

Performance Responses

Raleigh: The Treason Trial

Directed by Oliver Chris. The Sam Wanamaker Playhouse, Shakespeare's Globe. London. 29 November 2018.

By Alessandro Simari

My verdict was guilty. The truth is that the fix was in.

There was the considerable influence of the Clerk (Amanda Wright), who in the relative privacy of the deliberation room indicated to us—the twelve who comprised the audience-jury in Oliver Chris's immersive, verbatim piece—that the role that we were to perform was, above all, to protect the person of King James I. In contradistinction with modern legal procedures, the burden of proof was instead on Sir Walter Raleigh (Simon Paisley Day) to demonstrate his innocence of 'treason in the main'. Were we truly convinced that Raleigh might not have posed a threat to the sovereign? The Clerk subtly made it clear how the 'Crown' would expect the jury to vote.



Quick photo of the "Jury Member" lanyard worn by the author.
Photo: by the author.

I came in with the knowledge of the historical fact that Raleigh *was* found guilty in his 1603 treason trial. The jury instructions, spoken on stage minutes into the performance, to ‘follow the same course as you did the other day’ had brought this historical detail to the forefront of my mind. At the interval, the jurors were escorted by a robe-wearing usher out of the auditorium and into a basement room of Shakespeare’s Globe where we were to hold our deliberations. I recalled at this point that, although execution was the maximum sentence for treason until the Crime and Disorder Act of 1998, Raleigh had *not* been executed as an immediate consequence of this trial. Perhaps knowledge of this fact served to assuage any simulacrum of anxiety I may have been experiencing as I re-entered the deliberation room, prepared (as I was) to re-perform Raleigh’s condemnation in the distinctly low-stakes context of a theatrical performance.

On this particular evening, there was a barrister who had unwittingly purchased a ticket for the performance that, to their dismay, placed them inside this mimesis of a deliberation room. As our deliberations began to conclude, and it became apparent that Raleigh was likely to be found guilty, the barrister intimated to their apparently bloodthirsty fellow jurors that—given the paucity of unimpeachable evidence presented against him—Raleigh could never be convicted in a contemporary court with its presumptions of innocence and high evidentiary standards. There was on my part, too, the feeling that it was necessary to use my guilty verdict to obstruct the use of theatre to reproduce the mythologies of legal and moral progress that were bound up in the barrister’s remarks. The jurors were told by the Clerk that a majority decision was all that was necessary for a verdict, but, for whatever unknown reason, that barrister too concluded that Raleigh was guilty. A unanimous verdict against Raleigh was returned.

I did not, in other words, treat the role of audience-juror as that of the embedded, legally-prescribed arbiter (or critic) of the innocence or guilt of a person in a theatricalised legal proceeding. Rather, I interpreted my role in a fashion much more akin to that of the more typical labours that I usually perform in a theatre: that of the critic who

works in the field of theatre and performance studies, who is attending a performance event, and who is interested in interrogating the ideological work of theatre. In that very personal and specific sense, the opportunity to return a 'guilty verdict' on theatre seemed too good to pass up.

In an interview conducted by Will Tosh for the production's programme, Chris described the play's contemporary resonances as residing in 'a human story about a morally questionable individual up against a biased political and legal elite'. The artistic decision to costume performers in modern business attire is part of that semiotic framework. It continues to strike me as a dubious proposition to interpret Raleigh as *against* rather than *embedded within* seventeenth-century England's political and legal elite, though he had run afoul of it. From my position as audience/juror/critic, Raleigh's costuming—a three-piece suit with a burgundy tie and pocket square—seemed more immediately to serve the purpose of transforming Raleigh from a historically-situated legal subject into a trans-historical legal subject. That is, in what Rebecca Schneider calls the 'syncopated time of re-enactment', the character of Raleigh was being performed at once as a historical figure situated within the specific historical context of a seventeenth-century show-trial, and also as a quasi-historical figure who is appealing to an audience who are themselves entrenched, as modern legal subjects, in contemporary ideals about the fairness and impartiality of the law and its incumbent legal procedures. Notably, the Clerk's explanations about the differences between seventeenth-century legal proceedings and these modern ideals were only given to the jury. There was, in this way, two juries who were asked to pass verdict on Raleigh, and each with a differing set of (spoken and unspoken) performative instructions. We, the audience-jury, were asked to cast aside our status as modern legal subjects and strictly embody a historical-legal subjectivity; the rest of the audience was not.

This dialectic played out when the guilty verdict was announced, and the audience registered their dissatisfaction with the decision by booing and shouting at the stage and also, in part, at the jurors. Spontaneously, cries of 'betrayal', 'traitors', and 'rigged' overwhelmed the

Clerk's pronouncements.

For a moment, the performance ground to a halt.

It is said in Volume 2 of Cobbett's *Complete Collection of State Trials* (1809) that, when the jury returned from deliberations in 'not a quarter of an hour', that Raleigh responded to the verdict by remarking: 'My lords, the Jury have found me Guilty: *they must do as they are directed*' (29, emphasis added). Paisley Day, whose speech throughout the performance had been quick and impassioned, spoke these words with a deliberate almost staccato delivery. In an instant, the matter of Raleigh's innocence or guilt seemingly became of secondary concern. Raleigh's lines set off a wave of knowing nods that circumnavigated the auditorium.

The audience, who had just vocalised their outrage at the verdict, were now contented that their interpretation of the performance/trial as being 'fixed' was acknowledged and endorsed by the play's principal figure. They correctly recognised that the jurors never had the power to overturn the predetermined outcome of proceedings; I had entered deliberation room clinging to the fallacy that, as critics, we might.

On my way home, walking across the Strand and past the Royal Courts of Justice, it occurred to me that—not for the first time and nor do I suspect for the last time—I had misjudged the efficacy of making a critical intervention into the ideological work of a production through the mechanisms of participatory theatre. This was a particularly damning realisation given that I have elsewhere written about how the formal structures of participatory theatre can delimit the emergence of a radical or 'emancipatory' politics. The verdict was indeed fixed, but not necessarily in the way that should have been most obvious to me when I entered the theatre. I had chosen to take up the role of critic in the perhaps deluded hope of seeing a different set of politics represented on the stage, and instead I inadvertently participated in endorsing the very politics I sought to undermine.

I cannot say that I regret my verdict; I only wonder what the alternative ending would have looked like.