

# COMPAR(A)ISON

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Between Literature and Law:  
on Voice and Voicelessness

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# Becoming Speech: Voicing the Text in Early Modern English Courtrooms and Theatres<sup>1</sup>

In his famous book *The Empty Space*, the director Peter Brook responds to demands from conservative critics that actors should stick to playing «what is written» with exasperation: «But what is written? Certain ciphers on paper.»<sup>2</sup> The challenge of translating these «ciphers» not merely into speech, but into a powerful performance is immense. This essay explores what that challenge meant and how it was met by actors in two key performative arenas of early modern English culture: the theatre and criminal courtrooms.

The study of early modern law and literature has flourished of late, with a number of books, essays, and dissertations offering sophisticated analyses of the interlinkages between legal modes of thinking and literary production.<sup>3</sup> Although I would align

<sup>1</sup> I am grateful to the Manuscript Society, whose Richard Maass Memorial Grant enabled me to pursue the archival research for this paper, and to the staff of the Folger Shakespeare Library, who provided a congenial atmosphere for its composition. Audiences at the Group for Early Modern Cultural Studies, the Center for Advanced Study in the Visual Arts at the National Gallery, Arizona State University, Macalester College, Miami University, and Stanford University gave me much appreciated opportunities to test earlier versions of my arguments. In particular, I would like to thank Madelyn Detloff, Tim Melley, Curtis Perry, Peggy Phelan, and David Riggs for their incisive questions. Marjorie Garber, Stephen Greenblatt, John Parker, and Sarah Wall-Randell read earlier drafts and generously shared their thoughts. Without Alison Syme, I would neither know how to begin nor where to end.

<sup>2</sup> Peter Brook, *The Empty Space*, Harmondsworth 1972, 15.

<sup>3</sup> For a concise summary, see Bradin CORMACK's review article, «Practicing Law and Literature in Early Modern Studies», in: *Modern Philology* 101 (2003), 79-91. Some of the more important recent contributions include Frances E. DOLAN, «"Ridiculous Fictions": Making Distinctions in the Discourse of Witchcraft», in: *differences: A Journal of Feminist Cultural Studies* 7 (1995), 82-110; and EAD., *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700*, Ithaca 1994. Dolan also edited a special issue of *Renaissance Drama* (n.s. 25 [1994]), which

than not, these transformations of writing into spoken language entailed acts of impersonation. By giving voice to someone else's writ, readers in court, in churches, or in the scrivener's shop no less than actors on stage performed a gesture of at least temporary and partial self-disavowal. When a priest reading a proclamation spoke, for instance, of «that Right which we had to the succession of this Crowne», everyone understood (we assume) that he was not claiming the throne for *himself*.<sup>6</sup> The «we» in his vocal act is that of King James I of England, whose *language* the priest speaks; the king's words pass through his body without, it seems, being tainted or weakened – without being infected, in the words of the Bishop of Carlisle from Shakespeare's *Richard II*, by the cleric's «subject and inferior breath.»<sup>7</sup> The priest vanishes, in a sense; the successful delivery of the proclamation is predicated on the assumption that the priestly reader disappears, becomes inaudible, as the royal voice sounds forth.

In the legal realm, we find that from the mid-sixteenth century on, witnesses' statements in criminal cases were increasingly recorded in writing, under oath, before the trial. The documents thus produced – depositions – could then come to replace the witnesses' live appearance in court during the trial.<sup>8</sup> However, they could not simply be shown as material objects. Depositions needed to be returned to their oral point of origin: they had to be read out by the court clerk, and it was that reading aloud which constituted evidence, not the document which underwrote the clerk's performance.<sup>9</sup>

<sup>6</sup> «A Proclamation inhibiting the Use and Execution of any Charter or Graunt made by the late Queene Elizabeth, of any kind of Monopolies & c. (7 May 1603)», in: J. F. LARKIN and P. L. HUGHES (eds.), *Royal Proclamations of King James I, 1603-1625*, Oxford 1973, 11-14 [11].

<sup>7</sup> *Richard II*, 4.1.128. I cite Shakespeare's works from *The Norton Shakespeare*, ed. by Stephen Greenblatt, Jean H. Howard, Katharine E. Maus and Walter Cohen, New York 1999.

<sup>8</sup> Two statutes of 1554 and 1555 first codified the recording of witness statements in writing: 1 & 2 Philip & Mary c. 13 and 2 & 3 Philip & Mary c.10. Legal historians have largely neglected Elizabethan and Jacobean trial procedure, treating it for the most part as a stepping-stone in teleological accounts of the development from medieval to 18<sup>th</sup>-century practices. The two most useful treatments are J. H. BAKER's short overview, «Criminal Courts and Procedure at Common Law, 1550-1800», in: *The Legal Profession and the Common Law: Historical Essays*, London 1986, 259-301, and J. S. COCKBURN's authoritative «Introduction», in: *Calendar of Assize Records: Home Circuit Indictments Elizabeth I and James I*, London 1985. John H. LANGBEIN best exemplifies the teleological approach (although his analysis of the Marian statutes and their prehistory remains unsurpassed) in: *Prosecuting Crime in the Renaissance: England, Germany, France, Cambridge/Mass.* 1974, esp. 5-129; and most recently, *The Origins of Adversary Criminal Trial*, Oxford 2003, esp. 10-66. John G. BELLAMY's work also offers useful perspectives: *The Tudor Law of Treason: An Introduction*, London 1979; *Criminal Law and Society in Late Medieval and Tudor England*, New York 1984; and *The Criminal Trial in Later Medieval England: Felony before the Courts from Edward I to the Sixteenth Century*, Toronto 1998.

<sup>9</sup> My account runs counter to the arguments put forward by Richard D. FRIEDMAN, especially in «No Link: The Jury and the Origins of the Confrontation Right and the Hearsay Rule», in: J. W. CAURNS and G. McLEOD (eds.), «The Dearest Birth Right of the People of England: The Jury in the

my own project with that larger movement, I also diverge from it in my focus on procedural issues as phenomena that do not necessarily bespeak specific correlations between judicial and aesthetic concerns but rather point to broader cultural shifts that emerge with particular clarity in the legal and the literary fields.

Less abstractly, I am interested in the many instances in this culture of translations of writing into speech, in situations when documents needed to be rendered vocally in order to attain authority or authenticity. My present inquiry concentrates on two particular instances: the vocal rendition of witness depositions in trials, which otherwise could not be admitted as evidence; and the performance of plays, where written scripts were realized in oral form – but these transactions occurred throughout the culture, including, for instance, the reading of royal proclamations from pulpits and in town squares.<sup>4</sup> In some cases reading aloud was necessary to reveal the very meaning of documents: scribes read out letters and legal deeds to their illiterate clients, for whom these documents would otherwise have remained mute objects.<sup>5</sup> In these performative practices, speech acts were, in a sense, controlled by written documents, but the oral remained the overt source, or location, of authenticity. Even in the case of the scrivener, although the reading derived significance from the written text it rendered orally, and authority from its purported faithfulness to the contents of that text, meaning was nonetheless generated through a speech act. More often

focused on Renaissance drama and the law. Luke WILSON's *Theaters of Intention: Drama and the Law in Early Modern England*, Stanford 2000, is almost exclusively concerned with jurisprudential questions and their theoretical implications; the same is true of the relevant chapters in Dennis KEZAR, *Guilty Creatures: Renaissance Poetry and the Ethics of Authorship*, Oxford 2001. Kezar's forthcoming collection of essays, *Solon and Thespis: Law and Theater in the English Renaissance* has been eagerly anticipated for a while. Among unpublished dissertations, three works stand out: Eric COLLUM, «Figuring the Law: Legal Bodies and Legal Spaces on the Early Modern Stage.» U of Delaware 1998; Bradin CORMACK, «A Power to do Justice: Jurisdiction and Royal Authority in English Literature and Law, 1509-1625», Stanford 2000; and Edwin Owen WILLIAMS, «Trials of Conscience: Criminalizing Religious Dissidence in Elizabethan England», U of Pennsylvania 2003. Two studies that diverge from the general trend and come closer to my own interests need to be mentioned. Karen CUNNINGHAM investigates questions of trial practice to some degree in *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England*, Philadelphia 2002; Nicholas MOSCHOWAKIS attempts, unfortunately not entirely successfully, to apply legal procedure to literary texts as an analytical frame in «Representing Othello: Early Modern Jury Trials and the Equitable Judgments of Tragedy», in: Ph. C. KOLIN (ed.), *Othello: New Critical Essays*, New York 2002, 293-324.

<sup>4</sup> See Harold Love, *The Culture and Commerce of Texts: Scribal Publication in Seventeenth-Century England*, Amherst 1998, 159, for examples of texts that «needed to be read aloud in order to have legal force».

<sup>5</sup> Not meaningless objects, though: see Juliet FLEMING, *Graffiti and the Writing Arts of Early Modern England*, Philadelphia 2001.

As with the priestly reading of royal proclamations, the authority, the truth value even, of the performance did not derive from the reader: the clerk merely served as a conduit. Although the legal process depended utterly on his voice, it conceived of that voice only in the most abstract, non-personal terms; the messenger, the performer, was presumed to add nothing to the written words beyond the sheer orality of his voice. In this, the model clerk's performance approximates that of the ideal messenger described by John Barret in his 1580 secretarial manual, the *Alvearie*. According to Barret, an envoy must not «alter any whit of his arrand, nor counterfeit any kind of looke, countenance, or gesture.»<sup>10</sup> The *reading* was crucially important, but the *reader* was not, since even as delivery was precisely the point of the exercise – the clerk delivered the statement, he entered it into evidence, and his vocal act made the witness' words perceptible to the court in the first place; *delivery* in the rhetorical sense – how the words are spoken, where the speaker pauses, speeds up, slows down, halts, falters, gesticulates, shifts and changes his posture – was seemingly of no importance whatsoever.

If the logic of the courtroom might at first seem deeply theatrical, then – the theatre being, after all, based on the «oral uses of written language», in Robert Weimann's memorable phrase<sup>11</sup> – at second glance, the legal desideratum of the barely animate, antiseptic, dry rendition of that written language could not be more at odds with the energy of stage histrionics. We might think of Peter Brook, and his sense that translating the «ciphers on paper» of a playscript into a performance is an enormous task. «Letting a play speak for itself», he insists,

[...] is the hardest job of all. If you just let a play speak, it may not make a sound. If what you want is for the play to be heard, then you must conjure its sound from it.<sup>12</sup>

I will return to the language of conjuration in a moment; for now, let me focus on Brook's claim that the *voice* of the play, in a sense, depends on actorly and directorial activity, on the «actions that a man might play», in Hamlet's words (*Hamlet* 1.2.84). Is this twentieth-

<sup>10</sup> *History of Common Law*, Oxford 2002, 93-100; and «Face to Face»: Confrontation as a Critical Condition of Common Law Testimony, 1500-1800», unpublished lecture, Yale University. I am grateful to Rich Friedman for sending me a copy of the latter piece, and to John Langbein for discussing my ideas with me at length, despite his strong disagreement.

<sup>11</sup> Quoted in Patricia PARKER, *Shakespeare from the Margins: Language, Culture, Context*, Chicago 1996, 182.

<sup>12</sup> Robert WEIMANN, *Author's Pen and Actor's Voice: Playing and Writing in Shakespeare's Theatre*, Cambridge 2000, 44.

<sup>13</sup> Brook, *op. cit.*, 43.

century view perhaps at odds with an early modern understanding of the relationship between script and performance? I would suggest that Brook's one-time collaborator Patsy Rodenburg comes closer to a historically faithful practice in her demand that «the speaker has to become the vessel for the text.»<sup>13</sup> Compare Thomas Heywood's epiphany to the first of the great Elizabethan actors, Edward Alleyn, whom he praises in his prologue to Martow's *Jew of Malta* as «Proteus for shapes, and Roscius for a tongue./So could he speak, so vary.»<sup>14</sup> Alleyn's *variable* speech, his ability to speak in many tongues, to shift his linguistic shape to suit the role becomes his defining glory, but what is lost is Alleyn's individual contribution: the greatest actor is the one who is not recognizable, who vanishes into his text. Similarly, in an anonymous elegy for Richard Burbage, the actor who first brought many of Shakespeare's leading characters to life on stage, it is the Protean quality of Burbage's speaking that is stressed:

How did his speech become him, and his pace,  
Suite with his speech, and every action grace  
Them both alike, whilst not a word did fall,  
Without just weight, to ballast itt with all.<sup>15</sup>

Burbage's act begins and ends with speech, speech to which pace and actions are 'suited', words which are given their «just weight». In other words, the actor's entire body corresponded to the imperatives of his text. His speech did «become him» in more than one sense, then. Aesthetically, action and words form a pleasing whole, they are *becoming*; but there is also a hint that the actor is taken over by words, that the body on stage is the incarnation of the play's language. He becomes speech, speech becomes, turns into, blends with, Burbage's physical presence. As oral performance and performer become indistinguishable, then, the greatest (or so we are told) of all early modern actors comes to resemble the ideal of the clerkly reader in the courtroom: both equally contained by their text, perfect conduits for someone else's words.

From this perspective, we might understand better what Ben Jonson meant when he said that his play, *The New Inn*, «was never Acted, but most negligently Play'd, by some,

<sup>13</sup> Quoted in Paul Richard KNOWLES, «Shakespeare, Voice, and Ideology: Interrogating the Natural Voice», in: J. C. BULMAN (ed.), *Shakespeare, Theory, and Performance*. New York 1996, 92-112 [106].

<sup>14</sup> Thomas HEYWOOD, «The Prologue to the Stage, at the Cock-Pit», in: Christopher MARLOWE, *The Complete Plays*, ed. by Frank Romany and Robert Lindsey, Harmondsworth 2003, 247.

<sup>15</sup> «A Funerall Elegye on ye Death of the famous Actor Richard Burbidge who dyed on Saturday in Lent of March 1618», in: E. NUNGEZER, *A Dictionary of Actors and of Other Persons Associated with the Public Representation of Plays in England before 1642*, New Haven 1929, 75.

the Kings Servants.<sup>16</sup> 'Acting', to Jonson's mind, consists of a perfect embodiment, a bodying forth, of the play's text. Jonson's own encomium on Edward Alleyn confirms this. Alleyn, he writes, gives «so many poets life» in playing the parts they have written that «others speak, but only thou dost act.»<sup>17</sup> Acting, from Jonson's point of view, means giving life on stage not to a character, but to a poet: Kyd, not Hieronimo; Marlowe, not Tamburlaine; Shakespeare, not Richard III; Jonson, not Volpone. Lest we assume that poets depend on actors, however, Jonson takes back with one hand what he has just given with the other: «'Tis just, that who did give/So many poets life, by one should live.»<sup>18</sup> His poem eternalizes Alleyn in a conventional enough gesture. However, if the actor can live on in the poem, this suggests that whatever life *he* gave to poets in his performances ultimately derived not from his speech, but from their words. As the poem concludes, life is a power of writing, not of speech.<sup>19</sup>

What I want to suggest is that these discourses – these practices – have a curious way of separating voice and identity. In this they might be seen to anticipate contemporary theories of the fundamental alienation of voice and self; for instance, Slavoj Žižek's claim that

[...] the moment we enter the symbolic order, an unbridgeable gap forever separates the human body from its voice. The voice acquires a spectral autonomy, it never quite belongs to the body we see, so that even when we see a living person talking, there is always some degree of ventriloquism at work: it is as if the speaker's own voice hollows him out and in a sense speaks by itself, through him.<sup>20</sup>

<sup>16</sup> *The new innie. Or, The light heart*, London 1631 (STC 14780), title page.

<sup>17</sup> Ben Jonson, «Epigram 89: To Edward Allen», in: *Ben Jonson*, ed. by C. H. Herford, Evelyn Simpson and Percy Simpson, Oxford 1925-1952, vol. 8, 56-57, line 12.

<sup>18</sup> Jonson, *op. cit.*, lines 13-14.

<sup>19</sup> My reading may be faulted for downplaying the importance of improvisation and ad-libbing to early modern staging practices, especially the vital role played by clowns such as Dick Tariton or William Kemp. This is not merely a heuristic strategy, though. On the one hand, I would argue that figures such as Kemp remained firmly on the presentational side of dramatic performance: where Burbage's success depended on his (at least partial) disappearance into the character, Kemp was remembered, in spectators' accounts, as Kemp, not as, say, Lancelot Gobbo. On the other hand, even such performances were enabled by the play, since an author's words provided the context and the ostensible motivation for the clownish act. Among alternative views, Robert Weimann's materialist interpretation of the development of medieval to early modern drama, and the move from improvised, communal theatrical activity to a more regulated commercial theatre has been widely influential; see especially *Shakespeare and the Popular Tradition in the Theatre: Studies in the Social Dimension of Dramatic Form and Function*, Baltimore 1978. On the figure of the clown in particular, see David Wiles, *Shakespeare's Clown: Actor and Text in the Elizabethan Playhouse*, Cambridge 1987.

<sup>20</sup> Slavoj Žižek, «I hear you with my Eyes; Or, the Invisible Master», in: Renata Salecl and Slavoj

I can't discuss here the validity of this fascinating observation in general terms, either in our own culture or in that of early modern England, but I would like to misappropriate Žižek's words as a description of what happens in early modern courtrooms and theatres. The «hollowing out» he describes depends on the ideological assumption that body and voice are intimately connected, so that the severance of that connection, or the realization that the connection did not obtain in the first place, estranges both parts, rendering the one «hollow», the other «spectral». In the courtroom and on stage, however, the effect of the voice's alienation is an affect of authenticity, truth, or actuality. Burbage's voice, completely colonized by Shakespeare's writing, conjures up «the grieved Moor»<sup>21</sup>; the court clerk's oral rendition of a witness's deposition, a putatively seamless and imperceptible act of ventriloquism, conjures up the figure of that witness. It is a question of focus, I would suggest, for whereas Žižek speaks of Burbage or the clerk *himself*, all that matters in court and theatre are the characters to whom their bodies play host, to whom they lend their voices. In a sense, these acts of impersonation depend on the essential alienation of body and voice that Žižek posits, striving, as they do, to fill the void he describes with other identities. As Laurence Olivier once said, speaking about actors, «we are the hollow men.»<sup>22</sup>

The relationship between body and voice here mirrors that between presentation and representation: Burbage is physically present on stage as *Burbage*, undeniably; but as he lends his voice to Shakespeare's text, as that text comes to inhabit his body, it simultaneously hollows it out (it undermines the body's Burbage-ness, so to speak) and cloaks it in a new identity: Hamlet, Lear, Othello. Burbage is present, but he represents a fictional character.<sup>23</sup> Phenomenological theatre theory conceives of this process as *presenting*: a play of actuality and fiction, of presence and absence, rather than absolute presence. Othello is both there on stage and completely imaginary, but so is Burbage. As Stanton Garner writes:

Žižek (eds.), *Gaze and Voice as Love Objects*, Durham 1996, 92. Further on the alienation of voice and body in Lacanian psychoanalysis, see the extensive (and excellent) discussion in Reinhart Meyer-Kalkus, *Stimme und Sprechkörper im 20. Jahrhundert*, Berlin 2001, esp. 382-426.

<sup>21</sup> «A Funerall Elegy», 74.

<sup>22</sup> Laurence Olivier, «On Acting» in B. Cardullo et al. (eds.), *Playing to the Camera: Film Actors Discuss Their Craft*, New Haven 1994, 118.

<sup>23</sup> The play of representation and presentation I am describing here is distinct both from the insistence on absolute representationality implied by Stephen Greenblatt's concept of theatricality in *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England*, Oxford 1988, and from the view exemplified by Steven Mullany's critique of Greenblatt, which insists on the difference between the two (see Mullany's review of *Shakespearean Negotiations* in *Shakespeare Quarterly* 40 (1989), 495-500 [498]); as well as Robert Weimann, «Bifold Authority in Shakespeare's Theatre» *Shakespeare Quarterly* 39 (1988), 401-417). As I will argue below, a coincidence of presence and representation was never desirable on stage, and was associated with injurious and supernatural events.

The entire field of performance is subject to a mimetic play where everything is always other than what it is, where the object in its actuality is seized and taken over by what is not there.<sup>24</sup>

The language of possession – objects are «seized and taken over», «spectral» voices «speak through» bodies to which they don't belong and so on – is revealing, even if its metaphors are no longer alive. We are still alert to the evanescent nature of theatrical characters, it seems; to the way characters are simultaneously visible and invisible, real and unreal, and hence, we might say, 'ghostly'. What we have lost is a sense of the reality of these images: the fact that they once referred to something that was considered actual; the fact that when the sixteenth century drew a connection between playing and conjuring, conjuring was as tangible an activity as play-acting.

Burbage's elegy offers a relatively benign version of the analogy, when it figures the actor's «tongue» as «enchanted» and fantasizes that if only Burbage could have spoken to Death, Death would have «been charmed, by thy all charming art» and would have let the actor go.<sup>25</sup> From a less benevolent perspective, that actors do the devil's work was one of the standard accusations leveled against them by Puritan antitheatrical critics.<sup>26</sup> The association of theatre and Satanism reached its highest level of metaphorical fecundity in William Rankins' 1587 tract *Mirror of Monsters*, which figures actors literally as monstrosities, brought into the world by the devil; he describes them as «seeds that are crept into the world by stealth, and hold possession by subtle invasion.»<sup>27</sup> In an image that prefigures Žižek's analysis, Rankins also imagines the actor's bodies as hollow: «the temple of our bodies which should be consecrate unto [Christ]» is made by them «a stage of stinking stuff, a den for thieves, and an habitation for insatiate monsters.»<sup>28</sup> Players offer their bodies up for demonic possession; in other words, they give to «airy nothings a local habitation and a name» (*Midsummer Night's Dream* 5.1.16-17). 'Shadows' themselves (as Richard Bernard

<sup>24</sup> Stanton B. GARNER, Jr., *Bodied Spaces: Phenomenology and Performance in Contemporary Drama*, Ithaca 1994, 39-40.

<sup>25</sup> «A Funerall Elegy», 75.  
<sup>26</sup> On Puritan and other kinds of antitheatricalism, see Jonas BARISH, *The Antitheatrical Prejudice*, Berkeley 1981, and most recently, Peter LAKE with Michael QUESTIER, *The Antichrist's Lewd Hat: Protestants, Papists, and Players in Post-Reformation England*, New Haven 2002.

<sup>27</sup> William RANKINS, *A mirror of monsters: wherein is plainly described the manifold vices, &c spotted enormities, that are caused by the infectious sight of plays, with the description of the subtle sights of Sathan, making them his instruments*, London 1587 (STC 20699), sig. B1v. For a rare critical study of Rankins' work, see Jonathan V. CREWE, «The Theater of the Idols: Theatrical and Anti-theatrical Discourse», in: D. S. KASTAN and P. STALLYBRASS (eds.), *Staging the Renaissance: Reinterpretations of Elizabethan and Jacobean Drama*, London 1991, 49-57.

<sup>28</sup> *A mirror of monsters*, sig. B2v.

wrote, «a Counterfeite is not that truly, which he pretendeth to bee, but onely a shadow thereof»<sup>29</sup>), they make their very bodies stages for spirits, shadows, monsters.

Even in its own time, this was a paranoid fantasy, of course. But it spoke to a deeper anxiety that could always be activated, an anxious notion that the calling up of ghostly characters was never too far or safely removed from the practices of devil-worshipping necromancers. We might seem to have come a long way from my initial theme: the transformation of writing into speech. But in fact the act of speaking written words was fundamental to early modern necromantic practices. As Robert Turner, the author of the seventeenth-century tract *Arts Notoria: The Notory Art of Solomon*, a comprehensive introduction to the art of conjuring, reminded his students, the «operation of these orations» depends on the students «pronouncing them as it is written.»<sup>30</sup> The «Vertue» – that is, the power – of magical words «doth happen and proceed from their pronounciation.»<sup>31</sup> Peter Brook thinks, as we saw, that playing «what is written» is «the hardest job of all»<sup>32</sup>; for Turner, it is the only way. Conjuring requires faithful adherence to the text, a pedant's faith, a letter-by-letter kind of faith. On the one hand, it relies on the relatively unproblematic relationship between script and performance that I traced earlier; on the other hand, the conjurer's perspective renders that relationship deeply problematic and invests it with an occult charge. A written text, Turner implies, can contain an invisible potential that is realized when that text is orally produced – and oral production is *all* that is required for the realization of that potential. That is to say, there *is*, at least potentially, a fundamental difference between the written and the vocal manifestation of a text, but it cannot be traced. This suspicion haunted both courtrooms and theatres.

In November 1615, the Court of King's Bench heard the case against Anne Turner, who was being arraigned as an accessory before the fact in the poisoning of Sir Thomas Overbury.<sup>33</sup> Turner's dealings with the Lambeth astrologer and alchemist

<sup>29</sup> Richard BERNARD, *A guide to grand-iury men*, London 1627 (STC 1943), 42.

<sup>30</sup> Robert TURNER, *Arts Notoria: The Notory Art of Solomon*, London: J. Cottrel, 1657 (Wing T3326), 6.

<sup>31</sup> TURNER, *op. cit.*, 11. For a more detailed engagement with Turner's text, see my «Conjuration e coniuratio: Testi e congiure nel "Julius Caesar" di Shakespeare», in: S. MICALI (ed.), *Cospirazioni, Trame: Quaderni di Synapsis II*, Firenze 2003, 173-86.

<sup>32</sup> BROOK, *op. cit.*, 43.

<sup>33</sup> The Overbury affair has excited historians' interest for centuries. The most important accounts are Andrew AMOS, *The Great Oyer of Poisoning: The Trial of the Earl of Somerset for the Poisoning of Sir Thomas Overbury*, London 1846; Beatrice WHITE, *Cast of Ravens: The Strange Case of Sir Thomas Overbury*, London 1965; Joseph Allen MATTES, *My Lords and Lady of Essex: Their State Trials*, Chicago 1969; David LINDLEY, *The Trials of Frances Howard: Fact and Fiction at the Court of King James*, London 1993; Anne SOMERSET, *Unnatural Murder: Poison at the Court of James I*, London 1997; and Alastair BELLANY, *The Politics of Court Scandal in Early Modern England: News Culture and the Overbury Affair, 1603-1660*, Cambridge 2002. Diane PURKISS, *The Witch in History*:

Simon Forman became the central focus of attention at her trial.<sup>34</sup> In presenting his evidence, Attorney General Lawrence Hyde produced in court a large number of supposedly magical objects which had been found in Forman's study; these ranged from the obscure – «there was also enchantments shewed in court, written in parchment, +B.+C.+D.+E.»<sup>35</sup> – and the decidedly sinister – «a figure, in which was written this word Corpus; and upon the parchment was fastened a little piece of the skin of a man»<sup>36</sup> – to the titillating and obscene: «certain pictures of a man and woman in copulation, made in lead».<sup>37</sup> As a hitherto unnoticed contemporary report of the trial makes clear, the «incharnted papers»<sup>38</sup> were not simply «shewed in court» – the prosecution had spells read out:

Then was a [p]ar[cl]hment of coniu[ra]cons p[ro]duced of the w[hil]ch the Lord Chief Justice commanded some p[ar]t[e] to be redd, for yt was indeed exceeding

*Early Modern and Twentieth-Century Representations*, London 1996, 214-24, and Alastair BELLANY, «Misses Turner's Deadly Sins: Sartorial Transgression, Court Scandal, and Politics in Early Stuart England», in: *Huntington Library Quarterly* 58.2 (1996), 179-210, provide important studies of Mrs Turner in particular.

<sup>34</sup> On Forman, known to Shakespeareans mainly for his diary entries on *Macbeth*, *The Winter's Tale*, and other plays, see A. L. ROWSE, *Sex and Society in Shakespeare's Age: Simon Forman the Astrologer*, New York 1974; and more recently, Barbara H. TRAISTER, *The Notorious Astrological Physician of London: Works and Days of Simon Forman*, Chicago 2001. Traister analyses Forman's role during the Overbury trials in some detail; see especially 181-90.

<sup>35</sup> Thomas B. HOWELL (ed.), *A Complete Collection of State Trials ... from the Earliest Period to the Year 1783*, 34 vols., London 1816, vol. 2, 933. The description in an account in the collection at Hatfield House is even more puzzling: «a certayne cloth of silke wherein were certayne words tendinge to sorcery, as *whicrosse*, *bycrosse*, *dicrosse*, *hycrosse* and *vecrosse*, etc.» (G. DYFNALLT OWEN (ed.), *Historical Manuscripts Commission, Marques of Salisbury*, vol. XXII, London 1971, 20).

<sup>36</sup> HOWELL, *op. cit.*, vol. 2, 933. In other reports, it is the skin of a child (see BELLANY (2002), *op. cit.*, 149, and citations there). An account in the Houghton Library (MS Eng 622F [=Phillipps MS 24259]) has it as «the skin of a child & under yt crosses & the name of Christ & Messias» (f. 3r), and a manuscript in the Folger Shakespeare Library describes it as «a fygure in w[hil]ch was written this word, *Christus*, and upon the Parchment was fastened the skynne of a man» (Folger MS Add 976, f. 3r-3v). See PURKISS (1996), *op. cit.*, 221, for the connections between these objects and Catholicism.

<sup>37</sup> HOWELL, *op. cit.*, vol. 2, 932. The author of the Hatfield account is a little more squeamish in describing what the figures represent: «2 leaden pictures [...] aboute halfe a foote in length, a man and a woman, and certayne moulds of brasse by which he conjured» (*HMC Salisbury*, XXII, 20); another is more graphic: «a naked man and woman knowing one another carnally» (*Center for Kentish Studies* Knatchbull MS U951 Z4, f. 2r, quoted in Bellany, *Politics of Court Scandal*, 149). The Houghton MS offers perhaps the most expressive description: a «naked man & naked woman, in sylver & Tynne, standinge together face to face as if they were embracing [...] & they yed together by the middle w[hil]th a peece of white yeaue» (f. 3r).

<sup>38</sup> HOWELL, *op. cit.*, vol. 2, 932.

blasphemous, he hoped, he said, they should not conure up the dyvell. Then Mr ffanshawe began to read there was in the beginninge some twee or three lynes of Crosses as H.x.B.x. then followed *Messias Adonai* ... – *Alpha, Omega, &c.*<sup>39</sup>

As Chief Justice Coke explained, «there were all the blessed names of god given him the scripture & of the blessed Trynitie in dyvided names».<sup>40</sup> The charismatic power of the names of God, their «vertue» was a staple of devotional as well as necromantic practices, and had been since the middle ages – the so-called «letter to Charlemagne» is one particularly well-known example of «prayers of the names of Christ».<sup>41</sup> The text Coke ordered to be read in court was an occult script: the court clerk, in reading out the document, was performing, however inadvertently, a rite of conjuration. As we saw, if the court wanted to use the magic text as evidence, it needed to be read; but in the act of reading, the judicial, evidentiary procedure and the necromantic performance inscribed in the document coincided.

Predictably, perhaps, Coke's hope that the performance wouldn't conjure the devil did not come true – or so it seemed:

There was a cracke from the scaffold, and such a feare, tumulte, confusion and crye amonge the spectators, and in the hall everye man fearinge hurt, as yf the dyvell had bene rayseed among them indeed, which contynued aboute a quarter of an houre.<sup>42</sup>

<sup>39</sup> Houghton MS Eng 622F (=Phillipps MS 24259), f. 3r. This manuscript, contemporary with the case, is not mentioned in any of the studies of the Overbury affair I have consulted; even Bellany, who provides an exhaustive bibliography of primary sources, does not list it. It might be a copy, or the original, of a manuscript in the Cambridge University Library (CUL MS Dd.12.36; see John Hamilton BAKER, *A Catalogue of English Legal Manuscripts in Cambridge University Library*, Woodbridge, Suffolk 1996), which I have not been able to inspect; that account has likewise been ignored by historians. It is by far the most detailed report of the trial, especially with regard to witness depositions and comments from the bench (although its summary of the opening and closing arguments is far more concise than that found in other reports). Houghton's somewhat confusing cataloguing system, especially for early MSS without identified authors, combined with the fact that the title gives Turner's first name as «Alice», might explain why this document has been overlooked so far.

<sup>40</sup> Houghton MS Eng 622F (=Phillipps MS 24259), f. 3r.

<sup>41</sup> See Eamon DUFFY, *The Stripping of the Altars: Traditional Religion in England, 1400-1580*, New Haven 1992, 266-98, for details on the widespread belief in the charismatic powers of divine names. The forthcoming work of Don Skemer will revolutionize the study of these documents; I am grateful to him for sharing some of his insights with me in the course of a lengthy conversation.

<sup>42</sup> *HMC Salisbury*, XXII, 21. That Coke was nervous about the performance is obvious. Reginald Scot's account of a similar encounter provides an interesting comparison: «I for my part have

Apparently driven by the same fear of being taken by his word, Edward Alleyn is said to have worn a cross under his costume when playing Faustus. Don't confuse me, he meant to say, with my character; don't take his words for mine; don't drag me off to hell with him.<sup>43</sup> It is a fear expressed most clearly by a character in the anonymous play *The Puritan Widow*: «But here lyes the fear on't, how <if> in this false conjuration, a true Deuill should pop vp indeed?»<sup>44</sup> Marlowe's *Dr Faustus* spawned a whole host of legends that bespeak this very anxiety: Thomas Middleton, in his 1604 *Blacke Booke*, mentions an incident during a performance of «Doctor Faustus, when the olde Theater crackt and frighted the Audiences».<sup>45</sup> Others have a rather more dramatic story to tell. William Prynne, in *Histrion-Mastix*, refers to

[...] the visible apparition of the *Devill on the stage at the Belsavage Play-house, in Queene Elizabeths dayes, (to the great amazement both of the Actors and Spectators) whiles they were there prophaneely playing the History of Faustus (the truth of which I have heard from many now alive, who well remember it,) there being some distracted with that fearefull sight.*<sup>46</sup>

E. K. Chambers reproduces John Aubrey's version of this, or a very similar, incident:

Certaine players at Exeter, acting upon the stage the tragical storie of Dr. Faustus the Conjuror, as a certaine number of Devils kept everie one his circle there, and as Faustus was busie in his magicall invocations, on a sudden they were all dasht, every one harkning other in the eare, for they were all perswaded, there

read a number of their conjurations, but never could see anie diuels of theirs, except it were in a plate [...] [T]hen would I weet of our wichmongers the reason, (if I read the conjuration and performe the ceremonie) why the diuell will not come at my call?», (*The Discoverie of Witchcraft* [1584], ed. by Montague Summers, New York 1972, 258). Scot also mocks Bodin for his confession «that he is afraid to read such conjurations as *John Wierus* reciteth; least (belike) the diuell would come up, and scratch him with his fowle long nailes» (*ibid.*). Scot's project anticipates Samuel Harsnett's efforts to turn demons into effects of theatre, analyzed by Stephen GREENBLATT in «Shakespeare and the Exorcists», in: *Id.* (1988), *op. cit.*, 94-128. Scot's clear-cut empiricism – I have read a spell, and nothing happened; ergo, spells do not work – while half shared by the clerical establishment, was ultimately not enough of a guarantee that nothing could happen – hence Coke's anxiety.

<sup>43</sup> See NUNGEZER, *op. cit.*, 8, and Henk GRAS, *Studies in Elizabethan Audience Responses to the Theatre: Part I: How Easy Is a Bush Supposed a Bear? Actor and Character in the Elizabethan Viewer's Mind*, Frankfurt 1993, 25-29.

<sup>44</sup> Quoted in John D. Cox, *The Devil and the Sacred in Early English Drama, 1350-1642*, Cambridge 2000, 156.

<sup>45</sup> *The Blacke Booke*, London 1604, sig. B4r.

<sup>46</sup> William PRYNNE, *Histrion-Mastix: The Player's Scourge*, London 1633, f.556.

was one devell too many amongst them; and so after a little pause desired the people to pardon them, they could go no further with this matter; the people also understanding the thing as it was, every man hastened to be first out of doores.<sup>47</sup>

These anecdotes describe moments when desires are fatally fulfilled: actors and spectators really get what they only pretend to want.<sup>48</sup> They are examples of acted conjurations being taken for the real thing – if not by the devil himself, at least by an audience ready to expect satanic interventions in their everyday lives. Analytically, we can say that these breakdowns of performances turn on an incursion of the real, or at least the actual, into the realm of representation. If presentation and mimesis collapse into one here, I would argue that it is a collapse that both theatre and trials court. Quintilian, required reading for both lawyers and poets in the period, put a premium on vivid representation.<sup>49</sup> His word for this force of oratory is *energeia*, which makes the listeners feel «just as if we were present at the event itself».<sup>50</sup> Elsewhere, he speaks of the «great virtues» of speech that represents an event «in such a way that it seems to be actually seen».<sup>51</sup> In other words, the ideal courtroom presentation approaches reality asymptotically, getting as close to it as possible without ever wishing to actually achieve it: it culminates in a perfect «as if». Theatre, at least since Stanislavskij, has likewise been seen as originating in the «as if».<sup>52</sup> However, the moment presentation is taken for the real, or becomes reality, the moment presentation and presentation coincide completely, the mimetic system collapses, leading to chaos in the courtroom and, in the theatre, to dissatisfied customers sent on their way home.

This is not – emphatically not, as we have seen – a desired effect. As Steve Dixon

<sup>47</sup> Edmund Kerchever CHAMBERS, *The Elizabethan Stage*, Oxford 1923, vol. 3, 423-24.

<sup>48</sup> Jody ENDERS has recently analyzed a whole host of anecdotes of this kind from medieval France in *Death by Drama and Other Medieval Urban Legends*, Chicago 2002.

<sup>49</sup> See Richard J. SCHOECK, «Lawyers and Rhetoric in Sixteenth-Century England», in: J. J. MURPHY (ed.), *Renaissance Eloquence: Studies in the Theory and Practice of Medieval Rhetoric*, Berkeley 1983, 274-91.

<sup>50</sup> Marcus Fabius QUINTILIANUS, *Institutio Oratoria: Books 6-8*, ed. and trans. by Donald A. Russell, Cambridge/MA 2001, 61 (6.2.32).

<sup>51</sup> QUINTILIANUS, *op. cit.*, 375 (8.3.62). For a slightly different understanding of the connection between Quintilian and early modern theatrical representation, see Stephen GREENBLATT, «Shakespeare Bewitched» in J. N. Cox and L. J. REYNOLDS (eds.), *New Historical Literary Study: Essays on Reproducing Texts. Representing History*, Princeton 1993, 108-36.

<sup>52</sup> GARNER, *op. cit.*, 39. Quintilian makes the same connection: «I have frequently seen tragic and comic actors, having taken off their masks at the end of some emotional scene, leaving the stage still in tears» (*op. cit.*, 63; 6.2.35). Hamlet's complaints about the player king's tears over Hecuba in *Hamlet* 2.2 allude to this passage in the *Institutio* (see Harold JENKINS (ed.), *Hamlet*, Arden Shakespeare Second Series, London 1982, 481).



reminds us, «theatre has always been the will to *virtuality*»<sup>53</sup>, and the same is true of courtroom drama.<sup>54</sup> At the same time, where conjuring is concerned, it seems that the lapse into the real was almost inevitable. Particularly in the clerk's case, there is a sense in which no amount of ostentatious self-distancing from the text that is being read can rob the script of its efficacy. «Other do speak, but only thou dost act», Jonson praised Alley. This seems like a case where all the clerk tried to do was to speak, but couldn't help acting. The text, we might say, acted for him. The speaker was being spoken by the text.

I earlier quoted William Rankins's description of the actor's body as a «habitation for insatiate monsters». By allowing themselves to be inhabited by other identities, by the words of others, actors turned themselves into possessed men; the devil lived in them, in Rankins' fantasy. Jonson, who almost obsessively returned to scenes of fake exorcisms in his plays, wanted to be that devil: he wanted his actors to be possessed by his text, giving life to it, but also being given life by it. The trouble is, you never know *what* you conjure. Like *Dr Faustus*, Jonson's plays were haunted by incursions of the real. Even as Jonson consistently denied that his satirical characters had real-life referents, play after play was accused of poking fun at Scottish courtiers, members of the royal family, specific magistrates, and so on. *Sejanus*, *Volpone*, *The Alchemist*, *Epicene*, *Bartholomew Fair*: they all have prologues or inductions warning against «application», the attempt to detect the real-life referents of Jonson's fictions.<sup>55</sup>

<sup>53</sup> Steve Dixon, «Absent Friends: Internet Theatre, Posthuman Bodies and the Interactive Void», in: *Performing Arts International* (2002), <<http://www.mdx.ac.uk/www/epai/presencesite/index.html>>.

<sup>54</sup> On the role of representation and narrative in trials, see Anthony G. AMSTERDAM and Jerome BRUNER, *Minding the Law*, Cambridge/MA 2000; Peter BROOKS and Paul GEWIRTZ (eds.), *Law's Stories: Narrative and Rhetoric in the Law*, New Haven 1996; Jerome BRUNER, *Making Stories: Law, Literature, Life*, Cambridge/MA 2003; and Robert P. BURNS, *A Theory of the Trial*, Princeton 2001. Treatments of this issue focusing specifically on the early modern period include DOLAN (1995), *op. cit.*; MALCOLM GASKILL, «Reporting Murder: Fiction in the Archives in Early Modern England» *Social History* 23.1 (1998), 1-30; *Id.*, «Crime and Mentalities in Early Modern England», Cambridge 2000, esp. 33-79 and 203-83; MARION GIBSON, *Reading Witchcraft: Stories of Early English Witches*, London 1999, and the essays collected in Stuart CLARK (ed.), *Languages of Witchcraft: Narrative, Ideology, and Meaning in Early Modern Culture*, Basingstoke 2001, especially Peter RUSHTON's excellent «Texts of Authority: Witchcraft Accusations and the Demonstration of Truth in Early Modern England», 21-40. See also Barbara J. SHAPIRO, «Classical Rhetoric and the English Law of Evidence», in: V. KAHN and L. HUTTON (eds.), *Rhetoric and Law in Early Modern Europe*, New Haven 2001; and Natalie Zemon DAVIS' seminal *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*, Stanford 1987.

<sup>55</sup> See Richard DUTTON, *Mastering the Revels: The Regulation and Censorship of English Renaissance Drama*, London 1991; and *Id.*, *Licensing, Censorship and Authorship in Early Modern England: Buggeswords*, London 2000, for accounts of Jonson's troubles. See also Richard Burt, *Licensed by*

Much as he protested that «Poet never credit gained/By writing truths, but things (like truths) well feigned»<sup>56</sup>, the performance of those «things» almost inevitably conjured up a version of the «truths» Jonson, if we can take him at his word, was so eagerly trying to avoid. Most troublingly, the poet's words remain unchanged in these illicit performances: Jonson complains about actors who are «too witty in another mans works, and utter, some times, their own malicious meanings, under our words».<sup>57</sup> Reminiscent of Robert Turner's suggestion that the voicing of the written word can release an inherent potential for double-ness, for excess efficacy, Jonson's scandalized objection turns on the realization that the actorly utterance of Jonsonian words on stage can amount to the production – the expression – of un-Jonsonian intentions.

If Jonson, then, was «brought to life» on stage in a guise he didn't, or didn't want to recognize, we might say that possession works both ways. Jonson's text might speak the actors, but what sounds forth – Jonson as well as Jonson's play, in his own metonymy from the Alley. epigram (where the actor gives life to «poets», not to plays) – comes to take over the poet's public persona as well.

Shakespeare's Malvolio is sometimes said to be a finely malicious portrait of Jonson.<sup>58</sup> It is appropriate, then, that the puritan steward of *Twelfth Night* is similarly obsessed with a text, and similarly finds himself defined by the effects of that text's performance. The four schemers in the play – Maria, Sir Toby, Sir Andrew, and Fabian – trick Malvolio into believing that an amorous riddle they plant for him to find contains instructions to him from his mistress Olivia, secretly the master-mistress of his passions. Not only does this produce one of the most elaborate letter-reading scenes in Renaissance drama, it also provides a script that Malvolio follows with absolute faithfulness from here on in: «I will do everything that thou wilt have me», he tells the letter.<sup>59</sup>

The next time we see him, Malvolio has changed into the character the letter set out for him: foppishly dressed in yellow stocking, cross-gartered, perpetually smiling, spouting bawdy verse. Soon his performance is entirely taken over by the words of the letter:

Authority: *Ben Jonson and the Discourses of Censorship*, Ithaca 1993.

<sup>56</sup> Ben JONSON, «Another [Prologue] Occasion'd by some persons impertinent exceptions», in: *Epicene, or the Silent Woman*, in: *Volpone and Other Plays*, ed. by Lorna Hutson, Harmondsworth 1998, 340.

<sup>57</sup> Ben JONSON, «Letter to Robert Cecil, Earl of Salisbury, 1605», in: *Eastward Ho*, ed. by Richard van Fossen, Manchester 1979, 221.

<sup>58</sup> See David RIGGS, *Ben Jonson: A Life*, Cambridge/Mass 1986, 84-85.

<sup>59</sup> Jonathan GOLDBERG has anticipated the core of my analysis with characteristic pith: «Entirely possessed by the upstart steward» («Textual Properties», in: *Shakespeare's Hand*, Minneapolis 2003, 3-9 [8]).

MARIA: Why appear you with this ridiculous boldness before my lady?  
MALVOLIO: «Be not afraid of greatness»: 'twas well writ.  
OLIVIA: What meanest thou by that, Malvolio?  
MALVOLIO: «Some are born great», –  
OLIVIA: Ha?  
MALVOLIO: «Some achieve greatness», –  
OLIVIA: What sayest thou?  
MALVOLIO: «And some have greatness thrust upon them.»  
OLIVIA: Heaven restore thee!  
MALVOLIO: «Remember who commended thy yellow stockings», –  
OLIVIA: Thy yellow stockings!  
MALVOLIO: «And wished to see thee cross-gartered.»  
OLIVIA: Cross-gartered!  
MALVOLIO: «Go to thou art made, if thou desirest to be so»: –  
OLIVIA: Am I made?  
MALVOLIO: «If not, let me see thee a servant still.»  
OLIVIA: Why, this is very midsummer madness. (3.4.34-52)

Malvolio acts his part to perfection, bringing the text to life. His «speech becomes him», but his language is no longer his own: Malvolio has become possessed by the letter. However, what his performance conjures isn't the lover whose text he thought he was reciting. Instead, it is a madman, and as a madman, a man possessed, he is bound and locked up to drive out the evil spirits that have taken hold of his body.<sup>60</sup> Those spirits, as we know, are lines in a «sweet roman hands» (3.4.26), «in contempt of question» «my lady's hands» (2.5.79-80, 76-77), but his lady does not share our knowledge. Malvolio is citing Olivia's letter, but she only hears her steward's voice; and as that voice speaks more and more confusingly (grammatically as well as semantically: he seems to comment on Olivia's [«thys»] yellow stockings, and apparently – only apparently? – wishes to see her cross-gartered), the only rational explanation at her disposal is that the speaker she hears is not Malvolio, but a devil controlling his voice: «Lo, how hollow the fiend speaks within him» (3.4.84), in Maria's words.<sup>61</sup>

<sup>60</sup> For different readings of *Twelfth Night* that also interpret the play through the lens of demonism, see Donna HAMLTON, «*Twelfth Night*: The Errors of Exorcism» in: *Shakespeare and the Politics of Protestant England*, Lexington 1992, 86-111; and Winfried SCHLEINER, «The Feste-Malvolio Scene in *Twelfth Night* against the Background of Renaissance Ideas about Madness and Possession» in: *Jahrbuch der Deutschen Shakespeare-Gesellschaft West* (1990), 48-57.

<sup>61</sup> By marking Malvolio's citations off as quotations, modern editions considerably reduce the confusing nature of his speech. The earliest printed texts of *Twelfth Night* show the lines as

The steward's fatally effective performance is not the only moment of scripted speaking in *Twelfth Night*, of course. It refers back to Viola/Cesario's embassy of love, when s/he, as Orsino's envoy, addresses Olivia, having «taken great pains to con» (1.5.154-55) her speech, «excellently well penned» (154) and hesitant to speak «out of my part» (159) to such an extent that Olivia is moved to ask «Are you a comedian?» (162), and «Now sir, what is your text?» (194). Proclaiming instantly «I am not that I play» (164), however, Viola/Cesario demarcates a clear division between his performance (which aims at ventriloquizing Orsino) and his/her own identity (both as Cesario, the duke's messenger, and as Viola, the woman hid under the courtier's garments). Since the performance is immediately recognizable as performance, the division of voice and person becomes a subject for playful banter, not, as in Malvolio's case, a sign of demonic possession.<sup>62</sup>

Given the textual source of his demon's voice, it is fit that at the play's conclusion, when Olivia commands to «fetch Malvolio hither» (5.1.271), this results not in the production of a person, but in the entry of Feste, the clown «with a letter» (273 SD), a document rather than a living human being. Feste proceeds to «read madness» (286): he performs Malvolio's letter «as it ought to be» read (287), with a madman's voice, telling Olivia she «must allow *voz*» (*ibid.*). When she, denying him «voice», demands that he «read in thy right wits» (288), however, madness turns out to be an actorly addition. The text «as it was written» «savours not much of distraction» (303). As «fire drives out fire» in *Julius Caesar* (3.1.171), here, one kind of script drives out another, and Malvolio's madness ends once he can exorcise the demon of Maria's letter by replacing it with a text of his own. That text turns «mad Malvolio» into «madly-used Malvolio», the phrase with which he signs off (300). The restitution of order, however, precarious and provisional as it may be, depends on a foregrounding of scripts, on a series of performative false starts and audience interventions, and on a degree of

Malvolio's own, not identified as citations, thus recreating on the page the effect they must have on Olivia in the theatre.

<sup>62</sup> One might argue, however, that in both instances scripted speech conjures the real: Malvolio's madness, his overreaching ambition of becoming his mistress's husband, is only exacerbated, not created by the letter, and when he plays the lover in front of Olivia, he merely turns his closeted rehearsals («practising behaviour to his own shadow», [2.5.14-15]) into a public performance (cf. 2.5.20-70). Similarly, the openly scripted act Cesario puts on for Olivia results in her actually falling in love with him. Again, the effect of the performance is in excess of the script's stated intentions, but it is no less efficacious for that (in a sense, Olivia's falling for Cesario rather than for his master whose part «he» meant to play is analogous to the ill-judged behaviour of Stanley CAVELL's imaginary country yokel who attempts to save «Desdemona» from «Othello» and brings the performance to a halt. See *Must We Mean What We Say? A Book of Essays*, New York 1969, 327-29).

resistance to letting the performer's voice take over, to letting the script unfold its performative force. Ultimately, it is not the letter itself, but Feste's reading of it «in [his] right wits,» which are not, he insists, Malvolio's «wits» (289), that establishes the sanity of the steward's missive, a document that is only available – to audiences on stage and off – in the clown's vocal performance, *not* as a written text. Even as Olivia's lines gesture to the letter as the agent of restoration, Feste persists in claiming that power for speech, for the oral rendition of the letter. The question of whether the written controls the spoken or vice versa, and more disturbingly, if the consequences of giving voice to a script can ever be predicted, remains pointedly unanswered at the close of *Twelfth Night*.

What Shakespeare dramatizes in these moments is a tendency of his culture to associate the oral rendition of written documents with a certain kind of 'presencing' that necessarily rendered the relationship between presented and represented temporarily unstable. Both performative arts such as the theatre and performative cultural practices like criminal trials depended on and exploited this instability. But as vocal acts called into being the ghostly presence of an absent or fictional speaker, as they partook of the power of Quintilian's *energeia*, they also released a kind of energy that could not be easily controlled, could shoot off in unexpected directions, and, in some cases, could redouble on and destroy the very representational apparatus that released it in the first place. «Letting the play speak for itself» might not have been as difficult in the sixteenth century as now, but it was also a good deal more dangerous.