

YES, TURTLES ALL THE WAY DOWN: I THANK THEE FOR TEACHING ME THAT WORD

By Larry Weiss

I have the opportunity to reply to Michael Egan's *Turtles All the Way Down: A Reply to Larry Weiss, et al.*, ("Turtles"), which responds to the Opinion I authored for a panel of three independent Shakespeare scholars resolving a wager Egan made about the authorship of *Thomas of Woodstock*.¹ The panel's unanimous Opinion concluded that the untitled play, which Egan calls *Richard II Part One*, was not written by William Shakespeare, as Dr. Egan has long contended.² Egan wagered that he could prove "by clear, convincing and irrefutable evidence" that the entire play was written by Shakespeare. The panel determined that he had not come close to doing so and that, indeed, it is highly unlikely that Shakespeare wrote the play.

The Opinion lays out the genesis and evolution of the proceeding by which the panel was appointed to resolve the issue, so I need not repeat it at length. In brief, Professors Ward Elliott and Robert J. Valenza, noted for their work in the field of computerized stylometric analysis of literary works, especially the works of Shakespeare and works attributed to Shakespeare, analyzed *Woodstock* and concluded that it was so unlike Shakespeare's established canon that it can be said with confidence that he did not write it.³ Egan offered to pay Elliott & Valenza £1,000 if he failed to convince the panel to the contrary, and he assumed the stringent standard of proof quoted above.⁴ The parties' stipulation submitting the dispute to the panel (technically an arbitration agreement) appointed me to chair the panel and to decide any procedural issues that might arise. The other two panel members were, as the parties agreed, members of the so-called "Golden Ears" panel, who had scored in the highest echelon on tests designed to identify an aptitude for recognizing Shakespeare's style.⁵ Egan says in *Turtles* that he "was never given an opportunity to suggest candidate panel members, comment on those invited, or indeed contribute anything whatever to

this critical matter.” To the extent that is accurate (and the insulting implications at least are not), it is also true of Elliott and Valenza. The pool from which the panel members were selected and the process by which they were selected were agreed upon in advance by both sides and Egan was well aware when he signed on that the parties could not manipulate who was on the panel.

I urge anyone with an interest in the attribution of *Woodstock* to review the full Opinion. In this essay I will do what I can to avoid repeating what is said there and, instead, focus on replying to Dr. Egan’s comments in *Turtles*.⁶ This essay can be relatively brief, as Egan’s paper adds nothing the panel did not already consider and find wanting. He makes no attempt to correct the deficiencies which the panel found in his approach to the issue. On the contrary, he believes that his thesis is so self-evident that the contrary view must be dismissed out of hand and all evidence supporting the opposition has to be regarded as flawed without further demonstration. Instead of dealing with what the panel found convincing, Egan gives most of his attention to points we considered irrelevant or unimportant; for example, by rehashing his disagreement with MacDonald Jackson over the date of the play,⁷ even though the panel explicitly declined to opine on that subject as its conclusion does not depend on the date of composition. Egan also saw fit to hurl nasty *ad hominem* comments in my direction, as if that somehow adds weight to his thesis. I shall elaborate a little on these points, but first it is appropriate to go over the context of the dispute in light of Egan’s latest iteration of his position.

I THE TEXT OF THE PLAY

The only substantive text of *Woodstock* is a partial Jacobean-period manuscript included in a hand-bound folio of fifteen anonymous early modern English plays (I Egan 4). The manuscript is missing the title page, but Egan insists

in *Turtles* and elsewhere that the play's "original title" was *Richard II, Part 1*.⁸ If Egan knows that, he is omniscient.

The manuscript is probably scribal, but it contains at least one other hand, apparently that of a correcting reviser, who the play's most prominent previous editor, A.P. Rossiter,⁹ thought might have been the author. Other scholars who have studied the manuscript in detail have identified eight additional hands.¹⁰ Egan does not contend that any of the handwriting resembles Shakespeare's. In *Turtles*, he asserts that it would be impossible to say such a thing as there are no extant exemplars of Shakespearean handwriting. He has evidently forgotten Shakespeare's six undisputed signatures and "by me" at the end of his will, as well as Hand D in *The Book of Sir Thomas More*. Even if the consensus that Hand D is Shakespeare's is not certain, we can rest assured that Egan would make much of it if it resembled any of the handwriting in the *Woodstock* manuscript.

II GENERAL DISCUSSION

Overall Impressions:

The Opinion shows in detail that *Woodstock's* characterizations, plotting and theatricality are vastly dissimilar from and inferior to Shakespeare's undoubted plays, even the early ones. To take the most architectural anomaly, Egan's contention that *Woodstock* is "Part One" of a pair of plays of which *Richard II* is Part Two falls of its own weight when we observe that there are characters in *Richard II* who died in *Woodstock*, events occur in *Richard II* which were completed in *Woodstock*, the characters in the two plays are not the same and those that are bear no resemblance to each other. 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.

Egan responds by emphasizing a single example of superior poetry, the speech of the new queen at I.iii.36-60.¹¹

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.
They best shall please me shall me English call.
My heart, great King, to you; my love to all!

This is, as Egan says, “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. Anne’s speech stands alone – it does not respond to what Woodstock says immediately before and Woodstock’s following speech does not allude to what the queen said – so it is conceivable that the queen’s speech was inserted when *Woodstock* was revised. The vast bulk of the play’s verse is banal (see, *e.g.*, the speeches before and after Anne’s [I.iii.1-35, 51-63]). Unfortunately for Egan’s thesis, he overreached himself by contending that the entire play is by Shakespeare; if he had confined himself to one or two selected passages, we could not be as certain that he is wrong.¹²

External Evidence:

The Opinion points out that there is no external evidence identifying Shakespeare as the author of *Woodstock*. While absence of evidence is not necessarily evidence of absence, the lack of any contemporary or near contemporary reference to the age’s most prominent playwright as the author of the play,

which Egan says was popular well into the 17th century (I Egan 94), weighs heavily against the attribution.

In *Turtles*, Egan asserts that the panel ignored “known external evidence,” but he seems not to understand what external evidence is. Instead of physical elements of the material text, attributions and allusions by contemporaries, performance history, and the like, he seems to think it is elements of the language. That, of course, is *internal* evidence. Egan thinks there are textual elements which support the date he assigns for the play’s composition. However, as the Opinion makes clear, and as I now show again, that is of no consequence in resolving this dispute.

Date of the Play:

The panel’s Opinion contains a detailed discussion of both Jackson’s scholarship indicating that *Woodstock* was composed during the Jacobean period, possibly by Samuel Rowley, and Egan’s criticism of Jackson’s work. We commend that discussion to readers interested in dating questions, but, as the date of *Woodstock* is not crucial to our conclusion or the reasoning by which we reached it, I need not repeat the discussion here. For the reasons set out in the Opinion, if the play was written after 1600, as Jackson believes, that would put “paid” to Egan’s thesis. But if Egan is correct that the play was composed in the early 1590s and revised c.1605, that still does not mean that Shakespeare was the playwright. In the terminology of pure logic, an early date of composition is a necessary condition to Egan’s attribution but not a sufficient one. The panel felt that Jackson had made a creditable case for his view but Egan was able to offer reasonable criticisms of some of his technical arguments. We expressed agnosticism on the dating question and declined to give it any weight in determining the attribution issue. Nonetheless, Egan devotes a substantial portion of his response to rearguing the same points he already made. There is no reason for him

to have done so and no reason for me to discuss it again; it had no effect on the panel's determination.

Internal Evidence:

Egan's argument, which depends on comparisons between events and language in *Woodstock* and those in Shakespeare's canonical plays, is fundamentally flawed because, for all that appears from Egan's scholarship, the play might be even more similar to the works of some other Elizabethan or Jacobean playwright than it is to the works of William Shakespeare.¹³ An object lesson showing the need to exclude other possible claimants can be found in the history of the attribution of *A Funeral Elegy*.¹⁴ In 1989, Profs. Donald Foster and Robert Abrams attributed that inferior poem to Shakespeare and, while viewed skeptically by many other scholars, the contention gained such acceptance that the poem was included in a number of respected editions of the complete works. Some years later, however, Prof. Gilles Monsarrat persuasively showed that the poem was actually by John Ford, so Foster and Abrams found it necessary to withdraw their contention.

Egan's Evidence:

Egan's position depends entirely on the parallels he believes exist between the language of *Woodstock* and Shakespeare's canonical plays. The Opinion points out that many of the claimed affinities are no such thing, and, for a variety of reasons, those that might exist do not compel Egan's conclusion. Egan finally concedes this point in *Turtles*, but says "neither do these details invalidate" his thesis. Remember that Egan assumed the burden of proving Shakespeare's authorship by "clear, convincing and irrefutable evidence." Evidence that "doesn't invalidate" the contention hardly meets that standard.

A good example of his argumentation is the stress Egan places on the fact that "dead as a doornail" appears in both *Woodstock* (V.i.242-43) and *2 Henry VI*

(V.iii.120-21). He admitted in his submission to the panel, however, that this commonplace simile has a literary history at least as old as *Piers Plowman* (c.1367-70), but he now asserts that Shakespeare “revived and popularized it.” Egan neither explains that assertion nor cites any authority for it. Contrary to this contention, the “dead/doornail” cliché appears in at least two contemporary plays which weren’t written by Shakespeare, Porter’s *Two Angry Women of Abington* and the anonymous *Contention of York, Part 1*.

Egan expresses agreement with the panel’s view that mere verbal similarities are not helpful in making attributions; they can result from the use of similar terms to describe similar things, conscious or inadvertent parallelism, etc.¹⁵ As Egan put it, the crucially significant elements are “stylistic rather than imitative” (I Egan 225), and he correctly acknowledged that stylistic echoes “rather than line/speech parallels” are “more significant evidence of common authorship; they are simply Shakespeare’s manner” (*id.* at 227).¹⁶ Still more subtle mannerisms, such as metrical tendencies, end-stopping and enjambment preferences, rhyming habits, favorite rhetorical devices, cæsurae, enclitic and proclitic microphrases,¹⁷ tendencies as to contractions, etc., are also part of “style.” It is the stylometricians who measure these things; Egan makes no attempt at it.¹⁸

Even though he says he appreciates the crucial significance of unconscious mannerisms, Egan does not rely on any such thing. 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. 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.¹⁹

At this stage of its analysis, the panel’s verdict as to whether or not Shakespeare wrote *Woodstock* teetered somewhere between “unproven” and

“unlikely.” “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 the differences between *Woodstock* and Shakespeare’s undoubted plays are too great to be overcome by the parade of similarities presented by Egan. This last, however, was a more-or-less subjective opinion, based for the most part on the panel members’ impressions of what constitutes genuine Shakespeare, impressions which Prof. Elliott’s “Golden Ear” test was designed to validate. However, it is fair to observe that some of *Woodstock* – particularly III.ii.115 to the end of Act III – is better than most plays written before roughly 1595, except for Shakespeare’s and Marlowe’s output. It can even 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). In *Turtles*, Egan took that last sentence out of context and asserted that it all but concedes his case. It does nothing of the kind, as a reading of the entire passage shows: I compared only a minor portion of *Woodstock* to entire plays which in total are superior to all of *Woodstock*. The Opinion is very clear that the play in its entirety is not good enough to be by Shakespeare; the only question the panel was asked was whether Egan proved that Shakespeare wrote all of it. Also, of course, what “can be argued” is usually a far cry from what is proved.

Elliott & Valenza’s Evidence:

The Opinion found that Elliott & Valenza’s stylometric analysis demonstrated that it is astronomically improbable that Shakespeare wrote *Woodstock*. One would assume that a finding so devastating to Egan’s position would prompt him to respond by questioning the validity or reliability of the statistical methods Elliott & Valenza employed. He did not assay any such thing.

I wasn’t the only person to find this odd. In a post to SHAKSPER following the publication of the Opinion, a subscriber to that List asked Egan to comment

on Elliott & Valenza's evidence.²⁰ Egan refused because he is sure *Woodstock* is "demonstrably" by Shakespeare and, therefore, "clearly there is something wrong with [Elliott & Valenza's] approach."²¹ In other words, "since I am right, anyone who disagrees with me is wrong and the means whereby they arrive at the contrary conclusion must be flawed." This syllogism is a textbook example of an elementary logical fallacy, *i.e.*, the major premise begs the question.

Instead of discussing Elliott & Valenza's research, Egan makes an unexplained *ipse dixit* assertion in *Turtles* that stylometry is "poisoned at the source." Sounds good, but what does it mean? How is it "poisoned"? Egan doesn't tell us. Instead, he quotes a writer who asserted that stylometry has not been demonstrated to be sufficient in itself to *make* an attribution in a certain case (*i.e.*, that Marlowe wrote Shakespeare's Sonnets). That might be correct; but where the stylometric evidence is as overwhelming as it is in this case, it is surely sufficient to *refute* an attribution. Nor does it help for Egan to assert that Elliott & Valenza's figures are "suspect" because there are variants between a few words and punctuation in different editions of *Woodstock*. For one thing, Elliott & Valenza employed Egan's edition as well as the earlier well-regarded Rossiter edition. For another, Egan does not specify any of the "variants" he asserts make the analysis "suspect" or explain (no less quantify) how they do that.

III TURTLES AT LARGE

The reader can see from this summary that the panel gave *Woodstock* its due and accorded Egan's position a fair hearing. In fact, by recognizing the few superior portions of the play we offered Egan a better argument than he himself advanced. His book actually says very little about the clever writing in the second half of Act III and gives short shrift to the Queen's lovely speech in I.iii. Instead of criticizing our reasoning on the merits, the response Egan cast up a year

and a half later presents an insulting *ad hominem* attack on the panel, and on me in particular.

As I have already noted, Egan spills a lot of ink rehashing his disagreements with Prof. Jackson about the date of *Woodstock*, even though the panel's Opinion did not rely on Jackson's showing in concluding that Shakespeare was not the author of *Woodstock*. He stands the Opinion on its head when he says in *Turtles* that it "draws most of its ammunition from" Jackson. I can't see how anyone with a working comprehension of written English could reach that conclusion: The Opinion discusses Jackson's work and then sets it aside as inconclusive; it then discusses Egan's own contentions and finds them insufficiently persuasive to meet his burden of proof; then we turned to Elliott & Valenza's research, which we found ruled out Shakespeare as the author of *Woodstock* (is this what Egan means when he says that "Elliott and Valenza rarely come up again"?).

I see no reason to answer all of the quibbles in Egan's *Turtles*, which is as long as the Opinion it purports to rebut. I am confident that an intelligent reader can figure it out simply by comparing what we actually said in our Opinion with what Egan says in his response.²² However, some of Egan's comments are so unfair or dishonest that I cannot let them pass without remark:

□ One example is Egan's accusation that I falsely cited passages in *Woodstock* as repetitious. Egan quotes the cited passages and suggests that they are clearly not repetitious of each other. But I didn't say they were; I cited eleven examples of passages that unnecessarily repeated *other* passages in the play. I will not follow Egan's practice and accuse him of maliciously misrepresenting what I said; it could be that he just suffers from poor reading comprehension, which would explain a great deal.

□ Egan also has problems with vocabulary: He notes in *Turtles* that certain rural characters I referred to as "clowns" weren't funny. Egan doesn't know, or

feigns not to know, what most everyone versed in Elizabethan literature knows, *i.e.*, that “clown” when applied to a type of character (as opposed to a comic player) means a rustic person.

□ Egan takes issue with my conclusions as to the lack of richness of the characters in *Woodstock*, asserting, for example, that Richard is “an Oedipally challenged prince with two terrifying paternal figures: King Edward III, who gave him his throne, and Edward the Black Prince....” Neither Edward appears in the play; their benign ghosts appear briefly in V.i to awaken Woodstock in an unsuccessful attempt to forestall his murder but they are hardly otherwise even alluded to. How they can be called “terrifying” escapes me – they are dream ghosts after all, and they are trying to save Gloucester’s life – as does the notion that Richard is “Oedipally challenged.” Whatever play Egan conjures in his imagination, it is not the *Woodstock* we are dealing with. I do not believe any other Shakespeare scholar shares Egan’s opinion that the characters in *Woodstock* are as rich as those in canonical Shakespeare, and, if any did, he or she would also have to conclude that the plays of Marlowe, Jonson, Fletcher, Kyd, Middleton, Webster and other contemporary playwrights were also written by Shakespeare, because their characters are richer than the ones in *Woodstock*.

□ Egan’s response says that it is “laughable” for me to observe that Egan doesn’t contend that the *Woodstock* manuscript is in Shakespeare’s handwriting because “[n]o one knows what Shakespeare’s handwriting looked like.” Of course, that ignores the known handwriting specimens referred to above under “External Evidence.” In any case it is amusing to picture Egan convulsed with laughter when he wrote, only three paragraphs earlier, that one of the hands in the manuscript may be Shakespeare’s. What basis does he have to say that? He doesn’t tell us, but it surely cannot be by comparing the MS handwriting with nonexistent exemplars.

Egan's frustration at his inability to answer the Opinion on the merits inspires him to attack the judges instead.²³ He accuses the panel of such deeply ingrained bias that he thinks we actually agreed with him but dishonestly decided otherwise. In fact, we took no brief for either side and diligently read everything Egan asked us to examine (and a great deal more). The Opinion reflects our honestly held conclusions after reasoned evaluation of all the evidence. It is madness to suggest that we really share Egan's *idée fixe* but suppressed our true belief for some unexpressed reason residing only in his imagination. Egan goes so far as to assert that we are "associates" of Ward Elliott. In fact, none of us ever met Ward Elliott or Robert Valenza (or Egan, for that matter) and we came into the process with no preconceptions. In contrast, the Opinion noted the panel's belief that Egan sincerely holds his expressed belief; but sincerity does not imply rationality.²⁴

Another misstatement of similar import is that we deliberately refused to consider crucial evidence. As the Opinion reflects, we considered everything Egan asked us to look at, including much more than he initially agreed we had to read. (The sorry history of Egan's repeated efforts to complicate the process, and possibly to abort it, by adding to the panel's reading burden is set out at length in the "Procedural History" segment of the Opinion.) We read several hundred densely printed pages of turgid prose in Egan's book plus his articles, in addition to his submissions to the panel, and we conducted extensive independent research which is cited in the Opinion. We even had to locate and purchase some of Egan's articles at our own expense because he declined to supply copies. Now he says we ruled "inadmissible" Volume II of his treatise, occupying two books and 1,141 densely-packed single spaced pages containing a line-by-line reprint of all prior editions of *Woodstock*. Even though Egan repetitiously accuses me of deliberately ignoring evidence contained in those pages, which he suggests require adoption of his conjecture, he does not cite a single passage or explain how he feels it would have made the slightest difference; nor did his submission

to the panel cite any of it. Indeed, Egan told us that we could “set aside” that material.²⁵ Nonetheless, we did consider that material when it was pertinent.²⁶

When Egan tried to pull out of the proceeding he did not contend that it was because the panel declined to consider relevant evidence; instead, he offered as an excuse that Ward Elliott had insulted him in an email to the panel and, so, he preferred to sulk in his tent. Now *Turtles* gives us yet a third reason: the more credible acknowledgement that Egan sensed he would probably lose, *i.e.*, a rational part of his mind was telling him that he had no realistic chance of convincing independent scholars that his theory is correct. If Egan was able to predict the outcome, that does not suggest that the panel did anything meretricious: The outcomes of most dispute resolutions are predictable. That is because in most instances the application of recognized principles to provable facts leads to only one reasonable conclusion. Proper dispute resolution does not and should not depend on chance. Here, the facts, as opposed to the inferences Egan draws from them, were not in dispute and the parties did not contest the governing principles we used or suggest others to be applied. One of the parties is unhappy with the result and that, too, is usually the case.

IV SUMMARY AND CONCLUSION

Nothing in Egan’s latest article diminishes the force of the conclusions reached in the Opinion or raises a legitimate question about the reasoning the panel employed. Egan refuses to address the merits of Elliott & Valenza’s stylistic analysis, which the panel found conclusive. Perhaps he doesn’t understand it or lacks the vocabulary to discuss it; or perhaps he does have the tools but realizes they do not lead to the answer he wants. Egan just repeats his arguments about verbal parallels, arguments which the panel found unpersuasive, and he does not even attempt to show that our reasons for rejecting them are wrong. Most of what he says are parallels are really no such thing, and any that are do

not make it probable that Shakespeare wrote the play; it is much more likely that either he used *Woodstock* as a source or the author of *Woodstock* copied some of Shakespeare's turns of phrase. Perhaps even more crucial is that Egan does not try to exclude other playwrights.

For all that Egan insists that his thesis is beyond question and for all that he asserts that those who disagree with him are either stupid or dishonest (or both), the inconvenient fact remains that he is not able to identify a single scholar whom he has convinced. On the contrary, Egan's thesis has been rejected in every published paper addressing it, except his own.²⁷ In an email to me 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. Egan did not cite any other support for the asserted growing acceptance or identify the author of the "devastating rebuttal," who turned out to be none other than Michael Egan himself who, not incidentally, was also the editor-in-chief of THE OXFORDIAN.²⁸

Like the savage who is convinced that the world rides on the back of a turtle which in turn rests on another turtle, and so on "all the way down," Egan tries to support his argument on the back of perceived similarities between *Woodstock* and Shakespeare's actual plays plus some doubtfully attributed ones. When the panel showed that his arguments cannot carry the weight he gives to them or contradict the mathematical showing made by Elliott & Valenza, Egan piled on more of the same and, to boot, rewarded the independent scholars who donated their time and effort (and some expense) to decide the issue at his request by questioning their intelligence and defaming their integrity. We cannot say if that is a product of deliberate confabulation, of mental aberration or of unmotivated malice, but it is surely not an honest and rational evaluation of the facts.

¹ The Opinion was originally published on the SHAKSPER list server (“SHAKSPER”) on August 30, 2011, SHK 22.0209 <http://shaksper.net/archive/2011/304-august/28082-thomas-of-woodstock>). It is archived on SHAKSPER at <http://shaksper.net/archive/2011/304-august/28082-thomas-of-woodstock>. More recently published scholarship is in accord with the Opinion’s conclusion. J. Bate & E. Rasmussen, eds., WILLIAM SHAKESPEARE AND OTHERS, COLLABORATIVE WORKS 727 (Palgrave Macmillan 2013).

² Egan’s thesis is set out at length in his three volume treatise THE TRAGEDY OF RICHARD II PART ONE: A NEWLY AUTHENTICATED PLAY BY WILLIAM SHAKESPEARE (Edwin Mellen Press 2006) (cited here as “Egan”). Volume II, which occupies two books, is a line-by-line reprint of prior editions.

³ 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> [“*Tough Nuts*”]; W. Elliott, “Re: Shakespeare Apocrypha,” SHAKSPER 21 April 2004, SHK 15.0915; shaksper.net/archive/2004/214-april/20790-shakespeare-apocrypha.

⁴ Egan now says in his *Turtles* article that “the collective task, as I understood it, was to decide whether Elliott/Valenza or I made the best case.” He evidently did *not* understand the task he himself defined and agreed to in writing. But it doesn’t matter as the panel determined that Egan’s “case” was unsustainable by the more liberal “more likely than not” standard.

⁵ They were Will Sharpe, a professional Shakespeare scholar resident in England, and Dale Johnson, an independent scholar. The “Golden Ears” 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 takers were designated “Golden Ears.” All members of the panel were in that group. The test protocol and results 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).

⁶ Egan submitted an earlier version of that essay to SHAKSPER on February 14, 2013, a year and a half after the Opinion was published in that forum. SHK 15.0915; <http://shaksper.net/archive/2013/337-february/29094-in-the-case-of-egan-vs-elliott-a-reply-to-larry-weiss-et-al>. What I say here about *Turtles* should be taken to apply to that piece, which I think is the only published version of Egan’s “response.”

⁷ See, e.g., MacD. P. Jackson, “Shakespeare’s *Richard II* and the Anonymous *Thomas of Woodstock*,” XIV MEDI-EVAL & RENAISSANCE DRAMA IN ENGLAND (J. Pitcher, *et al.*, eds.) 17-65 (Rosemont 2002), suggesting Samuel Rowley as the author and dating the play 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).

⁸ See, also, e.g., his post to SHAKSPER quoted in mine of 21 Dec. 2013 (SHK 24:0570).

⁹ See A.P. Rossiter, *WOODSTOCK, A MORAL HISTORY* (Chatto & Windus 1946). Rossiter concluded that “[t]here is not the smallest chance that [the author] was Shakespeare” (*id.* at 73). Even critics who regard the play as having literary merit do not attribute it to Shakespeare (see I Egan 13-15, 20-23, 71-72, and works there cited).

¹⁰ See P. Werstine, *EARLY MODERN PLAYHOUSE MANUSCRIPT AND THE EDITING OF SHAKESPEARE* 259-76 (Cambridge U. P. 2013), for a thorough treatment of the *Woodstock* MS with illustrations and a detailed discussion of the prior scholarship.

¹¹ Strangely, Egan barely mentions this speech in his treatise; and that only in the course of his discussion of Ian Robinson's earlier attribution of the play (I Egan 84).

¹² The multiplicity of hands in the MS has led at least one scholar to conclude that "the play is the creation of a number of hands." P. Werstine, *op. cit. supra* at 259, citing W.B. Long, "*A bed / for woodstock*": *A Warning for the Unwary*, 2 *MEDIEVAL AND RENAISSANCE DRAMA IN ENGLAND* 91-118 (1985).

¹³ 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).

¹⁴ See, generally, R. Rosenbaum, *THE SHAKESPEARE WARS* 157-95 (Random House 2006); D. Wright, *The Funeral Elegy Scandal*, <http://www.shakespearefellowship.org/virtualclassroom/DLWrightFuneralElegy.htm>.

¹⁵ See, also, e.g., H. Craig & A.F. Kinney, eds., *SHAKESPEARE, COMPUTERS, AND THE MYSTERY OF AUTHORSHIP* 167 (Cambridge U. P. 2009) (some parallels are "so obvious that they may well have been intended as allusions, or even as parodies").

¹⁶ See also S. Schoenbaum, *INTERNAL EVIDENCE AND ELIZABETHAN DRAMATIC AUTHORSHIP* 182 (Northwestern Univ. P. 1966) ("A playwright's individuality may find expression in a number of accidentals: his idiosyncrasies with regard to speech prefixes, stage directions, act divisions, the recording of entrances, etc., his peculiarities of spelling, punctuation, and abbreviation.")

¹⁷ See M. Tarlinskaja, *SHAKESPEARE'S VERSE: IAMBIC PENTAMETER AND THE POET'S IDIOSYNCRASIES* (Peter Lang 1987).

¹⁸ Notwithstanding, Egan asserts that there are so many similarities that Shakespeare, known to be litigious, would have sued whatever other author used similar language. For what? I speak as an intellectual property lawyer: Copyright law as it is now known did not exist in Elizabethan England. To the extent there was a primitive analog, the author was not the owner of the work. But, even if we pretend for fun that modern notions were available, any claim based on Egan's theory would be laughed out of court. See, e.g., 17 U.S.C. § 107; *Atari, Inc. v. North American Phillips Consumer Electronics Corp.*, 672 F.2d 607 (7th Cir), *cert. denied*, 459 U.S. 880, 103 S.Ct. 176, 74 L.Ed.2d 145 (1982).

¹⁹ It is possible that Egan himself shares this view or something like it. In a letter he sent to the *TIMES LITERARY SUPPLEMENT* in reply to a negative review by Bart van Es (see n.27, *infra*), Egan said that

"My study cites scores of comparable parallels. Clearly, there are deep connections between Anon and Shakespeare. *Either one copied from the other* or they are the same playwright." (*By Anon?*, "Last Week's Letters," *TLS*, March 16, 2008 [emphasis supplied]). See, also, e.g., Eric Sams's essay included in Egan's treatise (III Egan 279-91), discussed at n.8 in the Opinion.)

²⁰ J. Egert, "Thomas of Woodstock," 6 Sept. 2011, SHK 22.0224, <http://shaksper.net/archive/2011/303-september/28104-thomas-woodstock->.

²¹ M. Egan, "Thomas of Woodstock," 10 Sept. 2011, SHK 22.0228; SHK , <http://shaksper.net/archive/2011/303-september/28107-thomas-woodstock->.

²² An amusing instance of Egan's sloppiness is his assurance in the conclusion to *Turtles* that the author of *Woodstock* "must have written his play decades before Shakespeare composed many of the histories, tragedies and comedies." That alone would surely rule out Shakespeare, who was born in 1564 and could hardly have written anything "decades before" the early 1590s.

²³ In posts he published on the SHAKSPER website he made even more scandalous accusations, charging me with intellectual dishonesty and even corruption. For example, he said that we engaged in a "hatchet job" (M. Egan, "Thomas of Woodstock," 2 Sept. 2011, SHK 22.0212, <http://shaksper.net/archive/2011/303-september/28086-thomas-of-woodstock>), that the panel's unanimous opinion was "fake and dishonest" and that I served as "prosecuting attorney" (11 Nov. 2011, SHK 22:0299, <http://shaksper.net/component/content/301-november/28207-thomas-of-woodstock>).

²⁴ In a textbook example of what psychologists call "projection," note 11 in *Turtles* accuses me of employing "guilt by association" argumentation in pointing out that he edits THE OXFORDIAN, the organ of the Shakespeare Oxford Society, an organization devoted to the claim that Edward de Vere wrote the works of William Shakespeare. I made no such attack. On the contrary, I pointed out that Egan seems actually to be on the orthodox side of the authorship controversy, and his assertion that Shakespeare revised *Woodstock* in 1605 or 1606, when de Vere was already dead, confirms that. This is very different from a guilt by association argument. The distinction can be seen by examining an example of the latter which Egan helpfully provides in *Turtles*: "Elliott ... has a particularly combative manner ... which seems to derive from the fact that his father was an Oxfordian."

²⁵ In an email to me of 2 Dec. 2010, Egan said we should read Volume I of his treatise and the "Short History of the Text" in Volume III; as for Volume II, "comprising variorum notes ... the panelists [may] set these data aside...." Egan also asserts that he withdrew "while we were still negotiating the ground rules." That's another lie: Not only had the parties already agreed on the rules (twice, in fact, with Egan's explicit "Agreed" [see Appendices A and B to the Opinion, reproducing the written agreement]), but both sides had already completed their submissions.

²⁶ The Opinion cites Volume II in the text accompanying footnote 70.

²⁷ See, e.g., B. van Es, "In Brief" review of Egan's treatise, TLS Feb. 15, 2008, p.35; MacD. P. Jackson, "Shakespeare's *Richard II* and the Anonymous *Thomas of Woodstock*," *loc. cit. supra*; MacD. P. Jackson, "The Date and Authorship of *Thomas of Woodstock*: Evidence and its Interpretation," *loc. cit. supra*; *Tough Nuts*, *supra* at 67-83 & 165-77.

²⁸ M Egan, *Slurs, Nasal Rhymes & Amputations: A Reply to MacDonald P. Jackson*, XI THE OXFORDIAN 157-206 (2009).