The Invention Of Suspicion Law And Mimesis In Shakespeare And Renaissance Drama

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The Invention of Suspicion argues that the English justice system underwent changes in the sixteenth century that, because of the system's participatory nature, had a widespread effect and a decisive impact on the development of English Renaissance drama. These changes gradually made evidence evaluation a popular skill: justices of peace and juries were increasingly required to weigh up the probabilities of competing narratives of facts.

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The Invention of Suspicion: Law and Mimesis in Shakespeare ...
The Invention of Suspicion is a brilliantly suggestive study of the law's relation to Elizabethan drama. The book focuses on the impact of three intertwined factors: classical forensic rhetoric, Roman New Comedy, and the common law.

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The Invention of Suspicion argues that the English justice system underwent changes in the sixteenth century that, because of the system's participatory nature, had a widespread effect and a decisive impact on the development of English Renaissance drama. These changes gradually made evidence evaluation a popular skill: justices of peace and juries were increasingly required to weigh up the probabilities of competing narratives of facts. At precisely the same time, English dramatists were absorbing, from Latin legal rhetoric and from Latin comedy, poetic strategies that enabled them to make their plays more persuasively realistic, more 'probable'. The result of this enormously rich conjunction of popular legal culture and ancient forensic rhetoric was a drama in which dramatis personae habitually gather evidence and 'invent' arguments of suspicion and conjecture about one another, thus prompting us, as readers and audience, to reconstruct this 'evidence' as stories of characters' private histories and inner lives. In this drama, people act in uncertainty, inferring one another's motives and testing evidence for their conclusions. As well as offering an overarching account of how changes in juridical epistemology relate to post-Reformation drama, this book examines comic dramatic writing associated with the Inns of Court in the overlooked decades of the 1560s and 70s. It argues that these experiments constituted an influential sub-genre, assimilating the structures of Roman comedy to current civic and political concerns with the administration of justice. This sub-genre's impact may be seen in Shakespeare's early experiments in revenge tragedy, history play and romance comedy, in Titus Andronicus, Henry VI and The Comedy of Errors, as well as Jonson's Every Man in his Humour, Bartholomew Fair and The Alchemist. The book ranges from mid-fifteenth century drama, through sixteenth century interludes to the drama of the 1590s and 1600s. It draws on recent research by legal historians, and on a range of legal-historical sources in print and manuscript.

In 500, the legal order in Europe was structured around ancient customs, social practices and feudal values. By 1500, the effects of demographic change, new methods of farming and economic expansion had transformed the social and political landscape and had wrought radical change upon legal practices and systems throughout Western Europe. A Cultural History of Law in the Middle Ages explores this change and the rich and varied encounters between Christianity and Roman legal thought which shaped the period. Evolving from a combination of religious norms, local customs, secular legislations, and Roman jurisprudence, medieval law came to define an order that promoted new forms of individual and social representation, fostered the political renewal that heralded the transition from feudalism to the Early Modern state and contributed to the diffusion of a common legal language. Drawing upon a wealth of textual and visual sources, A Cultural History of Law in the Middle Ages presents essays that examine key cultural case studies of the period on the themes of justice, constitution, codes, agreements, arguments, property and possession, wrongs, and the legal profession.

Some of the most exciting and innovative legal scholarship has been driven by historical curiosity. Legal history today comes in a fascinating array of shapes and sizes, from microhistory to global intellectual history. Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation. Drawing on scholarship from around the world, and representing a variety of methodological approaches, areas of expertise, and research agendas, this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law, past, present, and future. Part I explores the relationship between legal history and other disciplinary perspectives including economic, philosophical, comparative, literary, and rhetorical analysis of law. Part II considers various approaches to legal history, including legal history as doctrinal, intellectual, or social history. Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models, schools, and movements of legal thought. Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time, cultures, and space. Finally, Part V narrows the Handbooks focus to explore several examples of legal history in action, including its use in various legal doctrinal contexts.

This book, the first to trace revenge tragedy's evolving dialogue with early modern law, draws on changing laws of evidence, food riots, piracy, and debates over royal prerogative. By taking the genre's legal potential seriously, it opens up the radical critique embedded in the revenge tragedies of Kyd, Shakespeare, Marston, Chettle and Middleton.

After its heyday in the 1970s and 1980s, many wondered whether the law and literature movement would retain vitality. This collection of essays, featuring twenty-two prominent scholars from literature departments as well as law schools, showcases the vibrancy of recent work in the field while highlighting its many new directions. New Directions in Law and Literature furnishes an overview of where the field has been, its recent past, and its potential futures. Some of the essays examine the methodological choices that have affected the field; among these are concern for globalization, the integration of approaches from history and political theory, the application of new theoretical models from affect studies and queer theory, and expansion beyond text to performance and the image. Others grapple with particular intersections between law and literature, whether in copyright law, competing visions of alternatives to marriage, or the role of ornament in the law's construction of racialized bodies. The volume is designed to be a course book that is accessible to undergraduates and law students as well as relevant to academics with an interest in law and the humanities. The essays are simultaneously intended to be introductory and addressed to experts in law and literature. More than any other existing book in the field, New Directions furnishes a guide to the most exciting new work in law and literature while also situating that work within more established debates and conversations.

A study of the concept of custom, the basis of England's common law, in literary experiments of sixteenth-century England and Ireland.

Explores the history of legal theatricality from antiquity to the eighteenth-century. It recovers a long tradition of jurisprudential thought about law as a form of theatre, a tradition that ancient, medieval, early modern, and later theorists transmitted across centuries, continually elaborating and reworking it to suit changing conditions.

The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline, providing scholars with a comprehensive international resource, a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field. To this end, the Handbook takes a broad approach to its subject matter, disciplinarily, geographically, and systematically. Its contributors include current and future research leaders representing a variety of legal systems, methodologies, areas of expertise, and research agendas. The Handbook is divided into four parts: Approaches & Methods (I), Systems & Methods (II), Aspects & Issues (III), and Contexts & Comparisons (IV). Part I includes essays exploring various methodological approaches to criminal law (such as criminology, feminist studies, and history). Part II provides an overview of systems or models of criminal law, laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis (such as Islamic, Marxist, and military law). Part III covers the three aspects of the penal process: the definition of norms and principles of liability (substantive criminal law), along with a less detailed treatment of the imposition of norms (criminal procedure) and the infliction of sanctions (prison or corrections law). Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law (such as jurisdiction, mens rea, justifications, and excuses). Part IV places criminal law in context, both domestically and transnationally, by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's place in the projects of comparative law, transnational, and international law.

John Milton is widely known as the poet of liberty and freedom. But his commitment to justice has been often overlooked. As Alison A. Chapman shows, Milton's many prose works are saturated in legal ways of thinking, and he also actively shifts between citing Roman, common, and ecclesiastical law to best suit his purpose in any given text. This book provides literary scholars with a working knowledge of the multiple, jostling, real-world legal systems in conflict in seventeenth-century England and brings to light Milton's use of the various legal systems and vocabularies of the time—natural versus positive law, for example—and the differences between them. Surveying Milton's early pamphlets, divorce tracts, late political tracts, and major prose works in comparison with the writings and cases of some of Milton's contemporaries—including George Herbert, John Donne, Ben Jonson, and John Bunyan—Chapman reveals the variety and nuance in Milton's juridical toolkit and his subtle use of competing legal traditions in pursuit of justice.

"William Shakespeare is inextricably linked with the law. Legal documents make up most of the records we have of his life; trials, lawsuits, and legal terms permeate his plays. Gathering an extraordinary team of literary and legal scholars, philosophers, and even sitting judges, Shakespeare and the Law demonstrates that Shakespeare's thinking about legal concepts and legal practice points to a deep and sometimes vexed engagement with the law's technical workings, its underlying premises, and its social effects. Shakespeare and the Law opens with three essays that provide useful frameworks for approaching the topic, offering perspectives on law and literature that emphasize both the continuities and the contrasts between the two fields. In its second section, the book considers Shakespeare's awareness of common-law thinking and practice through examinations of Measure for Measure and Othello. Building and expanding on this question, the third part inquires into Shakespeare's general attitudes toward legal systems. A judge and former solicitor general rule on Shylock's demand for enforcement of his odd contract; and two essays by literary scholars take contrasting views on whether Shakespeare could imagine a functioning legal system. The fourth section looks at how law enters into conversation with issues of politics and community, both in the plays and in our own world. The volume concludes with a freewheeling colloquy among Supreme Court Justice Stephen G. Breyer, Judge Richard A. Posner, Martha C. Nussbaum, and Richard Strier that covers everything from the ghost in Hamlet to the nature of judicial discretion"--Jacket.

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