

"Any Ceremonial Form of Law":
Women of Property, the Law and Public Spectacle
in John Webster's *The Tragedy of the Duchess of Malfi*

by


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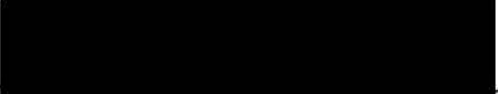
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ABSTRACT

John Webster's *The Duchess of Malfi* (c. 1613) is considered through the traverse of its legal historical context: a trial by law in which a woman asserts her position as a prince, maintains her freedom to own property and chose her own marriage partner, and defends her reputation. Webster's text draws on the ambience of the Inns of Court and appeals to the audience as jury. As backdrop to the play this thesis discusses the interweaving of Anglo-Saxon and Norman traditions which produced the English property laws, and their first printed interpretation by Sir Thomas Littleton, later commented upon by Sir Edward Coke. Comparisons are made between elements of Sir Walter Raleigh's 1603 trial for treason and the integrity of the Duchess's performance. Reputation and fame are examined in the context of public witness and spectacle. A final parallel is drawn between the strategy within the play and the playwright's defence of his fame as a poet.


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Introduction

The essential substructure of *The Duchess of Malfi* presents a legal discussion of the autonomy of the Duchess as dowager ruler of her city state, and of her freedom to marry a social inferior of her choosing. It is these intersections of law and theatrical performance in the context of early seventeenth century attitudes which interest me. The play was in the repertoire of the King's Men from 1612 until 1630. Although it is based on events which took place in Italy between 1505 and 1513, it should be interpreted in the contemporary context of Webster's times. Performed regularly over almost two decades, the play inspired an enduring engagement with its tragic theme on the part of author, cast and audience (McLuskie x).

The Duchess on trial provides an axis about which turn complex interrogations of ownership, gender, community and accountability. As my argument makes increasingly clear, the audience is invited and then impelled to take on the role of juror in what is essentially a staged trial. While much of Webster's work has been discussed in its legal context (Bradbrook, *John Webster* Ch.2) less attention has been given to the theme of trial by law in his *Duchess of Malfi*; yet the compelling intensity of this play resides in its subtle deployment of the trial setting. The fact that the Duchess is conducting her own defence in terms of

individual justice (transcending the "duties" to kindred imputed to her as an aristocratic woman) demands both finesse and circumspection in the play's text and action.

The legal essence of the play can be better understood in the language and conditions of its early seventeenth century context. In order to make clear the connection between law and theatre my first chapter examines the judicial nature of the Duchess's defence through the vocabulary and course of action of the play, and the manner in which, through appeal to the audience as jury, the playwright might illuminate, subvert, or challenge the invisible enclosures of precedent and custom which the law embodies. My second chapter considers the historical assembly of British jurisprudence and the interwoven strands of Anglo-Saxon and Norman law whose manipulation in the courts of law fashioned the backdrop to the play and provided the ambience of law and legal discourse which informs the playwright's thought and work. I will discuss the manner in which Webster's audience was constructed out of the fabric of this environment and how this audience as jury constitutes an essential force in the play. My third chapter discusses contemporary events evoked by the play which enrich its effect on the audience and release complex reverberations. This final chapter will address some of the questions raised about the relationship between audience, reputation and spectacle when the play is viewed within its

legal historical context.

The issue of containment and enclosure in both bodily and proprietorial senses permeates our understanding of sixteenth and seventeenth century discourse (Burt). The trial setting places the Duchess at the epicentre of public enclosure and scrutiny. I will argue that in this play the audience as jury is a crucial element of the Duchess's defence and that ultimately she serves as a type for Webster's defence of his own reputation as playwright. *The Duchess of Malfi* can be interpreted as an allegorical trial scene in a symbolic court of law in which individual freedom defends itself against feudal tradition; as such it represents the turning tide of the English Renaissance. The play can equally be taken to represent a ritual and incestuous confinement and rape of a woman by her kin, the dark sexual violence transposed into a quasi-legal appropriation of lands and rights; in this light it becomes a condemnation of the notion of woman-as-property. I choose to examine it even more as a skilful legal defense by an aristocratic woman on trial who argues her right to self-ownership; through her the playwright constructs his audience as jury and addresses them in the context of contemporary events.

Chapter 1

Women and Property, Women as Property: Transgressing the
Invisible Boundaries

The Duchess of Malfi is a play about the trial of a woman who has acted of her own free will as a "Prince" against and outside the code of duty and hierarchy. The play addresses its larger Jacobean context in the audience which is summoned by the author to enter into the drama and serve as jury to the Duchess's defence. In this chapter I want to concentrate on the play as a trial, the Duchess as her own legal advocate, and the audience as a participating jury. My later chapters will enlarge on the concept of the centrality of the judicial audience in relation to the Duchess. As a dramatic strategy the cool language of the Duchess's legal stance is set in counterpoint to heated acts of violent revenge. Provocatively, the playwright has her twin brother Ferdinand, Duke of Calabria, express, in indisputably legal terms, one of the central questions posed by the play:

Was I her judge?

Did any ceremonial form of law

Doom her to not-being? Did a complete jury

Deliver her conviction up i' th' court?

Where shalt thou find this judgement registered

Unless in hell?

(4.2.297-302)

The drama mimics the "ceremonial form of law" in a court of law, the audience participates as "a complete jury," and the judgement is registered in what Foucault calls "the theatre of hell" (46), through the spectacle of public punishment.

John Webster's *Duchess of Malfi* was written by a man and performed by male actors before a predominantly male audience.¹ Even the tragically magnificent Duchess was created for, and interpreted by, a young male actor: possibly the role was first played by Richard Robinson, a leading boy actor with the King's Men in 1613; certainly it was subsequently interpreted by Richard Sharpe who appears in the cast lists by 1616 (Sturgess 99-102). Paradoxically, the Duchess both reflects and challenges the male model of moral reasoning: she is a mirror image of her darkly distorted but socially fortified male twin; simultaneously an exemplum of integrity and an embodiment of grief, she provides the spectacle of a woman who transgresses the invisible boundaries of female decorum.

Ferdinand's words (quoted on page four) make clear the legal nature of the Duchess's challenge to ownership and

¹Andrew Gurr discusses women in the playhouse audiences in *Playgoing in Shakespeare's London* (59-65). In Appendix I he lists the names of 162 persons (of which 16 are women) known to have attended the playhouses between 1567-1642 (191-204). He cautions "Since, on a conservative estimate the playhouses in their seventy-five years probably entertained their customers with close to fifty million visits, that is a very small sample for statistical purposes" (59). While it would be incorrect to ignore the impact of women playgoers, the thrust of Webster's argument would be tailored to a literate male perception.

property. Despite his uneasy denials, it is reinforced by Ferdinand's choice of language. Throughout the Duchess is identified only by her position, never by name. A widow, she is in a favourable position for a woman of that time and seems to be in full control of her properties within the Duchy. There are two brothers: the Cardinal, and Ferdinand, Duke of Calabria, who desire to gain control of the dukedom, either through intimidation, or indirectly by marrying their sister to the detestable but malleable Count Malateste (3.1.40, 3.3.68). There exists, as well, a son from the first marriage, who is referred to as the Duke of Malfi. He lives elsewhere, but is mentioned only once, by Ferdinand (3.3.68), after which the playwright seems to ignore his existence. The Duchess is attracted to her young steward, Antonio, who manages her estates, but who also holds property in his own right at the citadel of St. Benedict (5.1.19-21). She courts him and they marry secretly, managing over time to produce three children without revealing the identity of the father. As long as the Duchess keeps secret the existence of her husband she retains the status and control of her widowed state. As well as protecting her from her brothers' wrath, this is a clever power ploy, and essential to the Duchess as landowner and ruler of her duchy; once made public, the husband will become her spokesman and surrogate, or worse, a target for the power-mongers who surround her. Meanwhile, the scheming

brothers plant Bosola as a spy within the entourage of the Duchess; eventually he discovers and betrays the Duchess's secret. When the couple's efforts to escape are defeated, she is banished for marrying without her brothers' consent, and Antonio flees with their eldest son. The duchy is unjustly "seized into th' protection of the Church" (3.4.31). The Duchess is imprisoned in her own palace, where she is tortured by Ferdinand in macabre staged events.² Finally, the Duchess and her two youngest children are strangled. Ultimately almost everyone else dies a violent and ironically misplaced death, but the small figure of the eldest son of the Duchess and Antonio remains on stage as the promise of order and ownership restored.

The stage itself becomes a court of law, while the audience performs the complicit function of "a complete jury" (4.2.299). The penultimate act of the play registers their enforced judgement, based on codes of behaviour both unwritten and unreasoned. The legal sub-text of the play

²The elaborate horror of her torment, in which the "artificial figures of Antonio and his children appearing as if they were dead" (3.5.55) presumably are represented in tableau by actors who portray the characters as wax figures, prompted G.B. Shaw to label Webster the "Tussaud laureate" of theatre (Salingar 107). This shock is preceded by "a ghastly practical joke"--Webster's own (Archer 18)--in which Ferdinand "gives her a dead man's hand," intimating that it is Antonio's. The Duchess's response is suggestive, in light of our discussion, for she draws attention to the artificiality of the display: "It wastes me more,/ Than were't my picture, fashioned out of wax" (3.5.62-3), and then to its theatrical alignment with the notion of property: "yond's an excellent property/ For a tyrant" (3.5.65-6).

illuminates the disparity between the presumed independence of the Duchess as a land owner and aristocrat, and the freedom of her brothers to challenge her self-rule simply because she is female. The brothers employ the unwritten appropriations of a hierarchical society and the public rituals of law which enforce such presumptions. As the Duchess becomes more and more isolated in a state of "not-being" she becomes ironically the very public centre of a highly ritualised, gravely distorted "ceremonial form of law" (4.2.299,298). The audience are perforce unwilling participants in her torture and murder. Compelled by convention to concede the brothers' authority, they are yet lured by the playwright's art to empathize with the Duchess. The sensational nature of her oppression generates fascinated horror; the integrity of her response compels pity. Ferdinand's bizarre violence incites in viewers a repellent voyeuristic desire to witness yet more grotesque display, which in turn begets a guilty complicity in an unjust act. The fact that Ferdinand is her twin (4.2.265) dramatically highlights the painful ambiguity of the Duchess's privileged but subjugated position under the law.

If the audience is a reluctant jury, the Duchess is both accused and defending counsel. Her rationale, and later her defence, remain firmly entrenched in her freedom as a "Prince" to take precedence over her social obligation as a woman. Although she is treated as both infant and

lunatic by her brothers, Webster's Duchess never concedes a fraction of noble degree to the insidious erosions of gender imbalance. Thus, we know her only as the Duchess of Malfi, landowner, of royal blood, holder of inherent power.

Clearly she sees the risk in her bold claim to the autonomy to which her position entitles her; as a woman, she should surrender this autonomy to the protection of her brothers.

Her decision to marry Antonio is taken in full knowledge of the inflammatory challenge such a "dangerous venture"

(1.1.355) represents: "Wish me good speed," she tells

Cariola, "For I am going into a wilderness,/ Where I shall find nor path, nor friendly clue/ To be my guide" (1.1.364-

7). This uncharted territory is beyond convention, only too literally full of dead ends, socially and legally

constructed to thwart the exercise of free will by a presumptuous woman.

In her proposal to Antonio the Duchess presents her case under the guise of a financial review of her "revenue and expense" (1.1.378). Since aristocratic marriage was conceived in financial terms, this is strictly correct. The Duchess simply avoids the offices of a third party (male) negotiator. She declares both her free will and her claim to full power in a legal context: "I am making my will, as 'tis fit princes should" (1.1.382). To underline her position, she maintains it is "The misery of us, that are born great,/ We are forced to woo because none dare woo us"

(1.1.445-6). In her claim to the title of prince the Duchess vehemently affirms her right under law to rule her own territory.³ Again, the Duchess ignores the intermediary powers of her male relations and places herself squarely in control. As both lawyer and priest, she takes upon herself the power of court and church to affix her sadly ironic seal to their contract: "here upon your lips/ I sign your *Quietus est*" (1.1.468). Her attendant, Cariola, who has witnessed the ceremony from behind the arras, is cast as instructing solicitor to the Duchess's barrister: "Be not amazed, this woman's of my counsel./ I have heard lawyers say, a contract in a chamber,/ *Per verba de presenti*, is absolute marriage" (1.1.478-80). Although the mutual words of consent are understood to constitute a form of marriage, the union should be formalized in a later religious service; ultimately the couple are unable to seek this public affirmation of their union. A further sadly prophetic irony reverberates in the Duchess's proud proclamation: "We now are man and wife, and 'tis the Church/ That must but echo this" (1.1.493-4); in the fifth act she herself will become the echo, a tragic example of a

³The term prince was still sometimes applied at this period to a female sovereign (OED); it implies even here that the aristocratic nature of the person addressed takes precedence over gender. The Duchess invokes both this sense and her own association with royal blood: the original Giovanna, duchess of Malfi, was a grand-daughter of Ferrante I, king of Naples, by his illegitimate son Enrico, marchese of Gerace (Benson 304).

wilful woman who dared to exercise authority directly.

There is a persistent strategy of appeal to the audience to acknowledge the Duchess's nobility before her gender. Webster presents more evidence for the Duchess's claim to be recognized as a prince among equals in her climactic confrontation with Ferdinand, set in her bedchamber. While the scene is one of gendered theatricality its moral force resides in the tension created between the two modes of reality--the vulnerable individual menaced by the codes of convention and duty. We as audience have just been witness to a touchingly playful scene of light-hearted (if somewhat misogynistic) marital banter. Believing Antonio to be present, the Duchess continues to speak fondly and intimately, until she glances up and recognizes her sinister twin, Ferdinand, with a *poniard in his hand*. Webster allows full symbolic weight to the horrified stillness which must grip the theatre. We assume the Duchess holds a hand mirror, regards her hair, brushes out the "tangles" (3.2.53), wonders if her hair begins to change colour (3.2..58). In the contemplation of her own contented image, she abruptly remarks the dark figure of her other mirror likeness, that twin identical to her--the image and the counter-image, one of whom holds a mirror (symbol of woman's assumed reflective role) and regards her gendered other who wields a destructive weapon, a suggestively phallic image of his difference. There is more to say about

Ferdinand and his relationship to his sister through the law; for the moment I want to concentrate on Webster's use of him as potent contrast to the Duchess. It is a brilliant ceremonial mime of the crucial conflict at the heart of Webster's play. The Duchess's considered response recognizes the power Ferdinand has over her life, yet insists once more on her equality of birth and status. "'Tis welcome." (Intentionally the playwright has included a full-line pause which accentuates the sense of self-possession in the Duchess). "For know, whether I am doomed to live, or die,/ I can do both like a prince" (3.2.69-71). By juxtaposing these two alter-images the playwright subverts the very notion of inherent masculine superiority to rule the feminine. Ferdinand refuses to recognise the majesty of the Duchess; instead, he tries once more to reduce her to that state of non-being where compliance is understood: "Virtue where art thou hid? . . . / Or is it true, thou art but a bare name,/ And no essential thing?" (3.2.72,74-5). While his address is in the form of an appeal to Virtue, Ferdinand's intention is to strip away the facade of Duchess of Malfi as "but a bare name" behind which no "essential" being stands firmly grounded in self. Unmoved, the Duchess continues as advocate in her own defence: "Why might not I marry?" she demands, "I have not gone about, in this, to create / Any new world, or custom" (3.2.110-12). Indeed, why might not she marry, if she is a

prince among princes, and an equal among equals? This is the conflict inherent in a formal code which exploits, and by exploiting exposes, the strategies of the law which upholds it. "Why should only I,/ Of all the other princes of the world/ Be cased up, like a holy relic?" (3.2.137-40). The playwright probes established values through his judicious protagonist, most delicately, most subtly, but nonetheless the questions are posed persistently and rationally to the attendant audience of jurors.

A comparison between Ferdinand's morality tale and the Duchess's fable of the Salmon and the Dog-fish offers the viewer some useful insights into the underlying thrust of the action. A tale-within-a-tale, just as a play-within-a-play, often constitutes an author's aside, one which repays serious attention. If their mirror images reveal an essential dichotomy, the respective stories told by the siblings reflect a series of opposing images. Ferdinand tells his sister a story of "Reputation, Love, and Death:"⁴

⁴Dent situates the source for this tale in Pierre Matthieu, *The Heroyk Life and Deplorable Death of the most Christian King Henry the fourth*, trans. Grimeston (1612), sig. Ss1^v. In the original, Reputation is a feminized personification, "the goddesse of great courages;" her companions are water (also feminine), and fire--to be found near reeds and smoke respectively (210). It is therefore of considerable interest that Webster has made masculine not only the personifications, but also the attributes and destinations of his allegorical figures. Dent suggests this may be a late insertion (211), an indication that the playwright had carefully considered the form and significance of the tale before its addition.

values, places himself in a far more condemnatory position by contrast: he acts dishonourably, at night and by stealth, privately vowing irrational retribution. Nonetheless, in recounting this cautionary tale, he attempts to situate himself on the moral high ground. Impelled, Ferdinand implies, by the transgression of his sister, the three personifications part company. Death will be found in the masculine terrain of "great battles" and the public domain of "plagues." Interestingly, battles are generally staged for control over property and power sources, while plagues stake their battleground in the human body itself, where possession and control are of equally overwhelming significance. As for Love, Ferdinand caustically suggests, it resides in the servile backwaters of life, an absurdity clearly for the "unambitious," the humble, the lowly, and for those unfortunates who possess insignificant dowries or have little expectation of an inheritance. It is reserved for those with no property and no standing in the hierarchy of social ranking. Reputation is the kingpin which gives value to all other virtues; once parted with, it will never return. The moral of this cautionary tale is that the elusive Reputation, as Protean in definition as it is in possession, is to be prized above the more overwhelming uncertainties of Love and Death. The instability of reputation will be the subject of much of the discussion in my third chapter.

The audience is invited to read into the telling an alternate critique which implicates Ferdinand--he has long ago shaken hands with Reputation and bid it farewell. At the play's beginning, Bosola describes Ferdinand and his brother the Cardinal in this manner:

He and his brother are like plum trees, that grow
crooked over standing pools; they are rich, and
o'erladen with fruit, but none but crows, pies,
and caterpillars feed on them. (1.1.50-54)

The picture is one of richness rotting in excess; a slick, stagnant surface which conceals an unhealthy subliminal world; clustering carrion gorging on disorder. As a continuing strategy, the playwright sets Ferdinand's words and actions at odds with each other, an imbalance which creates in the minds of his audience an unquiet image of the man and a stark contrast with the truly noble integrity of his twin. The Duchess responds to his tale, "Why should only I,/ Of all the other princes of the world/ Be cased up, like a holy relic?" (3.2.137-39). As she once more insists on her right as a prince to make her own choices, the Duchess also defines the nature of her sacrifice to ancient precepts. Her brothers want her confined and constrained, a permanent shrine to their own desires and a public exhibit of virtue. The fact that, like a relic, she will be a dead and dusty husk, is irrelevant to their need for a ceremonial form of ownership. Just as her princely

stance reinforces every argument the Duchess makes for her right to autonomy, so Ferdinand's intemperate ravings diminish his claim for a "natural" assumption of "protection" over his sister.

Sturgess joins Ferdinand's cautionary tale with the climactic mirror scene in a definitively male model of moral reasoning: "A Renaissance moral emblem of shattering power is achieved: the vain woman, her vanity symbolised by the mirror, visited by Death as a retribution for a moral laxity of which the play never acquits her" (114). It is of passing interest, given my own notion of the audience's role as jury, to note that Sturgess, perhaps unconsciously, situates the play itself in the legal stance and parlance of judge and jury who "never acquit[] her.". However, his discussion begins with the assertion "Webster's whole dramaturgy is one of perspectives" (97). I would strongly agree that much of the play's disturbing insight rests in its power to present its audience with the possibility of alternate points of view, allied with an uncomfortable shifting of assumed vantage points. Therefore, I feel it is valuable to look beyond the expected or emblematic and to ask what might be on trial in those scenes which rely on oblique parallels or ritualized mime to make their case. While Sturgess writes with a directorial clarity of visualized dramatic performance, he appears to underestimate the possibility of alternative interpretations. Yet he

believes "disjunction, not continuity, is at the centre of both Webster's spiritual vision . . . and his practical stagecraft" (105). Given that Webster was recognized and self-confessed as a slow and painstaking writer (98) and that the play is the longest of his works, a fifth longer than the average Globe play, and longer again than the average Blackfriar's production (103), we can assume that he must have weighed and considered each speech, image, action most carefully. As Sturgess rightly remarks, "Only a playwright with a pressing need to express ideas on his own account (as opposed to a more 'professional' writer with a steady awareness of the theatre's needs) would have written in this way" (103). As my third chapter will make clear, this remark serves to underline my claim that Webster's ultimate concern is with the defence of his own reputation. Sturgess says this by way of preamble to an examination of where and what cuts might have been made in the actual production. He suggests that the Duchess's fable of the Salmon and the Dog-fish might be an "overelaboration of effect" (104). On the other hand, I would argue that it is in just these opaque and seeming-harmless moments that the playwright situates his "pressing need to express ideas."

As we have seen in Ferdinand's case, a simple tale may challenge the stance of both narrator and audience. The same dynamics occur in the telling of the Duchess's fable, although the questions pertain to her situation, rather than

to her principles. Prior to her unjust imprisonment in her own palace, the Duchess expresses the philosophy which motivates her character:

Man is most happy, when's own actions
Be arguments and examples of his virtue.

(3.5.119-20)⁵

Her mind and actions are in harmony, but her personal integrity is in violent disaccord with her social role. The Duchess's "sad tale" of the Salmon and the Dog-fish illuminates the essential moral and perceptual distinction between appearance and reality which Ferdinand's self-serving allegory of Reputation, Love and Death has obscured:

A salmon, as she swam unto the sea,
Met with a dog-fish; who encounters her
With this rough language: "Why art thou so bold
To mix thyself with our high state of floods
Being no eminent courtier, but one
That for the calmest and fresh time o'th'year
Dost live in shallow rivers, rankest thyself
With silly smelts and shrimps? and darest thou
Pass by our dog-ship without reverence?"
"Oh," quoth the salmon, "sister, be at peace:

⁵These lines anticipate the final couplet of the play spoken by Delio:

Integrity of life is fame's best friend,
Which nobly, beyond death, shall crown the end.
(5.5.120-121)

Thank Jupiter, we both have passed the net,
 Our value never can be known,
 Till in the fisher's basket we be shown;
 I'th'market then my price may be the higher
 Even when I am nearest to the cook, and fire."
 So, to great men, the moral may be stretchèd.
 Men oft are valued high, when th'are most
 wretched.

(3.5.124-140)

The playwright appears to conceal one message within another. The dog-fish is a variety of small shark, ferocious in attack but not much valued as a food source; the salmon, not considered an aggressive creature, is highly prized for its pink flesh. Superficially, stung by Bosola's disdain for her husband--"Forget this base, low fellow" (3.5.116)--the Duchess compares matters of rank: the dog-fish demands "reverence" through the threat of superior force, but the salmon possesses an intrinsic market value which transcends its own death. In one interpretation a voracious Ferdinand menaces a pacific Antonio who, while lower in perceived rank, yet inhabits a higher moral plane. In another light, the story may be read as a direct counterpoint to Ferdinand's allegorical misrepresentation: the dog-fish represents "Reputation;" the salmon is "Love," who frequents shallow backwaters and ranks herself with "silly smelts and shrimps;" "Death" stalks the marketplace.

"Reputation," therefore, is a bully, "Love" possesses greater value in an open market, and "Death" is the universal transformer. Yet, there are several significant pointers to an alternate and radical reading of the text. First, and unusually, this tale appears to have no precedent or source (according to Dent). In addition, fish are often considered a feminine symbol; therefore, the choice of fish as protagonists is an indicator of a special motive. Moreover, if this significance is elusive, in contrast to the tale of Reputation both fish are carefully indicated as "she," "her," "sister." What if this is an allegorical tale of the marriage market, where value is assigned at the moment of consumption, where the prize catch is netted, confined, displayed, sold to and consumed by the highest bidder? Shakespeare used the same trope a few years earlier: Hamlet accuses Polonius of treating his own daughter as a fish to be displayed and sold at market; the two images are juxtaposed first by Hamlet and then by Polonius who repeats them: "How say you by that? Still harping on my daughter: yet he knew me not at first; 'said I was a fishmonger" (2.2.187-9). I suggest that this tale is a reflection on the position of the Duchess, who has so far eluded the dog-fish of social surveillance and the net of her brother's marriage plans. Her value as a tragic and heroic figure will be established when she is "most wretched," both within the play as an artistic portrayal of

integrity (which calls to account once more the uncomfortable complicity of the audience), and within the plot as the noble Duchess of Malfi. She reads herself both as an object of carnivorous attraction in the special focus of her wolfish brother and as an asset of marketable flesh in her enforced role as a marriageable woman of substance. Bosola has assured her that her brothers "mean you safety and pity." "Pity!" she scoffs, "With such a pity men preserve alive/ Pheasants and quails, when they are not fat enough/ To be eaten" (3.5.107-111). Given the repeated emphasis on this type of consumable imagery, the Duchess's tragic end has more than a whiff of slaughter in the public arena about it.⁶

If, as I argue, he targeted an audience of particular judicial discernment, Webster has carefully and deliberately sown his script with these elusive and ambiguous clues to a more critical interpretation of the position of a woman of property within a society that selectively imposes duties and upholds freedoms based on a market expediency. His cryptic support of the Duchess's right to autonomy follows in the tradition of this particular "sad tale." "The Duchess of Malfi" forms the twenty-third tale in William

⁶Behind the idea of the marriage market lies the issue of wardship-dealing, a pervasive practice in the always urgent need to raise royal revenues, and one which was under bitter debate shortly before Webster's play was presented. My second chapter will discuss this issue more fully in the context of the courts of law and the continuing debate over their jurisdictions.

Painter's *The Palace of Pleasure* (1566-67), which in turn finds its source in François de Belleforest's French translation (*Histoires Tragiques*, 1565) of Matteo Bandello's *Novelle* of 1554. Bandello prefaced his story with a dedicatory letter in which he criticized a society which killed women who married secretly or committed adultery, wherein men could commit the same acts with impunity. His tale was intended to highlight this injustice and to plead the case for more equal treatment before the law. While neither Belleforest nor Painter included this introductory letter in their versions, it is clear from Painter's narrative that he is torn between a genuine sympathy for the Duchess and Antonio Bologna in their situation and a perceived imperative to give a moralizing tone to the story. The passages between the Duchess and Antonio are written with restraint and delicacy; the sermonizing inserts seem to be a poor pastiche, tacked on in a ranting and heavy-handed style to satisfy some external censor. As an example, Painter describes their enforced parting tenderly:

In saying so, she embraced him very amorously, and he kissed hir with so greate sorrow and grief of heart, as the soule was ready out of his Body to take hir flight, sorrowful beyond measure so to leave hir whome he loved, for the great curtesies and honor which hee had received at hir hands.

This excerpt speaks of a relationship both passionate and spiritual, full of mutual respect, a relationship the reader might see as both Christian and desirable. The succeeding passage reverts to the pejorative stance:

And this was the second Acte of this Tragicall Historie, to see a fugitif husband secretly to mary, especially hir upon whome hee ought not so mutch as to loke but with fear and reverence. Behold here (O ye folish lovers) a Glasse of your lightnesse, and yee Women, the course of your fond behavyor. . . . True it is that mariages be don in heaven and performed in earth, but that saying may not be applied to fooles, which govern themselves by carnall desires, whose scope is but pleasure, and the reward many times equall to their follie.

(23-24)

The story throughout can be broken into two separate narratives; the simple tale itself tells a very different version from the moralizing package which contains it. The writer has devised an internal disruption which attacks its own narrative veracity, a method to encourage debate within the reader which does not transgress the very societal standards it questions. In the same manner John Webster simultaneously both establishes the Duchess and Antonio as tragic victims of fortune's wheel and questions the assumptions which make their fate seem inevitable. It is

the seeming certainty of role and degree which shifts dangerously in the minds of her jurors under the Duchess's expert defence.

Lisa Jardine, in discussing the literary representation of woman in the Jacobean drama, sees the role of the Duchess as a stereotypical reflection of the traditional male model of moral reasoning:

The Duchess acts out her remarriage and its consequences as if her forcefulness as royal heir, dowager of the Dukedom of Amalfi, carrier of a substantial dowry in movable goods (which she and Antonio take legitimately with them when they flee together), gave her real power. In this she is proved pathetically wrong. (126)

Jardine believes the Duchess is irreparably tarred by the atmosphere of "explicitly offensive sexual innuendo" (118) which surrounds her; further, that the character cannot transcend the male model of a sexually assertive woman and is therefore motivated by the same base "luxuriousness" (119) which shapes her environment. That she can only be approached as a masculine representation of unreliable femininity, a hollow puppet in a grimly misogynistic morality play, seems an overly stern reading of a most complex text, and one which underestimates the subtle shades of multi-layered interpretation which the playwright invites. The Jacobean concept of culpability may well play

a part in the Duchess's construction, but to ignore the carefully inserted codes in passages such as the tale of Reputation, Love and Death and the fable of the Salmon and the Dog-fish is, I suggest, to overlook the playwright's role as a social and political searchlight, and to circumscribe his influence to that of a tame dancing master. Similarly, Jardine finds the moral message of Painter's *The Palace of Pleasure* to be "unequivocal, from the opening paragraphs of the tale" (120). While this is undoubtedly a matter of personal interpretation, once recognized, it is difficult to reconcile the two conflicting narratives which lend tension to the story in a fashion which does not indicate authorial subversion. Modern interpretations of such texts as Shakespeare's *The Merchant of Venice* tend to concentrate on the staged display of antisemitism and other forms of intolerance not as mere reflections of a society's bias, but as a teaching vehicle. The stage holds up a mirror which can encourage an imaginative identification with the unknown.⁷ While a successful playwright must primarily entertain, a play may also question boundaries and even push their limits. If this is recognised in Shakespeare, it should certainly be of equal validity in Webster. Jardine feels Webster's *Duchess of Malfi* reveals

⁷As an example of this type of treatment see Kate Taylor. "Brave, intelligent Merchant tackles anti-Semitism head-on." *Globe and Mail* Saturday, June 1, 1996, C2.

"an area of early modern social order in which *apparently*, although not actually, women had become frighteningly strong and independent, This is the idea of property inheritance and Land Law" (122). This focus is of major importance within the strategy of the play; my next chapter will discuss some of the contortions and upheavals forced upon the different courts of law by the gradual shift from a feudal and land-governed society to an expansionist and money-oriented culture. The dowry or marriage-portion of a woman of privilege became increasingly inflated and of greater importance as estates were whittled away. As Jardine says, "Female nobles and gentry do obtrude during this period in their capacity as carriers of inheritance." She continues, "Not that this gave them any *actual* power" (124). Jardine sees the play as the acting out of a taboo, which men perform amongst themselves to exorcise a perceived but illusory threat. The Duchess loses her lands and her autonomy because she is a loose woman. She would, of course, have lost them in any case, either to the control of her brothers or to a husband manipulated by her brothers. It is hardly a setting for tense drama if there is no conflict and little possibility of a dramatic exercise of will. The tragedy becomes much more intense if we recognize that Webster uses the stage to focus on the very dilemma he is purported to exorcise.

Highly significant, symbolically dense, the particular

"ceremonial form of law" in which the Duchess and Antonio are banished telescopes a great deal that cannot be stated overtly into mime and commentary (3.5). The audience will be alerted by what Leggatt terms "visual language" to invest particular significance in this "favourite device" of the dumb show (124). In considering similar techniques of spectacle and tableau employed in *The White Devil* Leggatt calls this technique an expressive way to convey meaning beyond the censure of words (124). Both church and state perform the act, embodied in the person of the Cardinal, who is ritually divested of his robes of holy office and reinvested in the "habit of a soldier." Sturgess sees this staging of ritual as a deliberate theatrical demystification, part of a general mood of antipathy to the Catholic church. It was reported as such by Orazio Busino "who came to England in 1617 as chaplain in the small train accompanying ambassador Piero Contarino" (Sturgess 110). Busino described this particular scene of the Cardinal's divestiture and concludes, "And all this was acted in condemnation of the grandeur of the Church, which they despise and which in this Kingdom they hate to death" (Sturgess 110). Placed now in the role of jury, "the audience is constantly invited to view, with judicious detachment, attempts by characters to dress up, glamorise or misrepresent the meaning of their actions, as does the Cardinal here" (112). This pervasive invitation to the

audience to adopt a juridical role can surely be extended to include a scrutiny of the ceremonial scapegoating of the Duchess as moral transgressor.

Sturges believes, because she is denied soliloquy, the Duchess is intended to be seen as morally culpable (121). Yet others speak on her behalf as they dare, considering the socially challenging tenor of her defence. The playwright frames the mime of banishment with the commentary of anonymous bystanders, a relatively neutral position, yet an important, legally valid act of witness and testimony and one that invites empathy from an audience placed in a similar role. The second Pilgrim sets the scene: "I expect/ A noble ceremony" (3.5.5-6). Yet an ironically ignoble mime follows: the Cardinal literally doffs his surface disguise as servant of God and dons his prior and more fitting role as ruthless soldier; the Duchess, with Antonio and their children, prevented from performing her pilgrimage, is banished in dumb-show by the Cardinal/soldier. This dark anti-ceremony at the shrine incorporates not only the de-frocking of a priest and the unsanctifying of a marriage but also the denial of pilgrimage. The Duchess anticipated on their wedding night that "the Church/ . . . must but echo this" (1.1.493-4), but the echo is a mocking inversion of sanctification underscored by a ludicrously laudatory "ditty" (which, perhaps significantly, even the author "disclaims . . . to

marrying beneath her but the Cardinal has been too harsh in his punishment. The dialogue which follows undermines the shaky foundation of an increasingly ambiguous stance. Empowered by the Church ceremonial and emboldened by the specious excuse of her moral culpability (based on that model of reason⁸ which has at its heart the assumption of female subjugation) the Cardinal has chosen to ignore the Duchess's claim to self-rule as a "free prince" in order to divest her of her rightfully held property. Under the ceremonial trimmings lies a possessive, vengeful greed which is clearly indicated by the links between Cardinal and war, Pope and seizure. Church and state have been dangerously elided until the boundaries conveniently disappear. The state of Ancona has no right to pass judgement on a free prince, the Pope has no right to seize the Duchess's property.

Traditionally the pilgrim wore a badge of pilgrimage which "provided the pilgrim with eye-catching proof of an accomplished pilgrimage and visible passports that helped ease his journeys" (Spencer 7). These "visible passports" were "generally thought of as secondary relics that exercised their own powerful magic" (Spencer 7). Amongst other benefits, the badges represented protection from

⁸The idea that "the law predominantly reflects the male model of moral reasoning" (811) is one which is comprehensively and lucidly explored in its historic and contemporary context by Professor of Law Kathleen Mahoney in "Theoretical Perspectives on Women's Rights and Strategies for their Implementation."

secular legal jurisdiction or seizure of lands during the pilgrim's travels.⁹ Since the whole course of the Duchess's actions follows a line of defense based on her right to be treated as an aristocrat we must ask here if Webster also intended her right as a pilgrim to be taken seriously. It would be a strategic coup to place oneself under the protection of a higher, spiritual court while positioning one's property beyond the grasp of temporal power. The Duchess responds to Bosola's proposal to "feign a pilgrimage" (3.2.307) by decisive action:

Prepare us instantly for our departure.

Past sorrows, let us moderately lament them,

For those to come, seek wisely to prevent them.

(3.2.319-321)

She "seeks wisely to prevent" both confiscation of her land and secular legal action. Her brothers perceive the defensive value of this move:

Cardinal: Doth she make religion her riding hood

⁹In *The Crusades: A Short History* Jonathan Riley-Smith confirms this sense of secular legal immunity:

It was the goal of Jerusalem, of course, that made the crusade a pilgrimage. There is no doubt that Urban preached it as a pilgrimage and that he extended the crusaders the privileges and practices of pilgrims: the protection of the church for crusaders and their property, and the public vow, similar to the pilgrimage vow, made by a crusader and signified by his wearing of a cross, which enabled some sort of control to be exercised over him, *since a pilgrim was treated in law as a temporary ecclesiastic, subject to Church courts [my italics].* (7)

To keep her from the sun and tempest?

Ferdinand: That-

That damns her. . . .

Card. I will instantly solicit the state of
Ancona

To have them banished. (3.2.59-61, 65-66)

By conflating church and state jurisdiction the brothers act in absolute contempt of both. Perhaps it is because of the Duchess's status as pilgrim that eventually the Pope, rather than the ruler of Ancona, seizes her dukedom "into th' protection of the Church" (3.4.31). In any case the Duchess is afforded the protection of neither secular nor spiritual court, an illustration of the lawlessness and godlessness of her opponents' actions. The Cardinal's symbolic gesture in unmarrying both himself from the Church and the Duchess from Antonio centres on another badge whose sanctity should signify respect and protection under the law--the marriage ring. His impious action betrays the suppressed violence which seeps through the play and lends such tension to the legal discourse:

1 Pil. What was it, with such violence he took
Off from her finger?

2 Pilg. 'Twas her wedding-ring,
Which he vowed shortly he would sacrifice
To his revenge. (3.4.35-38)

This rage barely contained foreshadows the explosion which

will engulf act 4 as Ferdinand offers the Duchess a dead man's hand which wears another wedding ring--supposedly Antonio's. The crucial questions are forcefully posed--What power? What justice? The audience is now perforce the "complete jury" who must "Deliver her conviction up i' th' court" (4.2.299-300).

The enclosure and containment of the Duchess is an appropriation of both physical body and tangible property. Like Church and state, the boundaries between body and property become blurred as an irrational desire to possess and dominate subsumes the right to human dignity and autonomy. Even in the fluid, feminized, sub-aqueous world of salmon and dogfish, where both are "sister[s]," the nets of the dominant order seek to contain, control and possess. Webster's play models the same perilous fluidity as the dialogue of reasoned legal defense is increasingly infiltrated by violent excess. The Duchess on trial becomes a troubled inquiry into the nature of ownership and the invisible assumptions which surround gendered possession--an inquiry which inevitably casts the viewer into a disturbingly judicial role.

Chapter 2

Behind the Traverse: An Audience in the Theatre of Law

Here is discovered, behind a traverse, the artificial figures of ANTONIO and his children, appearing as if they were dead. (4.1.55)

In Chapter One I looked at the audience as juror within the play; now I want to examine the larger significance of that role within its judicial framework and see how it transforms the performance. In this chapter I will discuss the weaving of the English common law from the different threads of Anglo-Saxon customary laws and Norman feudal laws and show how it formed the fabric of the culture from which both Webster and his audience were cut. My use of this metaphor of woven cloth is deliberate and intended to highlight the parallels I see between the ambience of the law as a judicial "traverse" which forms the cultural backdrop to the play and the manipulation of the traverse within the play. The emotionally charged tableau which is revealed "behind a traverse" in act 4 depends for effect upon its ability to influence the point of view of the Duchess and the attendant audience by misrepresentation, partial revelation and skilful deception. Just so, one might argue, is a jury exposed to argument and counter-argument concerning the judicial viability of a matter of

law. It may be relevant to consider at this point the legal definition of the term "traverse": "To contradict formally (a matter of fact alleged in the previous pleading); to deny at law" (OED). While Webster makes no direct reference to the shifting realities inherent in this term, it does gain resonance in conjunction with the theatrical setting. Providing a context as dramatic and changeable as any theatre, the historically constructed judicial traverse forms the theoretical backdrop to Webster's theatre; he was embedded in it, shaped by it, wrote to it, and constructed his audience from it.

Within theatrical parlance the traverse is a "curtain or screen placed crosswise, or drawn across a room, hall, or theatre; also, a partition of wood, a screen of lattice-work, or the like" (OED). Significantly, the traverse is the only stage device mentioned in the original text of the play; this occurs in the riveting tableau with which I began this chapter: "*Here is discovered, behind a traverse, the artificial figures of ANTONIO and his children, appearing as if they were dead*" (4.1.55). Webster's theatrical traverse works in counterpoint with the perceptions of the audience in the instance cited above. Its disclosures both highlight and disguise the action of the play. The audience is intended to see the artificial figures of Antonio and his children *who appear as if they were dead*; yet the conditional wording of the stage direction imposes several

layers of ambiguity and contradiction on what is already a filtered point of view. The Duchess "sees" the dead bodies of her husband and children; the audience accepts her view yet perceives that these bodies are "artificial" within the parameters of the play, while simultaneously understanding that "real" actors portray the wax figures of the characters they represent. Finally, the notion that the Duchess may also suspect that Antonio and the children are not yet dead, that this is, indeed, a theatrical spectacle created with supposedly wax figures, lingers in the text:

Bosola: He doth present you this sad spectacle,
That now you know directly they are dead.

. . . .

Duchess: . . . It wastes me more,
Than were't my picture, fashioned out of
wax. (4.1.57-8, 62-3)

A similar sense of allegation and contradiction resides in the judicial use of the word *traverse*--that the "truth" of any event shifts and slides as perspective and persuasive argument dictate is both a notion exploited in the theatre and a central dynamic in the courts of law. The theatrical *traverse* is effective because what will be seen, what will be heard and what will be only imagined, all can be manipulated through the medium of the *traverse*. The judicial *traverse* represents the very fabric of the law: woven with ambiguous language and hung with magnificent

illusion it can be manipulated, highlighted and repositioned in order to achieve an effect upon its audience of jurors and judges.

In order to understand text and audience in terms of the fabric of a trial there are things we need to know about the development of English law, about Webster's particular story and his pivotal involvement in the Inns of Court, and about some of the key legislators who helped formulate the legal dialogue. This chapter explores these historical elements and their resonance in Webster's work. The ambience of the law not only pervades the play but also fashioned its author and his audience. Antonio's tribute to the Duchess might also be applied to Webster's genesis which "stains the time past; lights the time to come" (1.1.219). Its centrality cannot be appreciated fully without examination of the weft and warp of its legal-historical context. John Webster wrote for an audience he conceived in judicial terms, drawn from elements in his own past experience and projected onto future performances of his play. My argument is in fact a circular one--the ambience of the late sixteenth and early seventeenth century Inns of Court created a distinctive environment which nourished the creative talents of men such as John Webster; his text is permeated by the sense of legal discourse which evolved out of this environment; his conception of his audience relates directly to and is patterned upon the legal community. Thus

the text is a consequence of Webster's immersion in the Inns of Court, and is directed towards an audience which is itself a product of Webster's mind and which inhabits a theoretical Middle Temple where the concepts of possession and reputation are constantly under debate against the shifting curtain of the law. Webster's plays reverberate with legal cadence--inversely, the spectacle of theatre permeates British jurisprudence. Just as the playwright arranges the theatrical traverse to suit his purpose, so the legal community legislates the judicial traverse by the same fluid principle.

The primary pattern of this tapestry is that of the court of law. The first court of the common law evolved from local customary laws of the Anglo-Saxons and the feudal law of the Normans and was "common" to all of England. The concept of law in Anglo-Saxon times focused rather less on issues of land ownership and personal control and centred more on a collective good which considered individual crime to be an offence against the community. There were no courts or professional lawyers; the enforcement of the rule of law was both informal and communal and depended upon honour, reputation and a person's word. This vestigial concept gains considerable pertinence in Webster's deployment of fable and morality tale in the play. Also relevant is the problematic Anglo-Saxon custom of female inheritance: land was usually divided equally amongst all

the sons, but it could be divided amongst daughters as well.¹⁰ An example is Shakespeare's *King Lear* which is set in Anglo-Saxon times and examines what happens when land is parcelled out amongst three daughters before the death of the father.

Only after the Norman Conquest and under Norman influence did the English common law slowly develop; with it the rule of primogeniture was instituted, undermining the Anglo-Saxon regard for female inheritance.¹¹ A gradual blend of Anglo-Saxon custom and Norman law produced the feudal system whose structure was governed by the common law. "In the history of English law, property and personal status have been closely linked," states Lee Holcombe (3). Much of the substance of the law in Jacobean context is concerned with property and reputation--protection of proprietary rights and duties, control over inheritance and title transfer, and maintenance of the power which ownership bestows. The law as it had evolved in the early seventeenth

¹⁰ Baker discusses this custom in more detail in his section on "The Law of Inheritance" (303-307): he says, "The usual custom of succession before the Norman conquest seems to have been coparcenary, or inheritance by all the sons or daughters of the deceased" (306).

¹¹By the customary law of both England and Normandy all land became forfeit to the conqueror, William, and from the premise that all land was held of the king, the general theory of tenure developed in this hierarchical model (Digby 27-29). In 1130, the right of female inheritance was changed by the king on the advice of his barons and the rule of primogeniture became general (except in Kent)--the whole of any estate passing to the eldest son (Digby 38).

century was a complex and ongoing discussion and interpretation of precedent, a model which is closely paralleled in *The Duchess of Malfi*.

Within the overall pattern of the courts of law there would evolve four separate bodies of law administered in different sets of courts: the common law courts, the equity court, the ecclesiastical courts, and the maritime law court. During the reign of James I the administration of law was centred in the three superior courts of the common law. Based in London at Westminster Hall these were the Court of King's Bench, the Court of Common Pleas and the Court of the Exchequer. Administered by royally appointed judges and local justices of the peace, these common law courts dealt with tangible property in the form of land and personal chattels: things that could be physically possessed. The chief justices of these courts also sat in the House of Lords. Practising in the common-law courts were lawyers trained and called to the bar by the four ancient Inns of Court: Gray's Inn, Middle Temple, Lincoln's Inn, and the Inner Temple (Holcombe 9-10). It is probable that John Webster was admitted to the Middle Temple on 1 August 1598, although he was never called to the bar (Bradbrook 28). During the first decade of the Jacobean reign there was a dramatic acceleration in the matriculation of eager and ambitious lawyers, contributing to an oversupply of professional graduates who fought for

patronage and preferment and became the "alienated intellectuals" of early Stuart England (Slavin 234). It was in this ferment of showmanship and verbal dexterity that Webster began his apprenticeship as playwright--a training so influential that it would dominate his patterns of thought.

The three courts of the common law "existed side by side in jealous isolation" (Elton 150). The system had "major drawbacks," continues Elton, "For one thing, the law had ossified, in the sense that by the late fifteenth century it was difficult to provide new remedies for new ills. . . . For another, the procedure of the common law often worked against the true interests of justice; and it was this second deficiency which particularly called for reform" (150-151). This resulted in the growth of new courts to "help the deficiencies of the common law" (152). The most important was the Court of Chancery which traced its origins to pre-common law times when suitors turned to the king's mercy to alleviate their conditions. Originally the court dealt in matters outside the scope of the common law, including maritime and ecclesiastical problems, but in the sixteenth century these two latter were placed in their own courts.¹² Chancery dealt "in the needs of men which

¹²The ecclesiastical courts of the bishops were based upon even more ancient Roman Civil Law and upon canon law. The courts exercised authority over the clergy of the Established Church and held exclusive jurisdiction in all matrimonial causes, and all cases involving the will of persons deceased. In an English

the law, unchanging and rigid, refused to satisfy," says Elton, "It is for this reason that the law was given the name of equity. The chancellor applied the principles of natural justice, common sense and common fairness, and originally equity meant no more than that" (152). Equity offered to protect copyhold and enfeoffment to uses but was limited by the Statute of Uses of 1536. This Statute (which will be discussed in the context of wardship dealing) curtailed the setting up of trusts, called "uses," which had separated the legal and beneficial interests in lands, and had made it possible for landholders to avoid payment of feudal dues to the crown. Equity was administered by the Court of Chancery in London at Lincoln's Inn, and was headed by the Lord Chancellor (Holcombe 10-11).

To understand the tensions, rivalries and encroachments which animated the legal atmosphere of Webster's time it will be useful to consider in more detail the jurisdictions of the common law and equity courts. They were originally

setting the question of the validity of the Duchess's clandestine second marriage would devolve upon this court. The term probate comes from this court's claim to a share or tithe of a person's personal property even after death (unless a document disposing of these possessions could be proved in a Church court to exist). Webster makes reference to this custom in the play when Bosola remarks that princes are as likely to be motivated by greed as "meaner persons"--"the like passions sway them; the same reason that makes a vicar go to law for a tithe-pig and undo his neighbours makes them spoil a whole province and batter down goodly cities with a cannon" (2.1.111-115).

The court of maritime law was relatively narrow and specialized. It was administered by the High Court Admiralty in London, borrowing quarters in the court of the Master of the Rolls.

intended to complement each other with equity as a sort of court of appeal to supplement the common law; the emergence of tensions between them at this period arose from disputes over the boundaries of jurisdiction. Says Elton, "The Elizabethan chancellors began the process by which equity, too, became a developed system of rules, principles and precedents supplementary to the law, and soon as rigid as its elder brother. Symbiosis assisted the survival of Chancery when, in the reign of James I, the Court of Common Pleas (led by Sir Edward Coke) tried to destroy this rival jurisdiction" (153-4). Here is one source for the legal ambiguity apparent in Webster's text, and here is the impetus for the flamboyant performance of such central legal figures as Sir Edward Coke, who will figure largely in the judicial setting which forms the backdrop to Webster's play. It is in the ill-defined overlay of these two domains that the struggle for control of the Duchess's person and property is conducted. Royal control over wardships and marriage grew out of the Norman concept of feudal tenure by knight-service where the bestowal of large tracts of land involved an obligation of military service to the crown. When a tenant died, and the heir was a child, the overlord obtained "wardship of the body" or control of both land and child in order to ensure that feudal dues were honoured and appropriate unions forged. The king, as supreme landholder, was ultimate beneficiary of these dues. As feudal realities

receded, dealing in wardships became a profitable method of financing the royal exchequer. With the dissolution of the monasteries in 1535-40 the king found a way to increase the royal income: bestowal of monastic lands required the recipient to supply knight-service to the crown, a duty which had come to signify control over wardships and marriage. The Statute of Uses of 1536, the Statute of Wills of 1540 and the statute establishing the Court of Wards of 1540 were all designed to curb the efforts of landholders to evade the feudal dues which brought so much profit to the crown. By the early seventeenth century there was a strong demand for the abolition of feudal wardships and their long-standing abuse. By 1610 the Great Contract was under debate whereby, in return for the abolition of feudal wardships, Parliament would grant an annual income to the king. The move did not succeed, ending in bitterness on 9 February 1611 when James dissolved Parliament and the chance for reform collapsed.¹³ Underlying the struggle for control of the Duchess's property then, lies the whole issue of wardship--dealing in the lives of women and children for the ultimate profit of the crown. This bitterly debated question would be fresh in the minds of Webster's audience and, while it would be unpolitic to discuss the issue

¹³ For a full discussion of the issue of wardships see Joel Hurstfield's *The Queen's Wards: Wardship and Marriage under Elizabeth I.*

directly, it would certainly colour the response to a theatrical representation of the freedom to self-ownership.

As in the tale of *The Salmon and the Dogfish*, Webster's Duchess appears caught in tangled threads of contradictory legal precedent, where each perspective on her status seemed to offer the least beneficial interpretation. A widow, she should have absolute control over at least a third of her deceased husband's estate, more if he had specified so at the time of their marriage (Spring 40); a princely being, she should enjoy all the prerogatives due a noble person. These positions are constantly undercut by her overriding state of womanhood and even here, where she might expect the protection of a male relative in the person of Ferdinand, the intervention of the church embodied in the Cardinal, or the grace of majesty represented by the state of Ancona, the idea that she has wilfully chosen and secretly married her legal partner places her beyond the pale, in a social wilderness where only revenge and punishment may exercise authority. If I may return to the metaphor of the traverse, her skilful arguments render transparent the hangings of justice to reveal the frayed knots of its fabrication.

So far I have argued that Webster's play contains many elements couched in legal cadence and echoing judicial questions concerning women and their freedom to control property and exercise autonomy. I do not suggest that he is some form of anachronistic closet feminist by any means;

however, I believe that his was a remarkable ability to encompass within his plays encoded transcriptions of the complex and conflicting multiplicity of legal dialogue as he observed it, and that this gift of discernment was in large part responsible for his own enduring reputation. I would like to establish the care with which Webster wrote his plays in order to support my contention that *The Duchess of Malfi* was intended to encourage juridical debate in the minds of its audience. Webster himself, in his introduction to *The White Devil*, had this vision of his work:

To those who report I was a long time in finishing this tragedy, I confess, I do not write with a goose quill winged with two feathers; and if they will needs make it my fault, I must answer them with that of Euripides to Alcestides, a tragic writer. Alcestides objecting that Euripides had only, in three days, composed three verses, whereas himself had written three hundred, "Thou tellest truth," quoth he, "but here's the difference,--thine shall only be read for three days, whereas mine shall continue three ages."

(To The Reader)

A playwright of Webster's calibre, a master weaver who crafts his work slowly, carefully, even painfully, will strive to observe and record phenomena in their complex entirety with a view to successive generations of audience

and readers. That complexity is not intended to yield to the cursory glance; indeed, the playwright may not comprehend or even anticipate the full import of each circumstance. It is Webster's brilliance and a measure of his craft that his insights are transferred intact to the stage. On stage they may be cloaked in modest garb, masked by a trope, painted with metaphor, but at the centre of each recreated moment rests the complex perspective from which it evolved. Following in this line of argument, I would like to discuss what is known about the playwright in his own experience of London life, how we know this, and how this method of minute analysis and informed conjecture may be applied to the play itself to uncover echoes of themes and events which would have affected the writer.

Appropriately, much of the biographical information we have on the playwright John Webster comes from legal documents of the time. The technique I am following in my examination of the play and its context relies heavily on untangling clues, codes and comments, in the hope that careful examination will reveal a fleeting glimpse of the wider scene of Webster's times. The details to be gleaned from contemporary events and the play's publication history are the result of relatively recent and intensive analyses of obscure documents. In some instances the synthesis of detail has given a remarkable opportunity to experience a partial vision of how he might have lived, how he might have

laboured, how he might have experienced his work. As an exemplum for this type of investigation I would like to discuss the searches that have been conducted with such painstaking care to tell us what little we are able to assert about the experience of a Jacobean playwright named John Webster.

Authors were a notoriously litigious lot, and their unwitting paper trail through the courts has provided a rich source of information for posterity. In 1958 F.L. Lucas lamented that less was known of Webster than of Greek dramatists two thousand years before (9); yet by 1976 Mary Edmond exulted:

Now, at long last, it has been discovered that his father John and brother Edward were leading figures in the enormous London parish of St. Sepulchre-without-Newgate. John was one of the six Common Councilmen of the parish, and Edward later a constable of the ward; and both were in the important and rapidly developing road transport business, as makers, sellers and hirers of carts, wagons and coaches. Thus a reference in 1617 by Henry Fitzgeffrey to "Crabbed (*Websterio*)/ *The Play-wright, Cart-wright . . .*", hitherto interpreted as being no more than a condemnation of the dramatist's lumbering and laborious workmanship, takes on a quite new significance.

So also do the lines written about 1632 by William Heminges [in his mock-elegy to the severed little finger of poet and playwright Thomas Randolph]:

That wch soe ofte has tumbled ore a Verse
Is tumbled now ytt selfe Into a hearse,
Borne to yttes graue, by Art Inuention
Thrice blessed Nature, Imitation.

Ytt had byn drawne and wee In state aproche
but websters brother would nott lend a Coach:
Hee swore that all weare hired to Conuey
The Malfy dutches sadly on her way

(Edmond *TLS* December 24 1976, p.1621)

Edmond bases her evidence concerning Webster's life and circumstances on such documents as "a Star Chamber suit of February 1620/1, in which the defendants include Edward Webster," and three documents which Webster senior signed as Common Councilman of his parish, two in 1605, and one in 1608. The third document is of particular interest as it includes the signature of John Okes, father of Nicholas Okes, the stationer who printed the first edition quarto of *The Duchess of Malfi* in 1623. Through entries concerning Edward in Bart's Journal 4 Edmond is also able to "place the Webster household precisely: on the east side of Cow Lane and north-west corner of Hosier Lane, with the yard and workshop running eastwards up the latter; they also show that William White, stationer, lived next door" (Edmond,

p.1622). Edmond believes that Edward continued the running of the family business at the same premises from the time of the father's death. In the wills of two neighbours, Thomas Andrewe (1614) and Margery Pate (1617), Edmond finds evidence that playwright John Webster married Sara Peniall, daughter of a saddler, and that they had several children: Elizabeth, Sara, John (whose baptism is recorded on the register of St. Dunstan-in-the-West in Fleet Street, on May 8, 1606), and "the rest of Webster's Children" (Edmond, p.1622, Mark Eccles *TLS* January 21 1977 p.71). Webster understood the role of the gentle parent for echoes of tenderness emerge in the attitude of both Antonio and the Duchess to their stage children. In bidding his wife farewell Antonio does not forget his younger children: "If I do never see thee more," he tells the Duchess, "Be a good mother to your little ones,/ And save them from the tiger" (3.5.82-83).

Webster's death is placed somewhere between 1632 (based on the previously quoted Heminges reference) and November 7, 1634 when Heywood's *Hierarchie of the blessed Angells* refers to both Webster and Fletcher in the past tense - "neither was but Iacke" (both were always called by that nickname, says Edmond). Regarding the influence of Webster's parents, in discussion with Mark Eccles, Edmond confirms:

John Webster married Elizabeth Coates at St.

Giles, Cripplegate, on November 4, 1577. . . . It

is clear that this is the marriage of the playwright's parents. . . . Webster senior had dealings with theatre people as early as the 1590s; and it is quite probable that his son, like Jonson, began his theatrical career as a player. Assuming now that he was born in 1578 or not long after-the eldest son of a family was customarily given his father's name-he could still be the Webster who was in Cassel in 1596.

(Edmond, *TLS* March 11 1977, p.272)

"The Webster who was in Cassel" was a player touring in Germany with Browne's Anglo-German group. There has been some argument over the identity of this player; Edmond concludes that it was indeed John Webster playwright who began his dramatic apprenticeship as an actor on the stage for which he would later write. On the other hand, Muriel Bradbrook devotes a whole chapter of her *John Webster* to tracing his contacts with the Inns of Court, based on the record of a John Webster who was admitted to the Middle Temple from New Inn on 1 August 1598 ¹⁴ (28-46). Bradbrook is most convincing. She notes "Webster's preoccupation with trial scenes is continuous," and cites climactic scenes in *Sir Thomas Wyatt*, *The White Devil*, *The Devil's Law Case*, and

¹⁴Although Bradbrook gives the date as Oct. 1597 in her Table of Dates (xi) Forker concurs with the date of August 1598 (40).

Appius and Virginia (28). It is curious that neither Bradbrook nor other Webster scholars comment on the strong sense of trial which permeates *The Duchess of Malfi*. As I have argued, this play seems to capture a more profound and pervasive judicial tone; certainly, the discussion of his other works in legal terms serves to reinforce my own perception of the nature of argument portrayed in *The Duchess*. While Webster may have begun his career as a touring player, and probably had theatrical contacts from an early age through his father, it seems plausible that he was also steeped in legal tradition, given his fascination with the law. The equation of the theatre with the Inns of Court has been discussed by Finkelppearl in *John Marston of the Middle Temple*, by Forker (39-56) and by Bradbrook in her chapter "The Middle Temple: a Literary Centre." The parallels are evident, but few have been drawn with *The Duchess of Malfi*. My own contention is that *The Duchess of Malfi* is a skilfully veiled and daringly ambitious analogue of the legal trial and defence of and by a woman; an analogue drawn from the playwright's own experience of the Inns of Court.

Edmond's careful sifting of documents of the period has helped later biographers construct a shadow picture of the life of the playwright in the context of family and associates. It is this minute analysis and synthesis of text and document which can recreate the past with vivid

immediacy. The personal and professional circumstances of John Webster, Jacobean playwright, flicker past like faded film images. The happy union of law and theatre which his plays so ably demonstrate seems rooted in this experience.

The audience inhabits the intersection of law and theatre, playwright and spectacle. It is useful to look at the lineage of audience itself: in archaic use audience had the legal sense of a "judicial hearing" (OED). Therefore the audience has always been granted an active part in theatre and court, not only reactive but also proactive. Gurr draws attention to the sensory distinction between audience (hear) and spectator (see). He records, "Every time Jonson called his audience 'spectators', as he almost invariably did, he was covertly sneering at the debased preference for stage spectacle rather than the poetic 'soul' of the play" (85). Perhaps here in Jonson's usage is a reason for that uncomfortable dichotomy in Webster's play between sophisticated legal argument and violent spectacle. Gurr also comments "English lacks an adequate word for the feast of the senses which playgoing ought to provide" (85). Nonetheless, for our purposes, *audience* is an excellent term for the active participation which is required by *The Duchess of Malfi*. Audience involvement ensures that what takes place is always in the nature of a public act rather than a private revenge. Even the terms Webster employs evoke a judicial stance, a sense of public witness, of

complicity or outrage. A member of the audience cannot be in a neutral position--a circumstance which the playwright exploits brilliantly.

That Webster's writing was intended for a discerning audience is made abundantly clear by the playwright himself. His introduction to *The Devil's Law-Case* is addressed To The Judicious Reader and trusts that "this play will ingeniously acquit itself" (7). When *The White Devil* failed in its initial presentation by Queen Anne's Men in 1612 Webster blamed not the actors, but the season, the playhouse (the Red Bull) and the audience. His address To The Reader contains a sour apology:

. . . since it was acted in so dull a time of winter, presented in so open and black a theatre, that it wanted (that which is the only grace and setting of a tragedy) a full and understanding auditory; and that, since that time, I have noted most of the people that come to the playhouse resemble those ignorant asses who, visiting stationers' shops, their use is not to inquire for good books but new books. (432)

The unwritten contract with the audience is crucial for "the breath that comes from the uncapable multitude is able to poison [the play]" (432). It is noteworthy that Webster addressed no comments to his audience or readers in *The Duchess of Malfi* perhaps trusting his own epigram:

Integrity of life is fame's best friend,
Which nobly, beyond death, shall crown the end.

(5.5.120-121)

This couplet contains a complex message, part of Webster's "consciously divisive way" in the use of allusion according to Gurr (98). There is a similar allusion in *Monuments of Honour* (which Webster composed in 1624) in his memorial for Prince Henry. Gurr attributes this allusion "quite unambiguously to the opening of Horace's ode, Book I, no.22" (83). The significant connection is that Horace "says that a pure life will keep a man immune from mortal harm since not even a wolf will attack a man possessed of *integer vitae*." Gurr, of course, notes Ferdinand's lycanthropy, and since the Duchess dies by his instigation "she could hardly have been possessed of the true integrity of life which Horace was writing about" (84). This is very sophisticated double dealing indeed, intended for an intellectual elite, and not, I think, meant as the final word on the Duchess, but more as a shifting of responsibility to the learned audience to reflect carefully on the complexity of the issues under discussion. In commenting on the initial failure of *The White Devil* Leggatt suggests, "The story was not properly told until it was generalized in a clear and satisfying way, creating a sense of community between stage and audience, relating the story to a world of agreed truth." He notes "Webster's refusal

to work this way" (128). As I have already maintained, Webster's desire to disrupt the "world of agreed truth" would work directly against this reading. What may be seen as a failure can also contain the seeds of his greatest triumph. Sturgess says "Disjunction, not continuity is at the centre of both Webster's spiritual vision ("the perspective that shows us hell") and his practical stagecraft" (105). Forker talks of Webster's peculiar use of discontinuity in the masque and reflects on "the same collision of the ceremonial and the disruptive (put now to tragic uses) that the dramatist could have observed or taken part in at the Middle Temple" (51).

This brings me back to my original hypothesis, that Webster's experience in the Inns of Court was one of immersion in an immensely theatrical and literary milieu, one in which the details of daily life were enacted in the form of a constantly evolving drama, and one in which the participants were not only each other's scripted actors but also an appreciative and highly literate audience. Indeed, Finkelpearl suggests that the men at the Inns also "provided a significant part of the audience at playhouses" (27). Their omnipresence serves as analogue for the elision between law and drama so compellingly captured in Webster's play. Discussing the literary circles within the Inns of Court, Finkelpearl wishes "to know more about the laws and life of such a powerful government:"

To assess the degree to which this work was rooted in its milieu, how far it was designed for an audience with special or parochial concerns. This is particularly important in dealing with the drama, that most social of literary forms, where, without the response of the audience and the voices of the actors, we are constantly in danger of misinterpreting tone and meaning. (31)

Webster's notable duality of focus can, I believe, be attributed to that interior audience which had shaped his patterns of thought at the Middle Temple and now inhabited his head. It is to them that he directs his "consciously divisive" (Gurr 98) classical allusions, for them he poses the conundrums and paradoxes of the Duchess's legal status, in them he trusts to receive a just hearing and an informed interpretation.

To this point we have discussed the legal historical aspects of Webster's era as a complex tapestry which functions both as backdrop and filter for the text of the play. We have seen how the audience is intricately woven into the cloth. The next stage, and one important to the idea of complex interweaving, is to identify the public figure as part of that fabric. Blazoned into the design, dominant presences and dominant events enriched the notion of trial in the minds of the contemporary audience and re-emerge under modern scrutiny.

Sir Edward Coke was a flamboyantly central legal figure at the Inns of Court. His forceful public presence dominated the texture of the Jacobean era and, I will argue in my next chapter, provided a template to the pattern of Ferdinand's character. Appointed Lord Chief Justice in 1613, the same year that *The Duchess of Malfi* was presented to the public, Coke led a life which was as passionately dramatic as any revenge tragedy. He was involved in an ongoing feud with Sir Francis Bacon, a constant challenger for Coke's position, who followed him up the judicial ladder.¹⁵ On behalf of the civil courts Coke conducted a vigorous dispute with the Archbishop of Canterbury, over the right of the ecclesiastical courts to use the rack and other forms of torture, and over the extent of that court's jurisdiction. As well, he argued with Lord Chancellor Ellesmere, disputing the province of the equity courts of Chancery; as I have suggested, these factional disputes lie behind Webster's appeal to the equitable jurisdiction of the audience. Coke had frequent conflicts with the king on the policy and legality of court measures, and over the question of whether royal proclamations were equal to acts of

¹⁵In *Francis Bacon: The History of a Character Assassination* Nieves Mathews passionately defends Bacon against his later detractors and contrasts specifically and frequently his "virtue, gentleness, peacefulness and patience" with "his rival Edward Coke, who (as Aubrey noted) 'would play his case as a cat with a mouse', and who bullied prisoners shamelessly while passing sentence" (14).

parliament.

Born in 1549, Edward Coke, became Solicitor General, then Attorney General, during the reign of Queen Elizabeth I, and finally Lord Chief Justice of the Court of King's Bench in the reign of James I. A public figure who appears to have been both admired and detested, Coke's presence would have been a dramatic highlight of the Inns of Court.¹⁶ As Attorney General, he conducted the prosecution against the Earl of Essex and the Earl of Southhampton on a charge of high treason with "much virulence and cruelty," as his interpreter, Coventry, puts it (xxi). A few years later, on the 17th November 1603, he prosecuted Sir Walter Raleigh and others for treason in what was termed The Cobham Plot to overthrow James in favour of Lady Arabella Stuart. Coventry alleges, "It is scarcely possible to convey an idea of the rancorous abuse which the intemperate Attorney gave way to on this occasion" (xxiv). One of Coke's last judicial acts was the trial of Mrs. Turner for the murder of Sir Thomas Overbury. Coventry reports;

The labyrinth of guilt he carefully unravelled,
and pursued his scrutiny with great industry and
severity; even his great rival Bacon, then

¹⁶Within the literary confines of my thesis I do not pretend to present a fully-rounded, balanced portrait of Sir Edward Coke nor of his influence as a legislator. It is his centrality to the Inns of Court, his theatricality, and the remarkable cadences of his legal jousting with Raleigh which interest me and which I have borrowed to illuminate portions of Webster's text.

Attorney general, paid him many high compliments on the efficacy of his searching examinations. It is, however, lamentable to relate the unbecoming language which the Chief Justice still thought proper to indulge in against the prisoner. He told her she was guilty of the seven deadly sins, that she was a whore, a bawd, a sorcerer, a witch, a papist, a felon, and a murderer. It is scarcely necessary to add that she was condemned and executed, though the prime movers of the murder, the Earl and Countess of Somerset, escaped with their lives. (xxxvi)

It takes little imagination to transfer this florid extravaganza intact to the Jacobean stage. Coke was a product of the glorious riot of the Inns of Court which inspired so much creative energy and intellectual ferment in its members and associates. Speaking of the social and cultural centrality of the Inns in the late sixteenth century, Finkelpearl writes:

During this period the Inns produced Bacon and Coke, two of the greatest lawyers in English history, housed during some of his most productive years at least one great poet, Donne, and contained the best educated and liveliest society in London. Damnation was possible there, but so also was a rich and multifarious education.

(17-18)

Coke's role in this "rich and multifarious" tapestry provoked critical public repercussions and, as we shall see in Chapter 3, was woven centrally into Webster's plot. Finally, in 1616 Coke was discharged, hustled out of office on several charges, the most trivial of which seems to be that he presumed "to allow his coachman to drive him bareheaded" (Coventry xxxvii). In his 75th year Coke wrote his Commentary on Littleton, the first of a three part work on The Institutes of the Laws of England. It was published in 1628. His interpretation of the law was authoritative; his performance of judicial majesty appears to have been commanding and colourful.

Coke is important to this discussion both because of his dominant public presence and because of his influential interpretation of the laws which formed the legal fabric of the play. A dominant influence on Coke was, of course, Littleton, whose own interpretation of the laws directly influenced Coke's work. As the fundamental legislator who grappled with the labyrinthine concepts of the law and attempted to make reason and order out of confusion and contradiction Sir Thomas Littleton is of consequence in our inquiry because his was the first printed record of the law of real property. This record was reinterpreted by Sir Edward Coke and became the foundation for all succeeding legal interpretations. Littleton was born at the beginning

of the 15th century and died in 1481.¹⁷ He studied in the Inner Temple, and eventually, in May 1455, was appointed one of the justices who rode the Northern, and staunchly Lancastrian, circuit under Henry 6th. The military part of feudal tenures was no longer enforced, but Littleton still had many other "cumbrous forms" to oversee. At that time, wills were not allowed for the inheritance of land, and the doctrine of uses and trusts had yet to be introduced. When the war between the houses of York and Lancaster erupted, Littleton found himself on the wrong side. However, he was pardoned by the new king Edward 4th, and was appointed one of the judges of the Court of Common Pleas in 1467. It was during this period that he compiled his text on the law of real property, the Treatise on Estates and Tenures, which he left as a bequest to his son Richard (who became a lawyer of great eminence in the reigns of Henry 7th and Henry 8th). The first printing press was set up in England at Westminster in 1476 and the first edition of Littleton appeared about 1481, printed by Lettou and Machlinia. As we have seen, this text printed on the first press in England was of major significance in the standardization of legal

¹⁷Littleton's mother, Elizabeth Littleton, owned considerable landed estates from both her mother and her father. The estates were entailed on the issue of her marriage, who, it was stipulated, should bear the name and arms of her paternal ancestors, the Littletons. Her eldest son Thomas therefore, inherited not only his mother's family's estates, but also her name. This was an accepted procedure, in the absence of a male heir, to keep land consolidated and perpetuate a family name.

precedent. It was written in Law French, a wrenched patois somewhat like Franglais, as this was the language then employed by the courts. Sir Edward Coke published his commentary on Littleton's text in an English translation in 1628. Coke described Littleton's work as "the ornament of common law, and the most perfect work that ever was written in any human science" (Coventry ix-xv). Littleton made visible some of the structures of English law. In doing so he helped create the public stage upon which Coke would play out his role as tragedian and avenger--a role which will be discussed in detail in my third section.

Like Coke, the proceedings of the English legal system were confrontational, argumentative, spectacular and elaborately discursive. It was a system based on feudal precedent which was no longer relevant, and above all it was intensely theatrical. Many of the questions which the "ceremonial form" of the law conceals in ritual, find their way onto the stage. Sir Edward Coke seems a fittingly theatrical embodiment of the male model of moral reasoning. As an exponent of the commodification of women, he is reported to have used his own daughter in a bid to regain royal favour after his dismissal as Lord Chief Justice "by forcing the unwilling girl, then aged fourteen, to marry the brother of the Duke of Buckingham, King James's special favorite" (Spring 177). While his professional demeanour, according to Coventry was highly-charged and floridly

pejorative, his was a crucial influence in the more public scandals of the time. As Bradbrook so succinctly remarks: "The practice of law, involving an art of performance, is fenced and safeguarded by ritual and ceremony" (45). Coke seems to have played his starring role in the performance with verve and panache.

To summarise, Webster's background at the Inns of Court shaped both text and audience for *The Duchess of Malfi* in a complex weaving of theatrical and judicial traditions. The theatrical aspects of the law, the legal aspects of the drama--their nexus in *The Duchess* inevitably contains echoes and shadows of scandals long past, of assumptions and injustices, of schemes for precedence, of women of property who were themselves regarded as property, of exponents of the law who concealed far more than they revealed. Ritual and ceremony figure largely in the public performance of possession and reputation, and Webster spins the threads of his experience at the Inns of Court to craft a vivid tapestry. Webster's plays are not open-ended, nor are they comforting reflections of popular morality. What they appear to be are dynamic engagements with an audience that is expected to be as active as any other participant in the drama. In this perception each enactment is a new trial, not so much of the Duchess, as of the audience.

Chapter 3

Scandal and Spectacle in the Theatre of Hell

2 *Mad.* Hell is a mere glass-house, where the devils are continually blowing up women's souls on hollow irons, and the fire never goes out.

(4.2.77-79)

The eternal game has already begun: the torture of the execution anticipates the punishment of the beyond; it shows what they are; it is the theatre of hell.

(Foucault 46)

In the last chapter I established Webster's involvement with the law, both through historical record and strong themes which recur in his writing, and suggested that the notion of judicial audience forms a crucial component in our approach to his text. This chapter is more hypothetical. I will examine the manner in which Webster's observation of public spectacle might be revealed in individual characterization; as an enlargement of this argument, I will discuss how reputation, or, more accurately "fame," is constructed and judged through public performance. Certain indications within the text invite the reader into the domain of the conceivable; it is an invitation with increasingly speculative possibilities, but one which I hope will justify the leap of faith required.

Foucault's vivid metaphor for what he describes as the "ceremonies by which power is manifested" (47) resonates evocatively with the Madman's ravings. As well, Ferdinand's questions expand the uneasy imagery: "Did any ceremonial form of law/ Doom her to not-being?" . . . "Where shalt thou find this judgement registered/ Unless in hell?" (4.2.297-302). Foucault discusses the public witness of physical torture and delayed death as an expiation for and reproduction of transgression. The metaphor of fragile blown glass used by the Second Madman evokes even more brilliantly the equation of display and torture; he describes women's souls as transparent glass baubles, expanded and refined in the furnaces of hell. The imagery suggests possessions, invisible as clear glass in themselves, yet available to public scrutiny for embellishment and exhibition in the ceremonies of domination. This image has close significance for the Duchess both spiritually and physically; Bosola has already drawn the parallel in speculating on her pregnancy:

Bos. And it was only to know what strange instrument it was, should swell up a glass to the fashion of a woman's belly.

Old [Lady]. I will hear no more of the glass-house, you are still abusing women!

(2.2.8-12)

The notion of torture and invisibility coupled with intense

scrutiny convey much of the sensation of the protagonist at the centre of a public trial. As I have argued in the preceding chapter, Foucault finds the audience as witness to be the key to the performance of power:

It is internal to the public execution itself: at once an element of its functioning and the principle of its perpetual disorder.

In the ceremonies of public execution, the main character was the people, whose real and immediate presence was required for the performance. (57-8)

In his chapter "The Spectacle of the Scaffold" Foucault is interested in the theatrical staging of punishment as a tool for control and indoctrination; my interest lies in the theatre itself and how the ordeal of public spectacle may infiltrate the drama and be reflected back through the medium of the audience.

I suggested in my first chapter that there was a close link between Ferdinand and the law. Now I intend to demonstrate the way in which Sir Edward Coke's performance of his public role as Attorney General may have affected elements in Webster's play, such as the characterization of Ferdinand; I will join this hypotheses to my contention that there are many elements related to Raleigh's recorded deportment at his 1603 trial for treason which could have echoes within the play, particularly in the Duchess's portrayal. While this approach is purely speculative, a

comparison of the two trials, one on the court's stage, the other in the stage's court, reveals suggestive analogies. Webster's probable close ties to the Inns of Court provided ready opportunity to observe Sir Edward Coke in full oratorical flower; Raleigh also was a resident of the Middle Temple (although he had no intention of studying) (Bradbrook 29); therefore, it seems entirely possible that Webster would follow the treason trial with great interest, and that he would be as deeply impressed by Coke's aggressive attack and Raleigh's composed deportment as other observers were reported to be (Greenblatt *Raleigh* Ch.4). Coke was an acknowledged presence in the public mind; Raleigh's trial was a public event of which any person would be aware--it seems reasonable to assume that these public performances could affect elements of the theatrical performance.

The Tragedy of the Duchess of Malfi decidedly is not a thinly-veiled lampoon of the Attorney General, nor is it an attempt to retell Raleigh's story, however well-disguised; it can be seen, however, as an entirely original, masterly, recreation of those two styles of public presence. While my focus, therefore, is on the cadences and patterns of individual character, within the play there can be found a direct parallel between the two performances (Dent 228-9):

Ferdinand. . . . Where are your cubs?

Duchess. Whom?

Ferdinand. Call them your children;

For though our national law distinguish bastards,
 From true legitimate issue, compassionate nature
 Makes them all equal.

Duchess. Do you visit me for this?

You violate a sacrament o'th' Church

Shall make you howl in hell for't. (4.1.33-40)

Several remarkable correspondences are discernable in this passage. First, Dent points out, "Ferdinand's word must have run familiarly in many ears. In Raleigh's 1603 trial, the conspirators were charged with having said 'there would never be a good world in *England*, till the King and his Cubs (meaning his Royall issue) were taken away . . .'" (229). Dent finds no reference to the use of the term "Cubs" in this derogatory sense in anything published prior to Webster's play. It seems a point which substantiates the striking effect of both context and remark in the playwright's memory. Secondly, the Duchess's response to Ferdinand's attack contains many of the elements so admired in Raleigh's behaviour:

In the face of the vindictive attacks of Edward Coke, the attorney general, Raleigh maintained a quiet dignity, asserting his innocence firmly yet without arrogance, patiently requesting his legal rights and pointing out distortions in the state's case against him, refusing to beg abjectly for his life or to humble himself before his accusers and

the king.

(Greenblatt *Raleigh* 117)

In just the same manner we find the Duchess conducts her own dignified defence: in the passage quoted she points out the injustice of Ferdinand's slur upon her children, reaffirms the legitimacy of her second marriage, and refuses to be intimidated by her brother's aggressive attack. Ferdinand's staged horrors, which target the sanity of his sister, take resonance from Coke's attempts to unsettle Raleigh:

Again and again, Coke attempted to move the accused in some way, either to anger or outrage or self-pity or fear, but Raleigh steadfastly remained calm and self-controlled.

(Greenblatt *Raleigh* 117)

Coke's public presence is that of outraged scourge who takes the moral high ground by storm and permits himself all manner of excess. He berates Raleigh:

Thou art a monster, thou hast an English face, but a Spanish heart.... and thyself art a spider of hell.

And later:

Thou art the most vile and execrable traitor that ever lived.

(Coventry xxv, xxvi)

Coke's words betray a self-indulgent pleasure in hyperbole and melodramatic imagery; in other words, they disclose more

about the nature of Coke than about the presumed guilt of Raleigh. Compare them in terms of cadence and imagery with Antonio's exposition of the character of Ferdinand:

Antonio. The Duke there? A most perverse and
turbulent nature;

What appears in him mirth is merely outside.

If he laughs heartily, it is to laugh

All honesty out of fashion.

Delio. Twins?

Antonio. In quality.

He 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.

Delio. Then the law to him

Is like a foul black cobweb to a spider;

He makes it his dwelling, and a prison

To entangle those shall feed him. (1.1.179-190)

The sense of "entrapment," of "hearsay" and "entanglement" established within the play might be transposed to Raleigh's words to Coke:

If you proceed to condemn me by bare inferences,
without an oath, without a subscription, without
witness, upon a paper accusation, you try me by

the Spanish inquisition. (Greenblatt *Raleigh* 118)

Or did the Duchess respond on his behalf?

Persuade a wretch that's broke upon the wheel
 To have all his bones new set: entreat him live,
 To be executed again. Who must dispatch me?
 I account this world a tedious theatre,
 For I do play a part in't 'gainst my will.

(4.1.80-84)

Certainly Webster reserved his harshest condemnations for those public figures who abused their power and privilege. Bosola characterizes an "eminent courtier" as a "nightcap" (a lawyer, referring to his coif) and describes him to Castruchio:

Let me see, you have a reasonable good face for't already, and your nightcap expresses your ears sufficient largely; I would have you learn to twirl the strings of your band with a good grace; and in a set speech, at th'end of every sentence, to hum, three or four times, or blow your nose, till it smart again, to recover your memory. When you come to be a president [chief magistrate] in criminal causes, if you smile upon a prisoner, hang him, but if you frown upon him and threaten him, let him be sure to 'scape the gallows.

(1.1.4-13)

Coke undoubtedly frowned upon and threatened Raleigh who did

indeed escape the gallows (instead he was imprisoned in the Tower of London until 1613). Webster's portrait of this public performance evinces both imbalance and a disturbing duplicity. Later in the same act Antonio tells the Duchess, "Ambition, madam, is the great man's madness,/ That is not kept in chains, and close-pent rooms,/ But in fair lightsome lodgings" (1.1.425-427). There are further associations between madness and the law in the "wild consort/ Of madmen" (4.2.1-2) who trouble the Duchess on her brother's orders. Included amongst their number are "a mad lawyer, and a secular priest" (4.2.45); their bitter comments on the law reveal the caustic danger of misuse:

1 *Mad.* Come on sir, I will lay the law to you.

2 *Mad.* Oh, rather lay a corrosive; the law will
eat to the bone. (4.2.93-95)

It is Ferdinand's ambition and his insane desire for possession of his sister which eat to the bone and corrode the integrity of the law. Coke, the supremely eminent legislator, while neither insane nor criminally dishonest, does seem to have pursued his opponents at law with a single-minded passion which verged on the obsessional. In proposing Coke as a model for Ferdinand I see in the shared ferocity of attack the parallels which Webster may have desired to incorporate.

In prosecuting Raleigh, Coke warned him, "I will prove you to be the most notorious traitor that ever came to the

bar I will charge you with the words." Raleigh rejoins, "Your words cannot condemn me; my innocency is my defence. I pray you go to your proofs" (in Greenblatt *Raleigh* 117). His subsequent performance of innocence was so convincing that, as Greenblatt records:

A Scotsman, commissioned by the king to report on the trial, said that "whereas, when he saw Sir Walter Raleigh first, he was so led with the common hatreds that he would have gone a hundred miles to see him hanged, he would, ere they parted have gone a thousand to save his life."¹⁸

(Greenblatt *Raleigh* 1)

Raleigh's reputation has undergone some contemporary reinterpretation, partly as a result of the discovery of new documents concerning his trial. In "Sir Walter Raleigh's Treason: A Prosecution Document" Mark Nicholls reviews a document which he recently has discovered amongst miscellaneous papers from the collection of eighteenth-century historian Thomas Carte, currently held in the Bodleian Library (MS Carte 205). It appears to be a pre-trial summary of "the government's case against Raleigh and Cobham" in which "many pages are annotated and corrected by . . . Thomas Egerton, created Lord Chancellor and Baron of

¹⁸Greenblatt gives this source as "The bringing *Sir WALTER RALEGH* to Execution," in V.T. Harlow. *Raleigh's Last Voyage*. London, 1932. p.302

Ellesmere in July 1603" (903). Nicholls suggests "the document was intended as a working paper" and "was compiled during the pre-trial period, perhaps as part of the October briefings" for the Lord Steward (904-5). The document "permits us to appreciate the weight of evidence against [Raleigh]. Coke probably held a very similar paper in his hands when he addressed the court at Winchester" (905). Raleigh's trial was held at Winchester Castle (where the trials were removed on account of plague in the capital) on the 17 November 1603 (Nicholls 902). While summaries and transmissions of the proceedings exist in such sources as David Jardine's *Criminal Trials* (1832-5) or T.B. Howell's *A Complete Collection of State Trials* (1809-28)¹⁹, they have been assembled from hastily scribbled notes taken down by reporters and "frequently recast in neat copy by others not themselves present at the arraignment" (Nicholls 903); the Carte document is the most comprehensive, first hand manuscript of the evidence for the prosecution. It indicates a strong case against both Raleigh and Cobham; however, Nicholls cautions, "Important as it is in establishing Raleigh's guilt at law, we cannot claim that it defines the extent of his treason" (907). For the purposes of this paper Raleigh's guilt or innocence is of secondary importance; it is the effect of his superb defence which

¹⁹Both Coventry and Greenblatt use these sources in their quotations from the trial which I have cited.

resonates within Webster's play. Indeed, if Raleigh was more culpable than previously believed, this discovery splendidly highlights the impact of his eloquent show of innocence on the public stage. Further, whether Webster was an eye-witness of this performance, or subsequently heard or read the available second-hand transmissions, is immaterial, nor does it detract from the reverberations of Raleigh's staged accomplishment which have endured through "three ages" and beyond.

Dudley Carleton recounts:

Sir Walter Raleigh served for the whole act, and played all the parts himself He answered with that temper, wit, learning, courage, and judgement, that save it went with the hazard of his life, it was the happiest day that ever he spent. And so well he shifted all advantages that were taken against him, that were not *fama malum gravius quam res*, and an ill name half hanged, in the opinion of all men, he had been acquitted. (Carleton to Chamberlain, dated Winchester, November 27, 1603)

(in Greenblatt *Raleigh* 116)

The Duchess in her imprisonment is equally impressive:

Ferdinand. How doth our sister Duchess bear
herself

In her imprisonment?

perhaps as long as four years!

(*Raleigh Note 29, p.192*)

Adds Greenblatt: "If the secret marriage really were of four years' duration, Raleigh would be revealed as an even greater actor than I have argued him to be." As ardent courtier to the Queen, Raleigh did not wish his marriage to be seen as a rival contender for his devotion. The secrecy which shrouded his marriage and the pregnancy which opened it to public scrutiny find correspondent images in the Duchess's circumstances. Believing his day of execution to be near, Raleigh wrote a letter of farewell and consolation to his wife:

Love God, and beginne betymes to repose yourself in Him; therein shall you find true and lastinge ritches, and endless comfort. For the rest, when you have travelled and wearied your thoughts on all sorts of worldly cogitacions, you shall sit down by Sorrow in the end. Teach your sonne alsoe to serve and feare God, while he is young; that the feare of God may grow upp in him. Then will God be a husband unto you, and a father unto him; a husband and a father which can never be taken from you

I cannot write much. God knows how hardlie I stole this tyme, when all sleep; and it is tyme to separate my thoughts from the world. . . . I can

wright noe more. Tyme and Death call me awaye.
 The everlasting, infinite powerfull, and
 inscrutable God, that Almightye God that is
 goodnes itself, mercy itself, the true lief and
 light, keep you and yours, and have mercy on me,
 and teach me to forgeve my persecutors and false
 accusers; send us to meete in his glorious
 kingdome. My true wief, farewell. Blesse my
 poore boye; pray for me. My true God hold you
 both in His armes.

(*Letters*, pp.285-87 in Greenblatt *Raleigh* 121-2)

Aware that these might be his last recorded words, he yet displayed the simplicity and greatness of spirit which we find in the Duchess's farewell to Antonio and their eldest son:

I know not which is best,
 To see you dead, or part with you. Farewell, boy,
 Thou art happy, that thou hast no understanding
 To know thy misery. For all our wit
 And reading brings us to a truer sense
 Of sorrow. In the eternal Church, sir,
 I do hope we shall not part thus. (3.5.63-69)²⁰

²⁰In an age where the sense of a spiritual life pervaded every act it is sometimes surprising that one finds few direct references to the deity in dramatic texts. However, this name was considered so sacred that it was forbidden to be taken in vain, particularly in the frivolous context of the theatre. An act to this effect was passed in

Raleigh begins and ends his meditation on death with care for his wife and particularly for their son. Similarly, the Duchess, anticipating her own violent death, speaks her "last will" (4.2.200) with thoughts of the physical and spiritual welfare of her children tenderly foremost:

I pray thee look thou givest my little boy
Some syrup for his cold, and let the girl
Say her prayers ere she sleep.

Now what you please. (4.2.203-5)

She forgives her executioners, as Raleigh asks to be taught to forgive his "persecutors and false accusers." As Raleigh

1606:

An Acte to Restraine Abuses of Players (3 Jac.I, c.21)

For the preventing and avoyding of the greate Abuse of the Holy Name of God in Stageplayes, Interludes, Maygames, Shewes, and such like; Be it enacted by our Sovereigne Lorde the Kinges Majesty, and by the Lordes Spirituall and Temporall, and Commons in this present Parliament assembled, and by the authoritie of the same, That if at any tyme or tymes, after the end of this present Session of Parliament, any person or persons doe or shall in any Stage play, Interlude, Shewe, Maygame, or Pageant jestingly or prophanely speake or use the holy Name of God or of Christ Jesus, or of the Holy Ghoste or of the Trinite, which are not to be spoken but with feare and reverence, shall forfeite for everie such Offence by hym or them committed Tenne Pounds, the one moytie therof to the Kings Majestie, his Heires and Successors, the other moytie thereof to hym or them that will sue for the same in any Courte of Recorde at Westminster, wherin no essoigne, Proteccion or Wager of Lawe shal be allowed.

(quoted in Chambers 338-9)

Greenblatt, who comments on this act (*Shakespearean Negotiations* 10-11) remarks in a footnote that "it is not clear how strictly this regulation was enforced" (footnote 9, 166). Bosola uses the term: "wealth/ That comes on God's name, comes slowly;" (3.2.247), but the context is neither jesting nor profane.

looks to "endles comfort" and hopes to be reunited with his loved ones in the life to come, so the Duchess is not frightened of death, "Knowing to meet such excellent company/ In th'other world" (4.2.212-13). She sees it as a gift which she is free to take, proclaiming her autonomy to the last act:

Tell my brothers

That I perceive death, now I am well awake,
Best gift is, they can give, or I can take.

(4.2.223-5)

Within the character of the Duchess there is a sense that she steps out boldly to meet her own persecutors, which removes the authority from their acts and leaves her composure intact, much as Raleigh was able to steal the stage away from his accusers. Like Raleigh, the Duchess responds to verbal attack with the candour of innocence. In the face of Bosola's tirade--"Thou art a box of worm seed, at best, but a salvatory of green mummy . . ."--she stands firm: "Am not I thy Duchess?" Under further attack--"A little infant, that breeds its teeth, should it lie with thee, would cry out, as if thou wert the more unquiet bedfellow"--the Duchess only reiterates, "I am Duchess of Malfi still" (4.2.124-142). Impossible to assail a target of such simple virtue. No wonder both Coke and Ferdinand are driven to excess by frustration. Such was Raleigh's deft strategy; such was Webster's acute observation, embodied in his

Duchess.

If we accept my hypothetical proposal to this stage, the role of the Duchess within the play and the role of Raleigh within the court of law become parallel personal models of reason, restraint, unshaken honour. The roles of Ferdinand and Coke, while grounded in the certainty of public endorsement, continually threaten to collapse into violence and excess. Stephen Greenblatt, who so convincingly explored the notion of Renaissance self-fashioning in his book of the same name, wrote in his earlier account of Raleigh's bearing at this 1603 trial:

Raleigh was found guilty of treason and sentenced to death, but his words and his demeanor had made an ineradicable and deeply disturbing impression that did more than simply change the attitude of the populace toward the once-hated favorite. He transformed his life into a symbol of the lives of all men threatened by an overwhelmingly powerful system. ²¹ (119)

Antonio characterizes his Duchess similarly:

For her discourse, it is so full of rapture,

²¹ Greenblatt's own footnote continues: Cf. Catherine Drinker Bowen, *The Lion and the Throne: The Life and Times of Sir Edward Coke* (Boston, 1956): "To say that from Raleigh's trial dated a change in the laws would be to say too much. Yet from that day there entered it is said the possibility of change--a groping after procedure which might give to the unfriended single prisoner fair chance against the solid power of the state" (pp. 223-24).

You only will begin then to be sorry

When she doth end her speech. (1.1.200-202)

That the consummate serenity of Raleigh's performance and the rhythms of Coke's rhetoric should find their echo in Webster's finest play, and in his two opposing protagonists, seems probable; the issues raised by these connections are more ambiguous. Firstly, in the conflation of Raleigh and Duchess, what is the gendered stance of the public body thus portrayed? Secondly, when public performance of virtue is exposed as a form of theatrical masquerade, where lies the basis of reputation?

If we accept that the analogies I have so far drawn between public events and theatrical performance are plausible, we are now in a position to see where this might go. The suggestion that the notion of gender itself becomes problematic in public display offers some intriguing areas for further conjecture. If Webster was so moved creatively by Raleigh's trial performance that he chose to recreate that spectacle of intelligent virtue assailed in his most memorable protagonist in his most powerful play, what line of reasoning led him to reincarnate the role in a female character? Did he perceive Raleigh as feminine in his vulnerability? Did he see the Duchess as masculine in her demand for autonomy? One can only speculate and sift amongst the threads for intimations. Our expectations as they relate to the potential significance of dramatized

gender are drawn from an artificial construct (where a male performer portrays a female character) and based on hints within the text which cannot be taken as definitive. Bearing this in mind, where might a speculative approach take us?

In a recent publication whose title might provide a synopsis of my thesis topics--*Enclosure Acts: Sexuality, Property and Culture in Early Modern England*--Phyllis Rackin has written a chapter which seeks to redefine notions of sexuality in Shakespeare's time. She has two stated interests:

The first is scholarly: it seems to me that current discussions of the representations of gender and sexuality in Shakespeare's plays are often distorted because they are shaped by anachronistic conceptions of gender and sexual difference. The second is political: to historicize and thus demystify the assumptions that underlie current discussions of those issues--the beliefs that personal identity depends on sexual difference and that sexual difference is immutably grounded in the body. (68)

Rackin believes that we of the twentieth century inevitably read gender in our own terms, and that those terms use sexual difference to bestow identity. She goes on to argue that "the body itself was gendered feminine" in Renaissance

accounts (69) and that the distinctions which separated men from women in the public perception derived rather from theological and historical sources. This argument is significant in relation to my own question because it suggests that any public spectacle in which the physical body is on display automatically transforms the figure under observation into the feminine mode. Therefore, constrained and exhibited before an audience, Raleigh would be perceived as feminized and subordinated. If we accept this premise for the sake of argument, then Webster's transmutation of Raleigh's public display into the performance of the Duchess followed a logical progression in the Renaissance mind-set.

If we pursue this argument a little further it opens up more questions. The body was seen as lustful, animal, uncontrollable, leaking and weakening at every opportunity. The bodies of women were thought to incite lust and distract from higher pursuits; women were held to blame for this shaming frailty and the body became inextricably linked with the feminine. Rackin says, "A man's desire for a woman, now coded as a mark of masculinity, is repeatedly associated in Shakespeare's plays with effeminacy" (69). By contrast, the intellect was seen as masculine, on a higher plane and under the influence of reason. Therefore, Rackin argues, "Extreme virility, manifested in Spartan self-denial and military valor, is not only depicted as consistent with men's erotic desire for other men, but also seems to be expressed in it"

(69). In other words, homoerotic desire was considered a product of the intellect rather than the physical passions. Rackin continues, "For women the situation was more complicated, since to become manlike was often construed, especially in theological discourse, as an elevation, a transcendence of both flesh and femininity" (70). The Duchess both embodies Raleigh's feminized public presence and inherits his demonstrated "manlike" powers of intellectual persuasion. In becoming manlike does the Duchess then transcend both flesh and femininity? In the transcendence of femininity does she in fact transcend gender, and if so, what state is then attained?

A contemporary insight to the Jacobean perception of the body can be found in Burton's *Anatomy of Melancholy* published in 1621, two years before the publication of the first quarto of Webster's play. His stream-of-consciousness anatomizing of a Jacobean mind imparts a sense of otherness to both body and soul; the intellect (the supposedly masculine component in the human trilogy) appears to tread a hesitant path between these two seemingly greater powers. On the one side the physical demands of the body in urgent search of the means to survival; on the other the idealized expectations of the soul who must always look to eternity; the mind seeks a rational accord, a marriage of two mirror images. The longing for union is a pervasive vision. In characterizing *Love Among Vegetals* Burton records:

In vegetal creatures what sovereignty Love hath by many pregnant proofs and familiar examples may be proved, especially of palm trees, which are both he and she, and express not a sympathy but a love-passion. . . . you might see the two trees bend, and of their own accords stretch out their boughs to embrace and kiss each other.

(Part.3, Sect.2, Memb.1, Subs.1, 645-6)

This agrees with the Jacobean interpretation confirmed by Antonio in his marriage vows to the Duchess: "That we may imitate the loving palms,/ Best emblem of a peaceful marriage,/ That never bore fruit divided." (1.1.486-8). The affirmative hermaphrodite sense implicit in this union accords with my own perception of the complex fusion of Raleigh and Duchess in Webster's mind, but I cannot convince myself that gender is really the central issue here at all.

Both Burton and Rackin refer to Aristophanes' fable of desire whose circular beings illustrate not only sexual difference but also the longing for perfect union. Says Burton:

Another tale is there, borrowed out of Aristophanes. In the beginning of the world, men had four arms, and four feet, but for their pride, because they compared themselves with the Gods, were parted into halves, and now peradventure by love they hope to be united again and made one.

(Part 3, Sect.2, Memb.1, Subs.1, 644)

Rackin suggests that in modern terms ideal union is associated with "loss of identity, the fictions of individual identity being highly prized and identity being incomprehensible to us without gender" (75). What is created is more a "monstrous hermaphrodite[]" than "the idealized image of the androgyne" (75). She sees a binary division between "masculine spirit and feminine flesh" (76) whereas, in Burton, the human being was not understood as a dichotomy of body and soul but more a triad of body, mind, spirit. In our hypothetical model, Webster's attempt to feminize the intellect creates a disturbing challenge to the uneasy masculine performance of control; for the third and crucial component in the Renaissance understanding of its own humanity must be the soul. Yet the soul, considered the highest state of all, was once again feminized: in his anatomy of the soul Burton titles his subsection, *Of the Soul and her Faculties* and muses, "We can understand all things by her, but what she is we cannot comprehend" (Part 1, Sect.1, Memb.2, Subs.5, 135). In a simplistic interpretation then, one might say that the soul unites and transcends difference. In the conflation of Raleigh and the Duchess which I propose did Webster venture to portray the soul, to make public and visible that spark which resides in greatness? A comprehension of that vital third element may help to place the Duchess within a social political

hierarchy where she and Raleigh could embody the same values within the public witness without necessarily being defined in terms of gender. The body displayed is feminized by the act; the intellect deployed in defence is rendered masculine; yet the spirit which transcends the two and which captures the playwright's imagination becomes once more feminine. We cannot forget in this confusing instability of gender that the actor portraying the Duchess was of course male. Perhaps, as Rackin has suggested, Webster's ultimate portrayal has little to do with gender and the confusing challenges it presents; perhaps it is more concerned with an interpretation of class and inherent nobility.

In yet another analysis of the Shakespearean stage, Greenblatt suggests that social standing within the hierarchy is the central issue. "The true prince reveals his noble nature," he asserts, "While sexual difference, the foundation of all individuation, turns out to be unstable and artificial at its origin" (Greenblatt, *Shakespearean Negotiations* 76). In this context, the Duchess's continued insistence on her princely standing appears most significant. Another persistent device within the play, one which gathers force in interpretation, is the concept of twins. The Duchess and her brother Ferdinand are twins. We have seen how this relationship was dramatically exploited in the mirror scene. Greenblatt discusses the "persistent doubleness, the inherent twinship, of all individuals" (78)

and links this to the Renaissance fondness for mirror images: "Shakespearean women are in this sense the representation of Shakespearean men, the projected mirror images of masculine self-differentiation" (92). Since the concepts of mirror and twin are significant within the play can we transfer these observations to the Jacobean stage? Is the Duchess a mirrored opposite to her tortured brother? If we accept this as a hypothetical construct, can it be pursued further: is her feminized negative only relevant as a foil to his masculine positive? Is the Duchess only there to differentiate the masculine? And what of her hermaphrodite twinning with Raleigh? Is it an idealized androgyny transcending gender? In the final analysis I can only pose more questions, yet, somewhere between nobility and soul, Raleigh and the Duchess occupy a dramatic whole.

This chapter looks at the public image of the individual as a function of audience and a corollary of public performance. In a deliberate and increasingly conjectural position I have questioned the inherent unreliability of gender as a public performance. My second and equally speculative question had to do with reputation: when public performance of virtue is exposed as a form of theatrical masquerade, where lies the basis of reputation? The play carefully distinguishes between "fame" and "reputation" as we have discussed in the context of Ferdinand's fable of Reputation, Love, and Death and the

Duchess's "sad tale" of the salmon and the dog-fish. It will be helpful in pursuit of that distinction to examine these terms by reference to the more generally applied notion of "honour." If we turn to the OED we find:

Honour 1 high respect; glory; credit, reputation, good name. 2 adherence to what is right or to a conventional standard of conduct. 8 a (of a woman) chastity. b the reputation for this.

Reputation 1 what is generally said or believed about a person's character or standing.

Fame 1 that which people say or tell; public report, common talk. 2 the character attributed to a person by report or generally entertained. 4 evil repute, infamy. *Obs.*

All these definitions are tied to the idea of audience, for it is the opinion of others which creates the state. For women, honour seems restricted to an appearance of chastity. Reputation depends on its public interpretation. Fame can be both good and bad, although the sense of bad fame is obsolete to our modern ears. This, of course, is the problem: How can we determine what these terms meant to a Renaissance audience?

Mervyn James defines honour in two distinct fashions: first "emerging out of a long-established military and chivalric tradition, . . . characterized above all by a

stress on competitive assertiveness," and second "a different attitude to politically motivated violence [which] gradually formed itself. This involved the emergence of a 'civil' society in which the monopoly both of honour and violence by the state was asserted" (308-9). In James' interpretation honour by the sword moves from the personal domain to the public and state-owned realm. Therefore the violence underlying Coke's public presence is a ceremonial enactment of authoritative honour, a pose which is challenged by Raleigh's portrayal of the more ancient, chivalric notion of individual honour. Ferdinand too carries the badge of patriarchal authority and its barely concealed sword of spectacular revenge. In both cases the need for public witness and public enactment is paramount. As James puts it, "Honour could become self-assertiveness: the capture of the attention of "the world", and of public esteem. For without the confirmation which the latter provided, honour remained subjective, and [so] indistinguishable from vanity" (312). Again, there is the crucial requirement of an audience to see and to judge. In this sense a trial is never about what actually occurred but is focused on what the audience believes of the performance. If Raleigh is exposed as a slick manipulator does this necessarily imply that we should regard the Duchess in the same light?

Cynthia Herrup finds James's views "too male and too

prescriptive" (137). She sees the notion of honour as much more elusive and contradictory. Honour has an "inherent sociability" (139) which renders it constantly unstable. She links this to a growing concern "in the sixteenth and early seventeenth centuries with honour as reputation":

Reputation was the gauge of one's public compatibility. Reputation translated acts into words. It was based not on character, but on presentation; it was not only of the moment, but also transcendent; it was not about what you did, but about what people thought about [what] you did. Honour and reputation were symbiotic, but not identical. The potential disjuncture between them was a site of considerable anxiety. (139)

I have quoted this insightful commentary at length because I think it strikingly relevant to many of the troubling and unanswerable questions raised in Webster's *Duchess*, particularly in relation to its social and historical context. An ambivalent interplay between life and art reflects the disquieting symbiotic relationship of honour and reputation. Webster appears to have grasped the need for distinction from the general sense of honour and defined and deployed even more precisely his deliberate selection of the terms "reputation" and "fame." The play itself is situated in a disjuncture between reputation and fame, enacted in that fluid world where reputation is a fickle

tyrant and fame is a tender victim. It is indeed a "site of considerable anxiety." Was Raleigh a consummate artist? Did he mislead his audience? Or was he an honourable man who told the truth in defense of his reputation? The answers are probably yes, yes, and only if you put all the words which imply moral judgement into quotation marks.

Raleigh's public presence reconstituted his reputation in dramatic terms. As a dramatic figure and a character in a play, the Duchess reiterated her fame in human terms, but it was her reputation which was placed on trial. This becomes clearer when we examine the use of "reputation" in the play. The Duchess uses the term only once, in conversation with her brother, and in response to his accusations concerning her chastity--"My reputation/ Is safe" (3.2.119).²² Immediately afterward Ferdinand responds with his moral tale of "Reputation, Love, and Death" (3.2.120-137). That this is the only occasion on which the term is used adds, I suggest, greater significance to its association with Ferdinand's concept of public presence. It is an appearance, intended to deceive public

²²On another occasion, when the Duchess initiates a conversation with her brother Ferdinand concerning the public perception of her chastity, she uses the term "honour" in preference:

But, sir, I am to have private conference with
you,

About a scandalous report is spread
Touching mine honor*. (3.1.46-48)

(The text I am using is from an American publisher and uses the American spelling of "honor.")

opinion and to maintain a facade of virtue behind which any atrocity may occur. Bosola tells Ferdinand: "Your brother and yourself are worthy men;/ You have a pair of hearts are hollow graves,/ Rotten, and rotting others" (4.2.316-318). The idea of decay and emptiness behind the public ceremonial of power is frequently associated with Ferdinand; it cannot be coincidence that links him so strongly with a pejorative interpretation of "reputation."

Transcending both "honour" and "reputation" in interpretive importance are the ancient connotations of the word "fame." There exists both "good fame" and "bad fame." Fame in its many manifestations is the subject of Chaucer's unfinished dream poem *The House of Fame*, which has a noteworthy correlation with the madman's vision which began this chapter, for Book I has the poet awake in a Temple of Glass: "But as I slepte, me mette I was/ Withyn a temple ymad of glas" (119-120). Fame, like the blown glass of a woman's soul, is precious and fragile, dwelling in a temple of glass where all may see and which the critic's smallest stone may shatter. The concept of fame embodied this crucial sense for John Webster: both the Epistle Dedicatory and Commendatory Verses which precede the text of his play turn on the idea of a lasting fame for the playwright. The Epistle Dedicatory written by the playwright to the twelve-year-old George Harding, Baron Berkeley, refers to the "ingenious means" by which the boy's "fame" has arrived at

the poet's knowledge. This is one of Webster's inverted allusions since Harding's fame comes not from "your title, the ancientest nobility being but a relic of time past" but from the fact that "his father and grandfather, the Lords Hunsdon, had been patrons of the Lord Chamberlain's Men, subsequently the King's Men" (Fraser and Rabkin, footnote 1, 476). Therefore, far from bestowing fame, the boy gains fame from his association with the players who perform Webster's play. Webster continues:

I am confident this work is not unworthy your honor's perusal for by such poems as this, poets have kissed the hands of great princes, and drawn their gentle eyes to look down upon their sheets of paper, when the poets themselves were bound up in their winding sheets. The like courtesy from your lordship shall make you live in your grave, and laurel spring out of it; when the ignorant scorers of the muses (that like the worms in libraries seem to live only to destroy learning) shall wither, neglected and forgotten.

The conceit that humbly begs favour with the subtle suggestion that enduring fame will be bestowed by the work itself is one frequently employed by such contemporaries as John Donne. Webster not only manages to honour the peer through association with himself and suggest that his own work is of surpassing value, but also contrives to insert a

vicious jab at his critics "who seem to live only to destroy learning." He establishes himself as the ultimate example of good fame. His belief in the integrity of his work underlies the developing theme within the play of the value of inward versus outward fame. His faith is reinforced by the Commendatory Verses wherein Thomas Middleton writes "this work of fame,/ Hast well provided for thy living name" (6-7) and John Ford comments elliptically:

. . . . a masterpiece:

In which, whiles words and matter change, and men
Act one another; he, from whose clear pen
They all took life, to memory hath lent
A lasting fame, to raise his monument. (5-9)

In light of our discussion which centred on Raleigh and Coke it is intriguing to speculate upon the exact meaning of the hint contained in the phrase "and men/ Act one another." The arguments which this chapter propounds are based on plausible constructions taken from such textual hints as this. I believe that these prefatory lines taken together contain an address to the audience which anticipates the import of the play and speaks to the final couplet:

Integrity of life is fame's best friend,
Which nobly, beyond death, shall crown the end.

Exeunt

(5.5.120-121)

Antonio first remarks the "inward character" of the

Duchess's other brother, the Cardinal, in his description to Delio:

Some such flashes [specious or showy displays] superficially hang on him, for form. But observe his inward character; he is a melancholy churchman. . . . where he is jealous of any man, he lays worse plots for them than ever was imposed on Hercules. (1.1.165-170)

It seems that the Cardinal's reputation resides in the showy display of his position but that his fame is a "bad" fame known through his plots and jealousy. We have already discussed this aspect of Ferdinand's reputation; Antonio's comment "A most perverse and turbulent nature;/ What appears in him mirth is merely outside" (1.1.179-180) confirms the imputation of a base duality which is later reinforced by Bosola's remark to Ferdinand's departing back:

Let good men, for good deeds, covet good fame,
Since place and riches oft are bribes of shame;
Sometimes the devil doth preach. (1.1.298-300)

Antonio seems to stand in special relation to fame and the inner character, perhaps as the poet's interpreter, for he also says to the troubled Bosola "I do understand your inside," and "you would look up to heaven, but I think/ The devil that rules i'th'air stands in your light" (2.1.89, 101-102). In confiding their secret marriage to Cariola the Duchess confesses "To thy known secrecy I have given up/

More than my life, my fame" (1.1.357-358). She, too, screens her private or inner world from public scrutiny, not to deceive, but in order to safeguard her "fame;" it is in the witness of these interior acts that the audience is required once again to consider judgement on whether they depict good fame or bad fame. Bosola expresses this distinction clearly in his assessment of Antonio:

Fare thee well, Antonio, since the malice of the
world
 Would needs down with thee, it cannot be said yet
 That any ill happened unto thee,
 Considering thy fall was accompanied with virtue.

(3.2.271-274)

"The malice of the world," the cast stone that can so easily shatter the glass house of reputation, cannot so wantonly destroy the fame of "virtue."

Perhaps I have belaboured this point long enough, but it is a point which recurs insistently within the play and has great resonance as well in our appreciation of Raleigh's relationship with the public audience. With those characters of virtuous fame, both within and without the play, in whose defence these lines were written, we must also include the playwright himself; indeed, it is the subtlety of Webster's own argument which leads us to speculate in this manner. The Duchess deserves fame for her integrity; Raleigh deserves fame for his performance of

integrity; how much more, then, does the playwright deserve fame for his portrayal of this integrity? Webster writes himself directly into the dialogue shortly after the passage above, when he suggests that the Duchess, in her preference for Antonio's inner fame, has given heart to all people of virtue, especially poets, who lack that public display of reputation which has been shown to be a specious veneer:

No question but many an unbeneficed scholar
 Shall pray for you, for this deed, and rejoice
 That some preferment in the world can yet
 Arise from merit.

Last, the neglected poets of your time,
 In honor of this trophy of a man,
 Raised by that curious engine, your white hand,
 Shall thank you in your grave for't; and make that
 More reverend than all the cabinets
 Of living princes. For Antonio,
 His fame shall likewise flow from many a pen,
 When heralds shall want coats, to sell to men.

(3.2.284-298)

It is irresistible to speculate that here we have the direct appeal of the playwright, who addresses his audience of jurors and not only instructs them on how to weigh their judgement of the virtuous Duchess, but also suggests to them that a judgement in favour of the enduring fame of the Duchess would, in reality, be a judgement in favour of the

enduring fame of the poet. Since this paper has discussed in detail the legal acumen and penetrating thought exhibited by the playwright, and we know that Webster used a similar ploy in his Dedication, I feel confident in asserting that this is a direct address and, moreover, that in so doing Webster extends the realm of the play into his own domain, places himself in the position of Raleigh/Duchess, and demands a fair trial for his own work. Let him have the last word on reputation and fame:

These wretched eminent things

Leave no more fame behind 'em than should one

Fall in a frost, and leave his print in snow;

As soon as the sun shines, it ever melts

Both form and matter. I have ever thought

Nature doth nothing so great for great men,

As when she's pleased to make them lords of truth.

Integrity of life is fame's best friend,

Which nobly, beyond death, shall crown the end.

The great "ceremonial form of law" and the public spectacle which accompanies it will melt like a footprint in frost before the public eye. Only the "complete jury" through time and perspective can become "lords of truth," with the capability to discern and judge the integrity of true fame.

Conclusion

In this paper I have examined Webster's *The Duchess of Malfi* as "a ceremonial form of law" performed before an audience invited to form "a complete jury" "i'th' court" of the theatre (4.2.298-300). The Duchess's reasoned argument for her freedom as a Prince to govern her properties and to choose her own partner reveals an emerging concern with the notion of self-possession as an issue of property. The legal ambience which Webster chooses for the setting of his play epitomizes his intellectual formation in the Inns of Court and allows him to require the audience to reflect judiciously on some contentious issues; these might include the question of royal prerogative, the dealing in wardships and marriages, the notion of ownership at a time when all land was considered to be held in tenancy from the crown. The traditional judgement for those who transgress the code is registered in the hell of public torture and execution; but the audience/jury are called to witness the evidence as it is lifted out of the invisibility which ceremony offers and to contemplate alternate interpretations of individual performance and fame which transcend conventional categories.

I have necessarily concentrated on the intellectual argument of the play, and I have chosen to highlight the masque of reason which it presents. However,

like the Duchess with her dark twin Ferdinand, there is a mirror image to this argument which demands another paper of at least equal length; that is the anti-masque of violence which stands in constant attendance to spectacle. My avowed stance as literary critic allows me to focus on the forceful legal structure of the text, but the antithetical relationship of reason and violence would be powerfully present in a dramatic performance of the play.

I have speculated that the Duchess on trial may embody qualities of fame so richly performed by Sir Walter Raleigh in the thrust stage of the court of law; it appears plausible that John Webster may have appropriated both Raleigh's popular appeal and the Duchess's unshakeable integrity in subtle defence of his own enduring fame as a poet. The ambiguities of gender in performance and the irony of an inner fame displayed in public spectacle both obscure and protect the playwright's intention. We cannot know definitively, yet such textually centred conjecture offers an opportunity to reflect anew on an environment richly shaped by the Inns of Court and dramatically echoed in the Jacobean theatre.

Works Cited

- Archer, William. "The Duchess of Malfi." *Twentieth Century Interpretations of The Duchess of Malfi*. Ed. Norman Rabkin. Englewood Cliffs, N.J.: Prentice-Hall, 1968. 14-26.
- Baker, J.H. *An Introduction to English Legal History*. 3rd ed. London: Butterworths, 1990.
- Benson, Pamela, ed. *Italian Tales From the Age of Shakespeare*. London: J.M. Dent, 1996.
- Bradbrook, M.C. *John Webster Citizen and Dramatist*. London: Weidenfeld and Nicolson, 1980.
- Brennan, Elizabeth M., ed. *The New Mermaids: The Duchess of Malfi: John Webster*. 3rd ed. London: A. & C. Black, 1993.
- Burt, Richard & John Michael Archer, eds. *Enclosure Acts: Sexuality, Property and Culture in Early Modern England*. Ithaca: Cornell University Press, 1994.
- Burton, Richard. *The Anatomy of Melancholy*. 1621. Kila, MT: Kessinger Publishing Co., (no date given).
- Chambers, E.K. *The Elizabethan Stage*. Vol.4. Oxford: Clarendon Press, 1951.
- Chaucer, Geoffrey. *The House of Fame. The Riverside Chaucer*. 3rd ed. Ed. Larry D. Benson. Boston: Houghton Mifflin, 1987. 347-373.
- Coventry, Thomas, ed. *A Readable Edition of Coke Upon Littleton*. Sir Edward Coke. London: Saunders and Benning, Law Booksellers, 1830.
- Dent, R.W. *John Webster's Borrowing*. Berkeley: University of California Press, 1960.
- Digby, Kenelm Edward, Sir. *An Introduction to the History of the Law of Real Property, With Original Authorities*. 1875. 5th ed. Oxford: Clarendon Press, 1972.
- Eccles, Mark. "John Webster." *Times Literary Supplement* 21 Jan. 1977: 71.
- Edmond, Mary. "In Search of John Webster." *Times Literary Supplement* 24 Dec. 1976: 1621-2.

- Elton, G.R., ed. *The Tudor Constitution: Documents and Commentary*. 2nd ed. Cambridge: Cambridge University Press, 1982.
- Finkelpearl, Philip J. *John Marston of the Middle Temple: An Elizabethan Dramatist in His Social Setting*. Cambridge, Mass.: Harvard University Press, 1969.
- Forker, Charles R. *Skull Beneath the Skin: The Achievement of John Webster*. Carbondale: Southern Illinois University Press, 1986.
- Foucault, Michel. *Discipline & Punish: the Birth of the Prison*. 1977. Trans. Alan Sheridan. New York: Vintage Books, 1995.
- Greenblatt, Stephen. *Renaissance Self-Fashioning From More to Shakespeare*. Chicago: University of Chicago Press, 1980.
- . *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England*. Berkeley: University of California Press, 1988.
- . *Sir Walter Raleigh: The Renaissance Man and His Roles*. New Haven: Yale University Press, 1973.
- Gurr, Andrew. *Playgoing in Shakespeare's London*. Cambridge: Cambridge University Press, 1987.
- Herrup, Cynthia. "'To Pluck Bright Honour From the Pale-Faced Moon': Gender and Honour in the Castlehaven Story." *Transactions of the Royal Historical Society*. 6th series. Cambridge: Cambridge University Press, 1996. 137-159.
- Holcombe, Lee. *Wives & Property: Reform of the Married Women's Property Law in Nineteenth-Century England*. Toronto: University of Toronto Press, 1983.
- Hurstfield, Joel. *The Queen's Wards: Wardship and Marriage under Elizabeth I*. Cambridge, Massachusetts: Harvard University Press, 1958.
- James, Mervyn. *Society, Politics, and Culture: Studies in Early Modern England*. Cambridge: Cambridge University Press, 1986.
- Jardine, Lisa. "The Duchess of Malfi: A Case Study in the Literary Representation of Women." *Modern Critical Interpretations: John Webster's The Duchess of Malfi*.

- Ed. Harold Bloom. New York: Chelsea House Publishers, 1987. 115-127.
- Leggatt, Alexander. *Jacobean Public Theatre*. London: Routledge, 1992.
- Lucas, F.L., ed. *The Complete Works of John Webster*. Vol II. London: Chatto & Windus, 1927.
- McLuskie, Kathleen, and Jennifer Uglow, eds. *Plays in Performance: The Duchess of Malfi by John Webster*. Bristol: Bristol Classical Press, 1989.
- Mahoney, Kathleen. "Theoretical Perspectives on Women's Human Rights and Strategies for their Implementation." *Brooklyn Journal of International Law* Vol. 21/3 (1996): 799-856.
- Mathews, Nieves. *Francis Bacon: The History of a Character Assassination*. New Haven: Yale University Press, 1996.
- Nicholls, Mark. "Sir Walter Raleigh's Treason: A Prosecution Document." *English Historical Review* 60.438 (Sept. 95): 902-924.
- Painter, William. *The Palace of Pleasure. Elizabethan Versions of Italian and French Novels From Boccaccio, Bandello, Cinthio, Straparola, Queen Margaret of Navarre, and Others*. 1580. 4th ed. Vol. III. Ed. Joseph Jacobs. New York: Dover Publications, 1996.
- Rabkin, Norman, ed. *Twentieth Century Interpretations of The Duchess of Malfi*. Englewood Cliffs, N.J.: Prentice-Hall, 1968.
- Rackin, Phyllis. "Foreign Country: The Place of Women and Sexuality in Shakespeare's Historical World." *Enclosure Acts: Sexuality, Property and Culture in Early Modern England*. Ithaca: Cornell University Press, 1994. 68-95.
- Riley-Smith, Jonathan. *The Crusades: A Short History*. London: Athlone, 1987.
- Salinger, L.G. "Tourneur and the Tragedy of Revenge." Reprinted in part in *Twentieth Century Interpretations of The Duchess of Malfi*. Ed. Norman Rabkin. Englewood Cliffs, N.J.: Prentice-Hall, 1968. 106-108.
- Shakespeare, William. *The Tragedy of Hamlet, Prince of*

- Denmark. *The Riverside Shakespeare*. Ed. G. Blakemore Evans. Boston: Houghton Mifflin Co., 1974. 1135-1197.
- . *The Tragedy of King Lear*. *The Riverside Shakespeare*. Ed. G. Blakemore Evans. Boston: Houghton Mifflin Co., 1974. 1249-1305.
- . *The Merchant of Venice*. *The Riverside Shakespeare*. Ed. G. Blakemore Evans. Boston: Houghton Mifflin Co., 1974. 250-285.
- Slavin, Arthur J., ed. *Tudor Men and Institutions: Studies in English Law and Government*. Baton Rouge: Louisiana State University Press, 1972.
- Spencer, Brian. *Medieval Pilgrim Badges from Norfolk*. Norfolk Museums Service. Hunstanton: Witley Press, 1980.
- Spring, Eileen. *Law, Land and Family: Aristocratic Inheritance in England, 1300 to 1800*. Chapel Hill: University of North Carolina Press, 1993.
- Sturgess, Keith. *Jacobean Private Theatre*. London: Routledge & Kegan Paul, 1987.
- Taylor, Kate. "Brave, intelligent *Merchant* tackles anti-Semitism head-on." *Globe and Mail* Saturday, 1 June, 1996, C2.
- Webster, John. *The Duchess of Malfi*. *Drama of the English Renaissance II: The Stuart Period*. Eds. Russell A. Fraser and Norman Rabkin. New York: MacMillan, 1976. 475-515.
- . *The White Devil*. *Drama of the English Renaissance II: The Stuart Period*. Eds. Russell A. Fraser and Norman Rabkin. New York: MacMillan, 1976. 431-474.

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