

2019 Seminar Abstracts: Environments of Justice
Chris Barrett (Louisiana State University)
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**“Fittest Imp of Fraud’:
 Milton’s Serpent and Early Modern Animal Trials”**

Alison A. Chapman, University of Alabama at Birmingham

In 1531, a French lawyer named Bartholomew Chassenée published a work titled *Consilium primum . . . De excommunication animalium insectorum*, one that would help to establish his reputation as one of the period’s eminent jurists. Chassenée had written previous books on standard legal subjects such as the customary laws of Burgundy, but his *Consilium* filled an important gap in sixteenth-century jurisprudence: in it, he discusses the varying circumstances under which animals, and specifically insects, could be put on trial for their offenses against humans and their property. In this paper, I argue that the widespread early modern phenomenon of animal trials provides us with a fresh vantage point for thinking about the sentencing of the serpent in John Milton’s epic poem, *Paradise Lost*. This essay suggests that in the judgment scene of book 10, Milton expects readers to think about the trial and sentencing of the serpent in both a juridical and a theological way. When we regard this moment through lens of early modern jurisprudence, God’s justice looks more comprehensible, for the Son’s actions as a judge align with the practices that human jurists—particularly those in ecclesiastical courts—followed when faced with certain kinds of animal defendants.

**“Thou art condemned, and must endure our law’ –
 Sovereign Selves and the Refusal of Justice in *Cymbeline*”**

Peter Robert Cibula, University of California: Irvine

In *The Genealogy of Morals*, Nietzsche suggests an inextricable link between sovereignty, justice, and mercy: “this self-overcoming of justice: one knows the beautiful name it has given itself – *mercy*; it goes without saying that mercy remains the privilege of the most powerful man, or better, his – beyond the law” (73). In Imogen’s journey into Wales, *Cymbeline* provides a suggestive text to consider how changes in place and space expose the fundamental excesses of this kind of sovereign justice (either in its revenge of debts or discharge of them). For Aristotle in the *Nicomachean Ethics*, justice balances the scales: “since what is equal is a mean, the just will be some sort of mean” (85). However, *Cymbeline* exposes how, as Nietzsche suggests, sovereign justice is itself exceptional and beyond any law. In the play’s murder of Cloten, we see the justice of the sovereign individual at its rawest and purest; in the play’s conclusion and forgiveness we see how acknowledging plurality (instead of individual sovereignty) and participating in mutual recognition produces a more equitable outcome than justice does.

In the play, Shakespeare brings justice out of court and into Wales with the murder of the king’s stepson Cloten by his long-lost (and unknown) stepbrother Guiderius. Justifying his murder, Guiderius reminds his adoptive father and true brother that “the law/ Protects not us, then why should we be tender/ To let an arrogant piece of flesh threat us,/ Play judge and executioner all himself,/ For we do fear the law?” (4.2.126-129). Away from court, all that exists is natural law, and in insulting and threatening Guiderius, Cloten exposes himself to the sovereign violence of

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an individual protecting his own life. When he returns to court at the end of the play, Guiderius' defense appeals to a natural law: "he did provoke me/ With language that would make me spurn the sea/ If it could so roar to me. I cut off's head,/ And am right glad he is not standing here/ To tell this tale of mine" (5.294-298). Like Nietzsche's sovereign man, who can guarantee his promises and words, Guiderius reserves for himself "a kick for the feeble windbags who promise without the right to do so, and a rod for the liar who breaks his word even at the moment he utters it" (60). The murder of Cloten is exactly what Nietzsche expects from a sovereign man – Guiderius avenges the debt (guilt) by exacting an appropriate (albeit excessive) price from Cloten. The form of justice that Nietzsche's will to power takes is exactly the kind of justice that the men of *Cymbeline* wish to exercise: Posthumus' (supposed) murder of his wife provides a dark domestic version of the same kind of sovereign violence that Guiderius practices in the defense of his person against Cloten's insults.

However, *Cymbeline* ends with neither justice nor mercy, but instead in a series of forgiving actions that culminates in King Cymbeline's acceptance of Roman rule despite his victory in the war. The princess Imogen's survival, despite the violence she is nearly a victim of, allows for a new action beyond the reactive nature of justice. The final act's parade of revelations and reconciliations goes past a mere balancing of the scales in its excess. It is telling that the play's ending moves past individual relationships to the level of the state, suggesting a form of power other than sovereignty at work: forgiveness. Forgiveness, for Hannah Arendt, depends "on plurality, on the presence and acting of others, for no one can forgive himself" (237). In its final scenes of forgiveness that are built out of the sudden spontaneous appearance and recognition of others, most importantly Imogen, *Cymbeline* shows how forgiveness is capable of a kind of repair that justice (even when it does attain balance) cannot.

“Rich honesty dwells like a miser . . . as your pearl in your foul oyster:’ Abundance and Scarcity in the Politics of Shakespeare’s Pastoral Poetics”

Kyle DiRoberto, University of Arizona

When the great jurist Edward Coke, addressing a crowd at the Norfolk assizes, adopts Gaunt's lines from *Richard II* to express patriotism, it seems evident that the rhetoric of nature, especially pastoral abundance, has political potential. Indeed, Coke ostensibly attempts to inspire in his listeners a patriotism that will presumably dissuade them from political disobedience when he cautions them: "Had the Gunpowder Plot succeeded . . . 'this sea-environed island, the beauty, the wonder of the world. . . This so well planted, pleasant, fruitful world, accounted Eden's paradise, should have been, by this time, 'a place disconsolate'" (Boyer 36). Yet like Coke's use of Shakespeare, this paper argues that the nationalism predicated on a traditional literary discourse of the pastoral and its constructions of private desire and notions of place served ever increasingly to challenge the legitimacy of absolute monarchy in early modern representations power. In fact, popular authors, particularly, Shakespeare and the authors of the Puritan Sidney Circle (especially, Philip Sidney, the Countess of Pembroke, and Samuel Daniels), contribute to this discourse, by drawing on metaphors of nature and feminine sexuality as restrained or (often grotesquely) abundant, a part of a Christian legal discourse of sin and equity. This discourse was

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increasingly being reconstructed out of classical sources, so that more secular notions of the sovereignty of the subject in opposition with authority had begun to emerge. The construction of these sovereignties reflects not only the evolution of democracy in an emerging capitalist environment of consumption but also the role that female sexuality and representations of nature played in underwriting a discourse of essential liberties. More than Christian liberties, like the presumption of innocence that underwrite modern criminal procedure, which has historically been established as drawn from Christianity, essential liberties like the castle doctrine associated with Coke, and perhaps inalienable rights to liberty and the pursuit of happiness, this paper argues, are also drawn from Roman authors, and early modern use of Roman authors. It is discourse like this that ultimately leads to the development of important contemporary civil rights, namely, the third and fourth, and, perhaps the Fourteenth amendments of the US Constitution.

**“Cruel to be Kind:
 Green Justice in *Love’s Labour’s Lost* and *As You Like It*”**

John W. Ellis-Etchison, Rice University

Although critics have tended to treat Shakespearean green worlds as restorative alternative political environments, a growing cadre of commentators have recognized that these spaces are deeply political and profoundly dangerous. In both *Love’s Labour’s Lost* and *As You Like It*, Shakespeare uses his green worlds as foils for their courtly counterparts. The Park of Navarre and the Forest of Arden not only hold up a mirror to the corruptions plaguing their urban parallels, but also function as extensions of those toxic political environs. In essence, they operate as corresponding sites of injustice, yet with a proviso; unlike their courtly equivalents, these green places also offer the opportunity to redress some of these injustices. In these locales, characters, particularly the Princess of France and Duke Senior, reverse engineer the relationship between their green worlds and the courts that reject them in order to affect political change. For better or worse, these figures ultimately use the early modern spectacle of the hunt and hunting rituals to establish and reinforce their respective sovereign personas. Whereas the Princess secures her reputation as a formidable political force and military strategist through her participation in the hunt, the Duke gains symbolic power by proxy through the ritualized donning of the material traces of the deer just after the hunt. In both cases, these sovereigns, through their animal appropriations, come to embody better versions of themselves, and, in the process and by extension, begin to set right the broken courts in their respective plays.

“Wild (In)Justice in Shakespeare”

Sarah E.R. Linwick, Washington, DC

The concepts of nature and kind tend to converge in early modern English discourse. This discourse often construes kinds as categories of nature. In this respect, the early modern concept of kind is not unlike today’s concept of species. Kind, however, also carries strong moral significance. In a 1674 treatise, for example, the physician Nathaniel Fairfax underscores that

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nature at its best upholds the God-given “laws of kind.” As a basis of moral law, kind functions as a hinge between nature and justice. In the absence of the laws of kind, or as the laws of kind lose their hold on nature, nature becomes “wild.” Wild nature—that is, disorderly, uncultivated nature—is unpredictable and both physically and morally dangerous in much of the period’s literature. Moving among dramatic texts from earlier in Shakespeare’s career—such as *Titus Andronicus* and *Two Gentlemen of Verona*—to those from the latter half of his career, this paper asks why, then, protagonists in many of Shakespeare’s later plays must visit wild landscapes at the margins of human society to find justice or something that at least resembles justice. Ultimately focusing on *King Lear*, I consider how wild justice challenges and reinforces conventional concepts of nature and kind.

**“Leazers and Weirs:
 Early Modern Poetry, Water, and Environmental Justice”**

Ian MacInnes, Albion College

In a 2014 article in *Geoforum*, anthropologists Jamie Linton and Jessica Budds identify what they call the “hydrosocial cycle”: “a process by which alteration or manipulation of water flows and quality affect social relations and structure, which in turn affect further alteration or manipulation of water.” [1] Linton and Budds are primarily interested in the power relations “embedded” in recent hydrosocial change, inflected by postcolonial development, global capitalism, and climate change. But their approach proves equally useful in analyzing the role that water flow played in the emerging discourse of social and environmental justice in early modern England. I take as my starting point Herefordshire, one of the poorest counties in England, yet often held up in the late sixteenth and early seventeenth centuries as an agricultural idyll. And I begin with the long prologue of Rowland Vaughan’s *Waterworks*, a deeply conflicted and ambivalent text. [2] On the one hand, Vaughan says that his neighborhood is “groaning under the burden” of what he saw as “intolerable” manipulation of water flow and afflicted by chronic poverty and unemployment. On the other hand, Vaughan’s solution is even more massive manipulations, labor-intensive works that have left scars upon the landscape to this day. They may, as he claims, have provided employment for many, but that employment itself alienated his workers from traditional forms of access to and use of water, perpetuating and extending the power relations that gave rise to Vaughan’s project in the first place. I argue that the cycle we can see at work in Vaughan’s treatise helps explain the social forces behind the representation of water flow and water resources in texts ranging from early modern pastoral and topographical poetry to the Country House genre.

[1] Jamie Linton and Jessica Budds, “The Hydrosocial Cycle: Defining and Mobilizing a Relational-Dialectical Approach to Water,” *Geoforum* 57 (November 1, 2014): 175, <https://doi.org/10.1016/j.geoforum.2013.10.008>.

[2] Rowland Vaughan and John Davies, *Most Approued, and Long Experienced Water-Workes* (London, 1610).

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**“The Lady of the farme’:
 The Bisham Entertainment & Corn Politics in Early Modern Berkshire”**

Liza McIntosh, Columbia University

In August and September of 1592, Elizabeth I visited Lady Elizabeth Russell at Bisham Abbey, Berkshire, and Frances and Giles Brydges at Sudeley Castle, Gloucestershire, as she passed her summer progress across southwest England. Russell and the Brydges greeted the Queen with hospitality recognizable within the conventions of the country house entertainment, insofar as such a literary genre can be defined; both visits featured short performances, gifts to the monarch, and spectacles such as fireworks and bull and bear-baiting. I argue that these entertainments deploy the pastoral mode as a means of discursively presenting the politics of agrarian life in Berkshire and Gloucester. Adapting and subverting the golden-age imagery and political commentary of Virgil’s fourth eclogue to suit the particulars of Elizabethan government, the entertainments draw attention to regional ecological distress and dramatize effects of national decrees on local interests.

“Ecology and landlessness in early modern drama”

David Morrow, The College of St. Rose

Before they could be pitied or feared, provided charity, persecuted by the forces of order, or personated on stage, most landless English were subsistence farmers, whose lives took shape around intimate engagements with the land. This paper aims to offer a new way of looking at literary representations of landlessness and associated phenomena—including new, legal conceptions of landholding, enclosure, food riots, and other forms of protest— by bringing particular insights from ecocriticism together with Marxist historiography on so-called primitive accumulation. This approach involves considering social, economic, and legal land-based changes as capitalist, and understanding capitalism as, in Jason Moore’s phrase, “a way of organizing nature.” The paper will offer ecological readings of crises that arise in *Arden of Faversham* and several plays by Shakespeare. I see my approach in this paper as in dialogue with ecocriticism on the early modern era. Much of that work has (quite justly) been anti-anthropocentric, and has highlighted various forms of exploitation (and destruction) of the nonhuman natural world. Yet, this work has for the most part failed to emphasize social relations between human beings—which, we can see, help to determine and are in part determined by humanity’s relationship to the natural world. What do we gain by viewing landless English of the early modern era as environmental refugees? And, to what extent is their relationship to the system similar to that of the many people, across the globe, who have been forced off their land since?

“Vagrancy in Early Modern Pastoral”

Jessie Herrada Nance, Portland State University

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This paper explores how early modern law treated the mobile poor and how pastoral works of the period register and respond to the social issue of vagrancy. Since they could not claim residence in one specific environment, Tudor and Jacobean law alienated the mobile poor by labeling them as criminals and rogues. Without place, the law determined, these wandering individuals lacked a productive purpose and identity. This paper argues that an examination of vagrancy depicted in two pastorals, Spenser's *The Faerie Queene* and Shakespeare's *The Winter's Tale*, shows how the vilification of these individuals reflect anxieties about the English national self in a period of economic and cultural change. The pastoral puts, as William Empson argues, the "complex into the simple." I argue that representations of vagrancy within the borders of the simple bucolic paradise lead the reader to consider the complex economic and social conditions that led to the wanderer's displacement.

Title: Fields of Scarcity:
Enclosure Laws and Shakespeare's *Sonnets*

Lauren Shook, Texas Lutheran University

Between the 1590s and the early 1600s, when Shakespeare's *Sonnets* (1609) were composed and published, England was mired in questionable food and agrarian politics: the 1590s Enclosure Laws and agrarian capitalism yielded reactionary protests; Elizabeth I established Poor Laws; James I issued proclamations against grain hoarding; and pastors pleaded for a renewal of Christian charity. My paper reads Shakespeare's *Sonnets* through these disconcerting times. I extend and apply scholarship on food politics in Shakespeare's plays (Fitter, Knowles, Johansen, Martin, Ecklund, and Archer, Thomas, & Turley) to his sonnets and bring studies of agrarian capitalism, food justice, and Shakespeare's poetics to the table of early modern food studies. Part scholarly investigation and part food justice manifesto, my paper examines the links between politics and poetics in the procreation sonnets.

In Sonnets 1-17, the speaker chides his beloved youth for creating "a famine where abundance lies" (1.7). We can read the paradoxical "famine" out of "abundance" as commentary upon England itself, a nation with a burgeoning capitalist market but one that remains at the mercy of failed harvests and skyrocketing food prices. Just as the speaker of Sonnets 1-17 hungers for a renewed, nourishing crop of beauty from the fair youth, so do England's citizens hunger for reliable food sources. I argue that the sonnets reflect the practice of enclosure and its manufactured tension between the thrifty individual and communal munificence needed in times of early modern dearth. Amidst repeated failed harvests, individuals, like the fair youth, become miserly hoarders rather than charitable stewards of their resources, as the speaker wishes. The singular sonnet operates as enclosed farmland; placed inside a sequence, the sonnet shares, with its neighbors, metaphorical fields of scarcity.

This paper is the beginning of my book project called *A Place at Shakespeare's Table* in which I posit that Shakespeare crafts a poetics of scarcity--a discourse that simultaneously illuminates and obfuscates hunger. In addition to feedback on this paper, information about enclosure, food

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access, and environmental concerns related to food access in early modern England would be greatly appreciated.

**Shallow Justice:
 Towns, the Country, and Justices of the Peace**

Kelly J. Stage, University of Nebraska-Lincoln

This paper will focus on Justice Shallow in *Henry IV pt. 2* and *The Merry Wives of Windsor* to examine the degraded idea of the legal system in a play about escape to the country. Shallow, as an old, vain, justice is formerly of Clement's Inn (one of the Inns of Chancery), and represents the "lower branch" of the British legal system as a result. Falstaff and Shallow's discussion of Shallow's school days offers a commentary on the education of justices and the vanity of those who take on the role, especially in shires far flung from London. In examining Shallow's status, I track the importance of the country j.p., but also the plays' critical treatment of both the lower branch of the law and the operation of law away from the London courts. The representation of Shallow confirms a criticism of the legal system that aside from its higher levels (i.e. the Lord Chancellor) law is merely another set of rules for manipulation. The gentry class use and undo law as convenient—especially in *MWW*—and the setting of Windsor confirms the attenuation of the legal system as its agents sit further from the nexus of real power. At the same time, we may see this as a corruption of the environment of the hinterland town, as the flagging influence of Clement's Inn and "justice" serves only itself and gentry desires that swallow up the country land and yet prove shallow in the name of true justice.

**"Show the heavens more just":
 Shaking the Superflux and Finding Balance in *King Lear***

Will Steffen, American International College

Although the modern concept of ecology was still in its infancy at the turn of the seventeenth century, a medieval notion of "balance" in the natural world was beginning to influence thinking about economic systems. In *King Lear* (c. 1605-6), Shakespeare imagines how systems of balance in nature might model solutions to economic injustices. Balance in *Lear* is also uniquely secular, which is highlighted through Shakespeare's appropriation of his medieval religious sources. Shakespeare's reliance on the Noah's flood plays, for example, have been overlooked as an influence on *King Lear*. Three of the five extant flood plays depict Noah's wife refusing to board the ark amidst the apocalyptic downpour. The flood plays bear a strong resemblance to 3.2 of *Lear*, when the fool implores his King to seek shelter from the storm. In this paper, I suggest that *Lear* overturns a religious model of redemption offered by the medieval flood plays—where human sin is punished with divine retribution and global deluge—in favor of a more secular model of redemption, where self-correcting imbalances in nature model solutions to economic imbalances between kingly pomp and houseless poverty. Lear and Gloucester each seek redemption in the play through natural avenues. In the storm, Lear hopes that a "superflux" (3.4.40) of water will teach him to correct the wealth inequality in his kingdom, and Gloucester

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hopes that throwing himself from the cliffs of Dover will amend his faults. I argue that Shakespeare's playful staging of the Dover cliffs rehearses an emergent notion of balance in nature and imagines economic injustices as resolvable not through God's divine grace, but through the distributive justice modelled in nature. For Shakespeare, the cliffs of Dover provide the perfect site for Gloucester's economic and moral redemption, especially because it was thought that they had formed as the result of an excess of water finding its balance.

**“Mischief in the Wood:
 Women's Pursuit of Justice in the Natural Environment in Shakespeare's Comedies”**

Matthew M. Thiele, PhD, Glenville State College

This essay explores the tendency in some of Shakespeare's comedies for women to evade justice in the urban environment in order to achieve it in the natural environment. Although this subject has already been explored in the context of *As You Like It's* pastoral elements, work remains to be done in comedies in which this phenomenon is not as obviously linked to pastoral conventions. In *A Midsummer Night's Dream* and *The Merry Wives of Windsor*, the natural environment is presented as the necessary setting for women who want to assert their own desires and defy the wishes and mandates of patriarchal authority. Hermia expressly flees to the woods outside of Athens to escape Theseus's mandate, but when she does so, she is presented with an alternative form of justice that allows her to return to the city in spite of her defiance of the wishes of her father and the mandate of Theseus. Ann Page does something similar in *The Merry Wives of Windsor*, although the consequences for her are far less dire. Nevertheless, it is the natural environment in which she is able to assert her will in defiance of parental wishes. The wives themselves also achieve ultimate justice against Falstaff in the forest away from the influence of their homes and husbands. In all of these situations, leaving the urban environment and entering the natural environment allows women to defy patriarchal wishes and mandates and assert their own desires. It is tempting to look at *A Midsummer Night's Dream* and *The Merry Wives of Windsor* as experiments into a kind of pastoralism that only reaches its full expression in *As You Like It*, but by operating outside of strict pastoral conventions, those earlier plays may be more useful in challenging the dominant ideology by suggesting that women can have a space to pursue and achieve justice on their own terms.

Property, Use, and the Action of Waste: Francis Bacon and Ben Jonson

Luke Wilson, Ohio State University

This essay reads Francis Bacon's "Case of Impeachment of Waste" in relation to Ben Jonson's adaptation of the classical genre of the *silva* (a forest or wood and by extension a collection of literary materials, most notably in Statius's *Sylvae*), particularly in his 1616 *Works*, where the sections (Forest, Underwoods, Timber, and so on), imagine literary production in arboreal terms. Living trees, and their potential consumption as timber, were at the center of Lewis Bowles's Case (1615), which Bacon probably had in mind when he wrote his "Case of Impeachment of Waste," an extended analysis of the *absque impetitione vasti* ("without

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impeachment of waste”) clause in many land leases that gave lessees special rights to consume certain resources, notably timber, on the leased land. For Bacon, trees are powerful material expressions of the relationship between present and future interests, and his treatise eloquently explores the unique aspects of standing timber as property. In *Bowles*, Bacon argued for the plaintiff in a writ of error; his opposite was Edward Coke, and the two sides may be described as taking opposite views of with respect to the legal ontology of standing timber. For Bacon, although such timber derived its value from its convertibility to use, it remained a form of property; for Coke, conversion to use retroactively determined timber’s identity under the rubric of *usufructus*. These somewhat arcane disputes, centering on the relation between property and use (or waste), form the legal background to Jonson’s own investment in the figure of the tree and the uses to which it may be put as a way of thinking through his relation to his literary source texts.