

THEATER AND JUDGMENT IN EARLY MODERN ENGLAND

Seminar Leader: Kevin Curran, University of North Texas

ABSTRACTS AND BIOS

“Work, Work Your Thoughts”: Judging Minds in *Henry V*

Katherine B. Attié

Towson University

The paper argues that Shakespeare represents intellectual labor as socially useful and aesthetically valuable. Showing that contemplation is not opposed to action in *Henry V* but is rather a privileged form of action, the reading attends especially to the metatheatric interludes of the Chorus, which place the work of the mind and its usefulness on center stage. Instructing the playgoers to “work, work your thoughts” (3.0.25), the Chorus turns their supposedly “idle” hours into a period of productive mental exertion while making them active participants in the playmaking process. In this respect, Shakespeare turns a major anti-theatrical assumption on its head, ingeniously subverting the established equation of playgoing with idleness. Interweaving early modern theatrical and philosophical contexts, this paper also aligns Shakespeare’s representation of intellectual labor with Francis Bacon’s agenda of intellectual reform. As the Chorus instructs the audience to make something “In the quick forge and working-house of thought” (5.0.23), Shakespeare gives intellectual labor an industrial cast that can only be described as Baconian. Employing a related metaphor in *The Advancement of Learning* (1605), Bacon divides natural philosophy “into the mine and the furnace” and likens natural philosophers to miners and blacksmiths. While Shakespeare pointedly put his audience to work thinking in the den of idleness that the public theater was reputed to be, Bacon stormed the palace of idleness in which the Scholastic empire of learning lay languishing. However much the fruits of their respective labors may have differed, the two greatest minds in early modern England arguably shared an investment in realizing the beautiful paradox of active contemplation – of representing the work of the mind as materially valuable and socially beneficial.

Bio: Katherine Attié is Assistant Professor of English at Towson University in Towson, MD. She is a scholar of early modern English literature, culture, and intellectual history with special interests in poetics, political thought, aesthetic theory, and historical formalism. She teaches courses in Shakespeare, Renaissance poetry, and the early seventeenth century, among other topics. Her publications, including articles on Shakespeare, Francis Bacon, and Thomas Hobbes, appear in journals such as *English Literary Renaissance*, *Shakespeare Quarterly*, *Modern Philology*, and *ELH*. Dr. Attié is currently working on a book project, *Shakespeare’s Political Aesthetic*, for which she was awarded the Folger Shakespeare Library’s Long-Term Research Fellowship in 2012. Her paper for this seminar derives from a chapter on the social and aesthetic value of mental labor in *Henry V* and elsewhere.

Reformation Judgment and the *Sir Thomas More* Play

Stephanie Bahr

University of California, Berkeley

This paper addresses the concept of judgment in the *Sir Thomas More* play. It examines the various scenes of judgment within the play which depict More as both judge and judged; the state censor's judgment of the play as preserved in his annotations to the manuscript; and finally the play itself as a judgment of Thomas More and his place in Elizabethan culture. The play is a vivid attempt to reconcile the Catholic past with the Protestant present by performing a secular canonization of More as humanist, wit, and man of conscience rather than as Catholic martyr.

Thomas More seems an unlikely dramatic hero for an Elizabethan audience; he burned Protestants as heretics, rejected the legitimacy of the now-ruling Queen Elizabeth, and was executed for treason. Despite all this, the play's various authors imagined there was a market for a Thomas More play and that such a play could be allowed by the state. As Master of the Revels and official state censor, Edmund Tilney did require some revisions, but he did not suppress the play or even demand that it depict More in a less favorable light. Confessionalizing scholarship in Reformation studies can too easily create binaries of Catholic and Protestant that then obscure the complex ambiguities in the social meaning of a figure like Thomas More. By examining *Sir Thomas More* and its censorship, this paper seeks to create a more nuanced account of post-Reformation England's negotiations with their Catholic past and More's place in their literary and cultural history.

Bio: Stephanie Bahr is a doctoral candidate at the University of California, Berkeley. Her dissertation, "Martyred Signs' and Dismembered Meanings: Reformation Hermeneutics and Poetry," examines the unstable and violent interpretive landscape of the English Reformation, tracing the hermeneutic strife of More and Tyndale into the literary forms of Shakespeare's drama and the poetry of Wyatt and Spenser.

Thinking, Judging, Reading, Conjuring: *Doctor Faustus* and Hannah Arendt
Devin Byker
Boston University

In the opening lines of Marlowe's *Doctor Faustus*, the play submits itself "to patient judgments," and its request for patience foregrounds the many shifting, uncertain challenges of judgment that it extends to its readers or spectators. Before we are to judge, we are to be patient; we are to think. In this paper, then, I examine Faustian and Arendtian approaches to judgment. When Faustus and Arendt are placed next to one another, a number of similarities emerge in regard to the concept and practice of judgment. Both figures attempt to comprehend or negotiate a historical moment understood to diverge from past historical traditions, events, or systems (i.e. Arendt and twentieth-century totalitarianism; Faustus and post-Reformation England), yet both figures nevertheless draw on and complicate past traditions or habits of thought to inform their present inquiries. Furthermore, both figures engage themselves in the work of thinking and judging. Arendt approaches thinking—what she considers a precursor to the practice of judgment—as an activity that "dissolves our fixed habits of thought and the accepted rules of conduct," while judgment is "the manifestation of the wind of thought." These concepts correspond in many ways to the manner in which *Doctor Faustus* stages the experience of skepticism, scholastic approaches to understanding the world, and, ultimately, the task of ascertaining soteriological merit. I will explore the numerous ways that the play invites us into both the activity of thinking and the labor of forming judgments. These invitations occur on a number of levels, whether it involves determining the existence of hell and the possibility of salvation, evaluating the substantiality of Faustus' magic, or discerning the true state of Faustus' soul. By drawing on the conceptual resources of Arendt, I hope to consider how *Doctor Faustus* illustrates, invites, and impedes the task of judgment.

Bio: I am a PhD candidate in English at Boston University. My interests include late medieval and early modern drama and religious culture, historical and contemporary philosophy of language, and (increasingly) the work of Hannah Arendt. My dissertation addresses the ways in which early modern drama explores the possibilities, limitations, and failures of last dying words, and I situate this form of speaking within a post-Reformation environment in which the religious, social, and political capacities of such words are contested, revised, and re-negotiated.

“The Better Part of Stolen Valor”

David Currell

American University, Beirut

Many aristocratic warrior cultures, including the culture memorialized in Homeric epic, operate according to what might be termed a “law of conservation of honor”: honor (and its material and social concomitants) is neither created nor destroyed, only exchanged between vanquished to victor. This paper considers how sympathetic Tudor and Stuart iterations of the counterfeit or braggart soldier (*miles gloriosus*) query this paradigm, with special attention to how the comic convention of judgment and expulsion functions in relation to this comic archetype (whereas Hal allows Falstaff credit under false pretenses in 1 Henry IV, the humiliated Pistol will “steal” back to - and thereafter within - England to turn some profit from his pretended service in Henry V). The discussion is further framed by two (very different) legal contexts: the Elizabethan legal response to counterfeit veterans as a subset of vagabonds or masterless men, and the U.S. Supreme Court’s ruling of the Stolen Valor Act of 2005 - a statute criminalizing false claims of military decoration - unconstitutional on free speech grounds.

Bio: David Currell (BA, BSc, MA, Melbourne; PhD, Yale) is Assistant Professor of English at the American University of Beirut. His present research project, “Epic Satire,” addresses the transformative development of satiric themes and characters in sixteenth- and seventeenth-century epic and drama. Other research interests include the classical tradition; aetiological and foundation myths; and the global reception of John Milton.

The Implications of Poor Judgment: Hotspur's Role in the Prodigal Son Narrative
Marcia Eppich-Harris
Marian University

In Luke's Gospel, the Prodigal Son parable features three distinct archetypes: the father, the rebellious son, and his older, jealous brother. In appropriating these character types for the stage, Shakespeare complicates the paradigms set forth by the popular tale. Particularly in the second historical tetralogy, the archetypes are elided and interlaced to form recognizable but fully new models. The father could be seen as either Richard II or Henry IV – or both. Both men face rebellion from metaphorical or actual “sons.” The prodigal sons in the series are many and varied, ranging from the rebellious Bolingbroke to his own son, Hal; and Hal's companions, particularly Falstaff. However, the role in the parable that is often neglected – the older, jealous brother – is best played by Hotspur, given that Shakespeare adapts the historical figure in such a way that Henry compares Hotspur and Hal as if both could be his sons. Hotspur, though younger in the play than in historic record, reads as older than Hal by virtue of the fact that he's leading campaigns for Henry's army, as well as the fact that he's married. Thinking about Hotspur in this role of older, jealous brother shows a different dimension to the oft-told tale of the prodigal. The fallout from the older brother's rebellion shows that poor judgment is not just the flaw of the prodigal son, but of the older son as well. Hotspur's rebellion reeks of sibling rivalry, and is a grown-up's mimesis of Hal's tavern-style antics. Hotspur misjudges his power in relation to the king and demands that Henry recognize the debt he owes to the Percys for planting him on Richard's throne. Henry's denial of Hotspur's privilege shows the implications of undermining the elder, seemingly honorable son. While the power struggle we often focus on is between the prodigal and the father, Hotspur shows that the elder son's poor judgment must also be taken into account because of the wide-spread consequences it yields. Although the results from the father's neglect are unmentioned in the gospels, Shakespeare explores the conflicts latent in such tensions.

Bio: Marcia Eppich-Harris is an Assistant Professor of English at Marian University in Indianapolis, Indiana. She teaches English and Humanities, specializing in Shakespeare and dramatic literature. Before starting at Marian in 2011, she taught at the University of San Francisco and Mills College in Oakland, California. She is currently working on a book titled, *Prodigality, Debt, and Power in Shakespeare's History Plays*.

“The quality of playing”: Judgment, Satisfaction, and Extemporaneity in Brome’s
Antipodes

Heather Hirschfeld

University of Tennessee

This paper examines a standard or category for rendering judgment in early modern England. That standard is *satisfaction*, a criterion of econo-juridical restitution inherited from Roman law as well as a principle of emotional and erotic fulfilment. I suggest here that the term’s signifying capacity across a variety of discourses was exploited by Renaissance playwrights, who used it to emphasize the permeable borders between objective and subjective evaluation and between categories of economic, sexual, and theatrical experience. Here I look at a series of scenes in Richard Brome’s *The Antipodes* which – set in the topsy-turvy, metadramatic world of a staged “Antipodes” – feature the adjudication of a debt claim brought by a merchant against a gentleman to whom he sold goods on the condition that the gentleman have sex with – satisfy – the merchant’s wife. The suit, performed for the travel-sick Peregrine Joyless and overseen by a “magistrate” played by the clown By-play, is resolved when By-play commands the goods from the gentleman and the wife from the merchant, promising that he will “satisfy her/myself” (4.4.474-5). Working from this comic-dystopic resolution, I discuss the ways in which the play tests the category of satisfaction, highlighting its conceptual ambiguities, mocking its susceptibilities to abuse, and using it to ironize in fresh ways what Amanda Bailey has recently called the early modern “ ‘econometric logic of justice,’ whereby restitution relied on the state’s ability to convert the debtor’s body from a form of collateral . . . into the equivalent of [an] unpaid loan” (2). More specifically, I discuss the unique perspective the play offers on the proximity of this kind of logic and theatrical improvisation, as By-play is the play’s great extemporizer, who satisfies the audience precisely by going off-script.

Bio: Heather Hirschfeld is Associate Professor of English and Riggsby Director of the Marco Institute for Medieval and Renaissance Studies at the University of Tennessee. Her first book, *Joint Enterprises: Collaborative Drama and the Institutionalization of the English Renaissance Stage* (2004) was published by the University of Massachusetts Press. Her second book, *The End of Satisfaction: Drama and Repentance in the Age of Shakespeare*, will be published in May by Cornell University Press.

Judges Judging Judges
Harry Keyishian
Fairleigh Dickinson University

I will deal with the ways judgment was defined by early modern legal professionals like William Lambard, Francis Bacon, and Edward Coke and how these men conceived their roles as administrators of justice as they wrestled with such questions as: what qualities make for a good judge? what procedures produce just results? how should laws be applied? They stressed impartiality, objectivity, and disinterest as key virtues. Coke observed that when the “equall course of Justice” is “stayed, the poore & meaner sort of people...are overwhelmed with wrongs and oppression, whilest great and wealthy man, like Hilles and Mountaines, build their Stations sure...Justice with-held, only the poorer sort...smart for it.” Their views may inform our understanding of how early modern spectators judged the behavior of characters in plays and also provide a basis of comparison for the depiction of judges and the judicial process in the drama of the day.

Bio: Harry Keyishian, professor emeritus at Fairleigh Dickinson University, is the author of *The Shapes of Revenge: Victimization, Vengeance, and Vindictiveness in Shakespeare* and of articles on early modern punishment theory both in law and in relation to the drama of the period. He is Director of Fairleigh Dickinson University Press.

No Theatre of God's Judgment: Mock Trials in *The Revenger's Tragedy* and *King Lear*
 Gretchen Minton
 Montana State University

Thomas Beard's 1597 *Theatre of God's Judgments* insists that "all notorious sinners, great and small" are ultimately punished in accordance with both divine and human law. Theatre as a metaphor for an arena of judgment is a key concept that is relevant to our seminar in a variety of ways, especially because of its importance to Arendt's writing about the Eichmann trial. In this paper, I will examine how two "mock" trial scenes in Jacobean drama function as metatheatrical commentaries on the links between divine and earthly judgment.

The mock trial scene of *King Lear* 3.6 features the King's desperate attempt to assert a judicial system that can punish his daughters. Lear's drive to appoint a "robed man of justice" and a "sapient sire" to serve as judges is consistently undermined, especially when the Fool exposes the mock-trial's Goneril as a literal joint stool. The trial of Junior brother in *Revenger's Tragedy* 1.2 presents a defendant and two actual judges, but this trial also makes self-conscious mockery of the judicial system. Despite Junior's flippant confession of the rape and the Judges' death sentence, the Duke cuts off the proceedings, deferring judgment until the next sitting.

In the absence of sufficient earthly justice, both plays gesture toward the solace of divine punishment. Shakespeare's mock trial begins and ends with Lear's meditation upon the punishments of Hell—a topic to which he returns in 4.6 when acquitting Gloucester in another imaginary judicial setting. The mock trial is present only in the Quarto, which is also the version that includes more appeals to divine justice by Albany and Edgar. The confident platitudes to manifestly absent gods, however, suggest a system of justice in the heavens that is as hollow and hopeless as the mock trial. Vindice repeatedly calls on heaven to punish the Duke and his family, until the accommodating thunder claps on cue and a comet of destruction appears. However, Middleton's play suggests that this cosmic justice is more of a theatrical effect than a divine one. For Arendt, the Eichmann trial was a piece of political theatre, involving a complex interplay of actors, judges, and spectators. In a similar vein, the blurred lines between audience and actors in early modern metatheatrical mock trial scenes offer a commentary on the problem of divine and human judgment rendered ineffective.

Thinking with Shakespeare about Judgment
Robert B. Pierce
Oberlin College

What sort of human faculty or capacity is judgment, and how does it operate when we make decisions in social and ethical situations? My purpose in this essay is to offer a tentative answer to that question, drawing on Shakespeare's portrayal of Benedick's decision to "be horribly in love" with Beatrice after he overhears the staged conversation of Claudio, Leonato, and Don Pedro in *Much Ado About Nothing*. My definition proposal is that judgment is "the human capacity to make good decisions about matters for which no calculus is available to give a definitive or highly probable answer." I contend that the term "judgment" in this sense is in Wittgenstein's terminology a family-resemblance concept, an intellectual tool that has no clearly defined essence and is therefore all the more valuable to use in understanding certain kinds of decision-making. In particular I will look at Benedick's soliloquy in Act Two, Scene Three, Lines 211-37 as the key text for following the process by which he decides to be in love. Our phrase "falling in love" might suggest the oddity of talking about a decision to love Beatrice (one doesn't normally decide to fall), and the youthful wit Benedick who is duped might seem like an odd choice for illustrating judgment, but both kinds of oddity are appropriate to analyzing this kind of decision, and I will uphold the paradox that on the whole the process by which he arrives at loving Beatrice shows him exercising good judgment.

Bio: I am a professor emeritus at Oberlin College, retired after forty years of teaching in the English Department there. In recent years my teaching focused on Shakespeare and other Early Modern writers along with comparative literature, a small Oberlin program that I chaired for several years. I am especially interested in performance techniques in teaching Shakespeare and in interactions between philosophy and literature. Since retirement I have occasionally taught, have co-managed a small workshop for high school teachers who then offer an AP-style Shakespeare course based on performance, and have regularly attended Shakespeare Association conferences and meetings of the Ohio Valley Shakespeare Conference. My wife Barbara and I are active in the National Federation of the Blind (she is blind), and I have directed several performances of radio plays with Braille-reading casts at NFB of Ohio conventions. We continue to live in Oberlin, Ohio, and we make yearly pilgrimages to the Stratford, Ontario, Shakespeare Festival and the Shaw Festival in Niagara-on-the-Lake. We have three children, two of whom are academics (in education and African history), and four grandchildren, counting one scheduled to be born December 31.

Judgment by Proxy in *Measure for Measure* and *The Tempest*
 Olga Valbuena
 Wake Forest University

The last of Shakespeare's comedies and romances, *Measure for Measure* and *The Tempest* have more to say together about the resources of absolutism than their temporal and generic divisions would suggest. Having glossed his inattention to the state as leniency in "neglecting worldly ends" and not as reckless abdication of duty, each duke faces the complicated task of recovering his place without exceeding the immoderate behavior of his deputies and subjects. From within a position of diminished authority, each duke retroactively corrects his errors by proxy: instead of acknowledging his faults, he castigates those whose behavior best disguises his own. Having placed a "secret hold" on the imagination of the stage subject, Vincentio and Prospero nonetheless cannot control the unscripted perceptions of the subject-spectator since the latter enjoys the ironic perspective of witnessing—and therefore judging—the artifice of Vincentio's "doubleness" and Prospero's "art." Accordingly, at key moments both dukes break the fourth wall as if to make windows into men's souls, that appealing to the spectators' "natural allegiance" the collective judgment might turn in their favor. Vincentio appeals to the audience directly on three occasions, while for his part, Prospero assures spectators through dialog with Miranda, Ariel, and in his own asides that "there's no harm done" to his "enemies." And while both plays draw on the language of sacral kingship to describe judgment in relation to justice and mercy as the prerogative but also highest calling of kings, James imposes his will through physical and conscience-binding restraints that extend to oaths, racks, pressing, and imprisonment where moral suasion does not enforce obedience. In this regard, *Measure* and *The Tempest* prove ambivalent tributes to James's "power divine" since only on the stage does the ruler lash the conscience without racking the body of any but his most intransigent subjects.

Bio: Olga Valbuena, Associate Professor, Wake Forest University. My principal interests center on religion and the discourses of conscience as expressed in equivocation, memorial Catholicism, and defiance of secular and "heretical" authority. I've written on Shakespeare, Donne, Elizabeth Cary, and John Milton as well as Spanish Golden Age literature. My current project involves the examination of perspective and the anamorphic memory; my first book is *Subjects to the King's Divorce: Equivocation, Infidelity, and Resistance in Early Modern England* (Indiana UP, 2003).

Staging Literary Judgment in *Love's Labour's Lost* and *The Passionate Pilgrim*
Cordelia Zukerman
University of Michigan

This paper examines early modern ideas about literary judgment through the case study of two short poems that were published in multiple contexts. The poems, “Dyd not the heauenly Rhetoricke of thine eie” and “If loue make me forsworne,” first appear in *Love's Labour's Lost*. Written by love-struck courtiers to their mistresses, they are accidentally published to a variety of readers, including a humanist scholar, two illiterate servants, and several fellow courtiers. As the poems circulate within the fictional royal court, they stage the process by which poetry becomes subject to literary judgment. In 1599 the poems were appropriated by a business-savvy printer, William Jaggard, who included them in *The Passionate Pilgrim*, a volume of poetry that claimed to be by “W. Shakespeare” and became a popular success. This paper sets Shakespeare’s dramatization of poetic judgment against the poems’ historical publication history. In doing so, it explores early modern understandings of the criteria and vocabulary for judging literary work and the broader cultural stakes of exerting literary judgment.

In *Love's Labour's Lost*, Shakespeare suggests that the portability of lyric poetry, combined with its complex exploration of language and emotion, enable different kinds of judgment within different contexts. Poetry can be judged, for example, on its capacity to signify a particular emotion, its scholarly value, and its potential for generating profit. Poetry is thus a social and economic as well as a literary endeavor. The history of *The Passionate Pilgrim* suggests that Shakespeare’s theatrical dramatization was working through vital cultural questions, since the poems, generally marked as “bad” in the play, seem to have been unironically enjoyed by readers of Jaggard’s volume. In staging the contingency of literary judgment, these two works suggest that poetry plays an important social role that allows it to transcend purely literary determinations about quality.

Bio: Cordelia Zukerman is a PhD candidate in the English Language & Literature Department at the University of Michigan. Her academic interests include early modern English drama and poetry, print and manuscript culture, and material textuality. Her work has appeared in *Pedagogy* and *Shakespeare Survey*.