Public Execution and Justice on/off the Elizabethan Stage: Shakespeare's First Tetralogy

Elizabeth Sahnesi'nin içinde/dışında İdam ve Adalet Shakespeare'in İlk Dörtlemesi

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Abstract: The Elizabethan regime in its last fifteen years faced many socio-political tensions. Although disorganised at first, as time passed, tensions increased and attempts were made to voice aloud socio-political criticisms, but use of the repressive state apparatus of the judicial system suppressed these. Accordingly, public execution was employed to exert the executive powers of the monarch against dissent. Deserved punishment in the theatre's public executions could create a cathartic effect, reducing tensions about injustice that was felt by the Elizabethan playgoers in real life. Yet, the arbitrariness of justice in the executions on and off the stage complicated the creation of such a catharsis, as displayed, especially, in Shakespeare's first tetralogy (ca. 1589-1594). Accordingly, this article analyses the politics and *poetika* of public execution and it suggests that scenes of executions in theatres increased the socio-political tensions caused by the injustice of the Late Elizabethan Period.

Keywords: Shakespeare, History Plays, First Tetralogy, Public Execution, Politics, Poetics

Öz: Geç Elizabeth Döneminde sosyo-politik çatışmalar görülmüştür. Bu çatışmalar başta bölük pörçük olmasına rağmen, yavaş yavaş Elizabeth rejimine karşı duyulan toptan bir muhalefet tavrını oluşturmuştur. Ancak, sansür mekanizmasının varlığı ile hukuk sisteminin devletin baskı araçları olarak kullanılmasından dolayı bunlar bastırılmıştır. Bu bağlamda, haklı gerekçelerle yapılan kamuya açık idamlar toplumu rahatlatabilirdi. Ne var ki, teatral olan kamuya açık idamlardaki yargılamaların baştan sağma olmaları, Elizabeth sahnesinin içinde/dışında toplumsal rahatlama sağlayamamıştır. Bu durum, özellikle, Shakespeare'in İlk Dörtlemesi'nde (1589-1594 civarı) kendini göstermiştir. Bundan dolayı, bu makalenin amacı yürütme erki uygulaması olarak kamuya açık idamların politika ve *poetika*'sını incelemek ve tiyatrolarda bununla ilgili gösterilen sahnelerin gelişigüzel yargılamalardan dolayı oluşan toplum gerginliğini azaltmadığını, aksine, Geç Elizabeth Dönemi'ndeki bu gerginliği arttırdığını örneklemektir.

Anahtar sözcükler: Shakespeare, Tarih Oyunları, İlk Dörtleme, İdam, Politika, *Poetika*

Late Elizabethan society was marked by growing discontent concerning socio-economic failures as in the failure of crops, high inflation and riots (Williams 1995, 160-162, 203, 360; Guy 2001, 317; Deiter 2008, 13-25, 79-96). Although these were fragmented in nature, gradually they formed the cumulative attitude of dissent towards the Elizabethan regime. From the late 1580's onwards, negative attitudes towards the rule of Elizabeth I attempted to be voiced. However, due to the existence of the functioning censorship mechanisms (Chambers 1961, 3. 158;

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Wickham 1963, 85; Dutton 1991, 2-4, 51; Williams 1995, 411-412) together with the use of Repressive State Apparatuses of several semi-independent and conflicting constituents of the judiciary system (Althusser 1971, 142-145; Archer 1991, 18; Forgeng 1995, 34-36; Hazard 2000, 229; Gieskes 2006, 161), these concerns were either suppressed to avoid punishment, or they were voiced indirectly. In this context, public execution was used as a means of the representation and performance of the executive powers of the monarch and the manifestation of her justice against those subjects with negative attitudes towards the regime. Nevertheless, because of the arbitrariness of judicial decisions, the validity of the performance of this justice was not always taken for granted. The evasiveness of justice in the theatrical public executions also showed itself in the use of execution on/off the Elizabethan stage. Through the just punishment of disorderly or wicked people, satiric catharsis, as a means of poetic justice, could release tensions about the injustice felt by the Elizabethan playgoers in real life. Nonetheless, the arbitrariness of the notion of justice in executions on/off the stage complicated the creation of such a catharsis, which could be seen, especially, in Shakespeare's first tetralogy (*ca.* 1589-1594). (Throughout the article, Shakespeare's first tetralogy will be abbreviated as follows: *Henry VI Part 1* as *1HVI*, *Henry VI Part 2* as *2HVI*, *Henry VI Part 3* as *3HVI*, and *Richard III* as *RIII*).

The majority of critics who refer to or deal with Early Modern English forms of capital punishment usually pass moral judgments on these now gruesome practices without focusing upon their effects on playgoers who saw real and mimetic public executions on and off the stage (Ribner 1957, 108; Campbell 1978, 161, 310-316; Gibinska 1994, 37-51; Bernthal 2002, 259-374; Hutson 2007, 143-166;). The notable exception is Howard and Rackin's work, where they, though only slightly, mention the proximity of the stage and the scaffold and fail to elaborate upon that proximity (1997, 107). Hence, there is almost no holistic analysis of the significance of overlapping spaces of public execution on/off the Elizabethan Stage (The recent publication of *Shakespeare in London* has a chapter on Titus Andronicus and execution that is aware of the need to focus on the effects of capital punishment in real and fictive places, Crawforth 2015, 21-45). On the one hand, focusing on the reception of the display of Elizabethan capital punishment on the stage and on the scaffold would, actually, reveal the complexity of the intended and the realised cathartic effects in these instances. These historicised cathartic effects, on the other hand, could reveal contemporary perceptions about the (dis)belief in the fairness of Elizabethan judicial proceedings. Therefore, the aim of this article is to analyse the politics and poetics of public execution as the performance of power and illustrate how scenes of execution in theatres did not release but instead heightened the tension concerning the arbitrariness of justice in the Late Elizabethan Period.

In the Elizabethan Period, the locations of, and the types of executions varied according to the crime and the social status of the wrongdoer and the wronged. This was an extension of Elizabethan social hierarchy, which determined social behaviour in a deferential way. Despite its fading significance, the segmental constitution of the Chain of Being (Tillyard 1946, 9, 24; Collingwood 1956, 53; Ribner 1957, 9-10; Tillyard 1959, 9, 18, 107; Kastan 2001, 167), the heedful consideration of one's position in human relations shaped by gender, occupation, and age, the conscious use of "*thou*" or "*you*" for informal or formal situations, the reverence shown to superiors, and the vertical petitionary procedure that necessitated compliance to superior incumbents (Loades 1992, 86; Forgeng 1995, 24, 139, 173; Shepard 2003, 1-3, 10-1; Walker 2007, 39-40) determined social behaviour within a hierarchical structure. As a consequence, apart from the fact that punishment was "*hierarchized*," "*regulated*" and "*calculated*" in general (Foucault 1995, 33-34), the Elizabethan judiciary system followed the prescripts of Bracton and Lambard who maintained that "*motive, person, place, time, quality, quantity and fortuity*" must

be analysed to scrutinise the degrees of relationship between the wrongdoer and the wrongdoing, and give due punishment (Lambard 1581, 67; Bracton 1968, 2. 290-299). Therefore, there was also a certain hierarchy in capital punishment in the Elizabethan Period, reflective of the social hierarchy. This segmental pattern manifested itself in the hierarchy of execution places and in the types of execution. For instance, in line with social hierarchy, the Tower was almost reserved for members of the nobility. The Tower was erected as a castle during William the Conqueror's reign (Stow 1598, 38). Yet, people in the Early Modern period believed that it was first built by Julius Caesar, since the Tower was constructed on the remains of Roman fortifications, which added an extended historical legacy to the Tower's significance (Brown & Curnow 1984, 17; Parnell 1993, 16; *RIII* 3. 1. 68-89). (While there are three references to other places of execution in the first tetralogy, except for references in *Richard II* (4. 1. 315, 5. 1. 2, 5. 1. 52) and in *Henry VIII* (1. 1. 207; 1. 1. 213; 1. 2. 194; 5. 1. 106; 5. 3. 54; 5. 3. 89; 5. 3. 93; 5. 3. 97; 5. 4. 61), almost all of the references to the Tower in Shakespeare's works are found within the first tetralogy, where it is mentioned 47 times). Contrary to its initial function as a royal castle, the Tower came to be used as a place to detain and execute members of the upper classes (Wilson 1978, 11). Regardless of the probability of dying of torture, malnutrition, illness or stress while waiting in the Tower, the primary aim was to execute the detainees in the Tower through "*beheading*" (Laurence 1932, 6; Langbein 1977, 82-90). In particular, Tower Hill, on the northern side of the Tower, was the public place for executions. Accordingly, "*nearly all of the sixty-two Tudor and early-Stuart executions on Tower Hill were those of nobles and gentry*" (Deiter 2008, 17). This form of execution was like a "*privilege*" to be "*claimed*" by members of the upper class (Cressy 2010, 39), because through it they were differentiated from the ignoble people. Similarly, it was a privilege because the "*pain*" in "*decapitation*" was of "*zero degree*" (Foucault 1995, 33) and spared the nobility from the more nauseous forms of execution such as burning or corporeal mutilation. Subsequent to beheadings, the heads of former noblemen were impaled upon a spear or pole to display their heads on the gate of London Bridge (Hentzner 1979, 3; Forgeng 1995, 38). The initial effect of the presence of the heads of former noblemen was to create a "*panoptical*" reminder of the consequences of disorderly behaviour and the intended message was that these consequences did not even spare the noblemen and could happen to anyone.

However, there were certain executions which were withheld from public scrutiny and were made within the Tower. In this case, because of the requirements of conjuncture and idiosyncratic necessities, only some people, or none at all were permitted to witness the execution of such noble people. William Hastings (d. 1483), Anne Boleyn (d. 1536), Catherine Howard (d. 1542), Lady Jane Grey (d. 1554) and Robert Devereux (d. 1601) were among those noble people to be executed privately on Tower Green and its surroundings either within the walls, due to their gender and political power or in accord with sensitive political matters such as the succession (Parnell 1979, 320-326; Weir 1991, 475; Starkey 2003, 579-581; Taylor 2004, 184; Denny 2006, 317). Yet, the enclosure of such executions within the private space of the walls of the Tower did not hinder them from becoming a part of the public consciousness. The very concealment of these executions left their particularities to the imagination of the public. Therefore, whether in the grounds within or without the walls of the Tower, the "*panoptical*" presence of the tower building created awe and fear in several layers. The might of the sovereign exerted through imprisonment and executions, the high status of the convicted people, and the act of decapitation reserved for the nobility made the Tower metaphorically and literally a space for higher matters.

Although the execution of noblemen and noblewomen seemed to be more spectacular instances of the exertion of Elizabethan judicial power, the executions of members of the lower

classes were more frequent events for the public. There were two important places for the public execution of commoners. The first, Smithfield, was located within the City of London and quite near to the heart of London surrounding St. Paul's and Cheapside, whereas the second, Tyburn, was at the foremost end of the city boundaries (Inwood 2008, 290). It is quite interesting that it was noted that people "*flocked*" to observe executions even at Tyburn (Ashley 1988, 89) no matter how far they had to travel. Hence, the public executions of commoners attracted the population, whether to observe "*heretics*" or female commoners "*burned at the stake*" at Smithfield or to see the hangings of non-religious offenders at Tyburn (Laurence 1932, 9, 43; Inwood 2008, 289-90; Cressy 2010, 39).

Nonetheless, verdicts for treason, did, from time to time, not differentiate between the noble and the ignoble, when the persons convicted of dissent were to be executed at Tyburn through hanging, drawing and quartering. As forms of "*death-torture*" quartering, drawing and hanging were used to "[carry] *pain almost to infinity*," because the convicts had defied the social hierarchy in its utmost form in defying the sacred body politic of the sovereign's order (Girard 1979, 8; Foucault 1995, 33, 53-54; Agamben 1998, 15). The act of defying the prerogative of the body politic through dissent was a reversal of the social hierarchy, which was reflected in the upside down of the body natural to the traitor. As Hazard maintained, this form of capital punishment was

> *a dramatic nonverbal externalization of inward criminal intent. Castration killed the seed for further treasonous acts; drawing and burning the inner organs rendered visible the treasonous heart and stomach; quartering and scattering the evildoing body mimicked and ended its vagrant behaviour* (2000, 227).

The metaphorical transgression of the subject was concretised through the literal perception of inverted symbols that were used to prove the culprit's crime. All in all, what was within and without the hierarchy of execution places and the types of execution was again defined by the same hierarchical pattern.

By defining and circumscribing crime, the form and the space of punishment, the Elizabethan use of public execution aimed to control and limit social deviance. Public execution was, thereby, a form of public persuasion to dissuade the public from dissent. Hence, public execution was like a Repressive State Apparatus of the "*judicial system*" that limited and controlled the "*political ritual*" to absorb defiance against "*the law*" and "*the will of the sovereign*," through which disorderly behaviour was appropriated within "*restored*" order (Girard 1979, 8, 15; Foucault 1995, 47-8). According to the Elizabethan judiciary, punishment was to be exerted "*for the amendment of the offendor*," "*for examples fake*" and "*for the maintainance of the authoritie*" (Lambard 1581, 67). Punishment could maintain social justice in as much as it could take revenge in the name of the offended, and discourage future offenders. Thereby, punishment had two functions, namely, "*retribution*," the "*backward-looking*" due punishment for disorderly behaviour, and the "*forward-looking*" "*utilitarian*" effect of maintaining "*order*" (Keyishian 2008, 175). Yet, both functions could only be effective if they were made visible. Accordingly, although Agamben differentiated between "*modern*" "*capital punishment*" and "*purification rites*" (1998, 81), both were similar in their emphasis upon the "*spectacle*," which was crucial, especially in capital punishment, because "*spectacle*" determined the effect of executions on the spectators, who would not only take part and be "*afraid*" of, but also be detached from the event to feel "*sacrificial catharsis*" through which the society was purged of the "*impurity*" of the "*dissymmetry*" of order caused by disorder (Girard 1979, 20, 30, 33-34, 38, 287; Foucault 1995, 34, 49, 58). As a result, audience gaze determined

the release of social tensions by putting the subject into an object position as a spectator. As Hazard elucidated,

> [p]*unishment for violation of ceremonial decorum was parodically ceremonial, and* […] *Elizabethan justice enacted social hierarchy by putting everyone bodily in his or her place. The procession to that place of execution of justice traced or reversed the malefactor's metaphoric path to higher position, a ceremonious inversion of ceremony for those who would indeed have found their pursuit of singularity in vain. Their bodies or the body parts were metonymic witness to the constraints of Elizabethan justice. Other forms of sanction were also enacted through the body—even in its absence* (2000, 229).

The collective passivity of potentially dissentious subjects could only be enabled by a mimetic distance created by the enactment of what could befall them if they defied the present order of things. The Elizabethan theatre, in this sense, was yet another place where the ceremonies of public or private executions were staged. The external similarities of the "*raised*" scaffold of execution places and the scaffold of the raised thrust stage have been stated by many critics (Tennenhouse 1986, 13-5; Cunningham 1990, 209-211; Foucault 1995, 46, 49, 51; Shurgot & Owens 1998, 115, 120-121; Greenblatt 2005, 201; Keyishian 2008, 183). Yet even Elizabethans and their predecessors acknowledged the similarity between staging a play and staging judicial or political issues, where, for instance, Thomas More in his famous *History of Richard III* which was copied by Hall, emphasised the resemblance of political issues as "*kynges games*" played on "*ſcaffoldes*" like "*ſtaige playes*" (Hall 1548, ii. xxiiii^v) and Elizabethans like Raleigh described themselves or others as players on a stage (as cited in Kastan 1993, 106-7).

However, it is quite interesting that most of the executions referred to in the Elizabethan theatre were not staged, with some notable exceptions. (Thomas Kyd's *Spanish Tragedy* in which Horatio was hanged on the stage (2009, 2. 4. 53-5, 4. 4. 111), the executions of Thomas and Rachel Merry in *The Two Lamentable Tragedies* (Yarrington 1601, K1^v-K2^v), and the not-staged *Sir Thomas More* showing the hanging of a commoner (2011, 7.68-70) could be named as further examples). Similarly, in the first tetralogy of Shakespeare, formal executions were not shown on the stage. Only execution-like murders were depicted, through stabbing and dragging bodies off-stage for later decapitation. Likewise the execution of witches were not shown but reported to have happen outside the scene. The reason for this might have been that the audience might fill in the blanks of signification about real public executions around the time of performance or around the time of the quarto publications of the plays. Thereby, apart from the constant reminder of executions by the presence of the panopticon-like Tower, the scaffolds, the Tyburn Tree, and the display of the body remnants of the executed, which functioned as "*architectural apparatus*[es]" that were "*independent of the person who exercise*[d]" "*power*" and were "*permanent*" because of the presence of their "*effects*" of "*terror*" (Foucault 1995, 59-60, 201), the Elizabethan stage formed another space in which the "*terror*" of execution was re-enacted in the memories of the audience. On a theoretical basis, at least, the staging of executions could restore problems generated by individual violence through systematised retribution and use theatrical catharsis as "*sacrificial catharsis*" to check violence being spread (Girard 1979, 29-30). Hence, the depictions of executions in the theatre were, in some sense, part of the restoration process for the social hierarchy defied by the disorderly.

As part of the depiction of executions on the stage and in line with the differentiation of the type and place for punishment according to the culprit, Shakespeare depicted verdicts against disorderly behaviour that distinguished the noble from the ignoble. Basing his theatrical adaptation almost totally on Hall's chronicle (1548, cxlvi^r), for instance, Protector Humphrey

Gloucester's wife, Eleanor, was not burned at stake for witchcraft, but rather banished to the "*Isle of Man*," because in contrast to the commoner "*witch*" who was to be "*burned to ashes*" in "*Smithfield*" and the male commoners who were to "*be strangled on the gallows*," Eleanor was "*more nobly born*" (*2HVI* 2. 3. 1-13). One year after the production of *2HVI*, in 1592, a similar sensitivity was voiced by Sir John Perrot who was sentenced for treason and "*begged that if he should suffer death he might die a gentleman's death and be spared from drawing through the streets and the rest of the judgment*" (Harrison 1974a, 145). Likewise, Henry VI's sentence against Suffolk for his possible connection with Protector Humphrey's death was only banishment rather than execution (*2HVI* 3.2.289-99), almost similar to the Earl of Tyrone's situation near the production of *2HVI* around 1590, when Tyrone had "*strangled*" a man named "*Hugh Gairlock*" but was "*pardon*[ed] *by the "Queen*" (Harrison 1974a, 3). These asserted that Elizabethan society and Elizabethan punishment were hierarchal and these hierarchical patterns that privileged the nobility over the rest of the society were taken for granted both on and off the stage.

Nevertheless, although on the surface we may conclude that Shakespeare tried to reflect such *status quo* concerns about the nobility in his plays, he presented in *2HVI* that criticisms that were voiced aloud by the commoners towards the positive discrimination against Suffolk were depicted on the stage and the page. In particular, Suffolk as a member of the new nobility was looked down upon by the Lieutenant who intentionally mispronounced his family name De la Pole as "[P]*oll*" and "*Pool*" which he equated with "*kennel, puddle, sink, whose filth and dirt / Troubles the silver spring where England drinks*", to emphasise his harmful behaviour towards the kingdom, which he did by overreaching himself through his "*devilish policy*" (*2HVI* 4. 1. 70-85). His "*devilish policy*" included the marriage of Margaret to the king, his control over her and the kingdom, the murder of Gloucester, and Suffolk's ambition that resulted in the loss of "*France*" abroad and civil war within the country (*2HVI* 4. 1. 74-103). As Hadfield maintained, Suffolk was self-centric and disregarded common good which was why "[h]*is death*" was "*richly deserved*" (2005, 118). As an extension of Hall's chronicle (1548, cxlix^v-cl^r), Shakespeare's depiction of Suffolk's death, therefore, forms a satiric catharsis, as he was criticised for rising on the social ladder, as was quite similarly put forth in an account by a Spanish Prisoner on the 9th of March 1592 about "*unpopular*" meritocrats who were "*but of mean origin to have risen so high*" (Harrison 1974a, 114). Although the death of the meritocratic Suffolk functioned as a societal relief, easing the tensions created by the clash of the fixed patterns of feudalism and the market economy, principally the aim of the commoners in the play was to surpass the positive discrimination of (some) members of the nobility in law cases. Hence, it could be argued that criticisms directed at the general practice of the suspension of law in favour of members of the nobility were deflected by emphasising the culprit's origin as a proof justifying his punishment. With such an ambiguous treatment, social criticism against the failings of the system could be voiced aloud while remaining within the system.

Yet, the circumvention of the judicial system by commoners, who defied the order of things in taking matters into their own hands by beheading Suffolk off-stage, as if he was tried and executed according to law, made formal public execution an act that could be imitated by commoners in an informal way. In addition to being a close adaptation of chronicle material and didactic literature, particularly of Hall's *Vnion* and Baldwin's *Myrrovr for Magiftrates* (Hall 1548, clviii^v; Baldwin 1563, xl^r-xliii^v), this scene was also important due to the fact that such a transgressive adaptation of the execution of a nobleman by commoners was played by commoners, who transgressed their social position by assuming these roles (Gosson 1582, E5^r; Stubbes 1583, C2^v; Rankins 1587, C3^r; Gosson 1587, G7^v Wickham 1963, 85-6; Greenblatt 1988a, 15; Williams 1995, 397; Montrose 1996, 36, 48-9, 56), made the off-stage execution of

Suffolk doubly subversive. (Also see Suffolk musing on being impaled on "*a bloddy pole*" (*2HIV* 4. 1. 129) almost extending the pun on his family name de la Pole started by the Lieutenant (*2HVI* 4. 1. 70-103). The later scene of Suffolk's head on Margret's lap (*2HVI* 4. 4. 0, stage direction, 4. 4. 1-24) might be taken as an extension of the display and perception of the bodily remnants of executed people. Likewise, through the adaptation of Hall's chronicle as closely as possible (1548, clx[r]), Shakespeare re-emphasised that the public execution of noblemen might be considered to be a mere performance that could be imitated by ineligible people, in parodic form. In particular, beheading, setting on a pole and parading in public disgrace processions through streets was amalgamated by Jack Cade who ordered the beheading of Lord Saye and Sir James Crowner, impaled their heads on "*poles*" and made "*them kiss one another*," "*rid*[ing] *through the streets, and at every corner have them kiss*" (*2HVI* 4. 7. 100-28). Thereby the psychological effect of public executions to sustain awe and fear of the regime and the monarch's power was subverted in creating a similar awe and fear to the power of dissenting people). Although the formal punishment of misbehaving subjects was intentionally derisive, the derision generated by Suffolk's informal execution veiled the parody of the executive powers of the state and its monopoly on formal violence.

Similarly, the depiction of the Duke of York's belittlement on a mole hill with a paper crown (*3HVI* 1. 4. 66-178) was parody in two aspects in particular. Firstly, within the realities of the 1460s, the constructed realities of the Tudor paradigms in the chronicles and the realities outside the Elizabethan stage (Holinshed, Harrison & Hooker 1587, 3. 659; Hall 1548, clxxxiii[r-v]), the process of execution was intended to show York's deviant behaviour in aspiring to the crown through parody mimicking his aspirations. Thereby, York himself became the testimony of his crime. As Foucault stated for such procedures in general, it could be claimed that York's "*body* […] *displayed* […] *in him,* [and] *on him,* [his] *sentence* […] *legible for all*" as an "*immediate, striking manifestation of the truth in the public implementation of penalties*" (Foucault 1995, 43). Although Clifford and Margaret's merciless behaviours during the public disgrace of York have been criticised by many critics (Gibinska 1994, 47; Howard & Rackin 1997, 94-95; Goy-Blanquet 2003, 165; Djordjevic 2010, 195), the amount of pain, both psychologically and physically was essential in demonstrating that the to-be executed had transgressed his position within the social order. Thereby, York was almost ritualistically executed by the Lancastrians to cleanse, through him, the Yorkists aspirations to the crown.

However, the second aspect of parody manifested itself in the subversion of the intention to reinforce order and justify the repressive means of executions. In particular, York's execution depicted the possibility that capital punishment could be used as a political show of the instrumentalisation of power struggles between interest groups, rather than in the exercise of justice. For instance, two years after the production of *3HVI*, the leaders of the Barrowists, Barrow and Greenwood, who were about to be released, were hanged at Tyburn in 1593 because of "*the malice of the Bishops towards the Lower House because the dislike shown* [one day before] *to the Bishop's Bill against Puritans*" (Harrison 1974a, 222), which cast doubt on the essence of justice in such verdicts. The important thing was to produce and ritualise awe and fear towards the executive powers through the execution of what was deemed as disorderly, even though this might not have been based on either justice or equity. Hence, the paradigms of the order of the *status quo* were to be put on a central position to determine disorderly behaviour and punish that disorderly behaviour accordingly. Therefore, "*public exposures of criminals*" were like ritualistic cleansing of the society, in which transgression was "*materialize*[d]" in the executed person and his/her organs (Girard 1979, 287, 298-299). Hence, the placing of York on a mole hill, mimicking the royal throne, and the putting of a paper crown on his head – reminiscent of the use of "*paper setting forth* [one's] *offence over his*[/her] *head*" for public

disgrace and the manifestation of one's crime (Harrison 1974a, 30) – mimicking the real crown he aspired to, were the materialisations of his transgressions which were imitated in the execution process. Likewise, the impaling of York's head (*3HVI* 1. 4. 179-80; 2. 1. 65-7) was an extension of this process. Historically, the Duke of York's head was displayed on Micklegate Bar on the city walls of York (Markham 1906, 17), to which Shakespeare's Queen Margaret sardonically referred as "*Off with his head and set it on York gates, / So York may overlook the town of York*" (*3HVI* 1. 4. 179-180). For the Yorkist messenger this was "[t]*he saddest spectacle that [they ever] viewed*" (*3HVI* 2. 1. 65-67) and York's son Edward felt discouraged (*3HVI* 2. 1. 68-78), which acknowledged the effectiveness of impaling the heads of the beheaded nobility as a reminder of deviant behaviour to discourage any further attempts in the future.

Yet, York's other son, Richard, took the narration of the impaled head as a means for self-esteem to "*revenge*" his father's "*death / [o]r*" at least "*to die renowned by attempting it*" (*3HVI* 2. 1. 86-88). Richard's response was reflective of an account of an Elizabethan Swiss traveller who maintained that descendants took pride in seeing their ancestor's head on the walls of London Bridge, which was subverting their disloyal deviance to heroic defiance (as cited in Forgeng 1995, 38). This heroic defiance was further shown when the Yorkists could replace York's head with the head of the Lancastrian Clifford (*3HVI* 2. 4. 85-86). For Elizabethans, who could see "*above thirty*" of "*heads*" that were "*placed on iron ſpikes,*" particularly "*of ſuch as have been executed*" before 1598 "*for high treaſon*" on the gates of London Bridge (Hentzner 1979, 3), the approximately ten minutes walking distance between the Rose theatre, where some performances of the play were presumably acted out (Chambers 1961, 2. 128-131), and the Southern Gate of London Bridge, made references about the placing of heads on walls in *3HVI* very topical. The exposure of executed heads in everyday life foregrounded two possible consequences of these Repressive State Apparatuses. Firstly, as reflected in Shakespeare's *3HVI*, although the public disgrace of York on the mole hill and his beheading initially aimed to cut short dissent, just like public executions in the Elizabethan Period, it could be subverted and used by the dissenters as a manifestation of their own rightness. Thereby, secondly, the effectiveness of the executive powers of the state through the exercise of capital punishment could become questionable.

Nonetheless, apart from subversive readings of public executions, Shakespeare also depicted executions within the walls of the Tower that were withheld from public scrutiny for several reasons. Beside the fact that the very concealment of such executions made their legality questionable and showed them as illicit murders disguised as executions, it equated the space of the Tower as being a place of possible illegal procedures. Hall's account of Henry VI's death, who died at the hands of Richard of Gloucester, as "*murder […] without*" the "*aſſente*" of an authority (1548, ii. iᵛ) was one example of the problematics of execution within the walls. (This problematic could be further observed when the encapsulating walls made the reliability of proofs questionable, "*as the conſtant fame ranne*" (Hall 1548, ccxxiiiʳ), which was why Richard's killing of Henry VI was also stated in the chronicle as a probable rumour). Here, questions regarding the validity of the justice of verdicts for executions enclosed within the private space of the Tower was made public through the public space of the plays (Deiter 2008, 125-126), through which the theatre enabled the expression and the scrutinising of executions by the theatre-going public. In particular, Shakespeare's Richard of Gloucester acknowledged the thin line between execution and murder when he denied himself to be "*an executioner*" (*3HVI* 5. 6. 32) while Henry VI tried to syllogise "[a] *persecutor I am sure thou art; / If murdering innocents be executing, / Why then you art an executioner*" (*3HVI* 5. 6. 31-33). Henry VI was killed by Richard and thrown into another room in the Tower (*3HVI* 5. 6. 92-93), which, along with many subsequent examples of Richard's atrocities, made the Tower a place

where executions could be dubious. The victimisation of the executed created both "*sympathy*" for the executed (Deiter 2008, 124) and enabled observation about the procedures of condemnation and execution. Thus, the voyeuristic presentation of the *arcana imperii* on the stage of a very close theatre seemed to prove the existence of extralegal procedures.

Moreover, the very possibility of questioning the legality of executions was further problematized in the legality of the documents used in the execution-like murders of several people within the Tower. For instance, Richard's brother Clarence was handed over to the murderers according to the written "*commission*" they had (*RIII* 1. 4. 89-90). Apart from being reminiscent of "*actual execution rituals*" (Deiter 2008, 126), the subsequent stabbing and dragging of the body to drown Clarence in a "*malmsey-butt*" and hide him "*in some hole*" until Richard would "*give order for his burial*" (*RIII* 1. 4. 159-273) could show the audience that verdicts for execution could be manipulated and that this illegal manipulation could be concealed within the sacred legal space of the Tower. Considering the fact that the play was enacted at the Rose theatre, the questioning of the legality of jurisdiction embodied in the Tower in a nearby theatre was very subversive.

Similarly, Shakespeare dealt with this same matter in analysing Hasting's execution and the efforts to make the execution just through "*report*" and falsified documents, which Shakespeare might have read in Hall's chronicle (1548, ii. xv^v). In particular, the necessity of the execution of Hastings was manipulated by Richard of Gloucester and Buckingham who did, as Catesby disclosed to the audience in an aside, have "*high account of*" Hastings especially of "h*is head upon the Bridge*" (*RIII* 3. 2. 68-68). Capital punishment was not considered as a result of extralegal misbehaviour but as a means to silence dissent and cover up illegal procedures under the cloak of legality. In particular, since Hastings did not support Richard's claim to the throne, Richard and Buckingham contrived sudden necessity and argued that Hastings sought after their lives. They supported their arguments through their "*rotten armour, marvellous ill-favoured*" seemingly put on in a haste to protect themselves (*RIII* 3. 5. 0, stage direction) and through their affected behaviour as they did "*quake*," "*change*" "*colour*," and seemed to be "*distraught and mad with terror*" (*RIII* 3. 5. 1-11). Hastings was fashioned as the "*covert'st shelter'd traitor*" and "*subtle traitor*," who "*plotted* […] [t]*o murder*" Buckingham and Richard (*RIII* 3. 5. 33-38), which was manifest in Lovell and Ratcliffe's entering "*with Hasting's Head*" (*RIII* 3. 5. 18-19, stage direction). The reason for Richard and Buckingham's success in contriving legitimacy for the execution of Hastings was related to their use and abuse of legal proofs. Basing his arguments on Jousse and Vouglans, Foucault classified several types of proofs used in legal procedures. Accordingly, "*legitimate proof*" would be "*provided by witnesses*," "*artificial proof* […] *by argument*," and "'*urgent or necessary' proof*" by providing "t*wo irreproachable witnesses affirming that they saw the accused*" along with the weapon and the murdered (1995, 36). The combination of acknowledged proofs provided by noblemen acknowledged by the society was the main determiner of the dramatic irony in the scene. In particular, Richard and Buckingham made use of the "*urgent*" type of "*proof*" believed by the Mayor as he believed in the so-called "*eye-witness*" accounts of noblemen, Richard and Buckingham, because they were "*considerable person*[s]" (*RIII* 3. 5. 1-70; Foucault 1995, 36-37). The truth of the account of these "*considerable person*[s]" was supported by Richard's claim on the validity of their words by asserting that they proceeded according to law: "*What, think you we are Turks or infidels? / Or that we would, against the form of law, / Proceed thus rashly in the villain's death, / But that the extreme peril of the case, / The peace of England, and our persons' safety, / Enforc'd us to this execution*" (*RIII* 3. 5. 40-45). Not essence but performance of truth determined the validity of truth. This was why the scrivener's writing of the verdict for the execution after the execution, which even for him was a "*palpable device*," could not be discerned by others

because people would not reveal their thoughts against unjust verdicts (*RIII* 3. 6. 1-14).

The judicial system was primarily based on textual and discursive reality systematised in written books of law and records of court cases. Yet, the textual nature of these did not necessarily have any correspondence with material reality, as the former could be created or manipulated. Accordingly, one year after the final production of *RIII*, in 1595, a similar case could be observed in the trial of Southwell. Southwell was not executed in or around the Tower (Harrison 1974b, 15-17), but his trial was very reminiscent of the post-mortem trial of Hastings in regard to the construction of truth in executions. In particular, Topcliffe "*showed*" certain "*letters directed to*" Southwell "*from Parsons the Jesuit*" (Harrison 1974b, 15). Interestingly enough, "*nothing was read of them, nor of other papers nor books which poured out of a bag*" which, however, convinced "[t]*he jury staying not above a quarter of an hour*" to "*[condemn]*" Southwell to "*death*" (Harrison 1974b, 15). Thus, both the justification of Hasting's execution on the stage and Southwell's trial off the stage showed that the verbal performance of seeming was more important than essence, as the outward proofs were taken for granted in judicial procedures. The "*triumph of the law*" was not "*hidden*" (Foucault 1995, 49), but was shown equivocally as the triumph of appearance over essence, the absence of which was very present. This was also why the princes, as narrated by Tyrell (*RIII* 4. 3. 1-35), were "*buried*" within the Tower in an unknown place, not only literally but also metaphorically (*RIII* 4. 3. 29-30) as found in chronicle material (Hall 1548, ii. xxvii^v^-ii. xxviii^r^). The coordination of literal and metaphoric concealment made the theatrical reflection of the Tower a place associated with illicit executions and cast doubt upon the validity of other executions. This doubt was in stark contrast with the Elizabethan *status quo* definition of the Tower and of public executions as towering manifestations of the power of the monarch over the disorderly.

Furthermore, religious concerns about executions were also depicted by Shakespeare. Actually, there was a religious pretext for executions in general, as a means of justification for the violence and murder exerted by the executive powers of the monarch. Providentialism and the divine ordination of the monarch functioned as the sources of the Elizabethan justice system that provided immunity to the body politic and body natural of the monarch. Since the monarch was divinely sanctioned, any defiance towards his/her authority was sinful. The correlation of sin and crime was reflective of what Girard defined as the necessity of "*the judicial system [to appeal] to a theology as a guarantee of justice*" (1979, 23). The Elizabethan hierarchical social order ruled by the body politic of the monarch was also related to the divine sanction of order and of the restoration of order after deviance, which could be achieved through capital punishment. The restoration in the religious sphere was manifested at the end, especially, when the "*guilty man*" made "*public acknowledgement*" of his crimes like a "*confession*" (Foucault 1995, 43). In this way, religion was used to support the judicial decisions of the *status quo* which deflected any criticisms towards it through threatening the disorderly with self-condemnation. The forced or voluntary confessions of culprits that were condemned both by the state and the religion were used as further testimonies of his/her sacrilege.

Nonetheless, the relevance of religious offenders with religious pretexts for the justification of executions foregrounded ethical concerns in such executions. Religious offenders were usually burned at the stake in Smithfield, not only to purify society from irreligious acts but also to mimic and demonstrate the pangs and sorrows of "*hell*" (Foucault 1995, 46), and to dissuade people from committing crimes that were considered by the *status quo* to be religious crimes. For instance, similar to Hall's chronicle (1548, cxlvi^r^), Eleanor's "*witch*," Margery Jourdain, was sentenced to be "*burnt to ashes*" "*in Smithfield*" (*2HVI* 2. 3. 7) because she was a woman and had committed the religious crime of sorcery. The actual execution was not shown on stage, but we can assume that the audience could create a mental image of the subsequent burning at

stake, as some performances of the play was might have been acted out at the Theatre that was a thirty minute walk to Smithfield (Gurr 1996, 67). Likewise, Joan of Arc, just as in the chronicles (Hall 1548, cvii[r-v], cxiii[v]-cxv[r]; Holinshed, Harrison & Hooker 1587, 3.600-3.604), was arrested (*1HVI* 5. 2. 51-56) and about to be burned off-stage as a witch according to her practices as a "*sorceress*" (*1HVI* 5. 3. 1). Joan of Arc's subsequent attempts to circumvent punishment by first emphasising her nobility and claiming that she was with child (*1HVI* 5. 3. 1-91) could be considered as comic subversions of the loopholes in law (Holinshed, Harrison & Hooker 1587, 604; Weatherford 2001, 13). Yet, similar cases could be seen off the stage in the sham "*pregnanc*[ies]" of two sorceresses in 1591 and of a 80-year-old sorceress in 1593 (Harrison 1974a, 22, 228). Hence, the very possibility of such subversion showed religious offenders could use and abuse the very reason for their execution to their own ends. Derived from the textuality of biblical and religious works used to condemn dissidents, the possibility of the subversion of the execution process could be achieved because execution would not just be perceived as a mirror of afterlife punishment, but also as a trial for future reward (Foucault 1995, 46). The instability of the perception of capital punishment based upon the religious justification for formal violence was the result of the inherent biblical paradox of ethics about Christ's mercy and God's wrath and that the state had to quench disorder and violence by using violence in an ordered form (*Luke* 3: 36, *Geneva Bible*; *Ephesians* 2:4; *Titus* 3: 5; *Hebrews* 4: 16; *Peter* 1: 3; *Isaiah* 26: 21; *Revelation* 19: 11-21; *Nahum* 1:2-6; *Psalm* 7: 11). Since the "*judicial system* [...] *limit*[ed]" the execution of "*violence*" by monopolising it on "*a sovereign authority*" (Girard 1979, 15, 27), the system functioned primarily through the unquestioned acceptance of this paradox. The paradoxical use of violence to end violence was also pointed out by Shakespeare, for instance, in the execution of Clarence. Clarence's death was a contested matter in chronicles and didactic literature (Hall 1548, ccxxxix[v]; Baldwin 1563, lxxv[v]-lxxxiii[r]). In a similar vein, Shakespeare's Clarence reflected that ambiguity through questioning the legitimacy of temporal verdicts that might be at odds with religious truths. Clarence emphasised that "*offence*" and "*evidence*" must be given in order to give a lawful "*verdict*" (*RIII* 1. 4. 171-173), because "[b]*efore* [being] *convict by course of law, / To threaten* [him] *with death* [was] *most unlawful*" (*RIII* 1. 4. 176-177). The murderers excused themselves to execute Clarence for his hand in the downfall of the Lancastrians, which was absurd because Edward IV was "*as deep as*" Clarence "*in that sin*" (*RIII* 1. 4. 190-203), as is also depicted in the chronicles (Hall 1548, ccxxi[v]). Apart from constantly making use of religious references, like referring to "*Christ's dear blood*" (*RIII* 1. 4. 204), Clarence juxtaposed heavenly law and temporal law, through which he equated his execution with "*murder*," which should be avoided, rather than to break God's "*law*" to "*fulfil a man's*" (*RIII* 1. 4. 184-189). (Likewise, Clarence argued that he should be tried "*publically*" because God "*avenged*" Himself "*publically*" and not through the "*indirect or lawless course*" (*RIII* 1. 4. 204-208) that he was about to face within the Tower). Around the time *RIII* was performed, between 1593 and 1594, several accounts from two extreme points of religious defiance emphasised the problematics of religious pretexts for public executions. In particular, the ultra-radical Puritans, the Barrowists, pointed to a similar juxtaposition between heavenly and temporal law and said that "[i]*f the Prince without God's warrant intermeddle with the Church, he must think it none injury to be disobeyed; for we are not bound to obey the Prince's law for conscience' sake, because only God's laws bind men's consciences*" (Harrison 1974a, 208). Therefore, they considered the execution of their fellow-sectarians as "*murther*" which was displayed by their placing of the corpse of one Barrowist Roger Rippon "*in a coffin* [...] *at the door*" of a judge, their placing of a flyer criticising how Elizabethan judges "*abused* [their] *power*" and the spreading of "[m]*any copies of*" such flyers in London (Harrison 1974a, 205). Catholics also pointed out that their execution was not just in regard to religion and that their "*innocence*" would be exhibited by their scattered bodily parts

which would "*preach*" their "*truth*," as John Boste, a Jesuit, maintained at his execution in 1594 (Harrison 1974a, 309).

Apart from Clarence's ethically dubious use of religion to save his life, the scene depicts several issues concerned with execution and religion. Firstly, the very reason of the publicity of executions in real life, through the reading of their offences and the subsequent execution, was to prove that the convicted was tried according to the law and whose crimes were manifested in the gruesome form of his/her punishment. Thereby, the "*truth of the crime*" was "*produced*" which was "*inscribed in*" the convicted (Foucault 1995, 47). Secondly, the scene of Clarence showed the problems concerning public execution as a means to maintain order within society through the possibility of it seeming to be at odds with religious truths. Scenes of the last prayers of the condemned in Shakespeare's first tetralogy, such as Buckingham's last prayers before his execution (*RIII* 5. 1. 1-29), based upon didactic literature and other plays (Baldwin 1563, cxxv^r-cxxxix^v; Anonymous 1594, F2^r-F2^v), restated the religious side of public execution as a form of not only secular but also of the religious restoration of order. Yet, Clarence's rhetoric was reflective of contemporary Elizabethan confessions prior to executions of people who similarly doubted the religious ethics behind execution. These people used and abused the confession as an instance of the final moment of resistance, mimicking expectations of submission. For instance, in 1591 a Catholic named Jennings who was "[b]*eing bade to confess his treason, for so the Queen would doubtless pardon him, he answered '[…] If to say Mass be treason, I confess I have done it and glory in it*'" (Harrison 1974a, 83). Although this and many other instances could be seen as a reflection of the general attitude of Catholics within and without England who similarly used those "*executed in England for religion*" to illustrate and criticise the "*cruelty*" of the Elizabethan regime as stated in 1592 (Harrison 1974a, 168), when *RIII* was staged around 1593, an almost likewise questioning was observed in the execution of William Harrington, another Catholic priest. While not being "*troubled at the popular outcry, 'Hang him, hang him,*'" Harrington maintained that "[i]*f his cause is good, he suffereth for Justice's sake, and that law is too severe that maketh his function treason; if his cause be bad, death itself is too merciful punishment*" (Harrison 1974a, 240). This was similar to the insistence of Clarence to have a just and not "*lawless*" trial before being put to death (*RIII* 1. 4. 204-208). Likewise, James Bird in 1593 subverted the very reason of his execution to his own end, constructing truth in the eyes of the spectators who gathered around the scaffold. Accordingly, Bird asked the Sherriff why he was executed and the Sherriff said that it was because he refused to go to church, whereof Bird answered as follows: "'*Right heartily do I thank thee,*' […] '*if by going to church I can save my life, surely all the world will see this, that I am executed solely for faith and religion, and nothing else. It was just this that I wished to elicit from you. Now I gladly die.*' *And with these words he was thrown from the ladder*" (Harrison 1974a, 220). The corporeal materiality of the culprit was used as an evidence to prove that his/her crime could generate the propagation of marginal voices against the centre. Hence, while public execution was fashioned as a space to reinforce the truth of the *status quo* by ritually cleansing deviances, it was in fact a space where truths clashed and the audience was there to determine which truth to accept. According to Foucault,

> the insatiable curiosity that drove the spectators to the scaffold to witness the spectacle of sufferings [enabled them to] *decipher crime and innocence* […] *It was a moment of truth that all the spectators questioned: each word, each cry, the duration of the agony, the resisting body, the life that clung desperately to it, all this constituted a sign* (1995, 46).

While the primary aim of the spectacle aspect of executions was to pacify dissatisfied subjects through mimetic demonstrations of the power of the state over dissidents, these demonstrations

could turn into the agitation propagandas of groups that criticised the government. This was achieved particularly through the audience reaction in the form of their identification with the executed on and off the Elizabethan stage that prompted "*alternative*" readings of the judicial power of the monarchy (Spierenburg 1984, 101; Cunningham 1990, 221; Foucault 1995, 61). Thus, rather than the decision of the judicial powers of the state, truth became a phenomenon of public scrutiny, which circumscribed political order and was, in its essence, subversive of that order.

Moreover, the possibility of subversive readings was further dealt with in the depictions of the executions of the commoners and their stance towards execution in general. The space of the execution could be turned into a carnivalesque reversal of order, which enabled social criticism to be voiced aloud at the taken-for-granted climax of the manifestation of the monarch's power. As Foucault argued, the "*scaffold*" became a space of "*momentary saturnalia, when nothing remained to prohibit or to punish*" so that "[i]*n these executions, which ought to show only the terrorizing power of the prince, there was a whole aspect of the carnival, in which rules were inverted, authority mocked and criminals transformed into heroes*" (1995, 60-61). Thereby, the use of inversion by the judicial system to deride the culprit and condemn the crime could be turned against itself. In this sense, Shakespeare's *2HVI* was very interesting because it depicted both the suppression of the last words of commoners who were to be executed and, their derisive laughter directed at the monarchy's use of public executions to maintain order. Accordingly, while some commoners were merely referred to be "*strangled on the gallows*" (*2HVI* 2. 3. 8), or summarised as "*quartered*," having died on the way and being "*pardon*[ed]" (Hall 1548, cxlvi[r]), the same play also depicted a commoner's, Jack Cade's, iconoclasm regarding the executive powers of the monarch and capital punishment. For instance, apart from Jack Cade's procession of the kissing heads of the beheaded nobility (*2HVI* 4. 7. 100-128), we also have the parody of the hanging of a clerk, who was hanged by the angry mob "*with his pen and / inkhorn about his neck*" (*2HVI* 4. 2. 100-101). The whole scene mimicked formal investigations and interrogations subsequent to accusations. Accordingly, Cade substituted these formal procedures with his informal "*examin*[ation]" asking the clerk questions regarding his literacy as he was hanged because he could "*write and read and cast account,*" which the clerk seemingly confessed by saying he was able to "*write* [his] *name*" (*2HVI* 4. 2. 78-99). It could be claimed that the naïve and/or stupid procedures of the rebels were depicted to reinforce order by showing the disastrous effects of uncontrollable disorder (Legatt 1988, 17; Bernthal 2002, 259-274; Hadfield 2005, 121; Arnold 2007, 97-98; Hutson 2007, 148), which was achieved through the merging of chronicle material and former plays about the Peasants Revolt in 1381 and Cade's rebellion, substituting the literate rebels of the latter for the illiterate ones of the former (Hall 1548, clix[r]-clxi[r]; Grafton 1569, 330-342; Holinshed, Harrison & Hooker 1587, 3. 429-437, 3. 632-635; Nelson 1590, 3-7; Anonymous 1593, A3[r]-F3[r]). Yet, the disorder enabled the voicing of serious criticism towards the failings of the legislative and the executive powers in the Elizabethan Period. As Keyishian maintained for another context, whereas real life procedures of "[l]aw" did "*draw the straightest of lines between deeds and consequences,*" "*drama relish*[ed] *the discrepancies between them*" and enabled the questioning of such "*lines*" (2008, 176). Thereby, drama enabled the people to ask what could not be asked within the adherence to the textual reality created by the judicial discourse employed by the government to supress dissident voices against its failings. Therefore, the depiction of judicial matters on the stage in *2HVI* was significant for such interrogation. For instance, while the Staffords declared that Cade's followers were deemed as "*traitors*" and those who deserted the forces of the monarch were to "*even in their wives' and children's sight, / Be hanged up for example at their doors*" (*2HVI* 4. 2. 166-169) in order to reinforce order by repressive means including capital punishment, the murder of both Staffords and Cade's aim to "*break open / the goals*" and "*let*" "*the*

prisoners" "*out*" (*2HVI* 4. 3. 14-15) showed that capital punishment in crisis situations might not suffice to control disorder. For instance, one year after the production of *2HVI*, some of which had been acted out at the Rose theatre, in 1592 a "*great disorder in Southwark*" emerged because "*a feltmonger's servant* […] *was committed to the Marshalsea without any cause of offence*" *and the Knight Marshal's men in* "*rough and violent manner*" against the protesting apprentices did "*provoke*" those angry apprentices the more, causing an escalation of the disorders (Harrison 1974a, 138). Hence, the use of repressive means of state power did not always have a direct proportion in the cause and effect relationship, but could result in an opposite effect. What is more, apart from the fact that the "*apprentices, under the pretence of meeting at a play, assembled themselves to make a rescue*" of the said servant (Harrison 1974a, 138) and that later precautions against the "*renew*[al]" of "*disorder*" included the temporary suppression of drama "*for avoiding of these unlawful assemblies*" (Harrison 1974a, 142-143), the 1592 incident showed that regulated formal violence against disorderly informal violence might enhance disorder rather than maintain it. Not only because of the excuse to gather multitudes through gathering for theatres, but also due to the fact that many plays either before or at the moment in 1592 depicted scenes about the judiciary executive in a critical way (Deiter 2008, 89-90), equating off-stage realities with on-stage performances. Additionally, the assault upon "London Bridge" and "*the Tower*" by threatening for them to be "*burn*[ed] / *down*" (*2HVI* 4. 6. 13-15) in Shakespeare's play was a contemporary phenomenon for the reading public of the first quarto of *2HVI*, who might remembered some of productions of the play at the nearby Rose theatre, when in 1594 John Daniel informed a justice that there was "*a plot that* [was] *pretended for the firing of the Tower*" (Harrison 1974a, 284). Cade's fictive and the dissidents' real responses to the state's restrictive means by attacking its sacred spaces were symbolic gestures to deny the very sites of the exhibition of the executive power of the sovereign that was displayed through the imprisonment, execution and the showing of bodily parts of the executed at these sites.

In addition, the material reversal of the failing legislative and executive powers of the monarch was supported by the substitution of formal law with arbitrary oral verdicts in Shakespeare's play. Upon the Butcher's oral petition (*2HVI* 4. 7. 5-6), Cade would "*burn / all the records of the realm,*" so that his "*mouth*" would "*be the / parliament of England*" (*2HVI* 4. 7. 11-13). This was just the manifestation of the obvious, if we consider the arbitrary trials of the noblemen or commoners who were at odds with the paradigms of Cade. Although the verdict against Lord Saye even before his parodic trial was given in advance and it was exaggeratedly declared by Cade that Saye would be "*beheaded for* [the accusations] *ten times*" (*2HVI* 4. 7. 21), which included high taxation and the loss of the French territories (*2HVI* 4. 7. 17-20), the scene was important to illustrate serious concerns about the paradoxes of legal procedures. Apart from embodying the almost paradiastolic accusations about the spreading of literacy through "*erecting*" "*grammar school*[s]" and advancing of "*printing*" technologies (*2HVI* 4. 7. 23-37), Lord Saye was also fictional in materialising the criticism voiced aloud against legislative failings. Cade accused Saye of the fact that he had

> […] *appointed justices of*
> *peace, to call poor men before them, about matters they*
> *were not able to answer. Moreover,* [he had] *put them*
> *in prison, and because they could not read* [he had]
> *hanged them, when indeed only for that cause they*
> [had] *been most worthy to live* (*2HVI* 4. 7. 37-42).

Such utterances materialised the oppressive and "*tyrannical documentary culture*" (Baldo 2012, 22) of the repressive means of the judiciary that was felt by the majority of society. The obvious

comedy regarding the mock-heroic vindication of the rights of the illiterate set aside, this carnivalesque enabled the reflection of how truth could be "*produced*" (Foucault 1995, 47) and justified, through condemnation, imprisonment and execution. Actual performances of the play at the Rose theatre around 1591, which were ironically very near to the sites of the judiciary, introduced such thoughts that defied the judiciary. Subsequent quartos of 1594 reminded of these subversive thoughts and reinforced them in the Elizabethan consciousness.

Yet, the depictions of the commoners as an angry "*multitude*" led like "*feather* […] *lightly blown to and fro*" (*2HVI* 4. 8. 55), their choice of the *status quo*, just as depicted in chronicles (Hall 1548, clxᵛ-clxiʳ), not even minding to "*be hanged with* [their] *pardons about* [their] *necks*" (*2HVI* 4. 8. 22), and Cade's death, burial on a "*dunghill*" and beheading by Iden, a commoner, promoted by the monarchy (*2HVI* 4. 10. 24-84; 5. 1. 64-82) all were not just forms of "*containment*" falling back on the paradigms of promoting the *status quo* (Greenblatt 1988b, 65), but were also necessary to make social criticism possible towards the failings of, especially, the executive and legislative procedures of the Elizabethan Period. Thus, the theatre's depiction of execution with its possible subversive readings was in accordance with what Nashe defined in his vindication of the theatres as "*ſower pills of reprehenſion wrapt vp in ſweete words*" (1592, H2ᵛ) that had to be used for curing illnesses. Hence, Shakespeare's retraction could be considered as a cathartic hope that the Elizabethan theatre would be yet another place of ritual cleansing.

However, one year after the publication of the first quarto edition of *2HVI*, we see that the cathartic function of execution on and off the Elizabethan stage was not taken for granted by the audiences of both performances. As Foucault maintained, audience reaction towards executions in the form of "*popular practices* […] *invested, traversed and often overturned the ritual of the public execution*" (Foucault 1995, 60) in which formal violence could feed informal violence. The use of mimetic demonstration by the *status quo* to materialise capital punishment in order to ease social tensions could result in quite the opposite effect. As Deiter argued for the Elizabethan condition, this type of subversion was also promoted by "*the plays,*" depicting "*the Tower*" and executions which "*encouraged repressed Londoners to express their frustration*" which manifested itself especially in 1595 (Deiter 2008, 25). In particular, the culmination of dissent in 1595 with "*13 insurrections*" (Manning 1988, 208) might not have been instigated by high taxation or the loss of the French territories as in Shakespeare (*2HVI* 4. 7. 17-20), as quite similar protests erupted against inflation and arguments against positively discriminated strangers including the French and the Dutch (Harrison 1974b, 27-32). Here again, threatening and punishing with violence could not quench violence seen when "*riotous prentices*" who were "*punished with whipping, setting in the pillory, and long imprisonment*" (Harrison 1974b, 31) accelerated dissent. This was reflective of the fact that the executive power of the monarch through executions was most liable to subversion, especially "*in the case of those condemned for rioting*" (Foucault 1995, 60). Just as Cade parodied the beheading of noblemen, the prentices subverted their punishment being put into pillories by tearing them into pieces and erecting "*a gallows* […] *in front of the door of the Lord Mayor*" (Deiter 2008, 93), who was similar to Lord Saye equated with peculation, no matter how true or false that might be (Deiter 2008, 93; *2HVI* 4. 7. 92-93). Moreover, the use of violence led to the attempted seizure of Tower Hill two days later in the famous insurrection of the 29ᵗʰ of June 1595 (Harrison 1974b, 31), which could be seen as an attempt to seize the panoptical presence of the executive powers of the judicial system that was perceived to be unjust. The *Proclamation Against Unlawful Assemblies*, proclaimed on the 4ᵗʰ of July 1595, forbidding to "*go out into the streets in the evening,"* to "*write or be privy to seditious bills*" or to help rioters (Harrison 1974b, 32) and the hanging and disembowelling of "[f]*ive of the unruly youths*" twenty days later (Harrison 1974b, 39) could

effectively suppress disorders. Yet, we should note that these riots showed to what extend formal violence could beget rather than to suppress informal violence. Likewise, the attempt to suppress theatres as the "*cheef cause*" that caused "*the late stirr & mutinous attempt of those fiew apprentices and other servants*" (as cited in Deiter 2008, 94) could be seen as an effort to suppress the encoding of dissent because the plays depicted disorders and injustices in the judiciary system and enabled the gathering of people. As Foucault argued, although the narration of stories of executed people was a form of "*literature*" that actually aimed to make subjects abstain from defying the power of the monarchy, these narrations also advertised "*equivocal*[ly]" both the repentance and the "*strength*" of those criminals to "*the lower classes*" and "*glor*[ified]" people that were tried, to be eliminated (Foucault 1995, 65-8). Therefore, public execution should be considered not in a monolithic way as the absolute manifestation of the sovereign's power over his/her subjects, but as a space that generates several discursive and material truths that use and abuse each other's principles. In this respect, it could be claimed that Shakespeare's first tetralogy formed a part of that "*literature*" which promoted in an "*equivocal*" way either the repentance or the "*strength*" of the disorderly behaviour of the executed by recounting chronicle material in the vivid atmosphere of the Elizabethan stage, which foregrounded these in the consciousness of the playgoers and later reading public.

In conclusion, just as Shakespeare's Queen Margaret referred to executions and/or execution-like murders as a play being watched (*RIII* 4. 4. 61-78), there was a certain resemblance between real executions and their counterparts on the Elizabethan stage. On the raised scaffold of the stage, the historical material found in chronicles about the use of executions to maintain order was intended to be used as exempla. Yet, the Tower Hill insurrection together with other instances from 1590 to 1595 show that some members of the Elizabethan audience might have perceived disorderly behaviours rather to be examples to be imitated. The mimetic response of the audience might have been based upon possible equation of the injustices of the 15th century with the injustices they experienced in the Elizabethan Period. This might have been further supported by the fact that the executions in the plays, like those around the Tower area, were rather murders, which aggravated the doubts of the thwarted members of Elizabethan society concerning the fairness of real life judicial proceedings. Therefore, the first tetralogy of Shakespeare's history plays were among the plays that illustrated scenes of capital punishment on and off the Elizabethan stage that could not release but which heightened tension about the arbitrariness of justice in the Late Elizabethan Period perceived by playgoers and subsequent readers.

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