# Contents

*List of Illustrations*  
*Note on Citations, Texts, and Translations*  

## Introduction

Tothill Fields (1571): Law versus Theatre in “the Last Trial by Battel”  
Law as Performance: Legal Theatricality and Antitheatricality as Idea and Practice  
Law as Spectatorship: Public Trials, Open Courts, and the “Audience”  
Performance, Theatricality, Gender, Law, and the Question of Anachronism  
Representations of Legal Performance versus Legal Performance as Representation  
Chapter Summaries

## 1. Theatre, Theatrocracy, and the Politics of Pathos in the Athenian Lawcourt

Introduction: Aeschines vs. Demosthenes  
Theatricality and Antitheatricality in the Athenian Lawcourt  
*Trial as Theatre*  
*Against Histrionics*  
Plato’s Theatrocracies  
*Theatrocracy and Theatrical Sophism versus the Laws*  
The Law and Its Double: Rival Actors and the Laws as Noble Tragedy  
Aristotle on Hypokrisis and Pathos  
The Vulgar Crowd and the Power of Hypokrisis  
The Poetics of Hypokrisis and Pathos  
Catharsis as Judgment and the Mobilizing of Emotion  
Against Alcibiades: Theatrical Tears versus Righteous Outrage in the Legal Theatrocracy  
Conclusion

## 2. The Roman Advocate as Actor

Introduction: Posing Fonteius  
The Roman Legal Theatre  
Courtroom as Theatre  
The Art of Actio and Pronuntiatio  
The Actor’s Apprentice: Be Theatrical . . . But Not Too Theatrical  
Staging Emotion  
Universal Languages: Emotion, Gesture, Voice  
Speaking Scenes: Caesar’s Robe, the Blood-Bespattered Plaintiff, the Litigant’s Face
Prosopopoeia as Impersonation and Ventriloquism: Weeping for Milo in Cicero’s Pro Milone 77

Emotion as Practice 81

Masks and Faces: Personae and the Ethics of Decorum 81

Training Empathy 83

The Art of the Real 86

Conclusion 88

3. Courtroom Oratory, Forensic Delivery, and the Wayward Body in Medieval Rhetorical Theory 89

Introduction: Alain de Lille’s Rhetorica (c.1182–84) in the Courtroom, or How to Win a Lawsuit in the Middle Ages 89

Medieval Courtroom Actors 95

The Lawyer: Robed Vulture with Venal Tongue or Priest of the Laws? 95

Forensic Oratory in Medieval Theory and Practice 99

On Forensic Delivery 103

Four Rhetorical Theorists on Courtroom Delivery 108

Alcuin of York (c.735–804): Allegorical Insignia, Eschatological Space, and Bodily Decorum in the Carolingian Court 108

Boncompagno da Signa (c.1165–1240): The Leaky Body as “Organic Instrument” and Courtroom Trickster 124

Guilhem Molinier (fl.1330–50): Delivery According to the Laws of Love 129

Jean de Jandun (c.1285–1328): Signifying the Passions, Warping the Judge, Entertaining the Crowd 134

Conclusion 140

4. Irreverent Performances, Heterodox Subjects, and the Unscripted Crowd from the Medieval Courtroom to the Stocks and Scaffold 142

Introduction: Mooning the Law with Calefurnia and Catharina Arndes 142

Ideals of Order, Scripted Trials, and the Disorderly Crowd 149

The Doge, the Judge, and the Sword: Allegorizing Justice as Terror and Pleasure in Venetian Civic Spectacle (c.1311) 149

Rex as Lex before the Throng in Jean Fouquet’s “Lit de Justice de Vendôme” (1458) 150

Noisy Crowds, Lawyers’ Harangues, and Scripted Trials: Thomas Basin’s Proposal (1455) 153

Open Courtrooms, Festive “Law-Days,” and the German Rechtstag as Mock Trial 157

Heretics and Witches: Staging Heterodoxy in the Fifteenth-Century Courtroom 165

Performing Radical Theology as Legal Counter-Narrative: The Trial and Defrocking of Jan Hus (1415) 165

Spitting at the Inquisitor: Helena Scheuberin, Heinrich Institoris, and the Innsbruck Witch Trial (1485) 176
The Spectacle of Punishment Beyond the Script 185
Execution as “Sacred Event” and “Theater of Devotion”? 185
Deterrent Terror, Crowd Vengeance, and Going Off-Script 188
Politics and the Heterogeneous Crowd 190
Jeering “Like the Jews [Against] Jesus” 192
Penal Pleasures 196
Conclusion 198

5. Performing Law in the Age of Theatre (c.1500–1650) 200
Introduction: The Priest’s Bastard and the Prince’s Grace:
Entertaining the Polish Ambassadors in the “Greatest Theatre
Ever” (1573) 200
The Rhetorical Tradition and the Figure of Theatre 204
Delivery Handbooks for Lawyers and the Study of “Mute Eloquence” 204
Learning from Roscius 210
Theatre and Lawyers in the Anti-Rhetorical Tradition 216
Humanist Legal Antitheatricality 216
The Forum, the Stage, and the Sewer 222
The Modern Courtroom as “Theatre” 225
The Politics of a Trope 225
The Courtroom as Encyclopedic Anatomy Theatre: Dissecting the
Legal Body 232
Pasquier’s Hands 236
The Legal Entertainment Industry 237
Learning from Marino’s Evil Cousin 237
Critical Court-Watchers and the Feverish Crowd 239
Pasquier Defends “the Slaughterer”: The Trial of Jean d’Arconville (1571) 244

6. Legal Performance Education in Early Modern England 251
Introduction: Rehearsing the Revels in St Dunstan’s Tavern (1628–29) 251
Directions for the Study of Law: Learning to Act Like a Lawyer 256
Rhetorical Education as (Legal) Performance Training 256
Manuals for the English Law Student 262
The Noble Arts and Courtroom Carriage 265
Practicing Performance: Moots and Disputations 267
Rehearsal and Mimesis 267
Public Spectacle, Battle, Theatre, Farce 270
Impersonation, Make-Believe, and the Mise-en-Abîme 273
Theatre in the Temple of Law: What the Revels Taught 280
Defending Academic Theatre: Impersonation and Dissimulation
for Lawyers 280
The Trial of the Sorcerer in Gray’s Inn (1594): The Lawyer as Lord
of Misrule 286
Conclusion 295
Epilogue 298

Works Cited 303
Index 341