

Theatre of Judgment: Space, Spectators, and the Epistemologies of Law in *Bartholomew Fair*

The cultural crucible that was early modern London ignited innovations in both drama and the law, and the two fields often coalesced around similar epistemological and social concerns. Ben Jonson's *Bartholomew Fair* (1614) explores the contemporary connections between these spheres by employing the physical and conceptual dimensions of the playhouse to interrogate the law's increasingly professionalized discourses of investigation, evidence, and judgment. Although the play's metatheatrical induction figures the performance in the legal model of a contractual agreement, Jonson's dramaturgy does not simply mirror the structure of the law court or position his audience as a convened jury. Instead, the choreographed staging of the play establishes a richly visual arena in which various methods of seeing and knowing, from the strictly legal to the broadly social, are put to the test. *Bartholomew Fair*'s characters employ these strategies to negotiate the fair's rhetorical, gestural, social, material, and spatial dimensions for their own gain, but by doing so they also become unwitting *objects* of evaluation. In this way, *Bartholomew Fair* transforms the playhouse into a theatre of judgment where characters use both the investigative methods of the law and the flexible power of wit as they vie for advantage. However, as these fairgoers cluster and collude on the stage Jonson also encourages his spectators to identify with, assess, and even ridicule their struggles for information and authority, daring this corresponding assembly of loosely formed, impromptu groups of theatregoers to venture their own revealing judgments on the play. Through its staging of the densely layered spaces of the early modern city, *Bartholomew Fair* works to create a distinctively spatialized forum of participatory inquiry and response — the vital seeds of London's burgeoning public sphere.

As in many of Jonson's works, *Bartholomew Fair*'s prefatory material stakes out the confines of the ensuing performance. The induction's 'Articles of Agreement' deploy mock-legal language to institute a satiric contract among playgoers, the acting company, and the poet that defines the boundaries of audience judgment in the terms of physical space (ind.55).¹ When the Stage-keeper is questioned about his business onstage, he warily replies, 'the understanding gentlemen o' the ground here asked my judgment' (ind.41–2). This appeal to the denizens of the physical 'ground' of the playhouse yard is twisted into a term of social disparagement by the Book-holder, who sardonically observes that Jonson has written the play 'just to his [ie, the

Stage-keeper's] meridian, and the scale of the grounded judgements here, his play-fellows in wit', but the Scrivener also adopts the term as a piece of legal cant: 'the said spectators and hearers ... as also the grounded judgments and understandings, do for themselves severally covenant' (ind.63–6). In this way, Jonson successively weaves the term 'ground' into a series of discursive frameworks — the earth beneath the humblest playgoers' feet becomes the ultimate referent for a contract of judgment that binds everyone in the theatre.

The 'Articles of Agreement' further reinforce this link between physical space and the shaping force of law as the Scrivener specifies that each playgoer must 'be fixed and settled in his censure ... not to be brought about by any that sits on the Bench with him, though they indict and arraign plays daily' (ind.86–90). Jonson's figuration of 'the Bench' as legal and theatrical object invokes the contemporary context of the common law jury trial, which operated on the premise that all men possessed a natural ability to pass reasoned judgment on evidence.² However, the precise epistemological and social role of the jury was much debated in Jonson's time. Before 1533 jury members had been chosen primarily for their direct perceptual knowledge of a crime, like witnesses today, but Lorna Hutson notes that over the course of the sixteenth and seventeenth centuries 'jurors ceased to be self-informing and became entirely reliant on testimony presented in court', in part due to 'the rise of the justice of the peace as pretrial investigator'. In this new paradigm, a hierarchy of legal professionals gathered facts and presented cases to jury members who served solely as '*evaluators of evidence*'.³ This transition was still unfolding when the play debuted in 1614, and the juristic model of judgment that Jonson offers his audience was therefore a contested space in which the role of citizens in collecting and evaluating proofs coexisted tensely with that of justices and other officials. Indeed, by placing his spectators on 'the Bench', Jonson comically figures them not as a receptive jury, but as a competing crowd of would-be judges. As *Bartholomew Fair's* induction unfolds, however, it even more keenly echoes the vexed status of popular legal participation in the period. With characteristic slyness, Jonson extends the empowering forms and conventions of the common law only if spectators are able to raise enough capital for the price of admission.

Even as the Scrivener addresses his contract to all 'the Spectators or Hearers, at the Hope on the Bankside', he establishes a hierarchy of evaluation in specifying that 'It shall be lawful for any man to judge his six pennorth, his twelve pennorth, so to his eighteen pence, two shillings, half a crown, to

the value of his place' (ind.75–7).⁴ But the true weight of this provision lies in the Scrivener's resounding caveat: each spectator may judge according to his place, 'Provided always his place get not above his wit' (ind.77–8). As a counterweight to the abundant conceptual resources of the law, 'wit' supplies a crucial theoretical dimension of *Bartholomew Fair*. Scholars have aptly noted that the early modern conception of wit is endlessly polyvalent, bearing strong associations with elite culture as well as with more pragmatic forms of perceptiveness or discretion.⁵ Current criticism places particular emphasis on what Adam Zucker calls 'the social logic of wit'.⁶ As Zucker explains in his study of Jonson's *Epicoene*, 'performances of wit ... are constantly in tension with and made meaningful by a vast field of objects, spaces, and knowledge that produce social power or make status recognizable'.⁷ In much the same way, as *Bartholomew Fair* invokes the idea of wit — roughly taken to include visual acuity, intelligence, and social aptitude — the play also challenges theatregoers to disclose their own revealing verdict on the spectacle before them: the Scrivener's jibe that those who 'will swear *Jeronimo* or *Andronicus* are the best plays yet shall pass unexcepted at' only affirms that the very act of evaluation necessarily leaves one open to contention and critique (ind.90–1).⁸ Through these metatheatrical conceits, the play's induction charges the deeply visual field of the Jacobean public theatre with the force of interwoven judgments, establishing a volatile economy of knowledge and social advantage in which spectators may gain or lose in an instant. Throughout the subsequent performance, Jonson exploits the physical properties of the early modern playhouse to transform the multilayered urban spatiality of *Bartholomew Fair* into an arena where these epistemologies of law and wit are themselves put on trial.

Bartholomew Fair almost certainly debuted at the Hope, a public playhouse with a removable stage that also allowed it to host animal-baiting and other paratheatrical spectacles. This eclectic, even competitive multifunctionality is mirrored by the play-world's maze of inset structures and performative spaces, including the fair booths, the stocks, and the puppet-theatre.⁹ Jonson generates much of the play's humour from the squabbles for spatial and visual prominence among the fair's proprietors, as when Leatherhead demands that Joan Trash 'Sit farther with your gingerbread-progeny there and hinder not the prospect of my shop' — like the spectators, these figures are keenly aware that they too 'pay for [their] ground' (2.2.3–14). Alongside these structural requirements, the plot of *Bartholomew Fair* also hinges on the apprehension and exchange of legally significant objects. For example,

in the play's opening lines the proctor Littlewit carries a marriage license onstage as he marvels at his ability 'to spin out these fine things still and like a silk-worm, out of myself' (1.1.1–2). In contrast, Humphrey Wasp brusquely insists, 'never open or read it to me ... fold it up o' your word and gi' it me' (1.4.5–7), while the insatiable Bartholomew Cokes must be content to 'look upo' the case' in which the license is carried (1.5.38). The extended deliberation over this 'case' strongly underscores spectators' sense of the document's materiality and spatial presence; indeed, Wasp even grudgingly pays Littlewit an extra 'eight pence' for it (1.4.20). The 'hard words' of the marriage licence, as Wasp dismissively calls them — the commanding utterances of the law made tantalizingly and corruptibly material — thus serve as instrumental cues for Jonson's fairgoers to disclose their stances towards visibility, knowledge, and social relations (1.5.33).

Importantly, these material and spatial engagements occur not just between individual characters, but between the ever-shifting *groups* of Londoners that become entangled in the fair's spectacles.¹⁰ Leo Salinger incisively claims that 'the assembly of people at the Fair constitute not only a crowd but a public', akin to 'the real spectators in the Hope'.¹¹ I want to argue, however, that the provisional unions formed by Jonson's fairgoers suggest not a unitary 'public' so much as the fertile beginnings of coexistent 'publics', recently defined by Bronwen Wilson and Paul Yachnin as 'voluntary groupings built on the shared interests, tastes, commitments, and desires of individuals'.¹² With its enticing offers of 'pears', 'gilt gingerbread', and 'ballads' (2.2.30–9), *Bartholomew Fair* depicts a realm where the common pursuit of pleasure gathers diverse people into new forms of association, as when the easygoing Littlewit and the hypocritical Zeal-of-the-Land Busy alike are drawn into Ursula's pig-booth by 'the good titillation of the famelic sense' (3.2.71–2). More significantly, in much the same way that publics collectively pursued 'new kinds of expertise and evaluative standards ... of analysis and judgment', the most successful characters in the play employ tactics of makeshift cooperation as they seek knowledge and advantage in the spaces of the fair.¹³ As such, while *Bartholomew Fair* cannot be said to exhibit coherent, lasting 'publics' in the strictest sense, Jonson's dramaturgy develops a constantly shifting field of opportunities for both characters and spectators to participate in newly public ways of seeing and knowing, modeling strategies of epistemic collaboration through the shared efforts of these deftly grouped figures.

For instance, when the disguised Justice Adam Overdo delivers the knowing aside that he ‘will put [Ursula] in, for my second enormity’, readers are reminded that he is lingering near the fair’s booths while clandestinely scribbling a list of offenses in his black book (2.2.64–5). More than just a detached observer, Justice Overdo also actively collaborates with city dwellers like Mooncalf in his search for legal proof, as when he slips into thieves’ cant to ask the cunning boy whether Knockem is ‘a knight of the knife’ (2.3.22–3). For an audience primed by the play’s induction to seek out and pass judgment upon staged events, Overdo’s inquisitive presence on the periphery of the action constructs Ursula’s booth as a tempting, transgressive space in much the same way that the richly evoked scent of roasting pig attracts fairgoers to its door.¹⁴ Over the course of *Bartholomew Fair* such framing devices — effected largely through Jonson’s manipulation of physical and social space — enable some characters to directly engage the audience, encouraging spectators both to consider events through onstage observers’ eyes and to evaluate the legitimacy of those observations.¹⁵ The fair’s spectacles thus anchor moments of heightened publicity in which characters and theatregoers alike are dared to participate. As in the induction, however, this participation inevitably opens up the electrifying possibility that one will find oneself an object of the public gaze and judgment that rules the play.

As they navigate the beckoning interiors and open venues called up by Jonson’s spatializing dramaturgy, figures like the grandiloquent Justice Overdo, the witty gallants Quarlous and Winwife, and the coolly perceptive Grace Wellborn act out a range of strategies for acquiring and leveraging social knowledge. But if audience members are continually encouraged to self-reflexively critique these characters’ endeavours, Justice Overdo’s criminal investigation represents perhaps the most overt demand for playgoers’ appraisal in *Bartholomew Fair*. As the play’s chief representative of London’s professional legal establishment, Overdo is central to Jonson’s interrogation of early modern concepts of judgment.

From his first appearance, the justice’s compelling invocations of urban space lend him a unique ability to attract spectators’ notice. As he strides onto the stage, Overdo proclaims his goal of being ‘a capital member of this city ... who would take you, now the habit of a porter; now of a carman; now of the dog-killer ... into every alehouse, and down into every cellar’ (2.1.11–16). In an echo of Michel de Certeau’s notion of the ‘tour’ — an experiential account of place comprised of a series of ‘spatializing actions’ — the justice

here invites spectators to accompany him on an imaginative journey into the cloistered inner spaces of Bartholomew Fair, where one may ‘measure the length of puddings ... and custards with a stick, and their circumference with a thread’ (16–18).¹⁶ Justice Overdo explains that he has undertaken this ‘special day of detection’ in order to document ‘the yearly enormities of the fair’ as evidence for the punitive ‘Piepowders’ court that haunts the periphery of the play (35–7). Overdo thus specifically defines his mission as an official process of evidence-gathering; in de Certeau’s terms, his tour ‘conditions’ the creation of an epistemological ‘map’ that promises to record a totalized and legally actionable image of the fair’s crimes.¹⁷ But as he laments, ‘alas, as we are public persons, what do we know? Nay, what can we know’ (23–4), the justice also underscores the foundational paradox of his project: he must adopt the disguise of a private person to bring evidence to light in a publicized ritual of arraignment and sentencing.

Just as Overdo seeks to circumvent the need to ‘hear with other men’s ears’ and ‘see with other men’s eyes’ by relying on ‘a foolish constable, or a sleepy watchman’ (24–5) for intelligence, enterprising justices of the peace in Jonson’s time were both celebrated and denounced for their efforts to scour the expanding city for legal proof in person.¹⁸ The lawyer and author Michael Dalton begins his influential *The Country Justice* (1618) with an Epistle arguing that ‘the actions and the proceedings of the Iustices of the Peace, should bee well and duely looked into, and themselues worthie to bee punished, when through malice, or other corruption they shall doe unjustly’.¹⁹ Importantly, Dalton specifically recommends the text as a guide for justices taking legal action ‘priuately, and peradventure upon the sudden’, observing that these officials ‘are farre more able to direct themselues’ in ‘publique meetings and assemblies’.²⁰ Overdo may bracket his first soliloquy with the mantra that he works ‘in justice’ name, and the king’s; and for the commonwealth’ (2.1.1–2, 40–1), but Dalton’s sensitive awareness that ‘iustice may be peruerted many wayes’ by JPs functioning as private persons is staged throughout *Bartholomew Fair*.²¹ As Smithfield’s fairgoers overtake the stage and embroil the disguised magistrate in their own plots and concerns, his legal investigation becomes firmly entangled in a radically participatory model of public judgment — a potent alternative to the flawed authority of the private justice.

While Overdo’s soliloquies establish him as an attractive spectacle for the members of Jonson’s audience, this same verbosity also makes him an easy target of the fair’s denizens. His bizarre ejaculations on the evils of ‘bottle-ale

and tobacco' (2.6.1), provoked by Mooncalf, almost immediately implicate him as an unwitting accessory in Edgeworth's theft of a purse belonging to the oblivious Bartholomew Cokes. But though Overdo's canting speeches render him woefully ignorant of the crime occurring before him, the scene also presents audience members with a sensorially demanding spectacle.²² When the theft takes place, no less than seven major characters are onstage, as well as a number of other figures who may look on in amusement, jeer at the sermonizing Overdo, or simply contribute to the general din as they hawk their wares.²³ While the actor playing Edgeworth might farcically draw spectators' attention through a look or gesture — like an exaggerated tug on Cokes' purse strings — the actual moment of the theft may even have been partially obscured from inattentive playgoers by the sheer accumulation and frantic motion of bodies on the stage. As his soliloquies give way to these spatially embedded 'orations' (2.2.113), Overdo is thus reduced from a self-fashioned investigator of the fair's enormities to an involuntary participant, incapable of framing viewers' perspectives on the chaotic scene. Far from allowing him to slip easily into the spaces of the fair, Justice Overdo's 'bawling' (2.6.77) speech and fool's costume finally lead Wasp to take him for a mad puritanical cutpurse, and he is literally driven off the stage in an act of popular justice.²⁴

In this way, Overdo's authority is subsumed beneath a complex interplay of socially and spatially dispersed judgments — Jonson's feverishly staged array of bodies, props, sounds, and motions here becomes not simply an undifferentiated crowd, but a remarkably responsive network of self-interested city-dwellers. Like a witless Hamlet, Overdo pronounces in his second soliloquy that he 'will make no more orations shall draw on these tragical conclusions' (3.3.1–2) before reluctantly admitting that he was

one cause (a by-cause) why the purse was lost ... that exhortation, which drew the company, indeed, which drew the cutpurse, which drew the money, which drew my brother Cokes his loss, which drew on Wasp's anger, which drew on my beating: a pretty gradation!
(4–17)

Overdo's language here parodies early modern forensic rhetoric, a technique of legal writing in which authors emphasized causal links between events in order to create evidential narratives of guilt.²⁵ No longer a 'wise magistrate' touring the maze of the city to uphold 'the public good' (2.1.8), Justice Overdo in his own account becomes merely 'the said Adam' (3.3.3) — just

one entangled actor in a vibrantly connective ‘company’ (14) that can scarcely be rendered by this plodding fragment of legal prose. Unlike his thundering first soliloquy, Overdo’s admission is also witnessed by another set of interpreters in the gallants Quarlous and Winwife, who summarily dismiss him as a ‘fool’ before turning to view ‘fresher argument’ (36). Where the pedantic legalism of the justice fails to account for the complexity of deeds and judgments in urban space, together these characters exploit both wit and the law as they navigate the fair to their mutual advantage.

In contrast with Overdo’s clandestine investigations, Winwife and Quarlous are first drawn to the fair primarily by the sheer entertainment to be found in the ‘excellent creeping sport’ of inferior wits (1.5.122). Upon catching sight of Cokes and his prospective bride Grace Wellborn, Winwife whispers, ‘Did you ever see a fellow’s face more accuse him for an ass’, while Quarlous quips, ‘Accuse him? It confesses him one without accusing’ (44). The gallants’ rhetorical twisting of the law’s terminology into witty rejoinder underscores the close cultural interrelationship between these concepts of judgment.²⁶ However, this deft mingling of epistemological frameworks also proves more pragmatically useful as Bartholomew Cokes reveals ‘*his purse boastingly*’ in a fit of bravado that predictably attracts Edgeworth and Nightingale (3.5.34.1). Jonson once more floods the space with fairgoers in this scene: eleven named characters are onstage, and Busy’s party of four has also joined Mooncalf, Knockem, Whit, and Ursula in the latter’s ‘pig-box’ for a clandestine feast (3.2.117).²⁷ But where Overdo was previously duped by the thieves’ exploitation of the fair’s bustling crowds, this play of bodies allows Quarlous and Winwife to demonstrate an impressive degree of social perceptiveness. As Cokes chirps ‘Which pocket is’t in? For a wager?’ (3.5.137), Edgeworth makes off with yet another purse, but Jonson here includes an explicit stage direction in which the thief ‘*gets up to him, and tickles him in the ear with a straw twice to draw his hand out of his pocket*’ (150.1–2). This gesture supplies comic spectacle for the audience as well as for Winwife, who comments, ‘He has it, ’fore God he is a brave fellow; pity he should be detected’ (160–1). Even more remarkably, when Edgeworth silently slips the purse to Nightingale — a feint wholly unmarked in the text — Winwife marvels, ‘That conveyance was better than all, *did you see’t?*’ (166, emphasis added). Although it is difficult to discern how overtly this second action might have been staged, Winwife’s visual acuity provides a striking frame for audience perspective on the scene: his question is as much addressed to *Bartholomew*

Fair's spectators as it is to his partner Quarlous. Unlike Overdo's 'orations', these terse remarks effectively solicit theatregoers' attention and emulation.

If Winwife's keen eye fulfills one criterion of witty judgment — the ability to observe and evaluate the behaviour of others — it is Quarlous who converts this discernment into tangible social advantage. Briskly approaching Edgeworth after Cokes' party has left the stage, Quarlous announces, 'Do not deny it. You are a cutpurse, sir, this gentleman here, and I, saw you, nor do we mean to detect you' (3.5.229–30). The pair's proposal to Edgeworth neatly captures the play's ongoing juxtaposition of visual aptitude with the legal discourse of evidence, in a manifestation of what Cynthia Herrup has called the 'law as lived': though he asserts that he and Winwife 'saw' the theft, Quarlous vows not to 'detect' it as a legal proof.²⁸ By recruiting the cutpurse to steal Cokes' marriage license, leaving Wasp only the disputed 'box, to play with still' (242), Quarlous and Winwife strive to exploit the material and social implements of the law as they plot to win the hand of Grace Wellborn. The ingenious ward also proves herself an epistemological adept of *Bartholomew Fair*, however, manipulating not only these legal objects but also the very properties of evaluative vision itself.

While the character of Grace initially seems to be a victim of the wardship system that would marry her against her will, she reveals a remarkable degree of agency by adapting the language and methods of the common law to secure her own liberation.²⁹ In contrast with other characters' unwitting self-disclosures, Grace attributes her reluctance to choose between the suits offered by Quarlous and Winwife to her 'wit' and 'cunning', insisting that she cannot make her 'choice, without knowing you more' (4.3.25–8). Echoing the law's participatory rhetoric in her suggestion that the two gallants 'are reasonable creatures' who possess 'understanding, and discourse', Grace then asks if they will 'consent to a motion' that would establish a trial appealing to the judgment of ordinary Londoners (4.3.30–6). A counterpoint to Jonson's satire on overreaching jps, embodied by the inept Overdo, this device stages an equally deft skewering of the law's dependence on the suspect reason of the commons. As Grace assures Quarlous and Winwife that she will 'fix my resolution, and affection' (47) upon a passerby's choice between two words selected by the men and inscribed on wax writing tables, the trio's solicitation of the lunatic Trouble-all enacts the pitfalls of any truly public process of jury selection.³⁰

In the following mock trial, Jonson stages a comic incarnation of the law's commanding spirit into its supremely pliant letter. Like *Bartholomew Fair*'s

other legal objects, Grace's wax tables suggest the fundamentally imperfect implementation of human law; in contrast with the stone tablets of the Mosaic covenant, their impressionable surface presents a potential palimpsest of misattributed and transitory judgments. And as in the twinned purse theft scenes, Jonson's deliberate manipulation of stage space is crucial as the mad officer reluctantly delivers the sentence, 'I do like him there: that has the best warrant' (4.3.82). Quarlous and Winwife apparently avert their eyes so as not to witness Trouble-all's choice, perhaps marked according to Grace's instructions by a 'stroke' (76) on one of the tablets, but whether theatregoers would be privy to this information is less clear.³¹ Regardless of its precise staging, however, this exchange is intrinsically rich with visuality as each character bristles with concern at what they can and cannot see — in her device, Grace most fully exploits the spatially and socially locative relationships between self-interested characters to stage visual interactions that both frame and playfully unseat audience perception. The young ward thus compels and channels spectators' attention precisely because, like Jonson himself, she cannily manipulates the underlying logic of participatory public judgment to secure her own liberty and satisfaction.

By shaping the fair's anarchic urban space into an arena where the witty vision of Quarlous and Winwife can be anticipated and redirected according to the bounds of a contract between 'reasonable creatures' — as when she reminds Quarlous that he 'promise[d], not to inquire' (4.3.92) about the trial's result — Grace quietly assumes the elusive epistemological authority laid out in the play's induction. In so doing, she presents playgoers with a stage-managed spectacle of legal publicity that models how they themselves might triumph in the contests of perception that animate Jonson's theatre.

The supper invitation that the humbled Overdo finally extends to the denizens of Smithfield has traditionally led critics to dub *Bartholomew Fair* Jonson's most humane play, foregoing acerbic satire or moral didacticism in favour of a more tolerant account of the limits of individual wisdom.³² But the play's finale cannot simply be said to champion an ideal of commonsense reckoning; even in these closing moments, *Bartholomew Fair* sustains a complex dialectic between the playhouse, the law court, and the city beyond.³³ Although the justice's return to common humanity as 'Adam, flesh and blood' (5.6.85) dethrones any authoritative account or trial of the fair's events, through this invitation Jonson creatively bursts open the theatre of judgment his dramaturgy has so exactly created. As Quarlous proposes that he and Overdo 'compare our discoveries, and drown the memory of all

enormity in your biggest bowl at home' (87–8), he sets forth a comic model for extending *Bartholomew Fair's* persistent play of epistemology beyond the Bankside theatre. Similarly, if Cokes' request to 'bring the actors along' and 'ha' the rest of the play at home' metatheatrically invokes the Hope's audience and players spilling out together into the London streets, the pecuniary and personal victories of Quarlous, Winwife, and Grace Wellborn more subtly suggest the value of applying the law's practices to the dense entanglements of the city's competitive social world (100–1).

Ultimately, *Bartholomew Fair* presents its audience with an image of the law as living process: a body of ritual, language, and epistemological stances that can be assumed within and across the spaces of London by diverse social actors. What Jonson offers in this closing scene is therefore not a simple ethical corrective but a staging of how the play's self-reflective investigation of seeing, knowing, and navigating physical and social space might be continued outside the playhouse walls. In the final words of Bartholomew Cokes, as Jonson's theatre of judgment opens its doors *Bartholomew Fair* encourages its spectators to bear the budding and dynamic public associations they have formed within the playhouse — defined by a complex 'play' of adopting, evaluating, challenging, deriding, and exploring their own and others' assumptions and conclusions — out into the sprawling, thriving space they call 'home'.

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Notes

- 1 This and all subsequent citations of *Bartholomew Fair* are from H.M. Ostovich (ed.), *Ben Jonson: Four Comedies* (London, 1997), 537–688.
- 2 Barbara J. Shapiro, *A Culture of Facts: England, 1550–1720* (Ithaca, 2000), 13.
- 3 Lorna Hutson, "Rethinking the Spectacle of the Scaffold": Juridical Epistemologies and English Revenge Tragedy', *Representations* 89 (2005), 37.
- 4 Keith Sturgess, *Jacobean Private Theatre* (London, 1987), 172 observes that the prices listed by the Scrivener more closely resemble those charged at private theatres than at the public Hope playhouse. Possibly Jonson here wryly challenges his Bankside audience to exercise the relative discernment of the private spectator.

- 5 See, for example, Ian Munro, 'Knightly Complements: *The Malcontent* and the Matter of Wit', *English Literary Renaissance* 40.2 (2010), 216–17.
- 6 Adam Zucker, *The Places of Wit in Early Modern English Comedy* (Cambridge, 2011), 42.
- 7 Zucker, 'The Social Logic of Ben Jonson's *Epicoene*', *Renaissance Drama* 33 (2004), 55.
- 8 I follow Zucker and Munro in linking these models of wit and judgment to Pierre Bourdieu's idea of 'cultural competence', established in *Distinction: A Social Critique of the Judgement of Taste* (Cambridge, MA, 1984). By contrasting his own work with the old-fashioned tragedies of Kyd or Shakespeare, Jonson invokes the development of a theatrical culture that made Londoners' opinions of plays one of many new indicators of their social position in the period.
- 9 On the Hope's uniquely flexible performance space, see Glynne W.G. Wickham, *Early English Stages, 1330–1600* (London, 1959), 170, and Andrew Gurr, *Playgoing in Shakespeare's London* (Cambridge, 1987), 31. On the material aspects of the play's staging, see especially Eugene M. Waith, 'The Staging of *Bartholomew Fair*', *SEL* 2.2 (1962), 183–86, and Gabriel Egan, 'The Use of Booths in the Original Staging of Jonson's *Bartholomew Fair*', *Cahiers Elizabethains: Late Medieval and Renaissance Studies* 53 (1998), 45–66.
- 10 Sturgess, *Jacobean Private Theatre*, 173–4 suggests that Jonson may have written the play, with its conspicuously lengthy cast of characters, specifically to take advantage of the unusually large amalgamated company that gave its first performance, Lady Elizabeth's Men.
- 11 Leo Salinger, 'Crowd and Public in *Bartholomew Fair*', *Renaissance Drama* 10 (1979), 146 draws on the foundational effort of Richard Levin, 'The Structure of *Bartholomew Fair*', *PMLA* 80.3 (1965), 172–9, to determine an overarching pattern in Jonson's arrangements of characters on the space of the stage. Unlike Levin or Salinger, however, I am more intrigued by the persistent volatility of the play's staging practices.
- 12 Bronwen Wilson and Paul Yachnin, eds., *Making Publics in Early Modern Europe: People, Things, Forms of Knowledge* (New York, 2010), 1.
- 13 *Ibid.*, 2.
- 14 Egan, 'Booths', 45 and Waith, 'Staging', 188–9 have suggested that Ursula's pig-booth may actually have been erected onstage during Overdo's delivery of this long speech — a staging choice that would even more decisively have associated the justice's rhetorical construction of *Bartholomew Fair* as a 'womb and bed of enormity' (2.2.96) with the physical work of creating this space in the theatre.

- 15 See William Slights, *Ben Jonson and the Art of Secrecy* (Toronto, 1994), 21 on Jacobean 'framing' techniques more generally.
- 16 Michel de Certeau, *The Practice of Everyday Life* (Berkeley, 1984), 119.
- 17 *Ibid.*, 119–20.
- 18 See Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), 221–25 on the vexed occupational relationship between justices and constables, particularly in suburbs like the play's Smithfield. David McPherson, in 'The Origins of Overdo: A Study in Jonsonian Invention', *Modern Language Quarterly* 37.3 (1976), 221–33, convincingly argues that the Justice is a pointed satire of the contemporary Lord Mayor Thomas Middleton, rumoured to have toured the city in disguise in his previous post as a sheriff. On the often contested civic fanfare for such achievements in the period, see Kara Northway, "'To Kindle an Industrious Desire": The Poetry of Work in Lord Mayors' Shows', *Comparative Drama* 41.2 (2007), 167–73.
- 19 Michael Dalton, *The Countrey Justice* (London, 1618), *Early English Books Online (EEBO)*, A5v.
- 20 *Ibid.*, A6r.
- 21 *Ibid.*, 4 (B2v).
- 22 Eric Wilson, 'Plagues, Fairs, and Street Cries: Sounding out Society and Space in Early Modern London', *Modern Language Studies* 25.3 (1995), 13–27, has similarly argued that *Bartholomew Fair* stages the perpetual contest for 'sonic authority' that characterized the early modern urban environment.
- 23 Alongside Overdo, Edgeworth, Nightingale, and the four members of Cokes' party, there is no textual indication that Leatherhead and Joan Trash (who enter at 2.2) or the Corncutter, the Tinder-box Man, and various 'Passengers' (who arrive with Edgeworth and Nightingale at 2.4) have cleared the stage.
- 24 Cynthia B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth Century England* (Cambridge, 1987), 198, observes that 'persons who acted eccentrically or boasted carelessly' were likely to be targeted by the popular justice of the period.
- 25 In *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Oxford, 2007), Lorna Hutson posits that such forensic rhetoric, taught widely in Tudor and Stuart grammar schools, influenced developments in both legal documentation and dramatic plotting and characterization.
- 26 *Ibid.*, 304. Hutson suggests important contemporary links between formal legal techniques and 'those broader contexts of socially refining interlocution in which we are called upon to grasp allusions, interpret witticisms, and make assessments of each other's moral worth and social status'.

- 27 Waith, 'Staging', 186–7, observes that the booth 'must be large enough to contain at least the seven characters revealed there at the opening of Act IV, Scene iv'. Possibly, then, these characters remain within the booth as a source of ambient noise and eye-catching movement, rather than exiting immediately through the rear of the structure.
- 28 Herrup, *The Common Peace*, 193. *The Oxford English Dictionary* (OED) records that 'detect' has borne the specialized legal meaning of 'to inform against, accuse' since ca 1449, with a cluster of occurrences around 1600.
- 29 See Luke Wilson, *Theaters of Intention: Drama and the Law in Early Modern England* (Stanford 2000), 131–4 for a summary of the wardship system and of theatrical responses to its perceived abuses by guardians like Justice Overdo.
- 30 Shapiro, *A Culture of Fact*, 8–9 notes that despite the assumed universality of human reason, in practice strict criteria including 'age, sex, education, social status ... reputation', and, of course, soundness of mind, governed authorities' choice of jurors.
- 31 One can imagine a number of potential visual frameworks for this scene. The tablets may be turned away from the audience, making Trouble-all's choice a tantalizing secret, while the visible choice of a suitor's name would significantly inflect spectators' impressions of the subsequent scramble for Grace's favour.
- 32 See Jackson Cope, 'Bartholomew Fair as Blasphemy', *Renaissance Drama* 8 (1965), 151–2; Richard Burt, *Licensed by Authority: Ben Jonson and the Discourses of Censorship* (Ithaca, 1993), 105–6, for examples.
- 33 Subha Mukherji has offered a similar assessment in 'Jonson's *The New Inn* and a Revisiting of the "Amorous Jurisdiction"', *Law and Literature* 18.2 (2006), 154.

'The Hole in the Wall': Sacred Space and 'Third Space' in *The Family of Love*

The Family or House of Love, a mystical religious fellowship, was founded by Hendrick Niclaes, a Westphalian merchant, who settled in the northern German city of Emden around 1540; from there his perfectionist theology quickly spread across the Low Countries, France, and England.¹ Between 1560 and 1580, and again in the years immediately after James I's accession to the throne, English Familism became visible through a series of pamphlets.² The play *The Family of Love* dates from around 1607, when it was entered into the Stationers' Register, and belongs to the second period of public debate about the Family in England.³