

INTRODUCTION

Seeds of Sedition

“News news I muste you tell.” So begins the scrap of paper found in St. Paul’s Cathedral on October 10, toward the end of the first decade of the seventeenth century.¹ Despite the opening promise, however, what follows is hardly what we would call news:

News news I muste you tell
 of a damned kinge and a deuillish Counsaile
 a kinge senseless of any good
 descended linealli of a Whores bloode

...

the kinge is poore *the* Counsell riche
 the Commons beggerd being oppressed muche
 of *the* Clergie not one honest man
 all must be confounded deni yt *that* cann.

This vituperative verse libel continues at length in the same vein. Eight leading councilors are singled out for abuse with epithets such as “misshapen,” “pocki,” and “papist.” In the final lines of the poem, three of those eight – Richard Bancroft, Archbishop of Canterbury; Robert Cecil, Earl of Salisbury and Lord Treasurer; and Edward Coke, Chief Justice of Common Pleas – are subjected to scurrilous mockery, along with the king himself:

an ars Bisshope to send soules to hell
 a tresorer whose throte is a bottomles well
 a Cuckolly Cooke Iudge fitt for Stygian poole
 a remediles grefe. *the* kinge is a foole foole
 foole foole foole foole foole foole foole
 whome god of his merci confounde sodaynly
 all *the* poeple say amen.²

¹ CP 140/119. The targets of its abuse indicate that the poem was written between 1608, when Robert Cecil was appointed Lord Treasurer, and 1610, when Richard Bancroft died. Throughout this book, I expand abbreviations in early modern sources in italics.

² Ibid.

At several centuries' remove, we may relish the poem's carnivalesque energy and its exuberant orality. We may be drawn in by the crude satire – Archbishop Bancroft becomes an “ars Bisshope,” Coke a “Cuckolly Cooke” – or by the poet's obvious delight in railing against England's most powerful men. And we may sympathize with the vigorous defense of the “Commons” from the (real or perceived) oppressions of council, clergy, and king. Certainly it is appealing to find in the archive such a stark and scathing counternarrative to the propaganda disseminated from the pulpit and the press. From the newsmonger's cry at the start, we might discern a public hungry for “underground” media – for rumor, news, and political satire.³ From the collective amen at the end, we might see a concerted effort to shape the voice of that public. The poem thus comes to resemble “a form of critical political speech” addressed to “an anonymous public,” as Alastair Bellany has described the early modern libel.⁴ On these grounds, a number of scholars have argued that libels motivated a nascent public sphere.⁵

But the fact remains that “News news I muste you tell” is, as Robert Cecil scribbled on the verso, “[a] filthy and a fals lybell.”⁶ It is telling that a popular compendium of criminal statutes categorized laws against defamation under the heading of “Newes.”⁷ For the authorities, there was not much difference between libels and news, or at least between libels and what they called “false news.”⁸ Scurrilous poems and tracts commonly circulated

³ Thomas Cogswell, “Underground Verse and the Transformation of Early Stuart Political Culture,” in *Political Culture and Cultural Politics in Early Modern England: Essays Presented to David Underdown*, ed. Susan D. Amussen and Mark A. Kishlansky (Manchester: Manchester University Press, 1995), 277–300.

⁴ Alastair Bellany, “Railing Rhymes Revisited: Libels, Scandals, and Early Stuart Politics,” *History Compass* 5.4 (2007): 1154.

⁵ In addition to Bellany, “Railing Rhymes,” see Cogswell, “Underground Verse”; Pauline Croft, “Libels, Popular Literacy and Public Opinion in Early Modern England,” *Historical Research* 68 (1995): 266–85; Andrew McRae, *Literature, Satire and the Early Stuart State* (Cambridge: Cambridge University Press, 2004); David Colclough, *Freedom of Speech in Early Stuart England* (Cambridge: Cambridge University Press, 2005), 196–250; James Loxley, “On Exegetical Duty: Historical Pragmatics and the Grammar of the Libel,” *Huntington Library Quarterly* 69.1 (2006): 83–103; Bellany, “The Embarrassment of Libels: Perceptions and Representations of Verse Libelling in Early Stuart England,” in *The Politics of the Public Sphere in Early Modern England*, ed. Peter Lake and Steven Pincus (Manchester: Manchester University Press, 2007), 144–67; Peter Lake, *Bad Queen Bess? Libels, Secret Histories, and the Politics of Publicity in the Reign of Queen Elizabeth I* (Oxford: Oxford University Press, 2016); and Lake and Michael Questier, *All Hail to the Archbishop: Confessional Conflict, Toleration, and the Politics of Publicity in Post-Reformation England* (Oxford: Oxford University Press, 2019).

⁶ CP 140/119.

⁷ Ferdinando Pulton, *An abstract of all the penall Statutes which be generall, in force and vse* (London, 1577), sigs. A8r, II1r–II2r. See Kenneth Gross, *Shakespeare's Noise* (Chicago: University of Chicago Press, 2001), 52.

⁸ See, e.g., Francis Bacon, *The Essayes or Counsels, Civill and Morall*, ed. Michael Kiernan, in *The Oxford Francis Bacon*, vol. 15 (Oxford: Clarendon Press, 2000), 43.

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alongside reports of current events.⁹ At popular gathering places such as St. Paul's Cathedral – where “News news I muste you tell” was found – people came together to partake in all sorts of scandalous talk.¹⁰ Of course, the government was more than ready to condemn popular political talk simply for being popular and political. And polemicists on all sides regularly accused their adversaries of libel not to defend civility but to discredit rival arguments. Still, the essential characteristics of libels – vitriolic satire, anonymous criticism, casual regard for the truth – do not seem conducive to healthy political discourse.

This is a point made forcefully by Debora Shuger in her 2006 monograph, *Censorship and Cultural Sensibility*. Shuger contends that libels, far from cultivating a public sphere, were actually “what we now call hate speech”: they purveyed misinformation, conspiracy theories, and incitements to violence.¹¹ Shuger's remains the minority view. Yet efforts to dismiss her argument have only emphasized its urgency. To recover libels' “artful confusion of the categories of fact and fiction” or to note that their “scurrilous fantasies' . . . were culturally credible . . . and politically powerful” does nothing to address – indeed, only exacerbates – the potential harm of the discourse they disseminated.¹² Most recently, Peter Lake has maintained that libels were not “an early modern version of hate speech” but instead “the stuff of early modern political thought.” He points out that both the Elizabethan regime and its Catholic critics published libelous “secret histories” – in modern terms, conspiracy theories – and that both sides could plausibly claim some basis in reality. But the resulting picture does little to reassure: “two mutually exclusive and polemically constructed versions of reality were put into play by rival groups, each set on the marginalization, indeed, in an ideal world, on the extinction, of the other.”¹³ This sounds more like a recipe for bitter polarization if not outright civil war than for a public sphere.¹⁴

⁹ Richard Cust, “News and Politics in Early Seventeenth-Century England,” *Past and Present* 112 (1986): 66–69; Fritz Levy, “The Decorum of News,” in *News, Newspapers, and Society in Early Modern Britain*, ed. Joad Raymond (London: Frank Cass, 1999), 12–38; Alastair Bellany, *The Politics of Court Scandal in Early Modern England: News Culture and the Overbury Affair, 1603–1660* (Cambridge: Cambridge University Press, 2002); McRae, *Literature*, 36–40.

¹⁰ John Earle, *Micro-cosmographie. Or, A Peece of the World Discovered* (London, 1628), sigs. I11v–I12v; Adam Fox, *Oral and Literate Culture in England, 1500–1700* (Oxford: Clarendon Press, 2000), 346–47; Bellany, *Politics*, 80–83.

¹¹ Debora Shuger, *Censorship and Cultural Sensibility: The Regulation of Language in Tudor-Stuart England* (Philadelphia: University of Pennsylvania Press, 2006), 42–43.

¹² McRae, *Literature*, 35; Bellany, “Railing Rhymes,” 1156. ¹³ Lake, *Bad Queen Bess*, 468, 474.

¹⁴ See Barbara J. Shapiro, *Political Communication and Political Culture in England, 1558–1688* (Stanford: Stanford University Press, 2012), 283–84.

Yet I think we need not choose between these possibilities. What libels such as “News news I muste you tell” show is that debate and defamation, free speech and false news, went hand in hand. This is the animating paradox of *Libels and Theater in Shakespeare's England*. I follow scenes of libel through and around the late Elizabethan theater, tracing the contours of a viral (and often virulent) media ecosystem. We will see people taking up, circulating, and recirculating libels – and, in the process, thinking through for themselves the terms of public discourse. The theater is central to this story because of its persistent proximity to libeling. Various a medium, a metaphor, and a venue for libeling, the theater both dramatized and disseminated libels. Sometimes playgoers encountered libels, sometimes representations of libel, and sometimes – most dizzyingly of all – both at the same time. The book's first part, “The Scene of Libel,” examines the reception, publication, and performance of libels. My aim is to sketch from multiple angles the varied publicity tactics that made libels, in the words of one town's disgruntled leaders, “the very seedes, wherof springe seditions, insurrections and Rebellions in Comon weales.”¹⁵

In the book's second part, “Libels on the Elizabethan Stage,” I turn to representations of libel in drama. In the 1590s, a series of crises – simmering xenophobia (1592–93), years of dearth and hunger (1595–97), the fall of the Earl of Essex (1599–1601), periodic surges of religious persecution – sparked an unprecedented explosion of libeling. The same years also saw the first documented appearances of libels on the public stage. Libels are launched into the sky (*Titus Andronicus*), cast in a window and affixed to a statue (*Julius Caesar*), recited in court (*Edward IV*), read from the pulpit (*Sir Thomas More*), and seized by informers (*Poetaster*). Slander has long been acknowledged to be a central theme of Renaissance drama, not least of all in Shakespeare.¹⁶ But the libels – furtive, ephemeral, often anonymous – have generally escaped scholarly notice. These scenes, I will argue, share a metadramatic bent that reflects back on the theater's own place in the early modern mediascape.

Libels, Plays, Publics

To describe the interface between media and their audiences, I draw throughout this book from the vocabulary of public sphere theory. The foundational concept is Jürgen Habermas's “bourgeois public sphere,”

¹⁵ TNA, SP 12/150, fols. 200v–201r.

¹⁶ See, in recent decades, M. Lindsay Kaplan, *The Culture of Slander in Early Modern England* (Cambridge: Cambridge University Press, 1997); Gross, *Shakespeare's Noise*; and Ina Habermann, *Staging Slander and Gender in Early Modern England* (Aldershot, UK: Ashgate, 2003).

a discursive arena for rational debate that he sees first taking shape in the eighteenth century.¹⁷ Subsequent theorists have revised this normative model to encompass a plurality of publics, “some ephemeral, some enduring, and some shaped by struggle against the dominant organization of others.”¹⁸ A public sphere in this sense is as messy and multiple as the society from which it emerges. For many scholars, this post-Habermasian paradigm resonates with the dynamic media landscape of the early modern era. The widening circulation of discourse brought people together in all sorts of public-oriented collectivities, joined by faith, passion, and prejudice as often as by rational interest.¹⁹ The most recent and, for my purposes, most pertinent critical turn has been toward the theater. Public sphere theorists from Habermas to Michael Warner attribute public formation largely if not exclusively to print.²⁰ Yet as studies by Steven Mullaney and Patricia Fumerton have underscored, early modern publicity was almost always a multimedia practice.²¹

The libel exemplifies this fact. Then as now, the word generally referred to written defamation. Yet few libels remained in writing alone. Their lifecycles took them across the early modern media: speech, manuscript, print, performance. They were multiply mobile, crossing not just media but also class, confessional, and topographical lines.²² That mobility is encoded in the vocabulary of libeling. Scattered, dispersed, spread, cast,

¹⁷ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger with Frederick Lawrence (Cambridge, MA: MIT Press, 1989), 27.

¹⁸ Craig Calhoun, “Imagining Solidarity: Cosmopolitanism, Constitutional Patriotism, and the Public Sphere,” *Public Culture* 14.1 (2002): 162. See also (among others) Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, MA: MIT Press, 1992), 109–42; and Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2002).

¹⁹ For surveys of the plural publics of early modernity, see the essays collected in Bronwen Wilson and Paul Yachnin, eds., *Making Publics in Early Modern Europe: People, Things, Forms of Knowledge* (New York: Routledge, 2010); Angela Vanhaelen and Joseph P. Ward, eds., *Making Space Public in Early Modern Europe: Performance, Geography, Privacy* (New York: Routledge, 2013); and Paul Yachnin and Marlene Eberhart, eds., *Forms of Association: Making Publics in Early Modern Europe* (Amherst: University of Massachusetts Press, 2015).

²⁰ See Jeffrey S. Dory, *Shakespeare, Popularity and the Public Sphere* (Cambridge: Cambridge University Press, 2017), 33–34.

²¹ Steven Mullaney, *The Reformation of Emotions in the Age of Shakespeare* (Chicago: University of Chicago Press, 2015); Patricia Fumerton, *The Broadside Ballad in Early Modern England: Moving Media, Tactical Publics* (Philadelphia: University of Pennsylvania Press, 2020). “Publicity” as I use it includes the full range of public-oriented activity, from simply “the quality of being public” to the “public notice or attention given to someone or something” to “the action or process of making someone or something publicly known” (“publicity, n.,” *OED Online* [Oxford University Press, 2022]).

²² I borrow the concept of “multiply moving” media from Fumerton, *Broadside Ballad*, 33–40.

blown, thrown: libels were understood to be a centrifugal force in early modern society and politics. They were slight objects – etymologically little books, often mere scraps of paper – easily spread and easily concealed. Unmoored from their authors, they circulated like leaves in the wind or projectiles launched into the sky. Any points of origin remain elusive: they seem almost self-propagating in their anonymous, viral diffusion. Libels reached popular audiences not through the efforts of their individual authors but through highly permeable and variously public circuits of communication.

This book locates the theater in that tangled, multimedia web of defamatory discourse. Exploring the contact zones between plays and libels, I at once build on and seek to reorient the recent surge of scholarship on the theater and its publics.²³ I share scholars' vision of the theater as a metropolitan institution that initiated playgoers into new types of communal thinking. Yet the focus on London's commercial theater risks leaving out the host of provincial playmakers who made their own forays onto the literal and metaphorical stages of their communities. And it risks overcorrecting the Habermasian emphasis on print by anchoring theatrical publics too firmly in a single institution.²⁴ Savvy libelers drew on the resources of performance in all sorts of places and in all sorts of ways. Provincial tenants lampooned their landlords on a makeshift stage. Anonymous poets interlaced their defamatory verses with dramatic allusions and pinned them to walls and posts. Local troublemakers declaimed scurrilous texts with sweeping, theatrical gestures before crowds of commoners. Sectarian polemicists borrowed the rollicking style of the stage. In this book, I argue that theater and theatricality played a central role in making the publics of libel.

Of special importance was the self-reflexive tendency that I identified above. As Warner defines them, publics require both "active uptake" and some degree of "self-understanding."²⁵ In other words, an association of

²³ Recent monographs on the subject include Stephen Wittek, *The Media Players: Shakespeare, Middleton, Jonson, and the Idea of News* (Ann Arbor: University of Michigan Press, 2015); Mullaney, *Reformation*; András Kiséry, *Hamlet's Moment: Drama and Political Knowledge in Early Modern England* (Oxford: Oxford University Press, 2016); Peter Lake, *How Shakespeare Put Politics on the Stage: Power and Succession in the History Plays* (New Haven: Yale University Press, 2016); Doty, *Shakespeare*; Katrin Beushausen, *Theatre and the English Public from Reformation to Revolution* (Cambridge: Cambridge University Press, 2018); Musa Gurnis, *Mixed Faith and Shared Feeling: Theater in Post-Reformation London* (Philadelphia: University of Pennsylvania Press, 2018); Jacqueline Vanhoutte, *Age in Love: Shakespeare and the Elizabethan Court* (Lincoln: University of Nebraska Press, 2019); and Matthew Hunter, *The Pursuit of Style in Early Modern Drama: Forms of Talk on the London Stage* (Cambridge: Cambridge University Press, 2022).

²⁴ For recent correctives to this tendency, see Beushausen, *Theatre*; and Fumerton, *Broadside Ballad*.

²⁵ Warner, *Publics*, 88.

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strangers becomes a public when its members understand themselves as such – when they take up and recirculate some kind of shared experience, idea, or discourse. The early moderns attributed a similar effect to libels. It is telling that two of the words most often used to describe their dissemination were “scattered” and “dispersed.” Magistrates imagine towns, cities, and even the entire country filled with libels “scattered abroad” and “scattered in publique places,” “disperste in all places,” and “dispersed through this realm.”²⁶ The libels conjure a public coalescing around everyday encounters with scraps of seditious text. Anyone could take up, read, hear, repeat, perform, interpret, or repurpose a libel.

It was this active uptake too that brought theater in contact with libel. Legal accounts of libel, efforts to regulate the stage, and plays themselves all tend to implicate the audience in the act of libel. Antitheatricalists maintained that the theater was a hotbed of libeling in large part due to the activity of its popular playgoers. The law held copyists and, in some cases, even listeners culpable for publishing libels. And plays from the university drama *Club Law* to Jonson's *Poetaster* hinged on their audiences' complicity in the scene of libel. On- and offstage, those scenes tended toward the metadramatic: they staged the kinds of uptake that they asked of their audiences. We see readers talking libelously about libels, libelers sending their texts out to interested parties and indiscriminate publics, spectators laughing or crying or seething at public pitches. These scenes cultivated the self-understanding that separates a public from a crowd or a readership. At stake was not just the content of the speech but also the act of interpretation.

This was true of the early modern libel more broadly. The category was highly elastic, including not only obvious personal attacks but also – depending on the climate – perfectly credible accusations, news, satire, petitions, and polemic. The line between libel and licensed speech could be vanishingly thin, as some playwrights learned to their peril. This is not to say that there were no recognizable markers of libel. Rather, my point is that libels were defined not just by their sedition and scurrility but also by their orientation toward their audience. Or, as Kenneth Gross puts it, “[i]t is . . . not only the truth or lie of the slanderer's word but the mode of its being diffused that counts.”²⁷ The mere fact of public address could be cause for suspicion.

Yet we overlook the seditious cast of that discourse at our peril. In this book, I contend that the metadramatic scenes of libel trained playgoers to

²⁶ TNA, SP 12/179, fol. 92r; J. Alan B. Somerset, ed., *REED: Shropshire*, 2 vols. (Toronto: University of Toronto Press, 1994), 1:123; TNA, SP 12/275, fol. 229r; TRP, 3:15.

²⁷ Gross, *Shakespeare's Noise*, 38.

navigate the new media landscape springing up around them. My argument here parallels recent studies by Steven Mullaney, András Kiséry, Peter Lake, Jeffrey S. Doty, and Musa Gurnis, who all see the theater equipping its audiences with critical and affective resources for negotiating the faultlines of social, political, and confessional life.²⁸ This powerful scholarship departs from the new historicist preoccupation with subversion and containment, locating the theater's influence not so much in the ideological positions its practitioners staked out as in the cultural competences it imparted to the tens of thousands who flocked to the playhouses each week.²⁹ This is a timely correction, attuned to both the material conditions of playgoing and the rich complexity of early modern politics, society, and religion. However, my study calls into question the distinction between critical publicity and partisan positioning. Libels' polemical structure of address practically demanded side-taking. To be sure, some playwrights – not least of all Shakespeare – sharply interrogated that partisan pull. But the manifold theatrical careers of the libel show that publicity and, indeed, theatricality itself remained implicated in sedition, especially if we take sedition in the full range of its early modern senses (faction, fighting words, divisive speech, inciting discord or disaffection or rebellion).³⁰ It is the generative irony of the early modern public sphere that its critical conversations launched in no small part from the vitriol and violence of libels.

Libel and the Law

The following pages trace the intertwined semantic, cultural, and legal histories of libel from the 1550s to the early 1600s. England experienced an unprecedented volume of libeling between 1580 and

²⁸ Mullaney, *Reformation*; Kiséry, *Hamlet's Moment*; Lake, *How Shakespeare*; Doty, *Shakespeare*; Gurnis, *Mixed Faith*.

²⁹ For estimates of the playgoing population, see Andrew Gurr, *The Shakespearean Stage, 1574–1642*, 4th ed. (Cambridge: Cambridge University Press, 2009), 260–61. The foundational account of the subversion/containment dialectic comes in Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley: University of California Press, 1988). Other classic new historicist and cultural materialist studies centrally concerned with the political ideology of Renaissance drama include David Scott Kastan, "Proud Majesty Made a Subject: Shakespeare and the Spectacle of Rule," *Shakespeare Quarterly* 37.4 (1986): 459–75; Jonathan Dollimore, *Radical Tragedy: Religion, Ideology and Power in the Drama of Shakespeare and His Contemporaries*, 2nd ed. (New York: Harvester Wheatsheaf, 1989); Phyllis Rackin, *Stages of History: Shakespeare's English Chronicles* (Ithaca: Cornell University Press, 1990); and Louis Montrose, *The Purpose of Playing: Shakespeare and the Cultural Politics of the Elizabethan Theatre* (Chicago: University of Chicago Press, 1996).

³⁰ Roger B. Manning, "The Origins of the Doctrine of Sedition," *Albion* 12.2 (1980): 100–1; David Cressy, *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England* (Oxford: Oxford University Press, 2010), 41–43.

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1630.³¹ Yet the latter half of the period has received the vast majority of the scholarly attention. Only in the past few years have scholars begun to look as closely at the Elizabethan libel.³² Moreover, the work that has been done treats separately the two most prominent kinds of libel, manuscript verse and printed polemic. The challenge of studying the earlier period is further compounded by the novelty of the word “libel” itself. “Libel” entered common usage only in the mid-sixteenth century, and it would not become a clear legal category for at least several more decades. It remains an open question to what extent the oft-quoted views of Jacobean jurists such as Edward Coke and William Hudson accurately reflect the practices of the previous century. This section looks afresh at the Elizabethan history of libel. In the process, I want to address a misconception repeated in scholarship on drama and defamation: that libel and slander were largely interchangeable.³³ Attending to what the early moderns had to say about libel reveals a particular set of concerns about written defamation and its place in the late Elizabethan public sphere.

There is no space here for a full history of English defamation law.³⁴ But I want to begin by sketching the situation as it stood by the sixteenth century, when the term “libel” came onto the scene. Defamation, originally defined as the malicious imputation of a crime, had long been the province of the church courts. In the fifteenth century, the scope of ecclesiastical defamation expanded to include insulting and abusive words that did not necessarily allege a specific crime. The same years witnessed an equally consequential development: the rise of the common law action for words. Around 1500, the common law courts assumed jurisdiction over imputations of secular crimes, leaving the church courts with a still formidable caseload of spiritual abuse, most of it sexual slander.

³¹ Bellany, “Railing Rhymes,” 1143.

³² See Steven W. May and Alan Bryson, eds., *Verse Libel in Renaissance England and Scotland* (Oxford: Oxford University Press, 2016); Lake, *Bad Queen Bess*; and Lake and Questier, *All Hail*.

³³ Kaplan, *Culture*, 12; Gross, *Shakespeare's Noise*, 229–30 n67; Cyndia Susan Clegg, “Truth, Lies, and the Law of Slander in *Much Ado About Nothing*,” in *The Law in Shakespeare*, ed. Constance Jordan and Karen Cunningham (Basingstoke, UK: Palgrave Macmillan, 2007), 186 n1.

³⁴ The definitive history of early modern defamation law is R. H. Helmholz's introduction to *Select Cases on Defamation to 1600*, ed. Helmholz (London: Selden Society, 1985), xiv–cx1. See also S. F. C. Milsom, *Historical Foundations of the Common Law*, 2nd ed. (Toronto: Butterworths, 1981), 379–90; Helmholz, *The Oxford History of the Laws of England*, vol. 1, *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford: Oxford University Press, 2004), 565–98; David Ibbetson, “Edward Coke, Roman Law, and the Law of Libel,” in *The Oxford Handbook of English Law and Literature, 1500–1700*, ed. Lorna Hutson (Oxford: Oxford University Press, 2017), 488–92; and John Baker, *An Introduction to English Legal History*, 5th ed. (Oxford: Oxford University Press, 2019), 465–78.

Such were the remedies for defamation available to private people. For public persons – nobles and highly placed officers – a different but related action was established by the 1275 statute of *scandalum magnatum*, punishing those who “tell or publish any false News or Tales, whereby discord, or occasion of discord or slander may grow between the King and his People, or the Great Men of the Realm.”³⁵ The statute was reenacted in the late fourteenth century and then again, amid a sharp uptick in actions for slander, in 1554 and 1559.³⁶

These were crucial years in the semantic history of libel as well. The word itself, derived from the Latin *libellus* (little book), appeared in English as early as the late thirteenth century. But for several hundred years it remained free of any defamatory meaning, denoting simply a short writing or a plaintiff's bill of complaint (*libellus*).³⁷ Such bills were used in the European system of jurisprudence known as Roman or civil law and, in England, in the church courts and in prerogative courts such as Chancery and Star Chamber. Roman law had another kind of *libellus* too: the *libellus famosus*, a writing, epigram, or poem composed and published to bring someone into infamy.³⁸ The precise influence of Roman law on the English law of libel remains uncertain.³⁹ But it was unmistakably through Roman law that the word “libel” acquired its defamatory sense. The earliest usages clearly signal their Roman genealogy, anglicizing *libelli famosi* as “famous lybelles” or “infamous libelles.”⁴⁰ The Roman roots may likewise account for the persistent proximity between bills and libels. The line between a legitimate complaint and a defamatory accusation was slender enough for one alleged libeler to insist punningly that his text “was a true bill, though they called it a libell.”⁴¹ In his 1607 law dictionary, John Cowell explicitly

³⁵ 3 Edw. I, c. 34, in *The Statutes of the Realm*, 11 vols. (London, 1810–28; repr. 1963), 1:35.

³⁶ 2 Ric. II, Stat. 1, c. 5, in *Statutes*, 2:9; 1 & 2 Phil. & Mar., c. 3, in *Statutes*, 4:240–41; 1 Eliz. I, c. 6, in *Statutes*, 4:366–67. On the mid-century rise in actions for words, see Baker, *Introduction*, 470.

³⁷ “libel, n.” *OED Online* (Oxford University Press, 2022). This paragraph is indebted to Shuger's learned treatment of Roman law in *Censorship and Cultural Sensibility*.

³⁸ Theodor Mommsen with Paul Krueger, ed., *The Digest of Justinian*, trans. Alan Watson, vol. 4 (Philadelphia: University of Pennsylvania Press, 1985), 47.10.5.9–10, 47.10.15.27. Plays and verse satire too fell within the scope of ancient laws against defamation: see Cicero, *De Re Publica*, in *De Re Publica, De Legibus*, trans. Clinton Walker Keyes (Cambridge, MA: Harvard University Press, 1928), 4.10.10–12; Horace, *Satires*, in *Satires, Epistles, Ars Poetica*, trans. H. Rushton Fairclough (Cambridge, MA: Harvard University Press, 1929), 2.1.

³⁹ Ibbetson, “Edward Coke”; Joseph Mansky, “Edward Coke, William West, and the Law of Libel,” *Journal of Legal History* 42.3 (2021): 328–32.

⁴⁰ TNA, SP 1/48, fol. 206v; Thomas Harding, *A Detection of Sundrie Foule Errours, Lies, Sclaunders, Corruptions, and Other false dealings . . . vttered and practiced by M. Iewel* (Louvain, 1568), sig. Bb2r.

⁴¹ Samuel Rawson Gardiner, ed., *Reports of Cases in the Courts of Star Chamber and High Commission* (London, 1886), 150. See Shuger, *Censorship*, 303 n6.