war of print, of polemics and propaganda, and events in East Anglia made compelling news throughout the realm. Pamphlets proliferated with positions both supporting and condemning the witch-

[12] *A true relation of the arraignment of eighteen witches* (London, 1645) <proquest.com> [accessed 4 January 2020], A3[v].

[13] Keith Thomas writes 'the campaign of Matthew Hopkins and his associates resulted in the execution of several hundred witches' (*Decline*, p. 537). In his article on Hopkins for the *DNB*, James Sharpe mentions 'at least a hundred' executions ('Hopkins, Matthew', 23 September 2004 <oxforddnb.com> [accessed 10 January 2020]), and notes in his introduction to *The Lancashire Witches: Histories and Stories* that England saw fewer than 500 executions between the fifteenth and eighteenth centuries; in which case Hopkins would be responsible for at least a fifth of the total ('The Lancaster Witches in Historical Context', in *The Lancashire Witches: Histories and Stories*, ed. by Robert Poole (Manchester: Manchester UP, 2002), 1-18, p. 3).

hunters.[14] Hopkins and Stearne each published their own accounts of the witch-hunt, seeking to vindicate their actions.[15]

Hopkins died of consumption in 1647. He would not be kindly remembered. He had catalysed the most extreme witch-panic in England's history. Sharpe observes that marked as it was by the 'unleashing of enthusiastic popular godliness and the coming to prominence of an obscure man, [Hopkins's witch-hunting] became one of the symbols of what polite post-Restoration society regarded as the dreadfulness of the 1640s and 1650s'.[16] This kind of condescending censure became one of the prevalent modes of looking back on Hopkins and the fanaticism he represented from the vantage point of the post-war Commonwealth and especially of the Restoration. The censorious camp briefly even constituted a node of tentative agreement between writers and thinkers on either side of the anti-Sadducean controversy, with Meric Causubon and Thomas Ady both writing tracts that clearly had Hopkins's fanaticism in their sights.

The other mode of retrospection was mockery. Samuel Butler's *Hudibras* (in three parts in 1663, 1664, and 1678), a mock-epic sending up Parliamentarians, Puritans, and other factions who had been opposed to Butler's own Royalist camp, spares no ink on Hopkins:

> Has not this present Parliament
> A Ledger to the Devil sent,
> Fully impower'd to treat about

[14] Following the Bury St Edmunds trial, the *Moderate Intelligencer*, a moderate Parliamentary newspaper, advised circumspection: '[T]here's need of great inquisition before [life] be taken away' (4-11 September, 1645). A more direct polemical foe was vicar John Gaule, whose preaching and whose partly sceptical work *Select Cases of Conscience touching Witches and Witchcrafts* (London, 1646) militated against the swimming of accused witches.

[15] Matthew Hopkins's book, *The Discovery of Witches* (London: Printed by, 1647), had an afterlife in law books and in New England, where the same year, John Winthrop, Governor of the Massachusetts Bay Colony, wrote about the use of Hopkins's 'watching' to convict Margaret Jones of witchcraft (Clarence F. Jewett, *The Memorial History of Boston Including Suffolk County, Massachusetts* 1630–1880 (Boston: Ticknor and Company, 1881), pp. 133–137. Stearne's pamphlet was intended to corroborate Hopkins's account, but as Gaskill notes, 'Stearne was no scholar' (*Witchfinders*, pp. 269), and he ended up copying large tracts verbatim from Richard Bernard's *A Guide to Grand-Jury Men* (1627). The resulting pamphlet was *A Confirmation and Discovery of Witch Craft* (London: Printed by William Wilson, 1648).

[16] James Sharpe, 'Hopkins, Matthew', in *DNB* <dnboxford.com> [accessed 5 January 2020].

> Finding revolted Witches out?
> And has not he with in a year,
> Hang'd threescore of 'em in one Shire?
> Some only for not being drown'd,
> And some for sitting above ground,
> Whole days and nights, upon their breeches
> And feeling pain, were hang'd for Witches.[17]

This mockery anticipates the comic treatment that witches and witchfinders encountered on the boards of the Restoration theatres. The surfeit of spectacle offered by the war and by Hopkins's mass witch-hunts overwhelmed popular appetites for seeking out witches. As Gaskill writes, 'in a strange way, the witchfinders themselves had helped bring witch-trials to an end. For all its ferocity, the craze of the 1640s did not mark the height of witch-hunting: it was the final act'.[18] This decline reflects the feeling that along with other excesses of the Civil War period, the persecution of accused witches had gone too far. From the witch 'panics' of the late Elizabethan period, to anxieties over legal procedure and judicial responsibility in the Jacobean period – as has been shown, this was a preoccupation that existed within various social strata from the king down to the local magistrate – social anxieties about witchcraft passed through the wild justice and 'staged' spectacles of the Witchfinder era to arrive at a place of increased scepticism in the Restoration, at least among the elite. Corresponding to the Restoration of the monarchy and the reassertion of royal and jurisdictional authority, there was a reaction against such popular excesses, and the taste for capital prosecution of maleficia seems mainly to have passed out of the realm. The establishment of the Royal Society in 1660 also helped to tamp down occasional calls the punishment of malefic witchcraft, though it was the nominal backdrop for many of the principals in the theological and 'scientific' contestations over witchcraft that characterised the anti-Sadducean debate.

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[17] Samuel Butler, *Hudibras*, ed. John Wilders (Oxford, 1967), xxxix.
[18] Gaskill, *Witchfinders*, p. 279.

Theatrical tastes also changed in the Restoration. For one thing, despite the fact that Charles II immediately reversed Puritanical injunctions on playhouses, there was a dearth of plays to begin with. After all, an entire generation had grown up neither attending nor writing them. In the twenty years or so between the Restoration and the heyday of the great Restoration Comedies, this lack was supplied in two main ways: by importing and creating heroic tragedies in the French Neoclassical mode, and by adapting the plays of popular early-Stuart playwrights. Davenant's Shakespearean revisions date to this first decade after the Restoration.

Another adaptation arrived in 1682: Thomas Shadwell's *Lancashire-witches*, an adaptation of Heywood and Brome's 1634 work. There is perhaps no better barometer for how things changed in the intervening fifty years than a comparison of the two works. As Chapter 4 has shown, while Heywood and Brome's play had undeniable comic events and sequences and its tone is relatively light, it never entirely escapes the darkness. This is not unsurprising, since some of the women depicted as witches in the play even then languished in gaol nearby.

M.A. Katritzky offers another example of the change in attitudes. While the original play had a whole subplot based around codpiece points and impotence, the Restoration version omits it entirely. 'The occult European practice of ligature' no longer had any traction in Restoration London.[19] Another change is the comic element in Shadwell's version supplied by the magistrate, Sir Jeffrey Shacklehead, who claims to have great skill in detecting witches. 'I'd make an ass of Hopkins if he were alive', Shacklehead boasts.[20] This is a transformation indeed, from a culture wherein witches were powerful because of their instability: they could be almost anything, almost

[19] M.A. Katritzky, *Healing, Performance and Ceremony in the Writings of Three Early Modern Physicians: Hippolytus Guarinonius and the Brothers Felix and Thomas Platter* (London: Routledge, 2016), p. 187.
[20] Gaskill, *Witchfinders*, 278.

anywhere. On the Tudor and Jacobean stages, witches could terrify as well as provoke laughter. By the time the theatres reopened, they were reduced; fixed in primarily comic roles. The new plays and revivals had little to nothing to say about jurisprudence or persecution of witches, except as punchlines. The witches were being laughed at by a population beginning to suspect it knew better. And Hopkins got his too. As Gaskill puts it: 'Twenty-five years after Matthew Hopkins' death, his tragedy was being replayed as comedy'.[21]

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[21] Gaskill, *Witchfinders*, 278.

Conclusion

On 14 September 1936, a Nazi SS researcher now known only by the abbreviation with which he signed his work, Bi, filled out an A-4 card with the details of a witch trial that had taken place in England over three hundred years before.[1] The card was a form comprising fifty-seven numbered sections for completion; Bi filled blanks one and three with the accused witch's surname and forename, respectively: Sawyer, Elizabeth. Unlike cards referring to trials that had taken place on the territory of the Reich, many of which were closely written and even continued onto subsequent pages, there was not much else that Bi could add to the Sawyer card. In blank thirty-five, 'Ort' (Place), he entered 'England'. He completed the longest entry at number thirty-one, 'Lit. u. Qu. angb.', short for 'Literatur und Quellenangaben', (Literature and Source Information). The citation Bi entered there read: 'Aron: *Die Hexen im englischen Renaissancedrama*' (Aron: *Witches in English Renaissance Drama*), together with a volume and page number. Just a year prior, the author of the cited text, noted German-Jewish philologist Philipp Aronstein, had undergone the

[1] Some of this material appeared in much-expanded format as the present author's contribution to an article co-authored with Diane Purkiss (William Badger and Diane Purkiss, 'English Witches and SS Academics: Evaluating Sources for the English Witch Trials in Himmler's Hexenkartothek' in *Preternature: Critical and Historical Studies on the Preternatural* (6:1) 2017, pp. 125-153). The author would like to thank the Batya Lyons Fund of the Oxford Jewish Community for supporting this research.

final of a series of expulsions from his professional and academic affiliations in accordance with the Nuremburg Laws. On 28 September 1942, Aronstein would perish at Theresienstadt.[2]

Bi was part of a team of researchers belonging to a secretive SS unit known as the H-Sonderkommando. The H stood for *Hexen*, witches, and it was the organisation's role to collect any information on historical witchcraft trials that could be used to support the Nazi state and its propaganda purposes. Bi's citation of Aronstein is just one of many examples of his unit's intellectually dubious use of early modern witchcraft sources – it may, however, be the most perversely paradoxical. Though the goals of the Sonderkommando were never realised due to the fortunes of war, it is worthwhile to consider them in light of this thesis's analysis of exploiting witchcraft accusations to construct authority in Chapter 1. Witches, even those four centuries dead, can be instrumental to the construction of authority. This is because they are both powerless and impossibly powerful at once. The person or group that can triumph over the figure of the witch not only restores peace to the village or the polity, but often also gets inflected with a residual witchiness themselves.

This thesis has considered the cases of a number of persons, fictional and historical, who have exploited the instability of the witch figure to construct their own authority (or have been exploited by someone else attempting to do so): Sir Edward Bromley, the judge who unmasked the subterfuge of Grace Sowerbutts in the 1612 Samlesbury trials and published the episode to burnish his credentials and stave off criticsm of his handling of the Pendle trials; Elizabeth Cary, who uncovered an episode of false witchcraft and drew upon the tale in establishing herself as an intellectual and a

[2] Reiner Lehberger, *Philipp Aronstein, 1862-1942* (Hamburg: Ergebnisse Verlag, 1988), esp. p. 33; p. 41.

divinely favoured proselyte; King James, who made a name for himself both as a both a witchmonger and later as a sceptic – supposed witches were instrumental to the construction of both reputations; Othello, who successfully defended himself against charges of witchraft using magical tales – then drew on those tales again to intimidate his wife when he believed she had been unfaithful; Richard III, both accuser and accused, along with many other highborn characters in the history plays and chronicle histories for whom witchcraft accusations were a pathway to power or a pretext for ruination.

Bi and his fellow Nazis were attempting to construct authority both for themselves within the upside-down world of the Nazi state, and to contruct the authority of the state on a grand scale via propaganda. Philipp Aronstein was merely instrumental to that project. His was as utterly vulnerable a position as any of the accused witches' he wrote about in his work on Renaissance drama. He was as vulnerable as the medieval jews in Ginzburg's *Ecstasies*, who occupied the witches' position of marginalised other before the witches did. In the eyes of the H-Sonderkommando, Aronstein also possessed a little magic: some academic authority and some occult knowledge that they craved for themselves. A very modest magic indeed. So they cited him and they killed him. Three hundred years after her death, Elizabeth Sawyer's name was once again inked onto an official form with the pen of someone who sought to use it to prime power. It's there still.

Why Early Modern Staged Witchcraft Jurisprudence Still Matters

During the research for this thesis, the neoliberal West seemed to go mad. From the thesis's origins in 2012, the year the Queen's Diamond Jubilee and the London Olympics showcased a Britain rebounding from the aftermath of the Global Financial Crisis as a

country willing to confront the problems of its colonial past in a spirit of optimism about an engaged, global future – the progress of this thesis has coincided with Britain's descent into economic and political turmoil following the Brexit vote in 2016. Since the referendum, the country has tumbled from the top to the bottom of the G7 in terms of economic growth.[3] The annus horribilis of 2016 also saw the election of Donald Trump in the United States, and subsequent years have seen the resurgence of populist and far-right parties across Europe: the parliamentary success of Alternative für Deutschland in Germany, the 'soft facism' of Hungarian Prime Minister Viktor Orban's government, the power-sharing arrangement between Liga Nord and the Five Star Movement in Italy which forestalled centrist reforms, the nativist Law and Justice party's stranglehold on Polish democracy, the spectre of Putin haunting Europe, and the eruption of joint far-right and far-left Yellow Vests protests in France and beyond. This resurgence of populism correlated with a rise in anxieties over immigration, and a corresponding rise in crimes targeting vulnerable populations, including hate speech and violence involving antisemitism, islamophobia, homophobia, and transphobia.

In the years since 2016, numerous books have touted the fall of the Western liberal order.[4] Pundits and journalists pointed to the poorly understood role of social media in generating and signal boosting fears of the other, and their ability to connect disillusioned individuals and small groups into stochastic 'movements'.[5] Writing of an earlier moment of technological transformation, the emergence of the printing press, Elizabeth Eisenstein notes that 'when "technology went to press" so too did a vast

[3] Therese Raphael, 'Brexit Knocks the Wind Out of the U.K. Economy', in *Bloomberg* <bloomberg.com> 14 January 2019 [accessed 10 June 2019].
[4] See, for example, Edward Luce, *The Retreat of Western Liberalism* (New York: Grove Atlantic, 2017); Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Random House, 2018); Madeleine Albright, *Fascism: A Warning* (New York: Harper, 2019).
[5] Jonathon Keats, 'Jargon Watch: The Rising Danger of Stochastic Terrorism', in *Wired* <wired.com> 21 January 2019 [accessed 31 May 2019].

backlog of occult lore, and few readers could discriminate between the two'.[6] Similarity to this cultural effect can be perceived today in anxieties over so-called (and oxymoronic) 'fake news', deep fakes, and hoaxes such as the PizzaGate scandal and QAnon.[7] Each of these phenomena was bolstered and spread via social media. Russian influence also played a role in many of these geopolitical events.[8] From the very top of the Russian government, dark money, disinformation campaigns, and election interference were unleashed upon an unprepared West. Fissures in Western democracies were exploited by troll farms and direct intervention by Russian assets, witting and not.[9] Intelligence reports in the US and the UK went ignored by political leadership, while accusations of malfeasance on all sides were met with a familiar defence: 'witch hunt', claimed the accused.[10] 'Witch hunt' repeated their partisans on all sides, a refrain magnified in the echo chambers of social media.

This paradigm is now widespread. In the first six months of 2019 alone, hundreds of mainstream news articles appeared with 'witch' or 'witch hunt' in their titles. Many of these quoted political leaders constructing defences against political or legal challenges by casting themselves as the witch-targets of unreasonable attacks.[11] In 2018-

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[6] Elizabeth L. Eisenstein, *The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early-Modern Europe* (Cambridge: Cambridge UP), 1979, p. 76.

[7] For anxieties over deepfakes, see Brian Feldman, Benjamin Hart, and Max Read, 'Are the Deepfake Fears Overblown?', in *The Intelligencer* <nymag.com/intelligencer> 13 June 2019 [accessed 18 June 2019]; for PizzaGate, see Gregor Aisch, Jon Huang, and Cecilia Kang, 'Dissecting the #PizzaGate Conspiracy Theories', in *The New York Times* 10 December 2016; for QAnon, see Gianluca Mezzofiore and Justin Lear, 'How a Right-Wing Conspiracy Theory is Going Mainstream', *CNN* <cnn.com> 3 August 2018 [accessed 16 June 2019].

[8] Michael Riley and Jordan Robertson, 'Russian Hacks on U.S. Voting System Wider than Previously Known', in *Bloomberg* <bloomberg.com> 13 June 2017 [accessed 18 June 2019].

[9] Luce, *Retreat*, p. 3 and passim.

[10] 'Putin's Asymmetric Assault on Democracy in Russia and Europe: Implications for U.S. National Security', U.S. 115th Congress, 2nd Session, Minority Report <foreign.senate.gov> 10 January 2018 [accessed 10 June 2019].

[11] A sampling from May and June 2019 includes Benjamin Netanyahu (Revital Hovel and Noa Landau, 'Netanyahu blasts court for convicting wife: She is the victim of a witch hunt' in *HaAretz* <haaretz.com> 16 June 2019 [accessed 17 June 2019]); Donald Trump (see, among hundreds of examples, Eric Lutz, 'Trump Gives His Attorney General New Powers to Prove His "Witch Hunt" Theory', in *Vanity Fair* <vanityfair.com> 24 May 2019 [accessed 10 June 2019]); Simon Bridges, New Zealand's Leader of the Opposition (Sam Sachdeva and Tom Coughlan 'Bridges cries "witch hunt" over budget hack allegations',

2019, Donald Trump tweeted repeatedly about the Justice Department Special Counsel investigation into his presidential campaign's ties to Russia, referring to it as a 'witch hunt' on more than 50 occassions.[12]

In one sense, the 'staging' of legally embattled witchcraft is still a vital component of authority-construction. But instead of constructing legal and political authority by prosecuting witches (and vindicating that action in narrative), today's leaders often appropriate the title of witch and construct their power and justice by stressing their position as the target of staged political and legal attacks.

The figurative usage of 'witch hunt' to mean 'A single-minded and uncompromising campaign against a group of people with unacceptable views or behaviour' seems to date only as far back as the early twentieth century.[13] This is perhaps unsurprising, for while the final English conviction under the 1604 Witchcraft Act appears to have taken place in 1712 (the act was finally repealed in 1736), accusations of witchcraft continued to be made and popular belief in the existence of witches persisted.[14] In 1808, Anne Izzard, suspected of being a witch in Great Paxton, Huntingdonshire, 'was dragged from her bed by several men and stripped in the yard outside, where three women lacerated her with pins'.[15] In 1876, Margaret Grover was ducked for a witch in Newport, Wales, and saved from drowning only by the lucky

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in *Newsroom* <newsroom.co.nz> 29 May 2019 [accessed 8 June 2019]); and Jacob Zuma (Maryke Vermaak, 'Jacob Zuma on corruption charges: "It's just a witch hunt"', in *The South African* <thesouthafrican.com> 21 May 2019 [accessed 10 June 2019]); the list goes on.

[12] Twitter advanced search: @realDonaldTrump + 'witch hunt' <twitter.com> 10 June 2019; for example, on 2 June 2019, @realDonaldTrump tweeted: 'Democrats can't impeach a Republican President for crimes committed by Democrats. The facts are "pouring" in. The Greatest **Witch Hunt** in American History! Congress, go back to work and help us at the Border, with Drug Prices and on Infrastructure'; emphasis original.

[13] The *OED* records a figurative usage, a witch hunt for a chiropodist, in Ian Hay's novel of life at the Front in WWI, *The First Hundred Thousand* (1915) (*OED* s.v. 'witch-hunt' <oed.com> [accessed 10 June 2019].

[14] Clive Holmes, *Why Did the Prosecution of Witches Cease in England?* (e-book: The Historical Association, 2014).

[15] Stephen Banks, *Informal Justice in England and Wales, 1760-1914: The Courts of Public Opinion* (Woodbridge, Boydell Press, 2014) p. 74.

intervention of passersby.[16] And on 17 December 1875, *The Times* reported the murder of Ann Tennant of Long Compton, Warwickshire, by James Haywood, who suspected her of having bewitched him.[17] At his trial, evidence was presented showing that Haywood had marked passages condemnatory of witchcraft in his copy of the bible; Haywood also testified that he was 'confirmed in his belief [in witches] by the 'wise man' of Croton […] a cunning man who worked by water. The 'wise man' had told him the names of many witches and how to find them out'.[18] Haywood was acquitted on grounds of insanity and died at the Broadmoor Asylum in 1890.[19] For long after the repeal of the final witchcraft act, 'witch hunt' meant just that: to hunt witches. As the twentieth century advanced, the figurative use of the term became more common, presumably as it became less dangerous to be identified as a witch and more dangerous to be targeted under other rubrics.

In 1953, early modern anti-witchcraft jurisprudence returned to the stage in Arthur Miller's *The Crucible*, a dramatisation of the events and personalities of the Salem witch trials.[20] It is a truism that the play is an allegory for McCarthyism and the House Un-American Activities Committee; critics have stressed the point, as has the author himself.[21] The play is certainly an indictment of witch-hunting – Gibson calls it 'a clear rejection' thereof[22] – but it also constitutes a curiously circular self-vindication of its author (or attempt at a vindication). In his essay 'Why I Wrote "The Crucible", which appeared in *The New Yorker* in 1996, forty-three years after the play's debut, Miller notes

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[16] Banks, *Informal Justice*, p. 74.
[17] 'Winter Assizes. Midland Circuit, Warwick, Dec. 15 (Before Baron Bramwell)', in *The Times*, 17 December 1875 (Newspaper Cutting, Pitt Rivers Museum, University of Oxford (Box 5/10: Religions 3)).
[18] *The Times*, 17 December 1875.
[19] Richard Ratcliffe, 'The Murder of Ann Tenant of Long Compton, Part Two', in *Our Warwickshire* <ourwarwickshire.co.uk> [accessed 15 June 2019].
[20] Arthur Miller, *The Crucible* (Harmondsworth: The Viking Press, 1971).
[21] See Maureen Blakesley ed., *The Crucible: A Play in Four Acts* (Oxford: Heinemann, 1992), p. xv; see also, Arthur Miller, 'Why I Wrote "The Crucible"', in *The New Yorker* <newyorker.com> 13 October 1996 [accessed 9 June 2019].
[22] Marion Gibson, *Rediscovering Renaissance Witchcraft* (London: Routledge, 2018), p. 101.

that while he had long wanted to write about the Salem trials and to say something about the turpitude of McCarthyism, he could not find a way in to the material.[23] It was not until Miller encountered an entry about the relationship between Abigail Williams and her former employer, Elizabeth Proctor, in *Salem Witchcraft* (1867), Charles W. Upham's monumental two-volume work on the trials, that he believed 'a play became possible'.[24] Miller became convinced that Williams was fired from the Proctors' employ at Elizabeth's urging after John, Elizabeth's husband, had bedded the girl. 'I was sure [of this]', he writes.[25] This imagined episode formed the kernel of the play in Miller's mind, and in the character of John Proctor, a man desperate to prove his wife's innocence against the false accusation of a spurned lover, Miller 'found something of [him]self':

> I had not approached the witchcraft out of nowhere, or from purely social and political considerations. My own marriage of twelve years was teetering and I knew more than I wished to know about where the blame lay. That John Proctor the sinner might overturn his paralyzing personal guilt and become the most forthright voice against the madness around him was a reassurance to me, and, I suppose, an inspiration: it demonstrated that a clear moral outcry could still spring even from an ambiguously unblemished soul.[26]

If John Proctor is a proxy for Miller's desire to speak out morally despite personal shortcomings, then in a metatheatrical sense, *The Crucible* constitutes another example of the self-vindicatory trope from early modern witchcraft play and pamphlet authors discussed in Chapter 1 of this thesis.

In 2018, against the backdrop of the Me Too movement, Maria Dahvana Headley reappraised Miller's confession of sympathy for Proctor – and the construction of the play tout court – in an article for *The Daily Beast*: 'Him Too? How Arthur Miller Smeared Marilyn Monroe and Created the Myth of the Male Witch Hunt'. Headley

[23] Miller, 'Why I Wrote'.
[24] Miller, 'Why I Wrote'; Charles W. Upham, *Salem Witchcraft* (Boston: Wiggin and Lunt, 1867).
[25] Miller, 'Why I Wrote'.
[26] Miller, 'Why I Wrote'.

argues that in Miller's 'telling, witch hunts are perpetrated by the marginalized rather than upon them, since, when sex is involved, women are inclined toward group-malice, sexual irrationality, and wholesale invention'.[27] In raising the age of Williams 'from an 11-year-old child to a 17-year-old temptress' and making the motive for Williams's accusation that of a spurned woman, Miller has subtly but utterly revalorised the trials, shaping them into a vindication of Proctor's heroism in spite of an earlier moral failing. As Headley points out, this closely tracks Miller's view of himself: not only as a hero who had refused to name names before the House Un-American Activities Committee (Proctor names no names at Salem), but also as the tainted but nevertheless morally upright victim of the home-wrecking seductress Marilyn Monroe.[28]

What Himmler, Trump, and Miller have in common, though they are otherwise an odd grouping, is their participation in the use of staged witchcraft and jurisprudence to construct their own authority and aver the justness of their actions, just as JPs such as Altham and Bromley did in the early seventeenth century. In each of their cases – though to vastly differing degrees and ends! – the transferable guilt of a witchcraft accusation has been transformed into transferable innocence as a cover for persecution of the marginalised.

This, too, is a familiar pattern. But more work remains to be done in exploring how the overlap of jurisprudence with performative witchcraft, whether as an accusation or a defence, continues to participate in discourses of power and marginalisation in the early twenty-first century. Even now, a 'discovery of witches' of sorts may be called for to expose hidden discursive hegemonies within concepts related to witchcraft, in order to prevent using witchcraft as cover for the consolidation of power or the exploitation of

[27] Maria Dahvana Headley, 'Him Too? How Arthur Miller Smeared Marilyn Monroe and Created the Myth of the Male Witch Hunt', in *The Daily Beast* <thedailybeast.com> 27 January 2018 [accessed 18 June 2019].
[28] Headley, 'Him Too?'.

marginalised groups. One example in the press as this thesis nears submission is Trump's decision to give his loyalist Attorney General William Barr 'full and complete authority to declassify any documents related to the origins of the Russia probe', a decision made over the objections of America's intelligence agencies and against the wishes of its allies.[29] Trump is justifying this consolidation of power by repeatedly reiterating that he is the target of a witch hunt – in an inversion of early modern authority-construction, it is by positioning himself as a witch that Trump justifies his political manoeuvres. Witchcraft's lack of fixity, coupled with 'the way that stories of witchcraft open up special possibilities and tap particular pleasures [and particular fears] in the human mind' render it a powerful weapon in unscrupulous or misguided hands, as indeed it has always been.[30]

[29] Lutz, 'Trump Gives His Attorney General New Powers'.
[30] Gibson, *Rediscovering*, p. 2.

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