

Prospero's Plea: Judgment, Invention, and Political Form in *The Tempest*

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Theatrical epilogues – onstage speeches addressed to the audience at the end of a performance – were a common feature of English Renaissance plays. They were typically read rather than memorized, sometimes by a character in the play, sometimes by someone else. An epilogue asserts the merits of the play it punctuates and asks for audience approval in the form of applause. Far more epilogues occurred in performance than survive in print and of those that do survive, most were occasional. That is, they were designed for particular venues, particular audiences, or particular performances, though some epilogues may have been more permanent features of the plays they accompanied. What all epilogues have in common is their capacity to effect what Robert Weimann describes as a “redistribution of authority in the playhouse.”¹ When an epilogue speaker requests applause, this changes the relationship between actors and audience and between fiction and life. Playgoers are now expected to do something, to respond based on the kind of emotional and intellectual experience they have had up to that point. The epilogue, in other words, draws attention to the active and participatory nature of theatrical spectatorship and the degree to which audiences were implicated in the imaginative world of the plays they attended.

This chapter concerns Prospero's epilogue in *The Tempest*, a particularly well-known example of the form and one that has become a standard feature of the play in performance. It occurs in the final moments of the play, just after Prospero has released the island castaways and set his servant Ariel free. Addressing the audience directly, Prospero says,

Now my Charmes are all ore-throwne,
And what strength I have's mine owne.
Which is most faint: now 'tis true

I must be heere confinde by you,
 Or sent to Naples. Let me not
 Since I have my Dukedome got,
 And pardon'd the deceiver, dwell
 In this bare Island by your Spell,
 But release me from my bands
 With the helpe of your good hands:
 Gentle breath of yours, my Sailes
 Must fill, or else my project failes,
 Which was to please: Now I want
 Spirits to enforce: Art to inchant,
 And my ending is despaire,
 Unlesse I be reliev'd by praier
 Which pierces so, that it assaults
 Mercy it selfe, and frees all faults.
 As you from crimes would pardon'd be,
 Let your Indulgence set me free. (2322–41)²

Prospero presents his case to the playgoers who are expected to consider two related questions: (1) Was the play good? (2) Has Prospero behaved in an ethical manner? In considering these questions, the audience is being asked not simply to pass judgment, but more precisely, to imagine *through* judgment a future for Prospero, an imaginative addendum to the fiction presented on stage. If the audience disapproves and does not clap, Prospero will remain imprisoned on the island. If it approves and does clap, he will return to Milan. My aim in the pages that follow is to both historicize and theorize the connection between these two seemingly distinct requests. First, I will show that Prospero's epilogue participates not only in the theatrical convention of soliciting audience applause, but also in an intellectual tradition that views judgment and invention as closely related concepts. This will involve positioning the epilogue in relation to Renaissance performance practices and Aristotelian rhetorical theory, two contexts which I suggest find a point of intersection in Prospero's closing speech. The final move of the chapter will be to use this historical understanding of Prospero's epilogue to arrive at a new set of insights about the relationship between theatrical and political form. For this I will be turning to the work of Hannah Arendt and Jacques Rancière in order to articulate more precisely how the particulars of Prospero's epilogue instantiate broader philosophical ideas about the place of judgment in political life.

Judgment in the Theater

Printed epilogues in playbooks are an important component of the archive of early modern judgment, but they present certain interpretive challenges as well. In particular, these printed texts can give the misleading impression that epilogues were stable and enduring features of the plays for which they were written when, in fact, they were usually composed with a first performance in mind. Because they carried a higher-than-usual entrance fee, first performances attracted a different kind of audience than one might find at a play later in its run. First-performance audiences were composed of educated playgoers – precisely the sort of people who might think themselves in possession of superior powers of discernment. What is more, as Tiffany Stern notes, many at first performances would have felt that the high price of admission granted them a right to critique. “At publique Stage-Playes,” writes Dudley North in 1645, “whosoever censures” is “entituled to it . . . for his money.”³ This sense of entitlement was fueled by the promise of a very real form of theatrical authority since audiences at first performances largely determined the fate of the plays they watched. Usually, a new play would only be granted a second performance if the audience responded encouragingly to the epilogue.

Epilogues, then, constituted the ritual core of a broadly adjudicatory set of conditions that were central to the culture of professional theater. Playwrights make frequent reference to this phenomenon. The Prologue to John Marston’s play, *The Dutch Courtesan* (1605), for example, admonishes playgoers as follows:

. . . know that firme art cannot feare
 Vaine rage: onely the highest grace we pray
 Is you’le not taxe, until you judge our Play.
 Think and then speake: tis rashnesse, and not wit
 To speake what is in passion, and not judgment fit.⁴

The audience may acquire a right to judge when they pay their entrance fee, but as far as Marston is concerned, judgment also requires a certain level of responsibility and skill. It is part of a larger rational procedure that originates in thinking and culminates in speaking and leaves no place for rash emotionalism. Marston clearly harbors some latent skepticism about the ability of theater audiences to judge well. Ben Jonson goes further, expressing outright derision

at being held in thrall to the tastes of playgoers. In his epistle to the 1612 quarto of *The Alchemist*, he opines,

How out of purpose, and place, doe I name Art? When the Professors are growne so obstinate contemners of it, and presume on their owne Naturalls, as they are deriders of all diligence that way, and, by simple mocking at the termes, when they understand not the things, thinke to get of wittily with their Ignorance. Nay, they are esteem'd the more learned, and sufficient for this, by the Multitude, through their excellent vice of judgment. For they commend Writers, as they doe Fencers, or Wrestlers; who if they come in robustly, and put for it with a great deale of violence, are receiv'd for the braver fellowes.⁵

This is the sort of contemptuousness that Jonson is famous for, but his attitude here becomes more understandable when we recall that his play *Sejanus* (1603) was rejected by its first Globe audience and never made it past its opening performance.

With its rituals of evaluation, public-theater epilogues bore a striking resemblance to the procedures of law courts. A number of playwrights even described their relationship to their audiences in overtly legal language. In *The Novella* (1653) by Richard Brome, for example, the playwright is imagined as a defendant in a law court: "Hee'll 'bide his triall, and submits his cause / To you the Jury."⁶ The prologue to Thomas Dekker's *The Wonder of a Kingdom* (1636) frets about "what Judges sit to Doome each Play."⁷ And *The Coxcomb* (1647), by Francis Beaumont, John Fletcher, and Philip Massinger, features the sarcastic declaration, "Now 'tis to be tri'd / Before such Judges, 'twill not be deni'd / A . . . noble hearing."⁸ These legal references would have made sense to the community of theatergoers in Shakespeare's time, a sizeable portion of which was affiliated with the Inns of Court, the institution that trained young men for careers in law.⁹ A number of playwrights, too, had connections with the Inns. John Marston was a member of the Middle Temple in the 1590s, as was John Webster, and John Ford was admitted in 1602. Ben Jonson, though he did not attend the Inns himself, was close friends with prominent jurists such as John Seldon, with whom he corresponded about transvestism on the stage, and John Hoskyns, who was also a respected poet and wit. There was significant overlap between the culture of theater and the culture of law in Shakespeare's time and epilogues constituted a formally compact instance of this crossing.

This much we know, then: Prospero's invocation of audience judgment is part of a larger theatrical convention, one which has clear

legal coordinates. What about his invocation of audience *imagination*? I quote the relevant lines once again:

I must be heere confinde by you,
Or sent to Naples. Let me not
Since I have my Dukedome got,
And pardon'd the deceiver, dwell
In this bare Island by your Spell,
But release me from my bands
With the helpe of your good hands: (2326–32)

One way of looking at this passage is as a bid for creative input, and to this extent it fits comfortably under the umbrella of epilogue convention. As Stern writes, “From a time in theatrical history hard to date precisely, some plays on their opening performances were offered as mutable texts ready for audience revision.”¹⁰ There is evidence of this practice in printed playbooks. For example, the prologue to John Marston’s *Antonio and Mellida* (1602) invites the audience to “polish these rude Sceanes.”¹¹ Similarly, in Thomas Heywood’s *Mayden-Head Well Lost* (1634), the audience is told, “Our Play is new, but whether shaped well / In Act or Seane, Judge you, you best can tell.”¹² These sorts of invitations made playgoers collaborators in the fiction. Most often, this took the form of cutting. Spectators would communicate which parts of the play they didn’t like and these sections would be excised for subsequent performances.¹³ In Prospero’s epilogue, however, there is something slightly different going on. Here, playgoers are not being asked to “polish” or cut; they are being asked to elaborate and expand. This difference is important because it means their charge is not to perfect something that is already there, but rather to make something that is not: namely, a future for Prospero. Judgment, in other words, leads to invention in Prospero’s epilogue. Understanding the link between these two concepts requires us to look beyond the walls of the theater to a larger tradition of rhetorical thought and practice.

Judgment and Invention

The idea that judgment and invention are fundamentally connected would have been familiar to many in Shakespeare’s time, including a considerable number of playgoers and playwrights. The link finds its source in a long tradition of rhetorical learning. Thomas Blundeville’s commentary in *The Arte of Logicke* (1599) is fairly standard. While “invention finds matter,” Blundeville explains, judgment “frameth,

disposeth, and reduceth the same into due forme of argument.”¹⁴ This formulation derives from Roman rhetorical theory, which has deeper roots in Aristotle. Texts like Cicero’s *De inventione*, the anonymous *Rhetorica ad Herennium*, and Quintilian’s *Institutio oratoria* describe invention (*inventio*) as the skill of deciding which line of reasoning is most likely to strike a particular audience as especially compelling. Judgment’s role is to break that line of reasoning down into component parts and then arrange them in a sequence calculated to achieve maximum persuasiveness.¹⁵ Judgment, in other words, turns ideas into arguments by lending them organizational form. Along with invention, it was an essential component of what Aristotle termed the *genus iudiciale*, the kind of speech typically found in the law courts.¹⁶ In Shakespeare’s time, anyone with a grammar school education was likely to have encountered rhetorical handbooks like *De inventione*, *Rhetorica ad Herennium*, and *Institutio oratoria*, or vernacular manuals like Thomas Wilson’s *The Art of Rhetorique* (1553), which drew on the Roman handbooks.¹⁷ Accordingly, Blundeville’s simple description of judgment would have sounded familiar to many early moderns, including Shakespeare, who would have been exposed to rhetorical texts as a student at the King’s New School at Stratford-upon-Avon.¹⁸

With this in mind, we can begin to see how judgment might be conceived as one crucial point along a continuum of creative endeavor. For those with some training in rhetorical theory, judgment was a form of *making* rather than a form of decision, as we would now tend to view it. This creative component of judgment is even more apparent in the vernacular literary criticism of sixteenth- and seventeenth-century England, which was heavily influenced by, and sometimes indistinguishable from, rhetorical theory. Central to literary critical judgment was the notion of *decorum*, which involved following carefully prescribed rules about how, for example, certain types of characters require the use of certain kinds of language, how certain styles of argument require particular metaphors, or how a given genre necessitates a specific type of plot.¹⁹ These precepts reached Renaissance readers through either direct or mediated exposure to the ideas in Aristotle’s *Rhetoric* and Horace’s *Ars Poetica*, as well as through grammatical and rhetorical commentaries attached to the comedies of Plautus and Terence, which were among the mainstays of elementary and intermediate education in Latin.²⁰ For Renaissance critics and theorists writing in this vein, the aesthetic quality and even the moral viability of imaginative writing

depended on how well the rules of *decorum* were followed. Thomas Wilson in his pioneering manual, *The Arte of Rhetorique*, uses the word “aptness” for *decorum* and stresses that writers must choose “words most apt for their purpose. In weighty causes grave words are thought most needful, that the greatness of the matter may the rather appear in the vehemency of their talk.”²¹ Robert Ascham, in *The Schoolmaster* (1570), prefers the word “propriety,” and tells his readers that it applies at all levels of a composition, “in choice of words, in framing sentences, in handling of argument, and use of right form, figure and number.”²² George Puttenham goes on to lay out these precepts in impressive detail in *The Art of English Poesy* (1589). Consequently, for many readers in the sixteenth and seventeenth centuries, the process of appraising the aesthetic worth and the moral viability of imaginative writing was guided by simple questions that linked reading to judging: were laws broken or adhered to? What are the implications? Within this general interpretive framework, someone like Sir John Harington could defend Ariosto against charges of obscenity by pointing out that “there is so meet a decorum in the persons that speak lasciviously, as any of judgment must needs allow.”²³

Philip Sidney’s *The Defense of Poesy* (c.1580; printed 1595) is the first attempt at sustained literary criticism in English. In it, Sidney expands on the idea that judgment forms the basis of sound reading to argue, in addition, that our ability to judge well can be sharpened by good poetry. All the wisdom that philosophy has to offer, Sidney says, “lies[s] dark before the imaginative and judging power if they be not illuminated or figured forth by the speaking picture of poesy.”²⁴ Sidney goes on to describe how religious scripture “inhabit[s] . . . the judgment” precisely because it functions like poetry, which is neither wholly conceptual (as philosophy is) nor wholly particular (as history is), but something in between, which illustrates universal precepts with specific instances and images:

Even our Saviour Christ could as well have given the moral commonplaces of uncharitableness and humbleness as the divine narration of Dives and Lazarus, or of disobedience and mercy as that heavenly discourse of the lost child and the gracious father, but that his through-searching wisdom knew the estate of Dives burning in hell and of Lazarus in Abraham’s bosom *would more constantly, as it were, inhabit both the memory and judgment* (truly, for myself, me seems I see before my eyes the lost child’s disdainful prodigality turned to envy a swine’s dinner), which by the learned divines are thought not historical acts but instructing parables.²⁵

The charge of English poetry, then, is to help build a community of rational, moral, right-thinking people. Samuel Daniel, for instance, tasks poetry with “setting up the music of our times to a higher note of judgment and discretion” in *A Defense of Rhyme* (1603).²⁶ It is also true, though, that bad poetry can weaken judgment. The Scottish poet, courtier, and statesman William Alexander has a method for avoiding such problems:

When I censure any poet, I first dissolve the general contexture of his work in several pieces, to what sinews it hath, and to mark what will remain behind when that external gorgeousness, consisting in the choice or placing of words, as if it would bribe the ear to corrupt the judgment, is at first removed, or at least marshaled in its own degree.²⁷

Good poetry builds and fortifies judgment; bad poetry erodes it. And since, as Wilson, Ascham, and Puttenham show us, judgment is the cornerstone of responsible reading – of being able to discern what is good and what is bad – the whole process is circular. The more good poetry one reads, the better equipped one will be to identify other examples of good poetry, and the better disposed one will be to produce good (moral, decorous) poetry oneself. This last point is important. For it is sound judgment, Henry Peacham tells us in *The Garden of Eloquence* (1577), that transforms wisdom, through the application of rules of decorum, into the kinds of eloquent and persuasive verbal packages that affect people:

Many, not perceiving the nigh and necessary conjunction of these two precious jewels [wisdom and eloquence], do either affect fineness of speech and neglect the knowledge of things, or, contrariwise, covet understanding and contemn the art of eloquence. And therefore it cometh to pass that such take great pains and reap small profits; they ever seek and never find the thing they would fainest have – the one sort of these speak much to small purpose, and the other (though they be wise) are not able aptly to express their meaning. From which calamity they are free, that do use a right judgment in applying their studies so that their knowledge may be joined with apt utterance: that is to say, that their eloquence may be wise, and their wisdom eloquent.²⁸

Each of the writers mentioned above has a slightly different way of invoking judgment, a slightly different way of positioning it in relation to the ethical affordances of English poetry and rhetoric. What is clear, though, is that judgment is a practice suspended within a larger web of ideas about literary evaluation and invention: it is part

of the reading process, since all art is, or should be, rule-bound; it is a faculty that stands to be strengthened or weakened depending on what one chooses to read; and it is a mediating force between pure ideas and the embodiment of those ideas in a structured expressive form. Prospero's epilogue expresses a similar set of associations. The request for judgment is also an appeal to the audience's capacity for literary invention, specifically its ability to craft an imaginary afterlife for Prospero: "release me from my bands / With the help of your good hands," he implores; "As you from crimes would pardon'd be, / Let your Indulgence set me free." According to the terms set by Prospero, then, clapping is an act both evaluative and generative, a verdict on the past and a vision for the future.

Judgment and Responsibility

With these cultural-historical coordinates in place, I want now to pose a larger question. Not just, what are the sources and contexts for the link between judgment and invention, but instead, what are the effects and implications of such a pairing for the audience and for our own understanding of the nature of theatrical experience? One thing is certain: bringing judgment and invention together as Prospero does gives theatergoers a different kind of ethical stake in the play they are watching than would otherwise be the case. As fellow makers, rather than just consumers, the audience's collective sense of the good, of what is right and what is wrong, is implicated in the play's imagined conclusion, and all the more so for the moral freight Prospero so insistently attaches to the epilogue. Viewed from this perspective, judgment develops less out of an evaluative impulse and more out of a sense of responsibility to communal norms (norms which are both moral and aesthetic). Not to judge, accordingly, would be a failure of responsibility. In the final section of this chapter, I will delve deeper into the ethical dimension of theatrical judgment. My guides in this undertaking will be Hannah Arendt, the thinker who more than anyone else sought to understand the conceptual link between judgment and responsibility, and Jacques Rancière, the most influential commentator on the relationship between political and literary form.

Arendt became interested in judgment when she covered the 1961 trial of Nazi leader Adolf Eichmann for *The New Yorker*. Her articles were later expanded into the book, *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963). Arendt was profoundly

underwhelmed by Eichmann. She thought he was forgettable, unintelligent, unthreatening. She was also critical of the trial itself. It seemed to her a show trial, one that used Eichmann as a proxy to condemn and punish antisemitism in general. Against this method of retribution, Arendt argued that the Holocaust called for specific and nuanced forms of condemnation, mostly of Nazis, but also of Jewish leaders who cooperated with the Nazis. That this did not happen represented for her a “fundamental problem” common to “all these postwar trials,” which had to do with “the nature and function of human judgment.” She writes,

What we have demanded in these trials, where the defendants had committed “legal” crimes, is that human beings be capable of telling right from wrong even when all they have to guide them is their own judgment, which moreover happens to be completely at odds with what they must regard as the unanimous opinion of all those around them. . . . Since the whole of respectable society had in one way or another succumbed to Hitler, the moral maxims which determine social behavior and the religious commandments – “Thou shalt not kill!” – which guide conscience had virtually vanished. Those few who were still able to tell right from wrong went really only by their own judgments, and they did so freely; there were no rules to be abided by, under which the particular cases with which they were confronted could be subsumed. They had to decide each instance as it arose, because no rules existed for the unprecedented.²⁹

Judgment for Arendt, in other words, is not an expression of external social or legal norms, but rather an expression of personal responsibility. So long as you are human, there is an expectation that you will be able to tell “right from wrong.”

What postwar trials like Eichmann’s threw into sharp relief for Arendt was the degree to which so many were willing to shirk this responsibility, either by refusing to judge or by issuing a sort of judgment that was so broad, so resistant to the concrete threshold between right and wrong, that it amounted to non-judgment. Arendt describes the phenomenon as follows:

Another such escape from the area of ascertainable facts and personal responsibility are the countless theories, based on non-specific, abstract, hypothetical assumptions – from the *Zeitgeist* down to the Oedipus complex – which are so general that they explain and justify every event and every deed . . . Among the constructs that “explain” everything by obscuring all details, we find such notions as a “ghetto mentality”

among European Jews; or the collective guilt of the German people, derived from an *ad hoc* interpretation of their history; or an equally absurd assertion of a kind of collective innocence of the Jewish people. All these clichés have in common that they make judgments superfluous and that to utter them is devoid of all risk.³⁰

Arendt understood the reluctance of both Germans and Jews to examine closely what took place in Europe between 1933 and 1945, to pinpoint definitively the many groups and individuals – Nazi officers and bureaucrats, “Christian churches,” members of “the Jewish leadership” – who had a hand in what she calls “the totality of moral collapse.” However, she concludes that “this understandable disinclination is insufficient to explain the reluctance evident everywhere to make judgments in terms of individual moral responsibility.”³¹

In the years following her coverage of the Eichmann trial, Arendt finally did arrive at an explanation. In an essay called “Personal Responsibility Under Dictatorship,” she recalls, “I was told that judging itself is wrong: no one can judge who had not been there.”³² At the heart of this fiercely neutral stance, Arendt decided, was deep skepticism about the possibility of human freedom:

There exists in our society a widespread fear of judging that has nothing whatever to do with the biblical “Judge not, that ye be not judged,” . . . For behind the unwillingness to judge lurks the suspicion that no one is a free agent, and hence the doubt that anyone is responsible or could be expected to answer for what he has done. . . . we’re all alike, equally bad, and those who try, or pretend that they try, to remain halfway decent are either saints or hypocrites, and in either case should leave us alone.³³

What Arendt does brilliantly in her writings on judgment is to triangulate between three large, difficult concepts – judgment, responsibility, and freedom – in a way that deepens our understanding of all three. Judgment is an expression of responsibility and responsibility, in turn, is a condition of being a free agent capable of moral decision and active worldmaking. Viewed thus, judgment is a way of manifesting our status as free agents in moral terms – in terms, that is, of a collective obligation to the good that only a free agent could enter into. The refusal to judge is troubling to Arendt because it indicates an unwillingness to be accountable for the world we all must share. It rehearses a vision of politics as something that works upon rather than through human actors and in this way advances precisely the sort of detached acquiescence that forms the necessary conditions

for totalitarian disasters like the Third Reich. That “judgment itself is wrong was Eichmann’s own argument against the district court’s judgment,” Arendt is careful to remind her readers.³⁴

Arendt’s work on the Eichmann trial establishes a framework for thinking about judgment that helps us uncover some of the political deep-structure of Prospero’s epilogue. Specifically, she equips us with a vocabulary and a set of concepts that allow us to think about the audience’s evaluative response in *The Tempest* as an expression of responsibility rather than authority, and therefore as something grounded in, and oriented toward, sociality and recognition. This has the effect of lifting Prospero’s epilogue out of the historically specific world of Renaissance drama and rhetorical theory and reframing it in terms of the ethical dynamics of participatory politics. It shows us, in other words, that at the heart of Prospero’s judgment–invention linkage is an implicit assumption that the playgoers assembled in the theater are free agents and therefore not just *able* to judge, but also *expected* to judge. For it is through judgment that they shape the moral contours of the future – Prospero’s future.

On a pragmatic level, of course, the clap-to-free-me-from-my-island conceit is simply a trick to help ensure that the audience will indeed clap. But even if this passage is not political by design, it is still political in form. This, Jacques Rancière has argued influentially, is the most important way in which literature and theater are always political. He writes,

The politics of literature is not the same thing as the politics of writers. It does not concern the personal engagements of writers in the social or political struggles of their times. Neither does it concern the way writers represent social structures, political movements or various identities in their books. The expression “politics of literature” implies that literature does politics simply by being literature . . . It assumes that there is an essential connection between politics as a specific form of collective practice and literature as a well-defined practice of the art of writing.³⁵

Likewise, we could say that theater does politics simply by being theater, or, more specifically, that theatrical epilogues do politics simply by being theatrical epilogues. “It is not enough that there be power for there to be politics,” Rancière reminds us. “It is not even enough that there be laws regulating collective life. What is needed is a configuration of a specific form of community.”³⁶ Prospero’s epilogue embodies politics precisely through the “specific form of community” it establishes – a community of judgment founded on shared responsibility and the collective freedom to craft a world.

Prospero's epilogue establishes a point of intersection for a variety of different forces at work in English Renaissance theater. It indexes not only the material and economic conditions of playwriting and performance, but also the cultural sources and ethical implications of collective discernment. For this reason, the epilogue places a particular demand on us as scholars, insisting that we practice a pluralistic and intellectually non-partisan criticism. This involves attending to both theater-historical and intellectual-historical contexts of audience judgment – the way Prospero's final speech is shaped by the conventions of playgoing, but also, in a more general way, by Renaissance legal culture and a long tradition of rhetorical theory. At the same time, while all this tells us where Prospero's epilogue came from, it tells us very little about what it makes possible, conceptually and experientially, in the theater and in the world. To begin to address this question, we have to attend to the way audience judgment generates its own context by mobilizing that unique configuration of agency and accountability that is common to political and theatrical form.

Notes

1. Robert Weimann, *Author's Pen and Actor's Voice: Playing and Writing in Shakespeare's Theatre* (Cambridge: Cambridge University Press, 2000), 241.
2. Quotations from *The Tempest* follow *The Norton Facsimile: The First Folio of Shakespeare*, ed. Charles Hinman, 2nd ed. (New York: W. W. Norton, 1996) and are referenced with the through-line numbers.
3. Dudley North, *A Forest of Varieties* (London, 1645), A2a, quoted in Tiffany Stern, *Documents of Performance in Early Modern England* (Cambridge: Cambridge University Press, 2009), 88. See also Stern's larger discussion, 88–9.
4. John Marston, *The Dutch Courtezan* (London, 1605), A2r.
5. Ben Jonson, *The Alchemist* (London, 1612), A3r.
6. Richard Brome, *The Novella*, in *Five New Playes* (London, 1653), H4b.
7. Thomas Dekker, *The Wonder of a Kingdome* (London, 1636), A2a.
8. Francis Beaumont, John Fletcher, and Philip Massinger, *The Coxcomb*, in Francis Beaumont and John Fletcher, *Comedies and Tragedies* (London, 1647), 2P3b.
9. See Denis Kezar, *Solon and Thespis: Law and Theater in the English Renaissance* (Notre Dame: University of Notre Dame Press, 2007).
10. Stern, *Documents of Performance*, 89.
11. John Marston, *The History of Antonio and Mellida* (London, 1602), B1b.

12. Thomas Heywood, *A Pleasant Comedy, called A Mayden-Head Well Lost* (London, 1634), 13a.
13. Stern, *Documents of Performance*, 92.
14. Thomas Blundeville, *The Arte of Logicke* (London, 1599).
15. Quentin Skinner, *Forensic Shakespeare* (Oxford: Oxford University Press, 2015), 11–25; Henry S. Turner, *The English Renaissance Stage: Geometry, Poetics, and the Practical Spatial Arts* (Oxford: Oxford University Press, 2006), 45–55.
16. Jon Hesk, “Types of Oratory,” in *The Cambridge Companion to Ancient Rhetoric*, ed. Erik Gunderson (Cambridge: Cambridge University Press, 2009), 145–61 (pp. 150–6).
17. Peter Mack, *Elizabethan Rhetoric: Theory and Practice* (Cambridge: Cambridge University Press, 2002), 11–47; Skinner, *Forensic Shakespeare*, 25–41.
18. See further, T. W. Baldwin, *William Shakespeare’s “Small Latine & Lesse Greeke,”* 2 vols. (Urbana: University of Illinois Press, 1944); Emrys Jones, *The Origins of Shakespeare* (Oxford: Oxford University Press, 1977); Joel B. Altman, *The Tudor Play of Mind: Rhetorical Inquiry and the Development of Elizabethan Drama* (Berkeley: University of California Press, 1978); for studies that show how Shakespeare and other playwrights made use of their training in rhetoric and dialectic when crafting speeches and plots having to do with evidence, proof, or doubt, see Kathy Eden, *Poetic and Legal Fiction in the Aristotelian Tradition* (Princeton: Princeton University Press, 1986), 176–84; Lorna Hutson, *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford: Oxford University Press, 2007) and *Circumstantial Shakespeare* (Oxford: Oxford University Press, 2015); Joel B. Altman, *The Improbability of Othello: Rhetorical Anthropology and Shakespearean Selfhood* (Chicago: University of Chicago Press, 2010); and Skinner, *Forensic Shakespeare*.
19. Discussions of *decorum* can be found in Michael Moriarty, “Principles of Judgement: Probability, Decorum, Taste, and the *je ne sais quoi*,” in *The Cambridge History of Literary Criticism, Volume 3: The Renaissance*, ed. Glyn P. Norton (Cambridge: Cambridge University Press, 1999), 522–8, and Brian Vickers, ed., *English Renaissance Literary Criticism* (Oxford: Oxford University Press, 1999), 44–55.
20. Madeleine Doran, *Endeavors of Art: A Study of Form in Elizabethan Drama* (Madison: University of Wisconsin Press, 1954), 16–17, 33–4, 148–71, 174–5, 234–5.
21. Thomas Wilson, *The Arte of Rhetorique* (London, 1553), 123.
22. Robert Ascham, *The Schoolmaster* (London, 1570), 151.
23. Sir John Harington, *Apology for Ariosto* (London, 1591), 318.
24. Philip Sidney, *The Defense of Poesy* (London, 1595), 17.
25. *Ibid.*, 18 (emphasis added).
26. Samuel Daniel, *A Defense of Rhyme* (London, 1603), 213.

27. Sir William Alexander, *Anacrisis. Or a Censure of some Poets Ancient and Modern* (London, 1634), 298.
28. Henry Peacham, *The Garden of Eloquence* (London, 1577), 250.
29. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin, 2006), 294–5.
30. *Ibid.*, 297.
31. *Ibid.*, 297.
32. Hannah Arendt, “Personal Responsibility Under Dictatorship,” in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Random House, 2003), 17–48 (p. 18).
33. *Ibid.*, 19.
34. *Ibid.*, 18.
35. Jacques Rancière, *The Politics of Literature* (Cambridge: Polity Press, 2011), 1.
36. *Ibid.*, 3.