PROSECUTOR: Members of the jury, recall the defendant's self-serving testimony: 'When you shall these unlucky deeds relate...Speak of me as I am. Nothing extenuate'. Ok, I won't extenuate. I'll tell it like it is. Here's a man who refuses to take responsibility for his actions. Who subjected his wife's right to live to his right to ownership.

_Othello on Trial, Act 2_

Abstract

This participatory theatre in education project takes a novel approach to engaging young people in the cultural shift needed to elevate violence against women into a first-order political problem. It utilises Shakespeare’s _Othello_, his uncannily timely ‘domestic’ drama about a man’s homicidal rage against his wife to dramatise an increasingly publicised statistic — two women are killed each week on average by a male partner or former partner. Emphasising the critical importance of primary prevention and attitudinal change, the play targets the continuing salience of culturally-mandated excuses for hurting and killing women — she was unfaithful, she disobeyed etcetera. The project’s underlying assumption is that early educational interventions that engage young people and invite their active participation in the movement against violence against women are critical. The play has been performed in Melbourne, Australia and London. This article tells the story of the play’s production and reception by an audience of over 200 East London secondary school students in November 2015.

Key words

Othello, Theatre in Education, Intimate Partner Femicide, Public Engagement

1. Introduction

_Othello on Trial_ is the first play in a planned Theatre in Education trilogy aimed at engaging young people in the movement to elevate violence against women into a first–order political problem. Emphasising the critical importance of primary prevention and attitudinal change, the play focuses on intimate partner femicide, the killing of women by male partners and former partners, on average two a week in England and Wales over the last 30 years. Scenes from _Othello_, Shakespeare’s uncannily timely drama about an ‘infidelity’-inspired wife killing, are woven together with excerpts from historic and contemporary trials of English

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wife killers. To showcase provocation by infidelity as a deeply-ingrained cultural excuse sanctioned by law for all English wife-killers, Act 2 substitutes a white for a black Othello and puts him on trial for murder at the Old Bailey. The audience takes the role of jurors in Act 3 which doubles as an open forum to discuss the key issues. Should extreme emotions — ‘being wrought/Perplexed in the extreme’ as Othello puts it (‘seeing red’ as modern-day wife-killers put it) — mitigate murder today? Is it past time to question culturally-based excuses for men’s violence, including the very notion of a ‘crime of passion’ that historically subjugates the victim’s right to live to her killer’s right to deploy a partial defence to murder?

These are the research-based questions I want to take out of the academy and put to a wider audience, especially a young audience, before misogynist victim-blaming views become entrenched. But how? Theatre, a well-established means of developing innovative cultural interventions by providing a space for experimenting with new ideas and behaviours, is an appealing prospect. So I have set about developing a participatory theatre in education project that confronts unexamined deeply held beliefs about men’s propriety rights over women. Emphasising the critical importance of primary prevention and attitudinal change, the Othello project targets the continuing salience of culturally-mandated excuses for hurting and killing women — she was unfaithful, she disobeyed etcetera. But why Shakespeare? The master of exploring human fallibility through archetypal characters, notably the jealous possessive husband, is the perfect vehicle for challenging victim-blaming cultural scripts excusing men’s violence. In play after play from The Merry Wives of Windsor, Much Ado About Nothing, Cymbeline, The Winter’s Tale and of course, Othello, his only play featuring a completed ‘infidelity’-inspired wife killing, men’s murderous rage against women is queried and parodied mercilessly. Besides, such is the sympathy for men who kill ‘unfaithful’ wives and antipathy to the idea of depriving of them of a provocation by infidelity defence that one searches hard to find someone with the necessary gravitas to contest this historically-mandated, culturally-inscribed warrant for murder. Who better than Shakespeare, England’s cultural icon?

A successful grant application to Queen Mary University of London’s Centre for Public Engagement secured funding, topped up by the Law School, to put on three performances of Othello on Trial.1 The first performance took place on the evening of 5 November 2015, the first day of an international conference, Fighting Femicide, hosted by the Law School. The conference launched a new femicide research network that unconventionally emphasises the need for cultural transformation by focusing on the incidence and reception of intimate partner femicide within dominant, not minority ethnic, cultural communities. Two performances the next day were attended by over 200 East London school students, their teachers and 30 criminology students and staff from Liverpool John Moores University. The feedback was overwhelmingly positive. Scoring an average rating of 8 out of 10, the play had achieved its main goals of drawing attention to the two-a-week statistic and throwing into question ‘crimes of passion’; defences to wife-murder; the notion that women are property and men’s justifications for violence against women. Crucially, the students grasped the play’s central question — ‘Whether Desdemona’s death was her fault or Othello’s — as one 13-year-old succinctly put it. Sexism, double standards; ‘unjust stereotypes’; sexual infidelity as excuse for murder; injustice and, crucially, racism; these were the issues that stood out for these young, very vocal school audiences who seized the opportunity offered by this participatory theatre project to engage actively in debate about English law’s culturally-based excuses for men’s fatal violence against women.

1 The grant application was submitted with Professors Rosemary Hunter and Eric Heinze. Rosemary secured the additional funds from the Law School. With thanks to Rosemary and Eric for supporting this project, to Jessie Hohmann for inviting me to write a photo-journal article and Sarah Ferber for her typically astute comments on an earlier version of this paper. Othello on Trial was performed at La Mama Court House in Melbourne, Australia in March 2015.
2. Reaching the ‘extra-academic outside world’

Some background: my research in the field I call ‘sexed violence’ focuses predominantly on representations of men’s violence against women.² How, I ask, is men’s violence ‘put into discourse’ — as Foucault might have put it if he ever turned his mind to that question — by criminologists, lawyers, law academics, in the media and in society generally?³ Intimate partner femicide and legal defences to murder, indicatively provocation, have been my particular focus.⁴ Deploying a foucauldian feminist methodology that embraces Carol Smart’s approach to law, I read criminal law and cases as sites for counter-discourse, sites for challenging hegemonic masculinist representations of offenders and victims in so-called ‘crimes of passion’. As I have suggested elsewhere, sexual infidelity homicide cases are ideal sites for continuing the critical discursive work that Smart initiated — converting cases into a critical, pedagogical means of mobilising consciousness about men’s excuses for killing their women partners, former partners and, occasionally, their new male partners.⁵ Should loss of self-control still have mitigating effect in law? Do men who kill women after failing to master their obsessive jealousy and possessiveness deserve sympathy? Should judges continue to dish out ‘compassion’ to impassioned killers distraught over a woman’s departure, or should criminal courts send out a clear message that men are required to keep a grip when their partners leave them? Might public pressure be brought to bear on legislators to reject outright the proprietary right enshrined in law for centuries that men believe entitles them to resort to retaliatory violence over ‘infidelity’? These are the questions that have driven my research agenda over the last two decades.

More recently, my research has taken a new direction. Influenced by Eric Heinze’s brilliant Shakespeare and law scholarship, I have begun to enlist Shakespeare in the cause of problematising provocation by infidelity wife-killing cases.⁶ Simultaneously, I have become

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intrigued by the idea of a public engagement project that would reach beyond academic audiences to a wider public. Shakespeare looms as a perfect vehicle to do so. For example, in my reading, Titus Andronicus is a scathing indictment of precedent — or 'lively warrant' — for murder. As such it is ideal for mobilisation in the cause of interrogating the precedents establishing provocation by infidelity as a partial defence to murder. As for Othello, Shakespeare’s unsurpassed slamming of men’s possessive homicidal rage, what an extraordinarily prescient exploration it is of the wife-killer’s mens rea as that would play out in English and Anglophone criminal law courts over the next 400 years. It dawned on me that putting Othello on trial for murder would be a means of showcasing the wife-killer’s defence of choice over the centuries — provocation (now loss of control) or, failing that, diminished responsibility. A play dramatising intimate partner femicide by putting Shakespeare’s famous protagonist on trial could also publicise the early 21st-century law reforms which banned sexual infidelity as a trigger for loss of control in murder trials in England and Wales. It might even find a place to quote Harriet Harman who, when leading the movement to reign in defences to murder, declared that for centuries that ‘the law has allowed men to escape a murder charge in domestic homicide cases by blaming the victim’. In short, a theatre production could provide a means of extending my feminist foucauldian method of transforming cases into sites for counter-discourse. It could challenge the power of law to constitute wife-killers as deserving of compassion and their victims as ‘asking for it’; query the received view of ‘crimes of passion’ as a lesser crime than cold-blooded murder and alert audiences beyond a relatively small pool of feminist activists, scholars and Guardian readers to the 2-a-week killing statistic that is the reality of intimate partner femicide in Britain today, a reality that feminists have done so much to expose.

In ‘Dramatising Intimate Femicide—Petitions, Plays, Public Engagement (with a Shakespearean Gloss)’ I set out all the factors, positive and negative, that led me to write Othello on Trial. It explains why after years of teaching and writing about risibly misogynist cultural and legal framings of intimate partner femicide, I had tired of indifferent academic responses to my work; why I yearned to share it with what Edward Said memorably called the ‘extra-academic outside world’. It also documents my plan to enlist Shakespeare to the feminist anti-violence cause by citing key passages from Othello verbatim in order to parody the abject figure of the overwrought wife-killer. And finally it explains why, given my commitment to investigating victim-blaming cultural scripts in dominant communities, it was imperative that my Othello defendant be a white Englishman.

Law and Critique 83. See also my review of his book, ‘The Concept of Injustice’ by Eric Heinze’ 2014 34 Legal Studies 736.

7 See the discussion of the ‘lively warrant’ in Howe, ‘Red Mist Homicide’ n 4.
10 See eg my discussion of Karen Ingala Smith’s ground-breaking ‘Counting Dead Women’ campaign in Howe, ‘Fatal Love’ n 4.
3. Transference

Transferring one’s research to the stage is no easy feat. And yet, for anyone committed to seeking public engagement with their work and forming new constituencies, applied theatre can be an excellent medium for disseminating research findings and ideas that challenge the social order. The key is to find ways of opening or, failing that, breaking down the barriers separating inward-looking specialised fields and communities, the very communities that public engagement centres and politically committed researchers crave. The feminist voice that I wish to bring to the stage is itself a complex interdisciplinary one informed by diverse fields of inquiry, notably the rich strain of intersectional feminist work challenging the othering practices of privileged white speakers, feminist included. Most relevant are minority ethnic feminist critiques of the tendency of dominant ethnic groups to locate sexist cultures and high levels of violence against women in minority communities without interrogating their own problematically masculinist cultural scripts — critiques that have informed my teaching and research for decades.

Saturated as my work is in theorisations of the politics of voice, white voice in particular, there was no question but that my Othello had to be a benchmark man, white and English. After all, provocation by infidelity is ‘our own version of honour killing’, as Harriet Harman so deftly put it when she led the reform movement to it as a defence to murder in England and Wales — our own version, exactly. It follows that while 400 years ago Shakespeare may have felt the need to place an outsider, a black Moor ‘of here, there and everywhere’ in the role of an obsessively jealous wife-killer, it is past time for letting a white English wife-killer take the stand. Accordingly, in my play Othello starts out as a black man in Act 1, ‘The Players’ Meeting’, in order to showcase the central race question and highly racialised language in Shakespeare’s Othello. But once the players decide to put a white Othello on trial the black actor becomes the defence lawyer, while the white actor playing Iago in Act 1 plays Othello the defendant in Act 2 (Figures 1 and 2).

13 For my early interest in dramaturgy see Adrian Howe, ‘The Bayard Treason Trial: Dramatising Anglo-Dutch Politics in Early Eighteenth Century New York City’ (1990) William and Mary Quarterly 57.
14 Said, above n 12 at 146-150.
17 Photos of the professional cast in rehearsal were taken by Charlotte Andrews-Briscoe.
Getting a professional cast together turned out to be much easier than I imagined. It took less than 24 hours to engage four actors. Jude Owusu took the role of black Othello/defence lawyer, Patrick Evans played white Othello/defendant, Cordelia O’Neill the
playwright/prosecutor and Charles Sandford Iago/judge. I directed with the able assistance of the cast (Figures 3-5).

Figure 3: Patrick and Jude

Figure 4: Cordelia O’Neill as Prosecutor
Technical assistance was provided by volunteers from the London Centre for Social Studies, the Femicide Research Network’s NGO partner.\(^{18}\) Besides having a very limited time frame for the actors to get off script, we faced multiple technical issues from lighting through to videoing the performance. With no time for a rehearsal in the venue there was no way of testing the acoustics and as we discovered later, echoing around the room made listening difficult for some sections of the audience.

4 Reception

Yet for all the difficulties we faced, the performances were, by any measure, a resounding success. Amongst the more notable achievements were attendance by over 300 people, including 200 East London School students aged between 13 and 18 years, the overwhelmingly positive feedback and the forging of links with teachers and students keen to develop the project with me. As for the best moments, it’s difficult to choose between the explosive laughter of the East London school students, approximately 80-85% of whom were black or Asian, when the music started in the capacity-filled venue; their exuberant, highly vocal involvement in the performance; their delight when Jude Owusu went around to all the ‘jury tables’ in Act 3 to drum up support for the defence case and talk to them about the issues and the almost unanimous verdict — guilty of murder. There were other thrilling moments: the student asking for our autographs; the one addressing the judge as ‘my lord’ when she delivered her table’s verdict; the rapturous applause for the cast and script writer;

\(^{18}\) The LCSS hosts the Femicide Network. See <http://socialstudies.org.uk/projects/detail/18424/Femicide-Research-Network>
but most rewarding of all, the feedback comments demonstrating that students as young as 13 grasped the key issues dramatised in the play (Figure 6).\textsuperscript{19}

<table>
<thead>
<tr>
<th>Rating</th>
<th>Age 16-17: Men are getting away with minimum sentences because of their interpretation of 'honour killing'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating</td>
<td>(16-17: Jealousy, infidelity and murder as a result of infidelity)</td>
</tr>
<tr>
<td>Rating</td>
<td>(No age indicated: Racism, jealousy and the anger/passion of men)</td>
</tr>
<tr>
<td>Rating</td>
<td>(No age indicated: Racism and how the law sided with men who killed their partners by claiming a defence of crime of passion)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 13-14: Wife-killers being let off lightly with manslaughter)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 18-19: The crime of passion, 2 women killed a week, provocation)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 18-19: Domestic violence; misogyny. Failure of the courts to give justice to women murdered by their husbands)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 18-19: Women are continuing to be killed by partners despite an increase in conviction rate)</td>
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<tr>
<td>Rating</td>
<td>(Age 14-15: Jealousy makes a man see red. Women are being killed at a rate of 2 a week by their partners.</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 13: Was Othello guilty for his crimes or not? Does he deserve punishment? Men killing their wives and getting away with it)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 14-15: The play was trying to raise issues like men trying to justify violence against women)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 13-14: Sexism, rights of women, racism – the actors were open about the issues which I really liked)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 16-17: Sexual infidelity, power of men and women, loss of control, honour, possession. )</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 16-17: Racism, sexism and unjust stereotypes. The fact that you cannot excuse murder with lack of control, jealousy or infidelity. Sexism in the workforce (between judge and defence with prosecutor)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 16-17: Sexism inside the law and out. Modern wife killing)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 16-17: The fact that 2 women are killed per week and that men can't get off as lightly as they once did)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 16-17: Jealousy over lovers, control emotions and actions)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Age 16-17: That no matter if the wife has cheated/left the husband it doesn't make murder ok and they should be treated like any other murder case)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Teacher: There is no justification for violence against women)</td>
</tr>
<tr>
<td>Rating</td>
<td>(Teacher: Appropriate forms of femininity/masculinity. The power of the law, unequal access to legal defences, ethnocentrism)</td>
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Figure 6: Sample responses to the question: What were the most important issues the play was trying to raise?

Concerning Shakespeare, the young audiences clearly shared my appreciation of Othello as a perfect vehicle for exploring 21\textsuperscript{st}-century provocation by infidelity homicides. As for the most contentious issue, the play's race politics, no-one raised any objection to Othello's transformation into a white defendant. On the contrary, several respondents said that the black/white switch was what they liked about the play (Figure 7).

\textsuperscript{19} Indeed, it was the view of university staff attending the final QMUL performance that the 13-year-old students from St Pauls Way Trust School had a better grasp of the issues than the university students, a view supported by the feedback forms, raising the question of whether the target audience of sixteen year olds should be lowered.
There was also a very positive response to the question: What do you think about the role of theatre to present current social issues? (Figure 8)

- (Age 13: rating 9) It encourages young people to see and understand society now and back then and how it has changed or remains the same, letting them know they can change the future
- (Age 14-15: Rating 8) The theatre helped me understand social issues and it provoked the audience
- (Age 14-15: rating 7) I think this showed that theatre has a very important role in raising social issues through a well-known play and how effective and thought-provoking it can be
- (Age 14-15: rating 8) It will get people to listen as it’s an engaging and entertaining art form
- (Age 16-17: rating 8) Theatre demonstrated social issues logically but allowed the audience to also form opinions
- (Age 13: rating 7) It encourages the next generation to think about the problems of today in order to change and take them away completely
- (Teacher: rating 9) It is very powerful particularly for young people. It also acts as a platform for them to engage with these issues.

Figure 8: Sample responses to the question: What do you think about the role of theatre to present current social issues?

Yet another measure of success was the invitation from Clarissa O’Callaghan, a Fighting Femicide conference delegate and head of the pro bono department of the London law firm, Freshfields, Brauhaus and Deringer, to perform the play at the firm’s Fleet Street premises in December.

The unavailability of some cast members at such short notice provided a unique opportunity to offer the role of prosecutor to one of the East London school students, aspiring actor Ruby
Kearney who had attended one of the QMUL performances with her school (Figure 9). The performance at Freshfields was attended by an enthusiastic and appreciative audience of feminist women from the domestic violence sector, including several members of the acclaimed NGO, Southall Black Sisters. Greeting the prosecution’s final address with applause and the defence lawyer’s with derisive laughter, they delivered a verdict of murder as emphatic as that of the East London school students. As for the play’s race politics writ large in the transformation of Shakespeare’s Othello into a white Englishman, it received this twitter endorsement from equality and human rights activist Femi Otitoju: ‘first class analysis of racism and Othello’s motivation’.

Figure 9: Ruby Kearney and Jude Owusu

Much still needs to be done to break down the still widespread view that a ‘domestic’ is a less serious form of violence and wife-killing a lesser form of homicide. Rights discourse can play an important part in challenging it. By putting a spotlight on a man who, as the prosecutor puts it, ‘subjected his wife’s right to live to his right to ownership’, Othello on Trial invites audiences to query the ancient and supposedly universal right to passion embodied in the traditional provocation by infidelity defence. While this defence has now been abolished in England and Wales, audiences can still address the normative questions raised by the conceit that a woman’s ‘infidelity’, real or imagined, is grave provocation to a man, grave enough to warrant, in post-reform cases, mitigation in sentencing. Judging by the responses to the performances at Queen Mary University of London and the feedback from the East London schools, converting so-called ‘crimes of passion’ cases into sites of counter-discourse ‘works’. It works to get young people thinking about whether a man’s possessive rage should trump a woman’s right, in a modern western democracy, to live a life free from violence and harassment. It might even get them believing it is past time for western societies to recognise a woman’s right to leave an unsatisfactory relationship without fear of violent retaliation and without it being said that she’s ‘asking for it’. On the evidence of the schools’ feedback, Othello on Trial has contributed to the transformative cultural process so essential for the prevention of all forms of violence against women (Figure 10).

20 With thanks to Theresa O’Sullivan, the teacher at St Angela’s Ursuline School who arranged for Ruby to participate and to Ruby for her outstanding performance. Thanks too to Rufus Graham for reprising the judge’s role which he played in a rehearsed reading of the play in November 2014.
21 I discuss SBS’s work which has done so much to put the under-policing of violence against black and ethnic minority women in Howe, Sex, Violence and Crime, n 3, 198-204.
22 https://twitter.com/pinkfemi/status/672159173610721280
With thanks to Femi Otitoju for granting permission to reproduce photos from her twitter account in Figures 10 and 11.
Figure 10: Photo of Ruby and Jude with image