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The Subordinate('s) Plot: Petty Treason and the Forms of Domestic Rebellion

FRANCES E. DOLAN

IN EARLY MODERN ENGLAND THE COMMONPLACE ANALOGY between the household and the commonwealth, and the fluid boundaries between domestic and political life that this analogy revealed, found their most vivid manifestation in the legal definition of petty treason. Statutes of the realm, beginning in 1352 with 25 Edward III and continuing through the following centuries until this statute was repealed in 1858, constructed a wife's murder of her husband or a servant's murder of his master as a kind of treason, and thus as analogous to any threat to or assault on the sovereign and his or her government. While a man who killed his wife or servant was accused of murder, "if any servant kill his Master, any woman kill her husband, or any secular or religious person kill his Prelate to whom he owes Obedience, this is treason." As one Justice of the Peace explained, the reason that a wife or servant who "malitiously killeth" a husband or master was accused of *treason* while a husband or master who "malitiously killeth" a wife or servant was accused of *murder* "is for that the one is in subjection and oweth obedience, and not the other."¹ That is, since killing a husband or master challenged patriarchal, hierarchical social order as killing a wife or servant did not, it was defined as treason.

In the statute that first defined killing a husband or master as treason, killing a king and killing a husband or master were not explicitly distinguished as treasons, high and low, grand and petty, but were instead described simply as versions of the same act, kinds of treason. Indeed, these kinds of treason were defined simultaneously and diacritically. According to many legal historians, the definition of petty or domestic treason did not grow out of the definition of high treason, nor was the definition of the latter applied to the household analogously; instead, the understanding of treason against the sovereign and, even more abstractly, against the state may well have evolved out of the more local, particular concept of betrayal

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¹ For a detailed seventeenth-century discussion of "petie Treason," see Michael Dalton, *The Country Justice* (London, 1618), pp. 204–6, esp. p. 205. For 25 Edward III, stat. 5, cap. 2, see William Rastall, *A Collection in English of the Statutes Now in Force* (London, 1603), fol. 460^v. As J. H. Baker explains in *An Introduction to English Legal History* (London: Butterworth, 1971): "Petty treason was abolished, and the offence converted to murder, in 1858" (p. 284). For a more detailed discussion of legal constructions of petty treason, see my "Home-rebels and house-traitors: Murderous wives in early modern England," *Yale Journal of Law & the Humanities*, 4 (1992), 1–31. I am grateful to Julie A. Sikkink of the Duke University History Department for her help in understanding the complexities of petty treason in legal theory and practice in early modern England.

of one's feudal lord. That is, a notion of domestic or petty treason may have come first.² In marking any distinction between these two kinds of treason, the 1352 statute might be seen as defining high as well as petty treason, marking a difference between king and lord and placing greater value on loyalty to the king. Although it is unclear exactly when the term "petty" or "petit" was first used to describe acts of domestic treason, the term "petty treason" was widely used in popular and legal discussions of the crime by the early seventeenth century.

Until 1790, the punishments for petty treason were different than those for murder and drew attention to the crime as a particularly egregious assault on social and political order. Men convicted of petty treason were drawn to the place of execution on a hurdle, then hanged. This punishment emphasized the shameful display of the disciplined body but was not as heinous as the notorious executions for high treason, which involved mutilation, disembowelment, and decapitation. Women convicted of petty treason, however, were sentenced to the same punishment as those convicted of high treason: they were burned at the stake. In legal theory, then, if not always in practice, the punishment of female traitors collapsed the distinction between the two kinds of treason: for women these capital offenses were not only analogous but virtually the same.³ In defining and punishing the murder of a husband or master as petty treason, the legal system attempted to answer the profound challenge this crime posed to domestic, political, and social hierarchies by distinguishing it from other forms of murder and associating it with treason.

The many narratives that circulated about purported incidents of petty treason in England between roughly 1550 and 1650 similarly struggle to redress this crime by recording the repentance and punishment of the offenders. Yet they also explore the sources of insubordination by telling the petty traitors' stories.⁴ While legal and literary narratives of petty treason suggest that, potentially, there are multiple subjectivities and stories within any household as well as narratives alternative to that of the master's subsumption of his dependents, social order and dramatic form both depend on the containment of those rival narratives. Of the many accounts of petty treason that survive from this period, including ballads, plays, pamphlets, and chronicle accounts, I will concentrate here on how aesthetic and 'social orders reinforce one another in three fairly well-known texts: Shakespeare's *The Tempest*, the anonymous *Arden of Faversham*, and printed transcripts of the earl of Castlehaven's infamous trial for rape and sodomy. Each constructs the story of murderous dependents as both the subordi-

² See, for instance, Frederick Pollock and Frederic W. Maitland, *The History of English Law*, 2 vols. (Cambridge: Cambridge Univ. Press, 1895), Vol. 2, pp. 501–7.

³ These treason punishments were standard for men by the thirteenth century and for women by the fourteenth century. On punishments, see Francis Bacon, *Cases of Treason* (London, 1641), chaps. 2 and 6; and Dalton, p. 206. See also J. H. Baker, "Criminal Courts and Procedure in Common Law 1550–1800" in *Crime in England 1550–1800*, J. S. Cockburn, ed. (Princeton, N.J.: Princeton Univ. Press, 1977), pp. 15–48, esp. p. 42. On the 1790 revocation of burning as the punishment for women adjudged of petty or high treason, see Ruth Campbell, "Sentence of Death by Burning for Women," *Journal of Legal History*, 5 (1984), 44–54.

⁴ For a discussion of popular accounts of petty treason, see my "Home-rebels and house-traitors."

nates' plot against their master and as the plot formally subordinated to the master plot.

These texts also explore the interdependency of subordinates and superiors and the precariousness of the master's role. While presenting as absolute the power inherent in the master's place at the top of domestic hierarchy, they yet discover a gap between that powerful social position and the flawed individuals who hold it. Since master and servant are mutually dependent and defined in relation to one another, the plot of the implicated master and that of the insubordinate dependent imply and require one another. The interplay between the two works itself out differently in the three cases treated here: in the fictional *Tempest* the master and his plot triumph, revealing the social conservatism of the romance form; in the quasi-fictional *Arden* the subordinates' plots threaten to overtake the master's plot and everyone dies, generic indeterminacy and social disorder corresponding; in the actual trial of the earl of Castlehaven, as described in subsequent pamphlets, the master is convicted and executed, but his subordinates, who testify against him, are also eventually criminalized so that no major disturbance of the social order is allowed to occur.

In each of these texts, then, the story of petty treason focuses on the contradictions and fragilities of social status as seen in weak, flawed, or absentee masters and in rebellious subordinates. These texts particularly focus on the ambiguous accountability of all parties to petty treason: the master, who is both authoritative and threatened, and the subordinates, who are both subsumed by their master and empowered through their violent resistance to that subsumption. As we shall see, in different ways in the different texts, masters and subordinates are and are not held accountable for their actions. In *The Tempest*, Prospero, the reclusive, usurped duke who depends on magic and his servants to regain his authority, is countered by Caliban, the dispossessed servant-monster who is presented both as unfit to rule his own island and as accountable for his transgressions. In *Arden of Faversham* the master is less authoritative and more implicated than Prospero, while the subordinates are more numerous, energetic, and successful, as well as more central to the play's action. As a result, master and subordinates are all held accountable and therefore defeated. Similarly, in the narratives of the earl of Castlehaven's trial, although the focus shifts from the subordinates to the master and his alleged transgressions, master and subordinates are again presented both as victims and as responsible agents, with the result that all are defeated. Thus, however much Prospero's power is questioned and qualified, it is only in *The Tempest*'s representation of the supernaturally powerful master who decisively subordinates the plot of his rebellious servant that the story of attempted petty treason can end well for anyone, master or subordinate.

In Act 4, scene 1, of *The Tempest* (first performed—so far as we know—in 1611 and first published in 1623), the elaborate masque that Prospero and Ariel present in order to show Ferdinand and Miranda “some vanity of [his] Art” and to celebrate the couple's betrothal suddenly dissolves; the dancing reapers and nymphs “heavily vanish” “to a strange, hollow, and confused noise” (4.1.138 SD).⁵ As the moment of festivity and harmony fractures in

⁵ All quotations of Shakespeare are taken from William Shakespeare: *The Complete Works*, ed.

dissonance, the artful magic spectacle, which draws on prestigious classical and courtly traditions, disappears: "Our revels now are ended," says Prospero (l. 148). The disruption occurs because Prospero "starts suddenly, and speaks" about Caliban, the "servant-monster," and his brewing plot against his master:

I had forgot that foul conspiracy
Of the beast Caliban and his confederates
Against my life. The minute of their plot
Is almost come.

(ll. 139–42)

At the moment in which Prospero basks in self-congratulation, the scheming subordinate's plot, which Paul Brown has identified as "a kind of antimasque,"⁶ interrupts Prospero's master plan, prompting him to ruminate on transience and mortality. Although Prospero knows about, even stages and manipulates, Caliban's plot, at this moment we briefly sense possible narratives other than that of Prospero's mastery. According to Peter Hulme and Francis Barker, "the sub-plot provides the only real moment of drama when Prospero calls a sudden halt to the celebratory masque"; this "real drama" results from our sense that Prospero is not *completely* in control and that the outcome is not *wholly* predictable. As Hulme and Barker argue, this moment in the play gives us our first possibility of "distinguishing between Prospero's play and *The Tempest* itself."⁷ For the briefest moment we imagine that there could be a play in which Caliban is the protagonist, governs the main plot, and once again is his own king. The disruption reveals the fragility not only of the masque and the celebration but of Prospero's power.

The disruptive intrusion of Caliban and his plot is linked to the narrative of petty treason, which shapes and articulates the fear of *insubordination* and records the rival stories and plots that compete with and threaten to displace the master and his story. Although Prospero rapidly recovers himself and consults with Ariel about how to curtail and punish Caliban's insubordination, Caliban's plot does threaten to derail Prospero's elaborate schemes to regain his dukedom, marry off his daughter, and punish/educate his usurping brother. It simultaneously threatens the form and coherence of the play at its most gorgeous, most confident moment of aesthetic display. Like the petty traitor and his betrayal, these threats to Prospero and his agenda, to the patriarchal social and political order these represent, and to the form of *The Tempest* come from inside Prospero's household, from the character introduced as "my slave" (1.2.311).

Recent criticism has connected *The Tempest* to various discourses of power

David Bevington, 4th ed. (New York: HarperCollins, 1992). Subsequent references will appear in the text.

⁶ "This thing of darkness I acknowledge mine": *The Tempest* and the discourse of colonialism" in *Political Shakespeare: New essays in cultural materialism*, Jonathan Dollimore and Alan Sinfield, eds. (Ithaca, N.Y., and London: Cornell Univ. Press, 1985), pp. 48–71, esp. pp. 64 and 67.

⁷ "Nymphs and reapers heavily vanish: the discursive con-texts of *The Tempest*" in *Alternative Shakespeares*, John Drakakis, ed. (London: Methuen, 1985), pp. 191–205, esp. pp. 201 and 203. On the interrupted masque, see also Julie R. Solomon, "Going Places: Absolutism and Movement in Shakespeare's *The Tempest*," forthcoming in *Renaissance Drama*.

in Renaissance culture. Particularly focusing on Caliban's compelling narrative of how Prospero wooed then enslaved him, how he was degraded from "mine own king" to "all the subjects that you have" (1.2.344–45), critics have brilliantly demonstrated the play's relationship to discourses of colonialism and the processes of exploration and exploitation in which they participate. Curt Breight has also demonstrated the relationship between *The Tempest* and discourses of treason. As he shows, the play includes two treason plots, one presented as a false accusation, the other as actual: Prospero accuses Ferdinand of being a traitor; Sebastian and Antonio plot to kill Alonso, king of Naples. The play's pre-history, which generates its plot, centers on Antonio's usurpation of his brother's dukedom and his attempt to eliminate him. From the perspective of recent critics, Prospero, as sovereign and imperialist, stands at the intersection of these discourses of power, compromised by his power over others and the brutality with which he wields it.⁸ Yet the play also presents Prospero as compromised by his dependency on and vulnerability to those who serve him: first his brother, then his servants.

Just as the play participates in discourses of colonialism and high treason, as scholars have shown, *The Tempest* is also in dialogue with discourses of petty treason, as the climactic scene of the disrupted marriage masque demonstrates. Since Caliban acts both as Prospero's only subject and as his domestic servant, his plot against Prospero is both petty and high treason. The conflation of private and public, domestic and political, so evident in the legal construction of petty treason, particularly applies to the shrunken, enclosed world of *The Tempest*, in which Prospero's household is the commonwealth. He is master, father, and king, and his daughter and servants are his only subjects. Petty and high treason are so analogous in *The Tempest* that most readers and viewers have not distinguished between the two.

Yet the relationship between Prospero and Caliban is first presented as a domestic one. When Prospero narrates his time on the island and his relationship to its original inhabitants in order to chastise Ariel and defer his request for freedom, he first identifies Caliban as the one "[w]hom now I keep in service" (1.2.288). In this disciplinary narrative, Prospero presents himself as the good master by reminding Ariel what it was like to be tormented and imprisoned by a bad mistress, Sycorax.⁹ Although Ariel

⁸ On *The Tempest* and discourses of colonialism, see Brown; Hulme and Barker; and Deborah Willis, "Shakespeare's *Tempest* and the Discourse of Colonialism," *Studies in English Literature 1500–1900*, 29 (1989), 277–89. See Anthony B. Dawson's response to such recent work in "Tempest in a Teapot: Critics, Evaluation, Ideology" in "Bad" Shakespeare: *Revaluations of the Shakespeare Canon*, Maurice Charney, ed. (Rutherford, N.J.: Fairleigh Dickinson Univ. Press; London and Toronto: Associated Univ. Presses, 1988), pp. 61–73. Ania Loomba explores the relationships among constructions of racial and gender difference in and around *The Tempest* in the sixth chapter, "Seizing the Book," of her *Gender, Race, Renaissance Drama* (Manchester: Manchester Univ. Press, 1989), pp. 142–58. On reappropriations and reinterpretations of *The Tempest*, see Thomas Cartelli, "Prospero in Africa: *The Tempest* as Colonialist Text and Pre-Text" in *Shakespeare Reproduced: The text in history and ideology*, Jean E. Howard and Marion F. O'Connor, eds. (New York and London: Methuen, 1987), pp. 99–115; and Rob Nixon, "Caribbean and African Appropriations of *The Tempest*," *Critical Inquiry*, 13 (1987), 557–77. On the play's relation to the discourses of treason, see Curt Breight, "'Treason doth never prosper': *The Tempest* and the Discourse of Treason," *Shakespeare Quarterly*, 41 (1990), 1–28.

⁹ Ania Loomba argues that the play contrasts Prospero and Sycorax as the white and black, male and female, good and bad masters (p. 152). Barbara A. Mowat points to the master-

clearly has the ability to irritate his master by requesting liberty and forgetting the history that must be re-narrated to him on a monthly basis, he is presented as the good servant, as opposed to Caliban, the “villain” and “slave.”

Caliban is presented as monstrous and dangerous, but he is also presented as invaluable; Prospero and Miranda *depend* on him:

We cannot miss him. He does make our fire,
Fetch in our wood, and serves in offices
That profit us.

(ll. 314–16)

Stephen Greenblatt has demonstrated that many explorers of the New World depicted themselves as dependent on the natives to supply them with food, as relying for basic subsistence needs on those they did not trust. They thus placed themselves in a relation of fearful dependency on those they violently subjugated as their inferiors and slaves. Greenblatt links this “determination to be nourished by the labor of others weaker, more vulnerable, than oneself” to a desire to distinguish one’s self as a gentleman. By such means Europeans created a class hierarchy in the New World, a hierarchy in which virtually any European would be above the natives on whom he depended for sustenance.¹⁰ Like Europeans exploring the New World, then, Prospero needs a native to show him “all the qualities o’ th’ isle” (l. 340); he also needs a slave so that he can proclaim himself a master. Just as Prospero and Miranda cannot survive on the island without Caliban, Prospero cannot be king without a subject, or master without his servants.

Such dependency motivates the fear of petty treason. Since Prospero’s mastery depends on Caliban’s and Ariel’s subordination, and his bodily life depends on Caliban’s exertions, he must use force, threat, and magical torments to secure the submission of these subordinates on whom he depends and with whom he is so intimate. The danger of such dependency and intimacy is represented in Caliban’s attempt to rape Miranda. As Prospero reminds Caliban: I “lodged thee / In mine own cell, till thou didst seek to violate / The honor of my child” (ll. 349–51); only Caliban’s attempt to rape Miranda convinces Prospero that Caliban, unlike most servants, cannot live in his house, cannot be a member of the family. As critics have noted, Prospero reminds Caliban of the rape and its relation to his lodging in order to construct Caliban as a bad servant, a betrayer of the household that has welcomed and included him, and therefore to sidestep Caliban’s construction of Prospero as the betraying father/master and usurper of the island. Thus, to protect his own interests and to displace blame, Prospero counters Caliban’s narrative of tyranny and usurpation (a narrative too much like Prospero’s own account of his lost dukedom) with a narrative of attempted rape.

servant relationship between Prospero and Ariel, in which Ariel operates as a sorcerer’s apprentice (“Prospero, Agrippa, and Hocus Pocus,” *English Literary Renaissance*, 11 [1981], 281–303). While Ariel and Caliban are both presented as servants, only Caliban is presented as domestic laborer and petty traitor.

¹⁰ See Greenblatt’s “Invisible Bullets,” printed in its final form in *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley: Univ. of California Press, 1988), pp. 21–65, esp. p. 29.

Prospero also counters Caliban's claim that he is a victim with the charge that Caliban is a perpetrator and agent. Prospero holds Caliban accountable to the extent that this serves his own interests. In Prospero's view Caliban is subhuman and monstrous, a ludicrous rival for the position of master and king. Yet Caliban is also responsible enough to work for Prospero and possesses enough agency to be held accountable and punished, first for the rape and later for the plot against his master. To manage the disturbing possibility that a Caliban could have legitimate claims to the kingship of his own island, a world "new" only to its invader, Prospero deploys the familiar, household discourse of master-servant relations.

Caliban's paradoxical position, which enables Prospero to manipulate his relation to Caliban and Caliban's accountability, is not peculiar to this amphibious inhabitant of an enchanted isle but corresponds, in part, to the status of the early modern household servant. As Michael MacDonald argues, "many households in early modern England harbored a Caliban, a 'servant-monster,' partly adult, partly child, partly domestic beast of burden."¹¹ MacDonald's vivid evocation of domestic servants as both familiar and strange, as monstrous in their conflation of categories, points to the difficulty of locating servants within early modern social order and the anxiety this could cause.

Those critics of *The Tempest* who have acknowledged class conflict in the play have oversimplified it as dualistic and have not recognized the significance of Prospero and Caliban's relationship as master and servant; nor have they identified the complex, shifting relation of the roles of master and servant to social hierarchies. Brown, for instance, argues that the play defines the aristocracy against the masterless (Stephano, Trinculo, and Caliban) and that "the masterless therefore function to bind the rulers together in hegemony."¹² Breight agrees that "Caliban's conspiracy appears to present a précis of Elizabethan fears regarding masterless men."¹³ But, as Brown acknowledges at some points but loses track of at others, Caliban is *not* masterless. Nor is the domestic hierarchy of master and servant quite the same as the social hierarchy of aristocracy and the masterless (which elides the middle of the social order and the majority of the population) or the political hierarchy of governors and governed. Also, while the master-servant and king-subject relationships are analogous, as the definition of petty treason articulates, and while both of these hierarchical relations are associated with class hierarchies, the connections are complex. Excepting the king, each of the inhabitants of the realm is a subject; that subjection embraces every social class.

Like the category "subject" or "governed," the category "servant" incorporates many social and economic classes. As a result historians who study servants argue that "servants did not understand themselves, and were not understood by early modern society, to be part of a labouring class, youthful proletarians."¹⁴ Indeed, so many people, including aristocrats at court,

¹¹ *Mystical Bedlam: Madness, Anxiety, and Healing In Seventeenth-Century England* (Cambridge: Cambridge Univ. Press, 1981), p. 85.

¹² p. 53.

¹³ p. 17.

¹⁴ Ann Kussmaul, *Servants in husbandry in early modern England* (Cambridge: Cambridge Univ. Press, 1981), p. 9. Although Steven R. Smith argues, in "The London Apprentices As

spent some part of their life in service that it was considered a developmental phase more than a permanent social status. As Ann Kussmaul notes, "For most servants, it was a transitional occupation, specific to their transitional status between childhood and adulthood." Since most servants were youths, servants "constituted around 60 per cent of the population aged fifteen to twenty-four" in early modern England.¹⁵ Furthermore, by Peter Laslett's calculation, "a quarter, or a third, of all the families in the country contained servants in Stuart times."¹⁶ Integral members of the households in which they lived and worked, servants got their social status from their masters. They were thus woven into hierarchies that governed social order in early modern England and into households and families. Neither distinguishable nor separable as a social group, servants, because of their intimate relationship with their employers, were confusing, even threatening, figures.¹⁷ The threat lay not in their stark opposition to their masters or their demonized otherness but in their very familiarity and their insinuation into all social groups and situations. Furthermore, the role of service as a developmental phase reveals the dependency and deference that permeated social relations throughout early modern England.

Dependent yet depended upon, familiar yet not wholly known or controlled, a class yet not one, servants blurred boundaries and confused categories. To the complex positioning of the domestic servant in early modern England, the characterization of Caliban may add the further complication of racial difference; Caliban seems to occupy the same "curious outsider-within stance" that Patricia Hill Collins describes as typical of African-American women domestic workers in white elite households. In *The Tempest*, as in the situations that Collins describes, this "outsider-within" position enables the servant to see the master/employer demystified and vulnerable.¹⁸

The story of the insubordinate dependent, the petty traitor, is the story of the outsider-within as told from the perspective of the threatened master, fearful that his power should be demystified or his trust betrayed; it articulates the fear that the other and the enemy might be the person who

Seventeenth-Century Adolescents," *Past and Present*, 61 (1973), 149–61, that seventeenth-century London apprentices "thought of themselves and were thought of as a separate order or subculture," he goes on to point out that, "like the larger culture of which it was a part, the apprentice subculture was somewhat hierarchical" (p. 157). "Drawn from all levels of society," apprentices would also graduate out of this subculture to social positions and occupations that would divide them from one another (p. 150). They were thus connected by age, transition, and the shared experience of subordination; they were not a "class." On the master-apprentice relationship, also see Craig A. Bernthal, "Treason in the Family: The Trial of Thumpe v. Horner," *SQ*, 42 (1991), 44–54, esp. p. 45 and pp. 50–52.

¹⁵ p. 4 and p. 3. Ralph A. Houlbrooke points out that since service was a transitional phase for many throughout the social order, it shaped social relations by inculcating deference: "In a society in which service was the most important avenue of advancement at all levels, one of the most essential skills was the ability to make oneself acceptable to superiors" (*The English Family 1450–1700* [London and New York: Longman, 1984], p. 147).

¹⁶ *The World We Have Lost: further explored*, 3rd ed. (London: Methuen, 1983), p. 13.

¹⁷ On master-servant relations, see also Houlbrooke, pp. 171–78; Laslett, pp. 1–21; MacDonald, pp. 85–88; and Alan Macfarlane, *Marriage and Love in England: Modes of Reproduction 1300–1840* (Oxford: Basil Blackwell, 1986), pp. 83–87.

¹⁸ *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Boston: Unwin Hyman, 1990), p. 11.

makes your fire, prepares your food, and lodges in your own cell. Pointing out that, when Caliban is freed from log-toting to plot his rebellion, Ferdinand takes his place, Breight argues that “in structural terms Prospero always needs a demonic ‘other.’”¹⁹ But it is important that Prospero needs not an “other” as much as a servant, a servant who, while he may be demonic, is also domestic. One of the threats Caliban as a servant offers is that he is not “other” enough: he once lived with Prospero; he remembers happier days of being treated affectionately; he is a thing of darkness whom Prospero feels compelled to acknowledge as his own.

Like the attempted rape that leads to Caliban’s domestic exile and imprisonment, Caliban’s plan to kill Prospero hinges on his role as familiar, included member of the household, as well as estranged, monstrous “other.” Displaying his knowledge of Prospero’s habits and vulnerabilities, Caliban suggests to his confederates that they deprive Prospero of his power by “possess[ing] his books,” then kill him during his customary nap: “’tis a custom with him / I’ th’ afternoon to sleep. There thou mayst brain him” (3.2.87–88, 92). Turning on the inside information that a servant would have, this plot constitutes a particularly intimate, domestic betrayal. Again, Prospero’s own dependence on Caliban exposes him in a way that reveals the fragility of his authority. He commands magical forces, but his books and “brave utensils” (l. 96) are vulnerable to seizure and destruction by one who knows their place and power.

Caliban is so consistently characterized as a servant that he appears to interiorize that characterization and to construe his actions as petty treason rather than as the reclamation of his own usurped kingdom. When he rebels against being reviled but depended on, included in the household but excluded from the family—from the master who once “strok’st me, and made much of me” (1.2.336) and the woman who once pitied him and taught him to speak (ll. 356–61)—he does not aspire to regain his status as “mine own king.” Instead, he seeks a more congenial master and a sense of belonging in the fellowship of “celestial liquor” (2.2.117). Gleefully subjecting himself to Stephano and never competing with him or Trinculo for mastery, Caliban’s idea of “Freedom, high-day! High-day, freedom!” is to have “a new master” who will not expect him to perform domestic tasks such as food gathering or dishwashing (ll. 178–85). The limited scope of Caliban’s ambitions and the extent to which, despite his eloquent nostalgia for lost autonomy, he seems to agree with his characterization as a “servant-monster” neutralizes the threat that his plot poses, making him and his conspiracy not just harmless but humorous.

Many recent critics have seen the humor of *The Tempest*’s subplot as evidence of the play’s complicity with discourses of colonialism and treason and the forms of power that these discourses serve. Breight, for instance, expresses dismay that the display of chastened “lower-class conspirators” can still be staged as comic.²⁰ If, as Hulme and Barker so suggestively argue, “Prospero’s play and *The Tempest* are not necessarily the same thing,”²¹ many contemporary viewers are ready and willing to imagine Caliban’s play,

¹⁹ p. 19.

²⁰ p. 23.

²¹ p. 199 (cited in n. 7, above).

to empathize with the lower-class conspirators rather than the aristocrats, to feel estranged from the exclusive and hostile humor.

The humor that disturbs so many of us may stem not only from the complicity of directors “with hierarchical discourse,” as Breight argues, but also from the operations of dramatic form, which, itself constituting and constituted by hierarchical discourses, associates subordinates and their plot with the comic, as we’ll also see in *Arden of Faversham*. Brown argues that the comic treatment of the conspiracy in *The Tempest* serves to restore social, political, and aesthetic orders; the aristocrats’ “collective laughter at the chastened revolting pleb[e]ians” enables them to displace responsibility for their own failures onto “the ludicrous revolt of the masterless” and to celebrate their reclaimed authority.²² Addressing the social function of Renaissance dramatic forms more generally, critics such as Louis A. Montrose have argued that Renaissance comedy performed social work by provoking and alleviating tensions.²³ According to such arguments, with which I agree, a play like *The Tempest* represents Caliban and his fellow conspirators in order to trivialize and overmaster them; it grants them their own plot in order to subordinate it to a plot structure and a larger cultural narrative that diminish its significance and locate power and prestige elsewhere—in the master and his story.²⁴

Although *The Tempest*, in order to motivate the comedy, depends on “Prospero’s anxious determination to keep the sub-plot of his play in its place,” that anxiety always operates within carefully maintained boundaries.²⁵ However “anxious” he may be, Prospero remains at the center of the play. Also, as critics have argued, Prospero needs his subordinates, their plot, and his decisive defeat of it as part of his own project. Few readers or viewers really fear or expect that Prospero will be displaced. He is never offstage for long; his agent Ariel is ubiquitous, observing and interfering; and Caliban himself, in the diminished forms that his rebellion takes, assures us that this will not become *Caliban: The Play*. In other words, the tension between subplot and main plot is scrupulously controlled, and the focus on the master and his plot is conservatively maintained through the subordination of Caliban and his attempt at petty treason.

Working to recover those alternative narratives that it was the project of colonialism to defeat or appropriate, some postcolonial critics stress the stark confrontation between two protagonists in colonial discourses.²⁶ This formulation refuses the hierarchy of master and slave, seeing instead a contest between two would-be protagonists for mastery, between two po-

²² p. 63. Hulme and Barker argue that both Prospero and *The Tempest* treat “Caliban’s conspiracy in the fully comic mode.” In the end Prospero’s “version of history remains authoritative, the larger play acceding as it were to the containment of the conspirators in the safely comic mode” (p. 203).

²³ See, for instance, Montrose’s “‘The Place of a Brother’ In *As You Like It*: Social Process and Comic Form,” *SQ*, 32 (1981), 28–54.

²⁴ Dawson (cited in n. 8, above) argues that disunity and fragmentation are now privileged as standards of value, as unity and coherence once were (pp. 70–71). I would argue that the critics whom Dawson discusses do not so much value disunity as they feel disturbed at the means of achieving cohesion in *The Tempest*.

²⁵ Hulme and Barker, p. 203.

²⁶ See the discussion in Loomba (cited in n. 8, above), page 157, regarding the relation of *The Tempest* to controversies among postcolonial theorists.

tential main plots. While, as we will see, *Arden of Faversham* does dramatize this formulation of domestic, if not colonial, conflict, *The Tempest* does not; and it owes the aesthetic orderliness for which it was once so praised, and its lasting place in the literary canon, to that refusal. That is, Shakespeare's masterful manipulation of form in *The Tempest* results from his privileging the master's story over the slave's. Caliban and Prospero are not equal protagonists but master and servant; the two plots are not alternative plays struggling for precedence but a master plot and a subplot that only briefly erupts into prominence. By identifying the rebellion of Caliban and his confederates with the antimasque, Brown suggestively conveys its relation to form. Like the carefully staged chaos in court masques, this outbreak of disorder is designed to be dispersed and contained; it is there to make the order and closure more complete and beautiful. As other critics have noted, Caliban's rebellion is effectively subordinated, "an easily controllable insurrection," "a wholly containable plot."²⁷ In this play, aesthetic order reinforces a social order that depends on hierarchy. As Mary Beth Rose has argued, "given the variety of conceptual options available in Jacobean culture, [Shakespeare] often chooses the conservative ones"; the alliance of Shakespearean texts with the more traditional discourses has enabled their crucial role in the interrelated processes of shaping literary forms and maintaining social order.²⁸

The Tempest, then, provides a particularly successful instance of subordination. Although the plot of "the beast Caliban and his confederates" against Prospero disrupts the marriage masque and momentarily threatens to redirect the play, *The Tempest* reassures viewers that Caliban, however compellingly presented, will be remastered and that Prospero will remain in charge of him, the island, and the main plot. *The Tempest* offers complex characterizations of both master and servant, presenting each as dependent on and inseparable from the other. Even though supernaturally authoritative and powerful, Prospero is implicated in the loss of his dukedom and dependent on his subordinates, rough magic, and violence to maintain his position. Drunken, rebellious, and trivialized, Caliban is yet eloquent, threatening, and accountable. When Prospero achieves his goals, abjures rough magic, and acknowledges the chastened Caliban as his own, the relation between master and servant is as complex and blurred as ever. Yet the relations within Prospero's household and on the island, between master and subordinate, and between main plot and subplot, are not reordered.

²⁷ Hulme and Barker, p. 202; Breight, p. 19. Charting re-evaluations of *The Tempest*, Anthony Dawson argues that Northrop Frye is unable to readjust his categories in order to see Caliban as "repressed" rather than "included" (p. 65). Seeing Caliban instead as *subordinated* enables us to use a Renaissance category to mediate between the formalist analyses of scholars like Frye and the cultural materialism of scholars like Breight, Brown, and Hulme and Barker. In *The Tempest*, Caliban can be included because he is repressed; social order (at the domestic and political levels) and dramatic form laboriously achieve cohesion by acknowledging and subordinating the forces on whose energies they depend.

I am indebted to the work of Mary Beth Rose for a model of how to combine feminist, materialist, and formalist analyses. See especially her "Where Are the Mothers in Shakespeare?: Options for Gender Representation in the English Renaissance," *SQ*, 42 (1991), 291–314.

²⁸ *The Expense of Spirit: Love and Sexuality in English Renaissance Drama* (Ithaca, N.Y., and London: Cornell Univ. Press, 1988), pp. 173ff.; cf. Rose, "Mothers," p. 313.

The only changes are magical restorations of aesthetic, social, and political order.

It seems an abrupt shift from *The Tempest* (1611) to *Arden of Faversham* (1592): from a magical island to a village in Kent; from the creation of a world of fantasy to the recreation of an actual crime; from monsters and airy spirits to carefully delineated participants in Elizabethan social order. In moving from one play to the other, we not only shift from the fantastical to the realistic; we also move down the literary hierarchy from a play that self-consciously allies itself with the most prestigious literary and artistic traditions and depends on the most innovative technical resources to a play that, in its emphasis on the actual, the local, and the domestic, has been considered undistinguished and homely. Although it achieved qualified, borrowed prestige as part of the Shakespeare apocrypha, *Arden of Faversham* has generally been attended to as an historical document more than a literary artifact. Yet it is a play peculiarly suited to blur the distinction between the two. The narrative of petty treason and the way that it plays itself out in the confining, stifling world of the household, whether that household is on an island or in Faversham, links these two apparently unrelated plays. It provides insight into the complex relation between the documentation of social process and the operations of literary form, between a play described as "almost miraculous" and one described as leaving the viewer "positively irritated."²⁹

While Shakespeare's subject in *The Tempest* enabled him to invent freely, the anonymous author of *Arden of Faversham* attempted to dramatize an actual murder, which had taken place in 1551. Arden's wife and her lover (a steward and her social inferior) as well as hired killers and various of Arden's dependents (servants and tenants) all conspired in his murder. This case was still notorious in 1592, forty-one years after it happened, having been maintained in the public consciousness by Holinshed's account of it (in both the 1577 and 1587 editions of his *Chronicles*).³⁰ The play itself is multi-protagonist, richly ambiguous, generically hybrid, a play that leaves one wondering whose story it is: the tragedy of Arden, as the title page proclaims; or of his wife, Alice, and her lover; or of the multiple assailants who diffuse the focus and confuse the genre. As Alexander Leggatt argues, "the playwright keeps us guessing about what sort of play he is writing."³¹ In its feverish activity and large, industrious cast of murderous subordinates, *Arden of Faversham*, refusing to be simply Arden's play, *acts out* petty

²⁹ Kermode quotes Coleridge's praise of *The Tempest* in the introduction to his Arden edition of the play ([London: Methuen, 1954], p. lxxxii); in his introduction to *The Tragedy of Master Arden of Faversham* (London: Methuen, 1973), editor M. L. Wine points out that "six external accidents save Arden, and a poor production could easily bear out M. C. Bradbrook's impression that 'the spectator feels positively irritated' after a while 'that the murderers do not succeed'" (p. lxxvi). All quotations of *Arden* will be taken from Wine's edition.

³⁰ Wine argues that the 1587 edition of Holinshed's *Chronicles* is the more likely influence on the play, pointing to marginal glosses that appear only in the later edition and which may have shaped the author's interpretation. Holinshed's account (which Wine reprints) appears in Volume 2, pages 1062–66, of the 1587 edition, and according to Wine, the probable source for Holinshed's narrative of the murder is a manuscript account, "The history of a most horrible murder comytyd at ffevershame in Kent" (Harley MSS 542, fols. 34–37). See Wine's introduction to his edition of the play, especially pages xxxv–xliii.

³¹ "Arden of Faversham," *Shakespeare Survey*, 36 (1983), 121–33, esp. p. 129.

treason.³² The result is a story that, because of its multiple voices and perspectives, is particularly suited to drama. Yet it is also a story that exists outside of dramatic form and that is not fully articulable within the available conventions.

With the figure of the master diminished from wizard and duke to landowning, upwardly mobile, gentle householder; with the subordinates multiplied and their relations to the master made more complex; and especially with the inclusion of the troublesome and unlocatable figure of the wife,³³ *Arden of Faversham* presents the narrative of petty treason as less containable and more problematic than does *The Tempest*. In *Arden* the subordinate plot does not know its place.³⁴

The presence of the wife particularly complicates the story of the plotting subordinates because a wife is more ambiguously subordinated than servants, as Catherine Belsey has argued.³⁵ Simultaneously holding the contradictory subject-positions of partner and dependent, the wife blurs the line between master and subordinate and moves between master plot and subplot. The story of a “foul conspiracy” against a master not only by his servants but also, more humiliatingly, by his wife is a story that is more threatening and more difficult to tell. Focusing on petty treason rather than employing it as a comic subplot, *Arden of Faversham* explores the insecure, provisional status of the master, granting central significance and scrutiny to the complicity and weakness that haunts Prospero’s story of his lost dukedom.

In *Arden of Faversham* there is no master’s plot; the narrative of petty treason is not really an *alternative* or *rival* narrative in that it has so little to supplant, compete with, or oppose. We have little sense of Arden himself prior to or apart from the challenges to him. Defined largely in relation to and in response to his subordinates and their betrayals, he knows about his wife’s adultery from the first scene of the play. Melancholy and defeatist, he

³² In her discussion of Renaissance comedy, Catherine Belsey argues that “the contest for the meaning of the family which took place in the sixteenth and seventeenth centuries disrupted sexual difference, and in the space between the two sets of meanings . . . definitions of other modes of being for women are momentarily visible” (“Disrupting sexual difference: meaning and gender in the comedies” in *Alternative Shakespeares* [cited in n. 7, above], pp. 166–90, esp. p. 178). Belsey is here discussing the comic manifestations of these ephemeral possibilities emerging out of contest; I focus on their violent manifestations, as Belsey does in her own discussions of *Arden of Faversham*.

³³ *The Tempest* does not present us with a female petty traitor; it offers us the shadow or memory of a female mistress (Sycorax) and a daughter who becomes a bride but not a wife. Stephen Orgel explores this point in “Prospero’s Wife” in *Rewriting the Renaissance: The Discourses of Sexual Difference in Early Modern Europe*, Margaret W. Ferguson, Maureen Quilligan, and Nancy J. Vickers, eds. (Chicago and London: Univ. of Chicago Press, 1986), pp. 50–64. If, as Orgel argues, the day of Prospero’s wife has come, it must be realized through other texts that, by including this troublesome figure, have departed from generic expectations and remained largely outside the canon. On the role of mothers in dramatic form, see Rose, “Mothers.”

³⁴ My work with *Arden of Faversham* has been enabled by M. L. Wine’s excellent Revels edition and informed by Catherine Belsey’s pathbreaking analysis of the play in relation to the many other representations of this crime and the contests for meaning in which these multiple representations engage, in *The Subject of Tragedy: Identity and Difference in Renaissance Drama* (London: Methuen, 1985); Frank Whigham’s work-in-progress on the play; and Lena Cowen Orlin’s “Man’s House as His Castle in *Arden of Faversham*,” *Medieval and Renaissance Drama in England*, 2 (1985), 57–89, which historically situates Arden as a landowning gentleman.

³⁵ *The Subject of Tragedy*, chap. 6, *passim*, and esp. p. 155.

responds to her adultery by leaving the household that defines relations and is the play's central arena of action and going to London. He is onstage most often as the potential or actual victim of assault (scenes I, III, IV, IX, XI, XIII, and XIV). We also see him being manipulated by Alice, lamenting his sad fate or reporting a bad dream (scenes IV and VI), and being cursed by a displaced, resentful tenant (scene XIII). In two scenes Arden threatens aggression against his wife's lover, Mosby (scenes I and XIII), but he immediately backs down and becomes reconciled with his rival. More important, even in these moments of aggression he reacts rather than initiates. His plots, if they can be called that, are counterplots. Both in his threats and in his eagerness to reconcile with his rival, Arden cooperates in Alice's and Mosby's schemes, which depend on his having these responses.

Although Arden knows about his wife's adultery, he never knows that she, her lover, his own servants, his tenants, and hired thugs are all assiduously attempting to kill him. He wanders through the play oblivious to the constant near-misses. If this is his story, it is a story about how hard he is to kill, not because of his valor or cunning but because of his complete ignorance of the role in which he's been cast. Unlike Prospero, who disrupts the betrothal masque at the memory of a "foul conspiracy," Arden never knows about the conspiracies against him until the moment when they at last succeed and he dies. Yet even if only as a target of assaults, Arden remains curiously central. When he retreats to London, for instance, the conspirators follow him there. Unwittingly motivating the insubordinations and betrayals that form the play's central action, Arden, simply by being the master, stands in the most dangerous, desired, central place in the dramatic and social structures.

Non-dramatic versions of the murder of Arden of Feversham had presented him as a compromised, even villainous figure. As numerous critics have commented, these non-dramatic accounts emphasize Arden's complicity while the play depicts Arden ambiguously.³⁶ Holinshed's account of the murder, for instance, presents Arden as condoning Alice's adultery because of his own greed and ambition. Although the play suppresses such overt condemnation of Arden, it offers no alternative explanation as to why he tolerates an adultery he suspects and simply abandons his wife and home. While Holinshed gives Arden his own agenda, a master's plot driven by acquisitiveness and ambition, the play suppresses that possible plot and the agency it would confer on Arden and instead plays out the multiple plots of the multiple subordinates. In contrast to other versions of the story that make Arden an agent and a protagonist by making him culpable, the play enacts how a master can remain central without engaging in either positive or negative action simply by holding the place that stands for privilege and power, the place for which his subordinates compete.

In the play, Arden remains a vaguely implicated figure. Like other cuckolded husbands who became targets of jokes and popular shaming rituals, he is presented as responsible for his disordered household and his

³⁶ Leanore Lieblein observes that "while the dramatist . . . initially reinforces sympathy for the wronged husband, he takes other measures to qualify it" ("The Context of Murder in English Domestic Plays, 1590–1610," *SEL*, 23 [1983], 181–96, esp. p. 184). Belsey argues that "two versions of Arden—as loving husband and as rapacious landlord—coexist equally uneasily in the play" (*The Subject of Tragedy*, p. 132).

own humiliation, as diminished and compromised by his wife's insubordination. Arden's servant, Michael, ruminates on Arden's complicity and its role in his victimization: "Ah, harmless Arden, how, how hast thou misdone / That thus thy gentle life is levelled at?" (III.195–96)—that is, Arden is compromised by the very fact that his "gentle life is levelled at" by his own wife, servants, tenants, and social inferiors. He is most compromised by the fact that he abandons his place in the household and the local community. Absenting himself from his "room" (IV.29), his roles as husband, master, and landowning gentleman, and the physical locations through which those positions of power and prestige manifest themselves, he absents himself from the master's plot to become the central figure of the subordinates' plots, a "block [that] shall be removed" (I.137).

Since Arden remains central, the obstacle that the subordinates' plots work to overcome and the focus of prodigious murderous energies, the play emphasizes his significance simply as master. Even when absent, he is powerfully present at all times, represented by the chair at the head of the table and the place in the conjugal bed to which Mosby aspires. Even after his death, Arden lingers, staking out a place of importance, as his blood supernaturally asserts his presence and incriminates his killers: Susan worries that "The blood cleaveth to the ground and will not out," while Alice complains that "The more I strive, the more the blood appears!" (XIV.255, 257). In the Epilogue, Franklin, Arden's friend, reports the story of an incriminating print of Arden's body, a detail that also appears in Holinshed's account of the crime; Franklin uses the story to comment on the role that Arden's avarice played in his death:

But this above the rest is to be noted:
 Arden lay murdered in that plot of ground
 Which he by force and violence held from Reede,
 And in the grass his body's print was seen
 Two years and more after the deed was done.
 (Epi.9–13)

By closing with this reference to Arden's lingering presence and to a complicity that does not wholly fit with the previous characterization of him, the play thus presents Arden as both collaborator in his own death and victim of villainous subordinates, as both implicated and innocent.

This mysterious mapping of Arden's avarice on the land (like the stain of his blood that Susan and Alice cannot scrape from the floor) demonstrates the tenacity of his presence and the impossibility of displacing him despite his failures and the extraordinary energy of his subordinates. Although Arden anguished over Mosby's usurpation of his "room" and various tenants' challenges to his ownership of the abbey lands, the stains that represent him reassert possession over both his lands and his house. Just as the "victim's body sometimes resisted" the control of public executions by means of its "magical reaction to death," as Karen Cunningham has argued, the supernatural markings of Arden's place demonstrate the ability of the victim to assert himself even after death and the tenuousness of all assertions of power.³⁷ The play demonstrates the limits both of Arden's power

³⁷ Karen Cunningham, "Renaissance Execution and Marlovian Elocution: The Drama of Death," *PMLA*, 105 (1990), 209–22, esp. p. 212.

and of his subordinates' power, of social position and of determined, transgressive action. Holding Arden's place even after his death, the blood stains and the unsettling body print reveal that the subject-position of the landowner and master remains powerful, no matter how inadequate the holder of that position. Radiating into the ground, staining the floor, the imprint of Arden's dead body suggests that the power he held was largely symbolic; Arden always marks out a spot rather than acts. Exploring the gap between where he stood and who he was, the play scrutinizes the complexities of master status as well as those of subordinate status.

Around this "care-oppressed" and often absent master revolves an excess of frenetically industrious, inventive subordinates. By my count, eight attempts on Arden's life are made or contemplated: Mosby hopes to use a poisoned counterfeit, or portrait; Alice poisons Arden's broth; Greene, Black Will, and Shakebag attempt to kill him on a London street near St. Paul's, then in his London lodgings, later on a road from Rochester, and still later in a foggy mist; Mosby and Alice try to provoke Arden into violence so that they can retaliate; Black Will proposes that he, Shakebag, and Greene dog Arden through the fair, stab him, and steal away; finally, all of the conspirators descend on Arden in his own home and kill him. In other scenes, Alice enlists Michael and, later, Greene (whom she instructs to hire killers) in her plans to eliminate her husband. The subordinates' plots are thus *the plot*.

This staggering multiplicity contributes to the play's generic confusion. As either a tragedy, however domestic and thus diminished, or a document about social disorder and cultural anxiety, the play is deeply problematic. It takes so long to kill Arden that one may find oneself rooting for the conspirators—why won't he die?—rather than feeling appalled by their assault on a patriarch and pillar of social order. Repeatedly foiled in their attempts, even the professional killers become exasperated, wondering "Did ever man escape as thou hast done?" (IX.134) and "when was I so long in killing a man?" (XIV.1). The attempts are also foiled in slapstick ways: Arden tastes the poison in his broth and spurns it; as Black Will lies in wait, a "prentice" accidentally drops a stall door on his head; Black Will and Shakebag can't find their victim in the foggy mist.

The humor stems not only from these slapstick failures and endless deferrals, this frustrated industry, but from the traditional associations between lower-class characters—their aspirations and designs—and comic form.³⁸ When the lower-class characters and their numerous plots surge out of the substructure to take over the main structure, when they refuse to be subordinated, then the play inherits from them an uneasily comic feel. In attempting to tell a true story about a local event, and to represent life as

³⁸ Renaissance critical theory ordained that tragedy should depict the public actions of royal figures who move from contentment to despair. In contrast, comedy was supposed to depict the private lives of "meaner" characters who move from confusion or danger to concord. The speech of the characters was to reflect their social position and moral prestige, with those in tragedy speaking in grandiloquent poetry, while those in comedy spoke more familiar, unadorned prose. Domestic tragedies such as *Arden of Faversham* obviously defy such generic expectations. On Renaissance generic theory, see Madeleine Doran, *Endeavors of Art: A Study of Form in Elizabethan Drama* (Madison: Univ. of Wisconsin Press, 1984), and Martin Mueller, *Children of Oedipus and Other Essays on the Imitation of Greek Tragedy 1550–1800* (Toronto: Univ. of Toronto Press, 1980).

confusing and generically mixed and the operations of Providence as disorganized and obscure, the play moves outside of the genres that give shape to experience and questions the social order and dramatic forms that achieve cohesion by excluding or subordinating the story of petty treason.³⁹

Despite its humor, *Arden of Faversham* is not a comedy; its plot revolves around petty treason, a crime against the social order. Nor is it Arden's tragedy; however implicated, he is a victim and, as we have seen, a social position, a marker rather than an agent.⁴⁰ Nor is it the tragedy of Arden's wife and her lover, though both have the potential to be the play's protagonist. As I have argued elsewhere, popular accounts of petty treason focus on murderous wives as protagonists and present violent rebellion as the process by which they can be constituted as subjects. In enlisting collaborators and devising murder schemes, Alice so aggressively demands her role as protagonist that the hired killers, Black Will and Shakebag, have to remind her that they are the assassins: "Tush, get you gone! 'Tis we must do the deed" (XIV.140). Alice and Mosby, in the play's first scene, also quarrel over who is in charge of the murder plans. If Alice is a protagonist, she is certainly not the only one, surrounding herself as she does with fellow subordinates and conspirators. Because all subordinates are not equal, as Alice's acrimonious exchanges with Mosby about the disparities in their social status reveal, the contests between the lovers are bitter and the outcome uncertain.

Since, in this play, to be the master is to be embattled, the only way that Mosby can attempt to distinguish himself from all of the other plotting subordinates is by imagining them as plotting against *him* (scene XIII). In his fantasy of assuming Arden's place, then killing Alice and the other conspirators, Mosby suggests a vision of a future in which there will be no resolution of conflict and violence.⁴¹ Even for a prospective master as brutal as Mosby, the master's position can be construed only as insecure and defensive. Furthermore, the subordinates and conspirators can be construed as agents and protagonists only in negative, transient terms: their authority resides in violence alone. Having achieved protagonist status by killing the master, Alice and Mosby do not themselves achieve tragic her-

³⁹ M. L. Wine has argued that the play's structure resembles "the episodic and unstructured quality of life itself" and compels the viewer to witness "how thin the boundary is between comedy and tragedy in men's lives" (p. lxxv and p. lxvii).

⁴⁰ Most critics who work on Renaissance tragedy agree that, while conceptions of heroism were changing and diversifying in Renaissance England, the hero remained central to tragic form. On the shift from a heroism of public action in Elizabethan tragedy to a heroism of private endurance in Jacobean tragedy, see Mary Beth Rose, *The Expense of Spirit* (cited in n. 28, above), chap. 3; on the problematization of human agency and the hero's increasing accountability for his own fate even in *de casibus* tragedy, see Doran, esp. p. 121, and Willard Farnham, *The Medieval Heritage of Elizabethan Tragedy* (Oxford: Blackwell, 1963), esp. pp. 127–28; on the concepts of heroism available in the Renaissance, see Rose's *The Expense of Spirit*, Reuben A. Brower's *Hero and Saint: Shakespeare and the Graeco-Roman Heroic Tradition* (Oxford: Oxford Univ. Press, 1971), and Richard S. Ide's *Possessed With Greatness: The Heroic Tragedies of Chapman and Shakespeare* (Chapel Hill: Univ. of North Carolina Press, 1980); and on the disappearance of a central hero from Jacobean tragedy, and the consequences for the form, see Franco Moretti, "The Great Eclipse: Tragic Form as the Deconsecration of Sovereignty," trans. David Miller, in *Signs Taken For Wonders: Essays In the Sociology of Literary Forms* (London: Verso, 1983), pp. 42–82.

⁴¹ See Belsey's discussion in *The Subject of Tragedy* of the "new and . . . insidious forms of control" that Mosby envisions (pp. 144–48, esp. p. 145).

oism. Because the play attempts to dramatize petty treason without a counterbalancing plot, the result is a play with no hero, no master plot, and no identifiable form. The play suggests that when wife, husband, lover, and servants are all subjects with powerful stories, and when social and literary hierarchies do not succeed in privileging any one figure, subject-position, or narrative, then in the battle that ensues, no one wins.

In *Arden of Faversham*, all of the characters' frenzied aspirations come to nothing, as the conspirators accomplish only their own deaths. Although Mosby has imagined that, at last, he will be "sole ruler of mine own" (VIII.36) and Alice has imagined self-government and self-possession ("he shall be mine"; I "am to rule myself" [I.103, X.85]), we last see them accusing one another ("Fie upon women!"; "but for thee I had never been strumpet" [XVIII.34, 14]) and heading for the scaffold, divided as much by their success in achieving their goal as by apprehension. With Arden dead, the cast has nothing left to do; the play's community has no purpose. Arden, it turns out, was important after all. But the fact that *eight* conspirators, including the innocent Bradshaw, go to the gallows for the murder of one implicated man casts doubt on the justice meted out, showing it as excessive and lopsided. Although the near-comic energies of the conspirators end in murder and their own deaths, the viewer or reader remembers their desires and machinations as much as the lingering print that is Arden.

The unknown author of *Arden of Faversham* pushes the process of narrating petty treason as far as it will go by putting the subordinates at the center of the story. In another infamous case, which occurred almost one hundred years after the actual murder of Arden and which focused on a figure much farther up the social scale, the husband and master is at the center of a scandal and of the legal and literary attempts to narrate and redress it. As we will see, the trial of Mervyn, Lord Audley, earl of Castlehaven, reveals that the same ideologies structuring dramatic plots also structure the dramas of the courtroom, and that social structures and literary forms are mutually constitutive. Events, as they survive in texts, can follow scripts that, like the more conventionally literary texts they resemble (such as plays), participate in shaping and articulating ideologies of order.

In 1631, the earl of Castlehaven (1592–1631) was indicted for a variety of sexual offenses: for soliciting a servant, Giles Broadway, to rape his wife, the countess of Castlehaven, and helping Broadway to do so by holding down the countess; and for engaging in sodomy with another of his servants, Lawrence Fitzpatrick. In the course of the trial, Castlehaven was also accused of voyeurism, sodomy with other servants, and promoting sexual relations between his twelve-year-old stepdaughter, Elizabeth, and a favorite servant, Skipwith. Elizabeth was also Castlehaven's daughter-in-law, the wife of Castlehaven's son and heir, James Touchet. In November 1630 this son, then aged fifteen, lodged a complaint against his father with the king, and thus initiated the process of investigation that would end in the indictment, trial, conviction, and execution of his father. At the trial the earl's wife, stepdaughter/daughter-in-law, and servants all testified against him. The son, who did not testify but whom the earl accused of conspiring against him, ultimately inherited the estate; however, he never lived with his wife Elizabeth again. The two servants, Broadway and Fitzpatrick, who were indicted with the earl, were executed. Thus, as we will see, the subordi-

nates—son, wife, daughter-in-law, and servants—“won” the case, but those who allegedly participated in the indicted activities (whether consentually or not) and on whose testimony the prosecution depended were ultimately criminalized and re-subordinated so that hierarchical, patriarchal order could be restored. While *Arden of Faversham* ends with an empty house, the story of the earl of Castlehaven concludes with one master replacing another, a son sitting in his father’s place.

Like the humbler and less titillating story of Arden’s murder, the story of this trial was retold for more than half a century. In the various accounts of the earl of Castlehaven’s 1631 trial, the earl commands attention as the accused. According to his subordinates and accusers, the master’s plot in this case is one of flagrant disregard for cultural norms of masculinity, sexuality, aristocratic privilege, property, and inheritance. In the narratives of Castlehaven’s trial, his sexual transgressions, on which scholarship about the scandal has focused, are simultaneously represented as “unnatural” and as assaults on cultural constructions of masculinity and aristocracy. These narratives express particular concern over the earl’s desire that his son’s wife should conceive an heir not by his son but by Skipwith, the earl’s favorite servant, and over his lavish gifts of money and land to his servants. By censoriously depicting the earl as brutally opening the aristocratic female body to servants—by prising open his twelve-year-old daughter-in-law’s body with oil and “art,” holding his wife down as she is raped, or marrying his daughter to Amptil, one of his pages and lovers—the accounts of the trial expose the significant role of women’s bodies in securing, or undermining, aristocratic masculinity.⁴²

Dwelling as they do on Castlehaven’s transgressions, the various accounts of the trial reveal the contradictions not only of subordinate status but of master status, and the obligations and conditions under which even a figure as highly placed as the earl maintained his exalted social position and authority. Like *Arden*, these trial narratives explore the gap between social prestige and domestic authority, on one hand, and the individual who attempts to fulfill the responsibilities of privilege, on the other. Like *Arden*, too, these trial narratives represent the chaos that emerges from that gap. The attorney in the earl’s trial articulates this gap for the peers who try him, reminding them that “the prisoner is honourable; the crimes dishonourable of which hee is indicted.”⁴³ Focusing on the strategies that the earl of Castlehaven uses to defend himself, I will show how he attempts to challenge the legitimacy of the whole trial by drawing on the narrative of petty

⁴² As Bruce R. Smith points out, “what angered the lords most was not the *sexual* crimes that Castlehaven committed against the persons of his wife and servants but the *political* crime he attempted against the social order of which the lords were a part and over which they presided” (*Homosexual Desire in Shakespeare’s England: A Cultural Poetics* [Chicago: Univ. of Chicago Press, 1991], p. 52). See also B. R. Burg, “Ho Hum, Another Work of the Devil: Buggery and Sodomy in Early Stuart England,” *Journal of Homosexuality*, 6 (1980/81), 69–78, esp. pp. 72–74. On the complex cultural meanings of sodomy, see Gregory W. Bredbeck, *Sodomy and Interpretation: Marlowe to Milton* (Ithaca, N.Y.: Cornell Univ. Press, 1991).

⁴³ *The Arraignment and Conviction of Mervin Lord Audley* (London, 1642), p. 4, hereafter cited as *The Arraignment*. See also *Cobbett’s Complete Collection of State Trials*, Thomas B. Howell, ed., 33 vols. (London: R. Bagshaw, 1809–26), Vol. 3, cols. 401–26, esp. col. 408. Despite his privileged social status, the earl of Castlehaven, like anyone else tried for felony in this period, was denied the assistance of counsel and therefore was responsible for his own defense. See Baker, “Criminal Courts” (cited in n. 3, above), p. 26 and pp. 36–37.

treason; he accuses his wife, servants, and son of plotting against him. This narrative is so compelling that even a man perceived as a flagrantly erring husband and master can attempt to marshal it to his own defense, knowing that it may help him to enlist the fears of his auditors and judges.⁴⁴

Throughout the proceedings, the earl challenges the prosecution's reliance on the testimony of his subordinates, mistakenly assuming that his subsumption of them means that they cannot incriminate him. When he attempts to discredit his wife as a witness on the basis of her subordination to him and her sexual laxity, he is sharply informed that a wife can testify against her husband in criminal causes, "especially where she is the party grieved," that is, the victim of the crime. He is also informed that the crime against his wife is a rape even if she is "of evil fame": "if the party were of no chaste life but a whore, yet there may bee a ravishment"; "a whore may be ravished, and it is felony to doe it."⁴⁵ Furthermore, the lord chief justice and the lord high steward inform the earl that "persons of mean Extraction, and of no Estates" can give evidence against "a Baron" and that, unless they have been "convicted recusants," Catholics such as the servant Fitzpatrick may also testify.⁴⁶ The judges in this case thus grant the earl's wife and servants legal status and authority in order to make a case against him. Although his dependents' temporary authority will later be rescinded—the countess receives a pardon from the king, and the servants who testify are executed—the earl expresses horrified disbelief at the inversions of class and gender hierarchies he sees here. Just as Prospero counters Caliban's accusations of usurpation with the accusation of rape, the earl of Castlehaven counters accusations of rape and sodomy with accusations of petty treason.

After attempting to challenge the right of his wife and servants to testify against him, Castlehaven finally protests his innocence and laments his situation by placing himself in the role of beleaguered patriarch familiar from accounts of petty treason:

1. Woe to that man, whose Wife should be a Witness against him!
2. Woe to that man, whose Son should persecute him, and conspire his death!
3. Woe to that man, whose Servants should be allowed Witnesses to take away his life!

And he willed the lords [his peers, before whom he was on trial] to take this into their consideration; for it might be some of their cases, or the case of any gentleman of worth, that keeps a footman or other, whose wife is weary of her

⁴⁴ The texts purporting to record the earl of Castlehaven's trial which I have consulted are: *The Arraignment*; *The Trial of the Lord Audley, Earl of Castlehaven, For Inhumanely Causing His Own Wife to Be Ravished and For Buggery* (London, 1679), hereafter cited as *The Trial*; *The Tryal and Condemnation of Mervin, Lord Audley Earl of Castlehaven* (London, 1699), hereafter cited as *The Tryal and Condemnation* (rpt. in *Sodomy Trials: Seven Documents*, Randolph Trumbach, ed. [New York: Garland, 1986]); and Howell. There are other printed accounts of the trial, as well as manuscript sources, which I have not consulted for this article. For the most part I cite from *The Arraignment* in this essay, simply because it is the earliest published account; wherever possible I also cite in the notes the parallel passages from other accounts. For my purposes here, the disparities among the versions are not significant.

⁴⁵ *The Arraignment*, p. 10, p. 5, and p. 11. See also *The Trial*, p. 7; *The Tryal and Condemnation*, pp. 11 and 23; and Howell, col. 414.

⁴⁶ *The Tryal and Condemnation*, p. 24. See also *The Arraignment*, p. 11; *The Trial*, p. 6; and Howell, col. 415.

husband, or his son arrived to full age, that would draw his servants to conspire his father's death.⁴⁷

The earl here attempts to convince the jury of his peers to identify with him by attributing the accusations against him to a conspiracy of his wife, servants, and son, that is, to a crime against patriarchal authority rather than to his own failures as a patriarch. Although he tries to change his own trial for transgressions against sexual and social hierarchy into the trial of the wife and servants for their collusion in sexual/social insurrection, the transgressions of which he is accused have already destabilized the hierarchies that he wishes to resurrect to defend himself.⁴⁸ In the view of those who try him, he has scandalously coerced his servants to take up the master's position, and he cannot resume it.

Both the earl and the complex judicial process as represented in accounts of the trial manipulate the accountability of the subordinates in this case. According to the countess's testimony, her husband attempted to persuade her to have sex with various servants by arguing that, as a married woman,

⁴⁷ Howell, col. 415. Also see *Historical Collections: The Second Part*, John Rushworth, ed., 2 vols. (London, 1721), Vol. 2, pp. 100–101. Cynthia Herrup has pointed out to me that the 1679 account of the trial (*The Trial of the Lord Audley*) is the first to present a full-blown petty-treason subplot. *The Arraignment* (1642) presents the earl as claiming that his son "would have lands" and his wife "a younger husband, and therefore they plotted his death" (p. 11). *The Trial* (1679) presents the earl as asserting that his wife and son "had plotted together against his Life" (p. 7) and, further, as emphasizing the implications of such a plot for a patriarchal order: "Lastly, He beseeched the Lords to consider what a dangerous preparative it was to this Kingdom, that a mans Wife and his Son, gaping after his Succession, the Devil and wicked Servants complotting together, might bereave the greatest Peer of his Life" (p. 8). *The Tryal and Condemnation* (1699) presents the earl as saying that "if a Wife of such a Character, may be allowed to be a witness against her Husband, no Man is safe, when his Wife dislikes him, and would have a younger Husband" (p. 22). All of these accounts, then, present the earl as using the strategy of self-defense that I examine, although they do not all record his three "woes," the most elaborate articulation of a subordinates' plot and its implications. A 1708 text, *The Case of Sodomy, in the Tryal of Mervin Lord Audley, Earl of Castlehaven*, which went into multiple editions, including 1710 and 1719, also emphasizes the earl's insistence that his subordinates plotted against him.

Years after the earl's trial, in the 1640s and early 1650s, the earl's sister, Eleanor Touchet Davies, Lady Douglas, published a number of texts defending her brother. In one, *The Word of God, to the Citiie of London, from the Lady Eleanor; of the Earle of Castlehaven* (London, 1644), Lady Eleanor accuses the countess of Castlehaven and her brother Ferdinando of conspiring against the earl.

⁴⁸ I am grateful to Cynthia Herrup for clarifying many of the details of the case for me. Barbara Breasted first brought the Castlehaven case to the attention of scholars of seventeenth-century English literature in "Comus and the Castlehaven Scandal," *Milton Studies*, 3 (1971), 201–24. Her essay remains the most thorough account of the many texts relating to the case, which included multiple accounts of the trial, poems, and correspondence. Other discussions of the case include: Caroline Bingham, "Seventeenth-Century Attitudes Toward Deviant Sex," *Journal of Interdisciplinary History*, 1 (1971), 447–72; Alan Bray, *Homosexuality in Renaissance England* (London: Gay Men's Press, 1982); Burg (cited in n. 42, above); and Rosemary Karmelich Mundhenk, "Dark Scandal and the Sun-Clad Power of Chastity: The Historical Milieu of Milton's *Comus*," *SEL*, 15 (1975), 141–52. In her exploration of another topical controversy related to Milton's *Comus*, Leah Marcus also refers to the Castlehaven scandal ("The Milieu of Milton's *Comus*: Judicial Reform at Ludlow and the Problem of Sexual Assault," *Criticism*, 25 [1983], 293–327). None of the existing scholarship on this case explores in detail the rich insight the accounts of the trial provide of the complex interrelations of gender, class, and sexuality in this period. Herrup's work-in-progress on the trial will be the first to trace, through manuscript and printed versions, how the story changed over time in the process of retelling.

she was *not* an agent and could not be held accountable for her actions: he said that “her body was his, and that if she loved him, she must love *Antil* [one of the servants], and that if shee lay with any man with his consent, it was not her fault, but his.”⁴⁹ The earl thus manipulates the logic of wifely coverture in order to command sexual infidelity as a form of obedience. According to the trial narratives constructed out of the countess’s testimony and the earl’s rebuttals, the earl first absorbs all responsibility into himself, in order to enable complete sexual license—all his sexual partners are his subordinates, and he can make them do whatever he wishes in whatever combinations, and *watch*—then attempts to reverse this process by displacing responsibility onto them once he’s caught in the act. The trial itself follows a similar pattern of removing agency from the subordinates then reconfering it upon them. As in *Arden of Faversham*, the two plots imply one another: to dramatize insubordinate dependents, you need an implicated master; to prosecute an inadequate master, you need to construct implicated subordinates.

If Castlehaven’s strategies of self-defense reveal how the provocative, disturbing story—or plot—of petty treason might function as a cultural resource, the courtroom so controls the proceedings, often silencing or ignoring the earl, that his account of a subordinate plot is contained by a more complex legal fiction that manipulates both the earl and the subordinates, their accountability, and their testimony in the interests of restoring order. The court briefly empowers the earl’s subordinates in order to convict him, then immediately holds those very subordinates accountable. Although the narratives of the earl’s trial construct the wife and servants as victims, once the desired closure has been achieved and order restored, they must be resubordinated to the order that they have helped to reconstitute. The countess’s mother, Alice, countess dowager of Derby, spent months securing a pardon for her daughter from the king, which makes nonsense of the trial’s construction of the countess as a rape victim. Barbara Breasted recounts how the countess dowager held her daughter and granddaughter responsible for their roles in Castlehaven’s sexual dramas: “From the first, she refused to take them into her home until the king had pardoned them, and until there was some hope of their reform.”⁵⁰ In addition, the two servants who were co-defendants, indicted with the earl, and on whose testimony the trial depended, were also convicted and executed, to their own amazement. Paradoxically, the legal process resubordinates them by interpreting them as agents rather than victims and punishing them for their complicity in their master’s social and sexual inversions.⁵¹ For in-

⁴⁹ *The Arraignment*, p. 8. Also see *The Trial*, p. 4; *The Tryal and Condemnation*, p. 13; and Howell, col. 411.

⁵⁰ p. 214.

⁵¹ See in Howell the account of Fitzpatrick’s execution, at which he confesses that “his lordship had both buggered him, and he his lordship” (col. 422). Fitzpatrick thus undermines the fastidious decorum of the accusations in the earl’s trial, during which both accused and witnesses insisted that no penetration ever took place and that the sexual acts between the earl and his male servants consisted only of “emission.” Thus the crime of sodomy is constructed as “the use of the body, so far as to emit thereupon,” i.e., the use of a man’s body “as the body of a woman” (col. 414). Fitzpatrick’s scaffold remarks suggest, for the only time in the proceedings, that the earl had allowed his own body to be used “as that of a woman” (col. 413). Bruce R. Smith argues that, in Renaissance England, opprobrium attached particularly to the “passive” partner in homosexual acts, i.e., the one placed in the “inferior” position associated

stance, the lord chief justice informs Fitzpatrick that he is a “voluntary prostitute” because he “was not only of understanding and years to know the heinousness of the sin, but also of strength to have withstood his lord.”⁵² The servant is thus found guilty for not having disobeyed his master.

The narrative of petty treason, which the accused evokes to displace blame onto his accusers, and which the court, with Prospero-like confidence and invention, temporarily and craftily imitates, reversing gender and class hierarchies in order to empower subordinates to testify against their master, is recuperated by criminalizing the subordinates: executing the servants and pardoning the wife. As in *Arden of Faversham*, the subordinates all go down with the master whether they are at the center or he is, whether they transgress or he does. These texts suggest that in early modern English culture it was only imaginable that masters and dependents could thrive within conventional social structures and literary forms and their subordinations. Any pressure from either above or below so destabilizes social structure and dramatic form that they collapse.

Legal and theatrical representations of petty treason, then, restore the social order upset by the crime and achieve formal coherence to the extent that they subordinate the plot of the scheming dependents, that they keep certain characters below stairs. Yet the compelling narratives of insurrection constantly threaten to compete with or defeat the master narrative of authority and domination. The narrative of petty treason—whether as the antimasque of a romance, the central plot of a drama, a last-ditch effort at self-defense in court, or a judicial strategy to temporarily empower witnesses—creates space for the subjectivities and stories of subordinates. It acknowledges their plots.

Although legal and theatrical texts represent the problematic figure of the wife as both victim and agent as it suits social and dramatic structures, they acknowledge the irreconcilable contradictions of wifely status even as they exploit them. *Arden* constructs Alice presenting herself as a victim when she wants to displace blame onto her husband or lover but acting to reshape her possibilities throughout the play. At its conclusion, the play, like the judicial process it reenacts, holds her accountable for her actions; she is an agent in order to be punished. More explicitly and unambiguously, the king, the peers who try the earl of Castlehaven, and the texts recounting that trial construct the countess as a victim or agent as it suits them. She is a victim in order to testify against and convict the earl; she is an agent in order to be held accountable, pardoned, and reinscribed within social and sexual hierarchies.

These texts also explore the gap between positions of power and the weak, inadequate individuals who hold them: who withdraw into their studies rather than fulfill ducal obligations, retreat to London rather than manage their estates and govern their wives, or use their sexuality to

with women, boys, and servants. Fitzpatrick thus offers another perspective on how the earl abdicated the master’s “position” (as heterosexual penetrator) and repositioned himself in sexually and socially subversive ways (as penetrated or as voyeur). On sexual relations between masters and servants, and how “Renaissance Englishmen, like the ancient Greeks and Romans, eroticized the power distinctions that set one male above another in their society,” see Bruce R. Smith, pp. 193–97, and Bray, pp. 48–51.

⁵² Howell, col. 420.

undermine rather than sustain lineage and inheritance. In these texts all three masters physically withdraw from their positions on the throne and in receiving rooms, at the head of the table and in the conjugal bed, or as the heterosexual aggressor. Just as an empty chair could represent the king or queen at treason trials, these abdicated places represent the symbolic power of certain roles quite apart from the action or character of those who fill them.⁵³

Unlike the formalism that Carolyn Porter seeks to avoid because it “remarginalizes both the social and the ‘others’ whose voices it should make audible,” attention to the roles of social, domestic, and literary structures in privileging some stories and subordinating others helps us not to reproduce those hierarchies but to understand how and why they operated. In early modern England there was not quite a “continuous, but continuously heterogeneous discursive field in which dominant and subjugated voices occupy the same plane”;⁵⁴ but there were structures that located certain groups and their stories upstairs and other groups and their stories downstairs. In order to move to the equalized social text to which Porter aspires, we must first understand the hierarchical social texts of the past, the complex ways in which they ascribe agency to figures such as wives and servants, and how these hierarchical social texts persist in the literary forms that we still value and use.

In simultaneously narrating stories of irresponsible, brutal, or disaffected masters and of energetically insubordinate dependents, these seemingly disparate texts suggest that social position is not wholly determining, that there is space for individual agency, although that agency is restricted and criminalized. These texts restore social and aesthetic order, on the scaffold, in the courtroom, and on the stage by subordinating dependents and their stories through violent punishment and death, but they also grant a place to those subordinates and their plots. In doing so, these texts open up the possibility of other stories, other social structures, other literary forms.

⁵³ I am thinking particularly of Mary Stuart’s trial for treason, at which two thrones were strategically placed to symbolize the relative power of the rival queens: “At the upper end of the chamber was placed a Chair of estate for the queen of England, under a cloth of estate. Over-against it, below and more remote, near the transom or beam that ran across the room, stood a chair for the queen of Scots” (Howell, Vol. 1, esp. col. 1172). Although Mary Stuart occupied the chair provided for her, Elizabeth’s chair remained empty, a vivid reminder that her authority eclipsed Mary’s even in her absence.

⁵⁴ Carolyn Porter, “History and Literature: ‘After the New Historicism,’” *New Literary History*, 21 (1990), 253–72, esp. p. 265.