

**SAA 2014 - “Inn-wards: Literary-Legal Culture of the Inns of Court”
Participants and Abstracts**

Co-Organizers:

Jessica Winston and Virginia Lee Strain

“Propping Up the Law: The Bar in the Early Modern Inns of Court”

Cheryl Dudgeon

The bar, the barrier or wooden rail that marks off the space of the judges’ bench in courts of law, demarcates space so that the administration of justice acquires visibility; however, the manner in which the bar props up legal discourse in the period by inscribing linearity upon a space has not been explored. As one of law’s formal components, the bar works persuasively to enhance law’s exclusivity as a discipline and practice; yet, its operation within space is multi-faceted. Architectural theory has focused on form, and early discussions of lines or lineaments privilege a visual perspective over a broader ontological engagement with built environments. In this study of the workings of the material bar, I aim to move beyond a mere geometrical analysis of the bar’s placement in the early modern Inns of Court and drama to demonstrate how the production of legal space depends upon material and conceptual constructs that are not merely abstract or remote from the body. The bar, as I will demonstrate, is both structurally and imaginatively essential to the construction of legal space and discourse in the early modern period in law and in drama; yet, in drama we witness engagements with the bar that move beyond the visual: the legal space produced on the stage via the presence of the bar is experienced in terms of broader phenomenological associations. By playing with the bar, early modern drama undercuts the lines it draws in law.

“The First Thing We Do, Let’s Pull Down the Inns of Court: Anxieties About “Thinking Like a Lawyer” in Shakespeare’s *Henry VI, Part 2*”

Robert P. Fox, Jr.

“The first thing we do, let’s kill all the lawyers” is one of Shakespeare’s best-known lines but why Jack Cade’s cabal begins its rebellion targeting members of the bar has only been cursorily considered by critics. For most scholars, the quip’s significance ends in how the laughter it generates intensifies the audience’s later horror at the execution of a pair of court officials and the call for future laws to secure Cade’s personal ambitions, such wholesale destruction, in turn, confirming how England desperately needs its lawyers. Left unremarked is how strange it is that in a play singling out legal professionals in this way (not to mention a play built largely around a series of trials) not a single lawyer appears onstage. I propose that the drive to kill the lawyers can be better understood by reading the line in conjunction with Cade’s later charge to “pull down th’Inns of Court” which instructed barristers in what Baker describes as the “shared assumptions” of the “common learning.” What makes lawyers so threatening, then, is not what they *do* as much as what they *think* or, rather, *how they are taught to think*. Along these lines, how *2 Henry VI* presents Cade and company presents, in negative terms, the attitudes jurists were taught to privilege to “think like a lawyer:” a group which promotes individuals rather than subsuming individuality under a professional label, valorizes standards and human rights over laws and property rights, and maintains control through overt violence rather than covert force of law.

“Reining in the ‘Lord of Liberty’: Satire, the Inns of Court Revels, and Shakespeare’s *Troilus and Cressida*”

William (Rusty) Jones

This essay (briefly) provides an overview of the [Inns-of-Court] revels, and then examines the types of satiric engagements with the revels present in Jonson’s *Every Man Out of His Humour*, *Poetaster*, and finally, Shakespeare’s *Troilus and Cressida*. Like the revels themselves, Jonson’s “Comical Satyres” allow their carnivalesque malcontents a proscribed period in which to critique conventional orthodoxies before restoring the status quo, a decidedly centripetal ideological structure. However, whereas iconoclastic chaos is ultimately tamed in Jonson’s satires (as it is in the revels), *Troilus and Cressida* takes a different approach, dramatizing the damaging influence of the Inns’ cadre of influential young iconoclasts (reimagined as Thersites and Patroclus) if their unorthodoxies are left untamed. Shakespeare, Jonson, and the revels celebration certainly all acknowledge the utility of unorthodox social criticism, but also recognize the potential harm that can accompany the maintenance of an inverted image of society.

“Edmund Plowden: on the Interpretation of Statutes”

Constance Jordan

Plowden’s report on *Eysten v. Studd*, 1574, created a formulaic standard for the interpretation of statutes based on *Nic. Eth.* 5.10, but emending Aristotle’s text, also insisted that the faculty of the imagination was to play a critical role in discovering how the legislator in question would have wanted his statute to apply in a particular case had it come before him. My paper examines *Eysten* in light of 11.H.7 and considers earlier attempts at interpretation in *Reniger v. Fogossa*, 1551 and *Stradling v. Morgan*, 1560, all in Plowden, *Reports*, 1779.

“‘Woemen [sic!] have of late resorted to our Revells’: Comedy, Gentility, and Female Playgoers at the Inns of Court”

Andrew Kau

My paper contends that the London companies were hired to perform plays at the Inns’ winter revels—mostly comedies, it would seem—to attract gentlewomen. Female attendance, as my title suggests, was considered new and disturbing in the early seventeenth century. Arguing that the pseudo-traditional form and content of the revels actually changed along with the nature of the legal profession, I will consider why the contemporary social and political climate made Inns gentlemen especially desire, and lawyers grumble at, wo(e)men. The famous account in the *Gesta Grayorum* of the “Night of Errors” and its aftermath invidiously juxtaposes the new romantic comedy of the mixed-sex public theaters with various rituals (e.g., the prosecution of the “sorcerer,” the Masque of Amity) designed to enforce a same-sex, legal ideal. This conflict between gendered genres betokens a wider socio-political conflict between a court-centered politics and the growing pretensions to autonomy of the common law. However, I do not wish to suggest literature simply allegorized this tension: it was one concentrated in the person of the Inns of Court gentleman, and it is therefore one reason that the Inns furthered, rather than soldered, a conceptual antagonism between law and literature.

“The Inns and the Epigrams: Gladiatorial Arenas”

William (Bill) Kerwin

In a *London Review of Books* essay on James Biester’s 2008 book, Michael Dobson wrote, “*Lyric Wonder* redefines the potentially precious-sounding world of Elizabethan lyric as a gladiatorial arena in which the grandsons of a warrior caste competed for favour by the pen instead of by the sword, taking rhetorical risks sometimes almost as fatal (in career terms at least) as Sir Philip Sidney’s neglect of his thigh-armor at Zutphen.” I think that Dobson’s “gladiatorial arena” very aptly describes the Inns of Court, as a wide-ranging space of education, legal practice, and literary life. And I think “gladiatorial arena” also describes the small space of one kind of poem, the satiric epigram. I bring a few overall questions to this seminar. First, how did particular aesthetic traditions and competitive intellectual within the Inns contribute to the epigram culture, as seen especially in the work of Sir John Davies? On a broader level, how did aesthetic and pedagogical traditions inter-relate? Recent research has made clear that the Inns fostered all sorts of academic and performance forms that were dialectic or multi-vocal, including the practice of arguing *in utramque partem* (“in the other’s part); the emphasis on common-placing of quotations; the training in legal forms such as the interrogatory; and the host of activities connected with the Revels, many of which involve role-playing or parody. Instead of seeking connections between these practices and the drama, I’m looking for how they are related to the epigram. My paper will proceed with some brief discussion of formal training at the Inns, but will mostly look at the epigram as a form connected to the Inns as legal centers, not so much thematically for their representation of activities and characters at the Inns, but for forms that connect the Inns and this kind of poem.

“‘An assinico may tutor thee’: Bilius Learning at the Inns of Court”

Sarah Knight

For Juvenal, lawyers, teachers and poets were equally ill-favoured. His seventh satire depicts an socio-economic environment where only the wealthy or those fortunate, ruthless or shameless enough to be a wealthy patron’s acolytes are content. The Roman poet’s anger and irony became an important model for late Elizabethan Inns-based satire of John Davies, John Donne, Everard Guilpin and John Marston. This paper takes as its starting point Juvenal’s seventh satire, which examines the different tribulations of lawyers, teachers and poets, three professions linked, of course, by the deployment of rhetorical training and therefore particularly relevant to Inns writers, who, although they did not all (or even mostly) become practising lawyers, were still subject to pedagogical influence and demonstrably either established as or trying to be recognised as poets.

This paper will explore how young writers at the Inns portrayed the acquisition of knowledge and the value of school and legal education. I will examine what we might think of as a new kind of classical influence at the Elizabethan and early Jacobean Inns, through which ancient models were adapted and twisted by Inns writers steeped in humanist learning yet disposed to question its worth. Their combative poetics rest on a complicated relationship with imitation and originality as well as belligerence derived both from their immediate context and the voices of classical satire.

“Forensic Drama at the Three Universities of England”

James McBain

The recent publication of Nelson & Elliott’s *Records of Early English Drama: The Inns of Court* allows us the unprecedented opportunity of examining the full range of theatrical activity produced at the early modern Inns, both as a single corpus and also in relation to institutional work at the other two universities. With a focus on the relationship between drama and education/training, and a speculative exploration of various lacunae, my paper will aim to consider whether forensic composition might be understood as being more widespread than has previously been acknowledged. The principal question posed for Inns drama will consequently be whether we might see it as primarily a product of, or a product for, its environment.

“‘Epithalamion Made at Lincoln’s Inn’: From Manuscript to Print (and Back Again?)”

Erin A. McCarthy

Recent critics agree that John Donne wrote his “Epithalamion Made at Lincoln’s Inn” as a parodic or satiric response to Edmund Spenser’s “Epithalamion” meant to entertain friends at Lincoln’s Inn. Likely Donne’s first attempt at writing in the genre, the poem survives in sixteen seventeenth-century manuscripts in addition to the seven seventeenth-century printings. This paper traces the poem’s translation from its original circulation to its presentation for unknown (and potentially unknowing) print readers and shows how the printed editions offer interpretive clues to assist readers outside the poem’s intended audience. Furthermore, I argue that two manuscript witnesses derive from the 1635 second edition of *Poems*, by *J.D.* and explore the ways Elizabethan Inns of Court wit was repurposed in the 1630s.

“Thomas Lodge and the Gentlemen of Lincoln’s Inn”

Kelly Stage

This paper examines Thomas Lodge’s relationship with the Inns of Court and with the legal profession. Lodge studied at Lincoln’s Inn, but later found his vocation as a writer and a physician. He wrote plays, pamphlets, and poems, including the first reply to Stephen Gosson’s *School of Abuse*. Throughout his life, Lodge was hounded by creditors and consistently in court himself to answer for his debts. His early text, *An Alarum for Usurers*, is one of many treatises (others include *Pierce Penniless* by Thomas Nash or Greene’s *Groatsworth of Wit*—often attributed to Henry Chettle) aimed at profligate young men in the city, warning them of the dangers of borrowing money. The irony of Lodge’s situation is that he flew against his family’s wishes and even their example—his father had been a successful Grocer and even Lord Mayor of London—became truant from Lincoln’s Inn, and yet spent much of the rest of his life in and out of court to account for his debts in litigation. In the *Alarum*, Lodge directs his warning to the young men of the Inns, and this paper will discuss the way the *Alarum* portrays the Inns of Court lifestyle, the dangers for young men, and Lodge’s own relationship to court appearances. Lodge preferred the company of wits and writers—but the question I wish to pursue his relationship to the other gentlemen of Lincoln’s Inn and the society in which a young writer found himself. *An Alarum* directs itself to young Inn’s men, portrays their problems, and sympathetically looks for answers. But it also bears in its print copy two of Lodge’s other youthful works. Lodge thus writes his own story about social ills and possibly attempts through his admission of pathetic

prodigality to earn favor with his father. Most importantly, he appears to position himself through his association with these spendthrift young men to launch a literary career.

“[T]he worst reveller in the Town’: the transgressive spaces of the Inns of Court”

Jackie Watson

My paper will explore the geographical space occupied by the Inns of Court, and the meanings of that space. Lying geographically at the intersection of city and court, the Inns occupied a similarly liminal social position in early modern London, with legal students and benchers interacting with the inhabitants of both spheres of influence yet part of neither. In the final years of Elizabeth’s reign, the association of the area with Essex House, the book trade and the boys’ playing companies at Paul’s and Blackfriars enables its transgressive mixture of violence, ambition, learning and satire. Examining the development in early Stuart England of the distinct identity of ‘the Town’ provides a way of analyzing the changing cultural capital of the city, with linguistic dexterity increasingly valorized. As subversive elements of the late Elizabethan court develop into a Jacobean counter-culture, Innsmen lie at its heart – challenging the supremacy of kingly prerogative, engaging in combative homosocial wordplay and competing for patronage. Throughout the period, drama proves to be a lens through which we can see this process. Indeed, formed to some extent by and for Innsmen, drama becomes part of the process itself. Using evidence drawn from plays including Marston’s *Parasitaster*, Barry’s *Ram Alley* and Jonson’s *Epicoene*, I argue that Innsmen audiences in the Jacobean theatre are, simultaneously, led to understand the mechanism of courtly power, enabled to join it and encouraged to challenge it.

Mooting and Imagination: The Consequences of Pedagogy at the Inns of Court

Kimberly R. West

As a practicing lawyer and law professor, I am intrigued by the moot process at the Inns of Court in the late fifteenth century. Students at the Inns presented several moots a day. Such a pervasive story-telling requirement in the construction of the moots would, I posit, have greatly contributed to the imaginative fertility of the Inns. The requisite moot pleadings in response sharpened the student’s legal and linguistic skills, as well as creating a community of discourse. Interestingly, legal pedagogy has, in some respects, changed little since the moots – as we all know, moot courts are routinely held at American and English law schools. Through analysis of exemplar Elizabethan/Jacobean moots, I hope to provide insight into the specialized, closed world of the Inns. This portion of the paper will thus involve a textual and legal look at the moots. That look is the basis for a substantive examination of the similarities and contrasts between the construction and content of legal and literary narrative. Looking outward, the impact of the Inns’ moot process on Shakespeare’s plays – specifically the works associated with the Inns literally and figuratively in those plays with trial scenes -- will be considered, as suggested, as the “touchstone” of Inns’ literature. Moving forward, I suggest that elements of Inns of Court mooting retain their vitality, and can, and should, be appropriated to modern legal pedagogy by incorporating the trial scenes in Shakespeare’s plays into a legal trial advocacy curriculum. The paper looks both Inn-ward, outward, and forward from a platform of the moots.