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Carla Spivack

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FROM HILLARY CLINTON TO LADY MACBETH: OR,  
HISTORICIZING GENDER, LAW, AND POWER THROUGH  
SHAKESPEARE'S SCOTTISH PLAY

CARLA SPIVACK\*

ABSTRACT

Female rule was anomalous in the sixteenth century, therefore, Elizabeth I developed a complex set of symbols, rooted in claims traditionally made by male rulers, to legitimate her claim to rule. Nonetheless, her reign was anxiety-provoking, and this article argues that the years after her death saw a backlash against female power. Part of this backlash consisted of the reworking of the symbols Elizabeth had used. This article examines this process of revision in Shakespeare's play *Macbeth* and, later, in the responses of King James I to claims of demonic possession.

This article draws together three historical moments — Queen Elizabeth's role in the trial of Mary, Queen of Scots; Shakespeare's rewriting of the female ruler's conscience in *Lady Macbeth*; and King James's response to claims of demonic possession — to analyze a period when the female body was redefined in ways that continue to animate the law today. This connection to modern jurisprudence is especially prevalent in the areas of reproductive rights and fetal protection law. This article shows that the idea of the female body as merely biological and lacking in a subjectivity comparable to the male body originated in part in early seventeenth-century England.

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\* Assistant Professor of Law, Oklahoma City University School of Law. Boston College, Ph.D. 2006; New York University School of Law, J.D. 1999; Princeton University, B.A. 1983. My deepest thanks to R. B. Bernstein, Amy Boesky, Mary Thomas Crane, and William E. Nelson, without whose unstinting support and sure-footed guidance this article would not have been written; to the members of the NYU Legal History Colloquium and the NYU Law and Humanities Workshop, especially Sarah Abramowicz, Kerry Abrams, Lauren Benton, Harold Forsythe, William P. LaPiana, and Yair Sagy, whose meticulous and thoughtful comments inspired crucial improvements; to Felice Batlan, Lawrence Friedman, Jeremy Telman, my colleagues, Richard E. Coulson, Paula J. Dalley, and Michael P. O'Shea, and the Honorable Robert G. Flanders Jr., whose insight and encouragement inspired me from early on; to Patricia DeLeeuw, a friend in need; and to Barbara Bruneau for her beautiful typing.

## INTRODUCTION

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## INTRODUCTION

After Hillary Clinton lost the Iowa caucuses, David Letterman revved up his riffs on her clothing choices, quipping, for example, that her “pantsuits ma[d]e her look ‘even hotter.’”<sup>1</sup> Right-wing campaign buttons make fun of her by insinuating that she cannot sexually satisfy her husband, proclaiming, “[e]ven Bill [d]oesn’t [w]ant Hillary.”<sup>2</sup> Blogs excoriate her for being a nag;<sup>3</sup> cartoons make fun of her bustline.<sup>4</sup> This is all depressingly familiar and easy to ascribe to cultural stereotypes: women are reducible to their sexual appeal; their only worth is in satisfying a man; they are annoying when they try to do anything but submit to men; middle-aged women are useless and unattractive. The reemergence of these stereotypes that limit women’s participation in public life and political power during the “backlash” of the 1980s<sup>5</sup> and, more recently, post-September 11, 2001,<sup>6</sup> is well documented, as is their origin in Western culture.<sup>7</sup> Two of the questions feminist jurisprudence addresses are how the law has perpetuated these stereotypes and what it can do to allow each human, regardless of sex, to express his or her unique combination of characteristics without constraint by stereotypes concerning appropriate

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1. Elizabeth L. Keathley, *Hillary's Bias Problems Have Deep Cultural Roots*, WOMEN'S ENEWS, Feb. 20, 2008, <http://www.womensenews.org/article.cfm/dyn/aid/3500/> (quoting *Late Show with David Letterman* (CBS television broadcast)).

2. CafePress.com, <http://buttons.cafepress.com/item/even-bill-doesnt-want-hillary-225-button/181774874> (last visited Dec. 1, 2008).

3. *E.g.*, Posting of Margo West-Schopenhauer to Advertising Age, Campaign Trail, [http://adage.com/campaigntrail/post?article\\_id=124783](http://adage.com/campaigntrail/post?article_id=124783) (Jan. 31, 2008, 16:07 EST).

4. *E.g.*, About.com, Hillary Clinton New Hampshire Cartoon, <http://politicalhumor.about.com/od/hillaryclinton/ig/Hillary-Clinton-Cartoons/Hillary-New-Hampshire-Victory.htm> (last visited Dec. 1, 2008).

5. SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN*, at xviii (1991).

6. SUSAN FALUDI, *THE TERROR DREAM: FEAR AND FANTASY IN POST-9/11 AMERICA* 20-21 (2007).

7. *See generally* SIMONE DE BEAUVOIR, *THE SECOND SEX* (H.M. Parshley ed. & trans., Vintage Books 1989) (1949) (revealing the pervasive, historical subjugation of women throughout western culture); BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (W.W. Norton & Co. 1997) (1963) (arguing that the relegation of women to the domestic sphere contributed to American women’s general dissatisfaction with their lives, the “woman problem”).

behavior based on biological sex. Recent scholarship and litigation have focused on whether Title VII protects employees who are discriminated against because their behavior does not conform to these stereotypes.<sup>8</sup> Moreover, as Susan Faludi's work has shown, cultures — American culture, in particular — seem to swing between periods of greater and lesser tolerance for (and legal protection of) nonstereotypical behavior.<sup>9</sup>

This article bridges the disciplines of law and literature, feminist jurisprudence, and legal history to analyze a historical example of backlash against nongender-stereotypical behavior on the part of a woman ruler, Elizabeth I of England, and to place that episode on a timeline that leads to legal discourse about sex and gender today. I show that the post-Elizabethan backlash began to reconfigure symbolic representation of the female body, making it seem incompatible with political power, and that such symbolic configurations continue to animate our legal and political discourse to this day. With this analysis, I hope to push law and literature, gender studies, and legal history beyond the previous work of other feminist legal scholars who have used history to show that notions of gender attributes are historically contingent.

Jeanne Schroeder, for example, has attacked essentialist feminists by arguing that medieval society assigned characteristics to the genders that were in some ways opposite to the ones prevailing in modern culture, while remaining resolutely patriarchal.<sup>10</sup> She calls for a “sophisticated theory of jurisprudence and gender,” which recognizes and uncovers ways in which stereotypes are “culturally contingent” by analyzing other cultures and historical periods.<sup>11</sup> Schroeder also rightly notes that the mere fact that another culture or era had

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8. See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) (female plaintiff claimed that the influence of sex stereotyping in partnership decision was a violation of Title VII), *superseded by statute*, Civil Rights Act of 1991, Pub. L. No. 102-166, sec. 107, 105 Stat. 1071, 1075-76; *Smith v. Liberty Mut. Ins. Co.*, 569 F.2d 325, 326 (5th Cir. 1978) (“Liberty Mutual concedes that Smith’s application for employment was rejected because the interviewer considered Smith effeminate.”); *Diaz v. Pan Am. World Airways, Inc.*, 442 F.2d 385, 386 (5th Cir. 1971) (holding policy of hiring only females as flight attendants a violation of Title VII); Mary Anne C. Case, *Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence*, 105 YALE L.J. 1 (1995); Katherine M. Franke, *The Central Mistake of Sex Discrimination Law: The Disaggregation of Sex from Gender*, 144 U. PA. L. REV. 1 (1995).

9. See FALUDI, *supra* note 5, at xviii-xix; see also FALUDI, *supra* note 6, at 14 (characterizing American society’s response to 9/11, including the attack on feminism and the casting of women as vulnerable and men as heroes, as one episode within a historical pattern of similar responses that seek to sustain the American “myth of invincibility”).

10. Jeanne L. Schroeder, *Feminism Historicized: Medieval Misogynist Stereotypes in Contemporary Feminist Jurisprudence*, 75 IOWA L. REV. 1135, 1136-47 (1990).

11. *Id.* at 1137.

different views of masculine and feminine did nothing to undermine its patriarchal nature and warns against a simplistic reversal of “masculine” and “feminine” values today.<sup>12</sup> Similarly, Eleanor Commo McLaughlin urges investigation of the gender assumptions received from historical tradition and their “invalid intellectual foundations.”<sup>13</sup>

My project differs from those mentioned above in three significant ways: two substantive and one procedural. First, as a substantive matter, I seek to do more than show that different historical periods have had different notions of sex-related characteristics and behaviors. Rather, my hope is, as Judith Butler urges, to help “understand *how* the category of ‘women’, the subject of feminism, is produced and restrained by the very structures of power through which emancipation is sought.”<sup>14</sup> In other words, I attempt to construct here what Butler also calls a “feminist genealogy,” a historical understanding of how politics produces and then naturalizes gender categories.<sup>15</sup>

Second, I bring to this inquiry what legal scholars often lack: a scholarly background in the relevant historical period, which enables me — again, as a substantive matter — to examine with specificity how all the discourses of a particular historical moment worked together to realize changes in gender constructions. Furthermore, I am able to bridge scholarly fields to investigate how political, economic, social, and other forces work to change the symbolic system of a given culture to expand or contract the sphere to which women are confined. As I have noted elsewhere, “[m]y method privileges neither law nor literature, but rather seeks to draw a picture of a cultural moment which integrates both.”<sup>16</sup>

Third, my procedural method differs from, and critiques, the prevailing practice of law and literature that privileges one term over the other. In general, literary works are either seen as “reflecting” society — and thus studied to discern, for example, images of lawyers and the law — or critiquing the law to fill lacunae through which judicial decisions, statutes, and constitutions “perpetuate[] oppression by making a false claim to neutrality, which masks the ways the law standardizes white male experience and ‘otherizes’ those

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12. *Id.* at 1150-51.

13. Eleanor Commo McLaughlin, *Equality of Souls, Inequality of Sexes: Woman in Medieval Theology*, in RELIGION AND SEXISM: IMAGES OF WOMAN IN THE JEWISH AND CHRISTIAN TRADITIONS 213, 257 (Rosemary Radford Ruether ed., 1974).

14. JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY 5 (2d ed. 1999) (emphasis added).

15. *Id.* at 9.

16. Carla Spivack, *The Woman Will Be Out: A New Look at the Law in Hamlet*, 20 YALE J.L. & HUMAN. 31, 35-36 (2008).

who fail to fit within that normative mold.”<sup>17</sup> Alternatively, some law and literature scholars use critical theory, such as deconstruction, to interpret legal texts.<sup>18</sup>

The trouble with these approaches is that they all subordinate one term to the other: either the literary text is a passive reflection of the world around it, the personal narrative is a gap-filler, a supplement to the privileged text of the law, or the theoretical text is merely a tool to unlock the secrets of the legal master text. None of these approaches postulates a relationship between these discourses, law and nonlegal text, which is theoretically tenable. Therefore, I argue, all of these texts — cases, narratives, and other texts which make up the culture — need to be read together because they coalesce and mutually produce the “historical moment.” Rather than being discrete forms of inquiry, they are axes of a single central endeavor.

In that vein, this article examines in detail changing cultural concepts of women’s relationship to political power in early modern England from about 1588 to 1610, focusing on the later years and the immediate aftermath of the reign of Elizabeth I. I will show that the culture was moving toward a symbolic system that made the coexistence of the female body and political power less and less imaginable. The contraction of this symbolic system becomes visible when we examine a literary text (in this case, Shakespeare’s *Macbeth*),<sup>19</sup> political philosophy (specifically, the philosophy of kingship), and law (here, a new establishment response to claims of demonic possession that sought to refute those making the claims, rather than prosecute the accused). Together, these texts illustrate a cultural milieu, and its formulations of gender, becoming modern.

I show that this reformulation of the female body’s relationship to power occurred amidst the undoing of Elizabethan iconography that took place after her death in the early 1600s. Notwithstanding that Elizabeth had bolstered her legitimacy by depicting herself as embodying both masculine and feminine attributes,<sup>20</sup> I describe here how the emerging imagery of women and power reformulated the female body as purely biological, unfit for political power, and lacking

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17. Tonya Plank, *Approximating Procne: The Role of Literature in Feminist Jurisprudence and Advocacy*, 19 WOMEN’S RTS. L. REP. 213, 214 (1998) (book review).

18. See Linda Martín Alcoff, *Cultural Feminism Versus Post-structuralism: The Identity Crisis in Feminist Theory*, in BEYOND PORTIA: WOMEN, LAW, AND LITERATURE IN THE UNITED STATES 87, 88, 93-98 (Jacqueline St. Joan & Annette Bennington McElhiney eds., 1997).

19. WILLIAM SHAKESPEARE, *THE TRAGEDY OF MACBETH* (Robert S. Miola ed., W. W. Norton & Co. 2004) (1623) [hereinafter *MACBETH*].

20. See CAROLE LEVIN, “THE HEART AND STOMACH OF A KING”: ELIZABETH I AND THE POLITICS OF SEX AND POWER 123-48 (1994).

a subjectivity comparable to men's. This view of women became prevalent in the eighteenth century<sup>21</sup> and retains significant purchase today. For example, Reva Siegel and Susan Bordo, among others, have highlighted how this conception underlies legal assumptions about women's bodies in modern jurisprudence;<sup>22</sup> judicial decisions about maternal-fetal conflict and fetal protection laws reflect this view of women's bodies, as well.<sup>23</sup>

My argument rests on the premise that the symbols surrounding people in a given culture determine the boundaries of what is imaginable and, conversely, what is off limits to the imagination.<sup>24</sup> In Jacobean England, the cultural constructions of the female body were changing for a variety of reasons.<sup>25</sup> Political, economic, religious, and social changes that took place between 1500 and 1700 had many implications for women.<sup>26</sup> Overall, "women's position in society, measured by status and opportunities, declined both absolutely and relative to that of men during" this time.<sup>27</sup> One aspect of these changes, the relegation of women and the feminine to the nascent private sphere,<sup>28</sup> accelerated the emergent construction of the female body not only as unfit for political power, but as lacking in a subjectivity comparable to men's.<sup>29</sup> Representations of women's relationship to

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21. See ANTHONY FLETCHER, *GENDER, SEX, AND SUBORDINATION IN ENGLAND 1500-1800*, at xvi (1995) ("Whereas at the start of our period [1500-1800] gender was not rooted in an understanding of the body, at the end it was becoming so.").

22. See generally SUSAN BORDO, *UNBEARABLE WEIGHT: FEMINISM, WESTERN CULTURE, AND THE BODY* 71-97 (1993) (arguing that gender ideologies animating the medical and legal treatment of reproductive control threaten women's subjectivity and personhood); Reva Siegel, *Reasoning from the Body: A Historical Perspective on Abortion Regulation and Questions of Equal Protection*, 44 *STAN. L. REV.* 261, 265-66 (1992) (locating the origins of present day "physiological naturalism" and assumptions about women in contemporary abortion jurisprudence to the nineteenth-century American campaign to criminalize abortion).

23. See, e.g., *Born-Alive Infants Protection Act of 2002*, 1 U.S.C. § 8 (2006); *Unborn Victims of Violence Act of 2004*, 10 U.S.C. § 919a, 18 U.S.C. § 1841 (2006); *Burgess v. Superior Court of L.A. County*, 831 P.2d 1197, 1202-06 (Cal. 1992); *In re A.C.*, 573 A.2d 1235, 1243 (D.C. 1990).

24. Phyllis Mack adopted this logic to frame her analysis of the societal response to women during the English Civil War. See PHYLLIS MACK, *VISIONARY WOMEN: ECSTATIC PROPHECY IN SEVENTEENTH-CENTURY ENGLAND* 18 (1992).

25. See, e.g., FLETCHER, *supra* note 21, at xvi; MEGAN MATCHINSKE, *WRITING, GENDER AND STATE IN EARLY MODERN ENGLAND* 135, 141-42 (1998); LENA COWEN ORLIN, *PRIVATE MATTERS AND PUBLIC CULTURE IN POST-REFORMATION ENGLAND* 90 (1994).

26. SUSAN CAHN, *INDUSTRY OF DEVOTION: THE TRANSFORMATION OF WOMEN'S WORK IN ENGLAND, 1500-1660*, at 1 (1987).

27. *Id.* at 4.

28. *Id.*

29. A number of scholars offer detailed discussions of the changing views and status of women in the sixteenth and seventeenth centuries. See generally FLETCHER, *supra* note 21, at xvi (arguing that the period between 1500 and 1800 saw a "crisis in men's

power emerge “not only by cultural myths of gender alone but by the intersection of these myths with specific political situations.”<sup>30</sup> In other words, social beliefs interact with political realities to determine the nature and extent of women’s access to power.

Needless to say, ideas about women and femininity which worked to restrict women’s public roles and social status at this time were already present in the culture; misogyny did not spring suddenly to life.<sup>31</sup> These ideas became more restrictive on women’s lives during this period because of other social changes that were taking place, which, in turn, allowed these notions to be “reworked,” reemphasized, and “tested against reality” in the dialectic between “ideology and real life.”<sup>32</sup> Here I highlight one of these other changes: namely, the death of a female sovereign who had reigned for over forty years,<sup>33</sup> never married,<sup>34</sup> developed a complex iconography to undergird her power, and wielded that power unhesitatingly over her male subjects and court.<sup>35</sup> It was this very imagery that offered a ready-made set of symbols to serve as the focus of recuperation from anxiety about female power and to solidify existing notions of women’s limited role in public life. Emergent notions of femininity, in turn, provided avenues to rework these symbols in the interests of that recuperation. In this process, the coexistence of the female body and political power became unimaginable. Where Elizabeth had managed to represent her royal body as a locus for the hidden secrets of royal power and thought,<sup>36</sup> the revised representation of the female body depicted it as transparent, empty of secrets, and reducible to its anatomy and

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control over women” and analyzing how patriarchal control “adapted and survived”); SARA MENDELSON & PATRICIA CRAWFORD, *WOMEN IN EARLY MODERN ENGLAND, 1550-1720*, at 435 (1998) (noting a widening “cultural gap between the two sexes” and the growing construction of women as “ignorant, pious, and irrational [that] fed into the notion of ‘complementary’ spheres which so dominated eighteenth-century ideas about gender difference”); ORLIN, *supra* note 25, at 89 (describing the period’s “progressive political hierarchization of public and private” spheres with women associated with the private); Joan Kelly-Gadol, *Did Women Have a Renaissance?*, in *BECOMING VISIBLE: WOMEN IN EUROPEAN HISTORY* 137, 139 (Renate Bridenthal & Claudia Koonz eds., 1977) (arguing that “women as a group . . . experienced a contraction of social and personal options” during the Renaissance).

30. NINA S. LEVINE, *WOMEN’S MATTERS: POLITICS, GENDER, AND NATION IN SHAKESPEARE’S EARLY HISTORY PLAYS* 14 (1998).

31. CAHN, *supra* note 26, at 6 (1987). Thanks to Lauren Benton, Jeremy Telman, and Yair Sagy for reminding me that “history is never that simple.”

32. *Id.*

33. LEVIN, *supra* note 20, at 9.

34. *Id.*

35. See discussion *infra* Part II.

36. See LOWELL GALLAGHER, *MEDUSA’S GAZE: CASUISTRY AND CONSCIENCE IN THE RENAISSANCE* 14, 25 (1991).



biology. These new, literally “early modern” notions of the transparent female body animate law, politics, and medicine today.

Part I discusses modern vestiges of these reworked configurations of femininity in jurisprudence today. As the symbols of female rule were disassembled and reconfigured after Elizabeth’s death, the female body was depicted as transparent and devoid of the hidden inner spaces where political power was shrouded — in other words, reconfigured as a physical site incapable of housing a second, masculine entity. In the terms of modern feminist jurisprudence, this reconfiguration of the female body reformed the link between sex and gender — anatomy and performance. Today, this reconfigured female body predominates in legal, medical, and philosophical discourses. To return to my opening examples, perhaps the question we face now, and that Hillary Clinton faced, is whether the image of female political power will continue to grow less imaginable, degenerating into a Lady Macbeth-like monstrosity, or whether we will regain a more Elizabethan imagination.<sup>37</sup>

Part II describes what I call Elizabethan iconography, the symbolic system she developed to legitimate her power, which depicted her body as combining female physicality with male characteristics. I show how Elizabeth’s self-presentation strove to achieve what feminist jurisprudence today calls the separation of sex from gender.<sup>38</sup> By this I mean that the Queen depicted herself as someone who, though biologically female, could express characteristics stereotypically associated with biological males, thus, suggesting that sex (biology) and gender (performance) were not immutably linked. It is essential to add the caveat that this formulation is completely anachronistic: Elizabeth herself had no intention of suggesting that women’s roles or contemporary notions of sex and gender should be challenged in any way.<sup>39</sup> She was simply interested in strengthening her political legitimacy as a female monarch in a culture unaccustomed to female rule.<sup>40</sup> Nonetheless, her iconography sufficiently disturbed gender norms such that her death, as I show, initiated a backlash.

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37. I am grateful to Jeremy Telman for this formulation.

38. See, e.g., Case, *supra* note 8, at 2.

39. See Louis Adrian Montrose, “*Shaping Fantasies: Figurations of Gender and Power in Elizabethan Culture*,” REPRESENTATIONS, Apr. 1983, at 80 (“Because she was always uniquely herself, Elizabeth’s rule was not intended to undermine the male hegemony of her culture. Indeed, the emphasis upon her *difference* from other women may have helped to reinforce it.”).

40. See SUSAN FRYE, ELIZABETH I: THE COMPETITION FOR REPRESENTATION 21 (1993) (“Even though Elizabeth herself was no feminist — in the sense that she did not concern herself with the situation of other women — in her own interest she developed and worked for representations of female autonomy and power . . .”).

Part III discusses Elizabeth's depiction of her royal conscience at the time in her reign when it was most tested — the trial and execution of Mary, Queen of Scots. The guilty verdict at Mary's trial put Elizabeth in the highly problematic position of allowing, even condoning, regicide. Parliament called upon the Queen's conscience in lobbying Elizabeth to sign the order of execution, yet Mary invoked it as a basis for Elizabeth not to sign.<sup>41</sup> In the face of these conflicting claims on the royal conscience, Elizabeth rhetorically developed the existing idea that the ruler's conscience was secret, hidden, inaccessible, and even dangerous to the view of ordinary mortals.<sup>42</sup>

Part IV shows how the figure of Lady Macbeth undoes and revises this presentation of a female ruler's conscience, making it incompatible with political power. This reconfiguration is apparent in the second half of the play when Lady Macbeth is unable to escape, or even conceal, the workings of her conscience. The contrast between Elizabeth's depiction of her conscience (unknowable and unaccountable to mortal judgment) and Shakespeare's depiction of the conscience of Lady Macbeth (transparent, visible on her very body, and incapacitating) reveals, amidst the ebbs and tides of culture, that a stunning reversal took place in the years between the two female figures.

Part V moves to another cultural site: the public theater of royal power. Here I discuss the elaborately staged responses to claims of demonic possession by James I and show how they continued this process of reconfiguring the female body. I then link these performances with the depiction of the three witches, the "Weird Sisters," of *Macbeth*.

## I. MODERN LEGAL DISCOURSE

The changes I describe did not take place overnight or in a linear fashion.<sup>43</sup> People in different social strata, locales, economic groups, and age groups experienced the effects of these changes differently.<sup>44</sup> As with any cultural shift, "old" ideas and symbolic systems continued to hold sway in different ways and only gradually gave way to new ones.<sup>45</sup> What most historians agree on, however, is that by 1700 or so, women's spheres had been severely restricted and their role in public life diminished.<sup>46</sup> It is not surprising that the sixteenth

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41. GALLAGHER, *supra* note 36, at 29-35.

42. *Id.* at 35-49.

43. See CAHN, *supra* note 26, at 6.

44. *Id.* at 5.

45. See *id.* at 6-7.

46. See *supra* note 29 and accompanying text.

and seventeenth centuries saw a trend toward disqualification of women for public office based on their gender alone.<sup>47</sup> Mendelson and Crawford describe the phenomenon:

During the [sixteenth century], a patchwork of arrangements based on custom or local contingencies appears to have predominated. . . . [C]ases in some localities showed more concern for inheritance rights than for the sex of the officer.

. . . By the late seventeenth century, a consensus had emerged which declared women unfit for civic office.<sup>48</sup>

This belief rested on the idea that women were unsuited to duty in the public realm: in 1788, a court concluded that women could serve the office of church sexton because it “was ‘only a private office of trust,’” but also deemed the position of overseer of the poor unacceptable for women because it was considered a public office.<sup>49</sup> Of course, this trend reflected a broad range of social, economic, and political changes; it was not caused solely by the backlash against Elizabeth’s rule.<sup>50</sup> One of the symbolic systems, however, that enabled this trend toward limiting public opportunities for women in the cultural imagination resulted from the reconfiguration of Elizabeth’s iconography in the early 1600s.

However unsteady their rise to ascendancy, these limits on the imagination are still with us today. Bordo and Siegel have written about configurations of the female body in American law.<sup>51</sup> Bordo has shown that, despite the value our law and culture claim to place on physical self-determination and bodily integrity, in practice male subjects are afforded the protections of such notions, whereas women are treated like purely mechanistic bodies stripped of subjectivity in cases involving reproductive rights.<sup>52</sup>

In support of her argument, Bordo notes that “judges have consistently refused to force individuals to submit without consent to medical treatment even [when] the life of another” is at stake.<sup>53</sup> Bordo

47. MENDELSON & CRAWFORD, *supra* note 29, at 58.

48. *Id.*

49. *Id.* (quoting *R v. Stubbs*, (1788) 100 Eng. Rep. 213, 216 (K.B.)).

50. CAHN, *supra* note 26, at 1.

51. *E.g.*, BORDO, *supra* note 22; Siegel, *supra* note 22.

52. BORDO, *supra* note 22, at 71-93.

53. *Id.* at 73. In fact, as early as 1891, the Supreme Court articulated the principle that “[n]o right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by a clear and unquestionable authority of law.” *Id.* at 72 (quoting *Union Pac. Ry. Co. v. Botsford*, 141 U.S. 250, 251 (1891)). Bordo notes that these principles of bodily integrity have been discarded with respect to the reproductive freedom of other groups, such as, the mentally disabled and racial minorities. *Id.* at 75-76.

contrasts this tradition with the law's willingness to interfere with the bodily integrity of women with respect to their reproductive lives.<sup>54</sup> In the case of court-ordered obstetrical interventions, she observes: "[T]he statistics make clear that in this culture the pregnant, poor woman . . . comes as close as a human being can get to being regarded, medically and legally, as 'mere body,' her wishes, desires, dreams, religious scruples of little consequence and easily ignored in . . . the interests of fetal well-being."<sup>55</sup>

Bordo explains this dichotomy by turning to gender ideology, which views women's bodies and wombs as incubators or prisons, rendering women mere "carriers," while fathers embody all the subjective aspects of childbearing, being in fact the child's true parent, and claim all the subjective experience of pregnancy.<sup>56</sup> Moreover, Bordo lays the blame for these notions at the door of Cartesian dualism, the philosophy of a mind-body split which has driven Western thought for centuries.<sup>57</sup> This article will show, however, that more specific moments of the crystallization of this ideology can be traced to a particular period — Jacobean England. How far are Bordo's bodies as "mere incubator[s]"<sup>58</sup> from James I covering a woman's face with her skirt to show her anatomy and "strip" her of power?<sup>59</sup>

Siegel, for her part, traces present day assumptions about women to the nineteenth-century American campaign against abortion that used "[f]acts about women's bodies . . . to justify regulation enforcing judgments about women's roles."<sup>60</sup> Similar reasoning underpins the decision in *Roe v. Wade*<sup>61</sup> that based limits on the exercise of state power on medical — rather than social — criteria, and thereby authorized "state action against the pregnant woman on the basis of physiological criteria, requiring no inquiry into the state's reasons for acting against the pregnant woman, or the impact of its actions on her."<sup>62</sup> Furthermore, Siegel points out, the Court reasoned as if "the state's interest in protecting potential life scarcely pertained to the pregnant woman herself."<sup>63</sup> A corollary of this logic appears in the politics of

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54. *Id.* at 75.

55. *Id.* at 76.

56. *See id.* at 80-93. Interestingly, for my purposes, Bordo begins her analysis of father's rights with a quotation from Milton's *Paradise Lost* that asks why God did not find a "way to generate [m]ankind" without women. *Id.* at 88 (quoting JOHN MILTON, *PARADISE LOST* book 10, lines 888-95 (1667)).

57. *Id.* at 72-73.

58. *Id.* at 88.

59. *See infra* note 251 and accompanying text.

60. Siegel, *supra* note 22, at 277.

61. *Roe v. Wade*, 410 U.S. 113 (1973).

62. Siegel, *supra* note 22, at 276.

63. *Id.*

fetal imaging.<sup>64</sup> Carol Stabile argues that the increasing sophistication of ultrasound technology has allowed for the reduction of the maternal body to a transparent incubator, a “passive, reproductive machine[.]”<sup>65</sup>

Siegel locates the roots of the ideas she discusses in nineteenth-century anti-abortion writings that depict the fetus as an independent male being with “scant relation to the woman bearing it” and characterize “women’s role in reproduction [as] a kind of reflexive physiological function.”<sup>66</sup> In sum, “women were merely the passive instruments of nature’s purposes.”<sup>67</sup> Again, Siegel’s historical explanation for the Court’s reasoning in *Roe* makes perfect sense, and this article merely seeks to add an earlier chapter to it. The notions both Bordo and Siegel discuss have “deep roots in Western culture.”<sup>68</sup> Neither Bordo’s Cartesian dualism, nor Siegel’s nineteenth-century medical history, however, reaches as deep as possible. This article unearths the root and identifies the specific symbolic systems that helped to put it in place.<sup>69</sup>

## II. ELIZABETH’S ICONOGRAPHY

Female rule was anomalous in the sixteenth century. Elizabeth, therefore, constructed an elaborate system of symbols to justify her reign.<sup>70</sup> The system of symbols she constructed, which I refer to as

64. See Carol Stabile, *Shooting the Mother: Fetal Photography and the Politics of Disappearance*, in *THE VISIBLE WOMAN: IMAGING TECHNOLOGIES, GENDER, AND SCIENCE* 171, 171-72, 175 (Paula A. Treichler et al. eds., 2008).

65. *Id.* at 172, 179-80.

66. Siegel, *supra* note 22, at 290-91.

67. *Id.* at 292. Siegel connects the nineteenth century’s anti-abortion campaign with the efforts of medical doctors to consolidate power over women and to exclude female midwives from a role in childbirth. *Id.* at 283-84. This same dynamic was at work in early seventeenth-century England when the nature of female possession was at issue. See *infra* Part V.

68. BORDO, *supra* note 22, at 89.

69. Stabile incorrectly asserts that “the [modern] division between woman and fetus is historically unprecedented.” Stabile, *supra* note 64, at 172. Conversely, I argue that the developments she documents are later stages of a historical progression. This article adds an earlier chapter to that timeline.

70. Several prominent studies discuss the dilemma of female rule and Elizabeth’s response to it. See PHILIPPA BERRY, *OF CHASTITY AND POWER: ELIZABETHAN LITERATURE AND THE UNMARRIED QUEEN* (1989); FRYE, *supra* note 40; LEVIN, *supra* note 20; Louis Adrian Montrose, “*Eliza, Queene of Shepherdes, and the Pastoral of Power*,” 10 *ENG. LITERARY RENAISSANCE* 153 (1980); Louis Adrian Montrose, *The Elizabethan Subject and the Spenserian Text*, in *LITERARY THEORY/RENAISSANCE TEXTS* 303 (Patricia Parker & David Quint eds., 1986) [hereinafter Montrose, *The Elizabethan Subject*]; Louis A. Montrose, *A Midsummer Night’s Dream and the Shaping Fantasies of Elizabethan Culture: Gender, Power, Form*, in *REWRITING THE RENAISSANCE: THE DISCOURSES OF SEXUAL DIFFERENCE IN EARLY MODERN EUROPE* 65 (Margaret W. Ferguson et al. eds., 1986) [hereinafter Montrose, *A Midsummer Night’s Dream*].

her iconography, made a female ruler imaginable, if uneasily so; she cannily manipulated contemporary notions of women to legitimize her authority. For example, she presented her unmarried state — a source of anxiety to her counselors and subjects — as an advantage, conflating her virginity with the country's inviolability<sup>71</sup> and declaring herself figuratively married to her kingdom.<sup>72</sup> Because women were considered too morally and physically frail to rule,<sup>73</sup> she laid claim to a metaphysical conterminous male body through the philosophy of the King's Two Bodies.<sup>74</sup> The philosophy of the King's Two Bodies, dating from the Middle Ages, held that the anointed king was a locus for two bodies, one corporeal — his physical, mortal one — the other metaphysical.<sup>75</sup> It is this second, mystical body which allowed for the continuity of kingship: although the king's "[b]ody natural" was susceptible to decay and death, the "[b]ody politic" lived on in the person of the new king.<sup>76</sup> The mystical body was perfect, unsullied by corruption, decay, carnality, or death.<sup>77</sup>

Elizabeth's self-representation laid claim to this second, metaphysical male body in a number of ways. For example, she frequently referred to herself as Prince, a term gendered masculine.<sup>78</sup> In her speech to the troops at Tilbury, spurring them on to vanquish the invading Spanish Armada, she declared:

I know I have the body but of a weak and feeble woman, but I have the heart and stomach of a king and of a king of England too — and take foul scorn that Parma or any prince of Europe should dare to invade the borders of my realm. To the which rather than any dishonor shall grow by me, I myself will venter my royal blood; I myself will be your general, judge, and rewarder of your virtue in the field.<sup>79</sup>

Here the Queen refers to her "heart and stomach" — locations contemporaries considered the houses of manly virtues, such as martial courage and vigor<sup>80</sup> — as a way to invoke her corporate, male body.

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71. LEAH S. MARCUS, *PUZZLING SHAKESPEARE: LOCAL READING AND ITS DISCONTENTS* 54 (1988).

72. See LEVIN, *supra* note 20, at 41-42, 64-65.

73. See *id.* at 1-3, 10.

74. FRYE, *supra* note 40, at 12-13; MARCUS, *supra* note 71, at 53-54.

75. ERNST H. KANTOROWICZ, *THE KING'S TWO BODIES: A STUDY IN MEDIAEVAL POLITICAL THEOLOGY* 7-23 (1957).

76. *Id.* at 13 (quoting 1 EDMUND PLOWDEN, *THE COMMENTARIES, OR REPORTS OF EDMUND PLOWDEN* \*234).

77. See *id.* at 18.

78. MARCUS, *supra* note 71, at 56.

79. ELIZABETH I: *COLLECTED WORKS* 326 (Leah S. Marcus et al. eds., 2000).

80. Janel Mueller, *Virtue and Virtuality: Gender in the Self-Representations of Queen Elizabeth I*, in *VIRTUAL GENDER: FANTASIES OF SUBJECTIVITY AND EMBODIMENT* 37, 52

In modern terms, we might say, she differentiated between her biological sex and her performance of it, between her sex and her gender.<sup>81</sup> Elizabeth did not make any claims for the female sex in general, rather, her claim to exceptionality arose from her royal blood and status as a divinely anointed ruler.<sup>82</sup> Again, in modern terms, this formulation evokes the construction of gender stereotypes from the way the majority of the members of each sex dress and behave, despite the fact that individual men and women act in ways associated with the opposite gender.

To the same end, portraits of Elizabeth emphasized her resemblance to her father, Henry VIII, beyond the basis of physical similarity.<sup>83</sup> One of the legitimating symbols in the portraits of Henry VIII was an impressive codpiece, centrally and prominently displayed, which emphasized his virility, a characteristic ensuring male succession, and his martial valor, signifying the country's safety.<sup>84</sup> Unable to replicate this exact symbol, portraits of Elizabeth show her with a large, securely tied bow in the corresponding location on her body.<sup>85</sup> The ribbon translated Henry's masculine dress and its symbolism into feminine terms; as the codpiece symbolically assured the kingdom's security through the king's virility and military strength,<sup>86</sup> the bow expressed the idea that as long as Elizabeth's body remained inviolate, virginal, the boundaries of the country would remain impenetrable as well.<sup>87</sup> In addition, the bow alluded to her second, kingly body.<sup>88</sup> As long as she was uncorrupted by sex, her body, unlike those of other women, could house the king's immortal — male — body, the Body Corporate.<sup>89</sup>

In modern terms, feminist jurisprudence might understand Elizabeth's use of the King's Two Bodies concept as allowing her to inhabit a female body, while acting in stereotypically masculine ways. Again, Elizabeth's performance of her role separated her sex from her gender. In particular, her performance of gender allowed her to lay claim to the male ruler's hidden conscience. This, in turn, meant

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(Mary Ann O'Farrell & Lynne Vallone eds., 1999).

81. Cf. Case, *supra* note 8, at 10-11 (discussing the distinction between sex and gender in feminist theory).

82. See BERRY, *supra* note 70, at 61; FRYE, *supra* note 40, at 12-21; LEVIN, *supra* note 20, at 121-48; and Mueller, *supra* note 80, at 37-57, for general discussions regarding Elizabeth's self-construction.

83. See Montrose, *The Elizabethan Subject*, *supra* note 70, at 312-15.

84. *Id.* at 312-14.

85. See *id.* at 315.

86. *Id.* at 312-14.

87. *Id.* at 315.

88. *Id.*

89. *Id.*

that she could lay claim to keeping the *arcana imperii*, the mysteries of rulership forbidden from mortal sight that enabled royal power,<sup>90</sup> thus, the recesses of her royal consciousness hid the secrets of state. As Mary's trial for treason unfolded, Elizabeth made clear that the royal conscience was one of these secrets.<sup>91</sup>

The ground was laid for Elizabeth's use of the King's Two Bodies fiction partly because gender categories in this period were less stable than they seem today.<sup>92</sup> Numerous factors supported a more liberal gender binary. First, the prevailing model of biological gender was one of homology, not absolute difference.<sup>93</sup> Contemporary anatomy books depicted women as inverted versions of men, male genitals compacted inside their bodies, unable to extrude due to women's colder humoral makeup.<sup>94</sup> Conceptions of gender difference in this period were in the process of evolving from the homological model to the model of absolute difference which prevails today,<sup>95</sup> but as long as the homological model ruled, it may have enabled Elizabeth's dual-gendered self-presentation.

The homological model, however, also contained the dangerous possibility of slippage from one sex to another.<sup>96</sup> Effeminate behavior could turn men into women; aggressive, "masculine" actions could turn women into men:<sup>97</sup> masturbation could "so enlarge [a woman's] clitoris that she became a person truly of a double gender."<sup>98</sup> One story involved a French peasant girl who ran so energetically after her pigs one day that the heat generated by her exertions caused her genitals to extrude, turning her into a man.<sup>99</sup> Hermaphrodites were seen as being of intermediate sex; those born with ambiguous sexual characteristics had to choose a permanent social and legal gender identity.<sup>100</sup>

A second, corollary belief, which also undermined gender stability in this period, was that acting a part could change the performer into

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90. GALLAGHER, *supra* note 36, at 25.

91. *See id.* at 58.

92. *See* FLETCHER, *supra* note 21, at xvii; THOMAS LAQUEUR, *MAKING SEX: BODY AND GENDER FROM THE GREEKS TO FREUD* 25 (1990).

93. *See* LAQUEUR, *supra* note 92, at 25-26.

94. FLETCHER, *supra* note 21, at xvi-xvii; LAQUEUR, *supra* note 92, at 25-26, 79-91, 112.

95. *See* FLETCHER, *supra* note 21, at xvi.

96. *See id.* at 87-88; LAQUEUR, *supra* note 92, at 122-134.

97. *See* LAQUEUR, *supra* note 92, at 125-26.

98. MENDELSON & CRAWFORD, *supra* note 29, at 19.

99. LAQUEUR, *supra* note 92, at 126-27.

100. *See* Miri Rubin, *The Body, Whole and Vulnerable, in Fifteenth-Century England*, in 9 *MEDIEVAL CULTURES: BODIES AND DISCIPLINES* 19, 20-21 (Barbara A. Hanawalt & David Wallace eds., 1996).



the character.<sup>101</sup> As Laura Levine has pointed out, the controversy about acting and the stage in early modern England came to focus on “the fear — expressed in virtually biological terms — that theatre could structurally transform men into women.”<sup>102</sup> Levine notes that attacks on the theater reflected the anxiety that “the sign can alter the essence, that wearing the other sex’s clothing can literally ‘adulterate’ gender.”<sup>103</sup> Phillip Stubbes, a prominent, sixteenth-century anti-theater polemicist wrote:

“What man so ever weareth womans apparel is accursed, and what woman weareth mans apparel is accursed also. . . . Our Apparell was given to us as a signe distinctive to discern betwixt sex and sex, and therefore one to wear the Apparell of another sex, is to participate with the same, and to adulterate the veritie of his owne kinde.”<sup>104</sup>

The prominence of this anxiety suggests that Elizabeth’s performance of the role of king would have threatened the dissolution of a stable gender identity for her. In her speech at Tilbury, Elizabeth presented herself as endowed with both male and female qualities.<sup>105</sup>

In short, cultural beliefs about gender enabled Elizabeth’s self-presentation, but also likely made it anxiety-provoking. In the years

101. See LAURA LEVINE, *MEN IN WOMEN’S CLOTHING: ANTI-THEATRICALITY AND EFFEMINIZATION, 1579-1642*, at 14-15 (1994).

102. *Id.* at 10.

103. *Id.* at 22 (citing PHILLIP STUBBES, *THE ANATOMIE OF ABUSES* (Netherlands, Da Capo Press 1972) (1583)).

104. *Id.* (quoting STUBBES, *supra* note 103).

105. See ELIZABETH I: *COLLECTED WORKS*, *supra* note 79, at 325-26, for notes on the text and historical accuracy of this speech. Marcus has associated Elizabeth’s “cross-dressing” at Tilbury with Joan of Arc’s outfit of men’s armor in Shakespeare’s *1 Henry VI*. MARCUS, *supra* note 71, at 66. Marcus comes close to connecting Elizabeth and Lady Macbeth in suggesting that the play “celebrate[s] the Jacobean succession and blacken[s] the barren female authority associated with the previous monarch.” *Id.* at 104-05. Marcus does not delve deeper, however, “leav[ing] the task to those who have already begun it.” *Id.* at 105 (citing MALCOLM EVANS, *SIGNIFYING NOTHING: TRUTH’S TRUE CONTENTS IN SHAKESPEARE’S TEXT* 133-40 (1986); ARTHUR F. KINNEY, *LIES LIKE TRUTH: SHAKESPEARE, MACBETH AND THE CULTURAL MOMENT* (2001); Jonathan Goldberg, *Speculations: Macbeth and Source*, in *SHAKESPEARE REPRODUCED: THE TEXT IN HISTORY AND IDEOLOGY* 242-64 (Jean E. Howard & Marion F. O’Connor eds., 1987); Michael Hawkins, *History, Politics and Macbeth*, in *FOCUS ON MACBETH* 155, 155-88 (John Russell Brown ed., 1982); Steven Mullaney, *Lying Like Truth: Riddle, Representation and Treason in Renaissance England*, 47 *ENG. LITERARY HIST.* 32, 32-47 (1980)). None of the sources cited by Marcus for undertaking a comparative analysis of Elizabeth and Lady Macbeth, however, connects the figures. See DIANE PURKISS, *THE WITCH IN HISTORY: EARLY MODERN AND TWENTIETH-CENTURY REPRESENTATIONS* 183-86 (1996), for a discussion of the fear — and danger — associated with portraying a powerful, demonic female figure on the Elizabethan stage. Such cultural repression, of course, would help explain the resonance of the post-Elizabethan figure, Lady Macbeth.

after her death, this anxiety took hold at a variety of sites in the culture, including the theater.<sup>106</sup> In 1588, a female ruler, inspiring her troops by laying claim to male attributes was an image of valor.<sup>107</sup> Yet by 1604, a female ruler claiming male attributes on the stage had become an image of evil and regicide. How did this transformation come about?

### III. THE TRIAL OF MARY, QUEEN OF SCOTS

The trial and execution of Mary, Queen of Scots, Elizabeth's cousin and Catholic rival, spanned the five months from October 1586 to February 1587, and represented the period in Elizabeth's reign when her conscience was most contested and, hence, most rhetorically developed.<sup>108</sup> Both sides in the debate over the execution, Parliament and Mary, tried to lay claim to an understanding of the royal conscience and to exploit it to achieve their goals.<sup>109</sup> The beheading of Mary on February 8, 1587, eliminated the threat she had posed since she had fled Scotland for England in 1568.<sup>110</sup> Shedding royal blood, however, posed a serious moral problem for Elizabeth and those around her.<sup>111</sup> The months between the trial and the execution saw a struggle over the nature, ownership, and, by implication, gender of the royal conscience.<sup>112</sup>

The problem for Elizabeth was that in signing Mary's death warrant, she would condone regicide, a fact Mary did not hesitate to emphasize.<sup>113</sup> Contemporary chroniclers recorded the gravity of the matter and its potential to irredeemably blot Elizabeth's reign.<sup>114</sup> Sir Robert Naunton, secretary of state to James I, described the execution as the "one staine or taint" that marred Elizabeth's reign.<sup>115</sup> The word "staine," of course, implied through its religious connotation that Elizabeth's actions amounted to a sin that stained the soul.<sup>116</sup>

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106. See generally MARCUS, *supra* note 71, at 51-105 (discussing the treatment of Elizabeth's self-representation in a number of plays).

107. See *id.* at 62-64.

108. See GALLAGHER, *supra* note 36, at 22-31.

109. *Id.* at 29-35, 60.

110. *Id.* at 21-22, 30; see also JASPER RIDLEY, *ELIZABETH I: THE SHREWDNESS OF VIRTUE* 153, 253-266 (1988); ANNE SOMERSET, *ELIZABETH I* 202, 396-442 (1991); ALISON WEIR, *ELIZABETH THE QUEEN* 360-383 (1998).

111. GALLAGHER, *supra* note 36, at 27-32; RIDLEY, *supra* note 110, at 257; SOMERSET, *supra* note 110, at 259, 430-36; WEIR, *supra* note 110, at 280-81, 368.

112. See GALLAGHER, *supra* note 36, at 21-62.

113. *Id.* at 31-32.

114. See *id.* at 23-31.

115. *Id.* at 23 (quoting SIR ROBERT NAUNTON, *FRAGMENTA REGALIA* 5-6 (London, G. Smeeton & J. Caulfield 1814)).

116. *Id.*

This is exactly the implication Elizabeth wished to banish from interpretations of her role in the trial and execution.<sup>117</sup>

Elizabeth and her supporters resisted the notion of a moral stain and the monarch's guilt with a twist on the theme of the royal conscience. As noted above, this phrase expressed the idea that a ruler's thoughts and deliberations — indeed, her entire inner life — should be hidden from the view of ordinary mortals and citizens, who had no ability to understand, much less interrogate it.<sup>118</sup> Indeed, not only was it inappropriate to scrutinize the ruler's mind too closely, but also it was downright dangerous.<sup>119</sup> Anyone who dared look too closely, or inappropriately, at the Queen could be blinded and paralyzed by the dazzling mystery of the royal presence.<sup>120</sup> A supporter of Elizabeth, R.C., attributed a "Medusa-like" countenance to her majesty that would leave all traitors "'so dismayed upon the sight of [her] princely person, and in beholding [her] most gracious countenance' that they would suddenly have 'no power to performe the thing, which they hadde before determined upon.'"<sup>121</sup> Bacon referred to the "deep and unscrutable centre of the court, which is her majesty's mind."<sup>122</sup>

By the same token, just as the sight of Elizabeth's countenance paralyzed traitors, it also blinded eyes that sought to scrutinize and judge her. The events surrounding Mary's death and Elizabeth's role in them were not subject to direct observation: no discernible act of Elizabeth precipitated it; no particular moment in time sealed Mary's fate.<sup>123</sup> As Gallagher phrases it, one could feel the effects of queenly power but not "discern the means by which she exerted it."<sup>124</sup> Her goal was unaccountability. Mary's goal, of course, was the opposite; she sought to hold Elizabeth accountable and to call her cousin's conscience to a reckoning.<sup>125</sup> Despite Elizabeth's conspicuous absence at Mary's trial (the Presence Chamber at Fotheringay Castle where the trial took place contained an empty chair "for the [Q]ueen of England, under a cloth of estate"), Mary repeatedly appealed to Elizabeth's conscience through Elizabeth's commissioners.<sup>126</sup> She asserted that Elizabeth would be tried in a court in which "God alone" would judge

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117. *See id.* at 43.

118. *See id.* at 38.

119. *Id.* at 24-25.

120. *Id.*

121. *Id.* at 24 (quoting R.C., A DECLARATION OF THE ENDS OF TRAYTORS (1587)).

122. 3 FRANCIS BACON, *Letters from the Cabala*, in THE WORKS OF FRANCIS BACON 1, 3 (Philadelphia, Parry & McMillan 1857).

123. GALLAGHER, *supra* note 36, at 25.

124. *Id.*

125. *Id.* at 29-32.

126. *Id.* at 30-31 (citing 1 WILLIAM COBBETT, COBBETT'S COMPLETE COLLECTION OF STATE TRIALS 1169-73 (London, T.C. Hansard 1809)).

her: “the court of conscience.”<sup>127</sup> This claim, made to the empty chair, challenged Elizabeth’s moral immunity.

In resisting this challenge, Elizabeth used the idea of the *arcana imperii* to describe her conscience as hidden and inaccessible, something her subjects could not, and should not, ever try to interpret or understand.<sup>128</sup> As George Sandys explained, the fable of Actaeon, the mortal who saw the goddess Diana bathing and was hunted down and killed by his own hounds as punishment, “was invented to shew us how dangerous a curiosity it is to search into the secrets of [p]rinces, or by chance to discover their nakednesse.”<sup>129</sup> According to Montrose:

To “discover” the nakedness of the prince is both to locate and to reveal the *arcana imperii* — to expose to scrutiny, and perhaps to ridicule, and thus to demystify the secrets of state, whether these be the politic strategies that legitimate royal power, the spectacular performances that sustain it, or the intelligence upon which it fashions policy.<sup>130</sup>

The ability of the ruler to conceal thoughts that would be dangerous to mortal view had traditionally been associated with masculinity;<sup>131</sup> the idea that “the body . . . of a weak and feeble woman” could also contain these figurative internal spaces endowed an anatomically female body with traits and capacities the culture coded as masculine.<sup>132</sup>

The two royal bodies, natural and corporate, had different relationships to conscience. The ruler’s natural body was connected to a mortal conscience, susceptible to the judgment of God and other mortals,<sup>133</sup> but the conscience of the body politic was, according to Blackstone, “not only incapable of *doing* wrong, but even of *thinking* wrong: [the ruler] can never mean to do an improper thing: in him is no folly or weakness.”<sup>134</sup> Thus, Parliament had addressed the

127. *Id.* at 30.

128. *See id.* at 25, 38; *see generally* JONATHAN GOLDBERG, *JAMES I AND THE POLITICS OF LITERATURE: JONSON, SHAKESPEARE, DONNE, AND THEIR CONTEMPORARIES* 55-112 (1983) (discussing the doctrine of *arcana imperii*).

129. GEORGE SANDYS, *OVID’S METAMORPHOSIS: ENGLISHED, MYTHOLOGIZED, AND REPRESENTED IN FIGURES* 150-51 (Karl K. Hulley & Stanley T. Vandersall eds., Lincoln, Univ. of Neb. Press 1970) (1632).

130. Louis Montrose, *Spenser and the Elizabethan Political Imaginary*, 69 *ENG. LITERARY HIST.* 907, 921 (2002).

131. GOLDBERG, *supra* note 128, at 68 (locating the origins of the *arcana imperii* doctrine in the Roman Empire, specifically, in Tacitus’s *Annals*). The doctrine, originally developed for male Roman emperors, has been largely applicable to men throughout its history, simply by virtue of the traditional male domination of the role of head of state.

132. ELIZABETH I: *COLLECTED WORKS*, *supra* note 79, at 326.

133. *See* GALLAGHER, *supra* note 36, at 59.

134. WILLIAM BLACKSTONE, *1 COMMENTARIES* \*246.

conscience of Elizabeth's body natural, which was theoretically vulnerable to the argument that failing to execute Mary would have left a threat to the realm and, therefore, a burden on Elizabeth's conscience.<sup>135</sup>

Once the trial was over, the issue of Elizabeth's culpability in her cousin's death became more difficult to avoid, and a struggle ensued between the Queen and Parliament over her unwillingness to act by signing the warrant for Mary's death.<sup>136</sup> In response to Parliament's petitions demanding her acquiescence to the judgment, Elizabeth obfuscated; she gave two speeches that gave and then retracted her assent, forming a pattern of revelation and correction that Gallagher interprets as a lesson to her subjects that they could not, in fact, understand her meaning, or read her conscience, and therefore could not judge her.<sup>137</sup>

In both speeches, Elizabeth hinted that the circumstances of the case were so complicated, and accurate perception of them so difficult, that her actions in response to them could not be judged.<sup>138</sup> Furthermore, she implied, the attempt to discern the conscience of the Queen was a self-incriminating act: those who thought they knew how to interpret her hesitation as a pretense of clemency were not only wrong, but were themselves subject to the judgment of "the [m]aker of all thoughts."<sup>139</sup> Ultimately, she called upon her subjects to be content with "an answer without answer."<sup>140</sup> Gallagher describes the Queen's "answer answerlesse" as "a further meditation on the hazardous enterprise of expressing, and judging, the 'intents' within her conscience."<sup>141</sup>

Some interpreted Elizabeth's "answer answerlesse" correctly. For example, William Warner, the author of *Albions England*, deemed the Queen's reply an appropriate expression of royal power in its "manipulation of enigmas" to serve royal ends.<sup>142</sup> In a pithy couplet, Warner captured the consequence that in cutting through the ambiguity of Elizabeth's words and acting, her ministers were left accountable and the Queen untainted: "[b]ut with her Oracle that bod them

135. See GALLAGHER, *supra* note 36, at 60.

136. See *id.* at 31-35.

137. See *id.* at 35-58. The traditional reading of Elizabeth's obfuscation at this juncture as dithering and indecisive is implicitly connected with her gender. See *id.* at 29 ("John Lingard, the nineteenth-century Catholic historian, surmised that Elizabeth's elusive words and behavior exhibited a defect 'in the constitution of her mind . . . .'"); WEIR, *supra* note 110, at 373 (characterizing Elizabeth's reply to Parliament's request to carry out the sentence of execution as "distracted and undecided").

138. See GALLAGHER, *supra* note 36, at 39.

139. ELIZABETH I: COLLECTED WORKS, *supra* note 79, at 201; see also *id.* at 47.

140. ELIZABETH I: COLLECTED WORKS, *supra* note 79, at 204.

141. GALLAGHER, *supra* note 36, at 55.

142. *Id.* at 56.

do, and doe it not, . . . [p]lay'd they as Alexander did with King Gordians Knot."<sup>143</sup> Thus, the royal conscience remained undefiled because its workings remained hidden: the ruler "can never mean to do an improper thing[;] in him is no folly or weakness."<sup>144</sup> In *Macbeth*, we see this notion of a female sovereign with an inscrutable conscience literally turned inside out.

#### IV. LADY MACBETH

This section turns to *Macbeth* and to Lady Macbeth's crippling conscience. First, a brief plot summary: the play opens in the midst of a rebellion against Scotland's lawful king, Duncan.<sup>145</sup> Two of his victorious captains, Macbeth and Banquo, are returning from battle when they come upon the three Weird Sisters who prophesy that Macbeth will be king.<sup>146</sup> Enflamed by their words,<sup>147</sup> and shortly thereafter, spurred on by his wife,<sup>148</sup> Macbeth murders the king as he sleeps in Macbeth's castle the night after the battle.<sup>149</sup> The rest of the play enacts the moral reversal of husband and wife: Macbeth becomes more and more ruthless and corrupt, plotting other murders to keep his secret;<sup>150</sup> Lady Macbeth eventually succumbs to the torments of her conscience<sup>151</sup> and apparently commits suicide.<sup>152</sup> Ultimately, Macbeth himself is killed in single combat with MacDuff.<sup>153</sup>

At the beginning of the play, Lady Macbeth receives a letter from her husband recounting the sisters' prophecies and quickly decides what must be done.<sup>154</sup> She worries that her husband is "too full o'th'milk of human kindness"<sup>155</sup> to carry out the deed, and she therefore seeks the necessary resolve in herself. She calls on the "spirits / [t]hat tend on mortal thoughts" to "unsex" her,

And fill me from the crown to the toe top-full  
Of direst cruelty! Make thick my blood;  
Stop up th'access and passage to remorse,

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143. *Id.* (quoting WILLIAM WARNER, *ALBIONS ENGLAND* 247 (Chadwyck-Healey Ltd. 1994) (1602)).

144. BLACKSTONE, *supra* note 134, at \*246.

145. *MACBETH*, *supra* note 19, at act 1, sc. 2.

146. *Id.* at act 1, sc. 3, lines 39-79.

147. *Id.* at act 1, sc. 4, lines 130-45.

148. *Id.* at act 1, sc. 5, lines 53-71, act 1, sc. 7.

149. *Id.* at act 2, sc. 2, line 14.

150. *Id.* at act 3, sc. 1, act 4, sc. 1, lines 84-86, 144-56.

151. *Id.* at act 5, sc. 1.

152. *Id.* at act 5, sc. 5, line 16.

153. *Id.* at act 5, sc. 8.

154. *Id.* at act 1, sc. 5, lines 1-28.

155. *Id.* at act 1, sc. 5, line 15.

That no compunctious visitings of nature  
 Shake my fell purpose, nor keep peace between  
 Th'effect and it.<sup>156</sup>

In light of Elizabeth's self-presentation as combining a biologically female body with stereotypically male traits, it is important to note that biological transformation is exactly what Lady Macbeth, fifteen years after Tilbury, demands from the spirits. Suppressing any qualities in herself that might deter her from the deed, Lady Macbeth calls upon the spirits to perform a specific, biological act of "unsexing": she asks them to stop her menstrual cycle.<sup>157</sup> Specifically, she wishes that her genital tract should be blocked by thickened blood.<sup>158</sup> Because the womb was thought to be connected to the heart, this blockage would also metaphorically impede the flow of remorse from her heart.<sup>159</sup> Her speech suggests that the only way for a female body to exhibit male traits, like ruthlessness and aggression, is to change its very biology. This is a revision of Elizabeth's figurative assertion that she could remain female and still contain a metaphysical male body that allowed her to act like a man. For Lady Macbeth, the only option for masculine performance is male biology. This formulation more closely approaches the modern conflation of sex and gender than Elizabeth's earlier presentation of herself as sexed one way and gendered another.

As noted, there was an overall trend in the culture toward seeing sexual difference as increasingly absolute, as the homological model lost traction,<sup>160</sup> but its demise may have been hastened by the anxiety surrounding Elizabeth's gender performance. Lady Macbeth's conflation of sex and gender, in light of contemporary fears about the power of dressing and acting, may very well be the logical extension of Elizabeth's performance of male rule. As discussed, Elizabeth's dressing in kingly attire, ornamenting herself with symbols of her father's rule, and describing her female body as coexistent with a male, immortal, kingly body implicated, in contemporary terms, her biology. Lady Macbeth embodies this implication and its consequences.<sup>161</sup>

Elizabeth's dual-gendered image had begun to unravel before her death. In 1593, parliamentarian Peter Wentworth, expressing a

156. *Id.* at act 1, sc. 5, lines 38-45.

157. Jenijoy La Belle, "A Strange Infirmary": *Lady Macbeth's Amenorrhea*, 31 SHAKESPEARE Q. 381, 381-82 (1980) (explaining that Lady Macbeth's reference to the "passage to remorse" must be read in light of the use of the word "passage" in obstetrics manuals to describe the tract through which menstrual blood is discharged).

158. *Id.* at 382.

159. *Id.*

160. See *supra* notes 93-95 and accompanying text.

161. See La Belle, *supra* note 157, at 382.

general concern of the public as a whole,<sup>162</sup> drafted a speech blaming the queen for failing to name a successor:

O England England how great ar thy sines towards thy mercifull god, that he hath so alienated the harte of her that he hath sett over thee to be thy nource, that she should withhold nourishing milk from thee, and force thee to drinke thyne one distruction. . . . These ungodly and unnaturall evils they cannot thinke or judg to be in your majestie as of your self and of your owne nature, but that your majestie is drawn unto it by some wicked charming spirit of traiterous persuasion, or that your majstie is overcome by some feminine concept.<sup>163</sup>

The seditious speech was never delivered, as its author spent time in the Tower revising his views,<sup>164</sup> but it shows the inherent volatility of Elizabeth's version of the King's Two Bodies. The potential expressed by Lady Macbeth is already present: the female ruler is easily demonized into the "unnatural" female, a wet nurse who withholds life-giving milk from the infant in her care, who (like Lady Macbeth) could "pluck[] [her] nipple from his boneless gums / [a]nd dash[] the brains out."<sup>165</sup>

I now turn to the process by which Lady Macbeth's transformation is realized. Her role at the beginning of the play is that of pitiless inciter to murder, fearful only that her husband's nature is "too full o'th'milk of human kindness / [t]o catch the nearest way" to the "golden round."<sup>166</sup> Having invoked the spirits to "unsex" her, she urges Macbeth not to contemplate the deed or hesitate, "Letting 'I dare not wait upon 'I would,' / [l]ike the poor cat i'th'adage?"<sup>167</sup> After Macbeth commits the murder and expresses horror at what he has done, she chides him for thinking "[s]o brainsickly of things,"<sup>168</sup> and assures him, "A little water clears us of this deed."<sup>169</sup>

The first sign of Lady Macbeth's transformation occurs in act 2, scene 3, when Macbeth has just confessed to killing Duncan's guards, pretending to have been overcome with rage at their alleged participation in the murder:

Who can be wise, amazed, temp'rate and furious,  
Loyal and neutral in a moment? No man.

162. See LEVINE, *supra* note 30, at 116.

163. *Id.* (quoting J.E. Neale, *Peter Wentworth*, 39 *ENG. HIST. REV.* 175, 196-97 (1924)).

164. *Id.*

165. MACBETH, *supra* note 19, at act 1, sc. 7, lines 57-58.

166. *Id.* at act 1, sc. 5, lines 14-16, 26.

167. *Id.* at act 1, sc. 7, lines 44-45.

168. *Id.* at act 2, sc. 2, line 49.

169. *Id.* at act 2, sc. 2, line 70.



Th'expedition of my violent love  
 Outrun the pauser, reason. Here lay Duncan,  
 His silver skin laced with his golden blood,  
 And his gashed stabs looked like a breach in nature  
 For ruin's wasteful entrance; there the murderers,  
 Steeped in the colors of their trade, their daggers  
 Unmannerly breeched with gore. Who could refrain  
 That had a heart to love, and in that heart  
 Courage to make's love known?<sup>170</sup>

These lines echo Lady Macbeth's taunt, in act 1, scene 7, when Macbeth declared they would "proceed no further in this [murder] business."<sup>171</sup> She responds by mocking Macbeth's inability to translate his desires into action, and adds that she will consider his love for her the same way.<sup>172</sup> Her mockery provokes an angry retort: Macbeth tells her, "I dare do all that may become a man."<sup>173</sup> After committing the murder she prodded him to do, Macbeth expresses his transformation into one who cannot refrain from acting in the heat of passion, unable to pause to contemplate the wisdom of his deeds.<sup>174</sup> Of course, his explanation is disingenuous: the audience knows he killed the guards to silence and implicate them,<sup>175</sup> but playing the part, as we have seen, allows him to become it. Having acted, in killing the guards, as one who acts on impulse, and now speaking the part, Macbeth becomes such a person. Simultaneously, Lady Macbeth figuratively ceases to function; as Macbeth's conscience disappears behind his actions, she leaves the world of action to become the embodiment of conscience. Her conscience is made manifest by a debilitating physical illness that leaves her unfit for worldly action.<sup>176</sup>

Of course, Lady Macbeth's removal from the world of action is not yet complete; in the banquet scene, she returns to ridicule her husband's terror at the appearance of Banquo's ghost, an apparition that she cannot see.<sup>177</sup> But even as Macbeth plots Banquo's murder, it is clear that their relationship has changed. When Lady Macbeth asks, "What's to be done?" Macbeth answers, "Be innocent of the knowledge, dearest chuck, / [t]ill thou applaud the deed."<sup>178</sup> Again, she is excluded from the world of action, specifically, political action

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170. *Id.* at act 2, sc. 3, lines 103-115.

171. *Id.* at act 1, sc. 7, line 31.

172. *Id.* at act 1, sc. 7, lines 35-39.

173. *Id.* at act 1, sc. 7, line 46.

174. *Id.* at act 2, sc. 3, lines 103-15.

175. *See id.* at act 2, sc. 1, lines 38-49, act 2, sc. 2, lines 58-60.

176. *See id.* at act 5, sc. 1.

177. *Id.* at act 3, sc. 4, lines 59-76.

178. *Id.* at act 3, sc. 2, lines 47-49.

involving royal succession (that is, trying to cut off Banquo's line). Macbeth's words here are reminiscent of Elizabeth's equivocation concerning Mary's execution. As Gallagher puts it,

While it was possible, then, to enjoy, or to suffer, the effects of Elizabeth's power, it was not possible to discern the means by which she exerted it. One might rejoice, or privately lament, that Mary was suddenly absent from the theater of the world; but one could not pinpoint the moment at which Elizabeth assured her going.<sup>179</sup>

Thus, Lady Macbeth is removed by her husband's obfuscation from royal power and its internal machinations, the royal conscience, to the world of the subject. Excluded from the ruler's thoughts, Lady Macbeth is left, like Elizabeth's subjects after Mary's execution, only to "applaud the deed."<sup>180</sup>

As the play progresses, the figure of Lady Macbeth rewrites the iconography that legitimated Elizabeth's rule not only to foreground the anxiety awakened by female rule, but to dismantle the symbolic system linking the female body with political power. At the beginning, Lady Macbeth plays the role of instigator, taunting Macbeth to murder.<sup>181</sup> Her spurring on of Macbeth to seize the throne is in some ways more threatening than Elizabeth's overt exercise of power because it hints that even when a male king appears to rule, his animating spirit is female.

Lady Macbeth's transformation from monster to penitent — or, the failure of her demand to be "unsexed" — is brought about by the activation of her conscience. Apparently tormented by guilt over the murder, she sleepwalks nightly, seeing through her sightless eyes a murky hell, smelling blood, and compulsively washing her hands.<sup>182</sup> Critics have failed to consider the role that ideas about conscience and gender play in her fall.<sup>183</sup> But the play's representation of Lady

179. GALLAGHER, *supra* note 36, at 25.

180. MACBETH, *supra* note 19, at act 3, sc. 2, line 49.

181. *See id.* at act 1, sc. 5, lines 53-71, act 1, sc. 7.

182. *See id.* at act 5, sc. 1.

183. *See, e.g.,* Derek Russell Davis, *Hurt Minds, in FOCUS ON MACBETH, supra* note 105, at 210, 213-14 (suggesting that Lady Macbeth's childhood was marred by "serious disturbances in her relationships," and that her depression is caused by lack of her husband's support); Robin Grove, *'Multiplying Villainies of Nature,' in FOCUS ON MACBETH, supra* note 105, at 113, 135 (claiming Lady Macbeth is "haunted by what she has murdered in herself"); Peter Stallybrass, *Macbeth and Witchcraft, in FOCUS ON MACBETH, supra* note 105, at 189, 199 (describing her as undone by the reassertion of a natural remorse and, in the end, transformed back into the virtuous wife in a way that "operates as a specific closure of discourse within the binary opposition of virago (witch)/wife"). Grove and Davis, of course, make the mistake of treating Lady Macbeth as a "real" person rather than a fictional character.

Macbeth's conscience rewrites Queen Elizabeth's presentation of the nature of her conscience and, in doing so, marks an historically specific moment in the separation of women and political power.

In contrast to Elizabeth's depiction of her conscience as hidden and unknowable, Lady Macbeth's becomes completely accessible. In fact, by the end of the play, she is nothing more than its embodiment; she enacts its workings in her compulsive writing, reading, and hand washing, and verbalizes its reproaches as the doctor and the waiting woman observe her.<sup>184</sup> She has become the embodiment of a tormented, mortal and inescapable conscience. As the doctor says, "[her] heart is sorely charged."<sup>185</sup> The point is clear: Lady Macbeth's body is inhabited by the awareness of her crimes; far from being "unsexed" in order to do violence, she is now completely incapacitated. Her rumored suicide is the inevitable end of this process.<sup>186</sup> Lady Macbeth's madness and suicide offer the hope of containing the chaos unleashed by the play; this hope stems from the elimination of the female ruler's opacity through the emergence of Lady Macbeth's "transparent" conscience.

The impulse to deprive the female body of supernatural secrets appears in the play's sleepwalking scene. First, the scene reveals a gender divide. Women (the waiting gentlewoman) are associated with royal secrets; men (the doctor) reveal those secrets. When the doctor asks her to tell him what Lady Macbeth says while sleepwalking, the waiting woman refuses to "report after" because as the sole witness, no one can confirm her account.<sup>187</sup> It is the male doctor who transcribes — or renders part of the visible record — Lady Macbeth's utterances.<sup>188</sup> Her words, of course, reveal secrets of state: the regicide;<sup>189</sup> the murder of Banquo, father to a line of kings; the exercise of royal power without accountability;<sup>190</sup> and effects without perceptible causes.<sup>191</sup> These are all aspects of royal authority exhibited by Elizabeth in, among other royal acts, the execution of Mary.

At this point in the play, the "stain" of moral guilt that Elizabeth sought to avoid in relation to Mary's death seems to have become not only visible, but indelible; rubbing her hands, Lady Macbeth finds a

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184. See *MACBETH*, *supra* note 19, at act 5, sc. 1.

185. *Id.* at act 5, sc. 1, line 45.

186. *Id.* at act 5, sc. 5, lines 16-18.

187. *Id.* at act 5, sc. 1, lines 12-15.

188. See *id.* at act 5, sc. 1, lines 28-29.

189. *Id.* at act 5, sc. 1, lines 33-34 ("Yet who would have thought the old / man to have had so much blood in him?").

190. *Id.* at act 5, sc. 1, lines 32-33 ("What need we fear who knows it, when none can / call our power to account.?).

191. *Id.* at act 5, sc. 1, lines 36-37 ("The Thane of Fife had a wife. Where is / she now?").

“spot” and mutters, “[W]ill these hands ne’er be clean?”<sup>192</sup> The smell of the stain also torments her: “Here’s the smell of the blood still. All the / perfumes of Arabia will not sweeten this little hand.”<sup>193</sup> The guilt has become a stigma on the very body of the female ruler. Indeed, Lady Macbeth’s sleepwalking is the ultimate expression of this fact. As a sleepwalker, she is a purely physical being, performing acts without consciousness — “her eyes are open. / . . . but their sense[s] are shut.”<sup>194</sup>

On the stage, this scene exposes these secrets to public view and undermines Lady Macbeth’s relationship to queenly authority. Like Macbeth’s earlier admonishment of his “dearest chuck” to “applaud the deed,”<sup>195</sup> the doctor announces this revision by saying to the queen: “You have known what you should not.”<sup>196</sup> Her waiting woman, the voice of the female ruler’s opacity, corrects him: “She has *spoke* what she should not, I am sure of / that.”<sup>197</sup> But the occulted female queen is gone; by the end of the scene, the male authority figure has appropriated her secrets. He has looked on a sight which should have destroyed him, the female ruler’s *arcana imperii*,<sup>198</sup> but it has instead given *him* the capacity to keep these secrets.<sup>199</sup> This scene works to deprive the female body of the capacity for supernatural — or “unnatural” — powers that emanate from an unseen source.

Macbeth’s remonstrations with the doctor in act 5 further illustrate the inescapability of Lady Macbeth’s conscience. Told that his wife is “troubled with thick-coming fancies / [t]hat keep her from her rest,”<sup>200</sup> Macbeth asks the doctor whether he can

Pluck from the memory a rooted sorrow,  
Raze out the written troubles of the brain,  
And with some sweet, oblivious antidote  
Cleanse the stuffed bosom of that perilous stuff  
Which weighs upon the heart?<sup>201</sup>

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192. *Id.* at act 5, sc. 1, lines 23, 27, 37.

193. *Id.* at act 5, sc. 1, lines 42-43.

194. *Id.* at act 5, sc. 1, lines 20-21.

195. *Id.* at act 3, sc. 2, lines 48-49.

196. *Id.* at act 5, sc. 1, line 39.

197. *Id.* at act 5, sc. 1, line 40-41 (emphasis added).

198. *Id.* at act 5, sc. 1, line 69 (“My mind she has mated, and amazed my sight.”).

199. *Id.* at act 5, sc. 1, line 70 (“I think, but dare not speak.”). Compare this phrase with one of Elizabeth’s mottoes, “*video et taceo* — ‘I see and keep silent.’” *GODDESSES AND QUEENS: THE ICONOGRAPHY OF ELIZABETH I*, at 4 (Annaliese Connolly & Lisa Hopkins eds., 2007) (quoting Mary Thomas Crane, “*Video et Taceo*”: *Elizabeth I and the Rhetoric of Counsel*, 28 *STUD. ENG. LITERATURE* 1, 2 (1988)).

200. *MACBETH*, *supra* note 19, at act 5, sc. 3, lines 39-40.

201. *Id.* at act 5, sc. 3, lines 42-46.

The doctor, however, disclaims the power to do so, insisting that “the patient / [m]ust minister to himself.”<sup>202</sup> The doctor’s answer implies the inseparability of the guilty conscience from the body — in this case, the female body — by presenting self-examination of the conscience as the only treatment.

This is exactly what both Mary and Parliament, with different goals, had asked Elizabeth to do in 1587; she refused their requests on the basis of the inscrutability of the royal conscience. Here, to the contrary, the conscience of the female ruler has become all too scrutable. Unlike Elizabeth, Lady Macbeth cannot hide the workings of her conscience. When the Doctor reports to Macbeth that “[m]ore needs she the divine than the physician,”<sup>203</sup> he essentially affirms the inseparability of her conscience from her body. Medical, physically-based treatment will not alleviate her physical symptoms; only spiritual remedies will work.

As I have shown, to suit her own ends, Elizabeth refined the idea of the royal conscience as hidden, inaccessible, and even dangerous to the view of ordinary mortals.<sup>204</sup> The revision of Elizabeth’s construction in *Lady Macbeth* depicts the conscience of the female ruler as open to view, readable by all, and her body as the page upon which it is written. Whereas Elizabeth’s construction of her royal conscience enabled her to avoid accountability by shrouding its inner workings behind the doctrine of “state secrets,” *Lady Macbeth*’s conscience takes over her entire being, incapacitating and finally destroying her. No longer hidden inside an invisible royal body, the female conscience is now literally and visibly embodied in a mortal, female body. In *Lady Macbeth*, then, the female body is no longer imaginable as a locus for the secrets of state; it is now transparent, accessible to the moral judgments of all, and deprived of the opacity necessary for the exercise of political power. This rewriting was achieved through the reworking of Queen Elizabeth’s iconography; in *Macbeth* the symbols that helped legitimize a female sovereign were given new meanings that undermined the idea of female rule.

In summary, the unraveling of Queen Elizabeth’s royal conscience in *Macbeth* produces a conception of women that excludes them from political power. The play achieves this result in two stages. First, it shows us the threatening instability of female rule in the image of the “unsexed” Lady Macbeth. Then, in a recuperative move, the play offers a benign vision of women: Lady Macbeth, disabled by remorse

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202. *Id.* at act 5, sc. 3, line 46-47.

203. *Id.* at act 5, sc. 1, line 65.

204. *See supra* Parts II, III.

and paralyzed by her conscience, will never intervene in affairs of state again. This banishment from political power extends to the bearing of children, to the extent that giving birth constitutes an intervention in politics (for example, when the child is destined to succeed to the throne). We learn from the image of Macduff “[u]ntimely ripped” from his mother’s womb that the role of this reconceptualized woman will be limited to a purely physical, mechanistic one.<sup>205</sup>

One critic has seen in Lady Macduff, left unprotected and unable to protect herself or her brood of “pretty [ones]” from slaughter, a symbol of “a new model of femininity.”<sup>206</sup> Yet, none has seen Lady Macbeth this way; in fact, however, she is exactly that. Her body renders visible the unsuitability of women for political power, and her attempts to seize it can be depicted only as monstrous. Her moral sensitivity has become a crippling impediment, and her only recourse to entanglement in public life is suicide. Shakespeare’s principal source for *Macbeth*, Raphael Holinshed’s *Chronicles of England, Scotland and Ireland*, makes clear that assigning conscience to the female in the story was Shakespeare’s innovation.<sup>207</sup> Shakespeare redistributes the “pricke of conscience”<sup>208</sup> from the husband to the wife, from male to female, but leaves other markers of their relative culpability intact.

This move reflects the demands of this particular historical moment; Megan Matchinske describes the “cultural rewriting of conscience” in the early years of the seventeenth century “as chaste, feminized, and dowried.”<sup>209</sup> Between approximately 1600 and 1620, she argues, conscience became a gendered domain, with women assigned to “stand guard over men’s minds” and marriage “as the domestic site of social control.”<sup>210</sup> She shows that many texts in this period, wrestling with how to reconcile discrepancies between thought and action, appoint women, by nature supposedly averse to sin, “domestic confessors” and “keepers of conscience.”<sup>211</sup> In

205. MACBETH, *supra* note 19, at act 5, sc. 8, lines 15-16.

206. See Dymna Callaghan, *Wicked Women in Macbeth: A Study of Power, Ideology, and the Production of Motherhood*, in RECONSIDERING THE RENAISSANCE 355, 364-65 (Mario A. Di Cesare ed., 1992).

207. See 5 RAPHAEL HOLINSHED, *HOLINSHED’S CHRONICLES OF ENGLAND, SCOTLAND, AND IRELAND* 264-77 (London, J. Johnson 1808) (1587); Stallybrass, *supra* note 183, at 193-94.

208. HOLINSHED, *supra* note 207, at 271.

209. MATCHINSKE, *supra* note 25, at 87.

210. *Id.* at 88.

211. *Id.* at 110. Of course, this creates a dialectical relationship: women, on the one hand, embody conscience as divorced from action, but on the other hand, they police their husband’s actions and thus engage the world of action. I thank Yair Sagy for pointing this out to me.

Reformation England, where the church had been stripped of its role as absolver of sin through the Catholic sacrament of confession, assigning this role to women was a powerful move.<sup>212</sup> More broadly, as the state became increasingly unable to control its subjects, the possibility of domestic agents who monitored and controlled the hidden realm of inner thoughts was an attractive one.<sup>213</sup> Lady Macbeth's suicide foreshadows this new female role and the self-scrutiny — or, more accurately, the inability to escape from the self — that comes with it.

#### V. JAMES'S DIS-COVERIES

In addition to presenting a figure of modern femininity, whose moral sensitivity equips women only for the domestic sphere, *Macbeth* also makes several moves toward fusing sex with gender and banishing signs of gender ambiguity. In this section, I turn to the public performances of experiments of James I involving young girls who claimed to be demonically possessed and connect them with Banquo's response to the three sisters in *Macbeth*. In his encounter with the Weird Sisters, Banquo, James's ancestor, resists gender ambiguity and offers a way out of it; his ultimate fate, we learn, will be to father a line of kings that will outlive Macbeth.<sup>214</sup> In his experiments on bewitched adolescent girls, James I performed a transformation similar to the one I argue Banquo tries to perform on the Weird Sisters: he eliminates the threat they pose by establishing their gender. In other words, he conducted experiments that "proved" that biology determines behavior, and that behavior — in feminist jurisprudence terms, "performance" — incompatible with anatomical sex is an illusion.

The Weird Sisters approach Macbeth and Banquo as the two return from battle and offer their threefold prophecy by hailing Macbeth: Thane of Glamis, his current title; Thane of Cawdor, a title the king has just, unbeknownst to him, bestowed; and "king hereafter."<sup>215</sup> Ultimately, the trajectory of these prophecies spurs Macbeth to regicide, but the first question which animates the play is what the nature of these seeming "hags" could be?<sup>216</sup>

Any attempt to classify them as witches or as women quickly founders.<sup>217</sup> James had been known in Scotland as an authority on

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212. *See id.* at 111.

213. *Id.*

214. *MACBETH*, *supra* note 19, at act 3, sc. 1, lines 62-63.

215. *Id.* at act 1, sc. 3, lines 48-51, 72-73.

216. *See id.* at act 1, sc. 3, lines 40-48.

217. *See id.* at act 1, sc. 3, lines 46-48.

witchcraft, but by his ascension to the English throne in 1603, the evidence shows he was shedding his former belief in witchcraft.<sup>218</sup> The witches' presence in the play then is not a simple gesture of flattery toward the king's world-view.<sup>219</sup> Further, as we learn from Banquo, the real problem may be that their gender is not clear; they appear to be women, but as Banquo observes, their "beards forbid" such an interpretation.<sup>220</sup>

Beards had a special significance at the Jacobean court where having a beard signified a masculinity distinct from that associated with a youthful, smooth-faced appearance.<sup>221</sup> Contemporary lore held that beardless men were especially appealing to those, such as James, with homosexual inclinations;<sup>222</sup> the King was said to have discarded one male favorite because the young man grew a beard.<sup>223</sup> Beards were signifiers in a system in which men could be gendered in different ways: those without beards risked becoming effeminized objects of the king's amorous gaze; a bearded face signaled a more stable and healthy masculine position.<sup>224</sup> Beards were thus a sign of a masculinity not susceptible to diminution; they precluded the androgynous appearance that James was said to favor. A beard was a sign that stopped the slippage between genders. The anxiety about indeterminacy focused in one direction: on the possibility, substantiated by contemporary medical thought and the erotic economy of the Jacobean court, that men could slip a few rungs down the ontological ladder into femininity.<sup>225</sup> Again, to put this in modern terms, beards were an important aspect of the performance of gender: a man without a beard risked performing femininity. As the many cases involving transgressive hair length and styles today attest,<sup>226</sup> hair seems an especially charged — and dangerously mutable — signifier of gender.<sup>227</sup>

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218. Christina Lerner, *James VI and I and Witchcraft*, in *THE REIGN OF JAMES VI AND I*, at 74, 83-87 (Alan G. R. Smith ed., 1973).

219. See Stallybrass, *supra* note 183, at 193-94.

220. *MACBETH*, *supra* note 19, at act 1, sc. 3, line 47.

221. See TANNEGUY LEVENEUR TILLIÈRES, *MÉMOIRES INÉDITS DU COMTE LEVENEUR DE TILLIÈRES 2* (Paris, Poulet-Malassis 1862).

222. MICHAEL B. YOUNG, *KING JAMES AND THE HISTORY OF HOMOSEXUALITY 1* (2000).

223. See TILLIÈRES, *supra* note 221, at 2.

224. See Robert A. Houston, *The Face of Madness in Eighteenth- and Early Nineteenth-Century Scotland*, 27 *EIGHTEENTH-CENTURY LIFE* 49, 52 (2003).

225. See *id.*

226. See generally Joan Pedzich, *Student Dress Codes in Public Schools: A Selective Annotated Bibliography*, 94 *L. LIBR. J.* 41 (2002) (providing numerous citations to articles discussing cases challenging hair regulation in the public school setting); Ashleigh Shelby Rosette & Tracy L. Dumas, *The Hair Dilemma: Conform to Mainstream Expectations or Emphasize Racial Identity*, 14 *DUKE J. GENDER L. & POL'Y* 407 (2007) (discussing race and gender issues in recent Title VII grooming cases).

227. See John Beatty, *Language and Communication*, in *CROSS-CULTURAL TOPICS IN PSYCHOLOGY* 41, 43 (Leonore Loeb Adler & Uwe P. Gielen eds., 1994).



King James's personal preferences may have played a small role in making this the case, although it certainly merits further exploration as a topic on its own.

On the faces of the witches, beards represent not just gender indeterminacy, but also the desire for its opposite, stability in signifiers of gender, specifically, masculine gender. Banquo voices this desire when he seeks to determine whether the witches are male or female, reading the beards as they were read at the Jacobean court as signs that prevent female gendering and "forbid" a feminine reading.<sup>228</sup> Thus, at the outset of the play, we see not just anxiety about generalized indeterminacy, but also anxiety about the slide down the gender hierarchy from masculine to feminine, and Banquo's use of semiotic tools against it.

Banquo's inquiries of the witches recharacterize the dilemma of their appearance from the supernatural to gender.<sup>229</sup> He first observes that the Sisters "look not like th'inhabitants o'th'earth,"<sup>230</sup> but a few lines later revises the question to ask whether they are male or female.<sup>231</sup> From Banquo, the figure who represents the hope for stability, this important move suggests that the chaos the Sisters represent — semantic, political, and civil — can be avoided if their gender is determined. The overwhelming majority of accused witches at this time were women.<sup>232</sup> According to Christina Lerner, "[i]f you are looking for a witch, you are looking for a woman."<sup>233</sup> Here, however, Banquo and, by implication, King James revise this dictum by saying, in effect, "if you [*think* you] are looking [at] a witch, you [*should* be] looking for a woman [*instead*]." The issue is no longer that a witch is female because now if you can determine her gender, then you can banish her threat. That the threat is inversely related to gender determinacy is novel; for the first time, this "fact" is offered

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228. See *MACBETH*, *supra* note 19, at act 1, sc. 3, lines 46-48; Houston, *supra* note 224, at 52.

229. See Stephen Greenblatt, *Shakespeare Bewitched*, in *NEW HISTORICAL LITERARY STUDY: ESSAYS ON REPRODUCING TEXTS, REPRESENTING HISTORY* 108, 123 (Jeffrey N. Cox & Larry J. Reynolds eds., 1993) (interpreting Banquo's lines here as expressing the dilemma staged by the play as a whole, whether it is possible to differentiate between phenomena that exist outside the mind from those that exist only within it).

230. *MACBETH*, *supra* note 19, at act 1, sc. 3, line 42.

231. *Id.* at act 1, sc. 3, line 46 ("You should be women . . .").

232. JOYCE GIBSON, *HANGED FOR WITCHCRAFT: ELIZABETH LOWYS AND HER SUCCESSORS* 3 (1988) (noting that "93 percent of those indicted [for witchcraft between 1565 and 1682] were women" and that when a man was charged with a woman, she "was always seen as the principal offender"); see also CHRISTINA LARNER, *ENEMIES OF GOD: THE WITCH-HUNT IN SCOTLAND* 10, 89-102 (1981); Callaghan, *supra* note 206, at 356.

233. Christina Lerner, *Was Witch-Hunting Woman-Hunting?*, in *THE WITCHCRAFT READER* 273, 274 (Darren Oldridge ed., 2002).

as a way to diminish a witch's power, rather than as aggrandizing or confirming it.

Duncan's bleeding body offers a similar opportunity to separate political power from the feminine by figuring the body of the dead king, now separated from power, as itself feminine. Uncontrolled bleeding marked a body as feminine.<sup>234</sup> In a belief system that labeled loss of control of physical boundaries as a dangerous quality of the female body, "the bleeding body signifies as a shameful token of uncontrol, . . . a failure of physical self-mastery particularly associated with woman."<sup>235</sup> Unlike the medical procedure of bleeding that men might *choose* to undergo, women's menstruation was not voluntary or subject to their will and, thus, served as proof of women's weakness.<sup>236</sup> Women's bodies were subject to involuntary — and by extension, punitive — bleeding; loss of blood was coded as loss of bodily control, which, in turn, was coded feminine.<sup>237</sup> Duncan's body presents involuntary bleeding in its most extreme form, death. This reduction to femininity at its most terrifying is clear when Macduff, rushing from the chamber where the murdered king lies, exclaims, "O horror, horror, horror! . . . Approach the chamber and destroy your sight / [w]ith a new Gorgon."<sup>238</sup>

Duncan's feminine gendering is foreshadowed in the historical record.<sup>239</sup> Holinshed blames Scotland's political instability on feminine elements in Duncan's character: "Duncan was too 'soft and gentle of nature, . . . had too much of clemencie,' and was negligent in punishing offenders, so that 'manie misruled persons tooke occasion thereof to trouble the peace and quiet state of the common-wealth, by seditious commotions which first had their beginning in this wise.'"<sup>240</sup>

James's subjects uneasily discerned in him, too, traces of effeminacy. In terms of gender stability, James may have initially seemed a relief after Elizabeth.<sup>241</sup> He was a married male with two sons and a daughter, guaranteeing a secure succession, and his pacific tendencies may have relieved a citizenry heavily taxed to pay for Elizabeth's wars.<sup>242</sup> On the other hand, as the following passage makes clear,

234. See Gail Kern Paster, "In the Spirit of Men There is No Blood": *Blood as Trope of Gender in Julius Caesar*, 40 *SHAKESPEARE Q.* 284, 284 (1989).

235. *Id.* at 284, 286-87.

236. *Id.* at 286-87.

237. *Id.*

238. *MACBETH*, *supra* note 19, at act 2, sc. 3, lines 58, 67-68.

239. See HARRY BERGER, JR., *MAKING TRIFLES OF TERRORS: REDISTRIBUTING COMPLICITIES IN SHAKESPEARE* 85 (1997).

240. *Id.* (quoting HOLINSHED, *supra* note 207, at 265).

241. DEREK HIRST, *AUTHORITY AND CONFLICT: ENGLAND 1603-1658*, at 96 (1986) (discussing the beginning of the reign of King James I).

242. *See id.*

the public uneasily discerned some "feminine" elements in James's nature that were associated with civil disorder and unrest: "He is by nature placid, averse from cruelty, and a lover of justice. . . . He loves quiet and repose, and hath no inclination to war whereat his subjects are little pleased, and less that he leaveth all government to the Council while he followeth nothing but the chase."<sup>243</sup>

Duncan's murdered body offers a solution to the problem of the ambiguously gendered ruler, a problem previously presented by Elizabeth and later, less obviously, by James: his wounds and Gorgon-like countenance reveal Duncan to be feminine and powerless in the same instant.<sup>244</sup> The sexually ambiguous ruler is destroyed in a way that separates his/her feminine aspects from his/her power.<sup>245</sup> In Duncan's murder and Banquo's reaction to the witches, the play expresses the impulse to separate femininity from power.

James's intellectual relationship to witchcraft and demonic possession enacts the same process that I have tried to reveal in the play. After leaving Scotland, he began to discard his credulity about demonic possession.<sup>246</sup> By the time he became king of England, the evidence indicates that he was skeptical of many claims of the supposedly possessed.<sup>247</sup> One of his courtiers firmly stated that James "grew first diffident of, and then flatly to deny, the workings of witches and devils, as but falsehoods and delusions."<sup>248</sup>

It is important, however, not to align belief in and skepticism about witchcraft with differing attitudes toward women. James's change in views toward the phenomenon of demonic possession did not reveal a nascent profeminism; on the contrary, it was an expression of his continuing antifeminism. Witchcraft skeptics of the time, such as Reginald Scot and George Gifford, in mocking the idea that old women could perform the feats that superstition ascribed to them, constructed a view of power that excluded women.<sup>249</sup> As Purkiss

243. 5 G.B. HARRISON, *ELIZABETHAN AND JACOBEAN JOURNALS 1591-1610: A SECOND JACOBEAN JOURNAL* 1 (1958); *see also id.* at viii-ix, 66 (commenting on public frustration with James's leadership and homosexual tendencies, "as if [James] had mistaken his sex"); HIRST, *supra* note 241, at 97 (noting that "[James's] tastes [in young men] had political consequences").

244. *See* Susan Zimmerman, *Duncan's Corpse*, in *A FEMINIST COMPANION TO SHAKESPEARE* 320, 328-29 (Dympna Callaghan ed., 2000).

245. *See* JANET ADELMAN, *SUFFOCATING MOTHERS: FANTASIES OF MATERNAL ORIGIN IN SHAKESPEARE'S PLAYS, HAMLET TO THE TEMPEST* 132-33 (1992).

246. Larner, *supra* note 218, at 81.

247. *See* GEORGE LYMAN KITREDGE, *WITCHCRAFT IN OLD AND NEW ENGLAND* 318-19 (1956).

248. 3 THOMAS FULLER, *THE CHURCH HISTORY OF BRITAIN* 270 (3d ed. 1842).

249. *See generally* Beatrice White, *Introduction* to GEORGE GIFFORD, *A DIALOGUE CONCERNING WITCHES AND WITCHCRAFTES* v, v-ix (The Shakespeare Ass'n ed., Oxford

observes, “misogyny can exist perfectly well alongside s[k]epticism, and can even subtend it.”<sup>250</sup> Indeed, this is the case here: James’s witchcraft skepticism served to disempower women.

James’s approach to claims of demonic possession bears a striking resemblance to Banquo’s encounter with the Weird Sisters: the king tricked the alleged victims — all young girls — into giving up their pretense by making symbolic reference to their gender. In other words, James succeeded in doing to these girls what Banquo tried to do to the witches in *Macbeth*: he dispelled the idea that they could harbor demonic powers by symbolically establishing their female gender. Here is an example of his technique:

In the reign of King James I., one Mrs. Katherine Waldron (a gentlewoman of good family) waited on Sir Francis Seymour’s lady of Marlborough. She pretended to be bewitched by a certain woman . . . and pretended strange things, [etc.]. . . She had acquired such a strange habit, that she would endure exquisite torments, as to have pins thrust into her flesh, nay, under her nails. These tricks of hers were about the time when King James wrote his *Daemonologie*. His majesty being in these parts, went to see her in one of her fits; she lay on a bed, and the king saw her endure the torments aforesaid. The room, as it is easily to be believed, was full of company. His majesty gave a sudden pluck to her coats, and tossed them over her head, which surprise (it seems she had some innate modesty in her), not imagining of such a thing, made her immediately start, and detected the cheat.<sup>251</sup>

James’s “uncovering” of this sham was a literal uncovering of the female body, one that revealed the “truth” about the performance at the same time that it revealed the “truth” about the performer’s gender.<sup>252</sup> Indeed, these two truths turned out to be one and the same. By revealing the hidden location of gender — the genitals — the king put

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Univ. Press 1931) (1593) (describing the English conception of witches and their powers expressed in Gifford’s writing).

250. PURKISS, *supra* note 105, at 65.

251. HENRY N. PAUL, *THE ROYAL PLAY OF MACBETH: WHEN, WHY, AND HOW IT WAS WRITTEN BY SHAKESPEARE* 82 (1971) (citation omitted).

252. In this context, it must be understood that this location was the eroticized part of a woman’s body in this period. Breasts, though considered adornments, were not the focus of sexualized attention that they are today. Women at court often wore them uncovered; they were regarded as feminine allurements, like the face or hair. The genitals, on the other hand, were the locus of attention when the issue was one of literal sexual attention and sexual violence. See G. R. QUAIFFE, *WANTON WITCHES AND WAYWARD WIVES: PEASANTS AND ILLICIT SEX IN EARLY SEVENTEENTH CENTURY ENGLAND 165-85* (1979). Thus, the exposure of this part of the female body directed attention at its most highly sexualized and gendered part.

an end to the symptoms of demonic possession; he revealed that what had seemed unnatural, a woman possessed by hidden devils and inhabited by a second, supernatural “body,” was in fact “natural” — a gendered female with no secret powers. In “toss[ing] [her coats] over her head,”<sup>253</sup> James shifted attention from the woman’s mind to her sexuality, symbolically relocating the site of truth from her intellect to her gender. James’s uncovering assured that once female gender was established, all signs of unnatural powers would turn out to have been a sham.

James used women’s sexuality to expose fake demons in more figurative ways as well. In the summer of 1604, Anne Gunter, the twenty-year-old daughter of Brian Gunter, began exhibiting typical symptoms of demonic possession: insensitivity to pain, vomiting pins, violent fits, and attacks on those around her.<sup>254</sup> She accused three neighboring women of bewitching her.<sup>255</sup> The women were tried and exonerated, but this did not end Gunter’s fits, which continued through the summer of 1605, and finally attracted the attention of the king at the end of August.<sup>256</sup> James interviewed Gunter four times between August and October, and referred her case to Richard Bancroft, the archbishop of Canterbury.<sup>257</sup> Bancroft, in turn, put her into the custody of his chaplain and assistant, Samuel Harsnett,<sup>258</sup> who was finally able to uncover her deception:

[The king] committed the young girl and the investigation [of the matter] to the archbishop of Canterbury . . . . The archbishop . . . called on the services of Samuel Harsnett . . . .

. . . .

[L]ed by a hint from the archbishop [he] induced a very proper youth to entice the girl into love, who . . . easily procured her favour. Thereafter he gradually neglected her on the pretext of her magical vanities . . . . But she (as is the way of women) inclined to lust, revealed all her tricks, committing her reputation and safety to the care of the youth. Thus was fraud laid bare and detected by the lack of self-control in a woman.<sup>259</sup>

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253. *Id.*

254. See JAMES SHARPE, *THE BEWITCHING OF ANNE GUNTER* xi, 3, 43-45 (1st paperback ed., Routledge 2001) (describing the evolution of Anne’s symptoms and how she was forced by her family to pretend to be possessed). The transcript of her testimony to the Star Chamber consists of nineteen pages of handwritten foolscap in the British library. See *id.* at 2, 6. Ultimately, the girl’s father had forced her to pretend to be possessed to get revenge on a family with whom he had been feuding. *Id.* at 6-7.

255. *Id.* at xi-xii, 46-47.

256. *Id.* at 169-70, 178-79.

257. *Id.* at 179, 182.

258. *Id.* at 4, 179, 182.

259. *Id.* at 182, 187 (quoting ROBERT JOHNSTON, *HISTORIA RERUM BRITANNICARUM* 401 (1655)). Johnston, a Scot, was in James’s retinue at Oxford when the events he describes

This account records a remarkable moment of “regendering.” Putting the girl to the test as human, that is, made of flesh, was not effective: pins in her body did not cause pain.<sup>260</sup> Only when a test was made of her nature, constructed as specifically feminine, as opposed to simply “human,” was her “counterfeit” uncovered. In this case, the part of femininity called upon is psychological — woman’s “inclin[ation] to lust”<sup>261</sup> — whereas in the former case it was the literal locus of her gender. In either case, the minute the inquisitor proved the victim to be gendered female, the ruse ended.<sup>262</sup> Again, the language “laid bare” evokes stripping: the “proper youth” did figuratively what James did literally in the previous instance, revealing demonic visitation to be inconsistent with the female body.<sup>263</sup>

The visual location of the *arcana imperii* on Elizabeth’s body — the anatomical locus of the secrets of rule — helps make the connection between Elizabeth’s self-construction and James’s skirt-flipping. Montrose has shown the symbolic visual locus of Elizabeth’s *arcana imperii* on the royal body to be at the place of her “virgin knot,” the dainty bow that appeared in her portraits where her father Henry had worn his codpiece.<sup>264</sup> This symbol offered “a natural symbol of her *arcana imperii*, the incarnation of her state secrets.”<sup>265</sup>

James’s debunking program reverses Queen Elizabeth’s own self-anatomy. In one episode made famous by Montrose, Elizabeth, greeting the French ambassador, was described as wearing:

[A] petticoat of white damask, girdled, and open in front, as was also her chemise, in such a manner that she often opened this dress, and one could see all her belly, and even to her navel . . . she has a trick of putting both hands on her gown and opening it insomuch that all her belly can be seen.<sup>266</sup>

As Sawday notes, the queen “[t]easingly . . . blazoned her own body, revealing to her courtiers what was at the same time denied to

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took place. *Id.* at 181. To seal the regendering deal, James gave the contrite girl a marriage portion to marry the youth. *Id.* at 185 (citing Thomas Guidott, *A Preface to the Reader of EDWARD JORDEN, A DISCOURSE OF NATURAL BATHES AND MINERAL WATERS* (4th ed. London, 1667)).

260. *Id.* at 182.

261. *Id.* at 187.

262. See PAUL, *supra* note 251, at 82; SHARPE, *supra* note 254, at 186-87.

263. SHARPE, *supra* note 254, at 187.

264. Montrose, *The Elizabethan Subject*, *supra* note 70, at 312-15.

265. Montrose, *supra* note 130, at 922.

266. JONATHAN SAWDAY, *THE BODY EMBLazonED: DISSECTION AND THE HUMAN BODY IN RENAISSANCE CULTURE* 198 (1995) (citing Montrose, *A Midsummer Night’s Dream*, *supra* note 70, at 67).

them.”<sup>267</sup> James’s skirt flipping repossessed this locus of queenly power, claiming it as the object of the male gaze and male knowledge. In lifting women’s skirts, James did more than confirm gender and banish the supernatural, he also revealed the truth about the queen’s secrets: there was nothing there. James showed that the female body was no longer a locus for the mysteries of state or, for that matter, any mysteries at all. It was transparent, and transparency was incompatible with Tudor and Stuart notions of political rule, evidenced by James’s continued and expanded use of the *arcana imperii* doctrine.<sup>268</sup>

By way of contrast, before James came on the scene, cases in which girls’ claims of demonic possession were revealed as fraudulent fail to display this pattern of what I have called regendering. For example, when Mildred Norrington of Westwell, the seventeen-year-old illegitimate daughter of Alice Norrington, started having fits in 1574, the unmasking of her deceit took a different form.<sup>269</sup> Mildred threw herself around with great violence, and a male-sounding voice issued from her mouth accusing “Old Alice” of Westwell Street, her mother, of bewitching her.<sup>270</sup> The story spread and she was summoned to appear before Mr. Thomas Wotton of Boston Malherb, aided by George Darrell, a lawyer and justice of the peace, who discovered that Mildred was in fact a talented ventriloquist and had been using her gifts to simulate a male voice that claimed to be that of the devil.<sup>271</sup> Interestingly, the confession here was achieved without any of the gender-based trickery James would later use.

Ultimately, James’s debunking implicated Elizabeth’s construction of the two royal bodies. The allegedly possessed girls — indeed, the very idea of demonic possession — presented a spectacle of two bodies in one: one the tangible, female body of the victim, the other the invisible presence that seemed to inhabit the first, lending it supernatural powers it could not otherwise have. Alone, the human female body would not be able to withstand the wounds inflicted on it, nor make the sounds that issued from it, nor perform the feats of strength it could when possessed. Like Elizabeth’s claimed masculine corporate body, the presence that transformed these girls was an invisible, coterminous presence, which allowed them to transcend their feminine, and even physical, limitations. In stripping them of their clothes, James stripped Elizabeth of her “virgin knot,” the dainty bow that guarded her secrets.

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267. *Id.*

268. See *supra* notes 129-32 and accompanying text.

269. See REGINALD SCOT, *THE DISCOVERIE OF WITCHCRAFT* 120 (Centaur Press Ltd. 1964) (1584).

270. *Id.* at 120-21.

271. *Id.* at 122-23.

## CONCLUSION

Changes in women's roles and views of female nature emerged from a wide variety of social, economic, political, and demographic developments associated with modernity that interacted in complex ways. Women's relegation to the private sphere and claims about their "sensitive natures" were clearly influenced by the demands of these changing circumstances in ways that are beyond this work's purview. Two points, however, are clear: first, Elizabeth's iconography provided the foundational symbolic system that, when reworked, came to express these new attitudes; second, this iconography, to an extent, determined their content. For example, we cannot know whether absent Elizabeth's presentation of her body's relation to her conscience, the backlash would have given us a female body incapable of opacity and devoid of any secrets that could not be revealed as biological. But the idea that the female body can resist visual interrogation — that it is not transparent to the male gaze — is an idea which has the potential to endow women with political power. It creates an inner space for deliberation and action free from biology. The opposite, transparent version of this body appears in fetal protection and other jurisprudence today. Thus, the Elizabeth backlash helped to give us the female body that is with us today.