

*Shakespeare and the Law*  
*A Conference ~ A Celebration*

*The University of Warwick, 9<sup>th</sup>-11<sup>th</sup> July 2007*

**Speakers' Abstracts and Biographical Details**

**Jonathan Bate, University of Warwick.**

TITLE: "The Bawdy Court"

ABSTRACT: This lecture will argue that the theatre and the consistory court (the so-called "bawdy" court) were the two principal public spheres in which relations between the sexes were played out in Shakespeare's time, and that there are accordingly fascinating parallels between the two institutions. An array of cases, mostly sexual, from both the Stratford-upon-Avon and the London courts will be examined and it will be suggested that Shakespeare's plays -- *Measure for Measure*, *Much Ado*, *All's Well* and *The Winter's Tale* in particular -- constituted a kind of alternative bawdy court.

BRIEF BIOGRAPHY: Jonathan Bate is Professor of Shakespeare and Renaissance Literature at the University of Warwick. From 1991-2003 he was King Alfred Professor of English Literature at the University of Liverpool and before that he was a Fellow of Trinity Hall, Cambridge. He has held visiting posts at Harvard, Yale and UCLA and is a Fellow of the Royal Society of Literature, a Fellow of the British Academy, an Honorary Fellow of St Catharine's College, Cambridge, and a Governor and Board member of the Royal Shakespeare Company. In June 2006 he was awarded a CBE in the Queen's 80<sup>th</sup> Birthday Honours.

Widely known as a critic, biographer and broadcaster for the BBC, he is the author of several books on Shakespeare, including *Shakespeare and Ovid* (1993) and *The Genius of Shakespeare* (1997), which was described by Sir Peter Hall, founder of the RSC, as "the best modern book on Shakespeare." He is also an expert on the Romantic period. His book, *John Clare: A Biography* (2003), was short-listed for seven prizes, including the Samuel Johnson, and won Britain's two oldest literary awards, the Hawthornden Prize for Literature and the James Tait Black Prize for Biography.

Jonathan has just edited and introduced the *Complete Works of Shakespeare* for the RSC. Published in April 2007 by Random House USA and Macmillan UK, it has already been hailed as "radical" and "definitive". He is now working on a book that sets Shakespeare in the intellectual context of his age. He has also written a novel *The Cure for Love* (Picador, 1998) and his debut theatre work, *The Mystery of Shakespeare: A one-man play for Simon Callow*, is scheduled for a West End run in 2008.

**Christian Biet, Université de Paris-X, Nanterre**

TITLE: Humiliation, punishment and violence in Shakespearian and French theater (end of the XVIth century, early XVIIth century) *Titus Andronicus* vs. *Le More cruel* and *Les Portugais infortunés*.

ABSTRACT: Humiliation and vengeance; vengeance produces new humiliation which leads in turn to new vengeance. Thus is the main plot of the tragedies, during the end of the XVIth century and the beginning of the XVIIth century, in England and in France. This dramatic, or “dramaturgical”, cycle is an aesthetic law. And, at the same time, it is a judicial, and also, a traditional, and maybe an anthropological law. Everybody knows it and abides by it and so this law, this antic custom of humiliation and vengeance, leads to perpetual disorders, crimes and bloodsheds.

In a French example, *la Tragédie du More cruel*, the two opponents are a white master and a black man: the black man is a slave freed by the master, who is tempted to get out of the cycle in order to find a moment of peace. But he does that for his advantage (to live in peace and to ask his former slave to do the same work as he was doing before, without the wounds the master had the habit to give him). The slave, even freed, keeps the humiliation in his mind and in his flesh, and is building his revenge. Like *Titus Andronicus*'s black character, Aaron, this revenge is to take a part of his opponent's body (a hand for Shakespeare, a nose for the French play). In the name of *his* God (Mahomet), while swearing on the white man's God that he will not do it, the black man performs his justice. The justice?

The tragedy tells us that, even if the newly reformed Christians have converted themselves to the idea of peace, and have rejected the means of strength after they used them, they still have to pay for their faults; and those who previously suffered under those faults have the legitimate right to react, or overreact. If the original conversion can interest the audience, the resulting confrontation between legitimacies and the bloody theatrical show of overreaction, can be of interest too.

The question, hence, which is a historical and a literary question, is to know if it is possible to find a way to leave the humiliation cycle, to get out of this destiny of crime, where punishment never finds the way to peace, but leads to infinite human struggle.

But how can a character, or an author, change this traditional law, so visible in these times and so accurate for this historical period? Founding another law, using another law in order to encounter peace, or to found it? Finding in the religion some arguments to break the custom and succeed? Can another law replace the custom of vengeance? We will try to find an answer in another tragedy: Nicolas Chrétien des Croix's *La tragédie des Portugais infortunés*, where, after the theatrical struggle, after the war between blacks and whites, there is a path out of the cycle of vengeance. And this path is written after Montaigne's *Les Essais*, and, maybe, leads to a relative peace. This is not a new law, but it is a fragile means by which humanity can be located inside the lines of tragedy in order to modify the violence.

**BRIEF BIOGRAPHY:** Christian Biet is Professor in performing arts, theatrical and drama aesthetics, and French studies at the University of Paris X-Nanterre, and the Institut Universitaire de France. He is Permanent Visiting Professor to NYU, the French Dept Specialist of French and English Seventeenth and Eighteenth Century theater, he has published several articles and books on these topics. In France, he works also on this repertory, as a dramaturgist, with directors and actors.

Some works : *Les Miroirs du Soleil* (Découvertes Gallimard, 1989 et 2000), *Œdipe en monarchie, tragédie et théorie juridique à l'Age classique* (Klincksieck, 1994), *Racine ou la passion des larmes* (Hachette, 1996), *la Tragédie* (Armand Colin, 1997), *Henry IV, la vie, la légende*, Larousse 2000 ; editions of Pierre Corneille's *Le Cid* (Le Livre de poche, 2001), *Cinna* (Le Livre de poche, 2003), Legrand's *Cartouche ou les voleurs*, and Gay's *Beggar's opera* (Lampsaque, 2003), Benserade's *Iphis et Iante* (Lampsaque, 2000).

Last reaserch topics : culture, literature, theater and law in the Early Modern period (Issue N°40 of *Littératures classiques* on « Law and literature », Champion, 2000 ; *Droit et littérature sous l'Ancien Régime, le jeu de la valeur et de la loi*, Champion, 2002).

Last books : *Moi, Pierre Corneille*, Gallimard, coll. « Découvertes », 2006 ; *Qu'est-ce que le théâtre ?*, (avec Ch. Triau, Gallimard, coll. « Folio essais inédit », 2006 ; *Théâtre de la cruauté et récits sanglants (France XVIe-XVIIe siècle)*, coll. « Bouquins », Laffont, 2006.

Christian Biet, for the moment, is working on the way theater and the event of theater, spectator included, has been ruled during the early modern period.

**Daniela Carpi, University of Verona**

TITLE: "Law and its Subversion in *Romeo and Juliet*"

ABSTRACT: As with many Elizabethan works, *Romeo and Juliet* displays strongly ambiguous elements, which indicate an ongoing shift from the medieval period to the modern age. Even without giving the tragedy a distinctly new-historicist interpretation, it is possible to note how Shakespeare's text, although embedded within the canonical structure of the love-drama, actually entails a subversive subtext which challenges the codes of power and law, and the administration of justice, particularly in reference to the problems of marriage.

In *Romeo and Juliet*, all action is pervaded with a sense of mutiny, in a real palimpsest of subversions: the subjects disobey the Prince, the daughter her father, the cosmic order of night and day is subverted because of Romeo's love pains, the character is dissociated from himself and abandons his name, and the harmonious balance of the body (the balancing of the senses) is destabilized by pathos. The whole social and physical organism is shaken by disruptive elements.

The Prince himself is aware of his subjects' disregard for his orders, as he claims: "Will they not hear?". The governor stresses his difficulties in making his citizens listen to him, so any code of absolute authority is thwarted and the next statement, "And hear the sentence of your moved prince", appears as an attempt at redefining and resuming an authority that is not recognized in actual fact.

The figure of the Prince takes on sacred overtones of mercy and forgiveness, of love for his subjects and understanding for their human fallibility. These characteristics confer him an almost metaphysical halo: he displays superior wisdom, the wisdom of the ideal governor, who knows the dangers of mutiny, and thus tries to keep his subjects within the rules of law by threatening exemplary punishments ("If ever you disturb our streets again, /Your lives shall pay the forfeit of the peace" I,i,95-96). Yet, at the same time, he immediately shifts from deterrence to indulgence ("For this time, all the rest depart away"). A similar oscillation between menace and forgiveness, punishment and mercy, manifests itself again when the Prince commutes Romeo's death penalty into exile.

By acknowledging his failure to bring justice, the Prince explicitly recognizes that the way in which he exercised authority was wrong: in fact, the course of historical development has led to a stigmatization of blood revenge and to a necessary limitation of personal freedom in favour of a more centralized conception of justice. Stability and innovation, conservation and renewal proceed together, for they are not mere historical processes, but diagrams of the human spirit; hence the text displays a dialectic co-presence of conflicting legal canons and the Prince embodies the figure of the good governor who tries to come to terms with a precarious sort of stability and reach the fairest form of government.

**BRIEF BIOGRAPHY:** Daniela Carpi is full professor of English Literature at the Faculty of Foreign Literatures, Department of English Studies, University of Verona. She started as a young researcher at the University of Bologna. Her fields of research are: Renaissance theatre, critical theory, postmodernism, law and literature, literature and science, literature and visual arts. She collaborates with Longo publisher in Ravenna and with Ombre Corte in Verona, where she directs a section devoted to comparative criticism. She is a member of the Society for Comparative Literature, of ESSE (European Society for the Study of English); she is in the Standing Committee of AIA (Associazione Italiana di Anglistica) as Vice-President. She is the Chair Person of the Faculty Commission for External Affairs; she is the Chair Person of the Committee for the scientific evaluation of products for the Humanities; she is the Coordinator of the Doctoral Course in English Studies at the University of Verona, she is the Vice-Director of the School for Doctoral Studies in the Humanities. She is in the scientific board of the journal *Symbolism: a Journal of Critical Aesthetics*, published in New York, of the journal *Anglistik*, published in Heidelberg, of the journal *Polemos*, published by Carocci and of the journal *La torre di Babele*, published by the University of Parma.

Books include: *In Limine. Cultura ed enigma*, Firenze, Alinea, 1997; *Literature and Visual Arts in the Twentieth Century*, Bologna, Re Enzo, 2002; *Shakespeare and the Law*, Ravenna, Longo, 2003; *Letteratura e scienza*, Bologna, Re Enzo, 2003; *Property Law in Renaissance Literature*, Peter Lang, Frankfurt am Main, 2005; *Why Plato? The Influence of Plato on Twentieth Century English Literature*, Winter, Heidelberg, 2005 and *The Concept of Equity: an Interdisciplinary Assessment*, Winter, Heidelberg, 2006.

**Bradin Cormack, University of Chicago.**

TITLE: "Strange Love: Or, Holding Lands"

ABSTRACT: This paper explores how, in Shakespeare's sonnets (and in the plays), Shakespeare looks to legal tenure and the mechanics of common-law possession to explore the claim of erotic relation and erotic estrangement on the speaking self and its "self-possession." The connection between land and love that Shakespeare's texts deploy, charge and amplify was of some use to the common lawyers themselves. In the erotics of land law, I argue, we thus find a topic whose contours demand an approach to law and literature that respects the law's dynamics, as well as the sonnets'.

BRIEF BIOGRAPHY: Associate Professor of English at the University of Chicago. In addition to essays on Shakespeare's poetry and drama, he is author of "A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625" (2007, forthcoming). He is also coauthor of "Book Use, Book Theory: 1500-1700", and coeditor of the forthcoming volume "The Forms of Renaissance Thought"

**Karen J. Cunningham, UCLA.**

TITLE: “‘One of the women marries an outlaw’: Moot Cases and Shakespearean Comedy”

ABSTRACT: Much recent scholarship has focused our attention on the general designation "Shakespeare and the law." Typically these studies identify "law" with official pronouncements--with the statutes, acts, and proclamations of Shakespeare's day on such topics as marriage, equity, or property--and they emphasize the representations of these in the plays. In part, however, these studies tend to elide differences between legal theory and legal practice, or between the announced operations of official justice and the lived practices of unofficial yet influential customs. Recent work has begun to challenge the assumption that canonical rules of law adequately describe the range of lived experiences in the sixteenth and seventeenth centuries, and scholars have begun to demonstrate the ways actual practices varied from apparently absolute codes. I want to contribute to this growing body of work by focusing not on the lived experience of Renaissance English men and women, but on the representation of that experience in one of the overlooked imaginative literary forms that circulated throughout early modern London. It is my contention that many familiar Shakespearean comedies have their bases in the moot cases performed by the aspiring law students at the Inns of Court. Part of the pedagogical process of learning and testing the laws governing the conveyance of property, these improbable legal narratives take the common law as their prompt for depicting what appear to be implausibly complex births, marriages, and deaths, and resurrections of the inhabitants of an imaginary world. Thought mooting involved applying legal principles to potential events, such a description does not do justice to the radically creative basis of the moot case, to its dialogical nature, and to its often hilarious world view--one in which the arbitrary and unlikely are not merely the norm but the goal. These cases, I suggest, provided Shakespeare (and quite possibly other Renaissance writers) with rich plot materials for early English comedy.

BRIEF BIOGRAPHY: is a Lecturer in Early English Literature at University of California, Los Angeles. Her articles on Marlowe, Shakespeare, Raleigh, and early modern women have appeared in *Publications of the Modern Language Association*, *Exemplaria*, *Shakespeare Quarterly*, *Journal of Medieval and Renaissance Studies*, *Renaissance Drama* and the Blackwell Shakespeare companion volumes. She is the author of *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England* (U Pennsylvania, 2002), the coeditor with Constance Jordan of *The Law in Shakespeare* (Palgrave 2007), and the contributor of a series of entries on "women and law" for the currently in-progress *Shakespeare Encyclopedia*, edited by Patricia Parker.

**David Edgar, playwright.**

David Edgar was born in Birmingham and educated at Oundle School and read Drama at Manchester University. After a short career in journalism, he took up writing full-time in 1972.

His plays include *The National Interest* (1971), *Excuses Excuses* (1972), *Dick Deterred* (1974), *Saigon Rose* (1976), *Wreckers* (1977), written for 7:84 Theatre Company, *Mary Barnes* (1978) and *Entertaining Strangers* (1986), commissioned by Ann Jellicoe and the Colway Theatre Trust. His plays written for the Royal Shakespeare Company (RSC) include *Destiny* (1976), winner of the John Whiting Award, *The Jail Diary of Albie Sachs* (1978), *The Life and Adventures of Nicholas Nickleby* (1980), winner of the Society of West End Theatres Best Play award and a Tony Award (USA), *Maydays* (1983), winner of the Plays and Players Award for Best Play, *The Shape of the Table* (1990), written for the Royal National Theatre in London, and *Pentecost* (1994), winner of the Evening Standard Award for Best Play of the Year.

His work for television includes adaptations of *Destiny*, screened by the BBC in 1978, *The Jail Diary of Albie Sachs*, televised by the BBC in 1981, and *The Life and Adventures of Nicholas Nickleby*, televised by Channel 4 in 1982, as well as the plays *Buying a Landslide* (1992) and *Vote for Them* (1989). He is also the author of the radio plays *Ecclesiastes* (1977), *A Movie Starring Me* (1991), *Talking to Mars* (1996) and an adaptation of Eve Brook's novel *The Secret Parts* (2000). He wrote the screenplay for the film *Lady Jane* (1986).

More recent plays include *Albert Speer* (2000), based on Gitta Sereny's biography of Hitler's architect, first staged at the Royal National Theatre, *The Prisoner's Dilemma* (2001), an exploration of the nature of modern conflict, for the RSC, and *Playing With Fire* (2005). He is also the author of *The Second Time as Farce: Reflections on the Drama of Mean Times* (1988) and editor of *The State of Play: Playwrights on Playwriting* (2000). He was Resident Playwright at the Birmingham Repertory Theatre in 1974-5 (Board Member from 1985), Fellow in Creative Writing at Leeds Polytechnic, Bicentennial Arts Fellow (US) (1978-9) and was Literary Consultant for the RSC (1984-8, Honorary Associate Artist, 1989). He founded the University of Birmingham's MA in Playwriting Studies in 1989 and was its director until 1999. He was appointed Professor of Playwriting Studies in 1995.

David Edgar is a Fellow of the Royal Society of Literature. He lives in Birmingham.

**Mark Fortier, University of Guelph, Canada.**

TITLE: "Shakespeare and Specific Performance"

ABSTRACT: The standard form of compensation for loss at the common law is damages—a sum of money given as recompense. It is only in rare and special situations that the equitable remedy of specific performance is employed. Specific performance assumes that some particular thing is of such unique value that only the delivery of the thing itself is an adequate remedy. In this paper I use the difference between money-based damages and value-laden specific performance, taken in an expansive, somewhat metaphorical sense, to explore questions of value, loss, and recompense in the world of Shakespeare's plays.

Like much imaginative literature—think of the first-born child in Rapunzel—Shakespeare's world is one in which specific values and compensation play a much larger role than does money—thus putting literature at some variance from the realities of law under capitalism. This may in part be simply because highly personalized investments make for better stories. I wish in this paper, however, to explore the complex ramifications, both wondrous and destructive, of an emotional and legal economy based so deeply in specific values and performance. Through a wide ranging survey of key moments in Shakespeare's plays, I will argue that Shakespeare is as much horrified as delighted by the deep ramifications of a world based in specific performance.

BRIEF BIOGRAPHY: Mark Fortier is the Director of the School of English and Theatre Studies at the University of Guelph, Ontario, Canada. He is the author of *Theory/Theatre: an Introduction* (1997, 2002) and *The Culture of Equity in Early Modern England* (2005), and co-editor of *Adaptations of Shakespeare* (2000) and *Royal Subjects: Essays on the Writings of James VI and I* (2002).

**Germaine Greer, Emeritus Professor of English and Comparative Studies at Warwick University; Writer, Broadcaster.**

TITLE: "Shakespeare and the Marriage Contract"

BRIEF BIOGRAPHY: Germaine Greer was born in Melbourne and educated in Australia and at Cambridge University. Her first book, *The Female Eunuch* (1969), took the world by storm and remains one of the most influential texts of the feminist movement. Germaine Greer has had a distinguished academic career in Britain and the USA. She makes regular appearances in print and other media as a broadcaster, journalist, columnist and reviewer. Since 1988 she has been Director (and financier) of Stump Cross Books, a publishing house specialising in lesser-known works by early women writers.



**Steve Hindle, Centre for the Study of the Renaissance, University of Warwick.**

TITLE: "Imagining Insurrection in Seventeenth-Century England: The Midland Rising of 1607"

BRIEF BIOGRAPHY: Steve is Director of the *Centre for the Study of the Renaissance* at Warwick. He is a Fellow of the Royal Historical Society; and a member both of the National Archives Early Modern Sources Advisory Panel and of the Council of the Dugdale Society. Between 1999 and 2004, he acted as annual reviewer of periodical literature for the *Economic History Review*. His first book, *The State and Social Change in Early Modern England*, was an attempt to explore the scale of popular participation in the process of governing rural England in the period c.1550-1640. Its concluding chapter, focusing on the governance of the rural parish, led me to an analysis not only of the social status and political attitudes of office-holders in rural communities, but also to an investigation of the politics of the poor rate. Over the past five years he has researched and published a number of case studies of the patterns of local social relations in a wide range of English communities, including analyses not only of the loops of association which bound together subordinate groups but also of the allocation of entitlement under the Elizabethan poor laws. His second monograph, entitled *On the Parish?: The Micro-Politics of Poor Relief in Rural England, c.1550-1750*, was published by Oxford University Press in August 2004. He has begun to prepare the groundwork for his next project, a monographic study of 'The Social Topography of a Rural Community: The Warwickshire Parish of Chilvers Coton, c.1600-1730' and he is undertaking a major collaborative research project into the comparative history of parishes in early modern Europe, under the general title 'Power, Memory and Identity in the Early Modern Parish, c.1350-1750'.

**Harry Keyishian, Fairleigh Dickinson University**

TITLE: "Shakespeare and Renaissance Punishment Theory"

ABSTRACT: Renaissance law strongly stressed deterrence, rehabilitation, and the security of society as the functions of judicial punishment, but it also displayed a deep concern with retribution and equity, with justly matching punishments with offences. Motive was the key to defining crime: hence the legal truism "Without intent there is no crime." Drama is all about intent, perceived through dialogue, behavior, and soliloquy; by its nature, it explores equity. While law tends to be prescriptive and concerned with actual behavior and legal offenses, drama is descriptive and concerned with fictional behavior and a wide array of offenses. Ideas about punishment appear in Shakespeare's works on several levels: they are stated and debated in several plays; they appear in figures of speech when issues of desert arise; and they are implicit in the distribution of rewards and punishments at play's end, where they are mediated by genre. Rehabilitation is stressed in romantic comedy, deterrence in satire and farce, and retribution in tragedy and history. We better understand how punishment works in imaginative literature if we set it against the legal rules it often defies, flouts, and overturns.

BRIEF BIOGRAPHY: Harry Keyishian is Professor of English at Fairleigh Dickinson University in Madison, New Jersey, USA, and Director of Fairleigh Dickinson University Press. His published books include *The Shapes of Revenge: Victimization, Vengeance, and Vindictiveness in Shakespeare* (1995) and *Screening Politics: The Politician in American Movies* (2003). His reviews and essays have appeared *Shakespeare Quarterly*, *Shakespeare Bulletin*, *Studies in English Literature*, *Modern Language Studies*, *Modern Language Notes*, *The American Journal of Psychoanalysis*, *Comparative Drama*, *On Stage Studies*, *Research Opportunities in Renaissance Drama*, and *Medieval and Renaissance Drama in England*, among others. His essays have appeared in the collections *Shakespeare in Performance*, edited by Frank Occhiogrosso; *The Cambridge Companion to Shakespeare on Film*, edited by Russell Jackson; and *Henry VI: Critical Essays*, edited by Thomas A. Pendleton

**Rachel Kavanaugh, Artistic Director, Birmingham Repertory Theatre**

TITLE: "Staging Shakespeare"

BRIEF BIOGRAPHY: Rachel is the first female artistic director to lead The REP in its 93-year history, having previously been an Associate Director. She directed *The Merry Wives of Windsor* for the Royal Shakespeare Company and has directed numerous productions of Shakespeare's plays for the New Shakespeare Company at the Open Air Theatre, Regent's Park, to wide critical acclaim.

**Desmond Manderson, McGill University, Canada**

TITLE: “The Shakespeare Moot Project”

ABSTRACT: Professors Manderson and Yachnin will debate their different judgments on the same sex marriage case which was the subject of last year’s *Shakespeare Moot* (<http://www.mcgill.ca/shakespearemoot/>). It is an effective illustration of what the Shakespeare moot project is attempting to achieve, and usefully explains the parameters and design of the project, with an emphasis on what the organisers believe to be its radical interdisciplinarity.

BRIEF BIOGRAPHY: Professor Desmond Manderson holds the Canada Research Chair in Law and Discourse at McGill University Faculty of Law, Montreal where his teaching and research attempts to connect interdisciplinary scholarship in law, literature, philosophy and cultural studies, with contemporary issues of legal and ethical significance. Recent books include *Songs without music: aesthetic dimensions of law and justice*; *Legal Spaces*; and *Proximity, Levinas, and the soul of law*. Current research includes further work on Levinas and law; a book on the Shakespeare Moot Project which he directs jointly with Paul Yachnin; and the relationship between literature and justice in the work of D H Lawrence.

**Istvan Pogany University of Warwick**

TITLE: “The Merchant of Venice: The Legal Construction of the Jew in Transylvania”

ABSTRACT: As in much of Central and Eastern Europe, the lives of Jews in Transylvania were heavily circumscribed by law until as late as the latter half of the 19<sup>th</sup> century. Laws prescribed the towns that Jews could settle in, the professions and trades that they could pursue, the kinds of property that they could purchase, the status of their religious communities and the extent of their civil and political rights. Jewish emancipation was a slow, fitful and precarious process that was followed, in 1940, by the introduction of a series of anti-Jewish laws that rolled back the hard-won freedoms of the previous century. In denying Jews equality with their gentile neighbours, law in Transylvania, as elsewhere in ‘Christian’ Europe, reflected the perception of the Jew as the quintessential ‘other’. Jews were feared and despised in equal measure, whether for their complicity in deicide, their refusal to abandon their religious particularity, the economic and professional competition that they represented to segments of the majority population and because of their supposed impact on the social and cultural identity of ‘Christian’ societies.

This paper will explore the extent to which the construction of the Jew in Shakespeare’s *The Merchant of Venice* can inform our understanding of anti-Semitism in Central and Eastern Europe. Can *The Merchant of Venice* serve as a metaphor for the fate of Transylvania’s Jews in the 19<sup>th</sup> and 20<sup>th</sup> centuries?

BRIEF BIOGRAPHY: Istvan Pogany is Professor of Law at the University of Warwick.

Previously, he taught at various universities including Edinburgh, Hull, Exeter and Connecticut. During 1989-90, he was a Research Fellow at the Lauterpacht Centre for International Law, University of Cambridge. His books include *Righting Wrongs in Eastern Europe* (MUP, 1997) and *The Roma Cafe: Human Rights and the Plight of the Romani People* (Pluto, 2004). He is currently researching a book on the denial of human rights in Central and Eastern Europe during the 19th and 20<sup>th</sup> centuries.

**Roger Pringle, Director of the Shakespeare Birthplace Trust**

TITLE: “Shakespeare and his local background (an illustrated talk)”

BRIEF BIOGRAPHY: Under Roger’s guidance the educational role of the Shakespeare Birthplace Trust has been considerably enhanced and its focus has become not just the preservation and interpretation of buildings, but developing the study and appreciation of Shakespeare's plays. His mission of increasing access to the Trust's work, not just physically' but intellectually, has enabled many to enjoy and take pleasure from Shakespeare's work. Roger also works closely with the formal education sector. He is Vice-Chair of Stratford College, and the Trust's education programmes include undergraduate courses arranged with the University of Birmingham.

Roger has also written several books on Shakespeare-related topics and local history and directs poetry readings, including the Stratford Poetry Festival. He has also been involved with other arts festivals across Britain including Edinburgh, London and Cheltenham and overseas in the USA, Israel and Hong Kong. He has also organized the World Shakespeare Congress in Berlin, Tokyo and Los Angeles.

**Erika Rackley, University of Durham.**

TITLE: “Judging Isabella: Justice, Care and Relationship in Measure for Measure”

ABSTRACT: This paper considers the story of Shakespeare’s Isabella – both within and outwith the narrative of *Measure for Measure* – as a lens through which to explore representations of the judge and judging. Taking criticisms of Isabella and her encounter with Angelo as its starting point, it seeks to trouble the polarisation of justice and care – law and mercy – in traditional accounts of adjudication. Challenging the notion of the judge and judicial impartiality as necessarily unconnected, the paper goes on to establish Isabella as an icon – a focus for contemplation and reflection. So viewed, Isabella and, particularly, her relationship with Claudio, provide a window onto alternative conceptions of autonomy, relationship, justice and care and, in so doing, orientate the mind and imagination toward the re-conceiving of previous insights and the possibilities of alternative understandings of the judge, judging and adjudication.

BRIEF BIOGRAPHY: Erika Rackley is a lecturer in the law department at Durham University. Her research interests lie primarily in the role of the imagination in shaping and informing understandings of law, justice and adjudication. Methodologically and substantively eclectic and interdisciplinary, her research typically combines the insights of law and literature with feminist methodologies. She has written widely on judicial diversity and the woman judge. Her essay on Shakespeare’s Portia as a continuing metaphor for the woman lawyer won the Victoria Fisher Memorial Prize in 2001.

**Paul Raffield, University of Warwick.**

TITLE: “*Terras Astraea reliquit: Titus and the Loss of Justice*”

ABSTRACT: This paper examines the absolutist nature of government in the last decade of Elizabethan rule. The sovereignty of the courts of common law was threatened by the encroachment of rival jurisdictions (notably the Courts of High Commission and Star Chamber) into areas affecting the liberty of the individual subject. The equitable principles of common law, enshrined in Bracton’s maxim, *lex facit regem*, were threatened by the implication of unlimited power, represented by the civilian maxim, *quod principi placuit vigorem legis habet*. *Titus Andronicus* (first performed in 1594) presents a dystopic vision of a chaotic city-state, in which the fundamental liberties of the subject have been subjugated to the will of the Emperor, and Astraea (the goddess of justice) has fled the realm.

BRIEF BIOGRAPHY: Dr Paul Raffield joined Warwick Law School in September 2004, as the City Solicitors’ Trust Lecturer in Civil Law. He has published extensively in the areas of legal history and law & literature. He is the author of *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660*, published by Cambridge University Press in 2004. He is currently completing his first novel, *Moldhaven*. In addition to his academic career, Paul continues to work as an actor and director, appearing recently in last year’s West End revival of Michael Frayn’s *Donkeys’ Years*. Paul is joint general editor (with Gary Watt) of *Law and Humanities* and the co-organiser of the international conference on Shakespeare and the Law.

**Giuseppina Restivo, University of Trieste**

TITLE: "Equity and the missing trusts in *King Lear*, or fathers' re-education and Plato's *pleonexia*"

ABSTRACT: References to law in *King Lear*, Shakespeare's play with the broadest array of legal issues, embrace three main aspects: the succession/inheritance problem; a score of allusions to law, spread throughout and containing Shakespeare's harshest attacks to corrupted judges; and, in the quarto edition, the only direct mention of an equity judge in Shakespeare, as recently pointed out by B. J. Sokol and Mary Sokol. This mention occurs in the hovel scene, when Lear stages an imaginary trial to Goneril and Regan for their ingratitude, with Edgar as the justice and the Fool as his "yoke-fellow of equity", benching by his side in the same commission, as in a state trial, evocative, for its royal protagonists, of Mary Stuart's trial under Elizabeth.

While the first two legal aspects have been repeatedly commented by criticism, the third concerning equity has received little attention, although it is known that a historical link with equity is probably at the root of the play. Lear's madness is not to be found in any of the sources available, but, through the connection with his patron Southampton, Shakespeare was acquainted with Brian Annesley's real case. By 1603 this gentleman was unfit to govern himself or his estate: while two of his daughters tried to have him certified as insane, his youngest daughter, Cordell, defended him and had him put under Sir James Croft's care. After Annesley's death, it was the equity court of Chancery that solved the problems of his will.

But more can be added on equity in *King Lear*. Edmund's feigning of Edgar's rebellion to their father, the Earl of Gloucester, though elsewhere in the play depicted as 'simply' an illegitimate son's criminal plan, is in I, 2, 69-71 linked with the suggestion that "sons at perfect age and fathers declin'd, the father should be a ward to the son, and the son manage his revenue": a solution reachable with the use of trusts, equitable devices which, if used by Lear with his daughters, would have avoided the ensuing tragedy, as might have been the case with Gloucester.

This un-discussed, missing but suggested, equitable solution of the double inheritance problem represented in the play, should be seen as not less relevant in the debate on succession than the lacking primogeniture or the probably implicit Kentish 'gavelkind', recently re-discussed by Terry Reilly. Usually ignored as an issue at the core of *Lear*'s double story, it can contribute in solving apparently enigmatic aspects of the play, connected as it is with what can be read as the fathers' re-education by their children and an almost direct evolution in this sense of the inheritance and father-children relationships in *As You Like It*. In *King Lear* the problems of fatherhood intertwine with those of justice, which, as in Plato's *Republic*, clash with a natural tendency to *pleonexia*, or anxiety for possession and superior power, spoiling family relationships and surfacing in an obsessive recurrence of the epithet *slave*.

**BRIEF BIOGRAPHY:** Giuseppina Restivo is Professor of English Literature and deputy head of the Department of Foreign Literatures, Comparative and Cultural Studies at the University of Trieste, and also part of the Faculty for the research Doctorate in Literatures and Cultures of the English-speaking Countries at the University of Bologna. She is the author of *La nuova scena inglese: Edward Bond*, Torino, Einaudi, 1977; *Le soglie del postmoderno: 'Finale di partita' di Samuel Beckett*, Bologna, Il Mulino, 1991; has promoted and co-edited *Tradurre/Interpretare Amleto*, CLUEB, Bologna 2002 and *Inscenare/Interpretare Otello*, CLUEB, Bologna 2006. She has contributed essays to many volumes (especially on Shakespeare and on Beckett) and to Italian and international journals and reviews (*Paragone*, *Alfabeta*, *Il Piccolo Hans*, *Il confronto letterario*, *Autografo*, *La Rivista dei Libri* (the Italian version of *The New York Review of Books*), *Textus*, *Joyce Studies in Italy*, *Samuel Beckett Today/Aujourd'hui*, *The Journal of Beckett Studies*, *Interlitteraria* (Tartu University Press)). Her main fields of interest are Shakespeare's theatre, Shakespeare and the law (current research project), Beckett's and Joyce's theatre, comparative literature and theory of culture.



**Carolyn Sale, University of Alberta.**

TITLE: “‘The King is a Thing’: Plowden’s Report of the ‘Case of Mines’ and Shakespeare’s *Hamlet*”

ABSTRACT: The most famous legal allusion in the Shakespeare canon is to *Hales v. Petit* (1562), a case reported by Edmund Plowden in his *Commentaries* (1571). While *Hamlet*’s allusion to *Hales v. Petit* has been noted by Shakespeare scholars and lawyers since the nineteenth century (and been appraised in recent scholarship), scholarship on Shakespeare and the law has yet to take account of *Hamlet*’s allusions to another case reported by Plowden, familiarly known as the “Case of Mines” (1568). *Hamlet*’s allusions to the “Case of Mines” are not incidental, but central, featuring importantly – indeed, audaciously and provocatively – in Hamlet’s claim that the “King” is not only “a thing” but a “thing of nothing” (Arden 4.2.25–28). Here Shakespeare invokes (and Hamlet subverts) the arguments of Queen’s counsel in the case, which included the assertion that the “King” as the “most excellent” person had the right to appropriate to himself the “most excellent” things, a category that included sturgeon, whales and gold, and purportedly entitled Elizabeth I to seize, “to her proper Use,” mines in Cumberland gifted to the Earl of Northumberland by letters patent from Philip & Mary. The case is as important to sixteenth-century conceptions of the prerogative and sovereign authority as *The Duchy of Lancaster* (1568), famous for its articulation of the fiction of the king’s two bodies. My paper will discuss the various facets of the argumentation and jurisprudence, as reported by Plowden, to situate the case’s ideas of law and its function in relation to Shakespeare’s play and its function as revenge tragedy. The paper will also assert the significance of the commentary that Plowden appends to his account of the proceedings. (This is one of the few cases, despite the *Commentaries*’ title, in which Plowden offers his own views on the judgment.) My paper will show how Plowden’s report invites literature’s challenge to law – and the ways in which, in the form of Shakespeare’s play, literature meets that challenge.

BRIEF BIOGRAPHY: Assistant Professor, University of Alberta (Canada). BA (Hons) and MA, University of British Columbia (Vancouver, Canada). Ph.D. Stanford University (CA, USA). Publications include articles in *ELH* and *Renaissance Drama*, and “The ‘Amending Hand’: *Hales v. Petit*, *Eyston v. Studd*, and *Equitable Action in Hamlet*” in *The Law in Shakespeare* (Palgrave Macmillan, 2007), eds. Constance Jordan and Karen Cunningham. I am working on a book, “Common Properties: The Early Modern Writer and the Law, 1546-1628,” and will be a Barbara Thom research fellow at the Huntington Library (San Marino, CA) for 2007-2008.

**Anton Schütz, Birkbeck College, University of London.**

TITLE: "Shylock's Politics"

ABSTRACT: My first point will be that the counter-hero of Shakespeare's Venetian comedy is, at closer looks, judged not for a deed but for evil projects, declarations, sermons. No one knows what would have happened, had his legal claim been allowed, rather than denied on the back of contrived arguments. Would he have cut out of the breast of his adversary a large piece of flesh? I shall investigate into this counterfactual scenario and weigh the credibility of the general assumption that he would have cut indeed. My second point depends partly, although not totally, on whether one rejects or accepts this assumption. Can Shylock be construed as pursuing a project of emancipation/liberation/equality? If so, can his obstinate sticking to his contractual rights be read as part of a strategy (and if so: of the only possible strategy) of realizing the goal of transforming his predicament into the status of a fully entitled and recognized Venetian citizen?

BRIEF BIOGRAPHY: Dr Anton Schütz holds a JD in law from the University of Vienna and a post-graduate degree in Social Anthropology from the Ecole des Hautes Etudes en Sciences Sociales (Paris). He has been a teacher of European legal and religious history at the Ecole Pratique des Hautes Etudes. He is a member of a research centre based at the Maison des Sciences de l'Homme (Paris). Dr Schütz joined Birkbeck Law School in 1994 after having been awarded a research fellowship at the Max Planck Institute for European History in Frankfurt am Main as well as a Jean Monnet Fellowship at the European University Institute in Florence. Anton has a book forthcoming, entitled *Fictio Iuris: La Politique Classique de la Reference - A study of medieval legal forms*.

**Professor B. J. Sokol, Professor Emeritus, University of London, Goldsmith's College**

**Dr. Mary Sokol (formerly University of Sussex) Research Fellow, University College London.**

TITLE: "Spousals in Shakespeare: irregular or clandestine marriages"

ABSTRACT: Shakespeare described or portrayed contemporary marriage formation in nearly every one of his plays. Also, his use of the word 'contract' is almost entirely limited to contracts of marriage. But to modern understanding the laws of his time on making a valid marriage can appear confusing and clouded with ambiguity.

As is well known, because England retained the older Catholic consensual theory of marriage formation until well after Shakespeare's time, many clandestine or irregular marriages could nevertheless still be valid. How were such valid but irregular marriages regarded by contemporaries? Were they seen as defective even if binding, and what was the consequence of such a marriage on subsequent property rights such as dower or coverture? Sixteenth century texts differ on such issues, and so do modern historians. The problem may have to do with jurisdictional differences between church courts, which had jurisdiction over most matters relating to marriage and morals, the common law courts and prerogative courts which heard all matters relating to property.

Were Shakespeare and his contemporaries bemused by problems arising from anomalous laws, or on the contrary were the apparent contradictions reconciled by legal processes and legal fictions? This paper will examine a range of Shakespeare's plays in parallel with the experiences, as reflected in legal records, of irregular marriage formation of several of Shakespeare's contemporaries (some well known to him).

#### BRIEF BIOGRAPHIES:

Mary Sokol qualified as a solicitor and later completed a Ph.D. in legal history. She practised law and then taught law and legal history at the University of Sussex. Now she is an honorary research Fellow at University College London. Her publications on legal history include books and articles on Shakespeare and Law co-authored with B. J Sokol.

B. J Sokol studied mathematics as an undergraduate but did his Ph.D. in English. He is now Emeritus Professor of English at Goldsmiths College, University of London. He has often written about Shakespeare, including books and articles co-authored with Mary Sokol.

**Katrin Trüstedt, European University, Viadrina Frankfurt**

TITLE: “The Tragedy of Law in the Sea-change of Romance: Reading William Shakespeare’s *The Tempest*”

ABSTRACT: This contribution to the conference focuses on the status of law in regard to nature and art in Shakespeare’s late play *The Tempest*. The inscription of law into nature as it can be seen in *King Lear*’s trial to legitimize sovereignty with nature, leads to crisis and the suspension of law. Rather than being natural, it points to an ‘outlaw’ dimension of law internal to sovereignty, a dimension that also plays a central role in other Shakespearean tragedies. This ‘tragedy of law’ suffers a sea-change ‘into something rich and strange’ in the Shakespearean romance *The Tempest*. While Shakespeare’s late plays do take up the setting of tragedy, they, with their artistic turn towards a special kind of comedy, play on possibilities of life, promise and forgiveness beyond the tragical patterns of law.

BRIEF BIOGRAPHY: Katrin Trüstedt studied Cultural Sciences, English Literature, and Philosophy in Berlin and Frankfurt (Oder). After finishing her M.A. with a thesis on Shakespeare in 2004, she began her dissertation in the Doctoral Program *Repräsentation – Rhetorik – Wissen* (Frankfurt, O.). Since 2005 she is Assistant Professor of Western European Literatures at the European University Viadrina (Frankfurt, O.) as well as coordinator of the Doctoral Program *Lebensformen und Lebenswissen* (Frankfurt, O. and Potsdam). Katrin Trüstedt is currently finishing her dissertation on Shakespeare’s romances and the philosophical implications of their ‘sea-change’ from tragedy to comedy.

**Ian Ward, Professor of Law at Newcastle Law School, University of Newcastle-upon-Tyne.**

TITLE: "Terrorism and Equivocators"

ABSTRACT: The adage of yesterday's terrorist being tomorrow's freedom fighter is an old, and familiar, one. But it has force. The purpose of this paper is to contribute to the present debate surrounding the relation of law and terrorism, by investigating one particular historical incidence of terrorism, and one particular piece of literature which spoke to it. This historical incidence is the Gunpowder Plot of 1605, and the anti-Jesuit scare within which it must be set. And the literary text is Shakespeare's *Macbeth*, a play which has long been read within this anti-Jesuit context, but which also has much to say about conceptual indeterminacy, and those who seek to exploit it. In *Macbeth*, Shakespeare aligns the terrorist, or one to whom we would today ascribe the soubriquet terrorist, with the equivocator. In our present age, when terrorism and counter-terrorism seems to be as much a struggle between equivocator and counter-equivocator, the parallel is instructive, and sobering. (The full text of this keynote speech is contained in the first issue of the journal *Law and Humanities*, which is included in delegates' conference packs.)

BRIEF BIOGRAPHY: Ian Ward is Professor of Law at Newcastle Law School, having previously taught at the Universities of Durham, Sussex and Dundee. He has also held visiting positions at a number of Universities around the world, including Iowa, Alberta, Montpellier, Turku and Lisbon. His research interests lie in the areas of legal theory and public law, with a particular focus on cross-disciplinary approaches to legal study and scholarship. His publications include *Law and Literature: Possibilities and Perspectives*, *Shakespeare and the Legal Imagination* and most recently *The English Constitution: Myths and Realities*. He is currently working more closely on the subject of terrorism, and will be shortly publishing *Literature, Terror, Justice* with Stanford University Press.

**Gary Watt, University of Warwick.**

TITLE: "The Law of Dramatic Properties in *The Merchant of Venice*"

ABSTRACT: "*The Merchant of Venice* is a fairy tale...There is no more reality in Shylock's bond and the Lord of Belmont's will than in Jack and the Beanstalk". The opening words of Professor Barker's *Prefaces to Shakespeare*, imply a warning to lawyers who might be tempted to mine the play for technical references to law. Yet despite the warning, it cannot be denied that there is a tangible reality to the "props" which appear in the play, and that those same "props" – including rings, bonds, seals and scales - were also employed in the dramatic rites of law in Shakespeare's England. There may not be any more reality in the world of law than in the world of the play, but there is at least a real connection between these worlds. Props make the bridge. This paper will examine closely those props which have one foot on the shore of the play and one foot on the shore of law, to reveal their legal and dramatic significance. It will be shown that despite the many differing ways in which they perform, the props are constant to one thing. This constant (we might call it a "law" of sorts) is the use of something small to signify something great, and in particular the use of a part to convey the whole, *partem pro toto*. A part for all; this is the law of dramatic properties in *The Merchant of Venice*.

BRIEF BIOGRAPHY: Gary Watt is a Reader in Law at the University of Warwick, Visiting Professor at the Université René Descartes, Paris V, and a co-editor in the "Trento Project" for a Common Core of European Private Law at the Università degli Studi di Trento. His books include *Trusts and Equity* (OUP, 2003) and *How to moot: a student guide to mooting* (OUP, 2004, with John Snape). He is the author of numerous chapters and articles on legal subjects including law and humanities, most recently "Falstaff and the Highwaymen: Equity as Outlaw" and "Breed of Metal and Pound of Flesh: Faith and Risk in Metaphors of Usury", which will appear in forthcoming issues of the Italian journal *Polemos*. He has written for Radio 3's "Between the Ears" strand with the composer Antony Pitts. Gary is joint general editor (with Paul Raffield) of the journal *Law and Humanities* and the co-organiser of the international conference on *Shakespeare and the Law*.

**Richard H. Weisberg, Cardozo Law School, Yeshiva University, NYC.**

TITLE: "The Concept and Performance of the 'Code' in *Hamlet* and *The Merchant of Venice*"

ABSTRACT: In their different ways, suitable to their different crises and generic settings, codes play significant structuring and normative roles in "Hamlet" and in "The Merchant of Venice". This paper explores the grammar of the Ghost's instructions to his son in Act I of "Hamlet" as well as the Prince's manner of interpreting and performing that grammar, and then re-examines the contractual and statutory codes in "Merchant".

BRIEF BIOGRAPHY: Richard H. Weisberg is Floersheimer Prof of Constitutional Law at the Cardozo Law School, Yeshiva U., New York City and founding director there of the Program on Holocaust and Human Rights Studies. His works on the relationship of Law and Literature include ruminations on *Hamlet* in several articles and in the preface of "The Failure of the Word" (Yale U Press) and a chapter on Act V of "The Merchant of Venice" in "Poethics: and Other Strategies of Law and Literature" (Columbia U Press).

**Paul Yachnin, McGill University, Canada.**

TITLE: "The Shakespeare Moot Project"

ABSTRACT: Professors Manderson and Yachnin will debate their different judgments on the same sex marriage case which was the subject of last year's *Shakespeare Moot* (<http://www.mcgill.ca/shakespearemoot/>). It is an effective illustration of what the Shakespeare moot project is attempting to achieve, and usefully explains the parameters and design of the project, with an emphasis on what the organisers believe to be its radical interdisciplinarity.

BRIEF BIOGRAPHY: Paul Yachnin is Tomlinson Professor of Shakespeare Studies and Chair of the English Department at McGill University. He is also Co-Director of the Shakespeare and Performance Research Team and Director of the Making Publics project. His first book is *Stage-Wrights: Shakespeare, Jonson, Middleton, and the Making of Theatrical Value* (1997); his second, co-authored with Anthony Dawson, is *The Culture of Playgoing in Shakespeare's England: A Collaborative Debate* (2001). He is an editor of the forthcoming Oxford edition of *The Works of Thomas Middleton* and is editing Shakespeare's *Richard II*, also for Oxford. Work-in-progress includes a co-edited edition of *The Tempest* for Broadview Press and a book-length study, *Shakespeare and the Social Thing: Making Publics in the Renaissance Theatre*.

**Andrew Zurcher, University of Cambridge**

TITLE: “Comedies of Consideration”

ABSTRACT: To address methodological and critical issues at stake in the conferral of legal historical and literary studies. The major part of the paper concerns Shakespeare's interest, in *The Comedy of Errors*, in contractual theory, and the problems this throws up for understanding the function of comedy; but this leads to further reflections on the way we bring legal ideas to bear on literary texts in this period.

BRIEF BIOGRAPHY: Andrew Zurcher is Fellow in English at Queens' College, and a Newton Trust Lecturer in the Faculty of English, Cambridge. He has research interests in textual bibliography, legal history, and early modern Ireland, and works primarily on the writings of Spenser and Shakespeare.