BEFORE LAWRENCE N. ("LARRY") WEISS, CONVENER, DALE JOHNSON and WILL SHARPE, ASSESSORS

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MICHAEL EGAN,

Proponent,

-against- **OPINION**

WARD ELLIOTT and ROBERT J. VALENZA,

Opponents.

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LARRY WEISS, Convener, delivered the unanimous opinion of the Panel:

I
THE ISSUE

For many years, Prof. Michael Egan, late of Brigham Young University, Hawaii, has prominently asserted that the untitled and otherwise unattributed renaissance play most commonly known as "*Thomas of Woodstock*," which Egan calls "*Richard II, Part 1*" (referred to here as "*Woodstock*"), was written by William Shakespeare. Egan has produced a prodigious three volume set of books advancing that theory. M. Egan, THE TRAGEDY OF RICHARD II PART ONE: A NEWLY AUTHENTICATED PLAY BY WILLIAM SHAKESPEARE (Edwin Mellon Press 2006) (hereinafter "Egan").[1]

The idea that Shakespeare might have been the author of *Woodstock* was first propounded in 1885 in a paper delivered by F.A. Marshall to the New Shakespeare Society in London (I Egan 9). The notion was rejected immediately and did not garner any significant academic or other credible support, either before or after Egan's active advancement of the theory (see, *e.g.*, *id.* at 9-12, 20-22). On the contrary, it has been nearly universally rejected. See, *e.g.*, Bart van Es's "In Brief" review of Egan's treatise, TLS Feb. 15, 2008, p.35; MacD. P. Jackson, "Shakespeare's *Richard II*

[1] Volume II is a line-by-line reprint of all prior editions of *Woodstock*, which occupies two books because of its length.

and the Anonymous *Thomas of Woodstock*," XIV MEDIEVAL & RENAISSANCE DRAMA IN ENGLAND (J. Pitcher, *et al*., eds.) 17-65 (Rosemont 2002) [hereinafter "Jackson 2002"], attributing the play to Samuel Rowley and dating it in the 17th Century; MacD. P. Jackson, "The Date and Authorship of *Thomas of Woodstock*: Evidence and its Interpretation," XLVI RESEARCH OPPORTUNITIES IN MEDIEVAL & RENAISSANCE DRAMA 67 (2007) [hereinafter "Jackson 2007"].[2] (It may be noted in passing that Professor Jackson is not constitutionally opposed to enlarging the Shakespeare canon. He has supported Shakespearean authorship of a portion of *Arden of Faversham*.[3]) A.P. Rossiter, whose edited text of *Woodstock* was published in 1946, concluded that "[t]here is not the smallest chance that [the author] was Shakespeare," while acknowledging that the play's aspirations indicate that "[t]here is something of a simplified Shakespeare" in the author.[4] Even critics who regard the play as having literary merit have not attributed it to Shakespeare (see I Egan 13-15, 20-23, 71-72, and works there cited).[5]

The few commentators who seem to agree with Egan are catalogued in his book (I Egan 27 *et seq*.). Paul Reyher, for example, wrote an article in French, published in 1924, which came close but did not actually attribute the play to Shakespeare. Reyher emphasized that events occurring in *Woodstock* are paralleled in *Richard II* (I Egan 27-29). However, that would seem inevitable when two authors tell the same story, and Reyher's notions about authorship were rejected by subsequent scholars (*id*. at 29). The first critic to publish a serious contention that

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[2] In an email to Larry Weiss of December 9, 2010, Egan asserted that his "thesis is slowly gaining acceptance" and referred to an article in THE OXFORDIAN which was said to contain a "devastating rebuttal" of Prof. Jackson's position. No other support for "growing acceptance" of his thesis was cited and Egan's email did not identify the author of the OXFORDIAN article. The author was Michael Egan, who is also editor of THE OXFORDIAN. M Egan, *Slurs, Nasal Rhymes & Amputations: A Reply to MacDonald P. Jackson*, XI THE OXFORDIAN 157-206 (2009) [hereinafter "*Slurs*"].

[3] MacD. P. Jackson, "Shakespeare and the Quarrel Scene in *Arden of Faversham*,"57 SHAKESPEARE QUARTERLY 249 (2006).

[4] A.P. Rossiter, WOODSTOCK, A MORAL HISTORY 73 (Chatto & Windus 1946). For Egan's critique of Rossiter, see I Egan 36-70 and III Egan 158-73.

[5] For a recent treatment of the play taking an admiring view of its anti-absolutist bent, see D. Womersley, DIVINITY AND STATE 194-204 (Oxford Univ. P. 2010). Womersley does not consider the possibility of Shakespearean authorship and believes that the author was "probably legally trained" (*id.* at 196).

Woodstock is by Shakespeare was Ian Robinson in 1988 (*id*. at 77).[6] Unlike the few others who are willing to take the claim seriously, including Egan, Robinson did not rely on parallels between *Woodstock* and *Richard II*; on the contrary, he found support in the fact that the plays "contrast" and that *Richard II* cannot possibly be a sequel (*id.* at 79-80). He relied mostly on what he perceived to be similarities between passages in *Woodstock* and portions of canonical Shakespearean plays (*id*. at 82-86). Eric Sams, who long proposed Shakespearean authorship of *Edward III* and *Edmund Ironside*,[7] and to whom Egan dedicated his work and acknowledged for his suggestions (I Egan i), provided a Forward to Egan's volumes in which he praises Egan's "industry, critical intelligence and ability to master" a good deal of information (*id.* at ii). In his own writing, Sams was agnostic on the question of whether Shakespeare wrote the play.[8]

Prof. Ward Elliott and Robert J. Valenza, who are noted for their work in the field of computerized stylometric analysis of literary works, especially the works of Shakespeare and works attributed to Shakespeare, unequivocally reject Shakespearean authorship of *Woodstock. E.g.*, "*Tough Nuts*," *supra* n.7; W. Elliott, "Re: Shakespeare Apocrypha," online posting 21 April 2004, *SHAKSPER: The Global Electronic Shakespeare Conference* [hereinafter "SHAKSPER"] Digest 15.0915 (http://shaksper.net/archive/2004/214-april/20790-shakespeare-apocrypha).

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[6] Shakespearean authorship was previously claimed in 1965 by E.B. Everitt; however, he asserted that nearly every other unattributed history drama of the period – more than 22, including some that are not extant – were also by Shakespeare (*id.* at 74-75). Even Egan does not credit Everitt's scholarship *(ibid.*).

[7] E. Sams, SHAKESPEARE'S EDWARD III: AN EARLY PLAY RESTORED TO THE CANON (Yale Univ. P. 1996); E. Sams, SHAKESPEARE'S LOST PLAY EDMUND IRONSIDE (St. Martin's P. 1985). The attribution of *Edward III* has received some acceptance, but for the most part only for relatively small segments, and that limited acceptance is problematical. See, *e.g*., W. Elliott & R.J. Valenza, "Two Tough Nuts to Crack: Did Shakespeare Write the 'Shakespeare' Portions of *Sir Thomas More* and *Edward III*?," 25 LITERACY & LINGUISTIC COMPUTING 67-83 & 165-77 (2010), available online at http://govt.claremontmckenna.edu/welliott/UTConference/2ToughNuts.pdf [hereinafter "*Tough Nuts*"]. There has been no significant acceptance of Sams's attribution of *Edmund Ironside,* and it has been rejected by Elliott & Valenza *(e.g., ibid*.).

[8] E. Sams, EDMUND IRONSIDE, *supra* n.7, at 5. In an essay written specifically for inclusion in Egan's book (III Egan 279-91), Sams presents an analysis similar to Egan's and suggests that a young Shakespeare could have been the author of *Woodstock*, but he does not actually assert that and says instead that "[i]t was certainly among Shakespeare's sources" (*id*. at 279).

The Precise Questions Presented and Decided:

In 2003, Elliott and Valenza offered a $1,000 wager (later raised to £1,000) to anyone willing to bet that any previously untested non-Shakespeare play was stylistically as similar to twenty-nine "core" canonical plays as those plays are to each other, as measured by statistical criteria developed by the Claremont Shakespeare Clinic.[9] Egan purported to accept that wager on the SHAKSPER site, and at the same time announced his then forthcoming set of books. M. Egan, "Re: Shakespeare by the Numbers," online posting 29 July 2005, SHAKSPER Digest 16.1260 (http://shaksper.net/archive/2005/233-july/23295-shakespeare-by-the-numbers). Technically, however, the wager could not apply to *Woodstock*, as Elliott & Valenza had already tested that play, and rejected it. Egan then offered a proposal of his own, which ultimately evolved into the subject of this proceeding: In its final form, Egan offered to pay Elliott and Valenza £1,000 if he failed to present "clear, convincing, and irrefutable evidence that the anonymous Elizabethan play known variously as Richard II, Part One, Woodstock and/or Thomas of Woodstock is by Shakespeare," a very high burden of proof. That precise question and the formal procedures governing this proceeding were agreed to in an exchange of emails between Ward Elliott and Michael Egan on October 31, 2010. They are set out in Appendix A to this Opinion.

Although Egan's ambitious undertaking is the only matter we are obliged to resolve, we feel that resolution of that limited question would not provide a satisfactory result for the Shakespearean community generally, who presumably are more interested in whether or not Shakespeare wrote *Woodstock* than they are in whether Egan is able to carry a difficult burden of proof. We have decided, therefore, that in addition to resolving the precise issue defined by Egan we will express our opinion on the question of whether Shakespeare wrote *Woodstock.* Our conclusion that he did not is based on the extensive evidence and argumentation presented by the parties as well as on our own study of the play and authorities we cite in this opinion.

[9] W.E.Y. Elliott & R. J. Valenza, "*Oxford by the Numbers: What Are the Odds that the Earl of Oxford Could Have Written Shakespeare's Plays and Poems*," 72 TENN. L. REV. 323 at 363-65 (2004); see, also, for the early history of the wager, W.E.Y. Elliott & R. J. Valenza, *The Shakespeare Clinic and the Oxfordians*, XII THE OXFORDIAN 138, 163-64 (2010).

Procedural History:

This proceeding and its antecedents were characterized by frequent declarations by Michael Egan of his willingness to have the issue decided by this method and his at least equally frequent attempts to cancel or withdraw from the process. Most recently, Egan purported to pull out after both sides had completed their submissions, claiming to be offended by something Ward Elliott said in an email, for which Elliott promptly apologized. We summarize this history as it is part of the context in which the proceeding took place, and in anticipation that Egan might contend that our opinion is gratuitous or otherwise try to avoid the force of our decision. We emphasize, however, that we do not consider Egan's conduct as reflecting on the merits of his position or the sincerity with which he advances it. In fact, we believe that Egan is sincere in his views.

The genesis of Egan's 2005 counter-wager is noted above (pp.3-4). The parties were unable to reach agreement at that time on the procedure whereby that wager would be resolved. Elliott suggested that each side submit a brief opening statement to be followed by a month of open discussion on SHAKSPER, concluding arguments by both parties and a vote by the SHAKSPER membership to settle the bet. Egan rejected that procedure and considered the matter closed. M. Egan, "Re: Wager," online posting 29 Aug. 2005, SHAKSPER Digest 16.1416 (http://shaksper.net/archive/2005/232-august/23459-wager).

Several years later, however, direct communications between Elliott and Egan resuscitated the wager. After some negotiations, they agreed upon the procedures set forth in an email from Elliott to Egan of October 31, 2010 (Appendix A), to which Egan replied with the single word: "Agreed." In accordance with that agreement, Larry Weiss, a life-long student of Shakespeare and retired civil litigator, was asked to act as "Convener" and to recruit two other panel members from the list of non-anonymous "golden ears."[10] The "golden ears" are members of SHAKSPER who took tests administered by Elliott in 2007 with the object of determining the extent to which they could identify unlabeled renaissance texts as by Shakespeare *vel non*. The most successful 23 test

[10] Weiss was invited to take that position as he had offered to act as umpire in connection with the SHAKSPER procedure proposed in 2005.

takers were designated "golden ears."[11] Weiss was fortunate to be able to recruit "golden ears" Dale Johnson, an independent Shakespeare scholar, and Will Sharpe, a British university-level teacher and editor of Shakespeare.

Almost as soon as the panel was complete, Egan objected to one of the rules he had agreed upon. The stipulated procedure provided for submission of

> [c]ase briefs by both sides, not to exceed a total of 20,000 words per side. Unlimited supporting documents may be submitted by both sides. Panelists may consider as much or little of these as they deem necessary to come to a fair and considered judgment.

Egan felt that 20,000 words were not sufficient for him to make his case.[12] He insisted as a condition to his participation that all three panel members commit to read, in addition to his briefs and the text of the play, the entirety of his "General Introduction" in Volume I of his books (consuming 494 pages of densely packed small-font text containing 1116 even smaller type footnotes) plus his "Short History of the Text" occupying 80 pages in Volume III. Egan was reminded that the rules allowed him to submit all that material, and even more, but that the panel members could consider it or not at their discretion. For his part, Weiss expressed his intention to consider the additional material, but Egan insisted on a commitment by all panel members. In due course, all the panel members provided the requested assurance, and they and the parties memorialized the revised agreement in the rules amendments set forth in Appendix B.

That still did not prove to be enough for Egan. On March 23, 2011, after both sides had submitted their briefs and supporting data,[13] Egan noted that Elliott & Valenza had included parts

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[11] The protocol and results of the test are published in W. Elliott & R.J. Valenza, *Shakespeare by Ear: What Can Intuition Tell Us about What He Wrote?*, 57 THE SHAKESPEARE NEWSLETTER 83 (2007-08). Some participants in the test chose to remain anonymous and, to preserve their privacy; they were not eligible to be selected for this panel.

[12] The rules of the Supreme Court of the United States, which decides far weightier disputes, limit merits briefs to a total of 15,000 words and allow the appellant to submit a reply brief not to exceed 6,000 words. U.S. Sup. Ct. R. 33(1)(g). For illustrative purposes, this opinion, including footnotes and appendices, has 19,896 words.

[13] The parties' submissions were not in the customary order. Elliott & Valenza, although the respondents, submitted their brief and supporting documents first, so Egan (the proponent) had the opportunity to review them before submitting his own. We offered Elliott & Valenza the opportunity to revise their submission after Egan made his presentation, but they did not consider that necessary.

of articles by MacDonald Jackson in their supporting documents and that he had written rebuttals to those articles. He asked if he could submit replies to the Jackson material. The Convener answered that, as Egan's opening brief used only about half his allotted 20,000 words, he could submit a reply brief of up to 9,878 words. Egan replied: "9878 words will be insufficient. I'm not interested in limits." This, after twice explicitly agreeing to limits (Appendices A and B). Elliott responded in an email which said that Egan seemed intent to "pile on unlimited additional reading mandates till the panel cries Uncle," and he correctly pointed out that Egan was "free to send any or all of his Jackson rebuttals as supporting documents, plus any thoughts he might have over and above the 20,000-word limit on his brief." Egan responded the next day by saying that he found Elliott's comment about piling on unlimited additional reading mandates "offensive in the extreme," and:

> Under these new circumstances I am OUT. I withdraw unreservedly from this lopsided so-called debate. Now good old Ward can demand what he likes about ruling on the merits, blah blah, which he has already tried to do. However, no outcome for or against my case for Shakespeare is acceptable without my full participation [*sic*].

Elliott then circulated an email apologizing for the language Egan said he found offensive.[14]

The panel consulted each other about these developments and unanimously concluded that Egan could not withdraw as the submission was already complete. An email to this effect was sent to Egan, which also invited him to submit whatever reply he felt was advisable and requested him to submit the articles he wrote in response to MacDonald Jackson's papers (which he had offered to do on page 16 of the brief he submitted). That email is reproduced in Appendix C. Egan sent no further communication, so we were obliged to obtain his rebuttal articles from other sources.

[14] Egan has himself resorted to much more vituperative *ad hominem* rhetoric. For example, an email he sent to Elliott on 28 August 2005 said "You're obviously a fake and a phoney, just as I thought."

II
WOODSTOCK

The Text of the Play:

The only substantive text of *Woodstock* is a partial manuscript included in a hand-bound folio of fifteen anonymous early modern English plays (I Egan 4). The MS dates from the Jacobean period. The only other play in the folio which anyone has attributed to Shakespeare is *Edmund Ironside.*[15]

The *Woodstock* MS is missing the title page and an ending. It is also smudged and otherwise difficult to read in places and contains several evident corruptions. Egan has supplied a conjectural ending for his edition (I Egan 653-58; see *id*. 525-31), and, like the earlier editors, he has also emended several of the textual deficiencies (III Egan 140).[16]

The MS is probably scribal, but it contains a second hand, apparently that of a correcting reviser, who Rossiter thought might have been the author (*id*. at 117-19). Egan does not contend that either the copyist's or reviser's handwriting resembles Shakespeare's.

Synopsis of the Play:

In general, the play depicts the misrule of Richard II and his favorites, who are shown to have burdened the English people with onerous taxes in order to line their own pockets and revel frivolously. The heroic character, Thomas of Woodstock, Duke of Gloucester, the King's uncle who serves as Protector during his minority,[17] is depicted as a plain, good-hearted peer whose efforts to relieve the distress of the poor cause the King to arrange for his murder. It is the sus-

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[15] As we noted (n.7, *supra*), Eric Sams regarded that play as Shakespeare's, but his theory has not been accepted.

[16] Only about five unique complete editions of the play were published before Egan's, starting with J.O. Halliwell's 1870 edition of only eleven copies. Rossiter's 1946 edition was by far the most significant. See III Egan at 131-210 for a detailed editorial history. Volume II of Egan's work, which occupies two books, contains what is said to be complete variorum notes of all variants in every edition of the play.

[17] The historical Thomas was not Protector (*e.g.*, I Egan 157).

picious death of Gloucester which forms the unspoken background to the appeal of Bullingbrook against Mowbray at the outset of Shakespeare's *Richard II.*

It might be helpful to provide a scene-by-scene summary of the action:[18]

Act I sc. i: Following an unusually elaborate opening stage direction, the Dukes of Lancaster (John of Gaunt) and York (Edmund of Langley), uncles to King Richard II, enter, complaining that, as revealed by a Carmelite friar, they were nearly victims of a plot by the King to poison them at the dinner they had just been attending. They shrug this off and exchange pæans to the late Black Prince and high praise for their brother, "Plain" Thomas of Woodstock, Duke of Gloucester, who is the young King's Protector. After some choric speeches identifying principal characters and setting the stage for the action, "Plain Thomas" enters in state and pours oil on the troubled waters, assuring his brothers that the King is not guilty of the poisoning plot. He announces that the following day the King will be married to the Emperor's daughter, Anne a' Beame, and he promises to dress sumptuously for the occasion, putting aside his usual plain garb.

Act I sc. ii: This scene introduces some of the villains, the lawyer Tresilian and two of the king's favorites, Bagot and Green. [The latter two, along with Bushy, are the "caterpillars of the commonwealth" in Shakespeare's *Richard II*. A fourth caterpillar, Sir Thomas Scroop, appears in *Woodstock* but not in *Richard II* (see p.17, *infra.*)] The three curse the Carmelite friar who had disclosed their plot to assassinate the dukes to assure their unfettered control of the King. They then announce that Tresilian is about to be named Lord Chief Justice. Tresilian makes explicit, both in dialogue and soliloquy, his intention to twist the law to serve his selfish ends and those of his co-plotters. His clownish servant Nimble enters and, after some foolery about how Nimble should now address Tresilian given his newly exalted position, they make clear that Tresilian has risen from modest beginnings. He promises to advance Nimble as well.

Act I sc. iii: The King and new Queen enter in state with the three royal uncles and Green and Bagot. There are rounds of ceremonial compliments in which Woodstock underscores his plain-speaking nature by tempering his praises of the King with comments on his impetuosity. The King and others poke fun at Woodstock's customary plain garb, which he angrily defends by asserting that such simpleness is thrift which avoids burdening the poor. He then upbraids Green and Bagot, who with Tresilian have overtaxed the poor and caused rebellion. He urges that maritime prizes captured by Lord Arundel be sold to pay the accumulated debts, but the King announces, to the shock of his uncles, that they have been bestowed on the favorites. Woodstock challenges the wisdom of the King, who goes further and announces that he has made Green Lord Chancellor and Bagot Lord Keeper of the Privy Seal. Richard threatens revenge on the opposing dukes, and he exits. Left alone, the royal uncles receive news that the commons of Kent and Essex are in open rebellion, for which the dukes blame Richard's excesses. York proposes to put the rebellion down, while Lancaster suggests the opposite course of joining with the rebels. Wood-

[18] Citations to *Woodstock* are to the text in I Egan.

stock adopts a more moderate stance and undertakes to pacify the mob in a new Parliament to be convened to overthrow the King's favorites.

Act II sc. i: Another court scene. The King promises to protect all his favorites, Green, Bagot, Bushy, Scroop and Tresillian, from his uncles. At Richard's request, Tresillian expresses the opinion that the Dukes are guilty of treason, and the King directs him to attaint, arrest and condemn them. Tresillian objects that such an open course would stir up the commons, who are already in rebellion, and he urges a more covert policy. Bushy, on the other hand, who is reading a book of English Chronicles, cites historical precedents to encourage aggressive action, including Edward III's hanging of [Roger] Mortimer, who had been Protector during that king's minority, and the Black Prince's bloody victory at Poitiers [the pertinence of which to domestic issues is obscure]. As a final argument, Bushy reveals that the book shows that Richard is now 22 years old, so out of his minority, and the King determines to come into his own and "smite" his uncles' "base ingratitude." At this point York enters and Richard accuses him of disloyalty, to which the former protests his innocence and informs the King that a Parliament has assembled and the King is requested to attend. Richard is uneasy that a Parliament had been so quickly convened without his knowledge, but York assures him that no harm to the King or realm is intended, and Richard agrees to attend. After York leaves, Richard confides his intent to dismiss the Parliament.

Act II sc. ii: At the Parliament, Woodstock and York assure the Queen that they intend Richard no harm, only to remove his flatterers. The King enters with his favorites and Woodstock offers him petitions from the poor to relieve the exactions that have been imposed on them. Putting this off, Richard first poses a question, asking if he can offer redress to a poor man whose small estate of "three crowns" is withheld by his rich lord. Woodstock and York, not seeing the ploy, commend the King's concern only to find that he had posed a metaphor for his state being withheld by the Protector. Woodstock willingly yields the burden of his authority, protesting that he had not thought that Richard was yet of age, and Richard says he will be "new enthronished." His first act is to dismiss his uncles and Arundel from the council and replace them with Scroop, Green and Bushy. The lords depart but not before Woodstock predicts dire consequences. The new regime lose no time in planning to overturn the conservative laws adopted under the Protectorship and replace them with laws for their own advantage. Richard promises that, whatever they do, he will "shield and buckler" them, and says he will enlarge Westminster Hall and there "daily feast ten thousand men." After Scroop and Green announce their intention to rob the poor to fit themselves out more gaudily, the King orders the parliament dissolved.

Act II sc. iii: The Queen enters with the Duchesses of Gloucester and Ireland and bemoans Richard's profligacy and the disrespect with which he has treated the senior nobles.[19] The Queen says she has contributed her jewels and plate for the relief of the poor and she offers more, which are later carried out in a trunk. The Duchess of Gloucester assures her that the people are loyal and Richard will not be deposed. [Note: Even though she says "England's not mutinous," the rebellion alluded to in earlier scenes was not disposed of.] Cheney, a servant to Woodstock, enters and

[19] The MS is cut so as to obliterate most of the speech prefixes in this scene. We follow the speech assignments given by Egan.

summons the Duchess of Gloucester to Plashy House; she says she will go soon but must keep the forlorn Queen company in the meantime. The Queen asks Cheney what revels the King's minions keep, and he tells her that they sit in council to devise new fashions, while Tresilian sits with the King plotting new taxes to build a sumptuous Westminster Hall to feast his friends. The Queen predicts "certain ruin." A flourish announces the approach of the King, and the Duchesses depart.

Act III sc. i: In another elaborate opening stage direction, the King enters with his favorites, "richly attired in new fashions," and a guard of archers. Tresilian introduces the blank charters with which he plans to extract funds from the people, and the King and his minions applaud his ingenuity. The Queen enters and Richard asks her to admire their new attire; but she puts him off and asks him to repeal the cast-off dukes. Richard haughtily refuses and instead proposes to ride out with his companions to show themselves off. In response to the Queen's concern that this revelry will exhaust the treasury, Richard insists he will perpetually keep the festival and he inquires after the blank charters. The King also summons Woodstock to the court, where he can keep an eye on him and where he can be handy to quell popular discontent about the blank charters. Nimble enters, dressed in the foppish new court style, and Tresilian instructs him as to how to proceed to obtain the blank charters from men and widows, but not from other women, and this provides an occasion for bawdy wordplay.

Act III sc. ii: The royal uncles meet at Plashy House, Woodstock's seat. They repeat the same old refrain of the King's profligacy. Then Cheney enters with blank charters and, after the usual repetition of how tyrannous they are, the dukes split up to ready themselves to quell the expected uprising. In soliloquy, Woodstock prophesizes that he will not see his brothers again. A servant enters and informs the Duke that a fantastically dressed horseman is at the gate, who refuses to dismount until he is admitted to the inner courtyard. The Duke gives permission and a "spruce courtier" enters on horseback; he mistakes Woodstock for a servant and orders him to walk his horse.[20] Woodstock plays along, and in an amusing quibble responds to the courtier's question "The Duke of Gloucester lies here, does he not?" by replying "Marry, does he, sir." [*Cf.* Ham,V.i.122.[21]] Woodstock walks the horse for a bit, confiding his sentiments to the beast, until Cheney enters and identifies him to the courtier, who apologizes and suggests that he need not pay the tip (6^D) he promised to Woodstock. The latter, however, insists and receives the coin but offers twice as much to a groom who takes the horse from him. The courtier tries to convey his message,

[20] The difficulty of staging this scene in an Elizabethan theatre leads Egan to speculate that it was composed during the plague years of 1592-94 for a provincial run, where it could be performed in inn-yards and such (*e.g.*, I Egan 93, 105-09). Actually, while difficult and rare (this is the only known instance), it would not have been impossible to bring a horse on to a playhouse stage. In an email to Larry Weiss of June 7, 2011, Prof. Alan Dessen, generally regarded as the foremost expert on early modern stage practices, wrote: "having a horse ridden rather than led in makes practical theatrical sense if it is a trained horse that to enter must ascend steps or pass through a relatively narrow gate. The dialogue reference to opening gates suggests entry through a central opening used for discoveries and for introducing large properties such as a scaffold for an execution, so getting that horse in should be within the realm of the possible."

[21] Citations to Shakespeare's works are to RIVERSIDE SHAKESPEARE, 2D ED., G.B. Evans, gen'l ed. (Houghton Mifflin 1997) (hereinafter "RIVERSIDE").

which is a summons from the King to attend court, but Woodstock diverts him with questions about his dress. [*Cf.* Ham,V.ii.92 *et seq*.] At length, the summons is conveyed, but Woodstock declines it, pleading that he is too plain for the court.

Act III sc. iii: A low character country scene in prose. Tresilian's agents, Nimble, Crosby and Fleming, ask the assistance of the Bailey of Dunstable, one Simon Ignorance, whose favorite word (usually used malappropriately) is "pestiferous," in obtaining execution of the blank charters. Nimble and Ignorance conceal themselves to spy on a number of rich clowns who grumble about the blank charters. They then reveal themselves and deceive the locals into signing the charters, whereupon Nimble causes them to be arrested as whisperers. Nimble and Ignorance then eavesdrop on a schoolmaster who tells a servingman he has composed libelous verses about the blank charters, with the refrain "God bless my lord Tresilian." Of course, Nimble causes the Bailey to have them arrested too. Finally, a man enters whistling a tune and Nimble has the Bailey arrest him for treason also, as the tune is the one to which the schoolmaster's ballad was sung. The whistler defends himself by saying he was whistling for joy, as he mistook Nimble and Ignorance for two lost calves. For this insolence, Nimble says "he shall be quarter'd and then hang'd." Fleming ends the scene by announcing that 13,000 blank charters have been signed and seven hundred citizens sent to court as whisperers.

Act IV sc. i: Tresilian enters with a servant carrying money bags. Tresilian reveals in soliloquy that the blank charters have already yielded £7,000, of which he will keep £4,000 and give £3,000 to the king, and that he expects to make much more and stay in the King's favor, which will enable him to purchase land. Bushy and Scroop enter and demand money for the King, and Tresilian says it is on the way and that the King will get two-thirds of the takings. Bagot enters and they confirm a plan whereby Bushy, Bagot, Green and Scroop will divide the realm and pay Richard a monthly stipend of £7,000 for the privilege of exacting as much as they can. Bagot announces that the King will arrive shortly to seal the writings confirming the deal, and that he is angry that Woodstock refuses to come. The King enters with Green, who discuss how infuriating Woodstock is. The King says he cannot compel him to yield by force, as Woodstock is too well loved. Tresilian proposes a plan to kidnap Woodstock at a feigned masque, to which the King assents and goes further, directing that his uncles be arrested for treason and, to forestall resistance, he will obtain the military assistance of France by giving up Calais and Guise: "Let crown and kingdom waste, yea life and all, | Before King Richard see his true friends fall!" (ll.115-16). Green then reminds Richard of his promise to rent the country to them and Richard executes the instruments after only a brief hesitation in which he observes that it will appear unseemly in the son of the Black Prince. Green overcomes the objection by saying that he need not be concerned with how the world talks as he still retains "the name of king" and the four favorites will come to his assistance in the event of a disturbance. After a warning by the King that Green must not default in paying his rent, Green assures him that he will rack the people to the utmost to secure the needed funds, and the King reminds him that he has secured legislation putting his own will above the needs of the commonwealth, regardless of any other statute. Richard appoints Tresilian to receive the rents from the four tax farmers and makes him promise to be rigorous in the event of default, which Tresilian readily grants. The scene then proceeds to legalistic reading of the instruments and recitals of the territories granted to each of the favorites. Finally, Richard directs Tresilian to

issue warrants to arrest the Dukes of Lancaster and York and the earls of Surrey and Arundel, while he proceeds to Plashy to deal with Woodstock.

Act IV sc. ii: Woodstock enters with his Duchess, who is getting ready to ride to Sheen to visit the Queen, who is ill. The Duchess is reluctant to go as she has had a dream in which Woodstock is killed, along with a flock of sheep, by a lion accompanied by wolves. He explains that this follows from his discussion with her of the previous night, in which he likened Richard and his flatterers to a "herd" of wolves and the commons to sheep. [*Cf.* JC,II.ii.75-90.] After the Duchess departs, Thomas expresses his concern that the Queen will die and remove the last stay to revolt by the oppressed people. Woodstock's servant, Cheney, announces that masquers have come and Woodstock directs that they be welcomed and resolves to enjoy the sport regardless of his premonitions. The masquers enter, including Richard and his favorites in disguise, and a character portraying Cynthia begs welcome and proposes to depict a boar hunt with dancing. Woodstock welcomes them but doesn't miss the opportunity to liken the boar to the spoiling of the country by the King's flatterers. After the masque, Cheney announces that the estate is surrounded by armed soldiers, which Woodstock mistakes for the expected uprising. At the order of the King, Bagot arrests the Duke for high treason. At last, Thomas recognizes Richard by his voice, but Bagot denies that the King is present. Woodstock sees that his death is imminent and asks that his Duchess be informed that her dreams have taken effect. Richard directs that he be conveyed to Calais to await his further pleasure, saying his "fears are past."

Act IV sc. iii: At Sheen Palace, Tresilian's minions announce that he is coming with the High Shrieves of Kent and Northumberland and twenty other prisoners, whose estates he will appropriate after they are executed. Tresilian enters with the Shrieves, who plead their ancient privileges and object to forced exactions. Tresilian insists that their wealth is the King's to deal with as he pleases, and he directs that they be imprisoned – "There let them perish, rot, consume and die!" – and their property seized. This is followed by a dialogue between Tresilian and Nimble, who presents his prisoners, including the one who whistled treason and the schoolmaster who composed the ballad with the "God bless my lord Tresilian" refrain. Tresilian directs that the prisoners be shown warrants for their deaths, to be revoked only if they give him land; if they have none, they are to be whipped and hanged. Bagot enters and announces that it is not certain whether the Queen is dead, but Bushy enters and announces that she is and the King is desperate with grief. In his passion, the King has sent to Calais to reprieve Thomas. Bagot expresses concern that if the King reveals their plots "we shall all perish." Richard enters lamenting his dead Queen and foretells that it is "chorus" [prologue] to a more "tragic scene." Finally, Richard directs that a post be sent to Calais to forestall the murder of Woodstock.

Act V sc. i: In a prison at Calais, the city's governor, Lapoole, whom Richard engaged to dispatch Woodstock, is directing two murderers to commit the deed. One describes in gory detail how he intends to proceed, but Lapoole instructs him to leave no mark of violence, so they decide to smother him in his sleep. The murderers withdraw and Lapoole is left alone to soliloquize his uneasiness about the crime. After he exits, the ghost of the Black Prince appears and unsuccessfully attempts to awaken Woodstock. He is followed by the ghost of Edward III, who succeeds in awakening him. Woodstock soliloquizes awareness of his fate, and Lapoole enters and assures the

Duke that he intends no harm, suggesting that he write to the King to reconcile with him. Woodstock agrees to write, but to admonish the King, not to reconcile with him. Lapoole exits and the two murderers enter. [Actually, they had already re-entered at l.126s.d., and had not exited before this stage direction (l.212).] They kill Woodstock and then arrange the body to look peaceful. After the murderers exit with the body, soldiers enter and Lapoole orders them to kill the murderers, which they do as soon as the murderers re-enter again. The scene ends with a soliloquy by Lapoole in which he announces that the nobility of England, led by Lancaster and York, have revolted.

Act V sc. ii: Tresilian and Nimble are discussing the military situation. There is no popular support for the King's faction and conscripted troops are refusing to fight, asserting that the pro-clamation of the dukes' treason is false. Tresilian declares that he will stay aloof, to appear if the King wins and run away if he loses. Nimble decides to join him.

Act V sc. iii: The anti-royal faction enter. Lancaster and York try to comfort Woodstock's weeping Duchess and promise to avenge him. The lords then offer pep talks to the troops. Then Cheney enters and announces that the King is in the field and expecting reinforcements of materiel and men from France. The King and his forces enter and the two sides parley, trading accusations. Bagot says that Richard came prepared for a composition and Lancaster demands that he revoke the proclamations of treason. When the King refuses, the battle begins.

Act V sc. iv: Cheney and Green confront each other in the battle. Arundel enters and joins Cheney in the fight. Green is slain. The King and his minions then enter, soon confronted by Lancaster, York and Surrey, who beat them off. Richard is left alone with Green's corpse and says that Green was his dearest friend and he will have revenge. Bagot enters to tell the King that the day is lost and urges him to flee to the Tower of London. They do so, the King declaring that this is punishment for the murder of Woodstock.

Act V sc. v: Tresilian and Nimble enter disguised. Tresilian recaps what we have just seen and puts his hope on the King saving him by way of a composition. Nimble is not so sanguine, recognizing that he is likely to be hanged. So he takes Tresilian prisoner intending to yield him up for a reward and to escape hanging.

Act V sc. vi: Only the beginning of this final scene exists in the MS, in which the victorious lords enter and announce that Bagot has fled. Nimble then enters bearing Tresilian bound, and thereby secures his own pardon even though he admits that he had previously followed Tresilian. Egan has seen fit to provide an ending in which Nimble accuses Tresilian of commanding the murder of Woodstock. In Egan's version, Tresilian is led away to immediate execution; Bushy, Scroop and Lapoole accuse each other of the crime, and they all blame the King; the King is brought in and he promptly revokes the blank charters, repents the death of Woodstock and has the crown restored to him by Lancaster. Egan's conclusion ends with Richard promising reformation.

III
THE MERITS

General Impressions:

While the straightforward plot of *Woodstock* tends to hold one's interest and the work contains a few passages of pleasing poetry and some amusing wit, the broad features of the play are vastly dissimilar from Shakespeare's undoubted plays, even the early ones. Ambiguity, Shakespeare's hallmark, is totally absent. Most of the poetry is charmless; the language usually serves only to advance the simplistic plot and is generally without subtlety. The author frequently repeats the same ideas over and over, as if he fears the audience would otherwise forget what was happening, or perhaps because he had nothing else to pad out the play.[22]

A notable exception to our observation that the language is generally charmless is the speech of the new queen at I.iii.36-60, which Egan lays stress upon in his submission to the panel (pp. 3-5):[23]

> My sovereign lord, and you true English peers,
> Your all-accomplish'd honors have so tied
> My senses by a magical restraint
> In the sweet spells of these your fair demeanors,
> That I am bound and charm'd from what I was.
> My native country I no more remember
> But as a tale told in my infancy,
> The greatest part forgot; and that which is,
> Appears to England's fair Elysium
> Like brambles to the cedars, coarse to fine,
> Or like the wild grape to the fruitful vine.
> And, having left the earth where I was bred,
> And English made, let me be Englished.
> Thy best shall please me shall me English call.
> My heart, great King, to you; my love to all!

[22] See, *e.g.*, I.i.132-34, 148-49, I.ii.23-25, II.iii.4-9, III.ii.1-4, 39-42, IV.i.6-1, 52-55, IV.ii.141-43, V.i.85-90, V.v.7-8. While it was necessary, in view of the distractions in the early modern theatres, to remind the audience of the situation from time to time, and Shakespeare as well as other contemporary playwrights did that, especially in early scenes, the author of Woodstock seems to have repeated himself far more often and much less subtly than Shakespeare did.

[23] Strangely, Egan barely mentions this speech in his treatise; and that only in the course of Egan's discussion of Ian Robinson's earlier attribution of the play (I Egan 84).

This is, as Egan says (Egan Brief 4), "good enough to be by Shakespeare"; and the word "Englished" has a neologistic Shakespearean ring to it. The difficulty for Egan is that this fourteen line speech is a kernel in a bushel of chaff. If the rest of the play had been of the same quality as this one speech, there is a chance that our opinion would have been different, but the vast bulk of the verse is banal (see, *e.g.*, the speeches just before and after Anne's [I.iii.1-35, 51-63]).

Characters in *Woodstock* are personifications more than persons. The most interesting of them, Thomas and Tresilian, are little more than stick figures representing, in the former case, humility, kindness and wisdom and, in the latter, unrelieved greed and villainy.[24] Even Shakespeare's earliest villains are more human than Tresilian. Aaron the Moor, for example, is willing to sacrifice himself for his infant son (TitAnd,V.i.59-68). Tresilian, on the other hand, has no spark of humanity. The notion that he is a comic figure who prefigures Falstaff (I Egan 32-33) strikes us as risible; he has none of Falstaff's charisma or self-knowledge (*id.* at 258), nor, apparently, his girth.[25] Nimble, Tresilian's henchman, is another character who has no close counterpart in the Shakespeare canon. Superficially, he resembles any number of Shakespeare's insolent wise-cracking servants, but he differs in the crucial respect that, unlike Shakespeare's fools, he is also a villain. Jack Cade and Dick the Butcher are entirely different types of characters. Autolycus, at worst a petty con-man and "snapper-up of unconsider'd trifles" (WT,IV.iii.26), is too good-natured to be a called a villain; and Stephano and Trinculo are too besotted to have the requisite *mens rea*. By a stretch, Falstaff's low thieving companions could be analogs (see I Egan 259), but their villainy and their humor are both of a different nature than Nimble's. Comic characters in other apocryphal plays are much closer to Shakespeare's creations than Nimble is, such as Strumbo in

[24] Egan himself says something like this: "Woodstock is all propriety and due process, Richard and his governing council little more than a gang of thugs" (I Egan 486).

[25] Egan insists that Tresilian is fat, a "corpulent knight" but not "obese in the Falstaffian way" (*ibid.*). How does he know? The sole basis for this notion seems to be Tresilian's speech at I.ii.55-57, which predicts that he will grow plump as a result of his newly acquired rank, not that he *is* fat.

Locrine, Corporal Oath in *The Puritan*, Mouse in *Mucedorus* and the low characters in *The Birth of Merlin*. Nimble more closely resembles Barabas's man, Ithamore, in Marlowe's *Jew of Malta*.[26]

The author of *Woodstock* lacks Shakespeare's subtlety in other respects as well. For example, he employs bland choric speeches to introduce characters and describe situations in a far more obvious fashion than ever Shakespeare was guilty of. *Compare, e.g.*, Wood,I.i.60-68, 100-11, 132-34, 182-85, I.ii.12-28, 38-39, 98-108, II.i.108-09, III.ii.1-4, III.iii.8-11 *with* RIII,I.i.1-41; Ham,I.i.21-29; A&C,I.i.1-10; WT,V.i. He bludgeons his audience with repeated reminders that the King is shallow, vain and easily led, his minions are greedy, and Thomas is simple, straightforward and noble. Shakespeare would show us, not tell us; he surely would not have the characters themselves constantly tell each other how virtuous or evil they are. See, *e.g.*, I.ii.44-48, 60-66, I.iii.34-35, 79-80, 116-17, II.ii.36-38, 158-60, II.iii.46-50, IV.i.63, IV.ii.152, V.i.124, V.vi.1-5. For example, the openness with which Richard and his favorites announce their intents to mismanage the state and pillage the people in order to disport themselves in frivolous luxury (*e.g.*, II.ii.76-207), is unlike Shakespeare's depictions of high politics.

Not surprisingly, Egan spills a lot of ink comparing *Woodstock* to *Richard II* (*e.g.*, I Egan 179-205), but it can hardly be surprising if two plays about the same reign have similar features; it would be astonishing if they did not. Egan appears to miss this point, as he says that "significant affiliations between *1* and *2 Richard II* include the transference of *dramatis personae* large and small – Richard to Richard, York to York, the favorites to the favorites, etc." (*id*. at 182). Those are historical figures, not made-up characters; it would be impossible to write a play about them without including them in the cast. We find the differences between the plays far more significant than the similarities. Perhaps the most telling point contradicting Egan's contention that *Woodstock* is "*Richard II, Part 1*" is the unquestioned fact that the play which he regards as "Part 2" depicts events which had already occurred in "Part 1." For example, the farming out of the kingdom and Richard's blank charters scheme, which are first proposed in *Richard II* at I.iv.45-51, occupies a main part of the action in *Woodstock*, being shown as completed in IV.i (and as being abandoned

[26] Marlowe has been suggested as a possible author of *Woodstock* (I Egan 23), which has sometimes been compared to his *Edward II* (*e.g.*, *id*. at 21). We have not found it necessary to consider that theory or any other proposed author. The possibility that *Woodstock* is a product of collaboration (an attractive alternative) is also not pertinent to our task.

by Richard in the ending composed by Egan [V.vi.129-31]). Characters appear in *Richard II* without regard to continuity from *Woodstock*. For example, Sir Thomas Scroop, one of Richard's favorites in *Woodstock*, equal to Bushy, Bagot and Green, isn't even mentioned in *Richard II.* The messenger in RII,III.ii who is called Scroop cannot be the same person; he may be Sir Stephen Scroop mentioned in III.iii.28, who is probably the ghost character at III.iii.62s.d. Even more tellingly, Green, who is not disposed of in *Richard II* until III.i, had already died in *Woodstock* V.iv. It is quite possible that the lost ending of the *Woodstock* MS also dispatched Bushy and Bagot.[27]

In Shakespeare's chronicle plays, the first and second tetralogies, each successive play depicts action which follows the events of the preceding play. Prior events are alluded to, and built upon, but they are never reprised. The situation with respect to *Woodstock* and *Richard II* stands in sharp contrast. To be sure, *Richard II* begins with the appeal of Henry Bullingbrook against Thomas Mowbray for treason, possibly implicating the King, *sub silentio*, in the murder of Gloucester, but that crime is not actually specified, which one would expect if *Richard II* were "Part 2." If Shakespeare found it politically dangerous to explicitly implicate the King in the murder of his uncle, the author of *Woodstock* surely did not. Perhaps more significantly, neither Bullingbrook nor Mowbray is present or mentioned in *Woodstock*.

There are other serious discontinuities as well. When Shakespeare drew a character who extends over more than one play, he or she has a recognizably consistent personality. One can identify Pistol, for example, from his speeches without knowing if they are in *2 Henry IV* or *Henry V*. The characters who are common in *Woodstock* and *Richard II*, on the other hand, bear little if any resemblance to their counterparts in the other play. King Richard, the most important of these, is a case in point. The poetic, self-absorbed, self-pitying Richard in the canonical play is nowhere to be found in *Woodstock*. Instead, the King in that play is a vain tantrum-throwing brat, lacking any of the majesty exhibited by Shakespeare's Richard in his grand moments.[28] He is almost al-

[27] The presence of the Queen in *Richard II* after the death of Queen Anne in *Woodstock* is not one of these inconsistencies, as Richard married Isabella of France after the death of his first wife. Egan thinks it helps his case to suggest that the unnamed Queen in *Richard II* is a resurrected Anne (I Egan 184-85).

[28] Eric Sams has also observed this (III Egan 279).

ways clueless about the perceptions he creates in others,[29] unlike Shakespeare's Richard who is always playing for effect.

Egan provides a long exegesis of perceived similarities and echoes between *Woodstock* and *Richard II* but he makes no serious effort to harmonize the incongruities (I Egan 179-205). All he says on the subject is that Shakespeare "decisively … abandoned [consistency] in … visible ways, *e.g.*, substituting Mowbray for Lapoole and resuscitating Green. Shakespeare recycles what he can and reinvents what he must" (*id.* at 183). Those are hardly trivial inconsistencies, and Egan's cryptic assertion that the discontinuities can be "resolved by recognizing that the lines of force operating between Shakespeare's two King Richard II plays are not always of equal intensity" (*id*. at 190) explains nothing. Nor are we impressed with the argument that Woodstock was not written with a sequel in contemplation (*id*. at 205). That is obvious; but we would have to assume a particularly inept Shakespeare to conclude that he wrote the "second" play without taking account of events he described and characters he killed off in the first. Also, if, as Egan postulates, Shakespeare revised the play around 1605 (*id*. at 149), it would have been odd for him not to take the opportunity to smooth out the joins.

<u>External Evidence</u>:

There is no external evidence for Shakespeare's authorship of Woodstock, and Egan doesn't say there is. For example, the manuscript has no title page or other attribution, and no contemporary printed copy exists. Shakespeare's partners, Heminge and Condell, did not include the play in the First Folio. It was not added in the Third Folio, when *Pericles* and six apocryphal plays were inserted. The play was not referred to by Francis Meres in his *Palladis Tamia: Wits Treasury* (1598), which does mention *Richard II* (RIVERSIDE at 1970). Indeed, there are no contemporary references to the play. Egan does not claim that any part of the MS is in Shakespeare's hand. He also does not contend that the play was the property of any company of players with which Shakespeare was associated.

[29] An exception might be IV.i.131-37, where Richard expresses concern that his farming out the realm will be seen as unseemly in the son of the Black Prince. But his temporary qualms are quickly overcome by his favorites.

While it is true that absence of evidence is not evidence of absence – and we do not place undue weight on the negative external evidence – it is also true that a glaring omission, such as the lack of any contemporary reference to the age's most prominent playwright as the author of *Woodstock* (a play which Egan says was popular well into the 17th century [I Egan 94]) needs to be explained.

Dating the Play:

The date of a play's composition is a special type of external evidence. While it does not identify the author directly, it limits who may or may not be included in the universe of possible authors. For this reason, the proponents of Edward de Vere, 17th Earl of Oxford, as author of Shakespeare's plays go through involved contortions to try to show that *The Tempest* and other late canonical plays were composed earlier than the dates commonly given for them, as Oxford died in 1604, long before he could have written the late plays according to the usual chronology.[30]

In the present case, Egan's contention collapses unless *Woodstock* was composed early in Shakespeare's career, as it is unthinkable that such a mediocre work was created by Shakespeare at about the same time or after the brilliant plays of his maturity, not to mention the improbability of Shakespeare writing "Part One" after "Part Two." (Shakespeare's *Richard II* was published in quarto in 1597 and its composition is usually given as 1595.[31]) Another reason why the date is significant in this case is that the author of a Jacobean *Woodstock* could have been influenced by Shakespeare's work in composing the passages which Egan regards as so similar to Shakespeare as to compel the conclusion of common authorship.

Egan contends, alternatively, that *Woodstock* "must have been written before 1594-95" (I Egan 97) or "must have been in existence by late 1592 or early 1593" (*id*. at 100). Dates from 1590 to 1595 have been proposed by some others (*id*. at 95-97). Egan's conjecture that the play was written for provincial performance in order to avoid the plague in London at that time (*id.* at

[30] See, *e.g*., P.D. McIntosh, *The Fable of the Belly*, XII THE OXFORDIAN 65, 70 (2109), proposing a twelve year range for composition of *Coriolanus*, usually dated 1607-8 (*e.g*., RIVERSIDE at 86; S. Wells, *et al.*, WILLIAM SHAKESPEARE: A TEXTUAL COMPANION at131 [W.W. Norton & Co. 1997] [hereinafter "TEXTUAL COMPANION"]).

[31] *E.g.*, RIVERSIDE at 81; TEXTUAL COMPANION at 117.

102-15) is not persuasive to us. No acknowledged Shakespeare play is contended to have been composed for performance on tour, although many were revised for that purpose. Hence, this conjecture does not advance the claim for Shakespeare's authorship, especially as he wrote for London-based companies in which he was a sharer. Shakespeare is generally considered to have used his time during the plague years to write *Venus & Adonis* and *The Rape of Lucrece*, among other works.[32] See, also, footnote 20, *supra*.

Egan tries to support his early date by arguing that the masque in *Woodstock* more closely resembles an Elizabethan sort of masque rather than the more ornate masques popular at the Jacobean court (*id*. at 97-100). But, in terms of similarity to dramatic depictions of masques (which we regard as more pertinent for this purpose than actual masques), it has more in common with the masque in *Henry VIII*, I.iv (a scene attributed to Fletcher[33]), in which, as in *Woodstock*, the king appears in disguise. *Henry VIII* is dated 1612-13.[34] (The *Woodstock* masque also bears some similarity to two brief masques in the 1606 play *The Revenger's Tragedy*, V.iii [thought to be by Middleton, traditionally attributed to Tourneur].[35]) Indeed, Egan himself contends that the *Henry VIII* masque is an example of a Shakespearean parallel to *Woodstock* (I Egan 399-400), and he seems aware of the inconsistency between that argument and his objection to Jackson's dating based on the fact that the masque in *Woodstock* is an Elizabethan sort. He also seems to recognize that Fletcher's authorship of the masque scene in *Henry VIII* does nothing to advance his attribution to Shakespeare of the masque scene in *Woodstock*. To try to overcome these inconveniences, Egan conjectures without evidence that *Henry VIII*, which he acknowledges was Shakespeare's "last play," was actually written c.1592 and collaboratively rewritten many years later (*id*. at 396). He goes so far as to say that *Henry VIII* was "probably first performed" before Queen Elizabeth (*id*. at 399). Egan constructs a circular argument that since, in his view, "there are many moments

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[32] See, e.*g.*, RIVERSIDE at 78-79; TEXTUAL COMPANION at 109-116.

[33] TEXTUAL COMPANION at 618.

[34] RIVERSIDE at 87; TEXTUAL COMPANION at 133.

[35] *See, generally*, G. Taylor & J. Lavagnino, gen'l eds., THOMAS MIDDLETON THE COLLECTED WORKS 543 *et seq*. (Oxford Univ. P. 2007).

[in *Henry VIII*] which stunningly recall" *Woodstock*, we may "presume Shakespeare wrote" them (*id*. at 396). That sort of chopped logic is typical of Egan's reasoning throughout.[36]

MacDonald P. Jackson believes *Woodstock* was probably composed during the Jacobean period,[37] and was certainly no earlier than the late 1590s, and he ascribes the play to the 17th Century playwright Samuel Rowley. *E.g.*, Jackson 2002 and Jackson 2007, *supra* pp.1-2. Jackson observes that *Woodstock* contains numerous instances of colloquialisms and contractions which were not in general use until after 1600; frequent use of "has" and "does" rather than "hath" and "doth," which was also more common after 1600; and a number of oaths (especially "'Sfoot") which did not come into stage use until about that time (Jackson 2002 at 17-19; Jackson 2007 at 76).[38] He also finds that metrical features of *Woodstock*, such as a comparatively low number of end-stopped lines (not typical of Shakespeare until *1 Henry IV*) (Jackson 200*2* at 22-23) and, even more significantly, the high percentage of feminine endings, suggests composition well after the date ascribed by Egan (*id.* at 24). Jackson notes that Shakespeare's early plays more liberally used feminine endings than was typical at the time (*ibid.*), and Egan regards that as inadvertently supporting his thesis (I Egan 126). Jackson also analyzed the vocabulary in the play and found that it employed words which were unknown on the English stage before the turn of the 17th Century but which were common thereafter, and even words (such as "pestiferousness" and "unsophisticated") whose first uses are recorded by OED later in the 17th Century or even the 18th (Jackson 2002 at 27-37).[39]

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[36] A similar tendency is Egan's practice, like that of many biographers, of constructing surmised castles from airy speculations and then suggesting that they stand on the firmest foundation. For example, he devotes four pages to a conjectural discussion of Shakespeare's possible historical studies (*id*. at 149-53) and concludes that "these supplementary data … certainly don't undermine the hypothesis that Shakespeare wrote" *Woodstock* (*id*. at 151). True enough; but they don't support it either.

[37] Jackson was not the first to conclude that the play dates from that time. See D.J. Lake, "Three Seventeenth-Century Revisions: *Thomas of Woodstock, The Jew of Malta and Faustus B*," 1983 NOTES & QUERIES 133, at 135-38; s*ee, also, e.g.*, I Egan 119-21. Jackson's opinion as to dating was endorsed in T. Merriam, "*More* and *Woodstock*," 2003 NOTES & QUERIES 27, at 30.

[38] Jackson relies heavily for his linguistic points on Lake's research cited in n.37, *supra*.

[39] In addition to this internal evidence, Jackson observes that there is external evidence in the MS for a late date, including possible names of Jacobean players and the hand of a Jacobean censor; but, as the MS might have been created for a revival, that does not take us very far and is surely not conclusive (*id.* at 20-22).

Another stylistic feature, which Jackson regards as "conclusive," is that application of the Oras pause test to *Woodstock* produces results which are atypical of plays written before the late 1590s (Jackson 2002 at 25-27). Ants Oras's pause test compares the length of pauses and their placement within iambic pentameter lines in plays by different authors or plays written at different times.[40] It is supposed to reflect stylistic tendencies that are unconscious and, so, nearly impossible to mimic. The first Shakespeare play which partially resembles *Woodstock* by this test is *Julius Caesar*, commonly dated in 1599;[41] and Shakespeare did not write a play in which the number of pauses in the first half of the line was as low as in *Woodstock* until *Hamlet* in 1600-1[42] (Jackson 2002 at 27; see, also, Jackson 2007 at 80-85). Egan offers a number of technical, mostly epistemological, objections to Jackson's use of the Oras pause test, or to the test itself (*Slurs*, n.2 *supra*, at 169-91). Jackson responded that Egan "misunderstands Oras's principles of computation and the principles of verse analysis" (MacD. P. Jackson, *Some Comments on Michael Egan's 'Slurs, Nasal Rhymes and Amputations'*, XII THE OXFORDIAN 94-98 [2010] [hereinafter "Jackson 2010"] at 97). Whether that is so or not, Egan may be laboring under a more fundamental misconception, which we offer only as a tentative answer: The Oras test is a comparative one, not an absolute measure; its objective is to compare stylistic tendencies in different authors, or in the same author at different times, or in the evolution of all authors over time. That, of course, requires the analysis of several works. There are certainly difficulties in determining what constitutes a pause, how much weight should be given to a pause, etc., especially given the idiosyncratic punctuation of the time, and it is likely that any application of the test can be criticized for including too much or too little. But the epistemological uncertainties can be expected to apply about equally to all works studied. Therefore, if the test is statistically valid and reliable (and we believe it is generally so regarded), and if it is applied with integrity, the uncertainties in counting should roughly balance over the universe of all works in the comparison, so that the result with respect to a given play may be con-

[40] A. Oras, PAUSE PATTERNS IN ELIZABETHAN AND JACOBEAN DRAMA (Univ. Fla. P. 1960); see, also, *e.g.*, Jackson 2002 at 26-27.

[41] RIVERSIDE at 83; TEXTUAL COMPANION at 121.

[42] RIVERSIDE at 83; TEXTUAL COMPANION at 122.

sidered probative in the context of other evidence, if not "conclusive" in itself. We leave this to the statisticians to mull over.

In his 2007 article, Jackson added contentions based on rhyme patterns in *Woodstock*. He noted with approval research[43] showing that *Woodstock*'s use of rhyming couplets was anomalous for Elizabethan plays, being more typical of Jacobean plays (Jackson 2007 at 79-80). It is interesting to observe that *Woodstock* and Shakespeare's *Comedy of Errors* are unique among Elizabethan plays in that they consistently end scenes with couplets, but *Errors* appears to be the only Shakespeare play that matches even one aspect of *Woodstock*'s use of couplets (see *id*. at 79-80).[44] Oddly, Egan does not hit upon the comparison with *Errors* to bolster his authorship theory; instead, he ridicules Jackson for the liberality with which he finds that certain words are assonantal rhymes while at the same time not counting some perfect rhymes (*Slurs* at 191-97). Jackson responded more-or-less in kind (Jackson 2010 at 97-98). It seems to us that Egan makes a valid point which tends to undercut one of the arguments on which Jackson supports his late dating of *Woodstock*. But that does not destroy Jackson's case and it certainly does not make a case for Shakespeare's authorship.

Some parallel elements in *Woodstock* and *Richard II* – such as references to Richard as "landlord" of England, the "pelting farm" metaphor,[45] and Gaunt's description of the dead Thomas of Woodstock as a "plain well-meaning soul" (RII,II.i.128) – suggest that the author of whichever was the later play was familiar with the earlier one. However, the parallels do not compel the conclusion that the plays are by the same author. Indeed, Rossiter and most other commentators who

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[43] J.C. Maxwell, "Doubts of the Date of *Woodstock*," CCXXI (1976) NOTES & QUERIES 154.

[44] In support of his thesis that Samuel Rowley wrote *Woodstock*, Jackson took note of a similarity between that play's unusual frequency of "jingling rhymes" of polysyllabic words ending with "y" or "ies," which is also typical of Rowley's one undoubted extant play, *When You See Me You Know Me* (Jackson 2002 at 46-49). When the time came to respond to Egan, Jackson elaborated on the rhyme structure in *Woodstock* and showed that Shakespeare's tendencies with respect to the placement of rhymes and the use of near rhymes differ greatly from those exhibited in *Woodstock* (Jackson 2007 at 86-92).

[45] The final revision in the *Woodstock* MS seems to have decided against using the term "pelting farm"; that is one of the smudged or overwritten passages, and was quite possibly deleted by the author or reviser (*id*. at 54-55; I Egan 137-38; *Slurs* at 159). But we can assume that it is part of the play without doing violence to our conclusion.

date *Woodstock* before *Richard II* felt that it influenced Shakespeare's play, not that it was **by** Shakespeare (see Jackson 2002 at 56). John Dover Wilson, among others, shared that view, and he speculated that perhaps Shakespeare was familiar with *Woodstock* because he had played in it.[46] The Arden3 edition of *Richard II* goes a bit further and considers *Woodstock* to be the third most important source for Shakespeare's play, after Holinshed and Daniel.[47] Jackson believes, to the contrary, that *Woodstock* echoes Shakespeare's play, not the other way around (Jackson 2002 at 56). We need not opine on this point, as: (1) if *Woodstock* was written after *Richard II*, it would have been impossible for Shakespeare to have borrowed elements from it; but (2) even if *Woodstock* has priority, that does not mean that it had the same author.[48]

Jackson's 2002 article antedates Egan's 2006 volumes and was evidently written before he was aware of Egan's work, to which it does not refer. Thus, he observes, evidently *currente calamo*, that even though Shakespeare used feminine endings more liberally than most others, he "is obviously not a candidate for the authorship of *Woodstock*" (*id.* at 25).[49] Jackson also noted, probably without suspecting the implications others might draw, that there are portions of *Woodstock* which are reminiscent of Shakespearean passages (see, also, I Egan 270-77), such as speeches by Simon Ignorance which call to mind some of Dogberry's utterances in *Much Ado*, and a few less pronounced parallels to passages in *A Midsummer Night's Dream*, *King Lear* and *Macbeth* (Jackson 2002 at 38-39, 44-45). Like Egan, Jackson finds that the Spruce Courtier "out-Osric's Osric" (*id.* at 39; see, also, I Egan 289-97). But, unlike Egan, he believes the parallels result from the author's familiarity with Shakespeare, not that he **was** Shakespeare (Jackson 2002 at 56).

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[46] J. Dover Wilson, ed., KING RICHARD II li, lxxiv-lxxv (Cambridge Univ. P. 1939), quoted at I Egan 34.

[47] C.R. Forker, ed., KING RICHARD II 144 (The Arden Shakespeare 2002). R. Holinshed, III CHRONICLES (1587); S. Daniel, THE FIRST FOWRE BOOKS OF THE CIVIL WARS BETWEEN THE TWO HOUSES OF LANCASTER AND YORKE (1595). See G. Bullough, ed., III NARRATIVE AND DRAMATIC SOURCES OF SHAKESPEARE at 387 *et seq.* and 434 *et seq*. (Routledge & Kegan Paul 1960), for reprints of pertinent parts of Holinshed and Daniel.

[48] An edition of *Woodstock* published shortly after Jackson's 2002 article takes the position, without having had the opportunity to consider Jackson's work, that the play was written in the early 1590s, but it does not attribute the play to Shakespeare. P. Corbin & D. Sedge, eds., THOMAS OF WOODSTOCK OR KING RICHARD THE SECOND, PART ONE 8 (Manchester Univ. P. 2002); see Jackson 2007 at 67.

[49] Jackson subsequently said in his "Riposte to Egan" email that "I wasn't to know that Egan was busy compiling an argument for Shakespeare's actual authorship of the play" (see *Slurs* at 157 & n.4; and see n.51, *infra*).

Needless to say, Egan rejects Jackson's methodology and conclusions (*e.g.*, I Egan 121 *et seq.*), although he acknowledges Brian Vickers's description of Jackson as "the most inventive scholar in attribution studies over the last thirty years" (*id.* at 122[50]). Egan is "willing to stipulate the general thrust of Jackson's claims," especially with respect to feminine endings which he regards as helpful to his position (*id*. at 126), but he asserts that Jackson "makes no attempt at objectivity" and is not "neutral, that is, a scholar rather than an attorney" (*id*. at 127). Egan does not explain why he feels Jackson might have been biased about this matter.[51] We find that Jackson's 2002 article, seemingly written in ignorance of Egan's contrary position, displays no prejudice or animosity.

Notwithstanding his strongly-put objections to Jackson's scholarship, Egan seems to have been influenced by it. While he insists that *Woodstock* was composed in the early 1590s, he also says that it was "touched up some time after 1603 when a new copy was being prepared for a revival" (I Egan at 142).[52] That, of course, serves to retain Egan's fundamental position while implicitly acknowledging the force of Jackson's finding that the MS is redolent of 17th Century usages. Jackson observes that Egan's theory requires us to suppose that the author wrote the play in the early 1590s, completely rewrote it years later and had a scribe copy out that product to use as a prompt book for the revival (Jackson 2007 at 95).

Egan's most persuasive objections to Jackson relate to the latter's conclusion that Rowley authored *Woodstock* (*e.g.*, I Egan 121 *et seq.*; *Slurs* at 166), a contention which is unnecessary for us to address and which Jackson himself considered a subsidiary issue (Jackson 2007 at 68). Jack-

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[50] Citing B. Vickers, SHAKESPEARE, CO-AUTHOR 278 (Oxford Univ. P. 2002).

[51] Jackson's 2007 article was written in large measure to reply to Egan's answer to Jackson's original paper. Egan's answer is included in his treatise's General Introduction (I Egan 121 *et seq.*) and is also republished in edited form as "Did Samuel Rowley Write '*Thomas of Woodstock*'," X THE OXFORDIAN 35-54 (Oct. 2007) (see *Slurs* at 157 & n.3; Jackson 2007 at 67-68). Jackson also sent out a private email "Riposte to Egan" (2007) (see *Slurs* at 157 & n.3), which we have not received. Egan's *Slurs* was his lengthy rejoinder to both Jackson 2007 and the "Riposte." In turn, Jackson submitted Jackson 2010, a four-page rebuttal, to THE OXFORDIAN, and Egan appended a ten-page sur-rebuttal to that (XII THE OXFORDIAN at 98-107). Egan ignored our request for copies of his responses to Jackson, despite his offer to provide them (see p.7, *supra*, and Appendix C), requiring us to obtain them on our own.

[52] He gives 1605 as "the likeliest date" (*id*. at 149). But in his submission to the Panel (p.16), Egan says he thinks the play "was revised and recopied in the early 1610s."

son's important contention as far as the present proceeding is concerned is that the play dates from the reign of James I or at least the late 1590s, the *terminus a quo* being, of course, 1595 when *Richard II* was written.

Egan quibbles that Jackson's analysis is corrupted by his use of Rossiter's text, which corrected noun/verb disagreements in the manuscript and, in Egan's view, did not give proper treatment to the MS's occasional rapid switches between verse and prose (I Egan at 123-25; see, also, *id*. at 66-67).[53] Egan considers it even more questionable that Jackson cites a few passages that contain his own modernized spelling and punctuation (*id.* at 125). These observations appear accurate, but they do not significantly detract from the force of Jackson's analysis. Jackson's modernization of pointing and possibly spelling could have affected the Oras pause test, but we cannot tell whether or to what extent it did, as Egan does not quantify the force of his objection or identify any modernized passages which skewed the result. And, of course, if the Oras result is called into question, that does not affect the validity, *vel non*, of Jackson's other arguments.

Egan expresses doubt that a different playwright than Shakespeare would have recalled Dogberry and other characters, incidents and language in Shakespeare's plays well enough to have drawn such close parallels to them (*id.* at 132-34), but he exaggerates the time lag between the Shakespeare plays and the claimed date of *Woodstock*. Thus, he calls *Much Ado about Nothing* a "ten-year-old comedy" (*id.* at 133), when it is generally dated only four or five years earlier than the c.1603 date Jackson postulated for *Woodstock* and only six or seven years before the 1605 date Egan gives for its revision (*id.* at 149).[54]

Egan lays special stress on Gaunt's reference in *Richard II* to his late brother as "plain, well-meaning soul" (RII,II.i.128), because, he argues, that description is consistent with Thomas's character in *Woodstock* but is inconsistent with both the historical Duke Thomas and other depic-

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[53] Egan also finds a few incidents in *Woodstock* which he believes were topical in the Elizabethan period, such as the appearance of Cynthia (an allegorical figure for Queen Elizabeth) at the masque in IV.ii (*id.* at 130-32, 147-48). However, Jackson notes that Cynthia also appeared in masques in undoubted Jacobean works: Beaumont & Fletcher's *The Maid's Tragedy* (1610) and Campion's *A Masque at Lord Hay's Marriage* (1607) (Jackson 2007 at 76).

[54] RIVERSIDE at 83; TEXTUAL COMPANION at 120.

tions of him. Egan argues, therefore, that *Richard II* must have followed *Woodstock*, as it could have been the only source for a saintly Thomas (I Egan 138-39). However, Egan seems to overstate the case; he himself cites extensive authority that Woodstock was a generous and able statesman, renowned for modest behavior and the most popular peer in the realm (I Egan 158-60). If so, it is conceivable that Shakespeare had Gaunt describe him in those terms without having had to resort to *Woodstock*.

Surely Egan pleads too much when he attacks Jackson's position as follows:

> [I]f Rowley or some other playwright in the 17th century did actually set out to create what would have been a conscious prequel to Shakespeare's play, why did he make the joins so bad? Why give us Lapoole instead of Mowbray, a simple name selection, and why kill off Green, knowing that he turns up alive and kicking in *2 Richard II*? (*Id*. at 139)

These are questions to be asked. But it is better for Egan to ponder them: If Shakespeare wrote both plays, why did he do those very things, and how do they square with his practice in the tetralogies of having each play start after the last left off?

In sum, Jackson makes several persuasive points about the date of composition although Egan is able to call into question the force of some of them, and the possibility that it was an early play that was subsequently revised for a revival leaves a nagging doubt. On balance, we remain sufficiently agnostic about when *Woodstock* was composed to decline to decide the issue on the basis of that sole criterion. If there were no doubt that the play was written after 1600 or even in the late 1590s, we would regard that as the end of the inquiry. But, if, as Egan insists, the play was written in the early 1590s and revised c.1605, that does not mean that Shakespeare was the playwright. To determine the issue, therefore, we must turn to internal evidence in the play itself.

Internal Evidence:

Both sides place their reliance exclusively (or nearly so) on internal evidence,[55] so we need to give those arguments detailed attention.

[55] To be sure, Elliott & Valenza endorse MacDonald Jackson's conclusion about the date of *Woodstock* with all that entails. However, that strikes us as make-weight, as their contentions, taken as a whole, make clear that they would deny that Shakespeare was the author even if it were proved that the play was composed in, say, 1592.

In 1966, S. Schoenbaum enumerated eight "first principles" of procedure which he felt should govern the use of internal evidence in determining questions of authorship. S. Schoenbaum, INTERNAL EVIDENCE AND ELIZABETHAN DRAMATIC AUTHORSHIP 162 *et seq.* (Northwestern Univ. P. 1966) (hereinafter "Schoenbaum"). Neither side relies on these; but we consider it helpful to examine them before turning to the particular arguments of the parties:

1. External evidence cannot be ignored, no matter how inconvenient such evidence may be for the theories of the investigator (*id.* at 163). That is not particularly useful in this case as there is no affirmative external evidence. But the negative evidence – *e.g.*, the absence of contemporary references to *Woodstock* as the product of Shakespeare – makes Egan's theory more difficult to sustain.

2. If stylistic criteria are to have any meaning, the play must be written in a style (*id.* at 167). The parties argue that the style of *Woodstock* is either unmistakably Shakespeare's or not possibly his. As we discuss below, Egan misconceives the nature of "style" for this purpose. Perceiving numerous thematic and verbal parallels, he says that *Woodstock* is unquestionably Shakespeare's; Elliott & Valenza, using computerized stylometric tools, say that it bears no resemblance to acknowledged Shakespeare.

3. The investigator must always work with the most reliable texts, preferably directly with the early prints or manuscripts (*id.* at 169). This is not controversial. Egan worked from (and edited) the Jacobean manuscript, the sole substantive text of *Woodstock*, and Elliott & Valenza were content to work from Egan's text, although they also tested the Rossiter text and obtained substantially the same results. Both sides employed the RIVERSIDE for their Shakespeare comparisons.

4. Textual analysis logically precedes stylistic analysis (*id.* at 172). This principle does not lead us in either direction. Egan does not contend that the MS lends support to his theory. For example, he does not argue that any portion of it is in Shakespeare's hand, even though it is conceivable that the "reviser" whose hand appears in the MS was the author.

5. Plays of which all the early printed or manuscript texts are continuously defective offer no fit quarries for evidence and are not fit subjects for canonical investigation (*id.* at 175). The *Woodstock* MS is admittedly only partial and is physically damaged. But it is obviously unsatisfying to refuse on this ground to consider the question at all, and the text is probably good enough for present purposes.

6. For any author proposed, a reasonable amount of unchallenged dramatic writing, apart from collaborations, must be extant (*id.* at 176). This principle is certainly satisfied in this case. Elliott & Valenza use twenty-nine "core" Shakespeare plays and Egan employs the entire canon and more. In fact, he uses too much. Egan gives equal weight to collaborations and questionable portions of Shakespeare plays, and even *Edward III* (I Egan 375 *et seq*.). This has sometimes caused him to fall into error. Thus, he argues that Shakespeare seems to have unconsciously had *Woodstock* in mind when Mortimer in *1 Henry VI* refers to Richard as his deposer's "nephew" (1HVI,II.v.64), when in fact Bullingbrook was his cousin, his uncle's son. Egan regards this as a possible "Freudian slip" because *Woodstock* shows Gaunt, Richard's uncle, as the "principal deposer" (I Egan 221-22). Egan's mistake is to attribute the slip to Shakespeare, who is not regarded as the author of that part of *1 Henry VI* (*e.g.*, TEXTUAL COMPANION at 217).

7. Intuitions, convictions, and subjective judgments generally, carry no weight as evidence (Schoenbaum at 178). Egan explicitly endorses this principle (I Egan 18), but it is Elliott & Valenza who adopt an objective methodology. Egan's argument, taken as a whole, reflects at best an impression gleaned from perceived similarities and parallels between passages in *Woodstock* and portions of Shakespeare plays. It is, therefore, more subjective and intuitive than the computerized stylometric approach employed by Elliott & Valenza.[56]

8. Wherever possible, stylistic evidence should be supplemented by bibliographic evidence (*id*. at 181). The sole bibliographical evidence in this case, the MS, is not helpful, as it seems too removed from the author's autograph papers (see *id*. at 182).

Schoenbaum summed up his principles as follows (*id*. at 195):

> The ultimate effect sought [in an attribution study] is a cumulative one, in which all the internal evidence – stylistic, bibliographical, and linguistic – converges inexorably upon a single possible author-identification, an identification compatible with the known external information.[57]

With these principles in mind, we turn to the particular arguments advanced by the parties. Our task is made easier in that, for all their heated charges and countercharges against each other,

[56] It could be argued that the panel members, selected for their success in identifying Shakespearean and non-Shakespearean passages in the "golden ear" test, were chosen because of their intuitive skill. We have, however, attempted to the extent possible to eliminate unreasoned impressions from our conclusions, and, if a residue of subjectivity remains, so be it. We suppose that the parties decided to have a panel of "golden ears" because they believe we have shown better than average judgment in such matters.

[57] Quoted by Egan with approval, but slightly inaccurately, in *Slurs* at 199.

the parties do not actually join issue on any question of underlying fact. Thus, Elliott & Valenza do not question that *Woodstock* contains the passages which Egan argues are similar to portions of undoubted Shakespeare plays, and Egan does not deny that the data and methods employed by Elliott & Valenza produce the results they rely on. Instead, Elliott & Valenza contend that the similarities marshaled by Egan cannot outweigh their stylometric analysis which they believe demonstrate that it is astronomically improbable that Shakespeare wrote that play. Egan for his part finds the affinities he perceives between *Woodstock* and Shakespeare's works to be sufficiently compelling in themselves and he does not address the stylometric findings.

Egan's Evidence:

By far the longest section of Egan's General Introduction is a comparison of *Woodstock* with the plays and poems in the Shakespeare canon (including *Edward III* and *Sir Thomas More*) and a catalogue of what he contends are similarities, parallels and echoes (I Egan 178-416). After *Richard II*, Egan gives primacy of place and his longest discussion to *Henry VI, Part 2* (I Egan 205-227).[58] He regards *Woodstock*, *2 Henry VI* and *Richard II* as a sort of triptych (*id*. at 178). The thematic parallel between *Woodstock* and *2 Henry VI*, of course, is that they both feature Dukes of Gloucester who are Protectors of young kings, and who are forced to resign and are then murdered. In addition, Humphrey and Thomas yield their posts in strikingly similar terms (*compare*, 2HVI,II.iii.32 *with* Wood,II.ii.157) (I Egan at 212-13). On balance, however, the plot similarities, which are largely a necessity imposed by history,[59] and the occasional speech echoes are not sufficient to persuade us of common authorship.[60]

The affinities with the Shakespeare canon which Egan relies on are mostly parallel situations and use of similar language to express similar ideas; they are not "stylistic rather than imita-

[58] We have already addressed Egan's observations regarding *Richard II* (*e.g*., pp.17-18, *supra*).

[59] To be sure, the historical Woodstock was not Protector, but Egan points out that he had a similar rôle (I Egan 157).

[60] Egan makes much of the fact that the "dead as a doornail" image appears in both *Woodstock* (V.i.242-43) and *2 Henry VI* (V.iii.120-21), but, as he admits on page 18 of his brief, that commonplace aphorism has a literary history at least as old as *Piers Plowman* (c.1367-70). Elliott & Valenza cite more contemporary usages in Porter's *Two Angry Women of Abingdon* and the anonymous *The Contention of York, Part 1* (Appendix 1 to Elliott & Valenza Brief at p.16).

tive," as he puts it (I Egan 225). In a number of instances, Egan even finds that Shakespeare's (or other playwrights') allusions to historical events evince a profound knowledge of *Woodstock* because the events are depicted or referred to in that play, and, therefore, he believes they must be by the same author (see, *e.g.*, *id*. at 380-85). However, Egan correctly acknowledges that stylistic echoes "rather than line/speech parallels" are "more significant evidence of common authorship; they are simply Shakespeare's manner" (*id*. at 227). As put by Schoenbaum, "A playwright's individuality may find expression in a number of accidentals: his idiosyncrasies with regard to speech prefixes, stage directions,[61] act divisions, the recording of entrances, etc., his peculiarities of spelling, punctuation, and abbreviation" (Schoenbaum at 182). Even more subtle mannerisms, such as metrical habits, end-stopping and enjambment preferences, rhyming tendencies, peculiar rhetorical practices, cæsuræ, enclitic and proclitic microphrases,[62] tendencies as to contractions, compound words, etc., are also part of "style."

Egan does not present significant evidence with respect to these. The similarities, parallels and "echoes" he cites are not "stylistic" in this sense; they are merely the use of common words or expressions in similar situations, such as "What traitor's there?" *vs*. "What noise is this?" and "when others sleep"; sometimes the similarity is in a single common word, like "pity" (I Egan 227-29). These, like the vast majority of Egan's perceived patterns, seem to be nothing more than the use by two different authors of the same or similar words to describe the same or similar circumstances. That is the function of language; and that is the answer to Egan's question, "What possible explanation other than common authorship can account for the … remarkable identities" in a nine-page list of alleged verbal parallels between *Woodstock* and *Edward III* (*id.* at 385-96).[63]

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[61] Especially elaborate stage directions in *Woodstock* (*e.g*., I.i.osd, I.iii.osd, IV.ii.125s.d.) are very unlike Shakespeare's practice, at least until his late plays.

[62] See M. Tarlinskaja, SHAKESPEARE'S VERSE: IAMBIC PENTAMETER AND THE POET'S IDIOSYNCRASIES (Peter Lang 1987).

[63] If the answer to Egan's rhetorical question is "none," that would hardly advance his thesis, as the portions of *Edward III* he cites are unlikely to have been written by Shakespeare. See, *e.g.*, W. Elliott & R.J. Valenza, *Tough Nuts*, *supra* n.7. The same can be said about the similarities he cites to *Two Noble Kinsmen*, many of which are in portions written by Fletcher (I Egan 406-07; see TEXTUAL COMPANION at 625).

Moreover, as elsewhere in his lists of similarities, most of the verbal parallels Egan cites are commonplace, such as "Here comes [a certain person]" and "How now?" (I Egan 386). As Egan himself puts it with respect to "woe is me" (Wood,II.iii.9 and LC,78), these seem "too ordinary to prove anything at all" (*id*. at 410).

In short, the similarities Egan relies on do not evidence patterns which justify the conclusion that the authors of the compared works were the same person. And, at a more fundamental level Egan's reliance on verbal similarities and parallels between language in *Woodstock* and the Shakespeare canon cannot possibly be probative unless it is established that these are peculiar to Shakespeare. Unless it is shown by an equally exhaustive analysis that similar resonances cannot be found in the works of other contemporary playwrights, it is no more likely that Shakespeare wrote *Woodstock* than that it was the work of Christopher Marlowe, Thomas Middleton, Samuel Rowley or anyone else.[64]

The most impressive similarities Egan cites (*id*. at 225) – *compare* Wood,I.iii.139 ("No more, good uncles; come, sweet Green, ha' done") *with* 2HVI,III.i.304 ("No more, good York; sweet Somerset, be still"), *and* Wood,II.i.125 (But York is gentle, mild and generous") *with* 2HVI,III.i.72 ("The Duke is virtuous, mild and too well given") – are not "stylistic" in the sense of unconscious tendencies, and, in any case, are too infrequent to overcome the substantial evidence contradicting the hypothesis of common authorship. But that doesn't faze Egan; where claimed similarities are weak, or even absent, Egan concludes that in itself actually *supports* his thesis: "The paradoxical conclusion is that the very superficiality of the analogies must represent common authorship and not debt or theft or borrowing or influence or dependence or coincidence or unconscious or conscious memorial reconstruction, etc." (I Egan 318). *Ergo*: strong parallels suggest common authorship; so do weak parallels; and, as in the instance given at the cited page,[65] so does the lack of parallels.

It is difficult to argue with that sort of reasoning; but we disagree with it. At best, when the affinities are not just commonplace expressions or the use of the same or similar words for the same or similar events, the parallel elements suggest that whichever was the earlier play might have influenced the latter, just as, say, *The Jew of Malta* influenced *The Merchant of Venice* with-

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[64] Brian Vickers has observed that such a task "[o]nce too large to be contemplated, … is now feasible" (B.Vickers, *Shakespeare and Authorship Studies in the Twenty-First Century*, 62 SHAKESPEARE QUARTERLY 106, 110-11 (2011).

[65] Egan observed that the Kent/Oswald scenes in *King Lear* do not resemble the scene between Woodstock and the Spruce Courtier (*ibid.*).

out requiring us to conclude that Marlowe and Shakespeare were the same person (*pace* Calvin Hoffman[66]). That is the answer to Egan's contentions based on thematic and verbal similarities (which are not actual stylistic quirks) between *Woodstock* and the Shakespeare canon. There is no reason to jump to the radical conjecture of common authorship when the alleged parallels can be explained more probably by the obvious facts that playwrights working at the same time in the same city could not help but be influenced by each other's work, and that depiction of similar events explains the use of similar language. No purpose, other than to lengthen this opinion, would be served by reiterating that point with respect to each of Egan's other claimed similarities (I Egan 227 *et seq*.). In fact, the rest of Egan's perceived similarities are less impressive than those discussed above with respect to *2 Henry VI*.[67] Like a good lawyer, Egan presented his strongest argument first.

A couple of Egan's arguments are based on actual stylistic features, but they do not bear scrutiny. For instance, he points to nineteen instances in *Woodstock* of what he regards as examples of hendiadys, a rhetorical figure which Shakespeare particularly favored (I Egan 463; accord *Slurs* at 164). But, with one or two possible exceptions, Egan's examples do not qualify as hendiadys. A genuine hendiadys is a species of polysyndeton (a figure containing an unnecessary number of conjunctions) in which a conjunction is used to split a single thing into two or more, frequently by inserting "and" between a noun, adjective or verb and a word which modifies it. See A. Quinn, FIGURES OF SPEECH 16-17, 102 (Peregrine Smith 1982). As famously, and perhaps peculiarly, used by Shakespeare, the modifier is a different part of speech than would be used in less heightened expression (typically a noun for an adjective); for example: "sound and fury" for "furious sound" (Mac,V.v.27); "heaviness and the guilt" for "heavy guilt" (Cym,V.ii.1); "gross and scope" for "complete range" (Ham,I.i.68); "expectation and rose" for "rosy expectancy" (Ham,III.i.152). Almost all of the nineteen supposed examples offered by Egan from *Woodstock* are not of this nature. Most are simply conjunctions of different things or redundancies of syno-

[66] See C. Hoffman, THE MURDER OF THE MAN WHO WAS SHAKESPEARE (Parrish 1955).

[67] To illustrate Egan's notions of what sorts of things are suggestive of common authorship, we opened his book at random and selected the first two parallel references that came to hand (I Egan 279, 342). These are typical of the others he relies on: "I see little without spectacles, thou know'st" (Wood,I.iii.66) *vs*. "I can yet see without spectacles" (MA/N,I.i.89); "Marry, does he, sir (Wood,III.ii.43) *vs*. "Ay, marry, does he" (MW/W,II.i.81).

nyms (*cf*. I Egan 462), and they are mostly verbs and adjectives rather than nouns: "to see | And shun" (I.ii.37); "hatch'd and gilded" (I.iii.91); "remiss and inconsiderate dealing" (I.iii.224); "stern and troublesome" (II.i.24); "dread and doubtful fear" (II.i.72) (as an hendiadys, this would be "fearful fear"); "strange and admirable" (II.i.84) (although two adjectives, this might qualify as "unusually admirable," but a simple conjunction of two different concepts ["scarce and good"] makes more sense in the context of the speech); "rude and bitter" (II.i.130); "Thou'dst rid my age of mickle care and woe" (II.ii.99) ("woeful care" is a possible but not essential reading); "wish'd and welcome" (II.i.154); "wild and antic habits" (II.iii.91); "In state and fashion without difference" (III.ii.42) (in context, "condition and style" makes more sense than "fashionable state" or "stately fashion"); "refuse and murmur" (III.ii.81); "in operation and quality different" (III.ii.205); "rich and rare" (IV.i.52) (Egan glosses this as "excellent news," a colloquialism, not an hendiadys [I Egan at 609]); "dread and lordly majesty" (V.i.20); and, oddest of all, "A soldier and a faithful councilor" (II.ii.159), which are clearly two separate things. In the masque scene (IV.ii), Cynthia appears and delivers a prologue which includes the lines:

> And, having view'd from these towers of stone,
> We heard the people midst their joy and moan
> Extol to heaven a faithful prince and peer
> That keeps a court of love and pity here. (ll.112-15)

It is conceivable that "joy and moan" can be read as a Shakespearean-type hendiadys ("happy shout"), and this is the most likely instance Egan offers; but reading the two nouns as separate things makes more sense in context.

Egan also marshals examples in *Woodstock* of compound words, and "un-" and "re-" constructions, which he says are typical of Shakespeare (I Egan 127-29; <u>accord</u> *Slurs* at 162-63). Most of his cited compound words are no such thing; they are merely normally hyphenated nouns or adjectives, such as "three-score," "high-priced," "white-headed," "great-bellied," "under-officer," "marriage-day," "twelve-month," "English-bred," "unheard-of," Ox-jaw," "smooth-fac'd," "behind-hand," "topsy-turvy," "non-payment" and "free-born" (I Egan 127), most of which would have the same meaning if they were spelled without the hyphen or as two separate words. Egan's other examples can be classed with these or treated as true compound words according to the preference of the reader: "Janus-like," "wild-head," "all-accomplished," "all-commanding,"

"bacon-fed," "pudding-eaters," seven-times and "now-intended" (*ibid.*). None of these bears the mark of a Shakespearean coinage. Even if we regard all these as "compound words," they do not make Egan's case, as he does not supply the frequency with which they appear in *Woodstock* as compared with the Shakespeare canon and other contemporary plays. To say only that both *Woodstock* and Shakespeare employ compound words is meaningless without more data.

As for the "un" and "re" prefixes, the peculiarly Shakespearean tendency was to add these prefixes to existing words, especially nouns and verbs, to create new and surprising verbs or adjectives, such as "unking'd" (RII,IV.i. 220, RII,V.v.37), "unbar" (Cym,V.iv.8), "unbosom" (LLL,V.ii.141), "unbuild" (Cor,III.i.197), "recure" (RIII,III.vii.130), and the like. Egan gives 27 examples of words with an "un" prefix in *Woodstock* (I Egan 127), but those are not of that nature; they are common words, such as "undone," "unhappy," "unjust," *et sim*. The sole exception is "uncaput" (Wood,I.ii.81), which is an expletive noun glossed by Egan as " No-head" or "dolt" (similar to the German word "*dummkopf*") (I Egan 548); it is not a coinage created by adding "un" to an existing word (if it were, it would mean "behead"). Egan offers only two examples in *Woodstock* of words beginning with "re" – "redeliver" and "recomfort" (*id.* at 128).[68] For all that Egan asserts that these are "neologisms" (*ibid.*), the fact is that OED reports several usages of the former as early as 1490 and even more instances of the latter going back to 1400 and Chaucer.

The concluding section of Egan's General Introduction, "The Golden Metamorphosis" (I Egan 416-94), is a critical analysis of *Woodstock*. It discusses the play in depth and succeeds to some extent in making it seem more interesting than it really is, particularly as a left-wing manifesto (see, *e.g.*, *id.* at 448, 456), but it does little if anything to advance the thesis that Shakespeare wrote it. Egan points out that the author got the history all balled up, and he seems to think that was clever enough to be Shakespearean (*e.g.*, *id*. at 436-39, 483-85). To be sure, Shakespeare was not overly scrupulous about historical facts, occasionally out of carelessness or ignorance and sometimes for the sake of the story, such as by making Prince Hal and Hotspur the same age when, in fact, Harry Percy was about Henry IV's age. But it wouldn't be fair to Shakespeare to regard

[68] "Re-edify" at V.iii.24 would have been a better example. See RIII,III.i.71; TitAnd,I.i.351. The *Titus Andronicus* passage has been attributed to Peele (*e.g.*, B. Vickers, *op. cit. supra* n.50 at 148 *et seq*.).

the many historical errors in *Woodstock*, which have little if any dramatic function, such as exaggerating the number of French dead at Poitiers (II.i.77-80), to be evidence of his authorship. We also feel that Egan stretches the legal allusions in the play too far. Thus, he extrapolates from the last line in the MS, "have plodded in [Plowden] and have found no law …" (V.vi.33), to argue that the author must have been Shakespeare because *Hamlet* V.i.22 seems to refer to a decision reported in Plowden's reports.[69] However, it is not certain that the MS refers to Plowden, it actually says "ployden" or "playden"; "Plowden" is a conjectural emendation, albeit one adopted by most editors, but not all (II Egan 1140-41). In any event, it cannot be assumed that Shakespeare was the author of *Woodstock* because he seems to have known the decision in a case reported by Plowden and *Woodstock* appears to contain a reference to Plowden.[70]

Thus far we have focused on Egan's theory and the evidence he marshals in support of it, saying little or nothing about Elliott & Valenza's research. At this point, our verdict as to whether or not Shakespeare wrote *Woodstock* teeters somewhere between "unproven" and "unlikely," so Egan loses his bet without the need to consider Elliott & Valenza's position: "Unproven" for certain, at least because the most impressive similarities between *Woodstock* and Shakespeare can be explained by conscious or unconscious parallelism, without having to postulate common authorship. "Unlikely" because we regard the differences between *Woodstock* and Shakespeare's undoubted plays as too great to be overcome by the parade of similarities presented by Egan. This last, however, is a more-or-less subjective opinion, based for the most part on the panel members' personal impressions of what constitutes genuine Shakespeare, impressions which the "golden ear" test was designed to validate. However, we suppose that reasonable critics might differ on this; it is legitimate to take the position that *Woodstock* – at least that portion from III.ii.115 to the end of Act III – is better than most plays written before roughly 1595 (certainly most plays about post-Conquest English history), except for Shakespeare's and Marlowe's output. It can be argued that it is at least as good as early Shakespeare plays such as *The Two Gentlemen of Verona*, *Henry VI, Part 1* and *Henry VI, Part 2* (with which it has substantial parallels). It can also be said that our

[69] Hales v. Petit, 1 Plowd. Com. 253, 75 Eng. Rep. 387 (QB 1562).

[70] Egan also argues that Nimble's reference to "demur [*sic*] or writ of error" (V.ii.28) is also an allusion to Plowden (I Egan 453). We can't see it. That is no more sophisticated than a reference by a layman today to a "motion to dismiss or appeal"; it surely shows no pertinence to a particular law reporter.

superficial impressions, unaided by statistical analysis of embedded features, is not overly reliable, especially as our views are premised on all of Shakespeare's career while *Woodstock* was presumably written before his style had fully developed. (Of course, this assumes Egan's date for the play, even though we think Jackson makes a persuasive, but not conclusive, case for later composition.) It is not very satisfying to leave the issue even this uncertain. Therefore, we turn to Elliott & Valenza's arguments to see if they can clarify it.

Elliott & Valenza's Evidence:

Unlike Egan, Elliott & Valenza do not focus on similarities of themes and language; instead, they measure less conscious stylistic tics and tendencies, such as the number of times a play uses the word "ye." *Woodstock* uses it 231 times (Elliott & Valenza submission to the Panel, Feb. 11, 2011, http://www.claremontmckenna.edu/pages/faculty/welliott/E&V%20brief%20211.htm [hereinafter "E&V Brief"] at pp. 1, 18), about two-thirds of the times the word is used in the entire Shakespeare canon.[71] That sort of quantitative analysis identifies tendencies which a playwright would normally not be aware of, and which, therefore, would not be subject to deliberate or inadvertent parallelism. It is a different order of investigation than that employed by Egan, and one which, as a result of its mathematical grounding, is far less susceptible to subjective opinion and intuition.

Elliott & Valenza have employed 152 statistical tests of Shakespeare's stylistic tendencies using twenty-nine "core" Shakespeare plays as the baseline (excluding plays in which authorship is disputed or collaborative) (E&V Brief at 1).[72] These tendencies include such things as the frequency of hyphenated compound words, feminine endings, use of particular contractions, use of metric fillers, lengthening verbs by preceding them with "I do," augmenting adjectives with "most," and other tics no sane writer would pay attention to (*id.* at 13). Applying those tests to *Woodstock* produced 62 instances in which that play falls outside the range of Shakespeare's tendencies; that is 24 more Shakespeare rejections than Elliott & Valenza found in "all 29 core-

[71] M. Spevack, THE HARVARD CONCORDANCE TO SHAKESPEARE 1555-56 (Belknap Press 1973).

[72] For a detailed and technical description of their methodology, see their "*Oxford by the Numbers*," *loc. cit. supra* n.9, and their *Tough Nuts* article, *supra* n.7. Their presentation to this panel dumbed down the math.

Shakespeare plays combined" (*id*. at 1; see, also, *id.* at 13-14, 16-18). According to Elliott & Valenza, this makes it astronomically improbable that Shakespeare wrote *Woodstock*; the odds are "lower by far than the chance of getting hit by lightning" (*id*. at 1, 22).

Egan does not challenge these findings or the methods by which they were reached. His voluminous books and articles, and his submission in this case, do not even try to brush them off as irrelevant or unreliable; he simply ignores them and persists in drawing subjective conclusions from what he perceives to be the parallels we have discussed above at tedious length. His approach is to look for points of similarity between *Woodstock* and Shakespeare's works, and he has found many. Elliott & Valenza employ tests to determine the extent to which there are differences, and they have found many. Which are more probative – similarities or differences? Let's see: One of Egan's favorite metaphors is to compare his alleged similarities to fingerprints, whose distinctive loops and whorls may be used to identify the person who left them (*e.g*., I Egan 194-97). That may be a useful analogy: If a latent fingerprint bears numerous points of similarity to the fingerprint of a known villain, we might infer that he is the culprit. But if there is a single point of difference – say, an extra loop or the absence of a scar – the suspect is exonerated.[73]

Of course, that analogy is not perfectly exact; we are not dealing here with geometric certainties. But the more points of difference between the measurable style of a suspected author and the style exhibited in the work being tested, the more improbable it is that the suspect is in fact the author. Eventually, statistical confidence can approach certainty. In *Tough Nuts*, Elliott & Valenza reported the results of 48 stylometric tests on twenty-five apocryphal plays, including *Woodstock*. Twenty tests rejected Shakespearean authorship of that play, nearly twice as many as rejected *Mucedorus*, *Sir John Oldcastle*, *The Birth of Merlin* and *The Merry Devil of Edmonton* (11 each). *Woodstock* received only two fewer rejections than the most rejected plays, *Fair Em*,

[73] The physicist Richard Feynman put it most simply when he said that no matter how beautiful an hypothesis seems, "[i]f it disagrees with experiment, it is wrong" ("The Best Mind Since Einstein," *Nova* [WGBH 1993], quoted in M. Shermer, THE BELIEVING BRAIN 289-90 [Times Books 2011]). Where a theory is based on perceived patterns, we may also question whether the patterns are misconceived or even the result of malfunction of the anterior cingulate cortex of the brain. See *id.* at 124-27; see, also, *e.g*., D.H. Mathalon, *et al*., *Error Detection Failures in Schizophrenia*, 73 INT'L J. OF PSYCHOPATHOLOGY, no. 2 at 109-17 (2009); M.I. Posner & G.J. DiGirolamo, *Executive Attention: Conflict, Target Detection, and Cognitive Control*, in R. Parasuraman, ed., THE ATTENTIVE BRAIN (MIT P. 1998).

Locrine and *The Second Maiden's Tragedy* (now generally attributed to Middleton[74]). None of the 29 core plays received more than two rejections, and only seven received that many while nine received no rejections (E&V Brief at 14). The chance that Shakespeare wrote a play with twenty rejections is $<1x10^{-15}$ (less than a quadrillionth), a number too low to compute with standard, double-precision P.C. software, and low enough to support Elliott & Valenza's conclusion that it is far less likely than getting hit by lightning (*Tough Nuts* online at 9, 39).

Tough Nuts was written to arrive at a conclusion as to the likelihood of Shakespeare's authorship of *Edward III* and *Sir Thomas More*, or at least portions of those plays, so the analysis in that article of *Woodstock* and other apocryphal plays was more-or-less incidental. Elliott & Valenza have since re-run their programs twice more, with the specific issue mooted by Egan in mind, comparing *Woodstock* (both Egan's and Rossiter's editions) to two early Shakespeare plays, *Richard III* and the non-core *2 Henry VI* (E&V Brief at 13-14, 16-18 *et seq*.). That should avoid possible criticism that by including late plays in the mix they were comparing an early text with Shakespeare's mature style. The comparison to 2HVI and RIII still makes Shakespearean authorship of *Woodstock* an astronomical improbability, on the order of "trillions of times" less than the chance he wrote *2 Henry VI* (*id*. at 12-14). Paradoxically, if Prof. Jackson's late date had been used, there would have been fewer rejections or less glaring ones, but still enough to make it vastly unlikely that Shakespeare wrote the play (*id*. at 14, 18). Of course, for the reasons we give above (p.20), acceptance of Jackson's date would exclude Shakespeare for other reasons.

IV
CONCLUSION

In sum, the differences, stylistic and otherwise, between *Woodstock* and Shakespeare's undoubted plays, even his early ones, so vastly outweigh the perceived similarities as to compel the conclusion that Shakespeare did not write *Woodstock*. The few passages of superior poetry (especially I.iii.36-50), the clever comic turns containing the Osric and Dogberry parallels (III.ii.115*ff*

[74] See, *e.g*., G. Taylor & J. Lavagnino, gen'l eds., THOMAS MIDDLETON THE COLLECTED WORKS, *op. cit. supra* n.35 at 833.

and III.iii) [75] and one or two arguable hendiadys of questionable Shakespearean quality (pp.33-34, *supra*) cannot overcome the bulk of the evidence. The parallels between *Woodstock* and *Richard II* which are most suggestive – the "landlord of England" echo, the "pelting farm" metaphor and Gaunt's reference in *Richard II* to Thomas as a "plain well-meaning soul" (see pp. 24, 27, *supra*) – can easily be explained as either (1) echoes by the author of *Woodstock* of Shakespeare's work (if Jackson's dating is correct), or (2) copying by Shakespeare, if Egan is right about the date. Shakespeare's willingness to borrow from others will not come as a shock to anyone having a passing familiarity with his tendencies.[76] Egan's arguments, thus, have more probable explanations than the unlikely one that Shakespeare wrote this mediocre play, a play which almost no one else has attributed to him and which every generally respected scholar who considered the issue concluded was surely not by Shakespeare. Therefore, Egan has not made his case. When we go further and consider the stylometric evidence presented by Elliott & Valenza, we conclude that there is no case to be made.

For all the reasons given above, we find that Shakespeare did not write *Woodstock*. *Á fortiori*, Egan did not sustain his burden of proof, and he owes £1,000 to Elliott and Valenza.

V
AFTERWORD – UTILITY OF THESE PROCEEDINGS

We have no illusions that Michael Egan's position on the issue will alter in the slightest as a result of our opinion. He has invested too much time, effort and reputation to waver as a result of our views. By the same token, Ward Elliott and Robert Valenza do not need us to confirm their research. This opinion serves at best an educational function. That is crucially different from the

[75] Neither side addresses the possibility that the queen's charming speech or the second half of Act III were by a reviser. We note, however, that, like the rest of the play, the latter seems to contain an uncommon number of "ye"s.

[76] Egan seems to feel that it is some sort of *lèse majesté* to accuse the Immortal Bard of filching (I Egan 246). But filch he did, and sometimes with abandon. *E.g.*, *compare* A&C,II.ii.191 *et seq*., *with* Plutarch's *Life of Marcus Antonius*, T. North, transl., reprinted in G. Bullough, ed., *op. cit. supra* n.47, vol. V (1964) at 274; *and compare* HenV,I.ii.35 *et seq*., *with* R. Holinshed, III CHRONICLES (1587), reproduced at G. Bullough, ed., *op. cit. supra*, vol. IV (1962) at 378-79. Rowley, to whom Jackson attributes *Woodstock*, followed a similar practice; for example, as Egan acknowledges, "he blatantly pinches Shakespeare's 'Kiss me, Kate'" for use in his *When You See Me You Know Me* (*Slurs* at 160).

judgment of an ultimate appellate court, which may be criticized or questioned but must be followed.

Given these limitations, we can ask if there is anything to gain from proceedings like this. We think there is, *if* (1) the issue is carefully confined to a more-or-less esoteric point and (2) the assessors are sophisticated students of the subject. We don't believe, though, that wagers add a useful element to the proceeding, as they tend to cast it in a sporting rather than academic mode.

If the assessors are not adept at considering textual issues, little faith can be put in their judgments. The broader the issue and the more it carries political or emotional freight, such as the so-called "authorship question," the less useful would be a decision like this, as we would not expect that it would persuade those who have made psychological investments in the contrary answer. Indeed, adherents of the rejected position might use the very expertise of the traditionalists to attack their conclusions.[77] Individuals trained in non-literary pursuits, such as lawyers, are not disqualified from taking part in such panels, if they also have at least a working knowledge of the skills involved in literary criticism and textual analysis. The reasoning skills they use in their professions are helpful in organizing and analyzing the literary data, but the latter must be the groundwork and most assuredly cannot be disregarded. *See generally, Symposium – Who Wrote Shakespeare? An Evidentiary Puzzle*, 72 TENN. L. REV. No. 1 (2004). The "Golden Ear" test and any more sophisticated surveys that might be designed are useful to sift candidates for panels such as this one.

Tribunals of jurists or lay jurors who lack the relevant qualifications have been empaneled from time to time to hear arguments and "decide" such questions as whether or not Oxford was the author of Shakespeare's plays. Such exercises are worse than useless, as they have sometimes produced bizarre results which, because of the repute of the tribunal members as leaders in other intellectual pursuits, could be regarded as more deserving of respect than

[77] J. Thomas Looney, the original champion of Edward de Vere's claim, declared that the reason the "problem" had not previously been "solved" was that "[i]t has been left mainly in the hands of literary men" while the solution "required the application of methods of research which are not, strictly speaking, literary methods." J.T. Looney, "SHAKESPEARE" IDENTIFIED 4 (F. A. Stokes Co. 1920), http://www.shakespearefellowship.org/etexts/si/intro.htm.

they actually are. Famous writers, knighted actors and even Supreme Court justices are not immune from the charm of conspiracy theories and can be influenced by superficial and irrelevant factors, such as misconceptions about the extent of William Shakespeare's education and the amount of formal learning exhibited in his plays, which would not influence a knowledgeable Renaissance scholar (professional or amateur). The website of the Shakespeare-Oxford Society, a leading proponent of the Oxfordian heresy, whose publication THE OXFORDIAN is edited by Egan, calls for convening just such a "blue ribbon" body:

> To resolve the Shakespeare authorship mystery once and for all, the Shakespeare Oxford Society has called for the creation of an independent, blue ribbon commission composed of distinguished, internationally recognized experts in relevant fields – including historians, biographers, jurists, and other esteemed writers and scholars.[78]

Of course, no such "commission" could resolve anything "once and for all," least of all a supposed "mystery" which exists only in the imagination of a cult of conspiracy theorists.[79]

Dated: Statesboro, Georgia
August 29, 2011

[78] http://shakespeareoxfordsociety.wordpress.com/2010/06/07/professor-michael-egan-shakespeare-scholar-who-is-open-minded-on-the-shakespeare-authorship-question-named-editor-of-shakespeare-oxford-society%E2%80%99s-quarterly-newsletter/

[79] Egan, as the editor of THE OXFORDIAN, is responsible for editorials advocating its views. See, *e.g.*, XII THE OXFORDIAN 2-3 (2010). But he probably has more pragmatic than sincere reasons for that. As he says with respect to the Oxfordian heresy, "causes have their uses" (I Egan 88). As a political cartoonist, Egan ridiculed the Oxfordians (http://www.facebook.com/#!/photo.php?fbid=101897179842490&set=a.100131406685734.79.100000666241035&theater).

APPENDIX A

The rules governing this proceeding, formulated by Ward Elliott and agreed by Michael Egan in an exchange of emails on October 31, 2010, are as follows:

Question: "Resolved: that Michael Egan has presented clear, convincing, and irrefutable evidence that the anonymous Elizabethan play known variously as Richard II, Part One, Woodstock and/or Thomas of Woodstock is by Shakespeare."

Burden of proof: on you to show by clear, convincing, and irrefutable evidence that it is by Shakespeare.

Panel: Larry Weiss, convener, and two non-anonymous members of my Golden Ear panel chosen and recruited by him as he thinks best.

Format: Case briefs by both sides, not to exceed a total of 20,000 words per side. Unlimited supporting documents may be submitted by both sides. Panelists may consider as much or little of these as they deem necessary to come to a fair and considered judgment. You present your opening brief first whenever you are ready. We respond as soon as we reasonably can. You submit your closing brief in the same amount of time we took to respond to your opening brief. Panel deliberates and decides in its own time, states its reasons, informs both sides, and announces the results and reasons on Shaksper.

Terms of your bet: If the panel declares for us, you owe us £1,000. If it declares for you, we owe you nothing under your bet. [But we might well have some further thinking to do about ours.]

Publicity: Results and reasons to be posted by convener on Shaksper at end of process. No outside publicity permitted prior to that.

Behavior of parties: should be consistent with terms of agreement, reasonable and non-obstructive on both sides. Convener is final arbiter, has power to warn parties and declare a forfeit in extreme cases of noncompliance.

Waiver of terms: Permitted, with mutual consent of parties and convener.

APPENDIX B

The amendments to the rules formulated by Larry Weiss and agreed in an exchange of emails on February 14, 2011, are as follows:

Prof. Egan agrees to supply to all the members of the panel a complete set of his books containing the three portions he insists that we review (his text of the Woodstock play, or Richard II, Part 1; his General Introduction and his essay entitled"A Short History of the Text"). He will submit these to the panel members free of charge, but he is not willing to supply a free set of the books to Prof. Elliott, …. [In the event, Elliott said that he did not require a free copy of the books.]

Egan may also submit a "brief" at about the time that the other materials are provided. Elliott & Valenza may then submit a response of no more than 20,000 words plus whatever other materials they feel would be helpful for the panel to review. These could be the materials they have already submitted.

If Egan wishes, he may submit a reply to Elliott & Valenza's submission. The reply may be of such length that the total length of his initial brief and reply does not exceed 20,000 words.

After the reply, if any, the panel will review all the submitted materials and decide the question presented. Their determination will be expressed in an opinion which should describe the arguments of the parties.

In all other respects, the terms of the submission agreement agreed in the exchange of emails between the parties of October 31, 2010, are confirmed to the extent that they are not inconsistent with the foregoing.

APPENDIX C

Larry Weiss's email to Michael Egan regarding his purported withdrawal of March 24, 2011:

Prof. Egan,

The panel have consulted and unanimously authorize me to inform you of the following:

Under the rules which both sides agreed to, you have done all that is necessary to submit the dispute for our determination. You have the right to submit a reply to Elliott & Valenza's presentation, but you have no obligation to do so. Under the rules, I, as convener, have the power to declare a forfeit for breach of the rules, and if Elliott & Valenza request me to do so, I would rule on the issue. But, frankly speaking, I doubt that you actually broke the rules by refusing to submit a reply that you are not required to submit.

The panel have decided that we will begin deliberations after the SAA Conference on 7-9 April. It would be advisable for you to submit any reply before then. Naturally, we will ultimately produce an opinion in accordance with the agreement previously reached, which I expect will receive the same publicity with or without your further participation. So it is surely in your interest to continue your attempt to persuade us by presenting us with your response(s) to Mac Jackson's article(s) if you think that would be helpful to us.

Speaking for myself, I would like to consider your responses to Mac Jackson. If you do not wish to provide copies, I hope you will at least tell us where we can find them.

Best,
L. Weiss