

**CAUGHT IN THE ACT: THE STAGE AS A BACKDROP FOR DEFINING
CRIME IN EARLY MODERN ENGLAND**

A Senior Honors Thesis

by

LINDSAY ERIN ORMAN

Submitted to the Office of Honors Programs
& Academic Scholarships
Texas A&M University
in partial fulfillment of the requirements of the

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April 2004

Major: English

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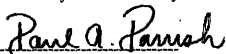
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ABSTRACT

Caught in the Act: The Stage as a Backdrop for
Defining Crime in Early Modern England. (April 2004)

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This study seeks to explicate the complex relationship between crime and drama in early modern England. In a historical context of social, political, and religious upheaval, defining criminality becomes an essential component of maintaining social control when class conflicts often color the administration of justice. Several social stages, including the ceremony of the church, the pomp of the royal court, and the spectacle of criminal punishment, provide a setting in which criminals can be compared to actors. With old power structures reluctantly crumbling in response to economic change, the theater itself emerges as a forum for discussion where themes of corruption in the church and government are introduced. Shakespeare's *Measure for Measure*, John Webster's *The Duchess of Malfi*, and Ben Jonson's *Bartholomew Fair* offer examples of the relative nature of criminality and the unique role of the stage in conglomerating all of the societal stages to comment on their transgressions and shortcomings before an audience comprised of varying social classes.

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CAUGHT IN THE ACT: THE STAGE AS A BACKDROP FOR DEFINING CRIME IN EARLY MODERN ENGLAND

INTRODUCTION

Life in early modern England was enacted as a performance on multiple social stages, including the ceremony of the church, the pomp of the royal court, the spectacle of criminal punishment, and the theater itself. Each of these stages provided a setting for the interaction of crime, punishment, and drama, as affected by the political, social, and religious upheavals of the 16th and early 17th centuries. Within these settings, the theatrical stage began to emerge as a forum for discussion where archaic, medieval ideas about religion and social order were sometimes challenged, sometimes upheld, but nevertheless questioned as a means of redefining crime and punishment in early modern England. This study will examine the inherent, metaphorical link between crime and drama, the historical contexts surrounding Renaissance definitions of criminal behavior, and the literary account of the impact on government by conflicting moral, legal, and religious parameters.

Crime can be understood as a consequence of class conflict. Therefore the unique role of the stage in consolidating all of the societal “stages” to comment on their transgressions and shortcomings before an audience comprised of various social classes takes on increased significance. While countless plays were produced during the early

This thesis follows the style and format of the *Modern Language Association Handbook*.

modern period, roughly defined as the years from 1480 to 1660, only three will be examined in depth for the purposes of this study: William Shakespeare's *Measure for Measure*, John Webster's *The Duchess of Malfi*, and Ben Jonson's *Bartholomew Fair*. This sampling of Renaissance drama exhibits a wide range of crimes, from murder to adultery to pick pocketing. Each of these plays contributes something to the discussion about power and class conflict, the double standard imposed on the less powerful by the powerful, as well as the legislation of morality in the context of criminality and justice.

Understanding the complex relationship between crime and the stage in Renaissance England begins with a brief history of the social climate. England in the early 17th century was a country in transition, witnessing the decay of the landed gentry and feudal power structures as they were replaced by a prosperous merchant class and capitalist ideas. A national identity was newly forged out of the divided loyalties to feudal lords, and the Church retained supreme moral authority and much of the responsibility for executing criminal justice. While "religion played a pivotal role in shaping people's perception of the law,"¹ the aristocracy exploited their wealth and power to punish the lower classes for moral and legal transgressions that they themselves were able to justify and evade punishment for based on their social positions. The rise in capitalism and the impending death of the feudal aristocracy, the growing scientific enlightenment, the rise of the middle class, and increased literacy also threatened those with authority in the Church. As people poured into the city, old methods of social control, such as "shaming punishments," "worked less well in the increasingly busy,

¹ Victoria M. Time, *Shakespeare's Criminals: Criminology, Fiction, and Drama* (Westport, CT: Greenwood P, 1999) 20.

heterogeneous neighborhoods of Jacobean London than they had in the smaller rural communities for which they had originally been designed.”² The new merchant class was more concerned with pursuing a profit than salvation, and a better educated public had access to books and was beginning to understand the world in terms of science rather than superstition. These circumstances required the Church to combat shifting structures of power brought on by economic and social change. This was achieved in part by equating sin with crime. However, as the relationship between the church and state vacillated between cooperative and hostile, finally erupting into civil war between the Crown and the Puritans in 1642, new alliances were formed and power systems restructured. *Measure for Measure, The Duchess of Malfi, and Bartholomew Fair* each analyzes what constitutes criminal deviance in a transitional society and exposes the relative nature of justice in the midst of a power reversal in which criminal and immoral are not necessarily synonymous.

Definitions of criminality in Renaissance England, therefore, evolved not out of an attempt to legislate morality or ensure justice, but in an attempt by the ruling classes to legitimize and maintain pre-existing power structures. The modern theory of constitutive criminology defines crime as “a social phenomenon” which “focuses upon the reduction and repression of the human subject that is inflicted by way of inequality through the discursive practices of social structures and of other human subjects.”³ This theory helps to explain Renaissance crime in terms of social inequality. By breaking

² Katharine Eisaman Maus, Introduction to *Measure for Measure, The Norton Shakespeare*, Ed. Stephen Greenblatt, et al. (New York: Norton, 1997) 2023.

³ Andrew Bak, “Constitutive Criminology: An Introduction to the Core Concepts,” Ch. 1, Eds. Stuart Henry and Dragan Milovanovic, *Constitutive Criminology at Work*. (Albany: State University of New York Press, 1999) 28.

free of the repression created by feudalism, the prospering middle class had gained social and economic viability which lessened dependence on the landed nobility, but which also rendered them a threat. As Karl Marx and Friedrich Engels observed, “The modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms,” but merely “established new classes, new conditions of oppression, new forms of struggle in the place of old ones.”⁴ Therefore, it became necessary for superiority to be clearly reestablished if anyone was to claim power, specifically the titled nobles, because “in order to oppress a class, certain conditions must be assured to it under which it can ...continue its slavish existence.”⁵ In other words, the nobility was required to continuously invent ways of subjugating the lower classes.

Thus, in a society based on inequality, criminality becomes a social construction for the particular end of maintaining class distinctions. In contrast to the “relatively compact, intimate and orderly” character of feudal society, “Elizabethan society was overcrowded, unpredictable, and unmanageable,” demanding the implementation of some power structure if order was to be restored.⁶ Definitions of criminality were therefore imposed by the nobility and often spread through the teachings of the church as a means of reasserting authority. According to the constitutive criminology theory, “crime is an integral part of the total production of society.”⁷ Crime, then, is not only

⁴ Karl Marx and Friedrich Engels, in an excerpt from the “Manifesto of the Communist Party (1849), reprinted in *Readings for Sociology*, Ed. Garth Massey, 4th ed. (New York; London: Norton, 2003) 200.

⁵ *Ibid.*, p. 208.

⁶ E. D. Pendry, *Elizabethan Prisons and Prison Scenes*, Vol. 1 (Salzburg: Institut für Englische Sprache und Literatur, 1974) 11.

⁷ Henry and Milovanovic, Introduction, p. 7.

the necessary result of a stratified society, but also stems from the collective actions of all members of society. It is interesting to note that within the context and language of crime theory, the description of crime itself as a *production* is introduced. When society transforms crime and particularly its punishment into spectacle, it indeed becomes a production which parallels the drama of the stage, set in an “arena of inequality,” a concept which will be discussed later in greater detail.⁸

Economic change and increasing industrialization incited more than just social change and unrest. It also prompted migration from the country into the cities, the new financial centers. Because of an increased population density and the prominence of capitalist ideas which spawned competition and materialism, the cities were prone to be sites of crime, as “changes in the market place (both in the spheres of production and consumption) give rise to an increase in levels of crime and disorder and also a problematization of order itself.”⁹ Feudal lords became prisoners of a defunct system in which “relations of property became no longer compatible with the already developed productive forces; they became so many fetters.”¹⁰ The new generation escaped these chains by leaving the country manor, in search of fortunes in the city, or by maintaining a sense of hierarchy by serving masters of the wealthiest families. An excerpt from a pamphlet entitled *Look on me London* (1613) captures much of the anxiety and climate of a country in transition with this advice from a father to his son: “Some of these kind

⁸ John J. Macionis, *Sociology*, 9th ed. (Upper Saddle River, NJ: Prentice Hall, 2003) 15. Macionis expounds on the way in which society develops patterns which perpetuate class differences and conflict, as “the people on top strive to protect their privileges, while the disadvantaged try to gain more for themselves” (15).

⁹ Jock Young, “Crime and Social Exclusion,” *The Oxford Handbook of Criminology*, Eds. Mike Maguire, Rod Morgan and Robert Reiner, 3rd ed. (Oxford: Oxford University Press, 2002) 459.

¹⁰ Marx and Engels, reprinted in Massey, p. 203.

of covetous usurers are so hard hearted that I doubt they neither fear God, nor reverence man, neither will they pardon father or acknowledge mother, but will make merchandise of their own children...Oh how great is this folly of theirs: to lose life, to seek death, and to banish themselves from heaven eternally.”¹¹ The father, representative of the older generation, the landed gentry, must allow posterity to venture into the new axis of power: the industrializing city. His warning to his son encompasses the definition of criminal behavior, as espoused by the declining nobility’s reliance on the Church as one of its few remaining, if crumbling, sources of power. For him, crime and sin are equated; therefore, criminals are people who defy God and the authority of the Church. Furthermore, the old power of the feudal system was based on kinship ties, and the father subtly reveals how the criminal is one who threatens that power structure by rejecting his family with his refusal to “pardon father or acknowledge mother.”

The aristocracy attempts to battle the displacement and reversal of economic power by propagating the view that the indifference and even disdain of the merchant class towards the importance of family relations and their selfish, overarching drive towards material gain would lead them to “make merchandise of their own children.” Whereas a criminal could redeem his soul through repentance, this new breed of criminal discussed above abandoned the need for repentance because at this time, “usury is turned from a sin to an occupation.”¹² What was before considered crime has become legitimized by capitalism, and the moral policing of the church has begun to be ignored.

¹¹ Reprinted by Joseph H. Marshburn and Alan R. Velie, eds., *Blood and Knavery: A Collection of English Renaissance Ballads of Crime and Sin*. (Cranbury, NJ: Associated University Press, 1973) 173.

¹² Marshburn and Velie, p. 173.

Merchants, wealthy world-travelers not closely tied to the land, undermine the very basis of feudal power: land ownership. In a setting where social chaos has replaced order, “rules are more readily broken, but also more readily questioned,” providing a motive for redefining crime in Renaissance England if criminality is to continue acting as a form of social control.¹³

Furthermore, the caveat in *Look on me London* also hints at the potential danger, in the eyes of the aristocracy, of crime as a social equalizer for a middle class who is gaining power and economic influence over the decaying feudal system. Because the power of the aristocracy was vested primarily in land, a new class that can earn wealth without land or family connections portends disaster for authority based on those components. Captain James Hind, a celebrated “highwayman, prankster, and rogue” who “saw himself as a seventeenth-century Robin Hood, robbing the rich in the name of the poor,” demonstrates the growing hostility towards the old social stratification and the commitment of those previously suppressed to claim their portion of society.¹⁴ Crime was prosecuted less for the actual act than for how noxious it might prove to the state, meaning how much it might threaten the already weakened and quickly slipping power of the feudal nobles. By linking crime to sin, those in power strove to maintain their position by threatening the peril of eternal damnation. In such an environment, one was entirely capable of being a “hero to the people, if an enemy to the state.”¹⁵

¹³ Young, p. 460.

¹⁴ Marshburn and Velie, p. 103.

¹⁵ *Ibid.*

The anecdote of the Jacobean highwayman Gamaliell Ratsey and his encounter with a traveling band of players provides a much different example of crime as a social equalizer as well as an interesting comparison between the criminal and actor. The players whom Ratsey met on the road “denied their lord and master, and used another nobleman’s name,” an assertion of independence at the price of obedience to their patron.¹⁶ Ratsey, who robbed the players of their pride both literally and metaphorically, sought to return them to their proper position by humiliating their leader as a “contender for the part of Hamlet.”¹⁷ A pamphlet of the time equated the audacity of the players with the deeds of the criminal: “It is as if [the players’] habit of false service were a natural adjunct of their protean trade—a trade that ironically links them with their persecutor, who every day has new inventions to obtain his purposes...studying as much how to compass a poor man’s purse, as players do, to win a full audience.”¹⁸ The emphasis on the rootless nature of actors and its correlation to dishonesty mirrors the prosecution of actors as criminal vagrants. Ratsey, himself a marginalized casualty of society—a “discarded soldier”—“was not only a man out of service but one whose criminal success depended on his ability to usurp the role of master in a series of performances that were as wittily subversive as they were lucrative.”¹⁹ Both highwayman and actor have attempted to overthrow the constraints of social hierarchy by living outside of it and creating for themselves a situation of greater social equality,

¹⁶ Qtd. from a pamphlet titled *Ratseys Ghost* (London, n. d. [1605?]), A3v in Michael Neill, *Putting history to the question: power, politics, and society in English Renaissance Drama* (New York: Columbia University Press, 2000) 14-5.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, A4, p. 17.

¹⁹ Neill, p. 15.

though only the criminal is successful in this case. The troupe of actors, “denying their own lord and master,” were penalized “when he heard of their abuse” and “discharged them, and took away his warrant,” thus leaving them susceptible to charges of vagrancy lest they found another master.²⁰ Ratsey, boasting of his newly gained power, declared that he was “not to be played upon by players,” but as they were “now destitute of a master,” he would “give [them] leave to play under [his] protection.”²¹ Crime then appears to have successfully provided marginalized members of society with a means of playing the role of the privileged gentry. Ironically, the performance by a vagrant elevates him to a position from which he can shield the professional actors from being punished as vagrants, a sharp reversal of power.

The very issue of vagrancy provides a poignant example of a crime defined according to a perceived threat to political order. Vagrancy was considered “one of the most pressing problems” of the period, “because to the dominant classes vagabonds appeared to threaten the established order,” as men who were “‘masterless’ in a period when the able-bodied poor were supposed to have masters.”²² Additionally, the life of a vagabond lacked traditional notions of family, disregarded both feudal and capitalist economic systems, ignored the teachings of the Church, and undermined political authority by existing outside of it.²³ Thus vagrancy became the “classic crime of status, the social crime *par excellence*,” for which “offenders were arrested not because of their

²⁰ Qtd. from *Ratsies Ghost*, A3v, in Neil, p. 18.

²¹ *Ibid*, B1.

²² A. L. Beier, Introduction, *Masterless Men* (London: Methuen, 1985) xix.

²³ Beier describes how vagrants threatened the patriarchy established under feudalism by dissolving the kinship ties: The majority of vagrants were single men, and the vagrant women fell in to roughly three groups: women in search of absent husbands, prostitutes, and unmarried pregnant women (52).

actions, but because of their position in society...at odds with the established order.”²⁴

Because they were often itinerants, most performers were considered vagrants by the law, but those who enjoyed the patronage of nobles were exempt from punishment, as were permanent companies or those who obtained royal licenses.²⁵

Actors were thus able to occupy the space between servant and vagabond as their profession pulled them toward a somewhat anomalous economic relationship:

“Whether, like the senior members of Shakespeare’s company, they were shareholders in the joint-stock system characteristic of early modern capitalism or whether they were hirelings of entrepreneurs...in the material conditions of their trade, actors belonged more to the fluid world of urban commerce than to the ostensibly unchanging domain of the feudal retainers.”²⁶ Performances later were transformed into instances of capitalism as actors “passed the hat at public performances and earned wages for private ones,” becoming more like the merchant class in that their survival was increasingly less dependent on the private sphere of noble patronage.²⁷ However, like vagabonds, actors still belonged to the “large landless element with no firm roots and few prospects” which vagrancy laws were designed to control.²⁸ Also like vagrants, players threatened the social order, as according to a proclamation issued in 1544, the theater propagated to the next generation of servants the “unjust wasting and consuming of their master’s goods, the neglecting and omission of their faithful service and due obedience,” and the “loss

²⁴ Beier, Introduction, p. xxii.

²⁵ In 1572, an opprobrium was issued against all common (public) performers, declaring them vagabonds. This statute was reinforced by the Vagrancy Act of 1597, and in 1648, Parliament declared all players vagabonds (Beier 96).

²⁶ Neill, p. 19.

²⁷ Beier, p. 96.

²⁸ Ibid, Introduction, p. xxi.

and hindrance of God's honour and the divine service."²⁹ Thus in their very way of life, actors evaded confinement to the social hierarchy based on the kinship of feudal power structures, the servant-master relations of the medieval manors, and the authority of the church. Rather than serving masters in the feudal sense of "kind usage and familiarity," actors and criminals served money, "the mark whereat [servants] all shoot, the master whom they all obey...and the man to whom they all do reverence."³⁰ Vagrancy laws implemented in a blanket fashion were one of several checks which "reflected a conviction in the ruling elites that vagabondage was a hydra-headed monster poised to destroy the state and social order."³¹ Informal controls on vagrancy as a symbol of rebellion supplemented formal ones, and a veritable "literature of roguery" developed which publicly "reinforced the views of the learned and religious."³²

Ironically, the rise of the middle class helped facilitate the development of "popular literature," a phenomenon that enabled moralizing ballads and pamphlets to reach the masses and serve not only as a means of spreading the news, but also as a vehicle for social control. Because the middle classes experienced increased prosperity and therefore leisure time, and because education and therefore literacy became more widespread as the responsibility for schooling passed from the Church to the Crown, a market erupted for light reading material.³³ By the 17th century, "the habit of reading became so widespread that by the outbreak of the Puritan revolution, the printing press

²⁹ Qtd. in Beier, p. 96.

³⁰ "I. M.," *A Health to the Gentlemanly Profession of Servingmen: or The Servingmans Comfort* (London, 1598), qtd. in *Inedited Tracts* ([London]: Roxburghe Library, 1868) 158; 147, and reprinted in Neill, p. 33.

³¹ Beier, p. 3.

³² *Ibid.*, p. 7.

³³ Marshburn and Velie, pp. 12-3.

was perhaps the most powerful single medium of influencing public opinion.”³⁴ Ballads and pamphlets often provided Latin proverbs denouncing the evils of a sinful life, such as “*Somnia bonorum meliora quam malorum*,” from a pamphlet titled *The Most Cruel and Bloody Murder*.³⁵ In this way, popular literature taught sinless living and obedience to the church, while urging men to be free of the evils of ambition, which could have destructive consequences for the social order. Many ballads and pamphlets became sources for drama, such as *The Murder of Page of Plymouth*, a pamphlet from which Thomas Dekker and Ben Jonson most likely drew their tragedy, *Page of Plymouth* (1599). The “murder play” began to develop as a theater genre.³⁶ A modern study, *Crime and the Drama*, lists many instances of actual crimes as a source for drama: *Arden of Feversham*, possibly written by William Shakespeare, dramatized a contemporary crime, and *A Yorkshire Tragedy* as well as *A Warning for Faire Women* drew their stories from actual criminal events.³⁷

However, during the Renaissance, the plays which developed from stories of true crimes were considered iniquitous by many members of the Church and especially the Puritans because of their content: tragedies depicted felony offenses, usurping God’s right to judgment, and comedies made light of misdemeanor crimes and included sexual innuendo, often in the form of cuckold jokes.³⁸ Ballads were soon vilified along with plays, possibly because they were often sold or performed at fairs and other places

³⁴ Wright, Louis, *Middle-Class Culture in Elizabethan England* (Ithaca, NY: 1958) 81. Qtd. in Marshburn and Velie, p. 11.

³⁵ “The dreams of good men are better than those of evil men.” Reprinted in Marshburn and Velie, p. 36.

³⁶ Marshburn and Velie, p. 58.

³⁷ H. Chance Newton, *Crime and the Drama* (Port Washington, NY: Kennikat Press, 1970) 11.

³⁸ Marshburn and Velie, p. 202.

deemed of ill repute or because “they also posed challenges to the state. Minstrels attacked unpopular persons and policies.”³⁹ Consequently, Puritans also protested the stage because the playhouse or theater was a site for crime where pick pockets and prostitutes found business and drunkenness was not uncommon. The stage itself even served to create an “analogy between criminal and dramatic character,” a phenomenon intensified by the public nature of criminal punishment, transforming it into a spectacle of entertainment for the masses, not entirely different from the atmosphere of the theater.⁴⁰ While stage plays may have been condemned on a moral basis, “fiction and drama are in many ways the ideal instruments for displaying the architecture of the moral symmetries and deviations of social life,” and the acting of crimes in the playhouse reveals much about the crimes and abuses of the Church, the Crown, and the nobility under the guise of serving justice.⁴¹

³⁹ Qtd. from a proclamation issued in 1544 in Beier, p. 96.

⁴⁰ Cary M. Mazer, “The Criminal as Actor: H. B. Irving as Criminologist and Shakespearean,” *Shakespeare and the Victorian Stage*. Ed. Richard Foulkes. (Cambridge: Cambridge University Press, 1986) 107.

⁴¹ Edward Sagarin and Robert J. Kelly, “Responsibility and Crime in Literature,” *The Annals of The American Academy of Political and Social Sciences* 477 (1985): 13.

THE CEREMONY OF THE CHURCH

The stage then is a physical location for performances of social consequence and an analogy or paradigm for understanding life in Renaissance England in its various arenas. The religious upheaval of the 16th and 17th centuries cast the Church as a central factor in almost every aspect of life. The monarchy shifted from Catholic to Protestant, and tension between Charles I and the Puritans eventually led to civil war and the establishment of the Protectorate under Oliver Cromwell. The church was a stage adorned by ceremony, a court issuing moral and legal judgments, and a political force strong enough to cleave the country into two polarized and hostile camps. The history of the church from the 1530's until the 1660's "is also a history of contest and negotiation, adjustment and accommodation, as diverse constituencies struggled to work out the consequences of religious change for social, political, and cultural life."⁴²

Since "the church porch and churchyard were sites of religious drama," an analogy naturally develops in which priests become actors and ritual becomes spectacle.⁴³ For example, a Puritan complaint against the Church titled "A View of the Popish Abuses Yet Remaining in the English Church" (1572) likened priests to actors. This document scolded priests for turning their "office of preaching" into an "office of reading" by drawing on the metaphor of the stage: "Reading is not feeding, but it is as evil as playing upon a stage, and worse too. For players yet learn their parts without book, and these, a many of them can scarcely read within book."⁴⁴ Whether the Puritan

⁴² David Cressy and Lori Anne Ferrell, eds., *Religion and Society in Early Modern England: A sourcebook* (London; New York: Routledge, 1996) 1.

⁴³ *Ibid.*

⁴⁴ Reprinted in Cressy and Ferrell, p. 84.

accusation is accurate is less important than the sentiment it expresses: the actor's memorization and recitation were considered more genuine than the priest's clumsy reading aloud. Poor delivery was bolstered by elaborate spectacle and hidden beneath costumes. In 1633, under the reign of Charles I, William Laud became Archbishop of Canterbury. "Laudian theology" embraced ceremony to such an extent that Laud and his followers "became notorious for their reverence for ceremony" and were "accused of teaching that divine grace was dependent upon proper *performance* of the sacraments."⁴⁵ Piety was transformed into a performance aimed at glorifying the Church rather than God, and underlying every performance were reminders of the social hierarchy. A document titled "On the Clothes of Ecclesiastical Persons" defended the costumes of the priests, but not without intimating their importance in maintaining social stratification: "Our meaning is not to attribute any holiness or special worthiness to the said garments, but for decency, gravity, and *order*."⁴⁶ "Order" here signifies the importance of costumes in denoting the priests' hierarchical positions within the power structure of the church, a structure opponents referred to as the "antichristian tyranny."⁴⁷

Ceremony served as a form of government, by assigning roles and then enforcing their performance in carefully choreographed rituals designed to suppress any opposition. In the second Book of Common Prayer (1559), published during the reign of Elizabeth I, it is conceded that "without some ceremonies it is not possible to keep any

⁴⁵ Cressy and Ferrell, p. 8, emphasis added.

⁴⁶ Ibid, p. 131.

⁴⁷ Reprinted in Cressy and Ferrell from "A View of the Popish Abuses Yet Remaining in the English Church" (1572), p. 88.

order or quiet discipline in the church.”⁴⁸ The Book of Common Prayer carefully warns, however, against excess of ceremony, as the reign of Elizabeth followed on the heels of Mary’s Catholic Restoration, during which approximately 300 Protestants were martyred and the first Book of Common Prayer was abandoned. However, the transition from Protestant to Catholic and back to Protestant again blurred rather than delineated distinctions by maintaining obsolete systems of governance, as the officially Protestant England was “still served by a church whose political and administrative structure remained unaltered from pre-Reformation days.”⁴⁹ The Book of Common Prayer determined to distinguish Protestant ceremony from the abuses and extravagance of Mary’s Catholicism by explaining that some of the old ceremonies had to be “put away because the great excess and multitude of them hath so increased in the latter days that the burden of them was intolerable... Christ’s gospel is not a ceremonial law.”⁵⁰ Perhaps the gospel was not a ceremonial law, but that did not stop the Church from enforcing its law ceremoniously.

The Church controlled a vast jurisdiction, “from regulating midwives to licensing schoolmasters, from judging matrimonial disputes to settling probates, and from enforcing church attendance to policing the liturgical requirements of the prayer book.”⁵¹ In addition to regulative duties, “churchwardens and other interested representatives of the parish community” served as informers to the so-called “bawdy courts” as they punished crimes of immorality, such as adultery, incest, drunkenness, usury, swearing,

⁴⁸ Reprinted in Cressy and Ferrell from “A View of the Popish Abuses Yet Remaining in the English Church” (1572), p. 44.

⁴⁹ Geoffrey R. Elton, *Reform and Reformation: England 1509-1558* (London: Edward Arnold, 1977) 367.

⁵⁰ Reprinted in Cressy and Ferrell, pp. 43-4.

⁵¹ Cressy and Ferrell, p. 5.

or fornication.⁵² Consequently, the immense amount of influence wielded by the Church invited corruption and an abuse of power, and though the ecclesiastical court judges and cleric informants were attentive in identifying and punishing crimes, they were often committing criminal acts themselves. The Roots and Branches Petition (1640) accuses the prelates of “corrupt administration of justice,” as ones “who taking upon them the punishment of [whoredoms and adulteries], do turn all into monies for the filling of their purses.”⁵³

Criminal punishment became an extremely lucrative occupation. Church officials, like the merchant middle class, became increasingly aware that social advancement proceeded from wealth, and under the new economic system, accruing wealth meant accumulating status and power. Since “economic dominance undermines the capacity of non-economic institutions to control behaviour,” the church eagerly accepted the role of economic institution in order to compete for control in the social arena.⁵⁴ Following this, even excommunication became a “hook or instrument wherewith to empty men’s purses, and to advance [the prelates’ and their officers’] own greatness.”⁵⁵ Criminality was not defined by deed in this atmosphere which “never used [excommunication] against notorious offenders, who for the most part are [the prelates’ and officers’] favorites.”⁵⁶ Rather, Church officials manipulated definitions of criminality as a means of economic, and consequently social, advancement and, by the

⁵² Cressy and Ferrell, p. 5.

⁵³ Reprinted in Cressy and Ferrell, p. 78.

⁵⁴ Steven F. Messner and Richard Rosenfeld, “Market Dominance, Crime, and Globalisation,” Ch 2, *Social Dynamics of Crime and Control: New Theories for a World in Transition*, Eds. Susanne Karstedt and Kai-D Bussmann (Oxford: Hart, 2000) 16.

⁵⁵ Reprinted in Cressy and Ferrell from the Roots and Branches Petition (1640), p. 78.

⁵⁶ *Ibid.*

exertion of moral force, “socializ[ed] actors into pro-social means of achieving personal ends.”⁵⁷

In addition to gains in economic matters, the Church turned moral teaching into political influence. For many people, the sermon was the only “literature” to which they were exposed and the only means for staying knowledgeable about current events. Furthermore, preachers encouraged literacy, and the primary output of the printing presses was a large quantity of sermons. The sermons gradually gave way to the political pamphlet as the press “ceased to be a client of the pulpit and became a power in its own right,” though political activists clearly took their cues from the actions of the Church when it came to reaching the public audience.⁵⁸ Church matters spilled into politics in Parliament as well: “the public law of the whole of the 17th century, and more especially of the first half of that century, is dominated by religious quite as much as political questions. Religion occupies quite as large a space in the debates of Parliament as politics.”⁵⁹

⁵⁷ Messner and Rosenfeld, p. 17.

⁵⁸ Gerald R. Cragg, *Freedom and Authority: A Survey of English Thought in the early Seventeenth Century* (Philadelphia: Westminster Press, 1975) 34; 280.

⁵⁹ *Ibid*, p. 34.

***MEASURE FOR MEASURE: THE CONSTRUCTION OF ‘JUSTICE’*⁶⁰**

Perhaps in no text is the dual role of the church as a moral and legal authority more scrutinized than in William Shakespeare’s *Measure for Measure*.⁶¹ By the title’s allusion to the divine authority of the Bible and its simultaneous appeal to earthly justice, Shakespeare insinuates “questions of equivalence” which “seem to underlie the very possibility of justice, even the possibility of any ethical thinking.”⁶² Namely, justice is defined as a punishment that fits the crime. Thus the problem with establishing justice arises from the fact that “religious faith tradition, confidence in and past experiences with the criminal justice system, and socialization regarding propriety” all “influence construction of social justice,” making equivalency a matter relative to social parameters.⁶³ The Puritan focus on individualism and the Protestant notion of all men being equal before God engendered a desire for social and political equality among men. The pre-Reformation Church, which “claimed the right to define the truth infallibly” and doled justice accordingly, had “merely attempt[ed] to establish an impregnable empire over the minds of men.”⁶⁴ However, that empire had been made vulnerable by resistance when men began to demand equality and question moral authority as a political rather than divine invention.

⁶⁰ All citations from William Shakespeare’s *Measure for Measure* are taken from *The Norton Shakespeare*, Ed. Stephen Greenblatt, et al. (New York: Norton, 1997).

⁶¹ Shakespeare takes the title from Jesus’ Sermon on the Mount: “Do not judge, or you too will be judged. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you” (Matthew 7:1-3, NIV).

⁶² Maus, p. 2026.

⁶³ A. A. Raney and J. Bryant, “Moral Judgment and Crime Drama: An Integrated Theory of Enjoyment,” *Journal of Communication* 52 (2002): 403.

⁶⁴ Cragg, p. 249.

Shakespeare explores this matter in *Measure for Measure*, primarily through the characters of Angelo and the Duke. The Duke, “a prince disguised as a friar,” successfully “bridges, however unsteadily, the gap between knowledge and power.”⁶⁵ Paradoxically, the power of political authority merges with the intimate knowledge accessible to religious authority under the banner of justice in much the same way that the justice promised by the play’s title “combines threat with promise.”⁶⁶ In other words, the Duke cannot coexist as an executor of both legal and moral justice without compromising one or the other. When he goes on hiatus from his role as Duke, he draws a direct correlation between social order and justice in such a way that social order (i.e., maintaining the existing structures of power) seems a prerequisite for justice, just as justice is necessary to liberty: “And Liberty plucks Justice by the nose./ The baby beats the nurse, and quite athwart/ Goes all decorum” (1.3.29-31). Ironically then, it is by violating the social order by lowering himself to the role of a humble friar that the Duke endeavors to reinstate justice. Charading as a friar, he has become the very “seemer” or actor he speaks of in his own prophetic statement, “Hence shall we see/ If power changes purpose, what our seemers be” (1.3.53-4). The Duke, a political leader disguised as a spiritual leader, is more bent on restoring order for his own glory than curing the immorality and ills of society. When he selflessly declares, “I love the people/ But do not like to stage me to their eyes. / Though it do well, I do not relish well / Their loud applause and aves vehement,” his modesty is as much a guise as his friar’s habit (1.1.67-70). A ruler who truly did not like to stage himself to his subjects’ eyes

⁶⁵ Maus, p. 2027.

⁶⁶ *Ibid.*, p. 2021.

would not devise such an elaborate scheme of deceit and conspiracy, complete with the drama of the revelation of his true identity. More than he loves the people, the Duke loves being in authority over the people, from his ability to have the final word in civic matters to the easy confidence and weight with which his advice is heeded when he plays the friar.

Like the ruling nobles of early modern England, the Duke wants nothing more than an affirmation of his power when it begins to feel threatened, and consequently he turns to the Church as the institution closest to the people when he needs to direct public opinion in his favor. His temporary role as holy *father* underscores the patriarchal quality that links him further to the kinship system of the nobility and the struggle to retain power that is slipping beyond his grasp. Interestingly enough, a study on Elizabethan prisons and prison scenes describes the stage representation of a prison as such that it was “both the setting for and a symbol of the downfall of princes, good or bad.”⁶⁷ The Duke-friar seeks out the prison as the location for his reconnaissance, perhaps portending the false nature of his justice and mercy. Upon being disrobed as friar and revealed as Duke, the ruler says to his subjects, “You may marvel why I obscured myself, / Labouring to save [Claudios’s] life and would not rather / Make rash remonstrance of my hidden power / Than let him so be lost” (5.1.382-5). In this melo(dramatic) moment, he reveals the trappings of the church to be no more than a façade to his political ineffectiveness, and he demonstrates how the law is capable of deceiving and manipulating the constituency for its own purposes. Even as his identity

⁶⁷ Pendry, p. 286.

is revealed, he continues to practice deception, allowing Juliet to believe that Claudio is dead so it may be all the more powerful when he is restored, almost as if the Duke were endowed with the very godlike power to conjure him from the dead. The fact that the “drowsy and neglected act” which required death for adultery was being revived “freshly” on Claudio “for a name” indicates the somewhat arbitrary nature of punishment and its intended transformation into spectacle (1.2.146-8). The Duke enjoys being the star and hero of his own production which he passes off as justice under the sanction of both the church and the state.

Through Angelo, Shakespeare reveals the double standard imposed on the less powerful by the powerful. Angelo is perceived to be precise and blameless, as his name implies, and therefore his ascension into the Duke’s role provides a somewhat reciprocal counterpart to the Duke’s demotion in terms of the transfer of moral and political authority. Angelo realizes the somewhat subjective nature of rank and its ability to breed corruption and falsehood when he laments, “O place, O form, / How often dost thou with thy case, / thy habit, / Wrench awe from fool, and tie the wiser souls / To thy false seeming” (2.4.12-15). The rank and formality of authority proves to be no more than the appearance and dress of power, and like an actor, Angelo is merely playing a role just as the Duke has cast himself as a friar. In contrast to the Duke’s phony religious authority, Isabella, as a nun-in-training, embodies the sincere moral authority that both the Duke and Angelo lack. Angelo therefore speaks to her as “a thing enskied and sainted/ By [her] renouncement, an immortal spirit,/ And to be talked with in sincerity/ As with a saint” (1.4.33-6). Isabella pleads with the Duke to believe her

accusations against Angelo by invoking this moral authority as superior to Angelo's political authority when she implores him not to "banish reason/ For *inequality*; but let your reason serve/ To make the truth appear where it seems hid,/ And hide the false seems true" (5.1.64-7, emphasis added). She speaks against the precedent of allowing inequality of rank to cloud reason and thereby define criminality accordingly. The Duke himself intimates the injustice of a punishment system partial to social status when he asks of Angelo and Claudio's crimes, "How may likeness made in crimes / Make my practice on the times / To draw with idle spiders' strings / Most ponderous and substantial things?" (3.1.493-6). Though Angelo and Claudio have committed similar crimes, only Claudio seems eligible for punishment. Because of his position in the political hierarchy, Angelo is not only able to escape accountability for his actions, but is also able to punish others for the same actions and call it justice.

Angelo, because he craves power, utilizes the law to situate himself in the position most favorable to his continued advancement. Rather than consenting to be lowered to the level of criminal by having committed a similar act, Angelo chooses to lash out at Claudio to the full extent of the law, differentiating himself in the process. Angelo declares that he "must not make a scarecrow of the law, / Setting it up to fear the birds of prey, / And let it keep one shape till custom make it / Their perch and not their terror," meaning that the law is indeed malleable when circumstances require its change in order to keep preserve its ability to inspire fear (2.1.1-4). Those whom it means to keep in their place must not become comfortable enough to challenge it. Claudio recognizes the subjectivity of Angelo's law, his power to "bite the law by th'nose /

When he would force it" (3.1.107-9). Clearly, definitions of criminality are being devised for particular social and political ends, and Shakespeare writes the characters of the authority figures in such a way that their authority is very obviously a performance. Isabella pegs Angelo as a "proud man, / Dressed in a little brief authority, / Most ignorant of what he's most assured," not a very flattering description, but one which the play confirms by exposing his immorality (2.2.120-2). However, crimes committed by those in the right positions pay off. Escalus notes that "some rise by sin, and some by virtue fall," and in a society where criminality is contingent on social standing, his words ring with truth (2.1.38). The Duke, while disguised as a friar, criticizes the ineffectiveness of the law, and as this threatens order, Escalus immediately sentences him for "slander to th' state! Away with him to prison" (5.1.317-8). However, as soon as his identity and rank are made known, the fault suddenly becomes Escalus'.

Despite the promise (and threat) of measure given for measure provided by the title, the play's conclusion confirms the relative nature of justice as a function of rank. Angelo's crime is not only forgiven, but is in many ways rewarded, as the Duke admits: "Well, Angelo, your evil quits you well" (5.1.490). Yet Lucio, who committed no real crime, but unknowingly insulted the disguised Duke to his face, is punished because his actions were inappropriate given his social standing or place in regard to the Duke's. The Duke, after pardoning Angelo's much more serious crime, says that there is "one in *place* I cannot pardon. / You, sirrah, that knew me for a fool, a coward, / One all of luxury, an ass, a madman" (5.1.493-5, *emphasis added*). Lucio's place appears to be his worst crime. Though he protests the injustice of being punished as a result of the Duke's

deception, stressing that he “spoke [the insults] but according to the trick,” of the Duke’s disguise, he is nonetheless taken to prison and ordered to marry any woman who is with his child (5.1.498). When Lucio complains that “marrying a punk, my lord, is pressing to death, whipping and hanging,” the Duke answers that “slandering a prince deserves it” (5.1.515-17). One attack on rank is remedied by lowering the rank of the offender, thus reaffirming the social hierarchy and the Duke’s notion that justice without order is impossible.

CRIME AND PUNISHMENT AS SPECTACLE

Measure for Measure demonstrates the importance of rank in constructing a concept of justice, but in commenting on most Elizabethan dramas, “generations of critics have dismissed [the low ranking characters’] antics as mere comic relief to the noble and romantic sentiments of the main plot, or as superfluous, cheap entertainment for the groundlings.”⁶⁸ Upstart characters such as Lucio may have provided entertainment for the groundlings, but they also opened the stage as a forum for discussing issues of class inequality by giving voice to the groundlings against the “noble” sentiments of the plot. While drama becomes a significant means of dealing with the construction of criminality, crime lends itself to theatrical imagery. The rogues were very much a presence at the theater, both on and off the stage, though through definitions of criminality, the spectacle of their antics helped create them as “visible crowds of...scapegoats who would attract the public gaze away from the more serious delicts of the rich.”⁶⁹ The making of punishment into a production was a distracter from the crimes of the wealthy as well as a didactic exercise, as “sentencing done to deter others is a performance event seeking to influence the observing public.”⁷⁰

Prostitution in early modern England clearly evinces the relationship between the playhouse and crime and punishment as a production. As women were always played by

⁶⁸ Pendry, p. 1.

⁶⁹ Paul Rock, “Sociological Theories of Crime,” Ch. 2, *The Oxford Handbook of Criminology*, p. 66. Rock explicates the radical criminology theory, based on the principle of social inequality and crime as a class issue. His modern application of this theory in America discusses the creation of “visible crowds of working-class and black scapegoats,” and for purposes of this study, the radical criminology theory is applied similarly to the classes familiar with discrimination in early modern England.

⁷⁰ James Thompson, *Drama Workshops for Anger Management and Offending Behavior* (London; Philadelphia: Jessica Kingsley Publishers, 1999) 18.

boys in the Elizabethan and Jacobean theaters, prostitutes could very well be considered the first English actresses. Prostitutes often dressed in the apparel of higher social classes, as Gustav Ungerer describes in his study, "Prostitution in Late Elizabethan England": prostitute Elizabeth Reignoldes was "prodded [by the brothel keeper] into assuming the high profile of a prostitute dressed up in robes well above her station and frequenting the playhouse as a marketplace for sex."⁷¹ Elizabeth Reignoldes, the earliest recorded woman and prostitute to haunt the theater, took John Cotton, one of the Lord Chamberlain's men, as her customer.⁷² Their relationship constituted a symbolic and literal union of crime and the stage. Just as the playhouse became a "marketplace for sex" in the perception of the prostitute, so the "sexualized space of the bawdy house" changed "into a theatrical space with the brothel keeper engendering the prostitute's transformation," a lengthy ceremony of several hours known as the "refashioning ritual."⁷³

In addition to the performance of the prostitute at the playhouse and in the brothel, her punishment, too, was a public spectacle. One common form of punishment was "carting," a sort of parade or "liminal mode of cultural performance," characteristically accompanied by "rough music."⁷⁴ The carting description of a particular prostitute named Mary Newborough evidences the ease with which the criminal could become an actress, as Newborough "may as well have seized the opportunity to convert the bare boards of her cart into a mobile stage and the streets and

⁷¹ In *Medieval and Renaissance Drama in England* 15 (2003): 161.

⁷² Ungerer, pp. 162-3.

⁷³ *Ibid.*, p. 164.

⁷⁴ *Ibid.*, p. 176; 178.

markets into a city-wide open-air theater.”⁷⁵ Newborough, described as a “class-conscious gentlewoman,” refused to let even an angry crowd throwing stones at her cart reduce her to their level, though they clearly felt she was below theirs. Instead, she translated the site of punishment into a display of defiance and an assertion of her superior social status when she refused to be broken by it. Ungerer goes on to say that “Mary Newborough had become an ill-famed London celebrity protected by some patrons, but prosecuted by the civic authorities in the name of law and order.”⁷⁶ Because wealthy patrons had the ability to protect prostitutes from the law, wealth and status rather than justice were able to determine whether a person was to receive punishment. The civic authorities, likely to be policemen from the middle class, would be eager to prosecute such a woman who refused to acquiesce to the humiliation and degradation of carting on the basis of her birth.

Prostitutes were not the only criminals to be punished in an atmosphere of theatrical performance. Those accused of treason were punished brutally and publicly, especially those who were kept in Newgate prison: While “the felon was carted [to execution]” much like the prostitute, “the traitor was dragged on a hurdle to Tyburn and there hanged, drawn and quartered, sometimes whilst still alive...the gobbets of flesh were thus preserved for exhibition on London bridge and the gates of the City as an encouragement and a warning to loyal citizens.”⁷⁷ The traitor faced the stiffest penalty as he posed the most blatant threat to the order, authority, and even very existence of the

⁷⁵ Ungerer, p. 179.

⁷⁶ *Ibid.*, pp. 178-9.

⁷⁷ Pendry, p. 136.

state. The “loyal citizens” who witnessed such punishments were less horrified by such displays than might be expected. Rather, they were familiar with blood and corporal punishment, welcoming it on the stage as well as in real life.⁷⁸ In fact, there seemed to be little distinguishable difference between stage violence and public execution. In an excerpt from the preface to a collection of Renaissance ballads and pamphlets, a hanging is recreated:

The scene is a hanging in the late sixteenth-century England—a huge public spectacle. The rich and fashionable watch from splendid carriages, wealthy burghers sit on wooden benches erected for the occasion, and the hoi polloi climb nearby walls and trees or press around the foot of the scaffold. Hawkers abound, some peddling fruit, some pies, some ballads and pamphlets describing the heinous crimes committed by the man being hanged.⁷⁹

Spectators at the hanging, as well as in the theater, are organized according to their social status and wealth. Like the theater, which becomes a marketplace for prostitutes and pickpockets, crime (at the site of punishment) provides an economic opportunity, where vendors are able to push their wares. The disparity between the rich in their “splendid carriages” and the “hoi polloi” climbing “nearby walls” is beginning to be bridged by the hawkers, though inadequately. The new economic structure which makes this kind of capitalist entrepreneurship possible stems from “such changes [which] are rooted in the marketplace, yet their impact is mediated by how they are experienced by human actors.”⁸⁰ Human actors such as Mary Newborough and John Bastwick, William Prynne, and Henry Burton turned their spectacles of punishment into performances of social consequence.

⁷⁸ Fredson Bowers, *Elizabethan Revenge Tragedy* (Princeton: Princeton Univ. Press, 1940) 16.

⁷⁹ Marshburn and Velie, p. 9.

⁸⁰ Young, p. 460.

Bastwick, Prynne, and Burton were punished for dissidence under Archbishop William Laud. While Prynne firmly believed in the Elizabethan church, he was strongly opposed to the “popish idolatry” he felt was advocated by “those bloody prelates,” as they were guilty of “disguising themselves with strange vestments, disguises, visors, and play-like apparel, as rochets, copes, stoles, abbeys, and other massing trinkets to difference them from all other men.”⁸¹ The prelates, through outward appearance and acting, had devised a role designed to “difference them from all other men,” an end which stresses the significance of preserving their authority as well as the fragility of that authority. By demanding reform and encouraging the people to condemn the “dancing, cringing and laying the mummers, with divers new antique gestures, piping organs and minstrelsy, before [the prelates’] new-erected altars, hopping, limping and dancing before them like the ancient pagan priests before their idolatrous altars,” Prynne, Burton and Bastwick threatened to strip the ceremony from the prelates’ authority, leaving them naked and vulnerable.⁸² Laud, much like the Duke in his adamancy to punish Lucio, could not bear such an attack aimed to undermine the source of his power, and therefore determined to make an example of these men through punishment. Instead, the government “provided its most vocal critics with something between a platform and a stage. The immense crowd had come, not to watch, but to sympathize and applaud.”⁸³ Each accused man addressed the Crown, reiterating the sentiments of his widely distributed political pamphlets against Laudian theology, and the mutilations

⁸¹ [William Prynne], *XVI New Quaeries Proposed to our Lord Praelates*, reprinted in Cragg, p. 287.

⁸² *Ibid.*

⁸³ Cragg, p. 291.

and physical marks meant to bring shame and ostracism were converted into badges of martyrdom. Prynne, who had had his ears cropped for an earlier incident in 1634, had been “merely a curtain raiser to the great drama of the three martyrs in 1637.”⁸⁴

Thus, in order to dispute the definitions of criminality handed down by authority, those condemned by the law had to appeal to the court of public opinion in a performance in which they became the champions of justice. Crime necessarily developed into a symbol for social change and a call for equality, not only through the performances of criminals such as the highwayman James Hind and dissident William Prynne, who both acted in defiance of existing social, economic, political, and religious power monopolies, but also through turning public punishment into a mockery by reversing its effects.⁸⁵ Bastwick, Prynne, and Burton showed in 1637 that “however instrumental, strategic or ‘disciplinary’ punishment may become, it is always also a bearer of meaning, whose action takes place before an audience.”⁸⁶ In this case, the meaning is, more specifically, a “two-faced political meaning,” similar to that described by scholar Paul Yachnin in Elizabethan and Jacobean drama.⁸⁷ According to Yachnin, “the separateness of poetic discourse” allowed the performance on the stage, in the name of art and entertainment, to be considered “powerless”; in actuality, the theater was a

⁸⁴ Cragg, pp. 292-3.

⁸⁵ Emile Durkheim establishes four functions of deviance, one of which is that deviance serves as a forerunner of social change, a sort of symptom of a social ill that must either be remedied or result in upheaval. Crime, therefore, becomes a symbol for social change. Macdonis, p. 194.

⁸⁶ Richard Sparks, *Television and the drama of crime: moral tales and the place of crime in public life*, New Directions in Criminology Series, ed. Colin Sumner (Buckingham; Philadelphia: Open University Press, 1992) 151.

⁸⁷ Qtd. in Neill, pp. 1-2. Original source: Paul Yachnin, “The Powerless Theater,” *English Literary Renaissance* 21 (1991): 67.

very powerful facilitator of political discussion.⁸⁸ The same applies to the spectacle of punishment in that the moment of retribution should have humbled, humiliated, and reduced the punished person, when indeed as these examples have shown, it often made him a hero to the people.

⁸⁸ Neill, pp. 1-2.

THE PERFORMANCE OF REVENGE

Crimes against the state were perceived by the poor as ameliorating issues of class inequality and were therefore seen as a type of revenge in themselves. However, the “bourgeois drama—most representative of the people—shows unmistakable aversion to the ideals and spirit of the revenge play.”⁸⁹ This disapproval of revenge in the traditional sense stemmed from the fact that historically, revenge belonged to the nobility. Under the organization of feudal power relations, patriarchal domination obligated those landed nobility related by kin to protect the family name, producing a great deal of clan loyalty and solidarity.⁹⁰ In medieval England, “the right of private warfare, known as *faehthe*, or feud, was inalienable to Anglo-Saxon freeman, since it distinguished them from the serfs.”⁹¹ Violence maintained social order and administered punishment in the private rather than public sphere. The nobles were able to carry out retributive justice amongst themselves, as they saw fit, because a clearly defined state had yet to exist and the serfs were so economically disadvantaged as to provide no substantial threat to the power of the nobles.

It was the power shift resulting from the emergence of a central government that successfully restructured retribution by assuming government’s control over punishment and making what had been dealt with privately before into a state matter.⁹² Suddenly, the law of the nobility became lawlessness under the Crown and sinful behavior in the eyes of the church. The end of revenge, however, was a slow process in spite of the state

⁸⁹ Bowers, p. 185.

⁹⁰ Susan Karstedt, “Knights of Crime: ‘Pre-Modern’ Structures”, Ch 4, *Dynamics of Crime and Control*, p. 59 (chart).

⁹¹ Bowers, p. 5.

⁹² *Ibid.*

and especially the church's opposition to it, as feudal lords were wary of giving up such an integral component of their concept of justice: "Though legal condemnation of private revenge came slowly in England, it was preceded by the denunciations of the clerics and moralists. After a system of state justice had finally been established, the religious and ethical protest against revenge increased until, in the God-fearing Elizabethan age, it exercised a force second to none in the constant war against the private lawlessness of the times."⁹³ Revenge tragedies therefore began as "moral and philosophical drama[s]" that treated "personal revenge" as the vehicle for divine justice.⁹⁴ Even this reconciliation on the stage of revenge to religion did not suffice, and by Elizabethan times, murder (even in revenge) was "regarded...as the worst of all crimes."⁹⁵ This change in opinion was due to the fact that for the majority of the people, murder was such an egregious infringement into God's jurisdiction that no archaic feudal code of honor could justify it. Under the medieval power structure, before the divine-right king was synonymous with the state, the nobles were able to keep "alive the spirit of violence and personal blood-revenge in times when the royal justice was more a name than a power."⁹⁶ Elizabethans shared the nobles' desire that all misdeeds be punished, but rather than defining crime as insult against family and name, Elizabethans interpreted crime as a wrong against God or king. Tragedy then, was primarily focused on "[showing] God's vengeance on crime and sin" in such a way that it was an

⁹³ Bowers, p. 12.

⁹⁴ *Ibid.*, p. 278.

⁹⁵ *Ibid.*, p. 16.

⁹⁶ *Ibid.*, p. 15.

“[enactment] not only of poetic but, more importantly of divine justice.”⁹⁷

As tragedy evolved from the Elizabethan to the Jacobean stage, “philosophical questioning” gave way to “didactic, moral insistence”-- in many ways a surrender on the part of playwrights to historical circumstances, in stark opposition to their earlier probing and provocation.⁹⁸ The revenge tragedies of Elizabethan drama had experimented with blood, violence, and atrocity “as a testing ground for the human spirit,” but the “new plays...portrayed [violence] for its own sake.”⁹⁹ The performances became increasingly dull intellectually, at least partially in response to the emphasis by James I on divine right and the idea of the king as God’s mediator on earth. The view of the sovereign as divinely sanctioned left little room for questions, but much room for pedagogy. In addition, church- and state-issued propaganda against dueling made the revenge tragedy politically risky, and at a time when the King’s Men were taking to the stage, they were forced to comply with the king’s wishes. Finally, Puritan attacks on the stage were sometimes hedged by demonstrating the value of the stage in teaching morality and by replacing more controversial material with that which was more in line with religious teachings.¹⁰⁰

⁹⁷ Bowers, p. 261; 263.

⁹⁸ *Ibid.*, p. 280.

⁹⁹ *Ibid.*, p. 155.

¹⁰⁰ *Ibid.*, pp. 280-1, for a more complete explication of the reasons revenge tragedy became more watered-down intellectually on the Jacobean as opposed to Elizabethan stage.

***THE DUCHESS OF MALFI: RANK, RELIGION, AND REVENGE*¹⁰¹**

John Webster's *Duchess of Malfi* contains hints of the moralizing "murmurings of the religious doctrine which bade the relinquishment of all vengeance to Heaven."¹⁰² Prefacing the play is Webster's flattering letter to George Harding, Baron Berkeley, a patron and friend of the theater and particularly of the King's Men. Webster's deference to one of superior rank is indicative of the importance of social status, but also of the inescapable fact that the power of social status is entirely dependent on acknowledgment by those of lower status. Economic and political circumstances had made that acknowledgment, previously a given, more uncertain. As the play reveals through the Duchess' murder, "crime, and in particular violent crime, provides 'symbols' of the insecurities and anxieties of a population that experiences the dynamics of social change in everyday life."¹⁰³ In a society where the authority of the nobility has been cracked, for a gentlewoman to renounce her rightful title in favor of a more modest living equates to a betrayal of her family and a disruption to the established order.

The Duchess of Malfi was acted by the King's Men between 1612 and 1614 and returned at least once to the stage before its publication in 1623; both a king and his subjects were exposed to it, which is interesting as it deals with issues of class. Webster loosely based his play on a true series of events which took place in sixteenth-century Italy—a Duchess who preferred a quiet, private life with her husband and children to the privilege and status of her title. While most revenge tragedies were influenced by

¹⁰¹ All quotations taken from John Webster, *The Duchess of Malfi*, Ed. Elizabeth M. Brennan, The New Mermaids Series, Eds. Philip Brockbank and Brian Morris (New York: Hill and Wang, 1966).

¹⁰² Bowers, p. 186.

¹⁰³ Karstedt and Bussman, Introduction, p. 2.

Senecan and Italian sources, “all Senecan revengers were villains, whereas the early Elizabethan stage revengers began as heroes,” creating a sort of “moral chaos” that forced a rethinking of justice.¹⁰⁴ Webster’s play takes artistic liberty in similarly redefining his heroine on the Jacobean stage, as evident in the fact that Webster’s Duchess was distinguished from other duchess characters based on the same source in that “within the play itself the dramatist considers the charges against her and demonstrates how her life and death refute them, stressing her purity and intelligence.”¹⁰⁵

After the death of the Duchess’ husband, her twin brother, Ferdinand, and her younger brother, the Cardinal, forbid her from remarrying in the interest of keeping her wealth within the family and thereby protecting the family reputation, a symptom of the feudal emphasis on clan solidarity and patriarchal society. Webster conveniently casts one brother as a Duke and the other as a Cardinal to make a comparison between the medieval structure of kinship obligation and the fraternal bond between the Church and the nobility as each struggles to cling to power in early modern England with a desperation that invites corruption. Each brother puts on an act, as Antonio describes the Cardinal’s “inward character” as that of

a melancholy churchman. The spring in his face is nothing but the engend’ring of toads: where he is jealous of any man, he lays worse plots for them, than ever was impos’d on Hercules: for he strews in his way flatterers, panders, intelligencers, atheists: and a thousand such political monsters: he should have been Pope: but instead of coming to it by the primitive decency of the Church, he did bestow bribes, so largely, and so impudently, as if he would have carried it away with Heaven’s knowledge. (1.2.80-89)

¹⁰⁴ Bowers, p. 267.

¹⁰⁵ Elizabeth M. Brennan, Introduction, *The Duchess of Malfi*, p. xii.

Collaboration between the Church and the “thousand such political monsters” in preventing the overthrow of their authority is seen in microcosm in the relationship between Ferdinand and the Cardinal.

Corruption in the state characterizes the (in)justice system headed by the Duke, a man who “speaks with others’ tongues, and hears men’s suits / With others’ ears: will seem to sleep o’th’bench / Only to entrap offenders in their answers; / Dooms men to death by information, / Rewards by hearsay” (1.2.95-99). Justice is no more than a false seeming, a performance by which the Duke perverts the law “like a foul black cobweb to a spider, / He makes it his dwelling, and a prison / To entangle those shall feed him” (1.2.99-102). The relationship between the Ferdinand and the Cardinal, essentially between Church and state, dresses the corrupt and selfish manipulation of the law in the guise of divine justice in such a way that crime begins to look justified. Ferdinand, with the dedication of an actor learning his character, declares to the Cardinal, “So, I will only study to seem / The thing I am not. I could kill [the Duchess] now, / In you, or in myself, for I do think / It is some sin in us Heaven doth revenge / By her” (3.1.63-7). Thus the Duke casts himself as the Heaven-appointed agent of divine justice on earth, and thereby excuses his very real crime of murder, the worst sin of all, as Bosola observes, “other sins only speak, murder shrieks out” (4.2.256).

Bosolà, as Ferdinand and the Cardinal’s hired man, is an accomplice to their crimes, yet refrains from applying the misnomer of divine retributive justice to the brutal offense of murder. The Duke reveals that not divine justice, but social standing drives crimes of the Church and state when he says of Bosola’s part in his scheme, “ere long

thou mayst arrive / At a higher place by it" (1.2.183-4). Bosola reminds the Duke that such a promotion comes at the price of integrity, and such a representation of divine justice at the price of salvation, as he bids him: "Take your devils / Which hell calls angels: these curs'd gifts would make / You a corrupter, me an impudent traitor, / And should I take these, they'll'd take me to hell" (1.2.184-7). In a variation of the master-servant obligation between lords and vassals, the master-servant relationships that bind Antonio and Bosola to Ferdinand demand that they relinquish all authority to the Duke's whims and the corruption of the court, for "as Master of the Household and Provisor of the Horse, these men are senior court officers, but their lofty titles count for little in a world that allows scant room for the exercise of honorable service."¹⁰⁶ Thus, "a servant of any kind in Webster's corrupt palaces" dooms himself to a position of "insufferable degradation" where serving his master may be committing a more serious crime than defying his authority.¹⁰⁷

Though men like Ferdinand and the Cardinal are undeniable villains, their servants are more complex, as they are bound by social status to serve a master whom they find unjust. Bosola, then, "is no mechanical villain," but "a misfit, a man of worthier talents, forced into a degrading position."¹⁰⁸ His honor as a servant depends on his dishonorable loyalty to a master who mocks justice; as Bosola observes, "The office of justice is perverted quite / When one thief hangs another: / Who shall dare to reveal this?" (4.2.300). In large part, this question hints at the underlying problem of the play:

¹⁰⁶ Neill, p. 32.

¹⁰⁷ *Ibid.*

¹⁰⁸ Bowers, p. 178.

No higher authority exists to which servants of a dishonest and criminal master can appeal. The Church and state conspire like brothers as partners in crime, and “the great are like the base; nay they are the same, / When they seek shameful ways to avoid shame” (2.3.51-2). However, these words spoken by the Duchess’ steward and husband, Antonio, express an ironic effect of the brothers’ conniving: the more “base” members of society (such as Antonio and Bosola) are the same as the “great” authority figures, a discovery which in many ways undercuts the social distinction between the two by debunking the moral distinction. A duke seeking “shameful ways to avoid shame” can hardly be considered an agent of divine justice.

In this way, Webster transforms the stage into a place for social commentary and discussion, a place where the “base” can confront the “great.” Therefore, the “*visible quality*” of rank in the “deferential theater of master-servant relations” becomes only as potent as a costume or performance.¹⁰⁹ The emphasis on rank as a visual rather than merit-based entity indicates its superficial nature. When Bosola is able to say to the Cardinal, “Now it seems thy greatness was only outward,” Church and state are revealed as ostentatious social constructions figure-headed by inflated authority figures who have sacrificed substance for appearance (5.5.41). The Duchess, the one character who pursues neither authority nor appearance, is murdered for her disdain toward the highly-coveted rank she casts off. She too draws on the metaphor of the stage to describe the ceremonial and hollow nature of authority and government in this society, as she laments, “I account this world a tedious theatre, / For I do play a part in’t ‘gainst my

¹⁰⁹ Neill, p. 16.

will" (4.1.83-4). Bosola, the servant, kills his masters, Ferdinand and the Cardinal, in "revenge, for the Duchess of Malfi, murdered / By th'Aragonian brethren, for Antonio, / Slain by this hand; for the lustful Julia; / Poison'd by this man; and lastly, for myself" (5.5.80-3). His actions bespeak a redefined justice, one which deals punishment according to crime, and not one which defines crime according to how punishment will reinforce the existing social structure. By slaying the representatives of Church and State, Bosola successfully creates himself as a masterless man outside of the tainted authority of traditional power structures and translates revenge from an archaic form of feudal law into a powerful weapon against repression: "Revenge then is not a simple requital of blood for blood, exalted by a duty-bound revenger despite the counterplots of his opponents, as in the early plays; neither does vengeance fall from Heaven or result from the hidden workings of divine retribution."¹¹⁰ Instead, Bosola's revenge is about destroying the bastions of power which promote class inequality and injustice.

¹¹⁰ Bowers, p. 204.

THE CROWN: CONGLOMERATION OF CHURCH AND STATE

The idea of the king as an administrator of divine justice indeed gave rise to sentiments such as those expressed in *The Duchess of Malfi*, in which Church and state are portrayed as villainous brothers. However, the sibling-like closeness of Church and state eventually gave way to an all out fusion under the reign of James I, when “the unique relation in which the king stood to God established the royal authority; it also defined the subject’s obligation.”¹¹¹ The break with Rome necessitated a conglomeration of Church and state, as the Pope was no longer the supreme religious authority. However, national unity, to some degree, required religious unity. As noted in Archbishop George Abbot’s letter regarding preaching (1622), King James struggled to control “defections from our religion both to Popery and Anabaptism.”¹¹² Religious divisions within the nation chipped at the power of the monarch and threatened the very stability of the nation. However, the king’s authority was augmented by the break with Rome, as it spared the monarch from sharing authority with the foreign Pope and circumscribed all religious and political power under the jurisdiction of the Crown. Because “it claimed much for the king in order to claim even more for the state,” “the divine right of kings was the natural counterpart to a theory of national independence.”¹¹³ When Elizabeth I was excommunicated by the Pope in 1570, twelve years after the end of Mary’s Catholic Restoration, her subjects responded with loyalty to the Crown.¹¹⁴ In order to maintain that loyalty and obedience, it was important to

¹¹¹ Cragg, p. 65.

¹¹² Reprinted in Cressy, p. 138.

¹¹³ Cragg, p. 75.

¹¹⁴ Ibid, p. 193.

replace the religious authority of the Pope with the divine right of the Crown in the minds of the people.

Though belief in an absolute monarchy peaked during Queen Elizabeth's rule, the belief persisted that "no matter what sins the king committed, he was subject only to divine, not human justice, and no subject should so shake off his obedience to contemplate a private revenge."¹¹⁵ Though James, too, claimed to rule by divine right, the idea began to be challenged during his reign, including on the stage in *The Duchess of Malfi*; the relative nature of criminality as determined by those in charge was becoming more apparent. Nevertheless, religion had historically been "the hinge upon which the government of the political state depend[ed] and move[d]."¹¹⁶ Particularly during the Restoration and in the years immediately following it, the transient definitions of criminal behavior as function of religious authority characterized the state. Robert Parkyn, a Roman-Catholic Yorkshire priest, addresses relative criminality as a response to opposition in his narrative of the Reformation: "The good Bishop of Rochester and Sir Thomas More, two virtuous men and great clerks, would not consent to the king that he should be Supreme Head of holy church, therefore they were both beheaded in the month of June at London with three monks of the charter house for the same, with many others in divers places."¹¹⁷ When the Crown attempted to fuse church and state authority, resistance to those in power was labeled "crime" and was punishable by death. Once Mary came to power in 1553 and restored Catholic ritual and ceremony to

¹¹⁵ Bowers, pp. 170-1.

¹¹⁶ George Hakewill, *An Apologie*, reprinted in Cragg, p. 27.

¹¹⁷ Robert Parkyn, "Robert Parkyn's Narrative of the Reformation," reprinted in Cressy, pp. 24-5.

England, the Protestants were the ones punished by death: “Crime, after all, is centrally bound up with the state’s attempts to impose its will through law.”¹¹⁸

After religious and political changes had created turmoil in terms of defining criminality, the need for unity in matters of Church and state, if order was to be restored, was extremely pronounced. John Hooker greatly influenced religious thought in Elizabethan England with his book, *On the Laws of Ecclesiastical Poetry*, in which he “displayed the complex nature of authority on which a religious system must rest. The foundation is a rule of law that unifies and orders all things.”¹¹⁹ Rather than a monarch dependent on God or the Pope for authority, Hooker imagined a “religious system” founded on the “rule of law,” not a surprising idea given that under each of the previous rulers, the law had indeed established the religious system. It was understood that “to submit to an authority was both a religious duty and a civil obligation,” and any “effective doctrine of obedience had to enlist religious constraint.”¹²⁰ Rulers used religion to inspire obedience, but it was no longer a thing above the law. James I went even farther in his establishment of religion under the law—he published the King James Bible under his authority, a very literal affirmation of his divine right and dual religious and political authority.

Under Charles I, William Laud, Archbishop of Canterbury, expounded on his goals of unity and uniformity in matters of religion and the state: “The church and state are so near united and knit together, that though they may seem two bodies, yet indeed in

¹¹⁸ Rock, p. 51.

¹¹⁹ John Hooker, *On the Laws of Ecclesiastical Poetry*, reprinted in Cragg, pp. 97-8.

¹²⁰ Cragg, p. 60.

some relations they may be accounted but as one."¹²¹ Ironically, Laud's policies proved extremely divisive, despite his intention of unification. During the Reformation, a class of wealthy landowners emerged who had amassed their estates by plundering church land, and Laud responded by trying to return the land and punish those who had claimed it, infuriating the gentry. Laud gained enemies wherever he tried to enforce the law, from censoring the press to eliminating dissenters, and popular opinion painted him as a tyrant.¹²² Charles I continued to impose religious unity through Laud's policies, and in 1637, when he attempted to force the Scottish church to accept a version of the Book of Common Prayer, "the stage was set for a conflict that exploded into civil war."¹²³

Charles I was dedicated to the concept of royal supremacy and the Book of Common Prayer, but the Puritans viewed his brand of religion as particularly distorted from what they saw as the 'true religion.' Conflict had continued to mount ever since 1633 when Charles reissued the Declaration to His Subjects Concerning Lawful Sports, originally issued in 1618 under James I. This declaration "encouraged the robust pleasures of the laity, including social dancing and springtime festivities," though "more austere reformers thought these activities incompatible with serious godly devotion."¹²⁴ The Puritans were among the "more austere reformers," and consequently the declaration "sharpened the cultural and religious polarization" that continued to plague England and finally exploded into full-blown civil war in 1642.¹²⁵

¹²¹ William Laud, originally qtd. in D. Wilkins, *Concilia* and reprinted in Cragg, p. 111.

¹²² Cragg, pp. 114-5.

¹²³ Cressy and Ferrell, p. 9.

¹²⁴ *Ibid.*, p. 145.

¹²⁵ *Ibid.*

Puritan ministers fueled hostilities and posed a threat to political order by publishing cautionary anecdotes reminiscent of the earlier moralizing ballads and pamphlets which had warned of the dangers of sinful living, but this time with implications against the Crown. By blaming King Charles' Book of Sports for an increase in Sabbath-breaking, the Puritans directly accused royal authority of being an enemy to the Church and its moral authority. Ironically, Henry Burton, a Puritan minister in London, titled his list of "manifestations of divine wrath" *A Divine Tragedy Lately Acted* (1636), invoking the vocabulary of the stage but sanctifying it by the authority of the Church.¹²⁶ In one cautionary anecdote, he described a woman who, after reading from the Book of Sports, hired a minstrel, took up dancing, and eventually committed adultery and murder: "It was her falling to sport on the Sabbath, upon reading of the book, so as for this treble sinful act, her presumptuous profaning of the Sabbath, which brought her adultery and murder. She was according to the law, both of God and man, put to death; much sin and misery followeth upon Sabbath-breaking."¹²⁷ By stressing that this woman was punished according to the laws of God and man, the Puritan minister implies that Charles I is an enemy of both, as his Declaration of Sports allegedly provoked the adultery and murder. The Puritans harbored irreconcilable disgust at the Crown's absorption of religious authority in such a manner that royal authority now permitted Sabbath-breaking, and they were determined to alter the very power structure of the government, if necessary. Though their complaints were not

¹²⁶ Cressy and Ferrell, p. 151.

¹²⁷ *Ibid.*, pp. 151-2.

always taken seriously, the Puritans eventually overthrew the monarchy and seized government control under Oliver Cromwell's leadership.

Despite (or to spite) the uproar raised by the Puritans against the stage, both James I and Charles I allowed plays and sponsored companies of actors such as the King's Men. The Puritan objection to the stage was intensified by the fact that state-sanctioned plays threatened the Puritan church by dismissing its edicts against the sinful follies condoned by the Book of Sports; the stage refused to submit to the authority of the Puritans' 'true religion' and responded to their criticism with mockery. In *The Duchess of Malfi* (1623), for instance, the Mad Doctor asks, "Shall my pothecary outgo me, because I am a cuckold? I have found out his roguery: he makes alum of his wife's urine, and sells it to the Puritans, that have sore throats with overstraining" (4.2.83-6). Though the "roguery" of the apothecary is not denied, the joke is ultimately on the Puritans. The stage again became a forum for social dialogue, much as it had during the Reformation when opponents "employed the theater to whip up seditious debate." Then, as in reply to the Puritan attacks, the Crown "reacted by using the stage for [its] own purposes," which it achieved by "the royal control of players through licenses and patents."¹²⁸

¹²⁸ Beier, p. 96.

BARTHOLOMEW FAIR: THE STAGE RESPONDS TO CRITICISM¹²⁹

Bartholomew Fair, written in 1614, three years after the King James Bible and four years before the issuance of the Declaration of Sports, responds to early Puritan criticism while recognizing the importance of the stage itself as a shaper of public opinion. The Induction on the Stage precedes Act One, focusing attention on the stage and its position to comment on and judge the society it portrays. The stage, personified in the stage keeper, announces that the “understanding gentlemen o’ the ground here ask’d my judgement” (Induction 49-50). The play very literally intends to pass judgment on the “gentlemen o’ the ground,” the groundlings and the lowest-class members of the audience, through its portrayal of the lower-class people at the fair. The judgment begins even in the mocking tone of “understanding gentlemen,” as the men on the ground would have been neither educated nor of the gentry. However, the judgment of the stage comprises greater intricacies, especially since actors and groundlings are often lumped together as men who could pose serious problems to the social order.

Like the theater, the Fair is considered a location where crime and sin are likely to fester, and both are locations of public spectacle, commercial endeavor, and recipients of scorn and condemnation from the Puritans. Ben Jonson is “trying to placate as well as indict the popular taste” through his portrayal of the Fair and its inhabitants and visitors, and he manages to do both by exposing rogues as criminals and zealots as hypocrites.¹³⁰

¹²⁹ All citations taken from Ben Jonson, *Bartholomew Fair*, Ed. E.A. Horsman, The Revel Plays, Ed. Clifford Leech (Cambridge, MA: Harvard Univ. Press, 1960).

¹³⁰ E. A. Horsman, Introduction, *Bartholomew Fair*, p. xiv.

Jonson engages his audience by “play[ing] upon [its] judgment of the Fair, while grouping and defining his main personages according to *theirs*, and the crude vitality of the Fair... challenges the moral views which urge repudiation or restraint.”¹³¹ Therefore, in introducing the play with the Articles of Agreement between the spectators and author, the Scrivener sorts the audience into respective groups based on those judgments. Before the play is allowed to begin, “INPRJIMIS, It is covenanted and agreed, by and between the parties above-said, and the said spectators, and hearers, as well the curious and envious, as the favouring and judicious, as also the grounded judgements and understandings do for themselves severally covenant and agree, to remain in the places their money or friends have put them in” (Induction 73-9). The “grounded judgements and understandings” seems to play upon the earlier mention of the “gentlemen o’ the ground” and separates them from those who are educated enough to understand the play’s subtleties. Furthermore, the classes are clearly divided by their location in the theater, and urged to stay in their respective places, though not without humor. Similarly, the characters within the play are separated into the carneys and peddlers, the “curious and envious” visitors to the fair, and those who go with the intent of exerting a positive moral influence.

The most outspoken and duplicitous group in its judgment of the Fair is certainly the last group, including the Puritans, represented by Dame Purecraft and her suitor, Zeal-of-the-land Busy. Purecraft and Busy go to the Fair as a sort of moral chaperones for Purecraft’s son and his expectant wife-- who is craving pig meat-- under the

¹³¹ Horsman, p. xix.

pretension that they “may be religious in the midst of the profane, so [the pig] be eaten with a reformed mouth, with sobriety, and humbleness, not gorg’d in with gluttony, or greediness” (1.6.71-4). They associate themselves with sobriety and humbleness, in contrast to the gluttony and greediness of the Fair-goers, but they are soon exposed as equally glutted and greedy, if not more so, than those they condemn. The play reveals that their censures of the sinful indulgences so abundant at the Fair carry little weight with those who partake of them, as the gentleman gamester Quarlous sees Zeal-of-the-land Busy for what he truly is: “One that stands upon his face more than his faith, at all times; ever in seditious motion, and reproving vain-glory” (1.3.134-6). Like the Church of England Puritans are so fond of criticizing, Jonson’s Puritan characters hide behind faith as a justification for their own crimes, making them more heinous because of this ‘God-given’ immunity. Quarlous observes that Busy, “by his profession [of faith]...will ever be i’ the state of innocence” (1.3.140-1).

However, in order to win Quarlous for her husband, Dame Purecraft finally admits to him that, “These seven years, I have been a willful holy widow only to draw feasts and gifts from my entangled suitors: I am also by office, an assisting sister of the deacons, and a devourer, instead of a distributor of the alms” (5.2.52-5). Likewise, she unmasks the “elder, Zeal-of-the-land” as a “the capital knave of the land, making himself rich by being made feoffee in trust to deceased brethren, and coz’ning their heirs by swearing the absolute gift of their inheritance” (5.2.65-9). Like the Church of England, which had turned punishment in the bawdy courts and excommunication into sources of income, the Puritans in *Bartholomew Fair* steal alms and inheritances with the

appearance of godly service. They do so by achieving high enough ranks within the church hierarchy (e.g., assisting sister of the deacons and feoffee) to be entrusted with financial authority. Busy in particular, as feoffee, undermines the old patriarchal system of feudalism by “coz’ning” heirs to drain the wealth that has trickled down through families for generations into the purse of the Puritan church.

Before Purecraft admits that her Puritan piety was no more than a cover for her deceit, Quarulous denounces her and her suitor, Busy: “Away, you are a herd of hypocritical proud ignorants, rather wild, than mad. Fitter for woods, and the society of beasts, than houses, and the congregation of men. You are the second part of the society of canters, outlaws to order and discipline, and the only privileg’d church-robbers of Christendom” (5.2.40-5). However, the Puritans are not the only ones concerned with material gains. Though Quarulous banishes Purecraft and Busy for their hypocrisy, after Purecraft tells him how much money she is worth, he decides to marry her, asking “why should I not marry the money, when ‘tis offer’d me?” (5.2.81-2). He is only angry about her role as a “privileg’d church-robber” as long as her spoils do not benefit him. For this gentleman, at least, criminality is a function of wealth, and wealth is able to substitute for virtue in a society where family reputations and estates are becoming secondary to new money and scheming capitalism.

In the moral chaos of the Fair atmosphere, the pious are really greedy, lying robbers, and the representative of the law, Justice Overdo, is mistaken for a common criminal. Like the Duke in *Measure for Measure*, the Justice of the Peace in *Bartholomew Fair* disguises himself to infiltrate the realm of the criminal underworld of

sin. However, unlike the Duke, the Justice has little real power, and his authority is no more than a pretentious act. When he laments, “O tempora, O mores!,” his allusion to Cicero sounds melodramatic rather than sophisticated, and when he asks, “Hath thy ale virtue, or thy beer strength? That the tongue of man may be tickled?,” the effect of the language is nonsensical rather than dramatic (2.2.114; 2.2.120-2). Though the Justice clearly believes himself to be the model leader, “disguis’d (as the careful magistrate ought) for the good of the republic, in the Fair, and the weeding out of enormity,” his presence is no more beneficial for those he seeks to reform than that of the Puritans (5.2.92-4). His stated purpose in going to the Fair echoes Busy’s agreement to go “in the way of comfort to the weak” and his earlier-mentioned commitment to be “religious in the midst of the profane” (1.6.91; 1.6.71-2). Thus Justice Overdo says, “They may have seen many a fool in the habit of a Justice; but never till now, a Justice in the habit of a fool. Thus we must do, though, that wake for the public good: and thus has the wise magistrate done in all ages. *There is a doing of right out of wrong, if the way be found*” (2.1.7-12, emphasis added). Both men make statements that are paradoxically rife with contradiction and that justify them through a disjuncture of logic. Both the Duke and Justice believe that because of their legal authority, they also possess moral authority that will protect them from the criminals whose company they seek out.

The Justice believes that this disguised descension is a duty of rank, something “we are subject to, that live in high place” (2.1.36-41). Interestingly enough, Busy later comments on the sinfulness of the “high places,” alluding to the biblical use of the

phrase to refer to a place of pagan worship (3.6.89).¹³² Thus the Justice exercises his legal authority as a preaching of falsehood; he is no more to be revered than a golden calf. As the Justice's mention of the fool in the habit of the justice and vice-versa would portend, stripped of his rank, the Justice is easily mistaken for "the Patrico," "the *patriarch* of the cutpurses" in his "hot fit of *preaching* again" (2.6.143-6, emphasis added). Law enforcer and law breaker are interchanged indistinguishably. In addition, the language of the feudal structure and the Church has been adapted to the description of criminality in such a way that it mocks the latter, while also superimposing its order and influence on the criminal world. Just as Zeal-of-the-land is easily denigrated into knave of the land, the patriarchal structure of feudal families is converted into a patriarchy of cutpurses; the world of criminals is a translation, not an inversion, of the society and the institutions of which it must exist outside. The comparison of Justice to cutpurse inspires a raised level of performance, as he must continuously remind himself that he is above those he is among, earning the scorn of the pig-woman, Ursula, who asks disdainfully of his inflated speech and classical allusions, "What new roarer is this?" (2.2.125). In this same sentiment, the audience of *Bartholomew Fair* can not really condemn the actors or the criminals at Overdo's suggestion, because he is more convincingly criminal and actor than authority; he is a veritable parody or "overdo" of Justice.

Thus authority is shown to be fallible and marked by hypocrisy. The Justice, despite his own roaring acts, bombastically condemns the acting profession: "Aye, the

¹³² For more on biblical high places, see Tim Bulkeley, online posting, "High Places," *Postmodern Bible - Amos* commentary, 1996, 6 April 2004 <<http://www.bible.gen.nz/amos/archaeology/highpl.htm>>.

favouring of this licentious quality [the acting profession] is the consumption of many a young gentleman; a pernicious enormity" (5.3.66-8). The Justice equates acting with sinfulness, the same sinfulness that he attributes to the Fair-goers, who were likely to be of the same social class as the "understanding gentlemen o' the ground." As part of the play's complexity, Jonson insinuates that perhaps the judgment originally requested by these men is not on them but on those who assess their "enormities." Quarulous reminds Overdo to "remember you are but Adam, flesh and blood! You have your frailty, forget your other name of Overdo, and invite us all to supper" (5.6.99-102). Jonson gives Justice Overdo the first name of Adam to stress by the biblical allusion the inherent sinful nature of all men, including those in authority. Rather than condemning the actors, Adam should "bring the actors along" and "ha' the rest o' the play at home" (5.6.117-8). A situation where men of all classes and ranks sit together at the Justice's dinner table and allow the presence of social discourse in the form of the play is not much different from watching a play in the theater. Jonson affirms the positive role of the stage as a medium for discussing and perhaps curing social ills and class dissension.

In addition to defending the stage against critics like the Justice of the Peace, Adam Overdo, *Bartholomew Fair* also refutes Puritan criticism. As already established, Puritans protested the stage for many reasons, including the fact that women's roles were played by men, and such cross dressing was expressly forbidden in the Bible.¹³³ Busy espouses this complaint when he tells the Puppet Dionysius that his "main argument against you, is that you are an abomination: for the male, among you, putteth on the

¹³³ "A woman must not wear men's clothing, nor a man wear women's clothing, for the Lord your God detests anyone who does this" (Deuteronomy 22:5, NIV).

apparel of the female, and the female of the male" (5.5.91-3). The puppet mocks him with the retort that his "old stale argument against the players" "will not hold against the puppets; for we have neither male nor female among us" (5.5.96-8). Busy's argument is indeed "old" and "stale" and cannot even be applied to puppets, though he resorts to it regardless, revealing the danger of substituting indoctrination for thinking and analysis; he looks like an idiot. Busy rails against the hobby-horse seller, Lantern Leatherhead, charging that his performance license from the Master of Revels' hand is more aptly said to be from "the Master of Rebels' hand, thou hast, Satan's [license]! Hold thy peace, thy scurrility, shut up they mouth, thy profession is damnable and in pleading for it, thou dost plead for Baal" (5.5.17-20). These words are ironic in that Busy is really the one putting on the performance by using the Puritan church as a cover for his own damnable profession of thievery. Like the pompous verbiage of the Justice, Busy's speeches earn derision rather than respect, as his rival declares him a "desperate, profane wretch," and asks if "there is any ignorance or impudence like his," "to call his zeal to fill him against a puppet" (5.5.42-4).

While the Justice criticizes the "enormities" or sins of the Fair-goers, the Fair-goers scoff at the self-righteous voices of legal and moral authority, as the watchman says of Adam Overdo, "When he is angry, be it right or wrong, he has the law on's side, ever" (4.1.75-6). The groups are clearly divided, based on their judgment of one another as much as their judgment of the Fair. The disguise of the Justice as a common man, the presence of the Puritans, and the mention of the pie-powders, all contribute to the effect of the Fair-- like the stage-- as a site of conjunction where many of the social stages

collide to produce new definitions of criminality and authority.¹³⁴ Busy decides that the Fair is a misnomer for the spectacle “fitter...called a foul” because of its “foul abuses” and the saints who are “troubled, very much troubled, exceedingly troubled with [its] opening of the merchandise of Babylon again, and the peeping of popery upon the stalls” (3.6.83-9).

However, the stage allows Busy’s verdict to be condemned by all, and the Fair celebrated. The Fair circumscribes festivity, a capitalist marketplace, a court where justice is decided, the class of itinerants and their petty crimes from pickpocketing to prostitution, and even the stage on which the puppet show is performed. The Fair is a relatively free place where hypocrisy and self-righteousness are not tolerated and there exists a good deal of social equality. The stage gives life to the fair in *Bartholomew Fair*, but in many ways, this depiction of the Fair is the realization of the ideas and principles that have been purported on the stage: the notions of ‘fairness’ created by a relative absence of class distinctions, the unveiling of corruption, and the use of the stage as a type of mediator, as in the final reconciliation scene with the Justice when it is suggested that the actors join the dinner and finish their play. The Justice initially views poetry as a “terrible taint” or “idle disease” with which a young man might be “infected” so that “there’s no hope of him, in a state-course. *Actum est* of him for a commonwealths-man, if he go to’t in rhyme once” (3.5.5-9). However, poetry in rhyme is the very form of the prologue and epilogue with which Jonson presents the play to

¹³⁴ According to Horsman, a pie-powder was “a summary court held at fairs to administer justice among itinerant dealers and other temporarily present.” The term is derived from the French *piepouldrous*, meaning dusty-footed itinerant, footnote, *Bartholomew Fair*, p. 45.

King James I, indicating that poetry can indeed serve as a bridge between classes.

Bartholomew Fair responds to criticism of the stage by Puritans and other authorities, demonstrating that the greatest threat to the state and to order is not the theater or the poem, but the suppression of such public outlets for frustration and discussion.

CONCLUSION: CRIME AND THE IMPACT OF FORMAL AND INFORMAL SPHERES OF INFLUENCE

Though crime and drama may be intrinsically linked, definitions of crime and sin are not always synonymous, as *Measure for Measure*, *The Duchess of Malfi*, and *Bartholomew Fair* have shown. Rather, the heads of formal structures of social control have the privilege and responsibility of defining criminality, either reinforced or undermined by informal spheres of influence. The Puritans believed the stage to be morally dangerous and “repugnant to the written word and will of Almighty God, the only wise governor and righteous judge of the whole world; dangerous to the eternal salvation both of the actors and spectator; breed any inconveniences wheresoever they come; procure the judgments of God to the whole kingdom, for sin tolerated purchaseth God’s wrath to the whole nation.”¹³⁵ On the other hand, Charles I, ruling by divine right, had allowed the theater. This disparity in identifying sinfulness and deviance shows that “*how* a society defines deviance, *who* is branded as deviant, and *what* people decide to do about deviance all have to do with the way society is organized.”¹³⁶ Therefore, systems of formal control are responsible not only for construing what constitutes deviance, but also for making those definitions fit within a set of religious, economic, and social parameters and adjusting them as necessary. Kings were able to use their insistence on divine right to overrule others’ interpretations of God’s will and judgment, until civil war brought the capitulation of the monarchy. When Charles II

¹³⁵ From “A Short Treatise against Stage Plays,” published in 1625 for the House of Parliament and reprinted in Marshburn and Velie, p. 196.

¹³⁶ Macionis, p. 192.

took the throne in 1660 and the Crown and Church were restored, the theaters, closed during the Interregnum, were reopened by his decree. Rulers formally determined definitions of criminality through implementing laws and statutes.

At the beginning of the early modern period, formal control by the nobles and Church had begun to disintegrate into more informal codes of honor and moralizing as the merchant economy realigned centers of power. In this way, formal hierarchies of feudal power were gradually becoming outmoded, and as a consequence of social change, the spheres of formal and informal social control shifted to create “uncertainty about relations between public and private spheres and by extension social order and political legitimacy.”¹³⁷ The nobility resisted changes in power by defying the rules governing the public sphere. For example, “many an Elizabethan gentleman disregarded without a qualm the ethical and religious opinion of his day, which condemned private revenge, and felt obligated by the more powerful code of honor to revenge personally any injury offered him.”¹³⁸ In this case, the private, informal social rules supercede the formal and public, and the fact that the particular transgression of private revenge was largely overlooked testifies to the success with which the public sphere could be undermined by private actions. Informal social controls, including education and religion, were employed as inadequate methods of reviving old power structures, and more successfully as means for instating new ones. Informal controls were bolstered by formal controls in the form of the law, courts, and punishments, and while formal

¹³⁷ Sparks, p. 57. Though Sparks is writing about the role of television in portraying crime drama, his comment is equally applicable to the stage as a medium for crime drama. The public and private spheres he mentions are similar to the formal and informal controls, and also applicable to all three plays discussed in this study, as each involves a public personality choosing to go into the private sector of society.

¹³⁸ Bowers, p. 37.

controls were largely independent of public opinion, the impact of informal influences was entirely contingent of their ability to direct public opinion.¹³⁹ The stage was able to serve as a sort of mediator between formal and informal modes of social influence, as “the audience at the theaters seems to have made the customary compromise between a formal set of religious and moral ethics and an informal set of native convictions.”¹⁴⁰

Theatrical performances were able to serve as a valuable shaper of public opinion and a source of informal social control, “because drama and storytelling are such universal methods, they cut across cultural boundaries.”¹⁴¹ In “an age when the old world was far from dead and the new world was struggling to be born,” performances upon the stage were able to transcend class limitations and social upheaval, thereby making drama a significant mediator in class power struggles and in addressing issues of criminality.¹⁴² Crime has been demonstrated in the literature and history of early modern England as a harbinger of social change, a symptom of society’s ills, and a vehicle for gaining social, political, economic, and religious power. *Measure for Measure*, *The Duchess of Malfi*, and *Bartholomew Fair* each deconstructs definitions of criminality by exposing the motivation behind criminal acts, and more importantly, by intimating that those in control also have motivations for assigning criminal status to certain acts. It can be concluded, then, that criminality must be located in “the ongoing creation of social identities through discourse, which leads to a different notion of crime

¹³⁹ Barbara Hudson, “Punishment and Control,” *The Oxford Handbook of Criminology*, p. 234.

¹⁴⁰ Bowers, p. 40.

¹⁴¹ Clark Baim, Sally Brookes and Alun Mountford, Introduction, *The Geese Theatre Handbook: Drama with Offenders and People at Risk*, Eds. Baim, et al. (Winchester: Waterside Press, 2002) xiii.

¹⁴² Cragg, p. 11.

causation."¹⁴³ In this case, the discourse which challenges and replaces unfair definitions of criminality takes place on the stage; Renaissance drama displaces earlier discourse in the forms of ballads, pamphlets and even the pulpit to define the criminal as one who seizes authority, real or imagined, in order to elevate himself to the detriment of society.

¹⁴³ Henry and Milovanovic, pp. 8-9.

REFERENCES

- Baim, Clark, Sally Brookes and Alun Mountford, eds. *The Geese Theatre Handbook: Drama with Offenders and People at Risk*. Winchester: Waterside Press, 2002.
- Beier, A. L. *Masterless Men*. London: Methuen, 1985.
- Bowers, Fredson. *Elizabethan Revenge Tragedy*. Princeton: Princeton University Press, 1940.
- Bulkeley, Tim. "High Places." *Postmodern Bible - Amos Commentary*. 1996. 6 April 2004 <<http://www.bible.gen.nz/amos/archaeology/highpl.htm>>.
- Cragg, Gerald R. *Freedom and Authority: A Survey of English Thought in the early Seventeenth Century*. Philadelphia: Westminster Press, 1975.
- Cressy, David and Lori Anne Ferrell, eds. *Religion and Society in Early Modern England: A sourcebook*. London; New York: Routledge, 1996.
- Elton, Geoffrey R. *Reform and Reformation: England 1509-1558*. London: Edward Arnold, 1977.
- Henry, Stuart and Dragan Milovanovic, eds. *Constitutive Criminology at Work: Applications to Crime and Justice*. SUNY ser. in New Directions in Crime and Justice Studies. Ed. Austin T. Turk. Albany: State University of New York Press, 1999.
- Jonson, Ben. *Bartholomew Fair*. Ed. E. A. Horsman. The Revels Plays. Ed. Clifford Leech. Cambridge, MA: Harvard University Press, 1960.
- Karstedt, Susanne and Kai-D. Bussmann, eds. *Social Dynamics of Crime and Control: New Theories for a World in Transition*. Oxford: Hart, 2000.

- Lancashire, Ian, ed. *English Renaissance Bibliography Finding-List*. Vers. 1. April 1993. New College, Dept. of English, University of Toronto. 8 Oct. 2003.
<<http://www.chass.utoronto.ca/~ian/9002bbbl.htm#lit>>
- Macionis, John J. *Sociology*. 9th ed. Upper Saddle River, NJ: Prentice Hall, 2003.
- Maguire, Mike, Rod Morgan and Robert Reiner, eds. *The Oxford Handbook of Criminology*. 3rd ed. Oxford: Oxford University Press, 2002.
- Marshburn, Joseph H. and Alan R. Velie. *Blood and Knavery: A Collection of English Renaissance Pamphlets and Ballads of Crime and Sin*. Cranbury NJ: Associated University Press, 1973.
- Massey, Garth, ed. *Readings for Sociology*. 4th ed. New York; London: W. W. Norton and Company, 2003.
- Mazer, Cary M. "The Criminal as Actor: H. B. Irving as Criminologist and Shakespearean." *Shakespeare and the Victorian Stage*. Ed. Richard Foulkes. Cambridge: Cambridge University Press, 1986.
- Neill, Michael. *Putting history to the question: power, politics, and society in English Renaissance drama*. New York: Columbia University Press, 2000.
- Newton, H. Chance. *Crime and the Drama*. Port Washington, NY: Kennikat Press, 1970.
- Pendry, E. D. *Elizabethan Prisons and Prison Scenes*. 2 Vols. Salzburg: Institut für Englische Sprache und Literatur, 1974.
- Raney, A. A. and J. Bryant. "Moral Judgment and Crime Drama: An Integrated Theory of Enjoyment." *Journal of Communication* 52 (2002) 402-415.

Sargarin, Edward and Robert J. Kelly. "Responsibility and Crime in Literature."

Annals, AAPSS 477 (1995): 12-24.

Shakespeare, William. *Measure for Measure*. Reprinted in *The Norton Shakespeare*.

Ed. Stephen Greenblatt, et al. New York: Norton, 1997.

Sparks, Richard. *Television and the drama of crime: moral tales and the place of crime in public life*. New Directions in Criminology Series. Ed. Colin Sumner.

Buckingham; Philadelphia: Open University Press, 1992.

Thompson, James. *Drama Workshops for Anger Management and Offending Behavior*.

London; Philadelphia: Jessica Kingsley Publishers, 1999.

Time, Victoria M. *Shakespeare's Criminals: Criminology, Fiction, and Drama*.

Westport, CN: Greenwood Press, 1999.

Ungerer, Gustav. "Prostitution in Late Elizabethan London: The Case of Mary

Newborough." *Medieval & Renaissance Drama in England* 15 (2003): 138-223.

Webster, John. *The Duchess of Malfi*. Ed. Elizabeth M. Brennan. The New Mermaids.

Eds. Philip Brockbank and Brian Morris. New York: Hill and Wang, 1966.

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