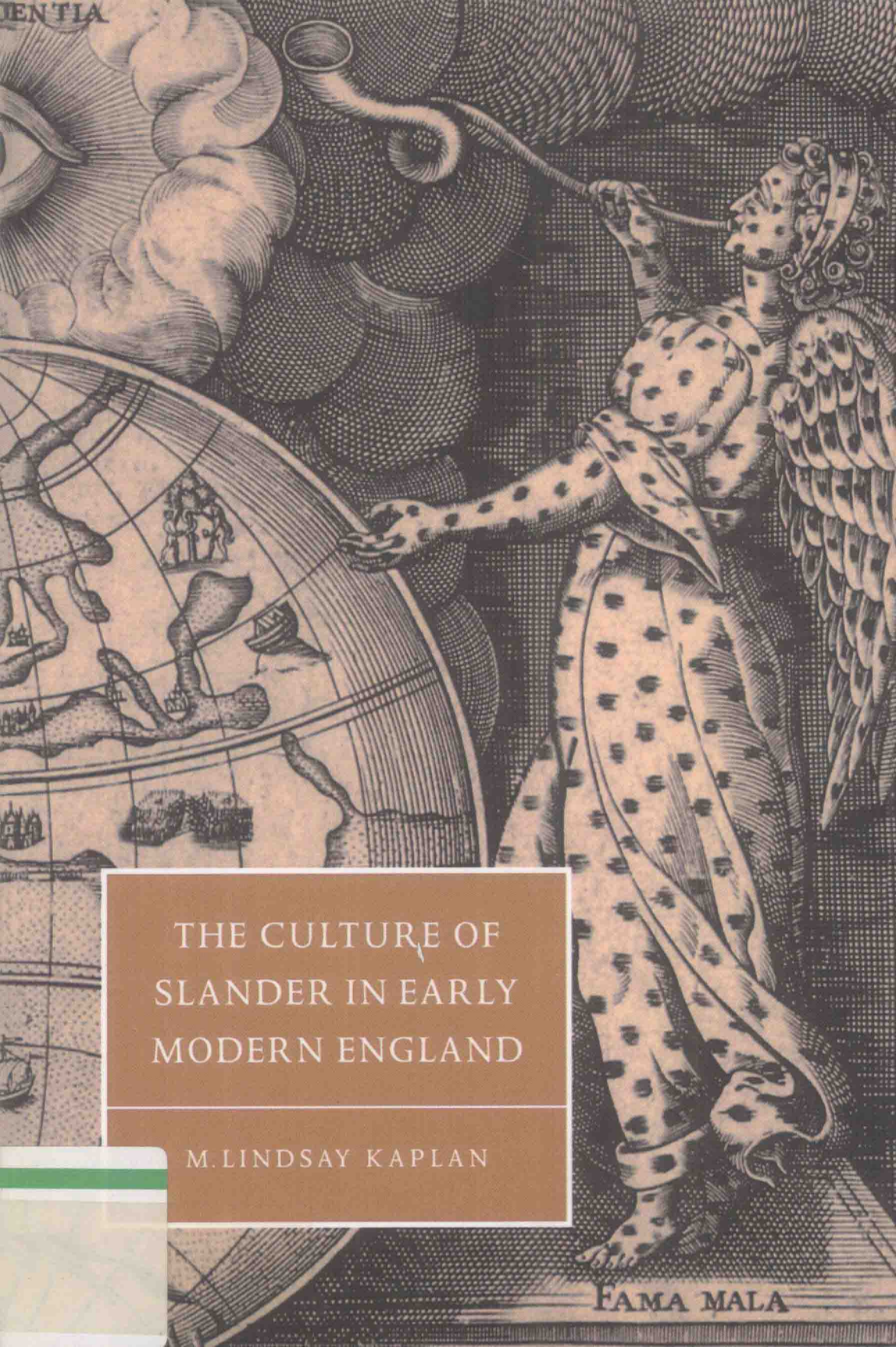

THE CULTURE OF SLANDER IN EARLY MODERN ENGLAND

M. LINDSAY KAPLAN

The culture of slander in early modern England

M. Lindsay Kaplan
Georgetown University

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Slander constitutes a central social, legal and literary concern of early modern England. A category of discourse which transgresses the law, it offers a more historically grounded and fluid account of power relations between poets and the state than that offered by the commonly accepted model of official censorship. An investigation of slander reveals it to be an effective, unstable and reversible means of repudiating one's opposition that could be deployed by rulers or poets. Spenser, Jonson and Shakespeare each use the paradigm of slander to challenge official criticism of poetry, while contemporary legal theory associates slander with poetry. However, even as rulers themselves make use of slander in the form of propaganda to demonize those they perceive to be their foes, ultimately they are unable to contain completely the threat posed by slanderous accusations against the state.

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Since the 1970s there has been a broad and vital reinterpretation of the nature of literary texts, a move away from formalism to a sense of literature as an aspect of social, economic, political, and cultural history. While the earliest New Historicist work was criticized for a narrow and anecdotal view of history, it also served as an important stimulus for poststructuralist, feminist, Marxist, and psychoanalytical work, which in turn has increasingly informed and redirected it. Recent writing on the nature of representation, the historical construction of gender and of the concept of identity itself, on theatre as a political and economic phenomenon and on the ideologies of art generally, reveals the breadth of the field. Cambridge Studies in Renaissance Literature and Culture is designed to offer historically oriented studies of Renaissance literature and theatre which make use of the insights afforded by theoretical perspectives. The view of history envisioned is above all a view of our own history, a reading of the Renaissance for and from our own time.

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This book is dedicated to my family, Anne, Jerry and Rachel, and to the memory of Perino Boone Wingfield.

And let the beauty of the Lord our God be upon us:
and establish thou the work of our hands upon us;
yea, the work of our hands establish thou it.

Psalm 90:17, *King James Bible*

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Introduction: censorship versus slander

This book advances the argument that slander provides a model crucial for the analysis of power relations between poets and state[1] in early modern England, and by extension that the concept of censorship, currently employed by critics of early modern English literature to discuss these relations, serves rather to limit and distort our understanding. In recent years, critical interest in power in the early modern period has taken up the question of the nature and extent of control the state was able to exercise over literary expression, as well as explored the capacity for resistance or challenge that literature could pose to political authority. These discussions have for the most part assumed or explicitly articulated a paradigm of censorship as the appropriate context for analyzing power relations between the poet and the state. However, the use of censorship, particularly of the drama, as an analytic focus poses a few problems. The term is often employed anachronistically in presupposing a hierarchical exercise of power only possible for a centralized state bureaucracy and thus inapplicable to early modern England. Typically, the narrow focus on regulatory mechanisms and topical content employed by scholars of censorship prevents our understanding how the control of literary production was shaped by, and shaped, larger socio-political concern in the period over the control of language in general. While discussions of censorship in the past decade made some valuable contributions to our understanding of early modern English texts, they virtually ignored the significance of defamation, a critical concern that fueled official attempts in England to control a whole range of discourses from the Reformation forward. That defamation posed a serious problem for the individual at all levels of early modern society suggests that we need to situate our examination of state control of poetry within this larger context of language that transgresses the law.

The dramatic rise in defamation in sixteenth-century England seems to take the common law establishment by surprise, judging from the inconsistent and sometimes contradictory redresses that develop in response to the phenomenon.[2] In addition to the definitional problems the law had in responding to slander, there are also linguistic and material obstacles to the effective control of transgressive language. It is impossible to control what people say and how this will be interpreted. The regular and wide-ranging circulation of libels, ballads, epigrams and other forms of defamatory speech or writing in early modern England testifies to the state's impotence in the suppression of criticism. Further, the state's own employment of a range of defamatory practices to control, humiliate or demonize its populace and its enemies implicates it in the very transgressions it ostensibly seeks to silence. By taking defamation as our model, we are able to see the places in which the state was not able to control transgressive language rather than focusing on those moments, as the censorship model does, where it was. While defining a legitimate means of official response to transgressive language, censorship is nevertheless a subcategory of the laws and responses to defamation; as a focus, it assumes a very restricted legal, social and political role for literature. When we understand, as contemporaries did, censorship and literature itself in their larger cultural contexts, we can see their participation in the processes of defamatory discourse. In so doing, we can substitute the repressive model censorship offers with a more complex and contestatory account of the operation of power with regards to language which accords a measure of agency and resistance less available in analyses of censorship.

An examination of the limitations of the censorship model is necessary before we can understand the centrality of defamation for power relations between poets and the state. Annabel Patterson's influential *Censorship and Interpretation* advances an argument for reading relations between rulers and poets within a historical–political framework. However, the lens through which Patterson chooses to view her subject distorts her analysis; while acknowledging that language poses real political problems in sixteenth- and seventeenth-century England, she dilutes the historical specificity of her claims in presenting a transhistorical notion of censorship:

I hope to show where this study might fit into a much larger investigation, not only of censorship throughout Europe in the early modern period, but also of the cultural impact of censorship since then, in Eastern Europe, for example, or Latin America. In addition, my central thesis, that it is to censorship that we in part owe our very concept of "literature," as a kind of discourse with rules of its own, is obviously capable, if true, of great extension; not least because its acceptance might require a review of that other set of unexamined assumptions, about the freedom of the literary, or the critical, or the textual from historical concerns. (Patterson 1984: 3–4)

This claim suggests that all authors in all periods in all countries respond to all political control of writing in a similar manner. While this move insists on the political nature of poetry formation, and rightly calls for an exploration of how society understands and shapes the literary, it undermines rather than establishes a connection between poetry and "historical concerns." Poetry indeed intersects with the political, but this relationship is in flux; while something may be gained by sketching out transhistorical patterns in the poetical–political relationship, its social significance can be better understood by attempting to discern the dynamic as it manifests itself at discrete historical moments.

Patterson's account of censorship not only assumes that its operation is the same across time but also that it does not require definition. Her real interests lie in the hermeneutics, not the mechanisms, of censorship; by concentrating on what are essentially its literary aspects she replicates the theoretical position her book argues against by ignoring the social and material aspects of the problem.

My own approach to censorship focuses only occasionally on law and the formal institutions and mechanisms whereby the press, or the pulpit, or the theatrical companies were theoretically made subject to state control. The legal history of censorship in relationship to all aspects of the printing trade has been well covered by F. S. Siebert, among others. (Patterson 1984: 10)

While Siebert acknowledges some connection between the regulation of the press and libel law, his narrow handling of the subject distorts legal history and offers an absurdly totalitarian view of Stuart censorship.[3] More problematic for Patterson, though, is the suggestion that an examination of censorship does not need to consider seriously the material, legal and social aspects of the process. While she does acknowledge that "there were certain moments in [the history of

censorship] when the law was forced to take particular cognizance of problems of interpretation" (Patterson 1984: 10) she intimates that this process is episodic. This assumption prevents her from viewing the issue as part of a continuum in which the control of texts at any given point in history is situated in relation to larger social anxieties about the control of language.

While Patterson's definition of censorship remains implicit, she is quite explicit in her discussion of its effects on interpretation. She sees the production of literary texts in early modern society as "essentially a joint project, a cultural bargain between writers and political leaders":

> It is a central part of my project to show how the historical condition of an era of censorship united writers and readers in a common interest as to how interpretation in fact worked, how it could be carried out in any given sociopolitical situation, how the interaction between writers and readers could be formulated in ways that were intelligible (in law) and useful (in politics). (Patterson 1984: 7)

According to Patterson, the uncertainty of language created a safety-valve of ambiguity which both sides were usually happy with.

> For what we find everywhere apparent and widely understood, from the middle of the sixteenth century in England, is a system of communication in which ambiguity becomes a creative and necessary instrument, a social and cultural force of considerable consequence. (Patterson 1984: 10–11)

While this "joint project" might be imagined as a means of criticizing policies of the state, the argument's logic suggests that the potential for challenging the status quo is limited, since poets must, in effect, obtain official approval for their words. In spite of what I take to be Patterson's interest in showing the liberty that ambiguity allowed to authors, the structure of her model suggests that the state defines what can be written or spoken and the poet, more or less, acquiesces.[4]

Unlike Patterson's *Censorship and Interpretation*, which fully develops a theory of the hermeneutics that evolves out of censorship while ignoring the mechanisms of that control, Janet Clare's *Art Made Tongue-tied by Authority* attends explicitly to the process of dramatic censorship and rigorously documents specific cases of official alteration of or intervention in the text or performance of plays. However, in spite of the book's meticulous scholarship, attempts to reconstruct and analyze the logic of the censoring process remain speculative