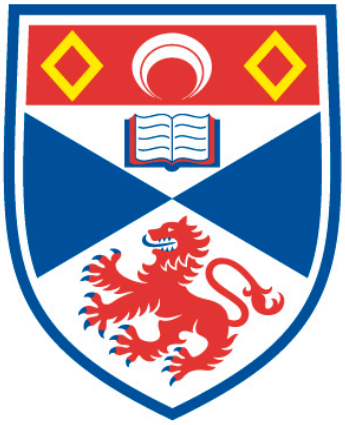
THE 'NEW PRINCE' AND THE PROBLEM OF LAWMAKING VIOLENCE IN EARLY MODERN DRAMA

Doyeeta Majumder

A Thesis Submitted for the Degree of PhD
at the
University of St Andrews



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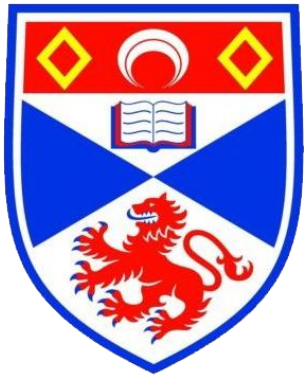

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at the
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Thesis Abstract:

The present thesis examines the fraught relationship between the sixteenth-century formulations of the theories of sovereign violence, tyranny and usurpation and the manifestations of these ideas on the contemporary English stage. The thesis will attempt to trace an evolution of the poetics of English and Scottish political drama through the early, middle, and late decades of the sixteenth-century in conjunction with developments in the political thought of the century, linking theatre and politics through the representations of the problematic figure of the usurper or, in Machiavellian terms, the 'New Prince'. I will demonstrate that while the early Tudor morality plays are concerned with the legitimate monarch who becomes a tyrant, the later historical and tragic drama of the century foregrounds the figure of the illegitimate monarch who is a tyrant by default. On the one hand the sudden proliferation of usurpation plots in Elizabethan drama and the transition from the legitimate tyrant to the usurper tyrant is linked to the dramaturgical shift from the allegorical morality play tradition to later history plays and tragedies, and on the other it is reflective of a poetic turn in political thought which impelled political writers to conceive of the state and sovereignty as a product of human '*poiesis'*, independent of transcendental legitimization. The poetics of political drama and the emergence of the idea of '*poiesis'* in the political context merge in the figure of the *nuove principe*: the prince without dynastic claims who creates his sovereignty by dint of his own '*virtu*' and through an act of law-making violence.

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Note on spellings and abbreviations:

As far as primary texts are concerned I have tried, whenever possible, to use the most recent scholarly editions. If the editions in question have modernised spellings I have followed the example. In those cases where only facsimiles of the original sixteenth-century editions were available, I have followed the original spellings. In case of Edmund Plowden's manuscript treatise I have transcribed the original spellings. The only exception to this are the tracts by John Knox, Christopher Goodman and John Ponet. I have modernised the spellings because the unusually irregular orthography of the facsimile editions make it unnecessarily difficult to read the longer quotations. I have used signature numbers for folio editions, except for Plowden's manuscript, which was a presentation copy and properly paginated.

The following abbreviations have been used in this thesis:

OED: Oxford English Dictionary

EETS: Early English Texts Society

MSS: Manuscript

PMLA: Publications of the Modern Language Association

Introduction:

In Elizabethan and Jacobean political drama the theme of usurpation has a pervasive presence. Almost all of Shakespeare's history plays, at least four of his ten tragedies, and even a few of his comedies feature usurpation or potential usurpation of sovereign power as a crucial plot device.[1] Yet, in the political drama of the first half of the sixteenth century, we do not encounter a single instance of usurpation among the texts that are still available to us. The emergence and growing popularity of the figure of the usurper in the drama of the later decades of the sixteenth-century, therefore, must have been indicative of certain transformations in the theatrical and political milieu of the century. When and why does usurpation emerge as a preoccupation in English theatre? What precedes this phenomenon and what follows? What are the political, historical, legal, and dramaturgical transformations that influence and are influenced by this emergence? These are the questions with which this thesis engages critically, and I hope, fruitfully.

The title of the thesis draws into the same cognitive frame the political thought of a sixteenth-century Florentine bureaucrat disempowered by the Medicis and the philosophy of a twentieth-century German Jew fleeing the Third Reich, bringing both sets of ideas to reflect upon the various modes of sixteenth-century English and Scottish

[1] Both the historical tetralogies and *King John* feature usurpation or attempted usurpation. Among his tragedies *Macbeth* and *Hamlet* address the issue of usurpation directly, but *Julius Caesar*, *Titus Andronicus*, and to a much lesser extent, *Coriolanus* and *Antony and Cleopatra*, contain references to potential or planned usurpation of power. In *Tempest* and *As You Like It*, usurpation constitutes the subsidiary plot.

political drama.[2] In an attempt to remain true to its rather overreaching title, this thesis will examine the fraught relationship between the sixteenth-century formulations of the theories of sovereign violence, tyranny and usurpation and the manifestations of these ideas on the contemporary English stage — with particular focus on the figure of the archetypal over-reacher — the usurper. My project is to trace the evolution of the poetics of English and Scottish political drama through the early, middle, and late decades of the sixteenth-century in conjunction with developments in the political thought of the century, linking theatre and politics through the representations of the problematic figure of the usurper or, in Machiavellian terms, the 'new prince'. I will demonstrate that while the early Tudor morality plays are concerned with the legitimate monarch who becomes a tyrant, the later historical and tragic drama of the century foregrounds the figure of the illegitimate monarch who is a tyrant by default. On the one hand the sudden proliferation of usurpation plots in Elizabethan drama is linked to the dramaturgical shift from the allegorical morality play tradition to later history plays and tragedies, and on the other it is reflective of a poetic turn in political thought which impelled political writers to conceive of the state and sovereignty as a product of human '*poiesis',* independent of transcendental legitimization. The changing poetics of political drama and the emergence of the idea of '*poiesis'* in the political context merge in the figure of the *principe nuove*: the prince without dynastic claims who creates his sovereignty by dint of his own '*virtù*' and through an act of 'lawmaking' violence.[3] I also argue that the concern with

[2] The phrase 'lawmaking violence' is used by Walter Benjamin in his essay 'Critique of Violence'(1921). The 'New Prince' is the protagonist of Niccolo Machiavelli's *Il Principe* (1513).

[3] This idea of '*poiesis*' as the missing third term in the equation between politics and theology in early modern Europe is articulated by Victoria Kahn in her latest book, and it will be crucial to the development

usurpation in mid-sixteenth century England is partly triggered by the events surrounding the Scottish Queen Mary Stuart as the fates of the two countries become inextricably intertwined by end of the century. It is in the works of Scottish writers such as George Buchanan that the poetical form of politics finds its most acute expression. I have devoted a section of my thesis to the analysis of Scottish drama and Scottish political theory and practice, in an attempt to demonstrate the crucial way in which these inform the key political concerns of Elizabeth I's reign.

A part of my project is to examine the ways in which sixteenth-century political drama incorporates and influences contemporary juridico-political thinking — through a consideration of both its contexts and conditions of production and transmission as well as of the broader ideological trajectory it traces. The quest for topical political meanings or larger political ideas in early modern drama is one that has been central to the pursuits of literary criticism for many decades. Irving Ribner and David Bevington's books were tremendously important in the understanding of the political content of popular drama.[4] Jonathan Dollimore's *Radical Tragedy* revolutionized our thinking about structures of power that shaped and were simultaneously shaped by early modern political texts.[5] Simultaneously, and similarly catalysed by Foucauldian theory, new historicists such as Stephen Greenblatt and Louis Montrose engaged in the critical practice of reading the

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of my argument. See Victoria Kahn, *The Future of Illusion: Political Theology and Early Modern Texts*, (Chicago: University of Chicago Press, 2014) See especially pp.1-5. Kahn sees Niccolo Machiavelli's writings as one of the first examples of imagining the state as a human rather than divine construct.

[4] David M. Bevington, *Tudor Drama and Politics: A Critical Approach to Topical Meanings* (Cambridge, MA: Harvard University Press, 1968) and Irving Ribner, *English History Play in the Age of Shakespeare* (Princeton: Princeton University Press, 1957).

[5] Jonathan Dollimore, *Radical Tragedy: Religion, Ideology and Power in the Drama of Shakespeare and his Contemporaries*, 2nd edn (Hertfordshire: Harvester Wheatsheaf, 1989).

text against the grain in order to discover operations of power.[6] Immensely fruitful though theatre critical traditions of cultural materialism and new historicism have been for future scholars, by and large they have been limited to a study of Shakespearean drama or at best, the dramatists of the commercial stages of London, to the neglect of earlier forms of political drama. With Marie Axton's *Queen's Two Bodies*, the earlier drama of the Inns of Court emerged as an important repository of political ideas, and has continued to generate immensely valuable discussion in the works of critics like Greg Walker, Jessica Winston, and Dermot Cavanagh.[7] More recently, the work of Sarah Carpenter, Greg Walker, and Dermot Cavanagh has highlighted the political importance of the explicitly allegorical drama that was performed in royal courts or aristocratic households in the first few decades of the sixteenth-century.[8] My work, while drawing

[6] Louis Montrose's introductory chapter to his book *The Purpose of Playing*, provides a very valuable summary of way in which New Historicism, influenced by Foucauldian theory, seeks to uncover the mutual relationship between the 'historicity of texts' and 'textuality of history' (p.6).This new kind of historicism, according to Montrose is marked by a 'shift from an essential or immanent to an historical, contextual and conjunctural mode of signification' (p.2) Louis Montrose, *The Purpose of Playing: Shakespeare and the Cultural Politics of the Elizabethan Theatre* (Chicago: University of Chicago Press, 1996), see especially pp. 1-16. Stephen Greenblatt argues for a resistance to idea of a monolithic conceptualization of power in the early modern period, saying that 'Even those literary texts that sought most ardently to speak for a monolithic power could be shown to be sites of institutional and ideological contestation.' Stephen Greenblatt, *Shakespearean Negotiations* (Berkeley and Los Angeles: University of California Press, 1988), p.3.

[7] Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), Jessica Winston, 'Expanding the Political Nation: *Gorboduc* at the Inns of Court and Succession Revisited', *Early Theatre* , 8.1 (2005), Dermot Cavanagh, 'The Language of Counsel in *Gorboduc*' in *Language and Politics in the Sixteenth Century History Play* (New York: Palgrave Macmillan, 2003), pp. 47-49, Greg Walker, *The Politics of Performance in Early Renaissance Drama*, (Cambridge: Cambridge University Press, 1998).

[8] Sarah Carpenter, *Respublica*, in *Oxford Handbook of Tudor Drama*, ed. by Thomas Betteridge and Greg Walker, (Oxford: Oxford University Press, 2012), Dermot Cavanagh, 'Skelton's *Magnyfycence* and tragic drama', *Medieval English Theatre*, 27 (2005), pp. 53-68, Greg Walker, *Plays of Persuasion: Drama and Politics at the Court of Henry VIII* (Cambridge: Cambridge University Press, 1991).

upon this body of criticism, tries to trace the way in which forms of political thinking are transformed with the development of dramaturgical practices through the decades of the sixteenth-century in Scotland and England -- from the courtly morality plays of Skelton, Udall, and Lindsay, to Inns of Court drama by Norton and Sackville, to neo-Latin school and University drama by Buchanan and Legge, to the drama of the commercial theatre companies of the 1580's and 90's by the Queen's Men and Shakespeare. Valuable foundational work has been done in charting the formal emergence of Elizabethan drama from its early Tudor predecessors. Bevington's *Mankind to Marlowe* traces the evolution of dramaturgy from the morality plays to the five-act structure of Marlovian drama, and Robert Weimann's more theoretical work investigates the ways in which earlier religious drama shapes the work of the later Elizabethan stage.[9] My research, however, focuses on specific forms of legal and political thinking — namely the ideas of sovereignty, tyranny, absolutism, and usurpation -- and explores the relation of these forms to the range of dramatic modes — allegorical, hybrid, and historical — by which these ideas are brought onstage. Moreover, as far as the historical context is concerned, I argue that developments in Scottish political theory and political history have a determinative impact on English drama and politics.

The transformation in the mode of political theatre from allegorical to non-allegorical, I argue, is contemporaneous with and connected to a transition in political theory from a divine to a human etiology of politics. It is not, however, a case of simple

[9] David M. Bevington, *From* Mankind *to Marlowe: Growth of Structure in the Popular Drama of Tudor England* (Cambridge, MA: Harvard University Press, 1962), Robert Weimann, *Shakespeare and the Popular Tradition in Theatre: Studies in the Social Dimension of Dramatic Form and Function*, ed. Robert Schwartz (Baltimore: Johns Hopkins University Press, 1978).

replacement of one by the other. Just as non-allegorical drama perpetuated the legacy of earlier forms of popular drama, which itself, even in the later decades of the sixteenth century, continued to be an important medium of popular entertainment, so too the gradual development of a human etiology of politics coexisted with the secular power's official insistence on its own divine origins. What forms do these mutually contradictory modes of thought and representation take on the stage? What are the exchanges that occur between the realm of political theory, political practice, and political drama? How do changing contexts of production and performance mould political thinking within dramatic texts? In my attempt to answer these questions I have used twentieth-century political theory not only as a critical framework with which to examine the early modern texts, but also tried to locate the theoretical texts themselves as products of a moment of crisis in western political theory which, like Benjamin's Angelus Novus, turns its gaze backwards upon its early modern foundations in an attempt to come to terms with its own reality.[10]

The works of jurists, philosophers, and historians, such as Carl Schmitt, Walter Benjamin, and Ernst Kantorowicz, have been used often to analyse early modern literature, not least because these writers themselves turned to early modern drama in order to substantiate their own political theories.[11] Graham Hammill, Julia Lupton,

[10] Walter Benjamin, 'Theses on the Philosophy of History' in *Illuminations*, trans. by Harry Zohn, ed. by Hannah Arendt (New York: Schocken Books, 1968), pp. 253-264. Benjamin invokes a painting by Klee called 'Angelus Novus', in order to describe the 'angel of history' which is being driven forward inexorably by the storm of 'progress' but has its face turns backward towards what it has left behind (257-258).

[11] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, ed. and trans. by George Schwab (Cambridge, Massachusetts: MIT Press, 1985), Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, New Jersey: Princeton University Press, 1957), Walter

Deborah Shuger, Lorna Hutson, Victoria Kahn, and others have engaged critically with the works of these thinkers, in connection with early modern literature.[12] I align my work particularly with Kahn's contention that the label 'political theology' which broadly incorporates these various lines of criticism, needs also to take into account the idea of *poiesis*, or a Machiavellian or Hobbesian idea of 'political making'.[13] To me, the central problematic of Benjamin's political thinking echoes, across a chasm of four centuries, the rather nonchalant articulations of Machiavelli which had destabilized the edifice of traditional humanist political thought with its emphasis on conventional Christian morality.

For Walter Benjamin, 'there is no document of civilization which is not at the same time a document of barbarism', because the inception of every political institution is accompanied by—or even brought about by—an act of 'lawmaking' violence.[14] Centuries before him, Machiavelli, speaking of the establishment of new kingdoms or new political orders in existent kingdoms, asks the *principe nuove* who institutes this new

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Benjamin, *The Origin of German Tragic Drama*, trans. John Osborne, (London: Verso,1998), Walter Benjamin, 'Critique of Violence' in *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. by Peter Demetz, trans. by Edmund Jephcott (New York: Schocken Books, 1986), pp.277-300.

[12] Debora K. Shuger, *Political Theologies in Shakespeare's England: The Sacred and the State in Measure for Measure* (New York: Palgrave, 2001), *Political Theology and Early Modernity*, ed. by Graham Hammill and Julia Lupton (Chicago: University of Chicago Press, 2012), Graham Hammill, *The Mosaic Constitution: Political Theology and Imagination from Machiavelli to Milton* (Chicago: University of Chicago Press, 2012), Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640-1674* (Princeton, New Jersey: Princeton University Press, 2004), Victoria Kahn, 'Political Theology and Fiction in *The King's Two Bodies*', *Representations,*106:1 (2009), pp. 77-101, Lorna Hutson, 'Imagining Justice: Kantorowicz and Shakespeare', *Representations*, 106.1 (2009), pp.118-142.

[13] Kahn, *Future of Illusion*, p.3.

[14] Walter Benjamin, 'Theses on the Philosophy of History', p. 256. In 'Critique of Violence' Benjamin writes 'Lawmaking is power making, and to that extent, an immediate manifestation of violence'. (p.295)

state not to shy away from the concomitant acts of necessary cruelty. If it is a monarchical kingdom that is being taken over, the family of the ruler must be exterminated entirely, if it is a republic, then it is judicious to destroy the entire political order. A new prince must be prepared for the reputation of cruelty, for new states are always in danger, and can only be created and protected with violence.[15] Benjamin's postulations can thus be understood as the philosophical essence distilled from the rather brusque, practical injunctions of Machiavelli. Both are predicated upon the *a priori* assumption that political life and political history are fashioned by the intention of human beings and the pressures of historical contingencies, and both are directly relevant to the 'usurper', the anti-hero of the Elizabethan and Jacobean stage, whose meteoric rise is fuelled by bloodshed. The acts of violence that Machiavelli's new prince must perforce commit are essentially Benjamin's lawmaking violence — a violence with a creative, aesthetic, dimension, a violence which fashions a political order, and simultaneously legitimizes it, effecting the transition from *de facto* to *de jure*. The acts of violence committed by the tyrant of early Tudor drama are purely destructive — they wreak havoc with predetermined, divinely ordained, system. The violence of the usurper contains within it a creative possibility, which calls into question the origins of the existent order itself. But this extra-juridical, or pre-juridical sovereign violence, once unleashed, cannot be recontained within legal parameters. The usurper, therefore, inevitably morphs into the

[15] Machiavelli writes, '[W]hen cities and provinces are used to living under a prince, and his line is destroyed, they fall on great difficulties,,,and a prince can easily take them over'. About republican or free cities he writes 'And in fact there is no sure way to hold onto cities except to destroy them. Any man who becomes the master of a city accustomed to freedom, and does not destroy it, may expect to be destroyed by it'. Regarding the reputation for cruelty he says, 'A new prince, above all others, cannot possibly avoid a name for cruelty'. *The Prince*, trans. and ed. by Robert M. Adams, 2nd edn (London: W. W. Norton and Co.,1992), pp. 15, 45.

tyrant, and is duly punished. The use of violence as a creative force is assimilated in political theory and borne out by examples from political history. English history itself is rife with examples of usurpers who had prosperous reigns perpetuated by their progeny. But art sees that this 'lawmaking' violence contains within itself the seeds of destruction of that very order which it promises to create. In English drama, the usurper's glory is almost always momentary, and the promise of the new order must needs be tainted by bloodshed at the very moment of its inception.

Theoretically, the central problematic this thesis seeks to uncover is the violence that underlies both political order and political disorder. In the course of the next four chapters, I will show how sixteenth-century drama, by focusing on political disorder, insidiously draws our attention to the iniquities implicit in political order. Through the tyrant's abuse of sovereignty, and the usurper's rapacious ambition for illegitimate power, early modern drama, sometimes intentionally and sometimes despite itself, problematizes the very basis of legitimate sovereign authority as well as the agencies which sanction its legitimacy.

Chapter One

Through a discussion of three early Tudor morality plays that deal with the figure of the tyrant, this chapter argues that, though early sixteenth-century English drama engages deeply with issues of tyranny and misuse of sovereign power -- incorporating the contemporary monarcho-machic debates, these plays sidestep the issue of usurpation completely and thus never question the nature or origins of sovereignty itself. I begin the chapter by glossing the sixteenth-century meanings of the terms 'sovereignty' and 'tyranny'. Then I move on to the analyses of the plays themselves (*Magnyfycence*,

Respublica, Apius and Virginia) to establish a pattern of the English political morality wherein the tyrant is always the legitimate monarch and is always punished by an agent of God, concluding that the 'good king-bad tyrant' binary that is the central agon of so many later plays dealing with tyranny and usurpation, is totally absent from these. The question of the subjects rebelling against the tyrant is never broached, as far as we know from surviving playtexts, till *Gorboduc*. In the last section I consider the plays in conjunction with the Calvinist resistance tracts written by John Ponet, Christopher Goodman, and John Knox to reveal the intersections between polemics, politics, and the morality plays.

Chapter Two

In the second chapter I turn my gaze to Scotland, a country that produced radical proponents of theories of resistance against tyranny and whose fate was to become inextricably intertwined with that of England through the person of Mary Stuart. Mary Stuart was the anointed sovereign of Scotland, who was perceived to be a tyrant in her own country and a usurper in England, and was deposed by the Scottish aristocrats and executed by the English government. I argue that in so far as the rise of the usurpation plot is influenced by actual political events, Mary's two decade-long presence in England was one of the deciding factors. I also discuss in some detail the crucial importance of political counsel in mitigating the debilitating effects of absolutist sovereignty in political theory, political practice and political drama. The first section of this chapter looks at David Lindsay's *Ane Satyre* as a departure from the standard pattern of Tudor moralities. I argue *Ane Satyre* is a play which attempts to counsel the counsellors of the monarch in political matters and tries to bring about social, political, economic and religious reform

by exerting its influence on the convention of the three estates rather than the person of the monarch, thereby locating legislative and executive power in that representative body instead of the person of the sovereign. The second part of this chapter focuses on George Buchanan's Latin play *Baptistes* (roughly contemporaneous with *Ane Satyre*) and his later treatise *De Iure Regni Apud Scotos*, and argues that unlike the playwrights and resistance theorists preceding him, Buchanan conceives of the state and its power as a human artefact rather than a product of divine making. This conception of politics aligns Buchanan with Machiavellian political thought in significant ways, which, together with the fact that Scotland witnessed the actual deposition of the legitimate sovereign at the hands of her nobility, enabled Buchanan to formulate a defence of resistance that manages to overcome the limitations of traditional Calvinist resistance arguments.

Chapter Three

Continuing from the previous chapter, this chapter looks at the influence of Scottish political events on English drama. This chapter focuses on *Gorboduc* as a transitional play that not only broaches the issue of usurpation for the first time on the English stage, but also depicts regicide at the hands of rebelling subjects, and makes oblique but identifiable references to the threat of usurpation emanating from Scotland that plagued English politics for decades. I argue that the overlap between monarchical absolutism and tyranny underpins the action in this play. I refer to contemporary political tracts as well as modern political theory, especially the legal fiction of the 'king's two bodies' which indirectly makes its presence felt in *Gorboduc*. Invoking Ernst Kantorowicz's theorization of the 'king's two bodies' and Carl Schmitt's theory of sovereignty as a critical framework, this chapter questions the relation of sovereign

power to the person of the bearer, and problematizes the notion of monarchical absolutism.

Chapter Four

In this chapter I analyse the three adaptations of the story of Richard III's usurpation and trace a trajectory of the development of the usurpation plot from neo-Latin University plays to the commercial theatre of late-Elizabethan London in an attempt to delineate the politico-historical reasons for the gradual conflation of the notions of tyranny and usurpation. I relate the growing importance of the usurper on the English stage to the Machiavellian 'new prince' who dominated the political imagination of Western Europe in the sixteenth century, and align the act of usurpation itself with the Benjaminian category of 'lawmaking violence', arguing that the final upshot of the series of usurpation and counter-usurpations which dominate a great number of English histories and tragedies at this time serves to severely destabilize the notion of sovereign legitimacy itself. The usurpation plot and the tyrant-usurper protagonist mark a radical shift from divinely ordained sovereignty to a more cosmetic, manufactured notion of legitimacy: a shift that is influenced greatly by the Tudors' concerted efforts of legally consolidating their questionable dynastic claims to the throne. This shift is complemented by a simultaneous but related shift from the political notion of counsel to an increasing importance accorded to the consent of the governed in matters of governance, both in drama and in contemporary political theory, marking a proto-liberal turn in humanist political thought.

My thesis concludes with a brief discussion of Shakespeare's second historical tetralogy as the one short-lived moment on the English stage which fully realizes the

potential of the idea of a man-made etiology of politics through the figure of the ‘new prince’ who successfully establishes a new political order and a new dynasty. A fuller analysis of this moment could be a potential subject for further research along the line of enquiry opened up in this thesis.

The Kingly Vice: The Tyrant in Early Tudor Drama

> So as one may be a tyrant by the entrie and getting of the rule and a king in the administration thereof. As a man may thinke of *Octavius* and peradventure of *Sylla*. For they both comming by tyranny and violence to the rule did seeme to travaile verie much for the better ordering of the common wealth, although each after a diverse maner. An other may be a king by the entrie, and a tyrant by the administration, as *Nero*, *Domitian*, and *Commodus*: for the empire came to them by succession, their administration was utterly tyrannicall, of *Nero* after five yeares, of *Domitian* and *Commodus* very shortly upon their new honour.[1]

In *De Republica Anglorum*, Sir Thomas Smith makes this crucial distinction between the two faces of the 'tyrant' -- an appellation otherwise applied indiscriminately to both the illegitimate monarch and the unfit monarch in the sixteenth century. The twinned visage of tyranny resulted in an inevitable conceptual and representational overlap between the tyrant and the usurper, which, I shall argue, had important consequences for the political drama of the century. As Smith points out, the illegitimate ruler might be an able one, but he would still be a 'tyrant by the entrie and getting of

[1] Thomas Smith, *De Republica Anglorum*, Theatrum Orbis Terrarum reprint of the facsimile of 1583 edition (New York: Da Capo Press, 1970), sig. Biii^{v} . The text was composed between 1562-65 according to Smith's principal biographer, Mary Dewar, and published in 1583 by William Harrison. See Mary Dewar, 'A Question of Plagiarism: The 'Harrison Chapters' in Sir Thomas Smith's *De Republica Anglorum', The Historical Journal*, 22(1979), pp. 921-929--particularly pp. 921-2.

rule'. While the usurper is tainted with tyranny from the very outset (a taint which some are able to mitigate and some not), the legitimate monarch often *acquired* the reputation of a tyrant through the course of his rule. My first chapter will focus on this process of degeneration into tyranny that befalls the legitimate sovereign in early Tudor morality plays and how the portrayal of the various aspects of misuse of power reflect contemporary political theory and practice.

The theme of tyranny as abuse of legally begotten power recurs in a number of political moralities written during the middle decades of the sixteenth century. What happens when an individual endowed with unlimited authority to protect his subjects from evildoers proves to be susceptible to corruption himself? This is the pivotal question around which the actions of a number of political moralities of the period revolve. I shall discuss John Skelton's *Magnificence*, Nicholas Udall's *Respublica*, and R. B.'s *Apius and Virginia* to argue that the central preoccupation for early Tudor political writers and dramatists is the shifting line between royal absolutism and abuse of royal authority; thus the figure of the tyrant becomes the prism through which they analyse the effects of sovereign power on its bearer and on society at large.[2] In the later decades of the century, the focus of political drama shifts from the abuse of sovereign power to the nature and origins of sovereignty itself, that is from consequence of power to its constitutive cause. It is during this time that the figure of the usurper—who is also almost always a tyrant -- comes to dominate the political imagination of the nation. My later chapters will analyse

[2] John Skelton, *Magnificence: A goodly interlude and a merry, devised and made by Master Skelton, poet laureate late deceased*, ed. Paula Neuss (Manchester: Manchester University Press, 1980). Nicholas Udall, *Respublica: An Interlude for Christmas 1553*, ed. W. W. Greg, EETS series no. 226 (London: Oxford University Press, 1952). R. B., *Apius and Virginia*, ed. Ronald B. McKerrow, Malone Society Reprints, (London: Chiswick Press, 1911).

this shift of attention from the legitimate tyrant to the usurper tyrant. However, in these early decades, the usurper is conspicuous by his absence on the English stage. The dramatists and polemicists alike single-mindedly concentrated on the problem of corruptibility of limitless power while they simultaneously explored the possibility of resistance to such corrupt authority, referring to the problem of the origins and legitimacy of power only very obliquely.

In the earlier 'drama of abstract personification',[3] the tyrant is always a legitimate monarch who has inherited his power lawfully, but has then been either tricked or lured into tyranny by the vices. These vices, who were an integral part of the traditional morality structure, assume the guise of counsellors and connive at the oppression of the populace by taking advantage of the monarch's gullibility or susceptibility to corruption. The action of each play reaches its denouement when one or more agents of God come onstage to chastise the tyrant and the vices, and deliver the commonwealth from their excesses. As my discussion of the plays will show, this pattern repeats itself in all the extant political moralities that deal with tyranny. But far from being tedious, this pattern with its numerous variations, addresses vital political issues in creative and innovative ways. The importance of counsel in good governance, the importance of the welfare of the commonwealth, the relations between the monarch and the collective body of his subjects, and most importantly, the need to circumscribe the monarch's unbounded authority — such crucial questions pertaining to the political life and political thought of the time crop up in various incarnations in each of these plays. My reading of the plays

[3] Lorna Hutson, 'Imagining Justice: Kantorowicz and Shakespeare', *Representations*, 106.1 (2009), pp.118-142. See p. 119.

will be juxtaposed with the theory supporting the subject's right to resist the tyrant, which was being shaped by the Scottish and English Calvinist thinkers during the mid-sixteenth century. Before embarking on a discussion of the actual texts, however, for purposes of clarity, I will briefly outline the ideas of monarchy and tyranny as they were conceived of in sixteenth-century political and juridical theory.

Sovereignty and Tyranny

> 'The prince that wanteth understanding is also a great oppressor: but he that hateth covetousness shall prolong his days.' Proverbs 28(16)

The OED defines 'sovereignty' as 'The quality or condition of being sovereign'[4] among other things, referring to the power invested in the person of the 'sovereign'. This indicates the conceptual difficulty that still exists in envisaging sovereignty in the abstract, divorced from the person or persons of its bearer. It is hardly surprising, therefore, that the definition of sovereignty as an abstract power distinct from its bearer or bearers is not something that we encounter in fifteenth and sixteenth-century political theory. The only form of sovereign power most early modern English writers and jurists seriously engage with is monarchy. To be even more specific, in England, the privileged

[4] 'sovereignty, n.'. OED Online. December 2012. Oxford University Press.http://www.oed.com/view/Entry/185343?isAdvanced=false&result=4&rskey=OaZ8U9& (accessed January 28, 2013).

form of sovereign power is hereditary monarchy.[5] From Fortescue's *On the Laws and Governance of England* in the late fifteenth century, to Sir Thomas Smith's *De Republica Anglorum* in the mid-Tudor period, to Edmund Plowden's *Commentaries,* Jean Bodin's *Six Books of the Commonwealth*, to Sir Edward Coke's *Reports*, published in the seventeenth century -- in all these discussions it is monarchy that becomes the default form of sovereignty. Consequently the discussions of sovereignty, absolutism, and tyranny are rendered in terms of the attributes, duties and responsibilities of the ideal monarch or lack thereof.[6] Even though it was almost universally accepted that the state and the sovereign were both ordained by God and as such the monarch was only answerable to Him, in theory at least it was always an implicit assumption that the king was obliged and oathbound to rule in a manner that benefits his subjects. 'To be obeyed, in theory,' G. R. Elton writes, 'a king needed only to be king; in practice in was tacitly assumed that he should be a just king'.[7] The production of a plethora of advice books

[5] S. B. Chrimes writes: 'It is true that the theory of the only outstanding political thinker of the century, Fortescue, is essentially a theory of kingship, rather than of state.' S. B. Chrimes,'Sir John Fortescue and His Theory of Dominion: (The Alexander Prize Essay)',*Transactions of the Royal Historical Society*_, 4.17 (1934), p. 118. R. W. K. Hinton says till the nineteenth-century, historians believed that in Fortescue's time '…political science had not developed sufficiently for the concept of sovereignty to be clearly understood' R. W. K. Hinton, 'English Constitutional Doctrines from the Fifteenth Century to the Seventeenth: I. English Constitutional Theories from Sir John Fortescue to Sir John Eliot', *The English Historical Review*, 75. 296 (1960), p. 411.

[6] See John Fortescue, *On the Laws and Governance of England*, ed. Shelley Lockwood (Cambridge: Cambridge University Press, 1997), Edmund Plowden, *The commentaries, or Reports of Edmund Plowden: ... containing divers cases upon matters of law, argued and adjudged in the several reigns of King Edward VI., Queen Mary, King and Queen Philip and Mary, and Queen Elizabeth [1548-1579]*, (London: Printed by S. Brooke, Paternoster-Row, 1816), Jean Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, ed. and trans. by Julian H. Franklin (Cambridge: Cambridge University Press, 1992), Sir Edward Coke, *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard (Indianapolis: Liberty Fund, 2003).

[7] *The Tudor Constitution: Documents and Commentary*, ed. by G. R. Elton (Cambridge: Cambridge University Press, 1960), p. 13. For further discussion on this see Alan Cromartie, who writes 'A true king,

directed at the monarch bear testimony to the great premium that was placed on the pedagogic tradition of shaping the perfect monarch. The complement to this genre of advice books was the *speculum principis* tradition, which documented the downfall of the king who, due to pride, ambition, innate evil, or sheer bad luck, had failed to fulfil the duties of his office. The political morality plays, which depict the downfall of the mighty tyrant, draw quite heavily upon the contemporary *speculum principis* and the *de casibus* traditions.[8]

The intensity of the veneration displayed to the ideal monarch was matched only by the intensity of the horror inextricably evoked by the tyrant. Following the Aristotelian definition of tyranny as the perverted form of monarchy, Fortescue writes 'when a king rules his realm only to his own profit, and not to the good of his subjects, he is a tyrant.'[9] According to the Chancellor the kingdoms like France, where in accordance with Roman civil law tradition 'what pleases the king has the force of law', have a tendency to degenerate into tyranny, because the king is not bound by customs and statutes.[10] In

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that is, one who acted rightly—the word *rex* was often derived from *recteagendo*—was one who acted to promote the common weal of the community'. Cromartie also goes on to record the coronation oath of English monarchs in which he was asked 'Will you cause (*facies*) equal right and justice and discretion in mercy (*misericordia*) and truth to be done in all your judgements, to the utmost of your powere,' to which the reply was 'I will do so' (*Faciam*)' and adds that Henry IV justified Richard II's deposition on the grounds that he had violated this fundamental and sacred oath. Alan Cromartie, *The Constitutionalist Revolution: An Essay on the History of England, 1450-1642* (Cambridge: Cambridge University Press, 2006), pp. 7-8.

[8] For a discussion of the *speculum principis* and *de casibus* traditions and the role of political counsel see also Jessica Winston, ''A Mirror for Magistrates' and Public Political Discourse in Elizabethan England', *Studies in Philology*, 101. 4 (2004), pp. 381-400. For an account of the political morality play and its incorporation of the 'mirror for princes' tradition see Howard B. Norland, *Drama in Early Tudor Britain 1485-1558* (Lincoln and London: University of Nebraska Press, 1995), p.177.

[9] Fortescue, *On the Laws and Governance of England*, p. 91.

[10] Fortescue, p. 48.

Fortescue's writings the primary association of tyranny is with absolutism. If the monarch who inherits the throne through the law of primogeniture is not oath-bound to follow the laws of the country, he is in a very real danger of being corrupted by his power into becoming a tyrant. Thomas Smith, half a century later, substantiates Fortescue's definition:

> A tyraunt they name him, who by force commeth to the Monarchy against the will of the people, breaketh lawes alreadie made at his pleasure, maketh other without the advise of the people, and regardeth not the wealth of his people but the advancement of him selfe, his faction, and kindred.[11]

I have already discussed Smith's distinction between the *de facto* monarch and the unfit monarch. In this section he highlights importance of counsel in the legislative and executive functions of the ideal monarch — a topic that keeps recurring in all tyrant drama of the period. The vices of political moralities were the ancestors of the evil courtiers of later political drama and as such exhibited most of their characteristics. In the context of early modern German tyrant drama, Walter Benjamin writes that it was appropriate 'to the secularization of the passion plays in baroque drama that the official should take the place of the devil'.[12] To a great degree, the evil counsellor was held

[11] Smith, *De Republica Anglorum*, sig. Biii[v]

[12] Benjamin emphasises the role of the 'disillusioned insight' of the courtier, which was a 'profound source' of danger to the court and the community by virtue of its power to abet tyranny. In contrast to this was the figure of the faithful, wise official, and the German dramatists knew 'the two faces of the courtier: the intriguer, as the evil geniuses of their despots, and the faithful servant, as the companion in suffering to innocence enthroned.' According to Benjamin the two faces of the courtier complemented the two faces of

responsible for the tyrant's actions. But equally the tyrant too was defined by his peculiar susceptibility to evil counsel, a fact that we repeatedly encounter in the drama of the period. In Skelton's *Magnificence*, R. B.'s *Apius and Virginia*, in Udall's *Respublica*, Thomas Preston's *Cambises*, Lindsay's *Ane Satyre of the Thrie Estaitis*, and Pykeringe's *Horestes*, the evil counsellor/vice gains influence over the tyrant and hastens his downfall, while good counsel -- personified variously as Measure (*Magnificence*), Good Counsel (*Thrie Estaitis*), Conscience and Justice (*Apius and Virginia*), Councel and Praxaspes (*Cambises*) -- is ritually ignored and mistreated.[13]

The emphasis on political counsel foreshadowed the other crucial question on which the conceptual indistinction between monarchical absolutism and tyranny rested — was the sovereign subject to the laws of the state or not? While hereditary monarchy was regarded as the obvious and only acceptable form of sovereignty, the question of the powers and jurisdictional rights of the sovereign was not so easily determined. In the treatises of the English common lawyers, what is emphasized is the legal aspect of sovereignty, manifested in the nitty-gritty of legal jurisdiction: the extent to which the monarch is entitled to abrogate or alter established laws, nullify sentences by exercising equity, create new laws and so on. In effect the central and most crucial question associated with sovereignty seems to have been whether or not the monarch was *legibus*

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the tyrant in German baroque drama: the despot and the martyr. Walter Benjamin, *The Origin of German Tragic Drama*, trans. John Osborne (London: Verso, 1998). See especially pp. 97, 98 and 126.

[13] See Thomas Preston, *Cambises*, ed. Robert Carl Johnson (Salzburg: Institut Fur Englische Sprache Und Literatur, Universitat Salzburg, 1975), pp. 64-67, 74-81. Sir David Lindsay, *The Three Estates*, ed. and trans. Nigel Mace(Aldershot: Ashgate,1998)—which I shall discuss in detail in my next chapter. John Pykering, *Horestes*, in *Three Tudor Classical Interludes*, ed. by Marie Axton (Cambridge: D. S. Brewer, 1982). For the evil doings of the Vyce who pretends to be a messenger of the gods see lines 197, 746-747, etc.

solutus, whether or not sovereignty exempted the bearer from the impact of existing juridico-political structure of the state or granted him the power to modify the said structure as and when he wished.[14] On the continent, the most influential theoretician of absolutist sovereignty, Jean Bodin, declares:

> We thus see that the main point of sovereign majesty and absolute power consists of giving law to subjects in general without their consent.[15]

In England, however, beginning from Fortescue, who predates Bodin by a century almost, all the writers were at pains to prove that, firstly, the English monarchy was the diametrical opposite of the French monarchy, and second, the legal institution was prior to the royal institution, chronologically and in terms of power.

Fortescue's treatise addresses the powers of the monarch with respect to the legal system of the state with remarkable directness, and for all subsequent commentators, his conception of England as a '*dominium politicum et regale*' remained crucially important.[16] The championing of a functional hereditary monarchy and the designation of

[14] For a brief yet comprehensive account of the origins and evolution of the Tudor notion of equity, see Stuart Prall, 'The Development of Equity in Tudor England', *The American Journal of Legal History*, 8.1 (1964), pp. 1-19. It is noteworthy that the most influential writer on the subject of equity in Tudor England was the jurist Christopher St German, who has been hailed as 'one of the first theorists of the modern doctrine of parliamentary supremacy.' See Franklin Le Van Baumer,'Christopher St. German: The Political Philosophy of a Tudor Lawyer', *The American Historical Review*, 42 (1937), pp. 631-651. See especially pp. 641-3 for his views on parliamentary sovereignty.

[15] Bodin, , *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, p. 23.

[16] The gist of Fortescue's argument is that England's sovereignty is of a kind that is both political and royal, both bound by the legal system and the customs of the nation and subject to the absolute or untrammelled authority of the monarch. Primarily what this implies is that the monarch, despite the sugar coating of 'royal' power, is in fact bound by the existing legal system of the country, which, Fortescue argues, had

the monarch as the supreme authority of the state implied a tacit support of a certain degree of absolutism at least; on the other hand a very real attempt on the part of such writers and thinkers to sidestep the pitfalls of absolutism by imposing practical, legal limitations to the theoretically limitless, divine powers of the monarch is discernible.[17] Despite these ideological dilemmas, Alan Cromartie argues that a gradual shift from 'personal' to 'rule-bound' monarchy takes place in sixteenth-century England; from Fortescue onwards there is a need to subject the monarch to the existing legal structure of the country and assume that he would rule in accordance with it.[18] But it was not just the jurists and political thinkers who were engaged in this debate surrounding sovereignty, absolutism and tyranny. These were topics that were time and again invoked in courtly and popular drama. As my discussion of the political moralities will attempt to prove, it was in the realm of dramatic fiction that theoretical exploration of sovereign authority found its most innovative mode of expression.

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been existing since time immemorial, and these laws which were derived from the 'customs' of the land were impervious to sovereign interference. Fortescue's primary argument is that a monarch who is absolute is the truest sense, is always teetering on the brink of tyranny, that it takes superhuman strength and integrity to resist the corruption that inevitably accompanies absolute power. '[T]he power of the king ruling royally is more difficult to exercise, and less secure for himself and his people, so that it would be undesirable for a prudent king to exchange a political government for only a royal one.' Fortescue, *On the Laws and Governance of England*, p. 54.

[17] One of the most eminent historians of sixteenth-century notions of sovereignty, Ernst Kantorowicz, points out that this contradiction manifests itself in the works of the earliest champion of English constitutionalism, Henry de Bracton, whose theory of sovereignty held that the king was at once '*infra et supra legem*'. As Kantorowicz puts it, Bracton's political theory hinged on 'seeming contradictions' such as the 'dual position' of the king, above and below the law. Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, New Jersey: Princeton University Press, 1957), p. 143, p.159, p.162.

[18] Cromartie, *The Constitutionalist Revolution*, p. 9.

Politics, plays and polemics

The three political moralities I shall discuss, *Magnificence, Apius and Virginia* and *Respublica*, present three different but interlinked aspects of tyranny. The first of these, which established the basic pattern that would be followed by the plays that came later, is John Skelton's *Magnificence*. *Magnificence* is concerned with the moral dimension of tyranny and focuses on the tyrant's private corruption and its impact on his immediate circle of courtiers; *Respublica* which was written after the accession of Mary Tudor to the throne in 1553 is primarily concerned with the avariciousness of the powers that be and the consequent economic distress of the people of the nation; *Apius and Virginia* -- probably the last of these plays to be composed -- focuses on the tyrant's manipulation of the legal system of the state and of his own judicial authority.[19]

[19] Paula Neuss has argued that *Magnificence* was composed around 1520. See Skelton, *Magnificence*, ed. Paula Neuss, Introduction, p.17. Greg Walker argues that the play reflected Henry VIII's expulsion of his 'minions' i.e. his immediate circle of courtiers and was composed in 1519. Greg Walker, *Plays of Persuasion: Drama and Politics at the Court of Henry VIII* (Cambridge: Cambridge University Press, 1991), p.71. Prior to this scholars like Robert Lee Ramsay had dated the play around 1515-1516. See Robert Lee Ramsay ed. *Magnyfycence: A Moral Play*, EETS (London: Kegan Paul, 1906), p. xxv. For a summary of the debate regarding the dating see Walker, *Plays of Persuasion*, pp. 61-66. All we know for certain is that the play was written before 1523 because Skelton had listed the play amongst his notable works in his poem *The Garlande of Laurell* which was written in that year. (Walker, p.62) *Respublica* is easiest to date, since it contains 'an interlude for Christmas 1553' in its title. *Apius and Virginia* was printed in 1575, but entered in the Stationer's Register a decade before that. The date of composition is usually taken to be 1564. See Brian W. Schneider, *The Framing Text in Early Modern English Drama: 'whining' Prologues and 'armed' Epilogues* (Surrey: Ashgate, 2011), p. 67. Kent Cartwright, *Theatre and Humanism: English Drama in the Sixteenth Century* (Cambridge: Cambridge University Press, 2004), p. 100. J. Wilson McCutchan, 'Justice and Equity in the English Morality Play', *Journal of the History of Ideas*, 19 (1958), pp. 405-410. See p. 407.

Magnificence is commonly accepted to be 'one of the earliest extant interludes to carry a palpable political significance'.[20] Magnificence, the protagonist of the eponymous play, is not the sovereign of any actual kingdom, but a personification of sovereignty. He exhibits all kingly traits and seems to exercise unlimited power over unspecified subjects. The play follows the traditional plot of morality plays, which depict the protagonist's life as a 'sequence of innocence/fall/redemption': that is, his degeneration from a state of virtue into a state of sinfulness, his punishment by the forces of divinity and his subsequent moral regeneration.[21] The central thesis of the play, as Neuss puts it, is the proverb 'Measure is treasure'.[22] Magnificence initially accepts this doctrine, and consigns Felicity and Liberty to the guidance of Measure:

> Convenient persons for any prince royal
> Wealth with Liberty, with me both dwell ye shall,
> To the guiding of my Measure you both committing:
> That Measure be master us seemeth it is sitting. (lines 173-176)

It is the vice Fancy who convinces Magnificence that, while Measure is a laudable virtue for his subjects, his royal estate entitles him to exceptional privileges:

[20] Peter Happe, ''Pullyshd and Fresshe is your Ornacy': Madness and the Fall of Skelton's *Magnyfycence*', in *Oxford Handbook of Tudor Drama*, ed. by Thomas Betteridge and Greg Walker (Oxford: Oxford University Press, 2012), pp. 482-298. See p. 488.
[21] Robert A. Potter, *The English Morality Play: Origins, History and the Influence of a Dramatic Tradition* (London: Routledge, 1975), pp. 6-10, especially p. 8.

[22] Paula Neuss, Introduction to *Magnificence*, p. 19.

Measure is meet for a merchant's hall,

But largesse becometh a state royal. (lines 383-384)

With the internalization of the exceptional status of sovereignty, Magnificence's descent into tyranny begins. Gradually the other vices, Folly, Crafty Conveyance, Cloaked Collusion and Courtly Abusion, join Fancy and, assuming several aliases, incite Magnificence to commit excesses. The play focuses on the moral degeneration of a legitimate monarch when exposed to the exceptional privileges of sovereignty. Magnificence begins to see himself as *legibus solutus* and his transformation into a tyrant is complete when he declares in a soliloquy:

For now, sirs, I am like as a prince should be:

I have wealth at will, largesse and liberty.

Fortune to her laws cannot abandon me,

But I shall of Fortune rule the rein. (1458-1461)

True to the subtitle that Ramsay assigns it: 'A Moral Play', the entire play revolves around Magnificence's moral universe; his tyranny lacks a legal or more concrete socio-economic manifestation. Even though he declares himself above the laws of Fortune, and Abusion tells him to take his own 'lust and liking' to 'stand for a law', (1068) the play never refers to the actual laws of the realm. Magnificence is a tyrannical despot, but not once do we encounter his subjects -- who would presumably be the worst affected by his tyranny. His realm is confined to his court — the vices on the one hand

and Felicity and Measure on the other. When the vices incite him to commit wanton cruelty, it is Measure who bears the brunt of it and is banished from the court. Magnificence, in his lust and his whimsical wilfulness, contravenes certain moral codes of conduct which ultimately lead to his punishment at the hands of Adversity (the divine agent of correction), but Skelton does not engage with the socio-political effects of tyranny. This focus on the moral dimensions of the misuse of political power has led Greg Walker to comment on the 'domestic locus' of the action of the play. According to Walker, the domestic politics of *Magnificence* are a direct reference to the politics of Henry VIII's own royal household, and the real political significance of the play can be comprehended fully if seen in the light of the King's dismissal of the circle of his intimates in 1519.[23] The vices can be seen as a veiled reference to the King's 'minions', who were accused of committing extravagances in the royal household and banished from the realm. In the play, therefore, Magnificence's household 'provides a microcosmic type of the commonwealth', and his failure to manage his household reflects his failure to manage his realm.[24] The fact that the *effects* of Magnificence's tyranny do not resonate outside his court, however, does not mitigate Magnificence's tyranny: a fact borne out by the appearance of Adversity, who is sent by God to depose the unfit sovereign from his position of authority:

> The stroke of God, Adversity I hight;
> I pluck down king, prince, lord and knight; (1883-1884)

[23] Walker, *Plays of Persuasion*, pp. 66-72.

[24] Ibid., p. 84.

It is not Measure, nor anyone else affected by Magnificence's tyranny, who makes a stand against him. The form of the play implies that in Skelton's moral universe, as in contemporary political thought, it is only God who can depose the one anointed by Him— and this is also the normative pattern for all the other political moralities that followed. Adversity hands over Magnificence to Poverty, who reduces him to a wretched beggar. The vices abandon him with alacrity. Then he is visited by Despair. But just as he is about to give in to Despair's urgings and take his own life, he encounters Good Hope. Together with Redress, Good Hope effects Magnificence's moral regeneration. Circumspection and Perseverance sermonise on the transitory nature of earthly power:

> Today it is well, tomorrow it is all amiss;
> Today in delight, tomorrow bare of bliss,
> Today a lord, tomorrow lie in the dust;
> Thus in this world there is not earthly trust. (2537-2540)

In this section of the play Skelton explores the 'experience of desolation and lament', which was crucial to *de casibus* literature.[25] Even though the play ends with Magnificence's recovery and restoration to his previous position, there is a persisting sense of lack—as if his power has somehow diminished, as if his demeaning punishment has permanently impaired his royal aura. Magnificence meekly submits to all the

[25] Dermot Cavanagh, 'Skelton's *Magnyfycence* and tragic drama', *Medieval English Theatre*, 27 (2005), pp. 53-68. See p.60.

homilies of Redresse, Good Hope, Circumspection and Perseverance, and echoes them almost word for word:

> How suddenly worldly wealth doth decay;
> How wisdom thorough wantonness vanisheth away;
> How none estate living of himself can be sure,
> For the wealth of this world cannot endure. (2551-2554)

Magnificence has learnt his lesson, but lost his sovereign masterfulness. Dermot Cavanagh says that under such circumstances, 'Redresse's concluding wish that Magnyfycence 'resorte/ Home to your paleys with joy and royalte' (2566-67) seems unduly optimistic'.[26] The ambiguity of the ending reiterates the crucial question regarding the nature of sovereign authority: can the sovereign who has acknowledged the existence of and submitted to higher powers remain the sovereign? Skelton does not really delve into the implications of this issue as his focus remains on the question of tyranny and its divine punishment. It is not until *Gorboduc* that the lines between sovereign absolutism and tyranny are subjected to a more rigorous enquiry. But these earlier plays anticipate the vexed question of sovereignty through the figure of the tyrant in important, albeit, indirect ways. As Pat McCune argues, the changes in the English polity that took place in

[26] Cavanagh, 'Skelton's *Magnyfycence* and tragic drama', p. 65.

the early Tudor period, 'transformed the old struggle of vice and virtues for the soul of mankind into a discourse about the balance of powers in secular authority.'[27]

The date and the occasion of the performance of the play are not known. But it is probable that a play by Skelton, the erstwhile poet laureate and tutor to the King, would not have escaped Henry VIII's notice. There is an ongoing debate regarding whether or not the portrait of the tyrant in Skelton's play was intended to act as a mirror for a specific magistrate. In other words: was Skelton attempting to counsel the monarch himself through his interlude? Ramsay, in his edition, had identified Cardinal Wolsey, not Henry VIII, to be Skelton's primary target in *Magnificence* -- a contention that has been refuted thoroughly by William O. Harris. As Walker says, Ramsay believes the vices represent a 'composite caricature' of the Cardinal.[28] But even while identifying the play as a satire against Wolsey, Ramsay acknowledges that a 'spectator of 1516' who was 'acquainted with the character of the English monarch' would have,

> instantly recognized in its central figure constant allusion to the open handed Henry with the wealth of his earlier years and the self-will that always remained his dominant trait…[29]

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[27] Pat McCune, 'Order and Justice in Early Tudor Drama', *Renaissance Drama*, 25 (1994), pp. 171-196. See p.171.

[28] For Ramsay's argument about Cardinal Wolsey being the target of Skelton's satire see Robert Lee Ramsay ed. *Magnyfycence*, pp. cvii-cxvi. For Harris' refutation see William O. Harris, 'Wolsey and Skelton's *Magnyfycence*: A Re-evaluation', *Studies in Philology*, 57.2 (1960), pp. 99-122. For Walker's comment see *Plays of Persuasion*, p. 64.

[29] Robert Lee Ramsay, ed. *Magnyfycence*, p. cviii.

It is indeed unlikely that Skelton, whom Bevington designates a poet with 'deeply conservative instincts', would attempt an outright critique of the reigning king. In fact, Norland contends that Skelton actively 'avoided direct contemporary allusions' in order to 'safeguard his position as *orator regius*'.[30] But even if the play *was* an oblique reference to Henry's excesses, as Walker observes, '*Magnyfycence* did not attempt to tell Henry VIII what he should *do*, it merely reminded him what he should *be*.'[31] However when we interpret the play based not on 'personal resemblances' but on the 'unavoidable similarity to the political situation', as Bevington suggests, we can appreciate the play for what it really is: a scathing critique of tyranny which 'ultimately reveal[s] in *Magnyfycence* a tyrannical loss of control' and 'permits the auditor of 1516 to measure Henry by the generic portrait of a tyrant.'[32]

Magnificence's degeneration and deposition give shape to important questions regarding the corruptive potential of power, and thus about the nature of sovereignty itself. The play was certainly a lot more than either an encomium to the ruler or a 'conventional compliment of advice to the ruler'.[33] The fact that it was performed during the reign of Henry VIII -- within his immediate proximity -- adds to the political radicalness of its content, regardless of any actual historical incident that may have triggered its composition. Above all, the play sets an incredibly influential precedent for

[30] Norland, *Drama in Early Tudor Britain*, p. 180.

[31] David M. Bevington, *Tudor Drama and Politics: A Critical Approach to Topical Meanings* (Cambridge, MA: Harvard University Press, 1968), p. 54. Walker, *Plays of Persuasion*, pp. 85, 87.

[32] Bevington, *Tudor Drama and Politics*, pp. 60-61 and p. 62.

[33] Robert A. Potter, *English Morality Play*, p. 70.

subsequent political drama in England and in Scotland, and makes its presence felt in every new incarnation of the stage tyrant.

Nicholas Udall's *Respublica* written three decades after *Magnificence*, in the inaugural year of Mary Tudor's rule, is considerably more direct in its political allusions than its predecessor. *Respublica* engages directly with the economic distress of the subjects that is often the direct consequence of corrupt government. In the play, Respublica is the widowed sovereign of the realm, who, being deceived by the vices Avaryce, Oppression, Adulacion, and Insolence, turns over the administration of her kingdom to their tender mercies. They exploit her subjects in her name and within the play this exploitation is rendered in purely financial terms. In the very first act, the exchange between the vices reveals that it is not political sovereignty but the wealth of the sovereign that they are after:

> Opp[ression]: And so shall be sure, to gett store of money,
> Sweter then sugar.
> Avar[yce]: Sweter then enie honey. (I,iii, 287-88)

The vices remain resolute in their purpose throughout: comparing each other's loot and laying elaborate plans to increase the profits of their venture. In the third act Avaryce sings a whole song dedicated to 'swete bags of gold' (III, iv, 751 onwards) and later berates Adulacion for having acquired only three hundred pounds thus far. Avaryce tells him any rogue worth his salt would have acquired 'thousande pounde a yeare' at least (III, v, 790). In *Respublica*, the specificity with which the effects of misrule are described

is striking. The way in which the extent of tyranny is measured in pecuniary terms reaches its climax at the end of the third act, when Avaryce displays his thirteen bags of wealth and enumerates the contents of each. From benefices to leases encroached and resold, from counterfeit wares to contraband butter, from agricultural produce to raw materials for cloth and leather industries, from tallow and bell metal to the taxes due to the sovereign, the bags contain almost all the economic assets of the realm of which Avaryce had managed to swindle Respublica and her subjects. [34]

Significantly, for the first time, the subjects of tyranny have a voice in the play. People, who embodies Respublica's oppressed subjects, makes several appearances in the play trying to enlighten Respublica to the real state of the nation. In keeping with the general register of the play, People too complains of financial distress as the primary consequence of his oppressed condition: 'And yet the price of everye thinge is zo dere'. (III,iii,670)

Respublica is portrayed as a well meaning but incredibly gullible monarch. She wants to help her subjects, but she is blind to the faults of her administrators. In the third scene of the third act, People tries to tell her that her administrators are devilish vices, but she keeps insisting over and over again that Adulacion is in fact 'Honestee'.[35]

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[34] This was a direct reference to the economic conditions prevailing in contemporary England. Joan Thirsk writes '[E]conomic conditions had undergone a profound change since 1536. The country was now living through a period of sharp inflation. Three debasements of coinage in 1542, 1547, and 1549, accompanied by harvest failures in 1545, 1549, 1550, and 1551, contributed to a sharp rise in prices, notably of food. The price index of articles consumed in the ordinary labourer's household, which stood at 100 in 1508, had risen to 231 by 1547, and rose again to 285 in 1551'. See *The Agrarian History of England and Wales: 1500-1640,* ed. by Joan Thirsk and H. P. R. Finberg (Cambridge: Cambridge University Press, 1967), p. 221.

[35] Quentin Skinner argues that this practice of redescribing vices as their nearest counterpart among virtues was a figure of speech called *paradiastole*, drawn from classical rhetoric and used widely in Tudor

Respublica is a tyrant in so far as she is utterly incapable of managing her own realm or distinguishing a good administrator from an evil one. In her total passivity, it seems, that Respublica is more a personification of the realm itself, rather than the sovereign of the realm. Even People has more agency than Respublica. Indeed People goes as far as to tell Respublica, that he has requested her audience not merely to complain, but to 'geve youe warning' (III,iii,670). In the end, Veritee and Misericordia are sent by God to help Respublica to recover from her dire situation. Even at that point Respublica insists no other nation or monarch had 'better administers then myne have been' (V, iii, 1362). Finally Nemesis, the 'mooste highe goddesse of correccion' (V,ix,1782) takes matters in her own hands and banishes the subsidiary vices from the realm. But she orders her minions to have Avaryce 'pressed' to death, until all the wealth he had embezzled is squeezed out of him and returned to its rightful owners. Interestingly, the new monarch in whose court the play was supposedly performed is identified with Nemesis and not Respublica. Sarah Carpenter writes that *Respublica* is 'unusual among political interludes in identifying the ruler with the external figure of judgement and correction'.[36] From a more general point of view the play is more interested in advising 'its wider audience, to draw them into theatrical alliance with its

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England. In this play for example, Adulacon assumes the alias of Honestee, Avaryce is Policie, Oppression is Reformation and so forth. English rhetoricians such as Henry Peacham and George Puttenham mention paradiastole in their treatises. Skinner says, it was particularly important for those who practiced the rhetorical technique of arguing *in utram que partem* – which, as I shall discuss, was a central trope of later Senecan tragedies.Quentin Skinner, 'Paradiastole: redescribing the vices as virtues' in *Renaissance Figures of Speech*, ed. by Sylvian Adamson, Gary Alexander, Katrin Ettenhuber (Cambridge: Cambridge University Press, 2007), pp. 149-164, see pages 149, 152, 158, etc.

[36] Sarah Carpenter, '*Respublica'*, in *Oxford Handbook of Tudor Drama*, ed. by Thomas Betteridge and Greg Walker, (Oxford: Oxford University Press, 2012), pp. 514-530. See 527.

concepts and characters, than to offer counsel to the Queen'.[37] However, when the actual political and economic context of the play is taken into account, it becomes difficult to deny the fact that the play not only engages with contemporary economic and administrative issues but also urges the new monarch to adopt certain policy changes. Greg Walker has demonstrated how the repeated references to dearth and inflation within the play tie up with the specific economic concerns of the mid-Tudor decades. Mary had inherited a 'realm in economic and social crisis'.[38] The past few decades had been marked by a number of economic fiascos: Henry VIII's wars in Scotland and France, bad harvests, the crash of the Antwerp cloth trade in 1551 and other events. Walker locates *Respublica* in the context of the 'burgeoning literature of social complaint' the mid-Tudor decades were rife with.[39]

Apart from actual economic problems generated during the Edwardian regime, the concern with the economic deprivation exhibited in *Respublica* is a reflection of the play's engagement with the larger idea of 'common weale': an idea that had gained immense ideological currency in mid-Tudor England. The idea of the commonwealth, Whitney R. D. Jones writes, was 'at the centre of the discussion of the social and economic, as well as religious and political, problems of society which came to climax in the disturbed middle decades of the sixteenth century'.[40] Jones understands this idea as

[37] Sarah Carpenter, '*Respublica'*, p. 528.

[38] Greg Walker, *The Politics of Performance in Early Renaissance Drama* (Cambridge: Cambridge University Press, 1998), p. 173.

[39] Ibid.

[40] Whitney R. D. Jones, *The Tudor Commonwealth: 1529-1559* (London : Athlone Press,1970), pp. 1-2.

the ‘mid-Tudor equivalent of the welfare state’.[41] Indeed with the changing economy of the late medieval and early modern period, ‘economic and social policy became an increasingly important aspect of statecraft’.[42] Lorna Hutson contends Udall’s concern with the draining of resources from the commonwealth reflects the ‘debates on remedies to combat poverty, unemployment, and inflation’ which provided the context for the term ‘commonwealth’ in the 1530’s and 1540’s, adding:

> Humanist dialogues of this period stress the role of government intellectuals and ordinary citizens in devising policies that could transform a “common dearth” (that is, “dearness”, or high prices) into a flourishing “common wealth”.[43]

Thus the idea of the ‘commonwealth’ was fundamentally a political idea, with important economic and social ramifications. It not only enabled people hitherto excluded from matters of governance — such as writers, officials, ‘ordinary citizens’—to participate in political debates, but it also made it possible for them to imagine and depict tyranny as it impinged upon their own lives: i.e. in terms of the socio-economic failures of the administration. So, at the very beginning of the play, the sin of avarice is identified as ‘all Commenweales Ruin and decaye’ (I,i,19). The issue at stake within the play, therefore, is the proper administration of the commonwealth and what happens when the administration falls into incompetent or dishonest hands rather than the moral corruption

[41] Ibid.

[42] Jones, *The Tudor Commonwealth*, p. 6.

[43] Hutson, ‘Imagining Justice’, p. 125.

of the sovereign himself or herself. Respublica sums up the argument of the play in one of her important soliloquies:

> That in Comonweales while goode governors have been
> All thing hath prospered, and where suche men dooe lacke
> Comonweales decaye, and all thinges do goe backe (II, i, 454-456)

Udall's invocation of the idea of the commonwealth and his references to the problems of financial deprivation aside, *Respublica* also contains scattered references to the Reformation and the robbing and dissolution of the monasteries which occurred during the reign of Edward VI. Oppression, who plays a leading role in this enterprise within the play, remarks with undisguised glee:

> We enfourmed them
> And we defourmed theym,
> We conformed them, and we reformed theym. (III,v,805-7)

When Oppression tries to assure Respublica that they were protecting People from exploitation at the hands of priests and bishops, Respublica, displaying an isolated moment of acuteness in her otherwise gullible persona, remarks that when the clergy had their livings, 'men were both fedde and cladde' (IV, iv, 1065). Udall's critique of the religious policy of the previous Protestant regime might seem puzzling in view of the fact

that he himself was a 'committed religious reformer'.[44] But nowhere in the play does he express a desire to reinstate Catholicism. Instead, the dissolution of monasteries and the deprivation of the clergy that followed in the wake of the Reformation are presented as aspects of the economic oppression that the commonwealth has suffered, as 'material questions and spiritual ones coincide'.[45] It forms a part of Udall's critique of the administrators of the previous regime and his appeal to the present ruler to redress the evils perpetrated before her accession. It is probable that through his critique of the excesses of the Reformation, Udall, 'adept at advancing a radical case in the guise of apparently conformist counsel', was making a conscious effort to placate the Catholic monarch to whom the play was dedicated.[46]

Respublica simultaneously incorporates and interrogates the contemporary socio-political reality of the external world to construct a tyrannical regime within the world of the play. Udall's view of tyranny is characterized not by moral corruption of the bearer of sovereignty, nor by the tyrant's desire to achieve primacy over the juridical institution, but by material greed: a greed which results in the devaluation of the wealth of the realm, and on a more conceptual level, the undermining of the idea of the commonwealth itself.

The third and last play I shall discuss in this chapter is *Apius and Virginia*, written by the mysterious R.B. Practically nothing is known about the context of its composition or performance, making it impossible to link the play to a particular political event or situation. But dramatisation of Livy's story of the downfall of the corrupt Roman

[44]Walker, *Politics of Performance*, p. 166.

[45] Ibid., p. 186.

[46] Ibid., p. 167.

decemvir Appius Claudius, especially when read in conjunction with the historical source text, brings to fore the legal aspect of tyranny.[47] In Livy's Appius and R.B.'s Apius we encounter the visage of the legal tyrant — one who manipulates the laws of the realm to serve his despotic ends.

As I had mentioned earlier, in the English context, the definition of tyranny hinges on the question of whether the monarch wields absolute authority over his realm or whether he is subject to the legal system of the country, and this question in turn is inextricably tied up with the nature of the intensely wrought legal system in sixteenth-century England with its increasing emphasis on customary law. I have mentioned before Alan Cromartie's theory about the gradual shift from 'personal' to 'rule-bound' monarchy that takes place in sixteenth century England and how political and juridical writers are invested in devising argument in favour of subjecting the sovereign to the rule of law.[48] One technique of doing so was to claim that the legal structure of England had come into existence before the English monarchy had, and thus had primacy over the latter.[49] The strategies of attempting to curb absolutism theoretically by making the law

[47] Livy, *The History of Rome: Books 1-5*, trans. by Valerie M. Warrior (Indianapolis: Hackett Publishing, 2006), pp. 216-235.

[48] Cromartie, *The Constitutionalist Revolution*, p. 9.

[49] J. G. A. Pocock argues this trend of valourizing of the unwritten body of English common law, custom and jurisprudence was most strongly felt in England but by no means limited to that country. He writes: 'Hotman in Francogallia asserted the antiquity of the assembly of the nation; Coke in England that of parliament and the common law; Pietro de Gregorio in Sicily that of baronial privilege and the parlamento; Francois Vranck in the Netherlands that of the sovereign and independent Dutch towns; Erik Sparre in Sweden that of the nobles and their riksrad. By 1600 or thereabouts there was hardly any constitutional movement without its accompanying historical myth. No man granted us this liberty, it was said; it has been ours from beyond the memory of man; and consequently none can take it from us. In reply the kings and their partisans tried to show that, in the words of James VI (and I), 'kings were the authors and makers of the laws and the laws of the kings.' If the constitutionalists could show that the laws were as old as, or older than, the kings, they might go on to assert a contractual or elective basis for kingship; but if the laws

prior to the king had a couple of drawbacks in practice. In England, any statute of the Parliament by definition had to bear the stamp of royal assent and thus to a certain extent the law did embody the monarch's will. The monarch could, as Cromartie points out Henry VIII did, establish a 'legalistic tyranny' where he deployed statutes and manipulated jurisprudential interpretation of statutes to serve his own ends.[50] During the 'legalistic Reformation' that England experienced when Henry VIII broke away from the Roman Catholic Church to serve his personal needs, this is exactly what happened.[51] In England, 'ultimate legislative supremacy' was vested in the King-in-Parliament, which theoretically made the sovereign *legibus alligatus*.[52] But as J. H. Baker notes, Henry VIII enacted six hundred and seventy seven pieces of legislations, exercising his sovereignty as the King-in-Parliament and to establish his (and technically the Parliament's) 'legislative supremacy' over the Church.[53] I will argue that *Apius and Virginia* reveals to

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had come into being at a time when there was already a king, then nothing but the king's authority could have sanctioned them or made them law, and the king might assert a sovereign right to revoke what his predecessors had granted. The constitutionalists were therefore always being driven to argue that the laws were of a practically infinite antiquity, immemorial in the sense of earlier that the earliest king known. It could happen in this way that historical criticism became one of the sharpest weapons of monarchy, while the constitutionalists were forced into a kind of historical obscurantism…' J. G. A. Pocock, *The Ancient Constitution and Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1957), pp. 16-7

[50] Cromartie, *The Constitutionalist Revolution*, p. 35.

[51] Ibid., p. 3.

[52] 'A doctrine of parliamentary sovereignty—of an ultimate legislative supremacy vested in King-in-Parliament—was half-grasped and wholly practised after the constitutional revolution of the 1530's.' Elton, *The Tudor Constitution: Documents and Commentary*, p. 14. 'The sovereignty of the King-in-Parliament, together with the supremacy and omnicompetence of statute were the most important institutional development in the parliamentary history of this (mid-Tudor) period.' M. A. R. Graves, *Elizabethan Parliaments* (Essex: Longman Group UK Ltd., 1987), p. 11.

[53] J. H. Baker, *An Introduction to English Legal History* (London: Butterworths LexisNexis, 2002), p. 207.

the reader/audience precisely this issue of law-backed absolutism that legal historians have identified in the Tudor regime.

The play is based on the episode related by Livy in the third book of his History of Rome. The decimvir Appius desires the centurion Verginius' chaste daughter Virginia and hatches a plot with Marcus Claudius to abduct her and ravish her. Marcus Claudius alleges that Virginia was born to one of his household slaves. He accuses Verginius of stealing what was legally his property. At the trial, Appius, who is both the judge and the conspirator, wants to take Virginia into custody invoking the law of the realm. When Verginius understands that the judge himself has rigged the trial against the defendant, he kills his daughter rather than have her chastity compromised. In Livy's account, the commons rally behind Verginius and depose the despotical decemvirate. In the play, Virginia requests her father to kill her and Apius is punished by the agents of God. From the point of view of genre, Apius and Virginia is a transitional play or 'hybrid play' in which historical characters share the stage with vices and abstractions of traditional moralities.[54]Apart from the abstract virtues of Justice, Reward and Conscience who punish the tyrant, there is also the vice Haphazard, who pushes Apius in the direction of tyranny and lust to start with.

In Livy's history Appius' tyranny is characterized by not just his lust, but in the way in which he manipulates the law to suit his needs. When Marcus Claudius takes hold of Virginia, and leads her to Appius' tribunal claiming her as his property, in order to thwart the angry protests of the people he declares 'he was acting lawfully, not by

[54] Rebecca W. Bushnell, *Tragedies of Tyrants: Political Thought and Theater in the English Renaissance* (New York: Cornell University Press, 1990), p.90. Other plays in this category are John Bale's *Kynge Johane* (1538), and Thomas Preston's *Cambises*.

force'.[55] Virginia's advocates pleaded that her father being absent on the business of the state, the trial should be adjourned till his return, and 'since the law that he himself had passed gave interim possession of the girl to those who defended her freedom' Appius should let her be till such time.[56] But Appius quickly twists this in his favour, saying that according to the law, a person who is under the protection of her father can be returned to none other than her father, thus making it legally necessary for the judge to keep Virginia in custody.[57] This act of twisting the word of the law by the tyrant is not as clearly articulated in *Apius and Virginia*. But the playwright's choice of this particular episode—an episode which would have been familiar to many in his audience—indicates his engagement with the issue of legalistic tyranny.

The play focuses on the perversion of justice and the abuse of judicial authority. The foremost identity of the tyrant within the play is that of a judge rather than a king. Throughout the play the reader's attention is repeatedly drawn to the judicial role of

[55] Livy, *History of Rome*, p. 217.

[56] Ibid.

[57] It is noteworthy that George Buchanan, whose *De Iure Regni Apud Scotos* was of unprecedented importance in the monarcho-machic tradition, refers to this precise episode of Roman history in order to argue that rulers should not be given the power to either make or interpret laws without the consent of the people. Buchanan, whose source was possibly Justinian, writes: 'When you concede to the king the right to interpret the laws, you grant him such licence that the law need not express what the lawmaker intended or what is good and just for all, but what is in the interests of the interpreter, and in applying it to every case he can modify it like a Lesbian rule to his own advantage. During his decemvirate Appius Claudius had passed a most just law that "in a case concerning free status judgement should be given in favour of a person claiming his freedom". What could be more clearly put? Yet by his interpretation of it the very person who framed the law rendered it worthless. You see, I presume, how much licence you give the prince by a single line: namely, the law says what he wills and does not say what he does not will. If we ever allow this, there will be no point in passing good laws to remind a prince of his duty and restrain a bad one.' George Buchanan, *A Dialogue on the Law of Kingship among Scots*, trans. and ed. by Roger Mason and Martin Smith (Surrey: Ashgate, 2004), p. 59.

sovereignty.[58] Combining the attributes of royalty and judicial authority, Apius refers to himself as 'the princeliest Judge, that raigneth under sonne,'(412-413). Everyone else, from Haphazard to Virginius himself, calls him 'Judge Apius'. Once Apius has embarked upon his devious project to ensnare Virginia, it is his perversion of his duties as a judge that is commented upon. Thus Justice calls him 'gorgon judge'and Rumor declares him to be a 'fleshly judge' (line 870). In order to highlight how far he has strayed from the ideal of the just monarch, Justice himself is presented as Apius' strongest critic and adversary. When Apius eagerly imbibes Haphazard's evil 'counsel' (line 457) it is Justice, accompanied by Conscience, who embodies the voice of wisdom and warns Apius about the consequences of his action. And at the end of the play it is Justice who sentences Apius to death for having failed utterly in his capacity as a judge.

J. Wilson McCutchan argues that from the earliest morality plays, beginning from *The Castle of Perseverance*, to the mid-Tudor political moralities like *Respublica* and *Apius and Virginia*, the character of Justice undergoes a total transformation. While in the earliest plays Justice is 'one of the Four Daughters of God and embodies a predominantly theological concept', in the later plays Justice begins to embody the laws of realm, 'a civil force rather than a theological one'.[59] McCutchan identifies *Respublica* as the play where Justice first assumes an active role and punishes Avaryce and his cohorts. This is upheld by Pat McCune who says that *Respublica* typifies the way in which 'ludic traditions were manipulated' as the centrality of justice in matters of governance became

[58] Ernst Kantorowicz demonstrates that this idea of the monarch as judge, or the *rex iustus*, is quite common in medieval theology and political theory. In *King's Two Bodies* see especially pp. 133-135, 140, 143 etc.

[59] J. Wilson McCutchan, 'Justice and Equity in the English Morality Play', p.405, p.407.

the mainstay of political discourse.[60] But it is in *Apius and Virginia* that this transition is consolidated as for the 'first time Justice appears as a masculine official who passes final judgment on Appius, Claudius, and Haphazard the Vice'.[61] The transformation undergone by the character of Justice in the morality plays can be seen as symptomatic of a larger transformation in political theory. Kantorowicz argues that late medieval and early modern Europe witnessed a shift in the idea of Justice from a primarily theological idea to the focus of the newly emerging discipline of jurisprudence, which was accompanied by a shift from 'Christ-centred kingship' to 'law-centred kingship'.[62] But a 'law-centred kingship' was liable to degenerate into a law-backed tyranny. Through the character of Apius, the playwright reflects upon the idea of the Prince as 'living Justice' or '*iustum animatum*' and his corrupt antithesis: the legalistic tyrant.[63]

The political moralities of the early and mid-Tudor periods examine the issue of tyranny from a number of different perspectives. The decades separating these three plays notwithstanding, certain characteristics are common to all of them — characteristics which not only bind these political moralities together but also distinguish them from the later political drama of the Elizabethan stage. The most obvious feature is that the opposition between the figures of the 'good king' and the 'bad tyrant', which constituted the central agon of the late sixteenth-century tyrant drama, is entirely absent from these

[60] McCune, 'Order and Justice', p. 178.

[61] McCutchan, 'Justice and Equity in the English Morality Play', p. 407.

[62] Kantorowicz, *King's Two Bodies*, pp. 138, 141.

[63] Ibid., pp. 133, 143.

plays.[64] In the 'morality play's convention of character representation', the person of the legitimate monarch comprises *both* the good king and the bad tyrant, leading to a 'fragmentation of the tyrant's self'.[65] The second recurring feature is that this fragmentation is always catalysed by the vices' evil counsel. And finally, the tyrant is always chastised for his evil deeds by the agents of God, never by those he has actually oppressed. In *Magnificence*, the tyrant's subjects are totally absent in the play. In *Respublica*, People is a very vocal character, but is ultimately powerless to change the political status quo in any way.[66] In *Apius and Virginia*, Virginius, the oppressed subject, actively defies the tyrant's immoral commands, but in the end the actual punitive measures are meted out by Justice and Reward. These playwrights were not exactly political radicals. They were 'inextricably engaged in the very social processes they subjected to critique' as the plays they produced were often written for and patronized by the monarch or his advisers.[67] Yet, insofar as these moralities present a critique of

[64] Bushnell, *Tragedies of Tyrants*, p. 49.

[65] Ibid., p. 83. I would also like to add, in this context, that even though the political moralities of this period are characterized by the absence of the usurper figure, in John Bale's *Kynge Johane* we encounter an abstract character called 'Usurped Power'. In Bale's aggressively Protestant play, this character is linked inextricably to the main villain: the Pope. As such he embodies the Church's encroachment on secular politics rather than a political usurper who deposes the monarch to ascend the throne himself.

[66] Jean Howard and Paul Strohm argue that in Tudor drama the idea of the 'People' or the 'Commons' was sometimes 'summoned at moments of exceptional social need or duress — moments that require recourse to a popular impetus or will somewhere outside the monarchical orbit', but it was not the prerogative of a particular political faction to draw upon the support of the 'People'. As an ideological prop, it was 'broadly available to whomever can lay claim to them'. But once they had served their purpose—most often, strengthening the social, economic, religious or political critique the dramatist was trying to construct—the character of the 'People' often disappears from the compass of political life within the play. In *Respublica* too, 'People, having stood firm at a time of need, is once again excluded…from the processes of governance.' Jean Howard and Paul Strohm, 'Imaginary 'Commons'', *Journal of Medieval and Early Modern Studies*, 37(2007), pp. 549-577. See especially pages 552 and 558.

[67] McCune, 'Order and Justice', p. 176.

tyranny but stop short of actually advocating a doctrine justifying rebellion, they almost form the dramatic counterpart of the radical Calvinist discourse of resistance against tyranny that was taking shape in the mid-Tudor decades.

In his seminal book, *The Foundations of Modern Political Thought*, Quentin Skinner outlined a detailed account of the development of Protestant constitutional thought in sixteenth-century Europe. He writes that while initially both Luther and Calvin were committed to the ideal of passive obedience to the ruler, no matter how tyrannical he or she might be, in the face of hostility from Catholic rulers their stances became more and more equivocal. Persecuted by Catholic states, the Protestant princes of the Schmalkaldic League began to look for loopholes in the Lutheran and Calvinist injunctions of non-resistance and formulate a doctrinal justification of resisting the Emperor himself. Lutheran and Calvinist jurists and theologians went beyond, at times even against the diktats of their spiritual leaders, in order to enunciate a theory advocating the lawfulness of resistance against the tyrant. During the middle decades of the sixteenth century, thus, the whole of Western Europe became a melting pot of different kinds resistance arguments. Philip of Hesse, a Protestant prince, posited that, since God ordained all magistrates, an evil or ungodly king maybe legitimately resisted by lesser princes and rulers. The other influential line of argument was the private law theory according to which a king who abuses his power and neglects his duties ceases to be God's regent on earth and can be punished like any private citizen. Skinner says that while on the continent the Calvinists 'tended to content themselves with reiterating the more cautious theory of resistance by inferior magistrates', it was the English and Scottish theorists, Knox, Ponet and Goodman who made the first decisive break with the

non-resistance advocated by Calvin and Luther in order to 'to exploit the more individualist and radically populist implications of the private-law argument.'[68] John Ponet's *A Short Treatise on Political Power* was published in Frankfurt in 1556, during the rule of the Catholic Mary Tudor, followed by John Knox's *The Appellation from the Sentence Pronounced by the Bishops and Clergy: Addressed to the Nobility and Estates of Scotland* and *The First Blast of the Trumpet Against the Monstrous Regiment of Women*, and Christopher Goodman's *How Superior Powers Ought to be Obeyed*, all published in 1558, the year Elizabeth I ascended the throne.[69] While analysing these works it is important to keep in mind the specific historical context in which they were written. All three of these Calvinist preachers were politico-religious exiles during Mary's rule. Their tracts were a direct response to the succession of a Catholic woman to the throne of England and her persecution of Calvinists.[70] So their critique of tyranny takes as its primary target the figure of the ungodly female monarch, and the chief tyrannical vices according to them were femaleness and ungodliness. Despite the specificity of the critique, the tracts made a case for the possibility of resisting the tyrant for the first time in sixteenth-century political writing—each one to a different degree of radicalness.

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[68] Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978) , II, pp. 210-11.

[69] John Ponet, *A Short Treatise of Politike Power*, 1556 (Repr. Yorkshire: Scolar Press, 1970), John Knox, *First Blast of the Trumpet against the Monstrous Regiment of Women*, 1558, ed. by Edward Arber (London: The English Scholar's Library of Old and Modern Works, Limited Library Edition, 1880), Christopher Goodman, *How Superior Powers Ought to be Obeyed*, Theatrum Orbis Terrarum reprint of the facsimile of the 1558 edn (Amsterdam: Da Capo Press, 1972).

[70] George Buchanan's tract, *De Jure Regni Apud Scotos*, published two decades later in the context of a separate political incident, was fundamentally different from those of his Calvinist predecessors, and I shall discuss it in my next chapter.

The core of the resistance theory proposed by the English and Scottish Calvinists was the contention that the sovereign is not *legibus solutus*. Even if the sovereign is divinely ordained, he is subject to God's laws and the laws of the realm. Ponet makes this point most unambiguously. He argues that there is no separate Biblical or civil law regarding punishing a ruler because none is needed. The monarch is subject to the general legal code. Thus, he says:

> [W]hat needs to make one general law to punish by one name a great many offenses, when the law is all ready made for the punishment of everyone of them particularly. If a prince robs and spoils his subjects, it is theft, and as a thief ought to be punished. If he kills and murders them contrary or without the laws of his country, it is murder, and as a murderer he ought to be punished. If he commits adultery, he is an adulterer and ought to be punished with the same pains that others be. If he violently ravish men's wives, daughters, or maidens, the laws that are made against ravishers, ought to be executed on him. If he goes about to betray his country, and to bring the people under a foreign power: he is a traitor, and as a traitor he ought to suffer. And those that be judges in commonwealths, ought (upon complaint) to summon and cite them to answer to their crimes, and so to proceed, as they do with others.[71]

Like Goodman and Knox after him, he highlights the relationship of mutual obligation between sovereigns and subjects on the one hand and the sovereign and God on the other.

[71] Ponet, *A Short Treatise of Politike Power*, sig. Evi[r].

According to Ponet kings and magistrates have been ordained by God to maintain order, follow God's laws, and dispense justice to common people -- who in their turn owe allegiance to their rulers. But when the rulers fail to uphold God's laws or force their subjects to follow in their ungodly footsteps, Ponet advocates a policy of *passive* resistance. One should not obey the commands of a ruler if that entails transgressing God's laws. One should either suffer his/her wrath in silence, or flee—as one's conscience dictates:

> If he that is persecuted, feels in his conscience, that he may do God greater service and glorify by suffering than by fleeing, he ought rather to suffer a thousand deaths, than to flee one foot. But if his conscience witnesses with him that he may do God greater glory by fleeing than by tarrying, but is bound by the commandment to depart. 'If they persecute you in one city', says Christ, 'flee to another'. And he did not only teach it, but did it himself, forsaking Jewry, and going into Galilee, when he heard John the Baptist was laid by the heels, because the time was not yet come, wherein he was appointed to glorify God.[72]

Ponet's initial robust radicalism is somewhat mitigated by his insistence on the Lutheran formula of 'Penance and Prayer' which the godly citizen should follow in the face of tyranny. In Ponet's treatise, as in the plays discussed above, it is only God who can

[72] John Ponet, *A Short Treatise of Politike Power*, sig. Hi[r.]

lawfully remove the 'scourges' He Himself instituted in order to punish the sins of the populace.[73]

Knox's *First Blast of the Trumpet Against the Monstrous Regiment of Women,* unlike Ponet's more general argument against tyranny, is specifically targeted against Mary. Most of the treatise argues a woman ruler is by definition a tyrant—and a usurper, because she usurps power over men who are her superiors in the natural order. While this does reveal the conceptual overlap between tyranny and usurpation, Knox's treatise seems to have little to contribute to the discourse of resistance against tyranny in general. He denounces Mary as Jezebel and urges the people of England not to submit to the yoke of slavery under a creature designated by God to be the slave of men. Despite the toxic amount of misogyny which Knox infuses in his work, at time he actually uses his rant against Mary to launch a much broader based attack on the issue of absolutism and misgovernment itself. The most radical statement of this constitutionalist bent in his writing comes at the end of treatise, in a postscript addressed to the reader, where Knox challenges the legitimacy of dynastic succession and argues for a more equitable and eclectic basis of choosing rulers:

> It is not birth only, nor propinquity of blood, that makes a king lawfully to reign above a people professing Christ Jesus and his eternal verity; but in his election must the ordinance, which God has established in the election of inferior judges, be observed. [74]

[73] Ibid., sig. Hvi[v].

[74] John Knox, *First Blast of the Trumpet against the Monstrous Regiment of Women,* p. 55.

Christopher Goodman's tract begins, like Ponet's, on the premise of the 'private-law' argument, i.e. the belief that God ordains kings and magistrates for a definite purpose, and if they fail to discharge their duties, they deserve to be punished, as any private citizen would be under identical circumstances. But, instead of Ponet's passive resistance argument, Goodman suggests a policy of active defiance. According to Goodman it is not enough to refuse to do the biddings of the ungodly sovereign and flee; a devout Christian subject should take pains to act contrary to the tyrant's orders in full public view. He cites the Biblical example of Daniel, who not only refused to obey King Darius's order forbidding his citizens from praying to God for thirty days, but in fact prayed even more loudly and ostentatiously during that period.[75] Goodman too, albeit to a lesser degree than Knox, focuses particularly on the reign of 'the ungodly serpent Mary', continuously emphasizing the fact that the rule of a woman is in itself a tyranny, and a Papist woman on top of that is the worst possible abomination.[76] He cites the examples of Sir Thomas Wyatt[77] and others, who were executed for treason by Mary I, and exhorts the people of England -- especially the nobility who have political agency —to not rest passively under the rule of an ungodly woman who was sure to betray England to Spanish rule. Addressing the nobility of England, he says:

[75] Goodman, *How Superior Powers Ought to be Obeyed*, sig. Eiv^{r}.

[76] Goodman, *How Superior Powers Ought to be Obeyed*, sig. Gi^{v}.

[77] This is Sir Thomas Wyatt the younger, the son of the famous poet.

> You have despised and abused the word of His dearly beloved Son Jesus Christ, the Author of salvation, in the days of our godly King Edward (which is the cause why God has thus plagued us with a tyrant). Seek after the word again and receive it with all reverence. By giving authority to an idolatrous woman you have banished Christ and His gospel, and in His place restored Antichrist with all his infections, wherein your own consciences condemn you of evil. Then in taking again the same authority from her, you shall restore Christ and His word and do well. In obeying her, you have disobeyed God. Then in disobeying her, you shall please God. Because you have given place to her and her counselors, you all have become idolatrous hypocrites, and also traitors to your own country: then by resisting herself damnation from their transgressions and her wicked decrees, you must be made true worshipers of God, and faithful English men.[78]

What he is preaching is not a doctrine of justified rebellion in general, but an exhortation to rise up against a particular monarch—and personal political and religious interests govern his sentiments to some extent. Nevertheless his writings have broader implications than polemic directed against a specific ruler. Like most Protestant theorists, Goodman uses the context of religious persecution faced by Protestants in countries ruled by Catholics as the launching point of his argument for resistance against tyranny. French Huguenot writers like Du-Plessis Mornay, Beza and Hotman, used the context of the

[78] Ibid., sig. Giv[r].

persecution of Huguenots to develop a constitutional theory of governance.[79] The real limitation of Goodman's theory is not that it is occasioned by his hatred of Mary's rule, but that it fails to articulate a definition of tyranny without invoking heresy or religious shortcomings on the ruler's part. In fact, Goodman very clearly states that in those cases where the sovereign is not going 'manifestly against God and his Laws', no matter how cruel or tyrannical he is otherwise, the people are 'bound to render unto such, obedience' because 'we may not take God's office in hand to judge'.[80] Nevertheless the works of Goodman, Knox, and Ponet, embodied a rhetorical act of resistance against the tyranny of the Marian regime and the religious language cannot undermine the political nature of this radical stance.

In the sixteenth century, therefore, playwrights and polemical writers were united in their abhorrence of tyranny. But the insurmontable question was this: who could lawfully depose the lawful ruler of the realm when he or she turns into a tyrant? The Tudor administration strove to uphold the idea that monarchs were ordained by God and could only be deposed by God.[81] That 'only God could dispose of an evil yet legitimately established monarch' was well established but 'in precisely what fashion, however, would God's will be accomplished on earth, and by what indirect use of human agency? . . . By what historical process will God end an evil reign?' -- these were questions that

[79] For a full account of the development of Huguenot monarchomachic theory see Skinner, *Foundations of Modern Political Thought*, II, pp. 302-338.

[80]Goodman, *How Superior Powers Ought to be Obeyed*, sig. Hiii[v].

[81] For more on the divine right theory of kingship, particularly as it was promoted by the Tudor rulers, see G. R. Elton, *Tudor Constitution*, pp. 12 -17, and G. R. Elton, *Studies in Tudor and Stuart Politics and Government*, 2 vols. (Cambridge: Cambridge University Press, 1974), II, especially pp. 203-204. In the final chapter I shall discuss in detail Tudor rulers' involvement in the project of bolstering their own claims to the English throne through constitutional means and through the divine-right myth.

posed difficulties.[82] The convention of the morality plays allowed the dramatists to resolve this in a theatrically satisfying way by creating abstract personifications of divine virtues to depose the tyrant. But the generic conventions of later tragedies and history plays did not provide the option of resolving the knotty problem of the tyrant by dispatching onstage abstract personifications of divine wrath. Thus, *Gorboduc*, the first English tragedy written in the Senecan tradition—devoid of any abstract characters, was also the first English play to depict the deposition of a legitimate monarch at the hands of his own subjects.[83] Moreover *Gorboduc* indicated the tentative beginnings of the usurpation plot which came to its own in the plays of the commercial theatrical companies of the ensuing decades. In the later history plays or tragedies of the Elizabethan stage it is almost always the usurper who deposes the legitimate monarch and then himself transforms into the tyrant. Illegitimacy of authority is associated with the abuse of authority and vice versa -- an equation which renders authority itself controversial. While the political moralities investigate the issue of abuse of sovereign authority, they never question the divine sanction of sovereign authority. I will argue in my subsequent chapters, that it is the appearance of the usurper in the English political imagination and on the English stage, that is both a consequence of the increased ideological premium placed on the inviolability of the divine right of hereditary monarchy in the sixteenth century, and also the mechanism whereby the faultlines in the idea of legitimacy of sovereign authority itself are revealed.

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[82] Bevington, *Tudor Drama and Politics*, pp. 157-8.

[83] Thomas Norton and Thomas Sackville, *Gorboduc or Ferrex and Porrex,* ed. by Irby B. Cauthen, Jr. (Great Britain: University of Nebraska Press, 1970)

Like the dramatists who were dealing with the issues of tyranny in their plays, these Protestant polemicists too are engaged in an act of dangerous ideological tight-rope walking. Hedged in by religious, doctrinal and political constraints, the pamphlets, like the plays, are constantly arguing for the need to resist the tyrant -- in certain, assertive, bold terms. Despite stopping short of actually drawing out a programme of resistance that involves the agency of the subjects, they still manage to forge a rhetoric of resistance that had significant ideological resonance. But in the absence of the aesthetic and dramatic resources available to the playwrights, the Calvinists' radical assertions of the need for resisting tyrants tended to dissipate into a vague assurance that ultimately tyrants would not escapes the wages of their sins. This reflects an inability to conceive of the state and its supreme authority as a product of human rather than divine endeavour. Victoria Kahn says that to view the state as a product of human 'making' or '*poiesis'* is one of the most important achievements of the political imagination of early modern Europe.[84] It is only when such a man-made etiology of the state becomes conceivable that the theory of resisting the tyrant can be taken to its logical conclusion—untrammelled by preconditions of sin. Simultaneously, in literature, it is the acknowledgement that both the state and sovereignty are human-made institutions independent of any transcendental legitimation, which foregrounds the figure of the usurper—the 'new prince' whose power is the reward of his own '*virtù'*, bereft of divine sanction. However, before the apotheosis of the usurper and associated ideas of political *poesis* on the English stage, it was in Scotland

[84] Victoria Kahn, *The Future of Illusion: Political Theology and Early Modern Texts* (Chicago: University of Chicago Press, 2014), pages 3, 5.

that the arguments in favour of deposing the tyrant were taken to their logical conclusions for the first time -- in political theory, in political practice, and in political drama.

Sovereignty, Counsel, and Consent in Scotland: David Lindsay and George Buchanan

Addressing King James IV of Scotland, the erstwhile English poet laureate John Skelton wrote:

> Kynge Jamy, Jomy your *Joye* is all go
> Ye summoned our kynge. Why dyde ye so?
> To you no thyng it dyde accorde
> To sommon our kynge your soverayne lorde.[1] (lines 1-4)

It was 1513, the year of the Scots' historic and devastating defeat at the Battle of Flodden, and James, according to Skelton, had made the cardinal mistake of putting the interest of the French and Danish kings before that of his 'lorde and brother' -- the Tudor monarch of England. James died in the Battle of Flodden, but the cultural and political destinies of Scotland and England continued to be dynastically and sometimes bloodily intertwined until the succession of the Stuarts to the English throne bound the two nations together permanently. One of the principal aims of this thesis is to examine the ways in which the political events that occurred in sixteenth-century Scotland and the political theory which emanated from there affected the politics of England in its actual,

[1]John Skelton, 'A Ballade of the Scottysshe Kynge' in *The Complete English Poems*, ed. by John Scattergood (New Haven: Yale University Press, 1983), p. 113. Skelton went on to write a more evolved version of this poem, entitled 'Against the Scots'.

theoretical, and aesthetic manifestations. In particular it was the rather catastrophic career of the Scottish monarch Mary Stuart which not only complicated the relations between the two nations but also etched out the issues of tyranny and usurpation in sharp relief. The life and times of Mary Stuart -- who was perceived as a tyrant by her own subjects and deposed by them, and later perceived as a potential usurper by the English government and executed by them -- has been the subject of countless biographies, histories and romances. This chapter will instead focus on the development of political thought and political dramaturgy in Scotland and the ways in which they depart from the contemporary political and dramatic traditions of England, both before and after the brief but tumultuous reign of Mary Stuart. In the first part of the chapter I will analyse the question of tyranny and the radical construction of political counsel in Sir David Lindsay's political morality *Ane Satyre of the Thrie Estaitis*. Unlike any English allegorical play of the period Lindsay's play privileges the representative body of the people of Scotland over any abstract ideal of counsel. Alone among the writers of political moralities, Lindsay locates legislative power in the three estates of Scotland collectively, and in so doing prises open the closed ranks of the privileged few endowed with political agency -- at least within the space of the play.[2] The imaginative breakthrough made by Lindsay finally culminates in an increasing shift in emphasis from counsel to consent in political thought: an idea that finds its first vehement articulation in the works of George Buchanan. The second part of my chapter will analyse simultaneously the political and dramatic works of Buchanan in order to establish the

[2] Jessica Winston argues in an article that Gorboduc achieves this sort of widening of the political nation in the English context, by including the Inns of Court within its purview. See Jessica Winston, 'Expanding the Political Nation: *Gorboduc* at the Inns of Court and Succession Revisited', *Early Theatre,* 8.1 (2005), pp. 11-34.

unique importance of *poiesis* in Buchanan's political and aesthetic philosophy. Buchanan's emphasis on the need for the consent of the people in matters of governance is a consequence of his ability to conceive of the state as a product of human rather than divine making. This very conception also enables him to take the argument in favour of resisting the tyrant to a decisive conclusion. I shall analyse Buchanan's neo-Latin tyrant drama *Baptistes* and his political treatise *De Iure Regni Apud Scotos* and demonstrate the way in which the importance of *poiesis* in both politics and theology marks a decisive break with the contemporary traditions and creates newer models of political thinking.

Part I: Counselling the Counsellors: Sir David Lindsay's *Ane Satyre of the Thrie Estaitis*

The dramatist Sir David Lindsay (c. 1490-1555) began his career as a courtier to James IV, becoming the usher to King James V during the latter's minority. Lindsay was an influential courtier who rose through the ranks to become the Snowdon herald, and eventually, Lyon King of Arms for King James V. His career as a poet began with the allegorical poem called *The Dreme*, but *Ane Satyre of the Thrie Estaitis* is arguably his most famous and most influential work. Not only was *Ane Satyre* the most important work of Lindsay's canon, it was also a crucial work in the genre of English and Scottish political moralities. Examining the play with reference to both other important works of the genre and with contemporary Scottish politics I propose that while the first half of the play portrays a conventional model of tyranny and counsel, the second half radically reconfigures both the nature and the form of political counsel.

Literature and Counsel

In sixteenth-century European literature and political thought, the notions of kingship and counsel are inseparably intertwined.[3] The wise king is most often marked by his ability to judge the efficacy of good counsel and accept it, and the unwise or unfit king is characterized by his susceptibility to evil counsel. The proliferation of advice books directed at princes and governors, the popularity of the *de casibus* and mirror-for-princes genres of literature, the unprecedented importance accorded to the figures of counsellors both good and evil in the drama of this period, all indicate the indispensability of political counsel in the affairs of the state. The belief that 'princes would be far less likely to become corrupt if they had a learned adviser' was a commonly accepted one.[4] It is true that the ruler's 'obligation to seek counsel was a strictly moral one', but nevertheless it was a notion of crucial importance in the political life of the period.[5]

The sixteenth-century witnessed the rise of the absolutist state in most parts of Western Europe. In Italy the Republican city-states were being replaced by principates, in

[3] See Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), I, especially pp116-128. Greg Walker, *Writing Under Tyranny* (Oxford: Oxford University Press, 2005) especially the introductory chapter 'The Long Divorce of Steel' and the first part 'Poetry and the Culture of Counsel'. John Guy, 'The Rhetoric of Counsel in Early Modern England' in *Politics, Law and Counsel in Tudor and early Stuart England* (Aldershot:Ashgate,2000).

[4] David Norbrook, *Poetry and Politics in Renaissance England* (London: Routledge and Kegan Paul, 1984), p. 24.

[5] John Guy, *Politics, Law and Counsel in Tudor and early Stuart England*, p. 294.

other parts of Europe and England there was a gradual decline of the feudal political structure with a corresponding rise of a more centralized, unified, absolutist monarchy.[6] In Italy, as Quentin Skinner points out, the civic humanists were faced by a unique crisis: they could no longer subscribe to the *vir virtutis* ideal because in a monarchical government no one but the sovereign could exercise political power, and therefore the humanist *virtus* could no longer be the life of active politics. As a result more and more humanists found shelter in the ideal of the *vita contemplativa* and moved away from the political ideal to a literary/philosophical one.[7] Under such circumstances the only influence the humanist/litterateur figure could hope to have in the affairs of governance would be a mediated influence -- mediated by the agency of the sovereign.[8] The best he could do, therefore, was to offer counsel to the sovereign, through the medium of advice books, specified pedagogical programmes and codes of conduct for the ruler, through political tracts, through fictionalized accounts of other -- often imaginary -- kingdoms and rulers, or under the guise of dramatic performances.[9]

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[6] Quentin Skinner, *The Foundations of Modern Political Thought,* I, pp.114-116. and II, pp. 14-19.

[7] For a fuller discussion of the humanist's retreat into a life of contemplation, see Alfred Von Martin, *Sociology of the Renaissance* (New York: Harper and Row, 1973), pp. 33-34,70-71. David Norbrook discusses this crisis of humanist political thought in 'The 'Utopia' and Radical Humanism' where he writes that though 'The dream of power was never far from the minds of many humanists . . . The contemplative life came to be valued over an active life'. David Norbrook, *Poetry and Politics in Renaissance England,* pp. 23-4. See also J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition,* 2nd edn (Princeton, New Jersey: Princeton University Press, 2003), p.56.

[8] Walker writes that the humanist courtiers of early Tudor England, who were also litterateurs, 'took the only route available to loyal, articulate subjects in a culture that allowed for no direct opposition to the Crown'. Greg Walker, *Writing Under Tyranny*, p 2.

[9] Erasmus's *Education of a Christian Prince* (1516) was one such influential text that laid down a specific pedagogic programme of humanist learning for future rulers.

In the English context, with the consolidation of the Tudor monarchy there was a corresponding rise in the popularity of literature belonging to the *speculum principis* tradition and advice books. The former was an attempt to remind the sovereign that earthly power was transient and the latter was aimed at moulding state policy through the instrument of counsel. Together they sought to impose checks on the uncircumscribed power of the sovereign. The *Mirror for Magistrates,* a hugely influential and popular collection of tales belonging to the *de casibus* tradition, was compiled in the late 1540s and the first extant edition dates from 1555.[10] The most famous example of political counsel couched in the trope of fiction is, of course, Thomas More's *Utopia* (1516).The desire to counsel and influence politics was deeply embedded in the literary pursuits of humanists; as Norbrook points out, 'Some of the greatest English Renaissance poets were politicians, and all of them tried to influence public affairs through their writings'.[11] But the emphasis on the notion of counsel makes itself most obvious in the dramatic literature of the time. The last chapter demonstrated that the action of almost all of the allegorical political drama of the time revolves around the figure of the monarch rejecting sage counsel and being led astray by evil counsellors onto the path of tyranny. Most of these evil counsellors are the traditional 'Vices' of moralities. Ultimately the corrupt monarch is either removed or chastised and reformed by an agent of Divinity. This preoccupation

[10] For a detailed history of the publication of *A Mirror for Magistrates,* see Sherri Geller, 'Editing under the Influence of the Standard Textual Hierarchy: Misrepresenting 'A Mirror for Magistrates' in the Nineteenth- and Twentieth-Century Editions'. *Textual Cultures,* 2.1 (2007), pp. 43-46. For a discussion of the *speculum principis* and *de casibus* traditions and the role of political counsel see also Jessica Winston, ''A Mirror for Magistrates' and Public Political Discourse in Elizabethan England', *Studies in Philology*, 101.4 (2004), pp. 381-400.

[11] David Norbrook, *Poetry and Politics in Renaissance England*, p.1.

with the idea of counsel is perpetuated beyond the allegorical tradition of penitential drama, in the historical or tragic drama of the later decades of the sixteenth century. Dermot Cavanagh sees Norton and Sackville's *Gorboduc* (performed 1561, later printed in 1565) as a play obsessed with the problem of counsel in which there is no easy way to categorize the various kinds of counsel as good or bad, harmful or beneficial.[12] While Cavanagh focuses specifically on the language of political counsel, his discussion nevertheless makes clear the importance of the *notion* of counsel itself, as far as the literature of this period is concerned.[13] The centrality of the notion of counsel was not just characteristic of English political drama, but also manifested itself in the only extant Scottish political morality play of this period — albeit in a way that is significantly different from its English counterparts.

Ane Satyre of the Thrie Estaitis

Ane Satyre has a paratactic or episodic rather than a syntactic structure, comprising two distinct parts. As I have mentioned above, the first part follows the pattern of a more or less conventional morality play, with the king Rex Humanitas at the centre of action. The second part however stands out in its singularity. Commencing after Rex Humanitas' cycle of fall, chastisement and regeneration (at the hands of Divine

[12] Dermot Cavanagh, 'The Language of Counsel in *Gorboduc*' in *Language and Politics in the Sixteenth Century History Play* (New York: Palgrave Macmillan, 2003), pp. 47-49.

[13] Thomas Sackville and Thomas Norton, *Gorboduc*, ed. by Irby B. Cauthen, Jr. (Great Britain: University of Nebraska Press, 1970). See especially, Act I sc ii, Act II sc i, sc ii. Thomas Sackville was also one of the contributors for the *Mirror for Magistrates*.

Correction) is complete, the action of the second part takes off from the point where most contemporary political moralities end, and goes beyond the established plot structure to describe something that is completely unprecedented within the genre. The second part of Lindsay's play describes a convention of the three estates of the society of Scotland -- the clergy, the aristocracy and the trading classes, who meet under the aegis of not one but two sovereign figures, Divine Correction and Rex Humanitas. What follows is a detailed exposition of the proceedings of the parliament at the end of which is an equally detailed charter of concrete reforms that Lindsay's fictional parliament adopts in order to alleviate the woes of the people of the realm. I would argue that going beyond the role played by the humanist courtier-litterateur in counselling the sovereign, Lindsay directs his counsel towards the parliament instead, and thus reveals the legislative and executive functions of sovereignty in the representative body of the people.

Before embarking on a detailed discussion of the play itself, I would like to summarize the debate surrounding the various versions of the play and the controversy surrounding the dates of performance. There are two extant texts of the play, one is the quarto version printed in 1602 and the other exists in a manuscript by George Bannatyne, dated 1568.[14] The date of performance and composition is a debated issue. There are three principal dates of performance which are available to us: the first one at Linlithgow in 1540 -- in the presence of James V, the second at Cupar in 1552, and the third at

[14] In this chapter, I will use Roderick Lyall's edition of Lindsay, which is in Middle Scots and Nigel Mace's edition which is derived from Lyall but translated into modern English. See Sir David Lindsay, *The Three Estates*, ed. and trans. by Nigel Mace (Aldershot: Ashgate, 1998). The quotations in the main text are in modern English and taken from Mace, and I have included the Middle Scots versions of those lines, taken from Lyall, in the Appendix. I have used modernized spellings for the names of the characters.

Edinburgh in 1554, in the presence of the dowager Queen Marie of Guise.[15] It is, however, accepted by all parties that the 1552 and 1554 versions were significantly different from the 1540 version of the play. The only extant record of this earlier play is a letter to Thomas Cromwell from an English agent in Scotland -- Sir William Eure. Eure himself was not present at the performance, but obtains an account from the Scottish statesman Thomas Bellenden, who in turn derives it from an eyewitness account.[16] Greg Walker's extremely influential analysis of the play is based on the assumption that the 1540 interlude is an earlier version of the play as we know it today, and his work is essentially a 'comparison of the two versions'.[17] Critics like Carol Edington on the other hand feel unable to claim that the play was an earlier version of *Ane Satyre*. She refers to the 1540 interlude as the 'Epiphany drama' because it was performed on that occasion and only mentions once that it might be 'likely' that Lindsay was involved with it.[18] Roderick Lyall writes in his introduction to his edition of the play that even though Lindsay was 'most probably responsible for the Linlithgow interlude' the differences between said interlude and the later *Thrie Estaitis* 'are so great that it would be extremely rash to associate any specific passage of the extant play with this earlier version'.[19] Since

[15] Raymond A. Houk, 'Versions of Lindsay's Satire of the Three Estates', *PMLA,* 55.2 (1940), pp. 396-405. Roderick Lyall in 'Introduction', *Ane Satyre of The Thrie Estaitis*, ed. by Roderick Lyall (Edinburgh: Canongate Classics 18:1989), pp. ix-xiv. Greg Walker 'Lindsay's *Ane Satyre of The Thrie Estaitis'* in *The Politics of Performance in Early Renaissance Drama*, (Cambridge: Cambridge University Press, 1998).

[16] Walker, *The Politics of Performance*, pp. 125-9.

[17] Ibid., p. 117.

[18] Carol Edington, *Court and Culture in Renaissance Scotland: Sir David Lindsay of the Mount, (*Amherst*:* University of Massachussetts Press,1994), p. 168.

[19] Lyall, 'Introduction' to *Ane Satyre of the Thrie Estaitis*, pp. xi-xii.

the earlier text is not available to us, in this chapter I will confine my discussion to the later, fuller, text of the play. [20]

The play begins with Diligence ushering in the protagonist of the first half -- the new monarch Rex Humanitas. In his first speech, Rex Humanitas declares his resolve to rule in a manner that behoves the deputy of God. He pledges to accord the respect due to good counsel and reason and prays that the Almighty might give him the wisdom and prudence to protect his people and his own soul. This scene of decorous kingly virtue is soon interrupted by the courtiers Wantonness, Solace, and Placebo. Wantonness complains the court is too sombre and devoid of mirth and tries to lure the king from the path of godliness by encouraging him to take as his paramour a certain fair maiden (later revealed to be Dame Sensuality). Initially Rex Humanitas is reluctant to break his covenant with God and says, 'I think your counsel odious' (line 176). Till this point Rex Humanitas appears to be the model king and the measure of his virtue is his ability to reject evil counsel and his vow to receive and act upon good counsel. I have already discussed how in contemporary drama and political theory one of the defining characteristics of the tyrant is that he is not receptive to wise and sage counsel, and is constantly led astray by corrupt courtiers, or more often in morality plays, the vice figures. Walter Benjamin, in *The Origins of German Tragic Drama*, writes that the figure of the 'scheming advisor' and the phenomenon of 'ministerial intrigue' are features characteristic of early-modern tyrant drama.[21] In the early sixteenth-century morality

[20] I have added Eure's letter to Cromwell as an appendix to my chapter. The text of the letter proves that the account of the play provided is quite sketchy.

[21] Walter Benjamin, *Origins of German Tragic Drama*, trans. John Osborne (London: Verso, 2003), pp. 125-6.

plays we can witness this transformation of the vices and devils of the earlier mystery plays into corrupt, immoral counsellors. On the one hand, portraying the monarch's pliability at the hands of evil counsellors might seem to be a strategy to downplay the sovereign's agency in the evil deeds perpetrated by him, and indict his evil counsellors instead. This has the effect of devolving the monarch's guilt on to others and thereby toning down somewhat the audacity that is implicit in criticizing a monarch. On the other hand though, the inability of the king to distinguish between good counsel and bad, *ipso facto* renders the king unfit to rule. Counsel is of supreme importance in theoretical and dramatic representations of tyranny at this time. So, though the role played by the king's evil counsellors in accelerating his degeneration into tyranny seems to take the edge away from a critique of the king himself, the fact that the king entertains those counsellors is quite a trenchant critique in itself.

As Rex Humanitas is drawn more and more into the thrall of Dame Sensuality and is encouraged in his lecherous, fornicating ways by the courtiers, and as the court itself degenerates into debauchery and immorality, the sage figure of Good Counsel makes his appearance. Without any mincing of words he articulates the importance of good counsel in matters of governance in his opening speech:

> Princes and potentates are worth not a leek,
> Be they not guided by my good governing.
> There never was an emperor, conqueror nor king,
> Without my wisdom that might their weal advance.
> My name is Good Counsel, without feigning;

Lords for lack of my law are brought to mischance. (lines 480-5)

Good Counsel, however, also bemoans the fact that, though he is held in high esteem by powerful princes of great nations, such as England, Italy and France, from Scotland he had been banished of late as the king had chosen to favour 'vicious counsels insolent' instead. After he finishes his introductory speech the Vice figures, Flattery, Deceit and Falsehood make their appearance. In a thinly veiled insult to ecclesiastical institutions, Lindsay makes them assume the disguises of a Friar, a Priest and a Monk respectively. Thus attired in clerical habits they approach Rex Humanitas and pretend to be Devotion, Discretion and Sapience and almost completely take over the governance on the country. Whereas the evil courtiers were content to distract the king from administrative matters and transform the court into a luxurious, but essentially harmless place, these three actually make Rex Humanitas banish Good Counsel and Verity and begin to actively oppress the common people in the name of the Crown. Verity comes to rescue Rex Humanitas and the kingdom of Scotland from the path of inevitable destruction, but the estate of Spirituality is extremely hostile towards her. The action of the play reaches it moral nadir when, at the behest of Sensuality and the other Vices, Rex Humanitas orders Chastity and Verity to be put in stocks.[22] The debasement of the court is complete and it seems the plight of the people (though we are yet to be acquainted with them) cannot get any worse. Rex Humanitas is reduced to a puppet at the hands of the three Vices. It is at

[22] T. W. Craik writes: 'Action, like costume, is often charged with moral weight in the interludes. Sometimes an event is expected and its significance obvious . . . Some important incidents, however, are neither the mainsprings nor the necessary conclusions of the plots . . . One such incident is the temporary fettering, sometimes in the stocks, of a virtue by the vices.' In the specific context of *Ane Satyre*, Craik argues, that the moment when Verity and Chastity are imprisoned in stocks, is a moment imbued with symbolic significance. T. W. Craik, *The Tudor Interlude* (Leicester: Leicester University Press, 1958), pp. 93-4.

this critical juncture that Divine Correction makes his appearance. Divine Correction is almost a personification of the notion of sovereignty. He is that without which no king can function. Yet he is also a figure that represents God's retribution against those kings who fail to fulfil the duties which their divine office entails. In his opening speech he declares:

> By me traitors and tyrants are put down,
> Who thinks no shame of their iniquity.
> No realm or land sans my support may stand,
> For I make Kings to live their Royalty. (lines 1325-8)

According to Divine Correction, kingship is no more than an office held under the Majesty of God. In that it is divinely ordained it is unlike any other earthly office, but that does not alter its nature fundamentally. The monarch who abuses the powers of his office is accountable to God and must submit to Divine Correction, for Divine Correction represents God's justice in this world. He releases Chastity and Verity from the stocks. The three Vices flee when they hear of his arrival and he commands Rex Humanitas to leave the bed of Sensuality. Rex Humanitas is affronted by his daring and demands:

> By whom have you such great authority?
> Who does presume for to correct a King? (lines 1438-9)

Divine Correction replies that his authority is divinely sanctioned and is capable of bringing down the mightiest of princes. He thus claims a power for himself that is superior to Rex Humanitas' sovereignty. Rex's sovereign authority is simultaneously mirrored and magnified in the person of Divine Correction, creating a situation in which the uniqueness of Rex Humanitas' power is severely compromised. This duality of sovereign power gets more and more prominent as the play progresses but the potential for conflict is only hinted at, never fully realized. Once Divine Correction makes his appearance, he assumes total control of the situation and Rex Humanitas is reduced to a nominal head. After making that one feeble gesture of protest he conforms meekly to Divine Correction. While in the second half of the play the legislative aspect of sovereignty is seen to reside with the three estates, in the first half it is Divine Correction who emerges as the bearer of judicial and executive authority. The authority of the lawful king, Rex Humanitas, is at best doubtful and vacillating in the first part of the play, and virtually non-existent in the second part.

The appearance of Divine Correction as a second royal figure effects the transition of the play from a conventional political morality which critiques tyranny to a play that raises far more problematic questions about the locus of sovereign power. Divine Correction's royal accoutrements have led Walker to argue that in Lindsay's play it is impossible to identify precisely the locus from which sovereign power emanates because 'there are just too many kings in this play.'[23] The focus of Walker's analysis is on the 1540 performance at Linlithgow which occurred in the presence of James V, leading to a meta-theatrical situation where the sovereign authority of the player king is

[23] Greg Walker, *Politics of Performance in Early Renaissance Drama*, p. 141.

reflected in the person of the real king. But even in the later text, independent of any external point of reference, this multiplicity of the centres of sovereign power is quite pronounced. For Walker the presence of 'proto-kings' such as Good Counsel and Divine Correction contributes to the general atmosphere of chaos and disorder in the play.[24] However, once Divine Correction appears on the scene Rex Humanitas ceases to exercise the power that is his legal right. Rex submits so completely to Divine Correction's will that he hardly remains a sovereign. Consequently, despite the potential for conflict there is very little actual tension among the 'proto-kings' in the first half of the play, and whatever little there is disappears completely in the second half — which is wholly devoted to the convention of the three estates, in which motions are placed by John the Commonwealth and Divine Correction and then debated upon by the various members of the three estates. Rex Humanitas is reduced to a mere auditor who presides over the parliament in the capacity of a nominal or titular head. The law-making power is clearly vested in the people while the power to influence, pre-empt and ratify the legislation of the parliament is vested in the person of, not the King, but the divine agent of reform. Although the tensions created by dual bearers of sovereignty is never fully exploited in *Ane Satyre* due to the premature submission of Rex Humanitas, Divine Correction's repeated insistence on his royal authority, on his own kingly nature must have been profoundly disturbing to an audience in whose minds the inviolable singularity of monarchical power was deeply imprinted. The multiplication of sovereigns also raises important questions regarding the nature of sovereignty. The theory of divine right of kingship proclaims that the power of the sovereign is absolute and incontrovertible

[24] Ibid.

because it is derived from God; but what happens when the sovereign is opposed and chastised by a figure like Divine Correction who derives his authority from God even more directly that Rex Humanitas? It is a common trope of morality plays to depict tyrants being punished and overthrown by some form of divine retribution or anger. We see this pattern being played out in *Magnificence*, *Respublica,* and *Apius and Virginia*. In fact I would argue that in sixteenth-century allegorical drama the figure of divine agency becomes a necessary dramaturgical device because it is the only way in which it is possible to depict the downfall of the legitimate sovereign without committing outright blasphemy.[25] But what is exceptional about Lindsay's play is that unlike Skelton's *Magnificence,* or Udall's *Respublica,* or even later plays like *Gorboduc* and *Cambyses,* it is not set in the remote past or some mythical/allegorical/fictional kingdom. The play's setting, without the slightest ambiguity, is mid sixteenth-century Scotland. The abuses and corruptions listed in the second half of the play were those which plagued contemporary Scotland and the corrective measures advocated by the play were in fact direct political counsel offered to makers of state policy. Divine Correction is not content with chastising Rex Humanitas and cowing him, or reforming him. He actively seeks the

[25] Quentin Skinner writes that early Lutheran doctrine advocates passive disobedience to the ungodly monarch and expressly forbids any kind of resistance to the tyrant, and it is only later, around the middle of the sixteenth century a theory of resistance against tyranny develops out of Reformist (both Lutheran and Calvinist) thought. But in the initial decades of the sixteenth century, Luther firmly maintains that even resisting a tyrant, if he is the lawful king, is tantamount to disobeying God. Tyrants are in fact the scourges of God, ordained to punish the people for their sins. Skinner writes that later on, when the Lutheran Church was being threatened by the Empire 'Luther suddenly and permanently changed his mind over this crucial issue. Throughout the 1520s, however, he had a special motive for wishing to emphasise the doctrine of non-resistance as strongly as possible. He shared the common fear of the reformers, that their demands for religious change might become associated with political radicalism and in consequence, discredited.' Quentin Skinner, 'The Principles of Lutheranism' in *The Foundations of Modern Political Thought*, II, p.17.

opinions of the parliament and at the end of the play he draws up a charter of reform based on those opinions -- each clause of which referred to and was directly applicable to contemporary Scottish economics, religion and politics. To a sixteenth-century spectator it must have seemed as if Divine Correction had taken over the actual administrative machinery of contemporary Scotland. Lindsay's depiction of sovereignty and tyranny is thus truly unsettling for the audience because it is so close to reality.

But, even though Divine Correction claims power that is superior to Rex Humanitas, in stark contrast to the earthly king he accords adequate importance to the notion of counsel. Having freed Chastity and Verity from the stocks he declares:

> More will I not without the convening
> Of Parli'ment with all the Three Estates (lines 1384-5)

With this declaration, the promise of conflict between Rex Humanitas and Divine Correction is aborted and the entire focus of the play shifts from the sovereign(s) to the subjects. At Divine Correction's command Rex Humanitas summons the parliament. The three estates of Spirituality, Temporality, and Burgesses, are led by the Bishop, the Lord, and the Merchant respectively. Before the proceedings commence, we encounter the figure of the Pauper, who has lost his way to St Andrews and stumbles upon the performance by accident. The interlude between the two halves of the play consists of the Pauper's grievances against the taxes and duties imposed by the Church, which have reduced him from a poor peasant to a vagrant with no means of sustenance. He then gets embroiled in a scuffle with the Pardoner who tries to cheat him out of his last groat. At

this point, Rex Humanitas and Divine Correction enter in a regal procession. Rex Humanitas announces it is his desire to make necessary reforms 'With help and counsel of King Correction' (line 2004). That in fact it is the latter who is in charge is made amply clear when the bishop asks for a postponement of the parliament and Divine Correction challenges him by saying:

> Is this the part, my Lords, that you will take,
> To grudge support when we correction make?
> It does appear that you are culpable,
> That are not to correction pliable! (lines 2015-2019)

Diligence then announces the session open and asks those with grievances to step forward and declare their plaints. The first figure to do so is John the Commonwealth and he dominates most of the second part, listing complaints and grievances and asking for succour. In my last chapter I discussed the importance of the idea of the commonwealth in contemporary socio-political literature. Like his English contemporary Nicholas Udall, Lindsay too invokes the idea of the commonwealth in order to reflect on the acute economic problems of his time and to display a yearning for a realm at once more affluent and more invested in the welfare of the subjects. John the Commonwealth criticizes the endless duties and taxes the common man has to pay to both spiritual and temporal authorities, he bemoans the dearth of basic necessities and the monstrous rates of inflation, he rails against idlers, players, clowns and jugglers, and all those who would not toil physically for their living --those who would have something for nothing. In his

speech he indicts not only the fiddlers and pipers and beggars, but also the clergy -- the friars and monks who lead lives of luxury but never do an honest day's work in return, and leech off the poor people's inadequate incomes. In fact he is at his vituperative best when he is railing against them:

> This text was 'gainst all friars and their peers,
> Augustines, Carmelites and Cordeliers
> And all others that have in cowls been clad,
> Who labour not and yet good food have had-
> Who labour neither spiritually,
> Nor for their living work corporeally,
> Lying in dens like idle dogs-
> I them compare to well fed hogs! (lines 2183-2190)

The critique of the religious institutions and policies of the state is another feature that Udall's play and Lindsay's play have in common, albeit Udall's criticism is directed against the excesses of the Reformation and Lindsay is concerned with the corruption of the Catholic Church. Given the fact that the play was written when the Reformation was well underway both on the continent and in England, Lindsay's merciless critique of the Church becomes imbued with political significance. *Ane Satyre* has often been read as a play whose primary emphasis is on the reorganisation of religion in Scotland.[26] But the

[26] See Robert A. Potter, *The English Morality Play: Origins, History and the Influence of a Dramatic Tradition* (London: Routledge, 1975), p. 83.

political significance of such a play at such a time has been, by and large, overlooked. As Carol Edington points out, there is no evidence to show that Lindsay himself was anything but a Catholic, and his religious position was closer to that of an Erasmian desire for internal reform of the abuses of the Church rather than a Lutheran bid for schism within the Christian community.[27] In mid sixteenth-century Scotland the lines between Catholic and Protestant, orthodox and radical, conformism, dissent and a desire for reform were indistinct and fluid.[28] The court, under the dowager queen Marie of Guise, was still predominantly Catholic. But with preachers like John Knox gaining eminence, the reformed religion was gradually becoming a force to reckon with. Under such circumstances, Lindsay's scathing rebuke to the clergy as a whole, the depiction of Verity with the English New Testament in hand, Divine Correction's insistence that the clergy use the 'Inglisch toung' while preaching the second part of the play, are no doubt potentially politically controversial and at times even outrageously radical. Unlike Udall's *Respublica*, however, in *Ane Satyre* the appeal for the reform of the ecclesiastical community is directed towards not just the sovereign but the legislative assembly at large. And despite the importance given to reformation of clerical institutions, the central focus of *Ane Satyre* remains the oppression of the commonwealth under the burden of taxes and duties levied on the people; like in *Respublica* the critique of religion constitutes one aspect of the larger critique of the economic deprivation of the people. Notwithstanding the striking similarities with *Respublica* the political agency attributed to the

[27] 'Lindsay for one, although a vigorous critic of the Church, was never a confessed Protestant.' Carol Edington, *Court and Culture in Renaissance Scotland*, p. 53.

[28] 'At a time when confessions of faith were far from clear-cut, definitions of heresy and orthodoxy are extremely problematic'. Carol Edington, *Court and Culture in Renaissance Scotland*, pp. 43-4.

representative body of the people in Lindsay's play makes it fundamentally different from any other contemporary political morality. It is true that Udall's play refers to contemporary economic problems much in the same way as Lindsay's—but the former resorts to the subterfuge of a fictitious realm, while Lindsay sets his play squarely in sixteenth-century Scotland.[29] Where Udall's play is content with Nemesis punishing the Vices responsible for the dismal state of affairs in the commonwealth, *Ane Satyre* describes at length a parliamentary procedure in which the people take it upon themselves to draw up a charter of concrete reforms for the purposes of redressing the social and economic wrongs of the state.

The convention of the three estates was a regular feature of Scottish politics from the middle ages onwards. However, from the late fifteenth century onwards, with the growth of strong centralized monarchies, in Scotland, England and other European nations, parliament was often reduced to an instrument of taxation in the hands of powerful monarchs. They would summon a parliament to raise money to fund a war or a wedding or a personal whim. James IV of Scotland, summoned parliament only thrice during the latter part of his rule, which was a seventeen year long period from 1496 to 1513.[30] Norman Mcdougall writes that under his rule 'annual parliaments, which had

[29] David M. Bevington writes that all English moralities of this period, which critique the figure of the sovereign or the manner of his/her governance, were set in lands which are either fictitious, or belong to some distant, mythical past or amongst the infidels. It was never brought so close to home as to cause discomfiture to the actual sovereign. David M. Bevington, 'The Question of Obedience to a Tyrant' in *Tudor Drama and Politics: A Critical Approach to Topical Meanings* (Cambridge, MA: Harvard University Press, 1968), p. 156. Lindsay's Scottish play is a radical exception to this norm.

[30] Norman MacDougall, 'The Estates in Eclipse? Politics and Parliaments in the Reign of James IV' in *The History of the Scottish Parliament: Parliament and Politics in Scotland, 1235-1560,* ed. by Keith M. Brown and Roland J. Tanner, (Edinburgh: Edinburgh University Press. 2004), pp. 145-159.

been such a striking and often disruptive feature of the Scottish political landscape in the fifteenth century' became 'a thing of the past'.[31] Had such circumstances persisted in Scotland, then Lindsay's play would have come across as a nostalgic longing for the days when the three estates were consulted on matters of public importance, or even, a radical and outspoken demand for summoning parliament. But, as Jenny Wormald writes, the rule of two successive minor monarchs – James V and Mary—made parliament once again a regular feature of Scottish politics.[32]

The radical nature of Lindsay's play, thus, doesn't derive from the fact that it simply advocates the summoning of the three estates, because by the time the play is composed parliaments were once again being summoned quite regularly in Scotland. In fact, if we take 1552 and 1554 as the dates of the two definitive performances of the play in the form as we know it now, the records show that a couple of months before each performance there had been a convention of a parliament. Lindsay goes beyond advocating the summoning of parliament and indicates the nature of the actual legislation that should be passed in the parliament. The play, which begins as counsel directed specifically to the king, gradually widens in scope and assumes the form of counsel addressed to the counsellors themselves -- the members of the three estates, and the entire

[31] Norman MacDougall, *The History of the Scottish Parliament: Parliament and Politics in Scotland, 1235-1560,* p.145.

[32] Jenny Wormald writes: 'In Scotland, there had also been a decline in the early 16th century; James IV in his later years visibly departed from the practice of holding regular parliaments. But the minorities of James V and Mary inevitably reversed the trend, and James V himself, during his personal rule, used parliament in something of the same way as Henry VIII had done, except that his junior partner was summoned to uphold, not to reject, the Roman Church'. Jenny Wormald, *Mary Queen of Scots: Politics, Passion and a Kingdom Lost* (London:Tauris Parke Paperbacks, 2001), pp.121-2.

political nation of Scotland.[33] The representation of political counsel in *Ane Satyre* marks a departure from contemporary humanist ideas of counsel in which the sovereign is the sole addressee, and it also signifies a paradoxical return to the beginnings of humanist political thought. Quentin Skinner locates the origins of civic humanism in the republican city-states of *quattrocento* Italy where the fullest development of the humanist ideal was perceived to be in the realm of active politics. *Quattrocento* humanists addressed their political tracts to the people, not just the monarch.[34] But the scenario changed as these Republican city states were gradually taken over by autocratic rulers -- the power of the state came to be vested not in the citizens but the person of the monarch, until the humanist political writers of the later Renaissance inevitably began 'presupposing a context of princely rule, even when it is evident -- as in the case of Patrizi and Machiavelli -- that their own personal preference would have been for a Republic'.[35] The humanist thus retired into a life devoted to literature and philosophy, emerging from that reclusive existence only to write advice books directed at the monarch. Thus political counsel, political tracts, treatises, drama, advice books were all addressed to the figure of the sovereign to the exclusion of the rest of the community. However this too begins to change as the Northern humanists taking their cue from the civic humanists of the *quattrocento*, gradually begin modifying the genre of advice books. Following the

[33] Culturally, the idea that the political nation of the realm comprised the three estates of the people of Scotland, was quite widely accepted by the 1550's. In Robert Wedderburn's *The Complaynt of Scotland* (1550) we see the Dame Scotia reproaching 'hyr thre sonnis callit the thre estaitis of scotland' for the dismal state of affairs in the country, and exhorting them to institute reforms. Robert Wedderburn, *The Complaynt of Scotland* (Edinburgh: The Scottish Text Society, 1979), p. 56.

[34] Leonardo Bruni's *Laudatio Florentinae Urbis,* for example, was one such extremely influential tract.

[35] Skinner, *Foundations of Modern Political Thought,* I, p. 116.

publication of Baldassare Castiglione's *Il Libro del Cortegiano* in 1528, the concept of mediated political influence gradually becomes important. Sir Thomas Elyot's *The Book Named Governor* (1531) was another influential text in this tradition. Curiously, it is in England where there was no precedent of civic humanism and where the political ideal of humanism thrived under the aegis of an absolutist centralized monarchy, that 'a number of radical humanists . . . trained their attention on the more general problem of reforming the commonwealth rather than merely on the special interests of the ruling classes'.[36]

However, this trend was mostly limited to the political treatises of the time. As far as political drama is concerned the one accorded political agency is invariably the monarch through whose agency all measures of reform are expected to materialize. Once again, Udall's *Respublica* proves to be an interesting counterpoint to *Ane Satyre* in this respect. In this play, Respublica herself appears as the embodiment of the commonwealth who is in the thrall of Avaryce, Insolence, Oppression and Adulation, being duped and drained of her resources and prosperity. People, a personification of the people of the kingdom -- much in the same way as John the Commonwealth stands for the commonwealth -- complains about his misery and poverty. But Respublica, or the commonwealth itself, is passive and unable to act without the help of the divine agent of reform. This divine agent, Nemesis, is identified with none other than the English monarch, Mary Tudor. In *Respublica* thus the sole addressee is Mary Tudor in whose court and under whose patronage the play was performed. Once again, the political counsel is for the ears of the sovereign alone and the People have little to do once Nemesis has taken charge. According to Walker the 1540 version of *Ane Satyre* displays

[36] Skinner, *Foundations of Modern Political Thought*, I, p. 215.

a similar preoccupation with the figure of the monarch; Lindsay's entire worldview is centred on the figure of his monarch, and in Ane *Satyre* 'Lindsay speaks for the realm, not in a merely general sense, but specifically to the king'.[37] It is true that the multiple bearers of sovereignty do create a diffuse pattern of power distribution even in the later text of the play. But in this later version of *Ane Satyre*, especially in the second part, what we witness is not an address to the monarch, but a widening of Lindsay's audience beyond the monarch. Not only does Lindsay bypass the monarch to place extraordinary emphasis on the legislative assembly and make them put into effect a comprehensive programme of social, economic, and religious reform, he actually instructs the parliament on the *nature* of such reform and how to implement it. Sovereign authority is located in the representative assembly of the people, and thus political counsel is directed towards that assembly with a degree of directness that is unprecedented in drama.

The Three Estates and Scottish Politics

How far was Lindsay's literary counsel effective in shaping state policy and to what extent was it shaped by political events? According to Eure's source, after the 1540 performance, King James V did rise from his throne and warn the Bishops against corruption, threatening to send them to his 'uncle' in England if they did not change their

[37] Greg Walker, *Politics of Performance*, p.121.

ways.[38] But in the 1540-41 convention of parliament, instead of curtailing the powers of the Kirk, it was declared:

> These are the following acts made by our sovereign lord King James V, in his parliament held [*in December*] 1540 of the freedom of the Holy Kirk:
>
> Item, in the first, it is statute and ordained that the authority of the Holy Kirk be maintained and defended in all their privilege and liberties as they have been in our sovereign lord's time that now is and his predecessors, kings of Scotland, of most noble mind bypast.[39]

In another session held on 14th March 1541, a series of laws were enacted which enjoined upon the people to display devotion to the Holy Sacraments, to the image of the Virgin, to be obedient to the Kirk under whose jurisdiction they lived, and to pay reverence to the Pope. These also outlaw private discussions of the Scripture.[40] Thus as far as its immediate after-effects were concerned, Lindsay's play obviously failed to exert the influence he had hoped for, which is to say there were no immediate extensive reforms of the ecclesiastical institution.

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[38] The letter from William Eure to Thomas Cromwell, Lord Privy Seal of England, dated 26th January, 1540, from *The Works of David Lindsay of the Mount*, ed. by Douglas Hamer, 2 vols. (Edinburgh: The Scottish Text Society. 1931) II, p. 2.

[39] *The Records of the Parliaments of Scotland to 1707* (*RPS*), Reign of King James V, Parliament Register, Edinburgh: 10th Dec 1540.http://www.rps.ac.uk/

[40] *The Records of the Parliaments of Scotland to 1707* (*RPS*), Reign of King James V, Parliament Register, Edinburgh:14th March 1541.http://www.rps.ac.uk/

In the 1552/4 versions of the play, Lindsay's fictional parliament directly echoes many of the issues that had been broached in the actual conventions that had been held in both 1552 and in 1554 -- in both cases, months before the performances. The play was performed at Cupar on the 7th June, 1552 and in Edinburgh on 12th August 1554. In 1552, there was convention of parliament on the 1st of February, and in 1554 on the 12th of April. At this time the monarch was Mary Stuart, who was being brought up in the French royal court. Both sessions were presided over by Hamilton, the Earl of Arran, and the Governor of Scotland during the first few years of Mary's minority. In both the parliaments the primary focus of the legislative procedure was the issue of 'dearth in the realm'.[41] As Robert Lyall puts it, 'the overwhelming concern of the 1552 Parliament was with the famine which had been developing over the previous two years'.[42] However, both these Parliaments conspicuously avoided the issue of religion and clerical reformation. Scotland was being governed by an ostensibly pro-Catholic faction during this time, and though the Earl of Arran did convert to Protestantism, neither of the Parliaments headed by him addressed the issue of clerical reform. Moreover, weeks before the 1554 performance there was a change in the power structure of the country, as the dowager Queen Marie of Guise ousted Arran and became the Queen Regent and in the formal ceremony on 12th April 1554, marking this handing over of power, the three estates were present.[43] Marie of Guise was a staunch, orthodox Catholic and was

[41] *The Records of the Parliaments of Scotland to 1707* (*RPS*), Reign of Queen Mary I, Parliament Register, Edinburgh: 1st Feb 1552.http://www.rps.ac.uk/

[42] Lyall, 'Introduction' to *Ane Satyre of the Thrie Estaitis*, p. ix.

[43] Pamela E. Ritchie, 'Marie de Guise and the Three Estates, 1554-1558.' in *The History of the Scottish Parliament : Parliament and Politics in Scotland, 1235-1560*, p. 179.

surrounded by a pro-French, pro-Catholic faction. Thus, even though I do not subscribe to the view that Lindsay was advocating the Crown to seize all Church lands and disband all the monasteries, the kind of reform Lindsay *was* repeatedly advocating the three estates to execute would still have been extremely unpalatable to the authorities.[44] Yet the play was performed, twice or maybe thrice, over a period of fourteen years. The first time in the presence of a Catholic monarch (if we take the 1540 version to be a proto-version of the later play), and the last time in the presence of Mary of Guise, who was not just opposed to reforming the kirk, but was opposed to the theatre itself. The first parliament of her regency banned the performances of burgh plays and May dances and other forms of traditional public entertainment for fear that they might 'make perturbation'.[45] The configuration of contemporary politics lends credence to my

[44] Robert A. Potter, *The English Morality Play*, p. 83. I feel there is nothing in the play to suggest that Lindsay was advocating a fundamental, doctrinal change, and am more inclined to agree with Lyall who says the emphasis is upon 'clerical misconduct' rather than 'questions of doctrine'. Lyall, 'Introduction' to *Ane Satyre of the Thrie Estaitis*, p. xix.

[45] See Jenny Wormald, *Mary Queen of Scots: Politics, Passion and a Kingdom Lost*, p. 86. The actual text of the legislation against plays reads thus:

'Concerning Robin Hood and the Abbot of Unreason, chapter 40

Item, it is statute and ordained that in all time coming no manner of person be chosen Robin Hood or Little John, Abbot of Unreason, May Queen or otherwise, neither in burgh nor to land, in any time to come, and if any provost, bailie, council and community choses such a personage as Robert Hood, Little John, Abbot of Unreason or May Queen within the burgh, the choosers of such shall forfeit their freedom for the space of five years and otherwise shall be punished at the will of [*Mary of Guise*], the queen's grace, and the person who accepts such an office shall be banished out of the realm; and if such persons as Robin Hood, Little John, Abbot of Unreason or May Queen be chosen outwith the burgh and other landward towns, the choosers shall pay to our sovereign lady £10 and their persons put in ward, there to remain during the pleasure of the queen's grace; and if any women or others in summer tries singing, makes perturbation to the queen's lieges in the passage through burghs and other landward towns, the women perturbers, for the extortion of money or otherwise, shall be taken, handled and put upon the cookstool of every burgh or town.'

The Records of the Parliaments of Scotland to 1707 (*RPS*), Reign of Queen Mary I, Parliament Register, Edinburgh: 20th June, 1555.http://www.rps.ac.uk/

argument that Lindsay's play is not merely addressed to the monarch, advising him to value good counsel and reject evil flatterers. Though the play begins with that traditional morality theme, in the second half, Lindsay actually addresses the three estates -- the legislators of the state -- and advises them regarding the issues which they should include in the purview of parliament and the kind of legislation they should pass. He persists in this advisory role, in the face of indifference and at times, even legislation to the contrary.

Though characters like the Pardoner, who shower abuse on Luther and Melancthon (lines 1773-4), are presented in a wholly unflattering light, Lindsay never attacks the doctrinal basis of Catholicism outright. His critique of the church boils down to the fact that the members of the clergy enjoy temporal powers of taxation, and they exploit the commoners in order to lead a life of luxury. Thus, the Doctor of Laws says:

> I grant that Christ was King above all kings
> But he never interfered with temp'ral things. (lines 2818-9)

There might appear to be a contradiction between this principle, and the subjection of the earthly king Rex Humanitas to Divine Correction. By denying the clergy the right to wield temporal authority, Lindsay does not grant unspecified powers to the sovereign. To him, the members of the church are bearers of office, like the King, and both have their jurisdictions and both are subject to a higher, transcendental authority. Aside from that the law-making power of the sovereign is also dependent upon, or should be dependent

upon parliament, and three estates act as a decisive check upon the potentially limitless authority of the monarch.

Following the Doctor's speech, the members of the estate of Spirituality are stripped of their clerical habit and banished. John the Commonwealth is clad in robes of finery. Flattery turns against his fellow Vices, and offers to execute the death sentence delivered to Falsehood and Deceit personally. Though the clergy bear the primary brunt of Lindsay's scathing criticism, the other two estates are not exempt from his satire or the wrath of Divine Correction. He commands Temporality (led by the Lord) to banish Oppression from the land and farm out fallow land to the people. The Burgesses are not easily let off either. Falsehood and Deceit, before they are dragged off to the gallows, denounce all the merchants and the artisans and craftsmen, and complain that they had often made use of Deceit and Falsehood in their respective trades, without the help of people like themselves, their trades and crafts would never succeed. The play even gives voice to the vices bemoaning the hypocrisy of a system that condemns them and lets the burgesses go scot-free. This all-encompassing satire, coupled with the fact that at the end of the play Flattery escapes the reformative measures of Divine Correction and roams the world, as an active threat to susceptible bearers of authority, leads Greg Walker to conclude that in the later versions of the play we can detect Lindsay's complete disillusionment with the possibility of any kind of reformation.[46] However, in view of the

[46] 'Rather than attempting to negotiate with authority . . . Lindsay may have finally abandoned the project and been reduced merely to reflecting upon its impotence.' Greg Walker, *Politics of Performance in Early Renaissance Drama*, p. 154. It should be added that Walker has since revised his opinions about the despondency and pessimism expressed by the play. In his paper, presented at the Symposium on *Ane Satyre of Thrie Estaitis*, (July, 2014) he expressed the opinion that the play in fact conveyed the sense that it was up to the audience -- within and without the play -- to put into motion the reforms that would alleviate the sorrows of figures like the Pauper.

parliamentary proceeding described within the play and the charter of reforms, I think *Ane Satyre* displays remarkable conviction in the political efficacy of its own poetics: it does not merely leave it to God and divine agency to right the wrongs of the State -- it actually sets out a concrete, comprehensive agenda of legislative, ecclesiastical, social and economic reform at the end of the play. As Carol Edington writes, that not content with even drawing up a charter of reforms, 'Lindsay also suggests how they might be put into practice'.[47]

The last significant section of the play consists of fifteen acts of the Parliament being read out by Diligence. These encompass everything, from land reform, to judicial and economic reform, to ecclesiastical and social reform. The Parliament bans the clergy from enjoying multiple benefices, and stipulates that only erudite men shall be entitled to join the ecclesiastical community. It separates temporal and spiritual jurisdictions and declares that henceforth temporal lands shall be set out in feu, after the system in France. It enjoins upon the clergy to follow their vow of chastity. It advocates a total reorganization of the judicial system. In short, Lindsay's fictional Parliament legislates upon all those matters that the actual Parliaments of 1552 and 1554 had neglected and all those it had considered.

Significantly, after the conclusion of the procedures of the Parliament Rex Humanitas does not leave the stage in a royal courtly procession -- he remains seated. According to John McGavin this is because the play is 'poised between mimesis and reality' and the closure which had been achieved within the play was 'in the realm of Scotland, still provisional'. Thus until the 'real monarch' had instituted those reforms, the

[47] Carol Edington, *Court and Culture in Renaissance Scotland*, p. 210.

'player king' had to remain transfixed on the stage -- infinitely delaying the possibility of closure.[48] This refusal to admit to any kind of dramatic closure before the Parliament woke up to the needs of the Commonwealth reiterates the political zeal of the humanist courtier and poet, and given the degree of factionalism and violence that constituted the political climate of mid-sixteenth century Scotland it also displays a good deal of courage on his part.

In his capacity as a courtier of middling rank, Lindsay's influence on matters of state policy was mediated and situated at several removes from the bearer of sovereign power. For a courtier in a monarchical setup the life of active politics signified exhorting the monarch to recognize the value of counsel. Like many other humanist courtiers Lindsay attempted to couch political counsel in literary and fictional tropes. In this play and in other works such as *The Monarche* he attempts to address the issue of sovereign power and virtue. In the traditional sixteenth-century perception of politics, with its tremendous investment in the institution of centralized monarchy, all a ruler had to do in order to avoid the stigma of a tyrant was to take into account the sage counsel of a chosen few counsellors. The just monarch was supposed to rule in the interest of his subjects, but apart from this rather abstract notion of the 'welfare of the commons' the opinions of those situated outside the privileged coterie of power were not considered politically significant. Since the consent of the governed was not a concern of the political nation all political tracts, treatises, and plays were addressed to the monarch. As the century progresses, however, and we come to later Scottish political writers such as Buchanan,

[48] John J. McGavin, *Theatricality and Narrative in Medieval and Early Modern Scotland (*Aldershot :Ashgate, 2007), p. 84.

there is not only a transformation in the way political theory conceived of the state and sovereignty but also a change in composition of the intended audience of political writings. In the wake of the huge proliferation of monarcho-machic tracts, the notion of a contractual kingship becomes more and more accepted and acceptable. I would argue that in Lindsay's play, we witness the beginnings of this prising open of the political nation to include not just the King and his court, but also the Parliament itself, with the representatives of the three estates. Numerically it is still an insignificant percentage of the populace, but there is a clear shift in the way the political nation is being conceived of. *Ane Satyre* begins as a traditional morality play of the mirror-for-princes genre, the first part is counsel directed at the monarch, warning him against indulging flatterers, indulging his own baser appetites. The second half moves away from this pattern completely and not only extols the virtues of parliamentary counsel, but actually advises parliament upon the matters they should legislate upon and the nature of those legislations. Lindsay's dreams of land reforms and alleviating the poverty of the commons through active redistribution of resources never really took shape in the way he had hoped. But the Reformation Parliament was finally convened in 1560, six years after the last performance of the play, despite the fact that the sovereign was a devout Catholic. I believe the real political significance of his work, however, derives from its persistence in offering counsel, which was often unwelcome and unpalatable, not just to the monarch, but to the Parliament itself, thereby locating the ultimate legislative authority in the three estates of Scotland, not just the body of the hereditary sovereign. This was a significant gesture that paved the way for later writers such as Buchanan to theorize upon the contractual nature of kingship and the necessity of paying the respect due to the consent

of the governed. From the humanist notion of counsel evolved the proto-liberal notion of consent, and once the contractual concept of kingship makes the concession that law making authority is derived from the people it becomes necessary to counsel and influence not just the ruler, but also the ruled.

Part II: Artful Construction of the Political Realm: Buchanan and the Legitimacy of Resistance

The Scottish scholar, poet, and pedagogue, George Buchanan, belonged to the relatively rare breed of writers in sixteenth-century Scotland and England who expounded their political views through theoretical treatises as well as through poetry and drama. Buchanan's career, though much more varied and cosmopolitan, has certain basic features in common with Sir David Lindsay's. Born a decade and a half after Lindsay, Buchanan too was a part of the Scottish court, was appointed tutor first to James V's eldest illegitimate son, and later to James VI himself. Indeed during his brief stint at the Scottish court in 1539 as the tutor to James V's illegitimate son, Buchanan might have been personally acquainted with Lindsay. Buchanan too was committed to the cause of clerical reform, but unlike his more moderate predecessor, Buchanan was an outright Calvinist and his political views were far more radical than those of Lindsay. In fact his radicalism was so pronounced that it earned him the wrath of Cardinal Beaton, and he was forced to leave Scotland for France, where he stayed until the Reformation Parliament was convened in Scotland in 1560, and Calvinism was instituted as the state religion.

This section analyses two of Buchanan's texts belonging to different genres and composed at two very different stages of his career but exhibiting fundamentally similar political and poetical strategies: his neo-Latin biblical tragedy *Baptistes* -- which he wrote in the early 1540s when he was a young schoolmaster at Bordeaux, and his hugely controversial political tract *De Iure Apud Regni Scotos Dialogus*, written after and in defence of the deposition and exile of Mary Stuart from the Scottish throne in 1567.[49] By analyzing a poetic work of fiction in tandem with a polemical treatise I will attempt to prove the centrality of *poiesis* to the radical uniqueness of Buchanan's politics.

Baptistes has often been seen as the 'dramatic counterpart' of *De Iure*, a theatrical exploration of the concerns and opinions Buchanan expressed in the later treatise. I will attempt to show that, while *Baptistes* is proleptic of *De Iure* in some respects, in the three decades that intervened between the compositions of the two, Buchanan's political views had evolved to a great extent, and this transmutation was brought about through unprecedented developments in Scottish politics. The monarch of Scotland, Mary Stuart, was implicated in her second husband Henry Darnley's murder, and shortly after her imprudent marriage to Earl Bothwell -- the prime accused in Darnley's death -- she was accused of tyranny and deposed by her subjects.[50] Both *Baptistes* and *De Iure* address the issues of tyranny, sovereignty and the legal boundaries circumscribing the sovereign, but

[49] *A Dialogue on the Law of Kingship among Scots*, trans. and ed. by Roger Mason and Martin Smith (Surrey: Ashgate, 2004). All subsequent references to *De Iure* are from Mason and Smith's translation of the text. Page numbers for quotations from the text of *De Iure* will henceforth be indicated in the text, within brackets. All references to *Baptistes* are from *George Buchanan Tragedies*, ed. by P. Sharratt and P. G. Walsh. (Edinburgh: Scottish Academic Press, 1983).

[50] See Jenny Wormald, *Mary Queen of Scots: Politics, Passion and a Kingdom Lost* (London: Tauris Parke Paperbacks, 2001).

in *De Iure* it is the specific context of recent political occurrences which propels his argument justifying the legality of resistance against a legitimate monarch who is perceived to be a tyrant by his/her subjects. In his analysis of the issue of resistance against tyranny, Buchanan achieves a degree of political radicalism that goes far beyond the arguments of his predecessors embedded in the Calvinist tradition of resistance theory—people such as John Knox, Christopher Goodman, and John Ponet -- and anticipates seventeenth-century notions of contractual sovereignty in which the emphasis is not merely on the counsel of a handful, but the consent of the majority. The principal aim of this section will be to trace the developments in Buchanan's political thought from *Baptistes* to *De Iure* and connect them to the developments in *realpolitik* in Scotland in the mid-sixteenth century, arguing that it was the startling political developments of 1567 which acted as a catalyst in the formulation of Buchanan's radical justification of resistance and his fundamental reconfiguration of the notion of sovereign power itself. Invoking Victoria Kahn's notion of *poiesis* as the missing third term in the equation involving politics and theology, I will argue that Buchanan's uniqueness derives from his perception of the state and sovereign power as a human artefact -- a product of human rather than divine making. I will also argue that in conjunction with the political upheavals of Scotland, it is this non-naturalistic, non-mystical, artificial conception of the state and sovereignty -- the beginnings of which can be discerned in *Baptistes* and the fruition of which is evident in *De Iure* -- that enabled him to make a decisive break from the limitations of the resistance theory that preceded him. In this poetic conception of the state, Buchanan's work reflects the political rhetoric of the other sixteenth-century proponent of theory of the state as a human construct -- Machiavelli. To Kahn,

Machiavelli is one of the first thinkers to meditate 'on what it means artfully to construct the world of human interactions and political order.'[51] I argue that it is this notion of artfully constructing the political order that ties Machiavelli to Buchanan. This chapter thus will investigate the areas of convergence of this unlike pair of political theorists who seem to inhabit antipodal points in the sphere of sixteenth-century political thought, but whose works can be linked on the central and binding axis of *poiesis*. For purposes of consistency and clarity, before embarking on a discussion of Buchanan's text, I will briefly delineate the evolution of the idea of political theology and the surrounding debates.

Political Theology and *Poiesis*

The political crisis that followed in the wake of the first World War, accompanied by the rise of the Weimar Republic and culminating in the creation of the Third Reich, prompted a number of philosophers and jurists, almost exclusively German, to rethink and radically reformulate the idea and forms of authority. I use the term 'radically' in a very literal sense, because in many cases these reformulations involved tracing the origins of the formation of sovereign states back to late medieval and early modern Europe. Carl Schmitt, the Catholic German jurist who later became an advocate of Nazi absolutism, wrote his immensely influential treatise entitled *Political Theology: Four Chapters on the Concept of Sovereignty* in 1922 which sparked off a debate regarding

[51] Victoria Kahn, Introduction to *The Future of Illusion: Political Theology and Early Modern Texts* (Chicago: University of Chicago Press, 2014), p. 6.

legitimation of authority that is still ongoing in Western European political thought. It was also the pivotal text that popularized the extremely controversial discourse of 'political theology', which has become one of the most important critical labels associated with early modern history and literature.

Schmitt was interested in promoting a personalistic model of sovereign authority. For him sovereignty was -- juridically speaking -- a liminal concept, that was at once legal and extra-legal, and its liminal nature became evident in situations of emergency where it was the sovereign's prerogative to suspend the juridico-political order of the state and declare a 'state of exception'. Schmitt acknowledges his indebtedness to sixteenth and seventeenth-century jurists like Bodin and Hobbes as he traces the origins of this personalist theory of sovereignty back to early modern Europe's glorification of the divine status of the monarch. His single-minded focus is on the figure of the absolute sovereign, in whose hands all executive and legislative authority is distilled and entrusted. As Victoria Kahn points out, this blinkered vision makes Schmitt's understanding of early modern political theory a supremely literal one.[52] In direct contradiction to this kind of absolutist interpretation of early modern theories of sovereignty is Ernst Kantorwicz's *The King's Two Bodies*. Written after the disastrous political experiment of the Nazi state, and subtitled 'A Study in Medieval Political Theology', Kantorowicz's history -- though it seems to eschew Schmitt's treatise completely -- has been considered to be one of the most important responses to it. Kantorowicz delves deep into the theological and jurisprudential history of Europe — a

[52] Victoria Kahn, 'Political Theology and Fiction in *The King's Two Bodies*', *Representations*,106:1 (2009), pp. 77-101. See p. 84.

history Schmitt alludes to only summarily — and produces a constitutionalist interpretation of early modern sovereignty. Both Schmitt and Kantorowicz take off from the same premise, namely the transference of concepts from the realm of theology to the realm of jurisprudence. Schmitt's famous precept, 'All significant concepts of the modern theory of the state are secularized theological concepts' finds an echo in Kantorowicz's theory of the 'quid pro quo method' of 'taking over of theological notions for defining the state'.[53] Taking off from the same premise, Kantorowicz arrives at a law-centred notion of sovereignty, not 'wanting its own mysticism' but assuming the structure and inclusiveness of a temporal and spatial corporation rather than the exclusiveness of personal monarchy.[54] More importantly, in Kantorowicz's understanding this *corpus mysticum* of the state is an 'enabling fiction' while for Schmitt 'the juristic person needed to be embodied in a real person'.[55]

The other important philosophical response to Schmitt, particularly pertinent for a study of early modern drama and sovereignty, was Walter Benjamin's *The Origin of German Tragic Drama*, published in 1928. For Benjamin, it was the figure of tyrant-martyr who became the focal point of his discussion of seventeenth-century German Baroque tragedy. Samuel Weber has shown that Benjamin was not only aware of his indebtedness to Schmitt but had even forwarded his book to the eminent jurist with a

[53] See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, ed. and trans. by George Schwab (Cambridge, Massachusetts: MIT Press, 1985), p.36 and Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, New Jersey: Princeton University Press, 1957), p. 19.

[54] Ernst Kantorowicz, *The King's Two Bodies*, p.192.

[55] Kahn, 'Political Theology and Fiction in *The King's Two Bodies*', pp. 84-85. For a methodological and stylistic comparison between Kantorowicz and Schmitt, see Richard Halpern, 'The King's Two Buckets: Kantorowicz, *Richard II* and Fiscal *Trauerspiel', Representations,* 106.1(2009), pp. 67-76.

letter acknowledging that from Schmitt he had received a 'confirmation' of his modes of research.[56] Like Schmitt, and Kantorowicz later on, Benjamin too traced the origins of the idea of sovereign authority to early modern Europe and emphasized the transference of notions from theology to jurisprudence.[57] Weber argues that even though Benjamin starts from the premise of the liminality of sovereignty he subverts Schmitt's theory completely. The inability of the *trauerspiel* sovereign to make a decision results in an infinite deferral, and this results in what Weber calls a 'dislocation of sovereignty'.[58] According to Benjamin, a decisionist, absolutist, 'Schmittian' concept of sovereignty 'which takes as its example the special case in which dictatorial powers are unfolded, positively demands the completion of the image of the sovereign as tyrant'.[59] By associating absolutism with tyranny Benjamin calls into question the legitimacy of monolithic authority.

The works of Kantorowicz, Schmitt and Benjamin display a shared interest in not just the theology and jurisprudence of early modern Europe, but also its poetics. Benjamin wrote not just about German Baroque drama but also English drama, particularly Shakespearean tragedy. Kantorowicz dedicates what are arguably the two

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[56]Samuel Weber, 'Taking Exception to Decision: Walter Benjamin and Carl Schmitt', *Diacritics*, 22.3/4 (1992), pp. 5- 18. See p.5.

[57] 'The sovereign is the representative of history. He holds the course of history in his hands like a sceptre. This view is by no means peculiar to the dramatists. It is based on certain constitutional notions. A new concept of sovereignty emerged in the seventeenth century from the final discussion of the juridical doctrines of the middle ages…The publication of the Gallican articles in 1682 marked the final collapse of the theocratic doctrine of state: the absolute right of the monarch had been established before the Curia…this extreme doctrine of princely power had its origins in the counter-reformation'. Benjamin, *The Origin of German Tragic Drama*, p.65.

[58]Weber, 'Taking Exception to Decision', p.8.

[59] Benjamin, *The Origin of German Tragic Drama*, p.69.

most crucial chapters in his book to Shakespeare's *Richard II* and Dante. Even Schmitt, albeit later in his career, turns his attention to Shakespeare in 'Hamlet or Hecuba?' (1956). In their works the juridico-political forms and fictions of the age inform and are informed by the literary -- particularly dramatic -- forms and fictions. This makes the discourse of political theology so central to literary criticism of the subsequent decades of the twentieth-century and beyond.

In the decades that followed the Second World War, 'political theology' became almost indispensible in most discussions of early modern history and literature as different critics unravelled different understandings of the discourse. One strand, for instance, tried to uncover the centrality of the sacral in early modern political thought. Important examples of this understanding of political theology are Debora Shuger's *Political Theologies in Shakespeare's England* (2001), which tries to locate the place 'where the moral and spiritual substance of Christianity enters the political field and transforms it'; or *Alterations of State* (2002) by Richard McCoy which talks of the 'animating and redemptive real presence' of the Tudors after the Reformation, which bound the sovereign and the subject 'in a communion stronger than any proffered by an alien papal authority'.[60] On the other hand, critics like Graham Hammill and Julia Lupton have attempted more nuanced and complex readings of early modern texts. In a 2006 essay, Hammill and Lupton, collaboratively defined political theology as the 'constitutive

[60] Debora K. Shuger, *Political Theologies in Shakespeare's England: The Sacred and the State in Measure for Measure* (New York: Palgrave, 2001), p. 45. Richard McCoy, *Alterations of State: Sacred Kingship in the English Reformation* (New York: Columbia University Press, 2002), p.15.

dialogue' of religion 'with forms of political organization in the early modern West'.[61] In the Introduction to *Political Theology and Early Modernity*, they elaborate on this further. Rather than a simple transference from the theological to the jurisprudential, they define 'political theology' as:

> [T]he exchanges, pacts and contests that obtain between religious and political life, especially the use of sacred narratives, motifs, and liturgical forms to establish, legitimate and reflect upon the sovereignty of monarchs, corporations, and parliaments.[62]

A third unique understanding of the term has been put forth by Victoria Kahn, who totally reconfigures the ongoing debates about political theology by arguing that the hitherto neglected but crucial third term in the equation between 'theology' and 'politics' is '*poiesis*'. Kahn contradicts Hammill's assumption of transcendental legitimation of political power, and his argument that political making 'endlessly falls into theological modes of thinking and representation'.[63] In *Wayward Contracts* (2009) Kahn argues for a 'linguistic turn' in early modern politics, which created a new kind of political subject in the seventeenth century, which in turn signalled a new conception of sovereignty based

[61] Graham Hammill and Julia Lupton, 'Sovereign, Citizens and Saints: Political Theology and Renaissance Literature', *Religion and Literature*, 38.3 (2006), pp. 1- 11. See p. 3.

[62] *Political Theology and Early Modernity*, ed. by Graham Hammill and Julia Lupton (Chicago: University of Chicago Press, 2012), p.1.

[63] Graham Hammill, *The Mosaic Constitution: Political Theology and Imagination from Machiavelli to Milton* (Chicago: University of Chicago Press, 2012), p.5.

on contractual obligations and the beginnings of the discipline of political science. [64] This line of enquiry culminated in her most recent work *The Future of Illusion* (2014) in which she writes that *poiesis* or the Hobbesian principle that 'we can only know what we make ourselves' is the overarching idea which 'encompasses both the art of poetry and the secular sphere of human interaction, of human politics and human history'.[65] Such an artificial, entirely manmade etiology of the political order is central, Kahn argues, to the works of Machiavelli, Shakespeare, and Hobbes -- all of whom are concerned with the artful construction of political life.[66] Poetics becomes the arena where the exchanges between jurisprudence and theology, politics and religion, acquire imaginative significance.

Even though in *Wayward Contracts* Kahn writes that none of the resistance theorists of the sixteenth century had been able to conceive of the state as 'wholly artificial',[67] and these notions came into their own only in the seventeenth, I would like to argue that Buchanan stands out by virtue of being the one political thinker who does

[64] Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640-1674* (Princeton, New Jersey: Princeton University Press, 2004), p.16. In an even earlier essay Kahn had emphasized this element of fictionality or theatricality in early modern political theory: 'Hobbesian representation is essentially theatrical: a person is not someone who has ''personal authority,'' so that ''the representative as well as the person represented must maintain a personal dignity.'' Rather, a person is a theatrical and legal fiction, a disguise or outward appearance, a matter of convention rather than incarnation'. Victoria Kahn, 'Hamlet or Hecuba: Carl Schmitt's Decision', *Representations*, 83 (2003), pp. 67-96. See p. 79.

[65] Victoria Kahn, *The Future of Illusion*, p. 3.

[66] Jonathan Dollimore writes 'Machiavelli and Hobbes demystify man and society . . . politics is separated from morality and both are in turn separated from divine prescription'. Jonathan Dollimore, *Radical Tragedy: Religion, Ideology and Power in the Drama of Shakespeare and his Contemporaries*, 2nd edn (Hertfordshire: Harvester Wheatsheaf, 1989), p. 170.

[67] Victoria Kahn, *Wayward Contracts*, p.10.

perceive the state as an institution that is entirely fashioned by men, through an act of '*poiesis*', to meet the earthly needs of human beings, without any kind of 'transcendental legitimacy'. Not surprisingly, among the English and Scottish resistance theorists, Buchanan is also the only one who is able to articulate a contractual theory of kingship that anticipates the works of seventeenth-century political thinkers such as Hobbes and Locke in significant ways. The idea of the state as a product of political *poiesis* is one that makes its presence felt in Buchanan's works as early as the 1540's, when he wrote among other Latin plays, the biblical drama *Baptistes*.

Baptistes: Artifice in Politics and Theology

The neo-Latin biblical tragedy *Baptistes* was contemporary to the political moralities discussed earlier in this thesis, but its heterogeneous generic affiliation, consisting of the formal aspects of Senecan tragedy coupled with the subject matter of medieval miracle plays, makes its portrayal of tyranny entirely different from the tyrant drama of the period. The subject of *Baptistes* was the execution of John the Baptist at the command of Herod Antipater. It was a theme which recurred in the tradition of late medieval biblical drama establishing Herod as the archetypal stage-tyrant whose histrionics and licentious excesses became the stuff of legends.[68] But Buchanan's

[68] Rebecca Bushnell writes 'As a figure who survived in the theatrical imagination well past his heydey, Herod established a theatrical precedent for representing tyranny that corresponded with the statecraft and anti-tyrannical tracts.' Rebecca W. Bushnell, *Tragedies of Tyrants: Political Thought and Theater in the English Renaissance* (New York: Cornell University Press, 1990), p. 84. In his seminal work on tyrant drama, Walter Benjamin writes 'above all, it is the figure of Herod, as he was presented throughout the European theatre at the time, which is characteristic of the idea of the tyrant.' Walter Benjamin, *Origin of German Tragic Drama*, p. 70.

classical treatment of this familiar biblical theme makes *Baptistes* significantly different in tone and structure from traditional miracles and interludes. The tone of *Baptistes* is the serious, lofty, tone of Senecan tragedy; it eschews completely the episodes imbued with sexual, scatological or immoral humour which were an integral feature of even those political moralities plays which addressed grim issues of political corruption and misuse of power. The dramaturgical limitations imposed by the tragic form resulted in the absence of abstract characters within the play. Thus both the evil vices who lead the tyrant astray and the divine agents of reform who restore harmony to the world of the morality play by chastising the tyrant, are absent in *Baptistes*. The primary upshot of this is that *Baptistes* lacks the transcendental, 'other-worldly' dimension that is so obviously present in the tyrant drama of the period. The absence of transcendentalism makes it not just possible but entirely necessary for Buchanan to imagine and represent the political and religious institutions of the state as human constructs. Though *Baptistes* adheres closely to biblical history in all essential respects, Buchanan composed it as a drama of human, not divine significance. The secular political realm, constructed, inhabited and administered by human beings, remains his sole concern in the play. Although Rebecca Bushnell argues that the play in fact straddles two separate temporal dimensions—the secular, political time inhabited by Herod and others and an eternal, transcendental time inhabited by John the Baptist—it is in fact hard to find evidence for the contrast between secular and eternal time within the play.[69] Bushnell's proposition is based on a perception of the Baptist himself as a religious martyr. I would argue, however, that the play

[69] Rebecca W. Bushnell, 'George Buchanan, James VI and neo-classicism' in *Scots and Britons: Scottish political thought and the union of 1603*, ed. by Roger Mason (Cambridge: Cambridge University Press, 1994), pp. 91-111. See p.103.

presents the Baptist more as an itinerant preacher than a prophet endowed with supernatural powers. Throughout the play he is associated with the common people rather than with God. The Queen sees him as a 'rabble-rouser' [*concitatur iste vulgi*] (141), the rabbi is wary of the 'crowd [that] follows in attendance on the sacrilegious fellow' (149) and the King is afraid he shall 'displease the people' [*populum offendero*] if he punished the Baptist (146). Within the play the source of political power are the common people and the wheels of action are set in motion when the Baptist's influence over the people begins to threaten both the religious and the political status quo of the nation.

The play opens with a dialogue between the two rabbis Malchus and Gamaliel about the Baptist, who, much to Malchus' chagrin 'has drawn himself an army of an attendant mob' and has begun to pronounce 'new laws like a second Moses'(137).[70] Gamaliel shows himself to be inclined to take an indulgent view of the Baptist's simple faith and his emphasis on 'good manners' and chastity. But Malchus sees the 'lunatic youth' and his popularity with the common people as a threat to his own authority. The exchange between the two anticipates the beginnings of the *legibus solutus* debate that forms the core of *Baptistes*, as indeed of all sixteenth-century discussions of tyranny. For Malchus, the man in power is endowed with the right to lead the 'herds' of common people in the direction he deems to be right. He 'must be his own law', punishable only by God, and this makes him believe in the justifiability of punishing the Baptist who has flouted the laws ordained by God's deputy. Curiously enough, the rabbi sees himself and not the monarch as God's deputy. Though it is an essentially religious conflict that spurs Malchus to incite Herod to punish the Baptist and reveal himself as a tyrant, in

[70] Page numbers are indicated within brackets.

Buchanan's play religious conflicts take distinctively political forms. For Buchanan, thus, religious and political institutions are both part of the same secular power structure in which the powers that be and the will of the common people are locked in eternal combat. Thus the priest anticipates the fears and doubts that plague the king. Malchus's passing reference to Herod's partially Arab heritage and his savagery – 'savage king Herod, great-grandson of the half-Arab Antipater' (135) - also hints at a rivalry between religious and political institutions of power. This is not to say that the play excludes the existence of God, but only that it does not presuppose the operation of divine will in matters of the secular polity. Thus Gamaliel's faith in a God who values the pure heart of a 'rustic' over 'ancestral genealogies' is sincere enough. But that belief informs his personal faith, it does not permeate the organised religion of which he is a part.

In a distinctly Machiavellian manner, Buchanan sees religion as a body of laws or customs instituted and interpreted by human beings. In *Il Principe* Machiavelli sees the Vatican or the Church as just another city state vying for power alongside Milan, Venice, and the rest, and devotes an entire chapter to the analysis of the techniques by which 'ecclesiastical principalities' had risen to power in sixteenth-century Italy.[71] In *Discorsi* (Book1, Chapter XII) he not only sees the Church as a political player, but blames the Church for not having been strong enough to establish political hegemony over the rest of the city states and unify Italy under the aegis of her temporal authority.[72] Above all, for Machiavelli it was the skilful interpretation of religious signs and customs that was the

[71] Niccolo Machiavelli, *The Prince*, trans. and ed. by Robert M. Adams, 2nd edn (London: W. W. Norton and Co.,1992), pp. 31-33.

[72] Niccolo Machiavelli, *Discourses on Livy*, trans. by Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), p. 38.

key to astute politics. In another chapter of *Discorsi* he relates an episode from the history of the Roman republic in which the Consul Papirus had manipulated unfavourable religious auspices and won victory in the battlefield 'by knowing well how to accommodate his plans to the auspices'.[73] John Najemy argues very persuasively that Machiavelli's writings have outraged the religious sensibilities of readers for the past four centuries not because he was an atheist heretic, but because he was the only political writer to emphasize the efficaciousness of harnessing the power of religion to serve political ends. Najemy writes that for Machiavelli, religion was 'fundamental to culture and civilization: certainly no mere pack of lies but not exactly a unique revelation of the divine will either'.[74] Analysing the passages on Consul Papirus, Najemy concludes that for Machiavelli 'skillful interpretation, as necessity requires, of the strictures and demands of religion' was of paramount importance in matters of the state.[75] For the benefit of the secular polity, it was not necessary that the figure(s) of authority be truly pious themselves, but that they interpret religion in a way which made their *subjects* believe what they want them to believe.[76] I argue that between Malchus and the Baptist, it is this question of interpretation of religious laws, which is at stake. Malchus holds the formal right of interpreting religion on behalf of the people, but it is evident within the

[73] Machiavelli, *Discourses on Livy*, p. 48.

[74] John Najemy, 'Papirius and Chickens, or Machiavelli on the Necessity of Interpreting Religion', *Journal of the History of Ideas*, 60.4 (1999), pp. 659-681. See pp. 665-6.

[75] John Najemy, 'Papirius and Chickens, or Machiavelli on the Necessity of Interpreting Religion', p. 680.

[76] However, Najemy also believes that Machiavelli's sympathies ultimately lie with the 'plebs' or those who are made to believe the interpretations of the prince. I agree with the contention that in *Discourses* there is a strong sense that Machiavelli's 'point may have been that the plebs suffered the consequence of leaving the interpretation of religion to others and that they too ought to have engaged in some creative interpretation of their own'. Najemy, 'Papirius and Chickens', p.678.

play that the Baptist emerges as a more 'skillful' interpreter who is far more effective at convincing the people to believe what he wishes them to believe. In Malchus' eyes the Baptist has,

> beguiled the simple folk with the appearance of stern sanctity . . . The common folk believe that a new prophet has suddenly been bestowed on the world . . . He is become arrogant through the frenzy of the stupid crowd. He issues new laws like a second Moses, he has the effrontery to purge sins with water, and to defile the old laws with new rites. (135-6)[77]

Malchus too sees the Baptist as a skilled manipulator of beliefs rather than a prophet endowed with supernatural powers; it is his popularity with the subjects that threatens him and spurs him into inciting Herod's ire.

In Herod's character too we find this dichotomy between sincere belief and effective manipulation, a dichotomy which in itself is a part of the Machiavellian idea of skilful dissemblance directed towards the manufacture of belief in others. Initially, it is Malchus' evil counsel, combined with the instigation provided by the Queen and her daughter which appears to be the catalyst that triggers Herod's decline into tyranny. Like many of the stage tyrants discussed prior to this, at the beginning Herod is anxious to

[77] It is perhaps noteworthy that Malchus, like Machiavelli, imagines Moses as a 'legislator-prophet' (Pocock, *Machiavellian Moment*, p.193). Graham Hammill writes that Machiavelli conceives of Moses as the perfect exemplar of the prince who is able to 'regulate the belief of his subjects' through what, invoking Benjamin, he designates as 'divine violence' or the act of lawmaking violence that accompanies the foundation of a 'new political order'. See Graham Hammill, *The Mosaic Constitution*, p. 32. The identification of the Baptist with the figure of a neo-Mosaic 'new prince' hints at the threat of usurpation that plagues Malchus and later Herod too.

project himself as a model ruler. To him the very thought of tyrannical action is abhorrent. When the Queen tries to convince Herod to put a stop to the Baptist's activities, he seems quite reluctant to give way. He shows an acute awareness of the differences between a good king and a tyrant, with respect to the legal and juridical norm of the country, and is resolute to follow the precepts of the former, saying:

> Surely this is the difference between the tyrant and the good king, that the king keeps watch on enemies, whereas the tyrant is the enemy of the citizens . . . It is the mark of good kings when the power is great to put limits on their use of force. (142)

Till this point Herod comes across as a king who accepts the idea of limited monarchy and identifies absolutism with tyranny.[78] The turning point in Herod's views of kingship seems to be his encounter with the Baptist himself, during the course of which his resolve to consolidate his sovereignty by punishing the insolent subject who had dared to challenge his authority gradually hardens. The scene begins with Herod assuring the Baptist that 'In Herod you will have a judge amenable and fair'(144) and reminding him that in the past he had displayed clemency by forgiving the slur the Baptist had cast upon

[78]As I have argued before the lines between absolutism and tyranny are difficult to ascertain in sixteenth-century drama and political and legal theory, and the entire resistance debate was largely centred on this one question: was the sovereign ruler *legibus solutus* or was he subject to the laws of the state. As Mary Nyquist puts it: 'Whether the ruler must submit, as his subjects do, to natural, divine and positive laws is the most divisive issue separating absolutism and its opponents.' Mary Nyquist, *Arbitrary Rule: Tyranny, Slavery and the Power of Life and Death* (Chicago: University of Chicago Press, 2013), p.79.

Herod's incestuous marriage and thereby upon the legitimacy of Herod's authority. But he urges the Baptist to defend himself against the charge of having flouted the customary religious law of Judaea and encouraged the people to do the same. Herod says, in the manner of the amenable and fair judge he claims to be:

> If you can refute the other charges made against you, I pardon you for all that you have previously said against me and my kin. You will realise from the witness of the people that I ignore injury to myself, but punish injury to the state.(144)

But the Baptist reminds him that he is in fact duty-bound to:

> Set the limits to your power which the application of the laws has imposed on you…So whatever decision you will reach about my person you must believe that God makes about yours.(145)

The Baptist's unwavering integrity makes Herod waver from his decision to be merciful and fair.

Whether this entire scene is an elaborate histrionic display on the part of a king who was in reality always a tyrant or a genuine decline from a position of relative moral superiority is of course debatable. To critics such as Tricia McElroy Herod is the model of 'political hypocrisy and prevarication'.[79] His claims to fairness and justice are mere

[79] Tricia McElroy, 'Performance, Print and Politics in George Buchanan's *Ane Detectioun of the duinges of Marie Quene of Scottes*', in *George Buchanan: Political Thought in Early Modern Britain and Europe*, ed. by Roger A. Mason and Caroline Erskine, St Andrews Studies in Reformation History (Surrey: Ashgate, 2012), pp.49-70. See especially p. 63.

role-playing. Invoking Rebecca Bushnell, McElroy argues that in fact this theatricality itself is a characteristic reminiscent of the stage-tyrant in the sixteenth century. According to McElroy, Herod had from the very beginning harboured a secret resolve to murder the Baptist.[80]

I argue Buchanan deliberately leaves it open to interpretation whether or not Herod's initial resolve to be a good king is sincere or mere posturing, and this ambiguity is reminiscent of the Machiavellian dictum about the ideal ruler as a competent dissembler. Machiavelli writes in *Il Principe*:

> In actual fact, a prince may not have all the admirable qualities listed above, but it is very necessary that he should seem to have them. Indeed, I will venture to say that when you have them and exercise them all the time they are harmful to you; when you just seem to have them, they are useful. It is good to appear merciful, truthful, humane, sincere, and religious; it is good to be so in reality. But you must keep your mind so disposed that, in case of need, you can turn to the exact contrary.[81]

Analysing this passage Kahn concludes that this is part of Machiavelli's 'immanent critique' of humanist rhetorical and political strategies. In early modern Europe, imitation of Classical writers was a rhetorical exercise which was a part of the humanist curriculum. Kahn argues that gradually 'successful imitation' became a rhetorical tool

[80] McElroy, 'Performance, Print and Politics', p.62.

[81] Niccolo Machiavelli, *The Prince*, p.48.

'manipulated in the interests of power', while power itself becomes partly 'a rhetorical effect of imitation'. The prince must perforce imitate certain virtues, not just to 'deceive his enemies but also to satisfy his people and maintain his power'.[82]

Whether Buchanan read Machiavelli is not known for certain, but given the correspondences between Herod and the Machiavellian ruler, who ably changes his stance with changing, contingent circumstances, it seems entirely possible that Buchanan was influenced by the Florentine's works.[83] Machiavelli, as Kahn points out, is not concerned whether the prince is a dissembler or sincere as far as conventional moral virtues are concerned, as long as he is willing to be flexible when circumstances demand it. At the beginning at least there is sufficient scope for ambiguity as to whether Herod is a competent dissembler or a genuinely merciful and fair ruler, but what is certain is that ultimately he overcomes his hesitations to exterminate what he perceives to be a threat to his authority. Of course, in *Baptistes*, Buchanan uses the image of the Machiavellian prince in order to critique Herod's tyranny. In so far as Buchanan was influenced by Erasmian humanism and the play itself is a testament to his admiration of Stoic quality of unwavering constancy, Herod's willingness to switch from one mode of behaviour to its opposite marked him out as not an able ruler, but an unethical and unfit king -- in short, a tyrant.

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[82] Victoria Kahn, *Machiavellian Rhetoric: From the Counter-Reformation to Milton* (New Jersey: Princeton University Press, 1994), p.24.

[83] It is important to note here that J. H. Burns believes 'the most interesting point in the *Baptistes* is Buchanan's development of his anti-Machiavellian position', adding that he 'plainly rejects' a Machiavellian view of politics. I argue that even if he rejects the 'Machiavellian view' of politics, he certainly does invoke the model of the Machiavellian prince in a significant way. J. H. Burns, *The True Law of Kingship: Concepts of Monarchy in Early Modern Scotland* (Oxford: Clarendon, 1996), p.194.

Thus, once the Baptist refuses the terms of pardon offered by Herod, the latter loses no time in changing his tactics:

> Enough of this disputation. Take this man back again. The matter is a tangled one. Until the whole situation is clear and becomes more certainly known, I am resolved to take no decision.(145)

In the ensuing soliloquy Herod outlines the dilemmas and conflicts that a ruler must face in his or her everday life:

> If I destroy this prophet, I shall displease the people; If I preserve him, I neglect the interests of my kingdom. What, then, must I do . . . Granted that one must act the people's servant to preserve kingly power, what could be more foolish that to destroy the kingship through eagerness to please the mob?(146)

Herod here demonstrates the rhetorical exercise of arguing *in utram que partem*, or the humanist practice of arguing both sides of question.[84] Rebecca Bushnell writes that compared to the Herods of conventional morality plays, Buchanan's Herod seems rather lacking in passions and licentiousness. But in the absence of the Vices and Virtues, the psychomachic battle is expressed through argument instead of histrionic action. She writes, 'Instead of being divided between the politicized abstractions of good and evil,

[84] Victoria Kahn writes, 'The humanists following Aristotle, believed that one needs to be able to argue both sides of a question, not so that one may actually defend a false position but so that one might anticipate and thereby more effectively rebut one's opponent.' Kahn, *Machiavellian Rhetoric*, p. 24.

[like the morality tyrants] the Humanist tyrant is divided in discourse, in debate with others and himself'.[85] In the very next line Herod resolves this internal debate by declaring his decision 'to buttress the king's authority with bloodshed'(146). In a decidedly Machiavellian tone he adds, 'The crowd will be readily appeased thereafter. If I permit this present bane to infiltrate more widely, it will prevail over the remedies for it'(146). At this point his transformation into a tyrant is complete.

Herod's desire to make an example out of the Baptist's death in order to bolster his sovereign authority lays bare the intermeshing of power and violence and invokes the Foucauldian notion of the 'the spectacle of the scaffold' by which 'momentarily injured sovereignty is reconstituted'.[86] In *Baptistes,* Herod's decision to 'buttress' his authority with 'bloodshed' is an iteration of his desire to reconstitute his affronted sense of power, a desire which Buchanan categorizes as tyrannical abuse of power. By criticizing the interdependence of power and violence, the very notion of sovereignty is insidiously problematized. At the same time, it brings into sharp focus the twinned notions of 'violence and artistry', which are indispensable in the creation of the sovereign power of

[85] Bushnell, *Tragedies of Tyrants*, p.103.

[86] See Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (London: Allen Lane, 1977), pp. 47-8. The idea of the 'spectacle' of public execution is used by Nyquist in her essay on Buchanan's other neo-Latin play, *Jephtha*. Interestingly enough she argues that it is a notion that is not evident clearly in *Jephtha*. However, it is John Christopherson's 'nearly contemporaneous' play on Jephtha's sacrifice, in which Christopherson's depiction of the sacrifice 'suggest(s) the spectacle of public execution, that is, juridical rather than sacral violence', while Buchanan's play 'obliquely undermines both the identification of paternal with political sovereignty and the notion that the ruler stands in privileged association with the Deity'. See Mary Nyquist, 'The Plight of Buchanan's Jephtha: Sacrifice, Sovereignty, and Paternal Power', *Comparative Literature*, 60.4 (2008), pp. 331-354, especially p. 333. In *Baptistes* however, this idea of juridical violence makes its presence felt very clearly in Herod's decision to execute the Baptist, even if Herod's association with any kind of Divinity is circumspect.

the state.[87] Walter Benjamin writes that all legal and political structures are the result of an absolutist decision shaped through an act of violence and 'Violence, crowned by fate, is the origin of law'.[88] Herod's action invokes this Benjaminian category of 'lawmaking violence' in which violence becomes the instrument of artfully manufacturing the state and its power. Linked inextricably with this understanding of violence and power, is the twentieth-century jurist's Carl Schmitt's idea of sovereignty manifesting its power through a decision upon the exceptional case.[89] Herod's decision to punish the Baptist is no ordinary judgement -- it is that decision by which the sovereign consolidates his own singular and supreme power. On the other hand it also revives the memory of that originary 'lawmaking' violence which, as Benjamin reminds us, is enshrined in the heart of every living political institution.[90]

Buchanan's consideration of the position of the sovereign *vis-à-vis* the legal structure of the state takes *Baptistes* beyond the standard questions of tyranny invoked by contemporary political moralities, and for the first time before *Gorboduc*,[91] it probes deep

[87]Kahn, *Wayward Contracts*, p. 2.

[88]Walter Benjamin, 'Critique of Violence' in *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. by Peter Demetz, trans. by Edmund Jephcott (New York: Schocken Books, 1986), pp. 277-300. See p. 286.

[89] Carl Schmitt, *Political Theology*, pp. 8-9.Twentieth-century political philosophers like Carl Schmitt often looked back at sixteenth-century political theories in their works. While on the one hand Schmitt draws heavily upon Jean Bodin's theories of sovereignty in his work, on the other he is also involved in a dialectical dialogue with his contemporary Benjamin. In the next chapter I argue that it is *Gorboduc* in which the questions of exception and violence are explored more fully.

[90] 'When the consciousness of the latent presence of violence in a legal institution disappears, the institution falls into decay.' Benjamin, 'Critique of Violence', p. 288.

[91] Sharratt and Walsh show that Buchanan's own letters and writings mention that all four of his neo-Latin tragedies, including *Baptistes*, were composed between 1540 and 1543, while he was a schoolmaster at

into the mechanism of sovereign power itself. This kind of investigation of the nature of sovereignty is made possible because in *Baptistes*, sovereignty is portrayed as an authority that is not bestowed by God but is derived from humans and controlled by humans. Herod is not a monarch with unshakeable faith in his own semi-divine powers; he is a mortal king acutely aware of the transience of authority and afraid of that authority being wrested away from him. Herod's primary concern is that the Baptist will 'desire to rule rather than be ruled; he will impose laws on the royal house'(146). It is because sovereignty is understood as a human construct that the Baptist's popularity renders him a potential usurper in Herod's eyes. The threat of usurpation perhaps reminds Herod that his own claim to the throne could be tenuous due to his partially Arab heritage and awakens his tyrannical disposition.[92] Thus he says:

> I regard as no concern of mine the babblings of the rabbi Malchus about the laws, . . . as long as the people realise that this one law is to be observed: to believe that for me anything contrary to the laws can be lawful.(146)

His stance on the *legibus solutus* debate is made clear when he declares himself to be over and above the normative juridical and legal system of the state and reveals himself as a tyrant even before he has actually sentenced the Baptist to death. Whatever else

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Bordeaux, even though *Baptistes* was published three decades later. See Sharratt and Walsh, Introduction to *George Buchanan's Tragedies*, pp. 2-3.

[92] The poetic conception of sovereignty always brings to the fore the figure of the usurper or the potential usurper. In *Baptistes* this is only hinted at once, that too very obliquely. But this phenomenon finds its fullest expression in the English drama of the latter half of the century, beginning with *Gorboduc*. The next two chapters of my thesis will discuss the usurpation plot as a form of this poetic understanding of politics.

Buchanan is ambiguous about, there is no room for debate regarding his position on this question of the primacy of the legal system over the sovereign authority of the state. The king who 'rejects the reins of the laws . . . and weighs law by violence'(149) is, for Buchanan, a tyrant.

In *Baptistes*, the most evocative enactment of the *legibus solutus* debate takes place in the penultimate scene between Herod and the Queen's daughter, referred to as Puella in the play. Pleased by the Puella's dancing, Herod promises to grant her anything she desires, apparently unaware of the consequences of this rash promise. Although by this time Herod has already revealed himself to the audience as a tyrant by resolving to sentence the Baptist to death, when the Puella asks him for the Baptist's severed head as a reward for her dance, he feigns shock and incredulity. In the course of the stichomythic exchange that ensues between the two, Buchanan's Herod appears to display priceless cunning in the way in which he manipulates rhetoric in order to shift the blame for his tyrannical decision onto her. The exchange is a parodic re-enactment of the earlier exchange between Herod and the Baptist, except here Herod makes his step-daughter articulate all the morally reprehensible things which he had earlier said, while he himself echoes the Baptist.[93] When she says 'The king by his command can make just what was

[93] This moral ambivalence that Herod achieves by using *sententiae* or general statements is typical of Senecan drama, which by means of *in utram que partem* arguments and the use of such open-ended, equivocal, statements makes the reader/audience complicit in the construction of its own political meaning. Eleanor Winsor Leach, in her essay 'The Implied Reader', argues that this was also a rhetorical strategy employed by Seneca in order to avoid the wrath or censure of Emperor Nero while suggesting a critique of tyranny. She writes that such sententious expressions as Quintilian explains in his *Institutio*, are 'often used when open speech is not politically advisable. It formed a part of the practices taught in rhetorical schools. We may assume that a Roman senatorial audience was alert to such hidden meanings, just as Seneca himself was well skilled in the manipulation of responses which such communication involved.' Eleanor Winsor Leach, 'The Implied Reader and the Political Argument in Seneca's *Apocolocyntosis* and *De*

earlier unjust', he replies 'But the law enjoins a limit to the king's commanding'. To this she, of course, replies 'If the law is what the prince has decreed, the law does not limit kings, but the king the laws'(160-1). It is a superbly crafted scene where it is never quite certain whether it is the Puella manipulating Herod into making a rash promise or Herod who makes her say the things he wants to hear but is reluctant to utter in public, or whether it is in fact the Queen who, knowing that Herod only needed someone to blame his tyrannical deeds upon, is manipulating both her daughter and Herod. At the surface it does seem as if Herod is bound by the injudicious oath he made to the Puella. However, in view of my interpretation of Herod as a Machiavellian dissembler it is possible to argue that he made that rash oath because he was perfectly aware of what the Queen would make her daughter ask from him; this in turn would enable Herod to seem helpless in the face of binding circumstances. In the end Herod makes a few more ineffectual pleas to Herodias and her daughter, and finally washes his hands of the matter and leaves the Queen to deal with Baptist, thus absolving himself of the guilt and reinforcing Machiavelli's injunction regarding the centrality of artifice in politics.

The Baptist's reaction to the news of his impending execution is one of Stoic fortitude, and this 'stability of heart' is seen to be a 'blessed' quality by the Chorus (158). As Bushnell writes, Stoic philosophy in the Renaissance 'constructs an autonomous self in the face of a world dominated by tyrants'.[94] The play ends with Baptist's unwavering constancy in the face of adverse circumstances. Significantly, *Baptistes* is the only tyrant

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Clementia' in *Seneca*, ed. by John G. Fitch (Oxford: Oxford University Press, 2008), pp. 264-298. See p. 298.

[94] Bushnell, *Tragedies of Tyrants*, p.31.

play of the time that does not portray the downfall or chastisement of the tyrant. The note of open-ended flexibility of interpretation that runs through the whole play is also present at the moment of closure, and all we are left with is an assurance from the chorus that the doers of evil shall 'pay the penalty' with 'deserving blood'. (163)

Even though in *Baptistes* Buchanan champions an unmoving, but at the same time passive mode of resistance, this position undergoes considerable change in *De Iure*, which puts forth a defence of a more directly rebellious path of resistance. But the way in which *Baptistes* dramatizes the contemporary debate surrounding sovereignty and tyranny has led critics to consider it as 'but the poetical draft of his famous tract *De Jure Regni apud Scotos*, whose publication long afterwards made him known to Europe as a political revolutionary'.[95] When the Lisbon Inquisition summoned Buchanan, he apparently mentioned in his First Defence that *Baptistes* was a commentary on the execution of Thomas More at the orders of Henry VIII.[96] Arguing that Buchanan's statement comparing Herod and Henry VIII and the Baptist and Thomas More was an attempt to obfuscate his critique of the tyranny of the Catholic Church through his play, Astrid Lima adds that *Baptistes* 'seems to invite attempts at identifying allusions to

[95] P. Hume Brown, *George Buchanan Humanist and Reformer: A Biography* (Edinburgh: David Douglas, 1890), p.124.

[96] 'Since the publication in 1907 of the documents from the Lisbon Inquisition, it has generally been accepted, though with some reservations, that the career of Thomas More has influenced *Baptistes*.' Sharratt and Walsh, Introduction to *George Buchanan's Tragedies*, pp.11-12. In Aitken's account of Buchanan's trials he says: ''I used also to disagree with the English because in the matter of human commands I thought that the laws and orders of even the civil magistrate should be obeyed on pain of sin, and also because they could never convince me that the King of England was the Head of Anglican Church . . . Accordingly, as soon as possible when I had escaped thence, I recorded my opinion of the English in that tragedy which deals with John the Baptist, wherein, so far as the likeness of the material would permit, I represented the death and accusation of Thomas More and set before the eyes an image of the tyranny of that time' James M. Aitken, *The Trial of George Buchanan before the Lisbon Inquisition* (Edinburgh: Oliver and Boyd, 1939), p.25.

historical figures and events: it has variously been interpreted in the context of Scottish, French and English politics'.[97] Mary Nyquist informs us that *Baptistes* was 'translated into English and published as a text validating resistance against tyranny during the preliminary stages of the English civil wars in 1641'.[98] Refusing to see it as a play rooted in a specific political situation, Sharratt and Walsh write that since Buchanan saw fit to publish *Baptistes* as late as 1577, it must have been in tune with his later political views and therefore it should be seen 'an allegory with universal application'.[99]

The reason why the two texts are analysed in conjunction with each other is not just the similarity in theme, but also the fact that, despite the three decades that lapsed between the composition of *Baptistes* and *De Iure*, both were published at more or less the same time between 1577 and 1579.[100] I would argue that above and beyond these obvious similarities in content, what connects *Baptistes* to *De Iure* is a continuing strand of Machiavellian rhetoric and ideas, and Buchanan's unique conception of the state as a human rather than divine construct.

[97] Astrid Lima, 'Tyrants and Translations: Dutch Interpretations of George Buchanan's Political Thought' in *George Buchanan: Political Thought in Early Modern Britain and Europe*, ed. by Roger A. Mason and Caroline Erskine, St Andrews Studies in Reformation History (Surrey: Ashgate, 2012), pp.111-130. See p. 119.

[98] Nyquist, 'The Plight of Buchanan's Jephtha: Sacrifice, Sovereignty, and Paternal Power', p. 332.

[99] Sharratt and Walsh, Introduction to *George Buchanan's Tragedies*, pp. 13.

[100] See I. D. MacFarlane, *Buchanan* (London: Duckworth, 1981), p. 385.

The Sovereign Pact in *De Iure*

The theory of resistance that finds such radical utterance in *De Iure* derives from a combination of this notion of the state as a product of *poiesis* and the effects of the events that took place in Scotland during the 1560's. *De Iure* is unique amongst sixteenth-century monarcho-machic tracts for a number of reasons: it displays a unique awareness of the effects of tyranny on not just the religious life but also on the civil rights of the citizens, and proposes a justification of resistance based on those rights. By arguing that the tyrant forfeits the privileges of monarchy and can be punished legally like any other citizen, Buchanan, unlike his Calvinist predecessors, takes the private-law theory of resistance to a decisive conclusion.[101] However, most importantly, in *De Iure*, Buchanan's poetic view of politics finds its ultimate expression in the theory of the contractual origin of sovereignty, which makes a fictional act of speech the basis of the entire power structure of the state.

Before embarking on a discussion of *De Iure*, it would be useful to remind ourselves of the events that necessitated the production of the treatise. *De Iure* was written in 1567 -- a year of pivotal significance for Scottish, and by extension, English politics. In July 1567, Mary Stuart, the monarch of Scotland, was forced to abdicate her

[101] What Skinner refers to as the 'private-law' argument, was a line of resistance theory developed by early Lutheran thinkers such as John of Saxony and Gregory Bruck who tried to justify armed resistance against the Emperor by saying that it was legitimate to resist unjust force with force, under certain circumstances, even when it is an individual resisting a magistrate. This is because a ruler who does not perform the duties expected of him or her no longer remains a ruler, and can be dealt with in the manner in which one would deal with a 'private person'. Thus it becomes lawful for even an individual citizen to resist the monarch in some specific circumstances, under the private-law theory. Skinner, *Foundations of Modern Political Thought*, II, pp. 197-200.

sovereignty in favour of her infant son, James VI, by the Scottish nobility. Mary was charged with -- among other things -- abetting and plotting the murder of her husband Lord Darnley in February 1567, and of maintaining an adulterous relationship with, and later on marrying her husband's murderer.[102] Contemporary Europe was shocked by the deposition of a monarch whose dynastic claim to the throne was beyond reproach. Most of all it was looked askance by Elizabeth I whose support the rebellious Scottish gentry sought. Like her father and grandfather before her, Elizabeth displayed a lifelong commitment towards the project of upholding the myth of divine right of monarchy perpetuated through hereditary succession.[103] The Scottish nobility, under the leadership of Mary's elder half-brother the Earl of Moray, was forced to put up an ironclad defense of what was being perceived in Europe and England as traitorous behaviour of the most reprehensible kind. George Buchanan, who was one of the beneficiaries of Moray's patronage, emerged as the primary spokesperson arguing in favour of Mary's deposition on grounds of abuse of sovereign power. Unlike the other Scottish resistance theorist John Knox, who remained a lifelong detractor of Mary, Buchanan had been employed as Mary's tutor at the beginning of her reign, and despite his Protestantism, he was a part of

[102] For a detailed account of the events following Darnley's murder, Mary's rather unadvised marriage to Bothwell, and her forced abdication see Wormald, *Passion, Politics and a Kingdom Lost*, pp. 164-169.

[103] 'In 1568 Elizabeth was caught between Moray, whom she obviously much preferred as the person controlling events in Scotland, and Mary, who could appeal to her most basic instinct, the sanctity of legitimate authority—an instinct perhaps all the stronger in her because of doubts about the legitimacy of her own authority which Catholics, who had never accepted the validity of her father's marriage to her mother, were all too happy to voice.' Wormald, *Politics, Passion and a Kingdom Lost*, p. 178. Elizabeth was not the only Tudor ruler with tenuous claims to the throne. Henry VII, her grandfather, and the founder of the Tudor dynasty, struggled with the question of dynastic legitimacy. I will discuss the Tudor anxiety with legitimacy, and their efforts to manufacture or construct a legitimacy that they lacked genealogically, in a later chapter.

her Catholic court for which he wrote court masques and epigrams.[104] During the course of her rule, however, Buchanan's admiration wavered and his allegiance changed, until by 1567 he was quite vociferous in favour of her deposition.[105] Apart from the rather clinical *De Iure*, a more specific and sensational account of Mary's misdeeds entitled *Ane Detectioun of the duinges of Marie Quene of Scottes* was also ascribed to Buchanan. It was purportedly originally written in Latin and was presented to Elizabeth along with the Casket Letters.[106] However, as James Phillips has shown, *Ane Detectioun*, which became 'the fountainhead of all later attacks on the Scottish Queen's character and conduct' was a sensational version of Buchanan's factual *narratio*, produced by Thomas Wilson at Lord Burghley's behest. It was written in pseudo-Scots and was a part of Burghley's deliberate campaign to discredit Mary Stuart in the eyes of Elizabeth. The original Latin version of *Ane Detectioun* was written in a forensic mode with the sole objective of confirming Mary's awareness of the plot leading to Darnley's murder, while the doctored version wanted to make it appear that the attack on Mary had 'emanated from Scotland',

[104] See W. Leonard Grant, 'The Shorter Latin Poems of George Buchanan, 1506-1582', *The Classical Journal*, 40.6 (1945), pp. 331-348, especially p. 334.

[105] For a detailed account of Buchanan's initial association with Mary's court and his subsequent change of heart see Mason and Smith, Introduction *to A Dialogue on the Law of Kingship*, pp. xxiii-xxv. Buchanan's shift in allegiance has been termed opportunistic by some and he has been criticized for his defamatory propaganda against Mary. In his introduction to *The Tyrannous Reign of Mary Stewart*, W. A. Gatherer gives an account of how Buchanan's history of Scotland and his political treatises were discredited by several detractors, not least among them James VI, his pupil and Mary's son. W. A. Gatherer, Introduction to *The Tyrannous Reign of Mary Stewart*: *George Buchanan's Account*, trans. and ed. by W. A. Gatherer, (Connecticut: Greenwood Press, 1978), pp. 6-9.

[106] Hugh Trevor-Roper, *George Buchanan and the Ancient Scottish Constitution*, English Historical Review: Supplement 3 (London: Longmans, 1966), pp. 5-6.

thus absolving Burghley's faction of any guilt.[107] *De Iure*, though written in response to the same set of political events, is a more theoretical engagement with fundamental questions regarding the nature and origin of sovereignty and the mutual rights and duties of the monarch and the subjects. *De Iure* contains a more evolved and mature expression of ideas that Buchanan had been concerned with since his days in France at the time of writing *Baptistes:* ideas that presupposed a poetic construction of politics.

De Iure was written speedily, immediately after Mary's deposition and 'in time for the meeting of the Scottish Parliament of December 1567 that ratified Mary's deposition'. Skinner has meticulously demonstrated that Buchanan's treatise is quite different from the treatises written by earlier Calvinist resistance theorists or even those by the French Huguenots.[108] I. D. Macfarlane goes as far as to say that Buchanan's resistance theory 'would be anathema to Calvin's strict followers'.[109] Buchanan was neither a Calvinist preacher like Knox, Ponet and Goodman, nor was he a trained legal practitioner like Beza, Du Plessis Mornay, and Hotman. His justification of tyrannicide, therefore relies neither on biblical precedent nor on law based on ancient custom. According to Skinner, Buchanan's work is defined by 'the ambition to emancipate the study of 'politics' from the confines of theology and jurisprudence'. [110] Trevor-Roper

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[107] James Emerson Phillips, *Images of a Queen: Mary Stuart in Sixteenth-Century Literature* (Berkeley and Los Angeles: University of California Press, 1964) pp. 61-63.

[108] Skinner, *Foundations of Modern Political Thought*, II, pp. 340-4.

[109] I. D. MacFarlane, 'George Buchanan and European Humanism', *MHRA*, 15(1985), pp. 33-47. See p. 41.

[110] Skinner, *Foundations of Modern Political Thought*, II, p. 342. Mason and Smith write '…Buchanan was well acquainted with two of the most incendiary theorists of the late 1550s, John Knox and Christopher Goodman, while also numbering among his friends and correspondents Theodore Beza, Hubert Languet and Phillippe du Plessis Mornay, the authors of two of the most influential Huguenot tracts of the 1570's. Yet, for all that they address common problem and draw on a common stock of arguments and exemplars,

writes that, alone among the Scottish Calvinists, Buchanan 'was essentially a humanist' and in *De Iure* biblical precedents are often 'brushed aside in favour of the older and (it seems) better authority of Aristotle'.[111] Roger Mason (and Smith) corroborate Buchanan's predilection for Classical sources, as 'appeals to Scripture are comparatively rare in the *De Iure* and are far outweighed by those to classical sources'. [112] Buchanan's primary identity is that of a pedagogue and a poet, and as befits a humanist litterateur, his political theory draws sustenance from ideas of fiction and *poiesis*.

This analysis will, however, go beyond the traditional position that ascribes his political radicalism purely to 'emancipation' from scriptural and customary constraints brought about by classical, humanist, leanings. Instead, I will attempt to prove that the radicalism implicit in *Baptistes* and explicit in *De Iure*, is made possible not just by Buchanan's humanism, but more importantly by his perception of the state as a man-made, cultural, artifact -- the very nature of which makes it immune to scriptural injunctions to a considerable extent.[113] Moreover, unlike any other monarcho-machic

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the writings of these authors are very different in tone and character from Buchanan's Dialogue. First and foremost…Buchanan's text is strikingly secular in its modes of argument, a far cry from the biblical literalism of Knox and Goodman or even the rather less shrill biblicism of Beza and the authors of *Vindiciae*. In stark contrast to these writers…Buchanan shows little or no interest in anchoring his political theory in scriptural precepts and imperatives'. Mason and Smith, Introduction to *A Dialogue on the Law of Kingship*, p. xlvi.

[111]Trevor-Roper, *George Buchanan and the Ancient Scottish Constitution*, p.9.

[112] Mason and Smith, Introduction to *A Dialogue on the Law of Kingship*, p. xlvii.

[113] It should be mentioned that both *Baptistes* and *De Iure* were presumably used as instructive texts comprising James VI's curriculum, and therefore displayed a pedagogic concern regarding the correct sort of political education for a would-be ruler. Mason writes that the two texts 'were also seen by Buchanan as manuals of political guidance and instruction for the pupil.' Roger A. Mason, 'Rex Stoicus: George Buchanan, James VI and the Scottish Polity' in *New Perspectives on the Politics and Culture of Early Modern Scotland*. eds. by R. A. Mason, J. Dwyer, and A. Murdoch (Edinburgh: John Donald Publishers ltd., 1982), pp. 9-33 See p. 11.

treatise, *De Iure* was a piece written in order to *defend* an actual act of deposition of a monarch perceived to be a tyrant, not a purely abstract theory constructed in anticipation of, or in order to precipitate, the occurrence of such an event. What his predecessors find impossible to imagine, Buchanan had already witnessed in his own country. In many ways, the historical circumstances of Scotland act as an enabling catalyst to Buchanan's political thought.

De Iure is framed as a dialogue between Buchanan and Thomas Maitland -- the brother of Mary's Secretary of State Sir William Maitland of Lethington. The young Thomas Maitland, upon his return from France informs Buchanan that in France, 'With one voice everyone condemned the foul deed committed here not so long before' (7) whereupon Buchanan declares 'But I shall easily . . . clear our nation of this spurious charge.' (7) The defence he launches gradually broadens in scope to become a generalized theory of resistance based on a highly evolved notion of civic rights. As in the *Baptistes*, he begins with the distinction between kings and tyrants. Maitland equates the tyrant with the illegitimate monarch, which was a common overlap of ideas in the sixteenth century. But Buchanan embarks on a complicated analysis of the origins of monarchical sovereignty and concludes that God had endowed man with a 'kind of light before his soul by which he could distinguish base from noble things' (19) which enables him to voluntarily form ordered commonwealths, i.e. communities governed by law. Human beings consciously created both the state and its legal system. The office of the king bears the same relation to the body of the commonwealth as the physician does to the human body, i.e. to deal with 'civil disturbances' (23). Not only is the law prior to the king, but also 'kings are created, not for themselves, but for the people.' (23) and the king

is duty-bound to have a proper understanding of the civil laws of the state. At the very outset, Buchanan establishes the polity as a human construct, which *can* be subjected to a rigorously historical examination for this very reason. Kahn suggests that Hobbes and Vico first articulated the principle that one can only know fully what one has created oneself. But in the form of Buchanan's writing — which predates both Hobbes and Vico -- the possibility of knowing the product of one's own *poiesis* is implicit: for him politics can truly become a discipline of human knowledge only because it is made entirely by humans.

Buchanan makes a Platonic distinction between the 'true king' (33) and the person who is the closest approximation to this ideal monarch, and says it is to the latter that the 'name of king' is given in real life.[114] Mason equates this notion of an ideal king (*Regem Optimum*) with the Stoic King (*Rex Stoicus*): 'the prudent ruler impervious to the demands of his passions'.[115] But the ideal of the Stoic king remains, like all Platonic ideals, an unattainable one. Thus the people are forced 'to choose a ruler who merely approximates to it'—whose inadequacies must be compensated for by making him subject to the legal system of the state.[116] Sovereignty, thus, appears to be a product of a compromise with human fallibility. Buchanan comes across as a firm believer in the general erring ways of human beings and the corruptive potential of power. He says, the

[114] '[T]he Dialogue is not only structured in terms of a debate over the distinction between a true king and a tyrant, but has at its core an imposing (albeit conventional) portrait of an ideal prince.' Mason,'Rex Stoicus', p. 11.

[115] Mason, 'Rex Stoicus', p.18.

[116] Ibid., pp.18-19.

first kings were unrestrained by laws, but they soon forgot that the sole purpose of their office was to 'maintain justice' (35) and:

> (as with all things human) the state of affairs deteriorated badly and political authority, originally established in the public interest, turned into overwhelming tyranny.

It is this gap between the ideal and the actual that led the first kings to degenerate into tyranny and it is from the experience of tyranny that the people learnt to rather 'entrust their liberty to laws than to kings.'(35) Thus the power of kings was circumscribed by laws. In Buchanan's philosophy the king is not only subservient to the law he is also utterly powerless in all legislative procedures because there is 'no difference between leaving the king free and unbound by the laws and granting him the power to enact them. For no one will voluntarily put fetters on himself'. (53) Decades earlier, in *Baptistes*, Buchanan had declared his adherence to the notion that the law was above the king: a revered notion in both classical and scholastic political thought. In *De Iure* he goes beyond that to put forth a truly radical notion of popular sovereignty, by placing the people over the law itself and granting legislative authority to the people at large.

> I want the people, who have granted him authority over themselves, to be allowed to dictate to him the extent of his authority, and I require him to exercise as a king only such right as the people have granted him over them . . . I believe that, after

> consultations with the king in council, a decision should be taken in common in matters which affect the common good of all. (55)

The counsel of a handful is no longer enough for the welfare of the commonwealth. The consent of the people at large in all legislative and executive decisions is perceived as a necessity by Buchanan, and this is a truly unprecedented line of argument in the corpus of sixteenth-century political writings.[117] In Buchanan's writings one can detect the beginnings of the formation of the new political subject that Kahn delineates in *Wayward Contracts*, the subject who is endowed with a capacity to bind himself with a political obligation to the state independently of any divine injunction. To the best of my knowledge no other resistance theorist makes such a direct case for including the 'many headed monster' (55) in matters of governance in contemporary times. However, like Lindsay before him, for Buchanan too the consent of the subjects must still be expressed through the counsel of the representatives of the three estates:

[117] Buchanan's uniqueness derives from the fact that his primary influences are not other Calvinist writers, but conciliarist thinkers such as John Mair, who was one of Buchanan's teachers at St Andrews and in Paris, and who in turn was influenced by scholastic thinkers and jurists such as Marsiglio of Padua and Bartolus of Saxoferrato—fourteenth-century exponents of the theory of popular sovereignty. Even though Buchanan became 'hostile' to the scholasticism of Mair later in his life (MacFarlane, *Buchanan*, p. 403) his influence must have persisted. Skinner writes: 'The theory of popular sovereignty developed by Marsiglio and Bartolus was destined to play a major role in shaping the most radical version of early modern constitutionalism. Already they are prepared to argue that sovereignty lines with the people, that they only delegate and never alienate it, and thus that no legitimate ruler can ever enjoy a higher status than that of an official appointed by, and capable of being dismissed by, his own subjects. It was only necessary for the same arguments to be applied in the case of *regnum* as well as *civitas* for a recognizably modern theory of popular sovereignty in a secular state to be fully articulated. This development was of course a gradual one, but we can already see it beginning in Ockham, evolving in the conciliarist theories of d'Ailly and Gerson, finally entering the sixteenth century in the writings of Almain and Mair, passing from there into the age of Reformation and beyond.' Skinner, *Foundations of Modern Political Thought*, I, p. 65

> [S]elected men from all estates should meet with the king in council; then, once a 'preliminary resolution' ('*probouleuma'*) has been drawn up by them, it should be referred to the judgement of the people. (55)

This emphasis on the three estates led Mason to express doubts about the degree of Buchanan's populism in 'Rex Stoicus' (1982). In fact Buchanan's reference to the Scottish custom of the representatives of the three estates drawing up preliminary legislation is what Mason found contrary to the populism ascribed to him. In 'Rex Stoicus', Mason argued that Buchanan was referring to the Scottish custom of 'selecting the Committee of Articles from the estates assembled in parliament', and thereby limiting the political nation to the 'relatively small but extremely powerful nobility'.[118] This view of Buchanan's populism is considerably revised by Mason in his later writings. In the introduction to his and Martin Smith's translation of *De Iure* (2004) Mason writes that it was the revolutionary circumstances of 1567 'that led Buchanan to fuse his Ciceronian ideal of citizenship with a radically populist conception of sovereignty'(l). Analysing the same passage on the three estates, Mason writes that far from endorsing the 'existing

[118] He goes on to add 'the Scottish polity of the sixteenth or any previous century was hardly amenable to a sophisticated constitutionalist interpretation. The estates, for example, never played a prominent role in Scottish politics . . . Moreover, the inadequately financed monarchy was unable to develop a powerful central administration to counter the extensive and still feudally organized authority of an aggressive aristocracy. Hence the Scottish nobility were still performing in the sixteenth century, much as they had done through the middle ages, their traditional function as royal counsellors'. Mason, 'Rex Stoicus', pp. 20, 24.

Scottish practice' Buchanan's 'argument is aimed at legitimising wider political participation' (lx).[119]

It is true that Buchanan puts certain limitations on the framing of '*proboulema*' and makes it the prerogative of 'selected men' from the three estates. But he ends this crucial passage by redirecting the actual legislative power back to the 'judgement of the people' [*ad populi iudicium deferretur*], and here '*populi*' is not qualified with any limiting adjective which therefore must mean the people as a whole. Buchanan also states quite clearly that the system envisaged by him is only 'roughly' similar to the sixteenth-century Scottish practice [*prope ad consuetudinem nostrum*] of nominating a few men to the privileged Committee of Articles. The use of '*prope'* indicates, as Mason argues, that perhaps what Buchanan had in mind was a more inclusive system of representation than the one in practice. Furthermore, when this passage is read in conjunction with the passages that precede and follow it, Buchanan's belief in a model of popular sovereignty becomes quite clear. Before outlining his plan involving the estates, he tells Maitland that since it is the people who grant the king his authority, they should be allowed to 'dictate' the extent of his authority. And right after the crucial passage about the estates, he counters Maitland by saying 'As a general rule a multitude of people is a better judge of all affairs than an individual' (73).When the whole section is taken together, there seems to be little scope for ambiguity regarding Buchanan's meaning.

In *De Iure*, Buchanan's commitment to the ideal of circumscribed monarchy is so comprehensive that he is unwilling to grant the king even the power of interpreting

[119] From conversations with Professor Mason, I have learned that this later view of Buchanan's populism is the product of his more mature analysis and the one to which he now adheres.

existing laws, fearing that it might undo all the other checks and balances so painstakingly placed to limit the royal authority by enabling the monarch 'to turn everything upside down as his fancy takes him' (59). Buchanan totally negates the Schmittian construction of a state of emergency in which the sovereign had the right to suspend the juridico-political norm of the state. For him there is no room for doubt regarding human susceptibility to corruption. In his awareness of the less-than-ideal reality of political life and the need for developing contingent strategies to govern the inadequacies of those circumstances, Buchanan is once again reminiscent of Machiavelli. Emphasizing the gap that exists between an ideal world and the actual world, Machiavelli, in Chapter XV of *Il Principe* writes:

> Thus some are considered generous, others stingy . . . some are givers, others grabbers; some are cruel, others humane; one man is treacherous, another faithful; one is feeble and effeminate, another fierce and spirited; one modest, another proud; one lustful, another chaste; one straight-forward, another sly; one harsh, another gentle; one serious, another playful; one religious, another skeptical, and so on. I know everyone will agree that among these many qualities a prince certainly ought to have all those that are considered good. But . . . it is impossible to have and exercise all of them, because the conditions of human life simply don't allow it. [120]

In Chapter XVIII while discussing the manner in which princes should keep faith, he writes:

[120] Machiavelli, *The Prince*, p. 48.

> Thus a prudent prince cannot and should not keep his word when to do so would go against his interest, or when the reasons that made him pledge it no longer apply. Doubtless if all men were good, this rule would be bad; but since they are a sad lot, and keep no faith with you, you in your turn are under no obligation to keep it with them.[121]

Even though Buchanan starts off from the premise that all humans are endowed with an innate capacity of distinguishing virtue from vice, he detects in human beings a limitless capacity for degeneration and decay. In a later section when Maitland accuses him of believing that all kings are evil, he says 'I do not think all kings are evil, by any means. But neither do I believe the people as a whole to be evil, and yet the law addresses them all with one voice. Now the evil dread that voice', and it is this dread that keeps a check on men's descent into evil, because men are by nature 'composed of various monsters.' (131) Buchanan's political philosophy with its emphasis on a kind of ideal populist sovereignty supported by the love of the subjects rather than their fear, seems opposed to Machiavelli's more pragmatic view of power, especially as expressed in *Il Principe*. But in the broader perspective of the Florentine's own distinctly republican political sympathies, it might not seem entirely surprising that Machiavellian notions regarding the undesirable reality of *realpolitik* and the necessity of artifice to negotiate that reality keep recurring in Buchanan's writings. In *Baptistes* he uses Machiavellian dicta critically and negatively to depict a tyrant, but in *De Iure* Machiavellian rhetoric

[121] Ibid., p. 43.

seeps into his own arguments *against* tyranny.[122] On a general note, these similarities were perhaps indicative of broader trends in contemporary political thought which no doubt impinged upon a vast range of political and philosophical writings of the period; even when those writings were saying mutually conflicting things, they tend to draw upon a common body of historical, philosophical, and theological knowledge and deploy similar argumentative methodologies to arrive at opposing conclusions. On a more specific note, as Kahn argues, because Machiavelli's innovation consists in a rhetoric rather than a theory, even his opponents find themselves inadvertently 'Machiavellian' to the extent that they appropriate this rhetoric, this *in utramque partem* approach to virtue and vice in politics.

To illustrate such a use of Machiavellian rhetoric in Buchanan's writing I cite the passage where the latter vehemently asserts that the sovereign must be a shining beacon of moral virtue to his subjects:

> Let the king constantly bear in mind, there, that he stands on the world's stage, set there for all to look upon, and that nothing he says or does can be hidden. (73)

[122] Although Machiavelli did not shy away from the necessity faced by rulers to act contrary to the law of the state or even the laws of moral life, on the whole his oeuvre is characterized by a virulent dislike of tyranny and an emphasis on popular participation in politics. This aspect of his political ideology is more evident in *Discorsi* than *Il Principe*. For instance in *Discorsi* he writes that good emperors such as Titus, Hadrian, Antonius, Marcus didn't need the protection of the army because 'their customs, the benevolence of the people, and the love of the Senate defended them' whereas 'the eastern and western armies were not enough to save Caligula, Nero, Vitellius, and so many other criminal emperors.' (Book1, Chapter 10) Later on, anticipating Buchanan's sentiment about the multitudes of common people, he writes 'a people is more prudent, more stable, and of better judgement than a prince . . . For a licentious and tumultuous people can be spoken to by a good man, and it can easily be returned to the good way; there is no one who can speak to a wicked prince, nor is there any remedy other than steel.' (Book 1, Chapter 58) See Machiavelli, *Discourses on Livy*, pp. 32, 117-119.

Mason argues that what Buchanan's king loses in terms of raw power, he makes up for in moral authority.[123] On the surface it might appear that here, while emphasizing the moral virtues of the kings, Buchanan is farthest from a Machiavellian politics of artifice and intrigue. But the use of the phrase '*orbis theatro*' once again invokes the problematic connotations of Machiavelli's infamous statement of make-believe virtues.[124] Buchanan, it seems, would have the king to *actually* practise those virtues, if only for the reason that it would be the most effective and fool-proof way of having a positive moral influence on his subjects.[125] But in Buchanan's thought, as in Machiavelli's, what is crucially important is that the bearer of sovereignty makes his subjects believe in the ruler's moral, legal and spiritual superiority, and thus makes the subjects themselves complicit in the authority of the sovereign. In Buchanan's philosophy this, by extension, also endows the subject with a degree of authority over the ruler. Machiavelli does not care whether this superiority is real or make-believe as long as it is apparent and effective. Buchanan seems

[123] Mason, 'Rex Stoicus', p. 21.

[124] In their note to this section Mason and Smith explain the phrase '*terrarum orbis theatro'* was a classical trope used by Cicero and Claudian among others. Buchanan's use of the phrase, they suggest, is influenced by Claudian's *Panegyric on the Fourth Consulship of Emperor Honorius.* See Mason and Smith, Introduction to *A Dialogue on the Law of Kingship*, p. 183, n. 115.

[125] Victoria Kahn suggests something similar with reference to the Catholic writer Giovanni Botero, who wrote *Ragion di Stato* in 1589. Arguing that Machiavellian rhetorical politics were appropriated by even those writers who are traditionally deemed to be anti-Machiavellian, Kahn says that writers like Botero 'correctly perceived both what was threatening in Machiavelli's rhetorical politics and what was open to appropriation or reinterpretation.' Botero, for example, in his rather religious and apparently anti-Machiavellian treatise, reiterates Machiavelli's emphasis on seeming virtuous. 'In an ironic revision of Machiavelli's reflections…it turns out that being religious is the most efficacious way of seeming religious (though we should also note that such a subordination of being to seeming makes being religious indistinguishable from perfect dissimulation.)' Kahn, *Machiavellian Rhetoric*, pp. 61, 74-5.

to believe it is effective only when it is both genuine and apparent. To him the image of a good king is enough to make the rest of the commonwealth -- the citizens, the inferior magistrates, the counselors -- behave in an exemplary fashion. The necessity of *appearing* virtuous is therefore common to both Buchanan's and Machiavelli's idea of the able ruler. In *Baptistes*, artifice is associated with tyranny, but in *De Iure*, even the just monarch must display certain rudimentary histrionic skills and put his virtue on display.[126]

Having considered in meticulous detail the attributes and the making of a good king, Buchanan then turns his gaze onto his opposite—the tyrant. Buchanan like a true humanist begins at the etymological origins of the term itself. The word 'tyrant'—Buchanan says -- is derived from the Greek '*turannos*' which was a morally neutral term in Greco-Roman civilizations. It was used as an appellation for those who wielded unbound and absolute political authority (the French jurist Bodin would later define sovereign authority itself in these terms), hence mythical heroes or Gods such as Jupiter were referred to as 'tyrants', but minus the pejorative connotations of misuse of power or cruelty that had accrued to the term by the sixteenth century. It was only the misuse of absolute power at the hands of some early 'tyrants' that turned the word itself into a synonym for misrule. As Buchanan puts it:

[126] This is echoed by Philip Sidney, who writes, 'For Euarchus did wisely consider people to be naturally taken with exterior shows, far more than with the inward consideration of material points'. Philip Sidney, *The Countess of Pembroke's Arcadia* (London: S. Low, son and Marston, 1868), p. 454. Buchanan's acquaintance with the Sidney circle has been proved conclusively by James E. Phillips in 'George Buchanan and the Sidney Circle', *Huntington Library Quarterly*, 12.1 (1948), pp. 23-55.

> It is credible that the first magistrates to be so-called were good men, if only from the fact that the name was at one time held in such honour that it was even applied to the gods. It was their successors who made it so shameful by their crimes that everyone shunned it as if it were contagious and pestilential, deeming it a milder insult to be called a hangman that a tyrant. (83)

Indeed at one point in history there were what Buchanan calls 'legitimate tyrants' i.e. rulers who were elected by the people, but absolutist in their administration.[127] Kings, by definition, are the successors of tyrants who no longer have any claim to absolute, untrammelled authority. Following Buchanan's logic, any king who in the present day and age tries to be *legibus solutus*, therefore, is a tyrant -- and the term 'tyrant' in this case would be loaded with every conceivable 'pestilential' connotation. In contemporary (i.e. sixteenth-century) parlance, according to Buchanan, 'tyrant' denotes the opposite of 'king':

> Kingly authority is in accordance with nature, that of a tyrant is contrary to it. A king rules over willing subjects, a tyrant over unwilling. Kingship is the princely power of a free man among free men, tyranny is that of master over slaves. A king's subjects stand guard over him to ensure his safety, while strangers guard a tyrant in order to crush his subjects, for the one wields power on behalf of his subjects, the other for himself. (85)

[127] For a detailed etymology of '*turannos'* and its gradual acquisition of negative connotations in Greek culture, see Mary Nyquist, *Arbitrary Rule*, pp. 31-2.

In his opinion the tyrant is a subhuman creature, possessed with brute, animalistic, attributes and base desires. In short the 'tyrant' is what the 'king' becomes once the inner beast has taken over.[128] Once the distinctions between the king and the tyrant have been established, the treatise turns its focus on the history of monarchy, tyranny and sovereign authority in Scotland. To answer Maitland's objection that in countries like Scotland, where the principle of hereditary succession determines the ruler, surely 'no less than the kingdom itself, their inheritance was that their will should have the force of law', Buchanan launches into a detailed history of monarchy in Scotland which leads on to a clear articulation of a contractual theory of the origin of sovereignty. Far from being God's anointed, Buchanan sees the king as merely someone the people at large have entered into an 'agreement' (97) with. In those cases in which the rulers coerce their people into subjection, or seize power by force, this agreement is rendered null and void and the ruler immediately loses his rights or power. In the case of hereditary monarchies, such as Scotland, there is a public re-enactment of the original contract by which the people invested the first elected king with sovereign authority every time a new king succeeds to the throne.

> When our kings are publicly inaugurated, they give a solemn promise to the entire people that they will observe the laws, customs and ancient practices of our ancestors, and that they will adhere to that law which they have received from them

[128]As Mary Nyquist points out classical anti-tyranny discourses are rife with the image of the tyrant as a beast. Early modern writers, most notably Erasmus, draw heavily upon this kind of imagery. See *Arbitrary Rule*, especially pp. 42, 50, 79 etc.

> . . . All this makes it easy to see the nature of the power which they received from our ancestors, namely, the same as is held by those who, having been chosen by election, swear to observe the laws. (103)

This reconstitution of the sovereign power of the state through a 'powerful, if sometimes fictional, speech act', is according to Kahn, one of the most distinctive features of early modern contract theory.[129] Through this linguistic re-enactment the ruler and subject bind themselves into a contract of mutual obligations. God is conspicuous by absence in this arrangement. Thus, for Buchanan, the essence of sovereignty resides in a contract between the king and the people: a contract which is really a piece of poetic fiction. Of course, Buchanan is aware that no such legally binding contract actually exists in the world. The real achievement of *De Iure* lies in the fact that it dissociates the state and its sovereign authority from its divine moorings and binds it instead to a fictional act of language. In this imaginary contract the idea of *poiesis* in politics reaches its acme.

In *De Iure* there is no distinction between the status of the elected monarch and that of the hereditary monarch—for Buchanan sovereign power is derived from the contract between the people and the king and the terms of the contract in both cases remains unaltered. He goes on to point out that Scotsmen have felt no compunction in deposing tyrannical rulers in the past and then asks Maitland, in the light of the present discussion, in the present day and age, what the people ought to do if the king 'bursts

[129] Kahn, *Wayward Contracts*, p.1.

through all the fetters of the laws and behaves like a public enemy?'(109) [130] Maitland mouths the arguments adopted by the advocates of passive obedience and says 'I see that what you call tyranny is sanctioned by the Word of God, and what you denounce as the destruction of the laws, God calls the law of kingship.' Buchanan subjects the biblical injunctions regarding obedience to superior powers to a rigorously literal, logical and historical analysis and concludes that God's commands in Deuteronomy pertained to specific historical circumstances, and Paul in his Epistles is concerned with showing obedience to the 'office of magistracy' rather than the person of the magistrate. (115) This section constitutes the main thrust of his notion of the state as a human rather than divine artefact, both devoid of, and independent of, any transcendental legitimation or significance. Historicity and political *poiesis* are bound in a curiously symbiotic relationship. On the one hand the historical analysis of religious injunctions supports a poetic conception of the state, on the other such an analysis is enabled by this very notion

[130] In Dermot Cavanagh's analysis this is the starting point of Buchanan's resistance theory: 'Any attempt to expand the power of the sovereign would result in their immediate proscription as a tyrant, an enemy of the whole human race (*humani generis hoste*) who can be killed under natural law by any citizen.' Dermot Cavanagh, 'Political Theology in George Buchanan's *Baptistes*' in *Early Modern Drama and the Bible: Contexts and Readings, 1570-1625*, ed. by Adrian Streete (Hampshire: Palgrave MacMillan, 2012), pp. 89-104. See p.102.

It is possibly this reference to Scottish historical precedent that led Trevor-Roper to conclude that Buchanan in the original version of *De Iure*, like the French Huguenot resistance theorists such as Hotman, rests his defence of tyrannicide on a plea to ancient Scottish custom, which was based on Boece's *Scotorum Historia*. Buchanan later revised this view extensively, following *Commentarioli Descriptionis Britannicae Fragmentum* by the Welsh antiquary Humphrey Lluyd which proved the inauthenticity of Boece's history. Trevor-Roper, *George Buchanan and the Ancient Scottish Constitution*, especially pp. 22-23,28-31. Mason refuses to believe that Buchanan's thesis was based on anything but natural law arguments from the very beginning. Mason and Smith write, '…there is no evidence to support the view that the *Dialogue* was ever extensively revised in the manner that Trevor-Roper's argument demands. Steeped as Buchanan was in the literature of classical Greece and Rome, and exposed at an early age to the natural law theory on which the conciliarism of John Mair was based, the intellectual foundations of De Iure were in all likelihood laid long before the 1560's and quite independently of its author's reading of Scottish history.' Mason and Smith, Introduction to *A Dialogue on the Law of Kingship*, p. xxxvii.

of the state as a human artefact - which can be encompassed within the ambit of historical knowledge and subjected to secular, rational, rules. For instance when Maitland says that Jeremiah, inspired by God Himself,

> [A]dmonishes the Jews to obey the king of the Assyrians and not to reject his authority for any reason. From this it is inferred, on the same principle, that one should obey other tyrants as well, however monstrous they are.

Buchanan retorts:

> [T]he prophet does not command the Jews to obey all tyrants but only the king of Assyrians. If you wish to infer a legal principle from what is ordained particular case . . . you know very well—for dialectic has taught you—how absurdly you would be proceeding. (117)

He does away completely with the theory that the modern states were divinely ordained at some obscure point of time. In fact he places the contractually ordained modern states in direct opposition to the biblical nation states which might have owed their origin to God, and thereby renders most biblical injunctions regarding political behaviour null and void in the context of the sixteenth-century states:

> Even if the kings of Jews were not punished by their subjects, these examples do not have much bearing on our practice. For they were not originally elected by their

> subjects but were given to them by God, and He who founded the office for them had every right to inflict punishment as well. We, however, maintain that the people, from whom our kings derive whatever rights they claim, are more powerful than kings, and that the populace at large has the same rights over them as they have over individuals in that populace. (125)

Thus the entire framework of Buchanan's justification of resistance against tyranny is based upon his notion of popular sovereignty, which in turn, is derived from his unique perception of the state as a product of a contract between two parties -- neither of whom was God or His representative. Not just Scotland, but all other nations which either had in the past or retained in the present this practice of electing monarchs, fall under this category of contractually ordained states or states created through *poiesis*. The poetic origin of the state lends credence to an understanding of sovereignty as a power conferred upon an individual by the community. This in turn justifies the community's right to revoke that power as and when they see fit. The only question that remained was who, amongst that community, could legally depose a tyrant and what ought to be the legal procedure of such a deposition? Summarizing his earlier statements Buchanan says 'the law is more powerful that the king . . . and the people more powerful than the law' (135) thus 'When the king is summoned before a court of the people, then, the lesser is summoned to stand trial before the greater.' (137) When the people cannot be unanimous in their decision, because unanimity is almost impossible to achieve, the judgement that is beneficial to the '*maior populi pars*'(136) or the greater part of the people, should ultimately be enacted. This right of summoning the tyrant to appear before a court of law

and passing judgement on him, does not only belong to the inferior magistrates as the first generation of Calvinists argued, but to the 'people as a whole'. Buchanan's radicalism does not only derive from the fact that he locates the origins of power in the people, but also, and according to me more importantly, from the fact that he stretches the boundaries of who the term 'people' should include, and totally transforms the criteria of citizenship. '*Cives*' to Buchanan is an ethical appellation, dependent on purely ethical criteria, involving rights as well as duties. To sustain a man-made political structure, it is necessary for the people to become actively involved in this process of political *poiesis*. Therefore the price to pay for inclusion in the political nation is a solemn undertaking of grave political responsibilities. J. G. A. Pocock identifies in Machiavelli's *Discorsi* a similar conception of the political nation in which not just the ruler but the citizens 'also practice *virtù*, in the sense that they establish, maintain and actually improve structures of ethical and political relationships.'[131] For Machiavelli as well as for Buchanan citizenship does not presuppose an economic or social criterion:

> Those who obey the laws and uphold human society, who prefer to face every toil, every danger, for the safety of their fellow countrymen rather than grow old in idleness, enjoying an ease divorced from honour, and who always keep before their eyes, not their immediate pleasures, but the renown in which posterity will hold them…Citizens are reckoned, not by number, but by worth. (141)

[131] J.G.A. Pocock, *The Machiavellian Moment*, p.189.

By defining citizenship thus, Buchanan negotiates with the tricky issue of whether or not the 'many headed monster' should be accorded a say in political matters. He stresses that his argument is an underpinning of 'what can rightful rightfully be done', not an account of what is 'likely to happen'. (141)

He argues that if the monarch can be judged over petty civil disputes such as 'light for a building' or 'rain-water dripping from the eaves of a house' (141) it is positively ludicrous that when it comes to greater crimes and evils he or she should be exempt from the standard legal procedure. Moreover since the king derives his power from a 'mutual pact', if he voluntarily violates that pact, he renders it void, forfeits all his rights and leaves the other party, i.e. the citizens, to act as they see fit. This argument makes it clear that the private-law theory is at the core of his political philosophy; only Buchanan makes it more radical by conflating the contractual origins of sovereignty with it. The tyrant, Buchanan presses on, is not merely a defaulter, he is also the 'enemy of the people' (153) and as such, 'it is the right not only of the people as a whole but also of individuals to kill the enemy'. Having uttered what no other resistance theorist could make themselves utter, he makes Maitland acquiesce in his superior logic, but also adds the clarification that he is only 'explaining what legitimately may or may not be done; I am not issuing a call to action.' (157) thus distancing himself from any possible misuse of a potentially dangerously radical defence of resistance.

The treatise ends with a mixture of a plea and an admonition to other nations which were judging the people of Scotland for having deposed their tyrannical monarch. He reminds the nations of Europe that 'restraint of kings' (161) is not only valuable to the people of a nation, but also essential to maintain peace and harmony between nations.

The implication is, rather, that the nation-heads of Europe should congratulate Scotland for having done this praiseworthy thing, for, had Mary continued her misguided and unethical rule, it would have surely affected the rest of Europe as well. Maitland admits that his curiosity has been adequately satisfied and he is now well equipped to put forth a defence of Scotland in front of disapproving foreigners. At the very end of this long treatise there is a quotation from Seneca, enumerating the attributes of the ideal Stoic monarch — an ideal which forms the centre of Buchanan's political imagination.[132]

It is noteworthy that in *De Iure* Buchanan never specifically mentions Mary's deeds or the historical events which led him to formulate a theoretical defence of resistance. It also goes in his favour that he never once uses Mary's Catholicism or her gender to bolster his argument against tyranny: Knox, Ponet,and Goodman, were all guilty of this with respect to Mary Tudor of England. The thrust of his theory is more philosophical than historical, based on reason and a specific 'poetic' understanding of political theory, rather than a special pleading for the special circumstances in Scotland. Mary's deposition led Buchanan to make a decisive break from the general body of Calvinist political thought. More importantly, in *De Iure*, we see Buchanan himself has

[132] There are repeated references to Stoic thought in Buchanan's works, throughout his career. While in *Baptistes* it is the persecuted subject whose stoicism is celebrated, in *De Iure*, he stresses on the stoicism of the ruler instead. Though there is no formal evidence of Buchanan having been a Stoic thinker, Mason tells us he was 'was dubbed 'a stoik philosopher' by a Scottish contemporary [James Melville].' Mason, 'Rex Stoicus', p. 19. Though Stoicism is often seen as a politically philosophy inimical to resistance or radicalism, (Skinner, *Foundations of Modern Political Thought*, II, pp. 276-7) Andrew Shifflett, argues that Stoicism could have an anti-monarchical and anti-authoritarian turn as well. 'No matter how indifferent to the world he claimed to be, the Stoic was held to be a dangerous political animal. After all, those who hold, as Cicero thought, 'a different view of good and bad from all their fellow citizens' and who give 'a different meaning to 'honor', 'disgrace', 'privilege', 'punishment' would be likely to present at least a tacit challenge to the status quo.' Andrew Shifflett, *Stoicism, Politics and Literature in the age of Milton: War and Peace Reconciled* (Cambridge: Cambridge University Press, 1998), p.24. In the Stoicism displayed by John the Baptist in Buchanan's play, I find ample evidence for this anti-monarchical radicalism.

come a long way from advocating a passive, Stoic resistance to tyranny -- something I believe would have been entirely impossible had historical circumstances forced him to actively work out a convincing argument in favour of resisting the tyrant even if he or she is the legitimate monarch, even in the absence of a sign from God.

The legacy of previous generations of political writers such as Lindsay is carried forward by Buchanan, as evinced by the continuing importance of good counsel and proper instruction in the making of the ideal king, and the further widening of the limits of the political nation. Added to these are newer theories of citizenship, the contractual origins of sovereignty, and the separation of politics from theology — in which he was unique amongst Calvinist writers -- and which proved to be enormously influential in the shaping of subsequent political theory in Western Europe. It has been convincingly argued by James E. Phillips that Buchanan's writings were circulated amongst Huguenot political writers via the Sidney circle.[133] Referring to *Vindiciae Contra Tyrannos*, another Huguenot anti-tyrannical treatise written a few years after *De Iure*, Nyquist writes, that early modern 'antityrannicism' is characterized by its 'juridical logic' and a 'corresponding ability to formally decreate a king -- or kingship itself', both of which testify to the 'contingent, artificial character of political rule'. *Vindiciae* declares that kings 'are not born . . . but made - a formulation that epitomizes the constructivist, proto-Enlightenment strain of much of contractualism'.[134] This 'constructivist' element in resistance theory, as well as a deep, Machiavellian, understanding of the 'contingent,

[133] James E. Phillips, 'George Buchanan and the Sidney Circle'.

[134] Nyquist, *Arbitrary Rule*, p. 73. In fact Phillips establishes a direct connection between *Vindiciae* and Buchanan and writes 'Philip Duplessis-Mornay, the friend of Sidney and reputed author of the *Vindiciae contra tyrannos*, hailed the Scotsman as the educator of a new Constantine who would deliver a world afflicted by tyranny and superstition.' Phillips, p. 37.

artificial' nature of states and sovereign authority, found its first, most radical, and most rigorous expression in Buchanan's writings.

From Lindsay to Buchanan, the central concerns regarding abuse of power, the importance of good counsel, the binary between the king and the tyrant remain constant, but the intermeshing of political theory and drama manifests itself in very different ways. In the middle decades of the sixteenth century, the politics, drama and political theory of Scotland and England become interconnected in more intricate ways than ever before, and the figure central to these interconnections is Mary Stuart, the legitimate-ruler-turned-tyrant-turned-usurper. Her deposition set off a chain of reactions, which manifested itself in the writings — theoretical, historical, poetic, and dramatic — on either side of the border and through Europe. I have already summarized the circumstances of her deposition. In the history of the British Isles, Mary retained the rather ambivalent distinction of being the only legitimate monarch who was deposed as tyrant from her hereditary throne, and perceived as — with some degree of justification -- a potential usurper to throne of the country where she sought shelter. Later I shall argue that the figures of the usurper and the tyrant were almost inevitably conflated in early modern drama, but in this instance from political history the order is significantly reversed: it is Mary's tyranny that is cited as the reason for her deposition, and it is her deposition which makes her appear as a potential usurper to the English government. While in Scotland she triggered off a spate of writing surrounding tyranny and its evil effects, her two-decade long presence in England coupled with Elizabeth's refusal to name an heir, contributed to what is now known as the 'succession anxiety' and a growing concern over the possibility of usurpation. The events of political history and a

formal transition from a transcendental to a 'poetic' view of politics ultimately raised serious questions regarding the origins, nature and forms of sovereign authority itself which, on the English stage, found expression in the figure of the usurper. *Gorboduc* was the first English play which, even though it was written before Mary's deposition, reflects the threat she represented to the English throne, being the next of kin to the childless, unmarried Queen Elizabeth.[135] My next chapter discusses in detail the rigorous questioning of sovereign power and the shifting lines between absolutism and tyranny, tyranny and usurpation we encounter in *Gorboduc*.[136]

[135] It ought to be mentioned that the English play that refers most directly to the controversy surrounding Mary, written immediately in the wake of her deposition, was John Pykeringe's *Horestes,* or *A Newe Enterlude of Vice conteyning the History of Horestes with the cruell revengement of his Fathers death upon his one naturall Mother* – an morality play based on the subject matter of the *Oresteia*. Pykeringe was Lord Puckering presumably an alumnus of the Inns of Court and a member of the Parliament, like the authors of *Gorboduc*. For more on the author of the play, and the identification of Mary Stuart with the figure of Clytemnestra see the Introduction to *Three Tudor Classical Interludes,* ed. by Marie Axton (Cambridge: D. S. Brewer, 1982) and J. E. Phillips, 'A Revaulation of *Horestes* (1567)', *Huntington Library Quarterly*, 18.3 (1955), pp. 227-244. The play investigates the questions of revenge, tyrannicide, and matricide in a rather haphazard and inconsistent manner. While Dame Nature tries to dissuade Horestes from embarking on his mission to kill his own mother, and thus avenge his father's death, Councell supports his decision. Horestes searches for moral, legal, and divine sanctions for his project of revenge, but finally makes his decision based on the advice of the Vyce — who pretends to be the agent of divinity. After the disturbing death of Clytemnestra at her own son's command, the play ends on a seemingly harmonious note, with Horestes' accession to the throne and his marriage to Menelaus' daughter. Vyce escapes and declares his resolve to wreak more mischief in the world. Despite the reference to contemporary politics in *Horestes*, it is *Gorboduc* that conducts a rigorous and sustained enquiry into the nature of absolute power and sovereign legitimacy, and is thus, more suitable text for the purposes of this thesis.

[136] It is perhaps significant that John Day, who published the first authoritative edition of *Gorboduc* in 1571, in the same year also published Buchanan's *Ane detectioun of the duings of Marie Quene of Scottes* in the same year. See MacFarlane, *Buchanan,* p. 340. Not only this, Day also 'published English editions of several of Lindsay's works, including the *Tragedy of Cardinal Beaton* in 1548.' Priscilla Bawcutt, 'Crossing the Border: Scottish Poetry and English Readers in the Sixteenth Century' in *The Rose and the Thistle: Essays on the Culture of Late Medieval and Renaissance Scotland,* ed. by Sally Mapstone and Juliette Wood (East Lothian: Tuckwell Press, 1998), pp. 59-76. See p. 62. And William Griffiths, who published the pirated edition of *Gorboduc* in 1565, also published *Horestes* in 1567, highlighting the links between similar texts and ideas, circulating in political and legal spaces.

Gorboduc: Absolutist Decision and the Two Bodies of the King

In 1570, three years after Mary Stuart's deposition and her subsequent escape to England, Elizabeth I wrote in a letter addressed to the deposed monarch:

> But if I should remember to you your contrary late dealings by your ministers to engender and nourish troubles in my realm, to bolden my subjects to become rebels, to instruct and aid them how to continue in the same, and in the end to make invasions into my realm, I should percase move you to continue in your fear . . . For otherwise surely both in honor and reason, not only for myself but for my people and my countries, I must be forced to change my course and, not with such remissness as I have used towards offenders, endanger myself, my state, and my realm.[1]

The threat to her person, her state, and her realm, Elizabeth perceived in Mary was a spectre that had already haunted English politics for more than a decade and was destined to do so until Mary's execution in 1587. The Catholic French-Scottish Mary Stuart, who was Elizabeth's closest living relative, had been perceived as a potential usurper of the Tudor throne long before she lost her own. Elizabeth's unmarried state coupled with her refusal to name an heir presumptive made the question of succession 'the most pressing

[1]*Elizabeth 1: Collected Works*, ed. by Leah S. Marcus, Janel Mueller, and Mary Beth Rose (Chicago: University of Chicago Press, 2000), p. 124.

political problem of the first three decades of her reign'.[2] Thomas Norton and Thomas Sackville's *Gorboduc* is often seen as a dramatic comment on this phase of uncertainty and anxiety in English political history. Written months after Mary's return to Scotland following a thirteen year stay in France, the first proper Senecan tragedy written in England was charged with topical political significance. My chapter will argue that beyond the immediate political and historical references *Gorboduc* is a play that uses formal innovations in dramaturgy to represent crucial changes in political thought. Besides being the first English tragedy, or, as some have argued -- the first historical play in English, *Goroboduc* depicted usurpation, regicide, and rebellion, for the first time on the English stage — all of which became common plot devices in late-sixteenth century English drama.[3] While the early Tudor political moralities tended to focus on the divine punishment of tyranny, *Gorboduc* focuses on the origin and nature of sovereign authority and the overlap between sovereign absolutism and tyranny. I argue that on the one hand, it is dramaturgical developments which necessitate *Gorboduc'*s direct engagement with questions of usurpation and resistance; on the other hand this very engagement marks a watershed in political thought and political drama in sixteenth-century England. Using Kantorowicz's exploration of the legal fiction of the two bodies of the king, I shall argue that within the play, underlying the obvious uncertainty of succession is a more insidious

[2] Greg Walker, *The Politics of Performance in Early Renaissance Drama* (Cambridge: Cambridge University Press, 1998), p.196.

[3] In his seminal work the *English History Play in the Age of Shakespeare*, Ribner argues that histories and tragedies cannot be treated as two mutually exclusive categories and that *Gorboduc* is not only the first tragedy of English drama but 'also our first history play entirely free from morality abstractions.' Irving Ribner, *English History Play in the Age of Shakespeare* (Princeton: Princeton University Press, 1957), p.41. See also Dermot Cavanagh, *Language and Politics in the Sixteenth-Century History Play*, (New York: Palgrave Macmillan, 2003), pp. 3-5.

uncertainty regarding the locus of authority and the relationship between the sovereign and his power.[4] Before commencing the analysis of the dramaturgical and theoretical significance of the play, it would be useful to briefly summarize the contexts of its performance, publication, and the extant body of criticism which links *Gorboduc* directly to the 'succession issue'.[5]

Gorboduc and the Politics of Succession

Thomas Norton and Thomas Sackville's *Gorboduc* was first performed as a part of the Christmas revels at the Inner Temple in the Inns of Court in 1561-62, and then again in the presence of Queen Elizabeth in January 1562.[6] The first quarto appeared in

[4] Ernst Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957).

[5] Jessica Winston sums up this issue of succession thus: 'The inheritance of the throne was one of the most politically charged and complex issues of the day, touching a range of other matters, including debates about primogeniture, the will of Henry VIII, the legitimacy of female rule, the national religion, and the relative power of the monarch, privy council, and parliament . . . in the early 1560's the succession crisis centred on two main debates. One concerned the rightful heir to the throne, an issue that divided supporters of the Catholic Mary, Queen of Scots from the supporters of the Protestant Catherine Grey. The second concerned Queen Elizabeth's marriage policy. Elizabeth was frequently urged to resolve the succession by marrying and having a child of her own. Yet there were disputes about an appropriate husband. At the time of *Gorboduc* at least two men actively sought Elizabeth's hand, King Eric of Sweden and the Inner Temple's patron and lord of misrule, Lord Robert Dudley himself.' Jessica Winston, 'Expanding the Political Nation: *Gorboduc* at the Inns of Court and Succession Revisited', *Early Theatre*, 8.1 (2005), p.15.

[6] 'During the Christmas period 1561/2, Thomas Sackville and Thomas Norton's tragedy *Gorboduc* was performed in the Inner Temple in London as a part of the Inns of Court's seasonal revels. Less than a month later on 18th January 1562, the same play, with an accompanying masque was performed again, this time before the queen at Whitehall.' Greg Walker, *Politics of Performance*, pp.196-7. Also, Irby B. Cauthen, Jr. in 'Introduction' to *Gorboduc or Ferrex and Porrex* ed. Irby B. Cauthen, Jr.(Great Britain: Edward Arnold (Publishers) ltd. :University of Nebraska Press, 1970), pp. xi-xiii. All subsequent quotations from the play have been extracted from this edition.

print in the year 1565, and the second, better known quarto printed by John Day, appeared in 1570. This second quarto dismissed its predecessor as an 'exceedingly corrupted' text of the performance of the play.[7] *Gorboduc* has been hailed as the first proper Senecan tragedy in English, which makes use of the classical five-act structure and displays structural and rhetorical features that were to become commonplacse of the later English stage. It is also the first English play of its kind to eschew the abstract characters of the morality plays altogether and use historic-mythical characters instead. The importance of the play in the history of the evolution of the classical five-act structure of early modern plays from the medieval moralities and interludes is thus quite significant.[8] Despite the obvious generic divide that separates *Gorboduc* from the political moralities that preceded it, its continuing preoccupation with certain fundamentally important ideas such as the importance of counsel in governance, the welfare of the commonwealth, the transient nature of earthly power, identify it as a descendant of the allegorical plays that sought to advise, influence and critique the monarch through dramatic fiction. Thus, both formally and in terms of content, it occupies a unique transitional position in the history of political drama in sixteenth-

[7] John Day, 'The P[rinter] to the Reader', *Gorboduc or Ferrex and Porrex* ed. Irby B. Cauthen, Jr., p. 4, line 10.

[8] Jessica Winston calls Gorboduc the 'first Senecan-style drama in English'. Jessica Winston, 'English Seneca: Heywood to *Hamlet*' in *The Oxford Handbook of Tudor Literature: 1485 – 1603,* ed. by Mike Pincombe and Cathy Shrank (Oxford: Oxford University Press, 2009), pp. 472-487. See p. 480. Dermot Cavanagh's essay in the same volume, entitled 'Political Tragedy in the 1560s : *Cambises* and *Gorboduc*' (pp. 488 – 503) argues that plays like *Gorboduc* anticipate the 'later canonical theatre' comprising plays by Kyd and Shakespeare. James Emmanuel Berg writes that Gorboduc is the 'first English drama modeled on the classical tragic form.' P. 200. James Emmanuel Berg, ''Gorboduc' as a Tragic Discovery of 'Feudalism'', *Studies in English Literature, 1500-1900,* Tudor and Stuart Drama, 40.2 (2000), pp. 199-226. See also H. Schmidt, 'Seneca's Influence Upon "Gorboduc."', *Modern Language Notes,* 2.2 (1887), pp. 28-35

century England -- simultaneously dividing and connecting the late Tudor historical plays dealing with usurpation with the early Tudor morality plays about tyranny.

First recorded by Geoffrey of Monmouth, the story of King Gorboduc was subsequently used by a number of sixteenth-century chroniclers and historians in their works, but it is uncertain exactly which version of the legend Norton and Sackville used in their play.[9] Briefly summarized, the plot is this: King Gorboduc, the mythical ruler of ancient Britain, decides to halve his kingdom, bequeath each portion to his sons Ferrex and Porrex, and abdicate from the throne -- much to the chagrin of Queen Videna who wants her favourite son Ferrex to inherit the entire kingdom as the custom of primogeniture would normally entail. Gorboduc invites counsel from the three advisors, Arostus, Philander, and Eubulus, on this issue. Arostus 'is wholly in accord with Gorboduc's plan', Philander 'approves half of it', and Eubulus approves 'none of it'.[10] Though the consultation scene is vitally important for our understanding of the play, as far as the action of the play is concerned this invitation for counsel is an entirely superfluous gesture on the king's part since his mind is already made up. Thus, despite the reservations of Philander and Eubulus he divides his kingdom, hands over the reins of power to his sons, and abdicates. Inevitably, war ensues between the two joint-sovereigns, and Porrex kills his elder brother in combat. He is summoned to the court of the king who is, technically, no longer the king, but before any punitive measure can be taken he is killed by his own mother. Shocked and outraged by this internecine violence

[9] Ribner, *English History Play in the Age of Shakespeare*, p.48.

[10]Joel B. Altman, *The Tudor Play of the Mind: Rhetorical Enquiry and the Development of Elizabethan Drama* (London: University of California Press Ltd., 1979), p. 251.

within the royal family, the people take up arms and put Gorboduc and Videna to death. In turn the aristocrats and the counsellors are shocked and outraged at the arrogance and daring of the rebels. The uprising is crushed ruthlessly, but taking advantage of the political crisis and the vacuum caused by the elimination of the royal line, Fergus, the Duke of Albany, plots to invade the kingdom. Nevertheless the play ends on a hopeful note as Eubulus predicts, with a conviction that seems unwarranted by the direness of the situation, that even though it would be useless to summon the parliament in a nation with no sovereign, by Jove's mercy the sovereign power would ultimately be restored to a native-born heir and the nation would be restored to its former prosperous state because:

> [R]ight will always live, and rise at length,
> But wrong can never take deep root to last.

When *Gorboduc* was performed, both Sackville and Norton were 'benchers' at the Inns of Court and in their later lives both of them went on to pursue political careers of considerable significance.[11] Thus on a variety of levels, ranging from the contexts of

[11] Karen J. Cunningham, ''So Many Books, So Many Rolls of Ancient Time': The Inns of Court and *Gorboduc'*, in *Solon and Thespis: Law and Theatre in the English Renaissance* ed. by Denis Kezar. (Notre Dame, Indiana: University of Notre Dame Press, 2007), pp. 197-217. Thomas Norton went on to become an important Member of Parliament. Patrick Collinson writes: 'Thomas Norton was to London what Cecil was to all England, its principal secretary and guarantor of administrative continuity'. Patrick Collinson, *Elizabethans* (Cambridge: Cambridge University Press, 2003), p. 72. For a brief but comprehensive account of Norton's parliamentary career see M. A. R. Graves, 'Thomas Norton the Parliament Man: An Elizabethan M. P., 1559-1581', *The Historical Journal*, 23.1 (1980), pp. 17-35. Thomas Sackville too, was a Member of Parliament and acted as the Queen's personal envoy and negotiator at a number of European courts. In 1599, he was appointed as the Lord Treasurer. See Rivkah Zim, 'Sackville, Thomas, first Baron Buckhurst and first earl of Dorset (*c.*1536–1608)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Oct 2009 [http://www.oxforddnb.com/view/article/24450, accessed 23 June 2014].

its performances to the politics practised by its authors to the actual content of the play and the issues broached by it, *Gorboduc's* importance in contemporary politics can scarcely be overestimated. At the time England had been through the tumultuous reign of her first female Catholic monarch -- Mary Tudor -- who died without issue, and was succeeded by her half-sister Elizabeth. Elizabeth was Protestant, but her refusal to marry and produce heirs of her body or to settle the succession through parliamentary statute caused great anxiety to the members of the governing class. Ever since her coronation the Parliament had been urging her to settle the issue of succession. According to G. R. Elton, one of the most eminent historians of Elizabethan politics, up to the 1580's 'much of public life, of international relations, and of faction disputes in her Council was dominated by the Queen's possible marriage and the uncertainty of the succession'.[12]

The succession anxiety was further complicated by the threat to the sovereignty of England perceived in Mary Stuart. Mary's ambitions for the English throne were made evident to the whole of Europe as early as 1558. As the Dauphin's consort, she assumed English arms along with French and Scottish ones at their coronation -- possibly at the behest of her father-in-law Henri II of France.[13] The symbolical claim on the throne of England staked by this Catholic Franco-Scottish alliance induced widespread paranoia amidst the ruling classes in England and consolidated Mary's image as a potential

[12] G. R. Elton, *The Parliament of England: 1559-1581* (Cambridge: Cambridge University Press, 1986), p. 355.

[13] J. E. Neale writes in his biography of Queen Elizabeth 'Mary openly quartered the arms of England on her coat of arms, and English ambassadors were invited to feast off plate that flaunted her claim…The claim might have been harmless- little more than a reminder that Mary would have a right to the succession should Elizabeth die childless-- if religion had not cut athwart politics . . . as Elizabeth had then been the focus of Protestant hopes against her sister's Catholicism, so Mary Queen of Scots would now become the focus of Catholic hopes'. J. E. Neale, *Queen Elizabeth I* (Jonathan Cape: 1934, repr. London: Pimlico, 1998), p. 90.

usurper.[14] Mary's grandmother Margaret Tudor was Henry VIII's elder sister and this made Mary, dynastically at least, Elizabeth's natural heir -- if the latter died without issue. Though Margaret Tudor and her issue had been disinherited by Henry VIII in one of his later statutes, his practice of incessantly modifying his succession statutes rendered the decision debatable.[15] The possibility of the line of royal succession passing to a Catholic Scottish-French queen was extremely repugnant to the sensibilities of the largely Protestant English ruling class. Thomas Norton, a devout Calvinist, spent most of his active political career campaigning along with his patron Lord Burghley against the Queen of Scots.[16] Tracts ascribed to Norton vilify Mary Stuart in no uncertain terms and urge the Queen to settle the succession by statute.[17] In the decade that passed between the first performance of *Gorboduc* and the publication of the 1570 version, the situation became progressively worse. Mary returned to Scotland after the Dauphin's death and strengthened her claim to the Tudor throne by marrying her (and Elizabeth's) cousin Lord Darnley — the grandson of Margaret Tudor by her second marriage. After the birth of their son, James VI of Scotland, Darnley was murdered and Mary was accused of being

[14] Mortimer Levine writes that Henri II had 'his daughter-in-law publicly assume the title and arms of England. This signified that Mary's claim was asserted not for the succession to Elizabeth but for her very crown.'But later, Levine continues, she was persuaded to give up her claim to the throne in exchange for recognition as the heir presumptive. Mortimer Levine, *Tudor Dynastic Problems: 1460-1571* (London: George Allen and Unwin Ltd., 1973), pp. 99-100.

[15] See Mortimer Levine, *Tudor Dynastic Problems*, where he describes in detail the three different succession statutes passed through the Parliament by Henry VIII and his last will and testament, all four of which indicated a different order or permutation of heirs, pp. 64-74.

[16] Michael A. R. Graves, *Thomas Norton: The Parliament Man* (Oxford: Blackwell Publishers, 1994), p.42. On Burghley's role in the project of maligning Mary Stuart see James Emerson Phillips, *Images of a Queen: Mary Stuart in Sixteenth-Century Literature* (Berkeley and Los Angeles: University of California Press, 1964) pp. 61-63, 129-131 etc.

[17] Graves, *Thomas Norton: The Parliament Man*, p.90.

involved in the crime. Her speedy remarriage to the Earl of Bothwell, the prime suspect in Darnley's murder, was the last straw for the nobility of Scotland. Following her deposition at the hands of her own subjects (the details of which I have discussed in the last chapter) Mary fled to England. While in England, Mary Stuart became embroiled in three successive plots to depose Elizabeth until finally, in 1587, she was executed.[18]

Given the fact that *Gorboduc* -- a play about succession and usurpation -- was performed and later published during what was arguably the most uncertain and turmoil-ridden phase of Elizabethan succession politics, it is understandable why it is thought that its 'political significance . . . can only be understood in the context of early Elizabethan succession politics'.[19] The play was performed twice, both times under the aegis of Robert Dudley who was at the time Elizabeth's favoured suitor. Marie Axton argues persuasively that the play was indeed an intended to be an intervention in the politics surrounding succession, and that it was in fact Dudley offering 'advice on two of the most controversial questions of the day: the Queen's marriage and the succession'

[18] Marie Axton sums the events surrounding Mary Stuart between 1560 and 1568 thus: 'Mary Stuart impetuously married Henry Darnley in 1565, deliberately flouting Elizabeth and uniting the two strongest Stuart claims. The birth of James in June 1566 consolidated her strong position in the succession contest. But not for long. Mary's rapid disillusionment with Darnley, whom she had ennobled as Duke of Albany and then King of Scotland, culminated in his murder and her ill-judged marriage with the chief suspect, the Earl of Bothwell. Her flight from Scotland and imprisonment in England put the Scots Queen effectively in Elizabeth's power in 1568.' Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), p.53. However Elton argues that far from putting Elizabeth at a position of advantage, this situation resulted in a veritable political and diplomatic nightmare for her and her counsellors. He writes: 'In 1568 tensions increased as the legitimate heir and the one candidate whom protestant opinion most decidedly did not want to succeed fled her country and took refuge in England. The Queen of Scots was a nuisance in Scotland; as a guest or prisoner of Elizabeth she became an inescapable menace, a focal point for conspiracies against the Queen of England'. Elton, *The Parliament of England*, p.374. For a more comprehensive, albeit condensed discussion of the events surrounding Mary Queen of Scots, see Jenny Wormald, *Passion, Politics and a Kingdom Lost* (London:Tauris Parke Paperbacks, 2001).

[19] Graves, *Thomas Norton: The Parliament Man*, p.81.

through the medium of the play.[20] The acceptance of the fact that *Gorboduc* was possibly intended as fictionalized political counsel for the monarch and the ruling classes of England has led to a lengthy, and at times rewarding, quest for specific political allusions within the play. There have been debates over whether Lady Catherine Grey was being promoted as the ideal heir presumptive and whether Lord Robert Dudley was being promoted as the ideal mate for their monarch. Mortimer Levine asserts outright that the play was a part of a 'counter-campaign' (against Mary Stuart) to promote the cause of Lady Catherine Grey, who had incurred Elizabeth's wrath by her secret marriage to the Earl of Hertford and her subsequent pregnancy. According to Levine, the counsellors' assertion that peace would be restored to the war-torn kingdom only if the Parliament reinstated an heir of the 'native line' (V, ii, 166), implied that Catherine Grey was 'the preferable and rightful successor' while the usurper Fergus of Albany was a negative reference to the Scottish queen.[21] In his comprehensive analysis of the recently discovered eye-witness account of the first performance of *Gorboduc*, Greg Walker argues that the Duke of Albany may be more than simply a reference to Mary Stuart. In the light of the eye-witness account Walker sees Fergus as an oblique reference to King Eric XIV of Sweden, who was one of the principal suitors of Elizabeth at this time, and therefore Lord Dudley's rival.[22]

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[20]Axton, *The Queen's Two Bodies Drama*, p. 40.

[21]Levine, *Tudor Dynastic Problems*, pp. 105-6.

[22] Walker argues that the eyewitness account proves that in the original 1561 version of the play there was a greater and more direct emphasis on marital issues, which was later modified in the 1570 version. Thus, he writes, 'It is . . . possible to reinterpret the figure of Fergus, the northern duke, in the light of this new account, as not simply an allusion to Mary, Queen of Scots and her claim to the throne, as scholars have previously assumed, but as a composite figure. Since Fergus is recognisably Scottish, he clearly draws attention to the long term danger of a Stuart succession. But since he is male, and coming down from the

While locating the play in its immediate historical context no doubt enriches our understanding of its full political import, the scholarship in this area has been quite exhaustive. Beyond that, further context-specific criticism runs the danger of getting mired in the search for one-to-one correspondences between the politics of *Gorboduc* and the politics of Elizabethan England, losing sight of the larger questions of the origins and legitimacy of authority that are thrown into relief by the play. As Dermot Cavanagh puts it, it would be to our detriment if we choose to see *Gorboduc* as only 'dramatized parliamentary petition'.[23] Cavanagh himself goes beyond the series of directly topical references within the play, in order to propose that the play does more than merely urge the Queen to settle the succession through marriage or Parliamentary statue—it reflects on the nature of political counsel itself. Jessica Winston has also commented on the limitations of only looking for 'topical references' in the play, as a need to find an intended unified political narrative runs the risk of obfuscating the sheer variety of opinions that prevailed upon the issue of marriage and succession.[24] Instead, she argues that the play engages with the 'nature and makeup of the English political nation' and makes a bid to expand this 'political nation' in order to include the members of the Inns of Court and the legal profession within its purview.[25] Rather than read *Gorboduc* purely as a response to a specific political situation my chapter will follow the more conceptual

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north, he also alludes clearly to the more immediate dangers of 'foreign thraldom' posed by the King of Sweden's proposal'. Walker, *The Politics of Performance*, pp. 213-14.

[23] Cavanagh, *Language and Politics in the Sixteenth-Century History Play*, p. 45.

[24] Winston, 'Expanding the Political Nation: *Gorboduc* at the Inns of Court and Succession Revisited', p. 16.

[25] Winston, 'Expanding the Political Nation: *Gorboduc* at the Inns of Court and Succession Revisited', p. 12.

line of enquiry initiated by Cavanagh, Winston, Dunn, and others, and argue that *Gorboduc*, despite being rooted in the anti-tyrannical tradition of the political moralities, indicates an aesthetic and ideological paradigm shift in the political drama of sixteenth-century England.[26] By blurring the line between absolutism and tyranny, by representing usurpation and regicide—both issues hitherto excluded from English drama--the play insidiously problematizes the very basis of legitimacy of authority.

The Sovereign Question

While the early Tudor political moralities explore the nature of political authority through the issue of tyrannical misuse of sovereign power, *Gorboduc* uses an instance of extra-legal royal absolutism in order to question what exactly constitutes sovereign authority and what amounts to its misuse. The earlier plays focus on the corruption of a power inherited ostensibly from God, whereas *Gorboduc* concerns itself with the moments of inception and conclusion of sovereignty. It bears witness to the transference of power from one human bearer to another, unaided by the agency of God. Devoid of allegorical abstractions, *Gorboduc* reveals to us for the first time in English drama a dramaturgical and political universe in which political institutions and political power are products of a human, not divine, making.

The first act of the play presents a conflict between two contradictory understandings of sovereignty: an absolutist interpretation of authority versus a more

[26] Kevin Dunn, 'Representing Counsel: *Gorboduc* and the Elizabethan Privy Council', *English Literary Renaissance*, 33.3 (2003), pp. 279-308.

constitutionalist interpretation of power in which the bearer of the crown and the subjects of the crown are bound together in an indissoluble corporation. In my previous discussion of the discourse of political theology I have attempted to demonstrate how, during the turbulent first half of the twentieth-century, various proponents of political theory looked back at early modern ideas of sovereignty and absolutism and drew rather contradictory conclusions from the same basic premises. The transference of terms and ideas from the realm of theology to the realm of politics that occurred in late medieval Europe, led the Catholic jurist Carl Schmitt to conclude that the sovereign was he who had the power to make 'the exception' to normative legal practices—in other words, sovereignty was defined by its absolutist nature.[27] The Jewish historian Ernst Kantorowicz's seminal history of late medieval and early modern kingship interprets the same phenomenon through the legal fiction of the two bodies of the king and interprets sovereignty as an inclusive temporal and spatial corporation between the crown and its subjects. According to Kantorowicz the transferences from the realm of theology to the realm of politics leads to the development of a 'Royal Christology' in which the 'two natures' of Christ, his *divinitas* and *humanitas*, become comparable to the political and natural bodies of the king.[28] Gorboduc's absolutist decision to sunder his sovereignty from his biological body during his lifetime brings these two contradictory perspectives of power in direct confrontation with each other, and leads to catastrophic consequences for both the biological and the political bodies of the king.

[27]Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, ed. and trans. by George Schwab (Cambridge, Massachusetts: MIT Press, 1985), p. 5.

[28]Kantorowicz, *The King's Two Bodies*, p.16.

The fiction of the two bodies of the king was often invoked by English common lawyers, and Kantorowicz bases his discussion on the Reports compiled by Edmund Plowden, an influential Catholic lawyer of the Middle Temple – a collection of reports of various law cases of Plowden and other contemporary lawyers.[29] Drawing upon Plowden's discussion of the two bodies of the monarch in the case pertaining to the Duchy of Lancaster, he concludes that the two bodies formed 'one unit indivisible, each being fully contained in the other' and this unity could only be dissolved with demise of the natural body of the monarch.[30] The political body on the other hand, being a corporation of the ruler and ruled, was not just immortal but immutable. As Plowden's texts and ideas circulated widely amongst the community of lawyers, it is hardly surprising that this legal fiction makes its presence strongly felt in a play written by two common lawyers for an audience comprising largely common lawyers. As Marie Axton points out, '*Gorboduc* chronicles the destruction of a realm in which the king's two

[29] Edmund Plowden, *The commentaries, or Reports of Edmund Plowden: ... containing divers cases upon matters of law, argued and adjudged in the several reigns of King Edward VI., Queen Mary, King and Queen Philip and Mary, and Queen Elizabeth [1548-1579],* (London: Printed by S. Brooke, Paternoster-Row, 1816).

Ernst Kantorowicz begins his book with a chapter on this text compiled by Edmund Plowden, one of the most important jurists of early modern England, and one of the most famous and influential figures of the Middle Temple during the middle of the sixteenth century. It is interesting to note that the Catholic Plowden was one of the champions of Mary Stuart's cause. Mortimer Levine notes that he was the author of a pro-Stuart tract written in 1567, in answer to the tracts written by John Hales, a member of the Parliament and a supporter of Catherine Grey, who incurred Elizabeth's wrath through his over-zealousness. Levine, *Tudor Dynastic Problems* , p.110. In fact, Axton argues that it is the title of the pro-Stuart tract by Plowden, *'A Treatise of the two Bodies of the king, vis. natural and politic....The whole intending to prove the title of Mary Quene of Scotts to the succession of the crown of England and that the Scots are not out of the allegience of England*', that brought the fiction of the two-bodies to the 'attention of men outside the Inns'. Axton, *The Queen's Two Bodies*, p. 18.

[30] Kantorowicz, *King's Two Bodies*, p. 9.

capacities are at variance'.[31] The unity of the two bodies of the king represents an inclusive, participatory, model of sovereignty in which the people and the crown form a corporation -- a single entity. Gorboduc's desire to sever this unity is a declaration his absolutism, paradoxically manifesting itself in an act of renunciation of power. Thus it is not just the two bodies of the king but two different configurations of political authority that are at variance within the play.

The central action of the play begins in the second scene of the first act, in which Gorboduc expresses his plans to divide the kingdom to his counsellors and asks for their advice. King Gorboduc wishes to relinquish his sovereign authority, thus, in effect, divorcing the body politic from his biological body during his lifetime. Throughout the consultation scene our attention is repeatedly drawn to the feeble mortal body of the King. Gorboduc mentions his 'decaying years' (line 50), Arostus talks of his 'crooked age' and 'enfeebled limbs' (lines 104-105), all of which seem to recall Plowden's comments on the 'Infirmities' or 'imbecility' caused in the body natural of the monarch through 'old age'— vicissitudes to which the body politic of the crown is immune.[32]

[31]Axton, *The Queen's Two Bodies*, p. 40.

[32] Quoted by Kantorowicz,*The King's Two Bodies*, p.7. Kantorowicz quotes from Plowden's *Reports* which were published in 1571, almost a decade after *Gorboduc* was performed. But it is very likely that the *Reports* were in circulation in manuscript form long before that. In the Introduction to his edition of Sir John Spelman's reports, J. H. Baker writes that even though Spelman's 'reports (about 1502 to 1543) escaped the press entirely' they 'enjoyed a limited private circulation'. Coke was familiar with them. They formed a part of Sir Christopher Yelverton's collection of legal manuscripts. Thus manuscript circulation of law reports—especially amongst members of the legal profession—was common in the sixteenth-century. See *The Reports of Sir John Spelman*, ed. By J. H. Baker, 2 vols., Selden Society vol. XCIII (London: Selden Society, 1977),I, pp. xvii-xxii. Plowden's treatise in support of Mary Stuart's succession is another text in which the idea of the two bodies of the monarch finds expression. This text was never published because of its potentially dangerous subject matter. Yet the fact that it was circulated privately and known to other pamphleteers of the subject has been conclusively shown by Marie Axton. See Marie Axton, 'The

Nullifying the established custom of primogeniture, the power that is abdicated by Gorboduc is halved and the two princes Ferrex and Porrex are handed a portion each. Two of his three counsellors express their reservations regarding this decision:

> To part your Realm unto my Lords your sons
> I think not good for you, ne yet for them,
> But worst of all, for this our Native Land:
> For with one Land, one single rule is best:
> Divided Reigns do make divided hearts (I, ii, 256-260)

But Gorboduc places his own will squarely above legal precedent, established custom, and received political wisdom; his contravention of the law of primogeniture declares him *legibus solutus.* The schism between the two bodies of the king is mirrored in partition of the realm itself. At the end of the first act, Ferrex and Porrex take charge of their individual kingdoms and commence their ill-fated and short-lived reigns. But despite Gorboduc's surrender of power, Ferrex and Porrex never quite become sovereign in their own right, a fact which finally undermines the efficacy and sagacity of Gorboduc's decision of transferring his authority. The two scenes of the second act which depict Ferrex and Porrex plotting against each other in consultation with their respective counsellors come across as diminutive parodies of Gorboduc's consultation scene, but bereft of the sense of efficacious executive power which manifests itself in Gorboduc's

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Influence of Edmund Plowden's Succession Treatise', *Huntington Library Quarterly*, 37.3 (1974), pp. 209-226.

court. It is almost as if Ferrex and Porrex are playing at being king, but with consequences which are so disastrous for the family and the state that they can no longer be contained within the realm of play. Moreover, there is a lingering sense that it is Gorboduc who, despite his public and ritualistic renunciation of power, has retained the supreme authority within the kingdom. In the first scene of the third act, when Ferrex and Porrex are poised on the brink of civil war, Dordan makes an appeal to what is obviously still the highest authority within the state -- Gorboduc himself, and it seems not a whit unnatural that Dordan should address him as 'My sovereign Lord' (line 29) in his letter. It is also unsurprising that Arostus should ask Gorboduc to take matters into his own hands and chastise the joint-sovereigns of the realm in order to resolve the issue:

> O King, appeal your grief and stay your plaint
> Great is the matter and a woeful case
> But timely knowledge may bring timely help
> Send for them both unto your presence here
> The reverence of your honour age and state
> Your grave advice, the awe of father's name
> Shall quickly knit again this broken peace (III, i, 45-51)

Gorboduc, as Joel Altman points out, is a Senecan tragedy which relies heavily on the mode of arguing *in utramque partem*, which reflects the legal and humanist rhetorical training the playwrights received at the Inns of Court. While narrating the 'explicitly didactic exemplum' of the fall of a great king, Norton and Sackville also use drama as

'neutral ground for the examination of complex problems'.[33] Thus within the play the movement from intention to consequence via action is never an easy one, since action is always enmeshed in a many-sided debate. Instead of a simple transfer of power from Gorboduc to his sons, followed by a civil war leading to the destruction of the kingdom, we encounter in *Gorboduc* an instance of sovereign absolutism that makes us consider whether the sovereign can, at all, alienate sovereignty from his own person, divide and distribute it at will, without inherently compromising the nature of sovereignty itself. Gorboduc's decision does not have its desired effect, but it makes us reflect on the relationship between the sovereign and his authority.

The multifarious opinions regarding the definition of sovereignty notwithstanding, the one characteristic of sovereignty that early modern political writers agreed on almost unanimously was that sovereignty, by definition, was singular and could not admit of the existence of a temporal authority equal or superior to itself within its own territory. Jean Bodin, sixteenth-century jurist, champion of absolutism, and one of the most influential theoreticians of sovereignty, writes in the *Six Books of the Commonwealth* (1576):

> [P]ersons who are sovereign must not be subject in any way to the commands of someone else, and must be able to give law to subjects, and to suppress or repeal disadvantageous laws and replace them with others — which cannot be done by someone who is subject to the laws or to other persons having power of command over him. This is why the law says that the prince is not subject to the law; and in

[33]Altman, *Tudor Play of the Mind*, pp. 251, 257.

> fact the very word 'law' in Latin implies the command of him who has the sovereignty.[34]

Even Sir Thomas Smith, proponent of a more conciliarist view of sovereignty, writes that the English kings never bowed down to 'any other superiour prince, but helde of God and hymself, his people and sword, the crowne'.[35] Gorboduc's presence ensures that neither of his sons achieves the highest authority within the state that is the hallmark of the sovereign. Though Ferrex and Porrex hold courts with their own sets of counsellors (Ferrex with Hermon and Dordan, and Porrex with Philander and Tyndar), except for engaging in warfare with each other, neither of them is seen to perform any of the law-making functions that are the distinguishing mark of sovereignty. Bodin asserts that if the characteristics of sovereignty were to be shared amongst more than one bearer, 'there would be no sovereign prince'.[36] But in the play, Gorboduc never really casts off his sovereign garb; what he does, effectively, instead, is create two more sovereigns in the state. By creating two inferior images of himself he undermines the inherently, uncompromisingly, singular nature of sovereignty and throws the entire political order into disarray. Neither aspect of his sovereign decision — the renunciation and the partition — seems to have achieved its desired effects. If Gorboduc's decision had been effective, then at least once Porrex murdered Ferrex, Porrex should have become the

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[34] Jean Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, ed. and trans. by Julian H. Franklin. (Cambridge: Cambridge University Press, 1992), p.11.

[35] Thomas Smith, *De Republica Anglorum*, Theatrum Orbis Terrarum reprint of the facsimile of 1583 edition (New York: Da Capo Press, 1970), sig. Ci^{v}

[36] Bodin, *On Sovereignty,* p. 46.

uncontested sovereign in the land. The fact that his power was partially usurped would not have made much difference to his *de facto* sovereignty. The curious legal situation whereby he was not only a prince of blood, but also the legal heir of half the kingdom, would have legitimized his partially usurped authority.[37] But Porrex's inherited power, conjoined with his usurped power, amounts to naught. Gorboduc retains the ultimate authority to summon him to court and pronounce judgment upon his crimes. After three whole acts have elapsed, the action of the play formally reinstates Gorboduc as the undisputed sovereign of the state, reuniting the body politic of the kingdom with his natural body with such natural ease that it seems more like continuity than resumption. The 'two capacities' come together once again in the judgement scene. Ironically enough, this union is revealed through Gorboduc's tragic dilemma which brings his two natures into conflict:

> Porrex, if we so far should swerve from kind,
> And from those bounds which law of Nature sets
> As thou hast done by vile and wretched deed

[37] Bodin writes that one who possesses power by force is a tyrant, but the tyrant nonetheless is a sovereign. See Bodin, *On Sovereignty*, p. 6. Sir Thomas Smith, diplomat and Regius Professor of Civil Law, in the seventh chapter of the first book of his *De Republica Anglorum* makes a distinction between the king and the tyrant based on the manner of ruling, and the way in which he or she acquired power. Smith is of the opinion that one might be a just sovereign in his or her manner of ruling, even if the power was acquired through illegal means. Smith, *De Republica Anglorum* , sig. Biii^{v}. Henry VIII passed three statutes and a personal will in order to settle the succession — each of which names a different permutation of heirs. Elizabeth herself (like her brother and sister) had been disinherited by him on more than one occasion, but went on to become the uncontested sovereign of England for several decades. It is worth mentioning here that Walker posits that Gorboduc's decision to alter the natural course of succession was a reference to and a critique of Henry's statutes and will which tried to alter the natural course of succession. Greg Walker, *Politics of Performance*, p. 215.

In cruel murder of thy brother's life,
Our present hand could stay no longer time,
But straight should bathe this blade in blood of thee
As just revenge of thy detested crime.
No; we should not offend the law of kind
If now this sword of ours did slay thee here:
For thou hast murdered him whose heinous death
Even Nature's force doth move us to revenge
By blood again; But Justice forceth us
To measure Death for Death, thy due desert,
Yet since thou art our childe, and sith as yet
In this hard case what word thou canst allege
For thy defense, by us hath not been heard
We are content to say our will for that
Which justice bids us presently to work:
And give thee leave to use thy speech at full
If ought thou have to lay for thine excuse. (IV, ii, 15-34)

Gorboduc is the highest judge, the father of the murdered, and the father of the murderer. On the one hand, the law of the state embodied in 'Justice' and the law of kind embodied in 'nature', both enjoin him to pronounce a death sentence on his son -- who is a fratricide and Gorboduc's own son's murderer. But as a father that very same law of

'kind' compels him to 'stay' his sovereign 'will'.[38] The dilemma is never resolved, as Porrex is killed by his mother. But what is significant about the speech is the fact that Gorboduc's sovereign 'will' is seen as the prime mover of action within the play. From his introduction in the first act until his death at the end of the fourth, it is Gorboduc's will that is the source of agency and authority within the play. Franco Moretti argues that 'tragedy presents a universe in which *everything has its origins in the decisions of the king*' and *Gorboduc* is the first English tragedy that depicts the 'will' of the sovereign as being at odds with the 'reason' of his counsellors.[39] The various aspects of counsel in the play have been exhaustively studied by Dermot Cavanagh and Kevin Dunn. Dunn sees the play as an attempt to resolve the problem of conciliar 'self-representation' while Cavanagh argues persuasively that through the ambivalent and conflicted rhetoric of political counsel the play attempts to 'embody' and 'rehearse' the dilemmas of the succession crisis.[40] There are four scenes of consultation within the play— and the political opinions of various counsellors constitute a major part of the play. In actual

[38] Plowden's treatise supporting the succession of Mary Stuart talks about this dilemma between the two bodies of the king in the context of Agamemnon's sacrifice of Iphigenia. Plowden writes that though Agamemnon knew it was his duty as a king to sacrifice his beloved daughter, he was still torn 'for albeyt he was a kinge and ought to do as seemely was for that estate, yet in the kinge there was a father (sayth the poete) and in his body polliticke there was a body naturall'. In the end, Agamemnon follows the diktat of his body politic, and Plowden concludes the superiority of the body politic over the body natural. Edmund Plowden, *'A Treatise of the two Bodies of the king, vis. natural and politic...The whole intending to prove the title of Mary Quene of Scotts to the succession of the crown of England and that the Scots are not out of the allegience of England'*, Oxford, Bodleian Library, MS Don. 43, pp.22-23. For an account of the date of composition and the political significance of the thesis see Marie Axton, 'The Influence of Edmund Plowden's Succession Treatise', pp. 209-226.

[39] Franco Moretti, ''A Huge Eclipse': Tragic Form and the Deconsecration of Sovereignty', *Genre*, 15: 1 & 2 (1982), pp. 7-40. See pp. 8-14.

[40] Kevin Dunn, 'Representing Counsel: *Gorboduc* and the Elizabethan Privy Council', p. 282. Dermot Cavanagh, 'The Language of Counsel in *Gorboduc*' in *Language and Politics in the Sixteenth Century History Play* (New York: Palgrave Macmillan, 2003), p. 45.

political practice too, the legal supremacy of the King-in-Parliament over the *rex solus* was generally accepted both in theory and to some extent in practice as well in contemporary England.[41] But, even though Gorboduc tells his counsellors 'both I and you have charge and care' of the state (I,ii,26), in the final analysis, his actions seem to privilege royal absolutism over and above this inclusive, conciliar, model of governance. The central theoretical preoccupation of *Gorboduc* is therefore the issue of absolutism and its consequences.

The expression of Gorboduc's sovereign 'will' is a manifestation of the Schmittian understanding of the liminality of absolutism. Schmitt's *Political Theology* takes as its starting point the work of Jean Bodin, which was the most comprehensive exposition of sixteenth-century theories of sovereign absolutism. Schmitt pushes the idea of singularity of sovereign power, as articulated by Bodin and other sixteenth-century jurists, to its very limits, and asserts that only he is truly sovereign who decides upon the exception because only a 'decision on the exception is a decision in the true sense of the word'. To Schmitt, sovereignty is a 'borderline concept' which can only be defined with respect to an exception to the legal structure of the state.[42] In the play it is Gorboduc whose decision has the force of law -- even when it contravenes established law and custom. Gorboduc's decision to abrogate the law of primogeniture straddles the divide between legitimate and illegitimate and as such can be seen as the decision upon the

[41] 'A doctrine of parliamentary sovereignty — of an ultimate legislative supremacy vested in King-in-Parliament — was half-grasped and wholly practised after the constitutional revolution of the 1530's.' *The Tudor Constitution: Documents and Commentary*, ed. by G. R. Elton (Cambridge: Cambridge University Press, 1960), p. 14. For a discussion of the ideological importance of the King-in-Parliament, see also Michael Graves, *Elizabethan Parliaments* (Essex: Longman Group, UK, 1987), pp. 10-11.

[42] Schmitt, *Political Theology*, pp. 5-6.

exception. It is this decision which makes him the only true sovereign in a play that contains multiple nominal sovereigns. But the sovereign exception that Gorboduc makes is with respect to sovereignty itself, and this is why ultimately the world of the play collapses into chaos and anarchy. Despite the play's emphasis on counsel, Gorboduc's absolutism is never seriously challenged, not even after he relinquishes his powers. In fact, paradoxically, through this very act of renunciation he consolidates his supreme and singular authority. What we see in the play is a 'reduction of the state to the moment of the decision, to a pure decision not based on reason and discussion, and not justifying itself, that is, to an absolute decision created out of nothingness'.[43] This decision pertaining to the 'extreme case' thus nullifies the existing legal structure and establishes a new law in an act of 'lawmaking violence'.[44]

The line between monarchical absolutism and tyranny was nebulous in sixteenth-century political theory and political practice. A monarchical form of government implied a degree of absolutism, and the absolutist ruler was always liable to degenerate into a tyrant. As I have argued earlier, this made it necessary for the members of the political nation to try and circumscribe royal authority through legal measures. The political drama prior to *Gorboduc* interprets the issue of absolutism purely in terms of the tyrannical excesses of the monarch. In *Gorboduc*, for the first time, we encounter a restrained evaluation of absolutism, divorced from the more obviously damning context

[43] Schmitt, *Political Theology*, p. 65.

[44] Walter Benjamin, writes: 'Violence, crowned by fate, is the origin of law' (p. 286), and asserts that lawmaking violence is enshrined at the heart of every legal contract and institution and 'the power that guarantees a legal contract, is in turn of violent origin.'(p. 288). Walter Benjamin, 'Critique of Violence' in *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. by Peter Demetz, trans. by Edmund Jephcott (New York: Schocken Books, 1986), pp.277-300.

of tyranny. Gorboduc's is a tyrant only in so far as he goes against the existing legal system, ignoring the reservations of his counsellors. His decision upon the exception is apparently morally neutral but has catastrophic consequences precisely *because* it is an absolutist decision, and thus undermines the nature of absolutism itself. *Gorboduc* presents to us a hypothetical case of absolutism pertaining to a single extreme fictitious situation, and forces us to re-examine the connections between morally neutral absolutism and active tyranny. The play deliberately blurs the lines between good counsel and bad, absolutism and tyranny, legitimate right and usurpation. In the earlier political moralities, the evildoings of the tyrant were emphasized and underlined by the dramatist, and there could be no question about which counsellors were evil and self-aggrandizing and which had the best interests of the king and the commonwealth at heart. In *Gorboduc*, with its penchant for arguing both sides of a case, none of these distinctions can be taken for granted. For all practical purposes, Gorboduc's act of renouncing power and dividing his kingdom equally between his sons can be seen as a logical and perfectly reasonable decision. It is by no means comparable to the excesses of the previous stage tyrants such as Magnificence, Cambises, Appius and Rex Humanitas. As Altman points out, the fact that Arostus supports his decision fully and Philander partly, does not necessarily mean that they are the descendants of the Vice figures of the earlier political moralities; their views are based on dialectical discussions of moral and philosophical commonplaces, and though they have different degrees of validity they are neither purely sycophantic nor utterly evil.[45] Thus the problem here is not of tyranny, but of absolutism, and the question that is raised is whether or not the two can be equated. Although Norton

[45] Altman, *The Tudor Play of the Mind*, p. 251.

and Sackville are characteristically ambivalent about this question, their achievement lies in the way they open up the issue of absolutism and make it accessible to debate and dramatic representation. However, the fact that Gorboduc's decision is bereft of ultimate meaning is perhaps indicative of the dramatists' view of royal absolutism. As the later action of the play reveals, Gorboduc is unable to really sever the body politic from his natural body until his death, nor could he make his sons sovereign in the true sense. All absolutism does achieve is the destruction of the royal family and the realm. As Porrex points out in his defence, the fraught political situation that resulted from the partition of the nation, sprung from Gorboduc's 'will alone' (IV,ii,83). At the end of the fourth act, thus, the reader/audience is left with a series of logical conundrums: Can the absolute sovereign still remain *legibus solutus* having severed the body politic from the body natural? And if he does still remain sovereign, as Gorboduc does, then has the body politic been severed at all? And if it has not, then can we call the sovereign unreservedly absolute or potent in the first place?

The Many-Headed Hydra in *Gorboduc*

> And for instruction to every of the said officers, her majesty doth likewise charge every of them as they will answer: that they permit none to be played wherein either matters of religion or of the governance of the estate of the commonweal shall be handled or treated; being no meet matters to be written or treated upon but by men of authority, learning, and wisdom, nor to be handled before any audience

> but of grave and discreet persons: all which parts of this proclamation her majesty chargeth inviolably kept.[46]

On 16th May, 1559, the newly crowned Elizabeth issued this proclamation in an attempt to delimit the discussion of politics in drama. Early Tudor political moralities such as *Magnificence* or *Respublica* were often commissioned by the monarch or aristocratic members of his or her immediate political circle and enacted within the environs of the court or aristocratic households. Such 'household drama' as Greg Walker calls it, did open up 'a discursive space' in which 'normal political prohibitions and inhibitions were relaxed', but at the same time it enabled the patron to exercise a certain degree of control over the content of the performance.[47] Through the sixteenth-century, however, the sphere of dramatic activity kept expanding until in the last decades of the century it culminated in the flowering of the commercial theatre of London. Alan H. Nelson writes that 'the first full decade of Elizabeth's reign' witnessed the flourishing of dramatic activity 'everywhere', including the universities and the Inns of Court.[48] Perhaps this necessitated the placing of restrictions on political drama in particular. Norton and Sackville's *Gorboduc* was, however, an unabashedly political play, written, performed and consumed by the members of a community that had no direct stake in politics at the time -- even if in their later lives many of them did make a career in politics. Winston

[46] *Tudor Royal Proclamations*, ed. by P. L. Hughes and J. F. Larkin, 2 vols. (New Haven: Yale University Press, 1969) II, p. 115.

[47] Greg Walker, *Politics of Performance*, p. 73.

[48] Alan H. Nelson, 'The Universities and the Inns of Court' in *The Oxford Handbook of Early Modern Theatre*, ed. Richard Dutton (Oxford: Oxford University Press, 2009), pp. 280-291. See p. 282.

argues that though *Gorboduc* is often grouped with the drama associated with the court and aristocratic households, in fact the material conditions of Gorboduc's production and consumption resulted in a shift of political debates away from the 'core of the polity'. The literary and political culture of the Inns was distinct from that of the court, and by producing a play such as *Gorboduc* the Inns were making a bid to 'expand' the political nation beyond the monarch's court, the Privy Council and Parliament.[49] Andrew Gurr suggests that Philip Sidney's familiarity with *Gorboduc* indicates that beyond the first performance at the Inner Temple, the play was 'performed through the 1570's'.[50] This popularity of *Gorboduc* works directly against the effort to restrict the spaces of political drama, anticipating the large scale consumption of political theatre in the commercial stages of London. Even if we ignore its consideration of fundamentally important political ideas, the context of its performance coupled with the directness of its political allusions -- when viewed in light of Elizabeth's proclamation -- make *Gorboduc* a uniquely radical play. Over and above this, *Gorboduc* was also the first English play to depict a popular rebellion that ends in the massacre of the royal family of England.

In earlier plays like *Magnificence, Apius and Virginia, Respublica* and even the Scottish morality *Ane Satyre,* tyranny is punished by God's agents: there is absolutely no human agency involved in chastising or deposing the tyrant. In *Magnificence* it is Adversitie, in *Apius and Virginia* it is Justice and Conscience, in *Respublica* it is Nemesis, and in *Ane Satyre* Divine Correccioun. Except for *Magnificence,* in all these

[49] Jessica Winston, '*Gorboduc* at the Inns of Court', p. 21.

[50] Andrew Gurr, *Playgoing in Shakespeare's London* (Cambridge: Cambridge University Press, 1987), p. 106.

plays we encounter the subjects of the tyrants who are oppressed by the tyrant and the Vices. But in the allegorical drama the subjects are always supplicants, never rebels. In *Respublica* it is People who comes to Respublica with their plaints, in *Ane Satyre* it is Pauper and John the Commonweal, in *Apius* it is the individual subject Virginius and his daughter. They are exploited ruthlessly but they are never the primary agents of the tyrants' destruction or downfall. In *Gorboduc* there is a curious reversal of the situation—as the play shows us rebelling subjects and regicide, but not any instances of active tyranny. Tyranny in *Gorboduc* is absolutism manifesting itself through the king's decision to abdicate kingship and divide the kingdom. We never actually witness or hear about the exploitation of the people at the hands of the sovereign and his counsellors. There is a reference to the civil war raging through the country, but there is no further indication of the people's profound resentment towards the royal family to prepare us for the murders of Gorboduc and Videna. When the courtier Clotyn declares at the beginning of the fifth act that:

> And now at last
> The people lo forgetting trouble and love,
> Contemning quite both Law and loyal heart
> Even they have slain their sovereign Lord and Queen. (V, I, 4-7)

it is with surprise that we realize that, disgusted by the internecine bloodshed in the royal family and all the civil strife in the country, the people have risen up in arms and killed the King and the Queen. There is no reference to any higher power or a divine agent. It is

the wrath of the people that kills the king, not the wrath of God, and it is the wrath of the people that becomes a force to contend with. However, the act of people taking up arms against their sovereign lord is something that is viewed with unmitigated horror within the play. The counsellors are unanimous in their decision that this rebellion needs to be crushed with every kind of violence imaginable and exemplary punishments should be meted out to the leaders of the bands of rebels. Gwenard, another courtier, asserts that no matter how foul the deeds committed by the royal family:

> Shall yet the Subject seek to take the sword
> Arise against his Lord, and slay his king?
> O wretched state, where those rebellious hearts
> Are not rent out even from their lying breasts
> And with the body thrown onto the fowls
> As Carrion food, for terror of the rest. (V, i, 21-26)

And Fergus of Albany, who, ironically enough, plans to take advantage of the chaotic situation to stake his claim to the throne, announces rather self-righteously:

> There can no punishment be thought too great
> For this so grievous crime: let speed therefore
> Be used therein for it behooveth so. (V, i, 27-29)

Thus, though *Gorboduc* is the first English play to depict active resistance against tyranny, it turns back upon its own representation and condemns the act in surprisingly vituperative terms. I have discussed in my previous chapter that in the 1550's, in the wake of Marian oppression of Protestants, Calvinist doctrines of resistance against tyranny were taking root in England and Scotland. Sarah Ruth Watson writes that 'the group of English Puritans, though small, was actively engaged in spreading their propaganda' that if circumstances so dictated, the people could rise up in arms against a tyrannical sovereign. [51] Norton, by all available accounts was a zealous Calvinist and definitely in touch with prominent Scottish Puritans. Watson posits he was influenced both by the teachings of Knox and by extension, the Scottish tradition of anti-tyrannical moralities.[52] Arguing specifically in the context of *Gorboduc*, Watson makes a distinction between the ideological bent of the first three acts, attributed to Norton, and the last two, attributed to Sackville, and relates the difference to the difference in the political beliefs of the two playwrights.[53] Norton, she argues, was heavily influenced by Goodman and the phrases in the play that echo sentiments in favour of resisting the tyrant are by him. The passages which register shock and horror at the prospect of people rebelling against the sovereign lord and advocate extreme punishment for the rebels are by Sackville—the more conservative thinker and writer. To read Norton's contribution to the play as a paraphrase of Christopher Goodman's treatise merely because Norton was a zealous

[51] Sara Ruth Watson, ''Gorboduc' and the Theory of Tyrannicide', *The Modern Language Review*, 34. 3 (1939), pp. 355-366. See p. 358.

[52] Watson, p. 356.

[53] Ibid., p. 357.

Calvinist, would be an overtly simplifying and pointless exercise. Calvinism did not automatically imply political radicalism or an advocacy of rebellion. Among Norton's other works was a translation of Calvin's *Institutes of the Christian Religion*, where, as Skinner shows us, Calvin's views on non-resistance were on the whole extremely orthodox.[54] Goodman himself, as I have shown in my first chapter, emphasizes passive disobedience to the tyrant rather than active resistance. Penry Williams, speaking of Ponet's tract, writes that despite the radicalism of the treatises arguing in favour of some form of resistance, 'the proponents of rebellion were however, few in number'. [55] In fact most of the zealous Calvinists 'accepted, indeed warmly embraced, the monarchical conceptions of the time'.[56]

Thus the extent to which Norton subscribed to a doctrine of justifiable rebellion is debatable. Additionally, the division between Norton's part in the play and Sackville's part is a synthetic one, and one that cannot be definitively proved. We would perhaps be better off if we see the text, as Michael Graves suggests, as 'a harmonious collaboration' between the playwrights marked by 'a dramatic and thematic unity'.[57] Viewed as a

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[54] Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978) , II, p.192,

[55] Penry Williams, *The Tudor Regime* (Oxford: Oxford University Press, 1979) p. 355.

[56] Ibid., p. 356-7.

[57] Graves, *Thomas Norton: The Parliament Man*, p. 100.

Collaborative writing became a common feature of the Elizabethan and Jacobean stage in the later decades of the century. In fact, Gordon McMullan, in his work on John Fletcher, relates collaborative dramatic practice to an inclusive model of political governance. McMullan reminds 'us of the broadly (and not always voluntarily or intentionally) collaborative way in which drama was produced in the Jacobean period' and writing specifically of John Fletcher he adds, 'In his analyses of political life . . . Fletcher appears to be aware of the essentially collaborative nature of rule, the inadequacy of absolutism, and the correspondent need for a politics of involvement…his professional practice as a playwright…orients

whole, there is no doubt about the fact that the text of *Gorboduc* condemns the people's rebellion in absolute and aggressive terms. What *is* radical about the play is the fact that for the very first time on the English stage, it is able to envisage the possibility of people rebelling against, deposing and killing the legitimate monarch, without having to take recourse to divine sanction for their actions.

Resolving the crisis caused by the tyrant by depicting his downfall at the hands of a divine agent was an option that was available to the allegorical drama of the early Tudor period. The dramaturgical strictures of history plays or tragedies did not permit them recourse to such a resolution. Therefore *Gorboduc*'s depiction of popular rebellion and regicide is partly dictated by the aesthetic needs of its genre. Speaking of the earlier morality plays in which the tyrant who was always overthrown or chastised by the divine agent, Bevington argues that such drama did not wholly engage with the question of the 'historical process' by which God would 'end an evil reign', stopping short at 'the same necessarily vague assurances' of divine intervention.[58] The 'vague assurances' that the genre of the morality play allows have no place in the history play or the tragedy, which cannot permit of such abstractions. If the young humanist lawyers Norton and Sackville set out to write a Senecan tragedy, they could not invoke Adversity or Divine Correction to chastise the tyrant. Chastisement had to be the act of human, not divine, agency. Regardless of their own political opinions on the right of the subject to resist the

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Fletcher towards a politics of involvement, a politics of collaboration'. Gordon McMullan, *The Politics of Unease in the Plays of John Fletcher* (Amherst: University of Massachusetts Press, 1994), p. 132. See also Heather Anne Hirschfeld, *Joint Enterprises: Collaborative Drama and the Institutionalization of English Theatre* (Amherst: University of Massachusetts Press, 2004).

[58] Bevington, *Tudor Drama and Politics: A Critical Approach to Topical Meanings* (Cambridge, MA: Harvard University Press, 1968), pp. 157-8.

sovereign ruler, the choice to depict tyrannicide on stage was partly governed by their aesthetic choice of writing a *de casibus* tragedy in the Senecan mode. At the same time I would like to argue that *Gorboduc*'s engagement with the issues of usurpation and rebellion is not purely the consequence of the generic changes that occur in English drama, it is also a reflection of evolving political theory in England, Scotland, and the rest of Europe. The treatises written by the Calvinists Knox, Ponet, and Goodman, protesting Mary Tudor's persecution of Protestants tried to negotiate age-old notions of divine right of monarchy and Calvin's own quite strict injunctions on passive resistance, in order to come up with arguments in favour of resisting the ungodly monarch. Even though the arguments were weighed down with a thousand rhetorical and linguistic indirections, these ideas were an integral part of the intellectual milieu of the age. What would have been unthinkable a few decades earlier was being articulated, albeit in veiled and hesitant terms. More importantly, a poetic understanding of political institutions and political authority was beginning to gain currency. The last chapter attempted to map this change through a Machiavellian reading of the works of George Buchanan. *Gorboduc* is the first *English* play that displays a consciousness of this understanding of politics as a discourse crafted through human *poiesis*. The political universe of *Gorboduc* is, therefore, marked by the absence of any transcendental significance, and this makes it possible for the play to represent the death of the king and queen at the hands of their subjects. This poetic configuration of politics also enables the play to reflect upon the problem of usurpation of sovereign authority through Porrex and Fergus, the Duke of Albany. While Fergus embodies an external threat to the security of the nation, Porrex is the enemy within. However, in both cases, the engagement with the actual question of usurpation and

legitimacy is cursory. In Porrex's case the issue of fratricide takes precedence over usurpation. Porrex's usurpation of power and the violation of constitutional law are viewed as morally reprehensible, but the fact that he commits fratricide and contravenes the law of 'kind' is perceived to be unpardonable. In Fergus's case, usurpation is a nebulous threat in the political horizon that is yet to take concrete shape, but is used as an instrument to spur the aristocrats into action. However, the fact that *Gorboduc* broaches the issue of usurpation indicates a paradigm shift in political thought and has far reaching consequences for the political drama of the decades that followed.

Referring to Elizabeth's proclamation prohibiting the discussion of contemporary politics in drama, Bevington writes that 'With its openly critical and Parliamentary message, *Gorboduc* is the last of its obvious type.'[59] While this is true to a certain extent, it is undeniable that *Gorboduc* also opens up the English stage to the discussion and representation of political issues that were hitherto excluded from the world of the theatre, which makes it a crucial play performed at a critical juncture with far reaching political and aesthetic consequences for Elizabethan and Jacobean drama. With its technique of arguing *in utram que partem Gorboduc* nimbly negotiated the political exigencies of the time to foreground the issues of usurpation, regicide and a profoundly complex notion of sovereign absolutism. It is a play that bears the unmistakable imprint of a rapidly changing political milieu and the growing importance of a human etiology of politics — an etiology that finally culminates in the character of the usurping 'new prince' who was destined to become the dominant figure of historical and political drama of the ensuing decades.

[59]Bevington, *Tudor Drama and Politics*, p. 143.

Tyranny added to Usurpation: *Richardus Tertius*, *The True Tragedy*, and *Richard III*

> As conquest may be called a foreign usurpation, so usurpation is a kind of domestic conquest, with this difference - that an usurper can never have right on his side, it being no usurpation but where one is got into the possession of what another has right to. This, so far as it is usurpation, is a change only of persons, but not of the forms and rules of the government; for if the usurper extend his power beyond what, of right, belonged to the lawful princes or governors of the commonwealth, it is tyranny added to usurpation. – John Locke, *Second Treatise on Civil Government*, Chapter 17. [1]

The political drama of the second half of the sixteenth century is characterized by the sudden emergence of the figure of the usurper, who was hitherto absent from the English stage. In the manner of a true (political and theatrical) arriviste, the stage usurper of Elizabethan drama rapidly rose to a position of theatrical prominence, which he retained tenaciously through decades of tumultuous political and dramatic change. Not content with the crown and the sceptre the usurper also staked claim to the theatrical dominance of the tyrant – the protagonist of the political drama of the preceding decades—by internalizing his characteristics. The sin of usurpation was thus superimposed on the sin of tyranny. The 'new prince' who dominated the Elizabethan stage, combined in his person and his actions, a double political misconduct: the illegitimate acquisition of authority and its misuse. The title page of the 1597 quarto of

[1] John Locke, *Two Treatises on Government* (London: 1821), p. 358.

Shakespeare's *Richard III* promises the reader a play which depicts among other things Richard's 'tyrannicall usurpation', thus designating the illegitimate acquisition of power as a misuse of power in itself.[2] The superimposition of the tyrant on the usurper is symptomatic of the formal and ideological changes, which transformed sixteenth-century political and theatrical cultures. Despite the very clear distinction between the illegitimate ruler and the incompetent/evil ruler that existed in the political theory of early modern Europe, in the theatrical imagination of the late sixteenth-century, the tyrant was almost without exception a usurper, and conversely, the overreaching 'new prince' was almost always tainted with the crime of tyranny.[3]

Continuing from the rather tentative formulations of the theme of usurpation in *Gorboduc* discussed in the previous chapter, I intend to show the formal and ideological significance of the conflation of the usurper and the tyrant in a single dramatic figure. This chapter will examine three separate dramatic adaptations of the life and actions of the most notorious usurper-tyrant of English history and the Elizabethan stage -- King

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[2] Andrew Gurr, *Playgoing in Shakespeare's London* (Cambridge: Cambridge University Press, 1987), p.112.

In my discussion of Buchanan's *De Iure* I had mentioned how the Greek word '*turannos'* became loaded with pejorative connotations of cruelty and abuse. The OED defines a 'tyrant', among other things, as 'One who seizes upon the sovereign power in a state without legal right; an absolute ruler; a usurper.' See http://www.oed.com/view/Entry/208425?redirectedFrom=tyran#eid. By the sixteenth-century 'tyrant' was used interchangeably to mean both 'illegitimate ruler' and 'bad ruler', whereas 'usurper' usually only meant 'illegitimate ruler'. The OED notes that the first use of the word 'usurper' in English occurs in 1414, in a letter written by the Earl of Cambridge, in which he designates 'Harry of Lancastre' as the 'usurper of Yngland'. http://www.oed.com/view/Entry/220731?rskey=OCeQn7&result=1#eid. (Both links accessed on 15th July, 2014).

[3] In my first chapter I quoted Thomas Smith's *De Republica Anglorum* to show that a conceptual distinction between tyranny and usurpation existed in political theory. This chapter is concerned about the overlap between the two concepts in drama. Henry Bolingbroke is the only exception to this pattern, and I will attempt to briefly address this in my conclusion.

Richard III -- to argue that while on the one hand the conflation of the usurper and the tyrant offered a solution to the formal difficulty of representing the downfall of a tyrannical monarch under a regime deeply committed to the institution of monarchy, on the other hand it revealed ideological fissures in the bed rock of divinely sanctioned monarchical authority. Though critical treatments of the dramatic character of Richard III have often assumed that the extraordinary investment of the late sixteenth-century stage in his evil deeds and ignominious end serves only to uphold the unassailable sanctity of Tudor rule, my reading will point to the more ambivalent, sceptical and secularising effects that arise from ensuring, through the usurper-tyrant conflation, that the tyrant's corrector -- who acquires all the lustre of being providentially ordained -- is always another claimant to the throne, thereby blurring the distinction between the '*principe nuove'* and 'God's deputy', between *de facto* and *de jure* princes. The first section of my chapter will comprise a comparative analysis of the three versions of Richard III: Thomas Legge's Latin play *Richardus Tertius*, the Queen's Men's anonymous *The True Tragedy of Richard III*, and Shakespeare's first tetralogy, especially *Richard III*. [4] Locating the stage usurper-tyrant amidst the competing discourses of Machiavellism and monarcho-machia, the second and third parts of my chapter will investigate the reasons for the late sixteenth-century dramatists' preoccupation with usurpation and its ideological legacy for drama and politics respectively. The fourth part will take up the question of counsel and

[4] Thomas Legge, *Richardus Tertius* in *Thomas Legge: The Complete Plays*, 2 vols., ed. and trans. by Dana F Sutton, American University Studies, Series XVII, Classical Languages and Literature, Vol. 13 (New York: Peter Lang Inc.,1993). *The True Tragedy of Richard the Third*, ed. by W. W. Greg, Malone Society Reprints (Oxford: John Johnston at the Oxford University Press, 1929). All quotations are from these texts. All quotations from Shakespeare are from *The Oxford Shakespeare: The Complete Works*, ed. by John Jowett, William Montgomery, Gary Taylor, and Stanly Wells, 2nd edn (Oxford: Clarendon Press, 1986, 2005).

consent discussed in the preceding chapters, and analyse the political agency attributed to subjects and citizens within the world of the plays, and its possible resonance among the subjects and citizens in the world outside -- the theatre audience.

The Usurper in Historical Drama

The use of the history of Richard III and his evil deeds, among which the acts of regicide and usurpation occupy pride of place, in dramatic and poetic literature dates back to the early decades of the sixteenth century. G. B. Churchill, in his exhaustive survey of all the mentions of Richard III in all the literature of the sixteenth century leading up to Shakespeare's adaptation of the history, traces a gradual building-up in the litany of Richard's crimes as the century progresses.[5] In *Gorboduc*, where the issue of usurpation is broached for the first time on the English stage, the emphasis on primogeniture and hereditary succession and the paranoia of foreign rule had to do with the succession anxiety that plagued the statesmen of a nation ruled by an unmarried queen, who, despite the best efforts of her counsellors, neither married in order to provide the throne with an

[5] For example, while discussing the episode dealing with Clarence's murder in *A Mirror for Magistrates*, Churchill writes, 'Till now there had been offered only a suggestion of Richard's connection with his brother's death. This was the cautious statement of More, copied into the Hardyng continuation and into Hall . . . but this goes far beyond More. Richard is here not merely the 'helper furth' of Clarence's death, he is the actual causer of Clarence's condemnation . . . a still farther advance makes Richard the actual murderer, attempting with his own hands to strangle his brother . . . Another crime has thus become firmly attached to Richard's name.' G. B. Churchill, *Richard III up to Shakespeare* (Dursley, Gloucestershire: Alan Sutton, 1976), pp. 241-2. For a more detailed account of the early chronicle historians of Richard III, see Alison Hanham, *Richard III and his Early Historians: 1483- 1535*, (Oxford: Clarendon Press, 1975). Hanham, contrary to Churchill's implication, argues that the 'blackening' of Richard's character was not really the deed of Tudor historians driven by a political agenda, in fact 'Richard's contemporaries were severer critics than their sixteenth-century successors.'p.192.

heir apparent, nor named an heir presumptive.[6] It is important to note that one of the two composers of *Gorboduc,* Thomas Sackville, was also one of the editors of the *Mirror for Magistrates*, a text in which the history of Yorkist rule, particularly the narrative of Richard III and his victims, acquired prominence.[7] In fact, as G. B. Churchill has shown, the successive dramatic adaptations of Richard III all derived, to varying extents, from the *Mirror for Magistrates*.[8] In the light of Jessica Winston's postulation that *Gorboduc* and *A Mirror for Magistrates* belong to the same strand of development in English political literature of the mid-sixteenth century,[9] it would perhaps not be entirely far-fetched to trace a trajectory of the development of the theme of usurpation, from *Gorboduc* to the successive adaptations of Richard III, and its consequent appropriation by later historic or tragic drama. If in 1561, at the time when *Gorboduc* was first performed at the Inns of Court, the succession anxiety had already percolated into the realm of public theatrical performances, by 1579 when the first dramatic adaptation of Richard III was composed, this anxiety had escalated greatly. Added to this was the threat

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[6] See Jessica Winston, 'Expanding the Political Nation: *Gorboduc* at the Inns of Court and Succession Revisited', *Early Theatre* , 8.1 (2005), p.15, G. R. Elton, *The Parliament of England: 1559-1581* (Cambridge: Cambridge University Press, 1986) p.355, Greg Walker, *The Politics of Performance in Early Renaissance Drama* (Cambridge: Cambridge University Press, 1998), pp.196-7.

[7] Lily B. Campbell ed., *A Mirror for Magistrates* (Cambridge: Cambridge University Press, 1938). For a detailed history of the publication of *A Mirror for Magistrates,* see Sherri Geller, 'Editing under the Influence of the Standard Textual Hierarchy: Misrepresenting 'A Mirror for Magistrates' in the Nineteenth- and Twentieth-Century Editions', *Textual Cultures,* 2. 1 (2007), pp. 43-46.

[8] G. B. Churchill, *Richard III up to Shakespeare*, p. 284, 411 etc.

[9] 'The *Mirror, Gorboduc* and *Jocasta* make up a family of writings. More than that, the two dramas are the generic and political offspring of the earlier work . . . *Mirror* helped to initiate a conversation in drama about the governance of the commonwealth.' Jessica Winston, 'National history to foreign calamity: A Mirror for Magistrates and early English tragedy' in *Shakespeare's Histories and Counter Histories*, ed. by Dermot Cavanagh, Stuart Hampton-Reeves, and Stephen Longstaffe, (Manchester: Manchester University Press, 2006), p.153.

of usurpation that was directly linked to the presence of Mary, Queen of Scots in England. Thus the theatrical apotheosis of the usurper not only coincided with the precise historical period in which the threat of usurpation loomed large in the imagination of the inhabitants of a kingdom with an heirless, ageing monarch, but in its specific theatrical manifestations often referred back to that period of recent English history which was marked by a series of successive usurpations and counter-usurpations -- the last of which was committed by none other than the present monarch's grandfather, the founder of the Tudor dynasty. In *The English History Play in the Age of Shakespeare*, Irving Ribner relates the emergence of the genre of the history play to a new, critical interest in the discipline of humanist history writing under the auspices of which medieval historiographical practices were considerable modified.[10] The first instance of such properly historical drama composed in England, that makes use of not the mythical, pre-historical past of England like *Gorboduc*, but actual historical material, is Thomas Legge's *Richardus Tertius.* G. B. Churchill accredits Legge with 'the turning of drama in England in an entirely new direction' by perceiving that 'English history as related by the chroniclers possessed as great a store of dramatic material as classical saga or Biblical story'.[11] *Richardus Tertius* also happened to be the first play to deal with the issue of usurpation directly and extensively. The sudden interest in the theme of usurpation and the emergence of English historical drama were not just contemporaneous but

[10] 'The great age of the history play comes perhaps as the final distinctive manifestation of a new birth of historical writing in England . . . The new English historical writings carried on much of the tradition of medieval chronicles, but . . . were profoundly influenced also by the new historical schools of Renaissance Italy.' Ribner, *English History Play in the Age of Shakespeare,* p. 4.

[11] G. B. Churchill, *Richard III up to Shakespeare*, p. 270.

interconnected. The historical chronicles that provided the raw material for drama were rife with incidents of usurpation, and it was from these history plays that usurpation first emerges as a central concern in political drama -- gradually making its way to the tragedies, finally manifesting itself even in some of the comedies or romances (such as *As You Like It* and *The Tempest*) as a subsidiary plot. The usurper-tyrant par-excellence, who enthralled Elizabethan audiences and readers for decades, was undoubtedly Richard III: 'the English archetype of the Renaissance tyrant, the Machiavellian Man in action.'[12] Writers of histories, writers of verse narratives, writers of neo-Latin drama at the universities, playwrights of the commercial stage in London- including Shakespeare himself, tried their hands at telling the story of Richard's villainies, throughout the sixteenth century. After Legge's play, the second dramatic adaptation of Richard III's life was entitled *The True Tragedy of Richard III* entered in the Stationer's register in 1594.[13] It was composed by an anonymous dramatist and performed by the Queen's Men. It his perhaps worth noting here that in most of the surviving plays performed by the Queen's Men usurpation emerges as a central concern -- *The Troublesome Reign of King John* (1591), *The Famous Victories of Henry V* (1594) to name a few. As Scott McMillin and Mary Beth Maclean point out, 'The plots of no fewer than six of Shakespeare's known plays are closely related to the plots of plays performed by the Queen's men' of which *Richard III*, which is the third and last extant dramatic adaptation of the life of the

[12] Dana F. Sutton, Introduction to *Thomas Legge: The Complete Plays,*I, p. x. She adds 'It is for this reason, and not just because his downfall paved the way for the rise of the Tudor dynasty and so in some sense for the modern English nation, that his career exerted such fascination for the Elizabethans.'

[13] Scott McMillin and Mary Beth Maclean, *The Queen's Men and Their Plays* (Cambridge: Cambridge University Press, 1998), p.89.

notorious king, was one.[14] In the following section I will attempt to show how these three plays about Richard III, belonging to very different genres and spanning over two decades, portray the figure of the usurper and how they attribute to him the theatrical traits conventionally associated with the tyrant.

Thomas Legge's *Richardus Tertius*, which is actually a trilogy comprising three *actiones*, was part of a thriving tradition of neo-Latin drama that flourished at Oxford and Cambridge in the sixteenth century.[15] Performed for three consecutive nights at Cambridge in 1579, Legge's play imposed the form of a Senecan tragedy on the material of the chronicles, in which the emphasis is more on the sequence of events beginning from the death of King Edward IV to the accession of King Henry VII than on the character of Richard, or the psychological motivations of his evil doings. Despite being the eponymous character he is not the sole focus of the play either. Instead of denouncing Richard as villain outright, Legge's play presents to us a more ambivalent and complex evaluation of the nature of political life. Richard speaks his first soliloquy in the third act of the third part of the play, and only in the very last line of that soliloquy -- in what seems like an almost passing reference to his 'false piety' -- does he exhibit his villainy to the audience. (Actio Tertia, III, i, 3650). The soliloquy which begins with Richard's grief at the death of his only child, stands out amongst all the lines spoken by the various theatrical incarnations of Richard by presenting to us the sufferings and tribulations that Richard had himself undergone, rather than those which he inflicted on others:

[14] Scott McMillin and Mary Beth Maclean, *The Queen's Men and Their Plays*, p.161.

[15] Frederick S. Boas, *University Drama in the Tudor Age* (Oxford: Clarendon Press, 1914). For a discussion of Legge see pp. 109-132.

> Oh Fates, always savage! Oh my bitter lot, equally evil when it rages and when it is sparing! Mischievous Fortune greatly insults human affairs, whirling everything on her swift wheel. Those whom one moment she places on top, suddenly she tramples and kicks with her foot. Who does not see that this powerful household is overthrown by a sudden attack of tottering destiny?
>
> First, my only son has died . . . Oh sweet pledge, oh great ornament of the royal family, oh the death of your England, oh, alas, your father's empty hope! . . . Unhappy boy, you will lie enclosed in your tomb, without glory. (Actio Tertia, III, i, 3578—3603)

This expression of genuine pathos on Richard's part and the restrained presentation of Richard's actions in *Richardus Tertius* present a remarkable contrast to the protagonists of both *The True Tragedy* and *Richard III*, who glory in their own villainous natures and lose not a single opportunity to expound upon their evil intentions and deeds with unbound enthusiasm. Dana F. Sutton holds, Legge's Richard 'is a thoroughly wicked man, but he is neither a monster nor a genius of evil'.[16]

In the first few scenes of the play, it seems that Richard's ambition is to wield power *over* the sovereign, and not an aspiration towards the actual title of sovereign. In *True Tragedy* however, Richard embarks upon his opening soliloquy within the first 350 lines of the play, and as soon as he launches into his speech he makes it evident that he would settle for nothing less than the crown and sceptre; he disdains to be 'baser than a

[16] Dana F. Sutton, Introduction to *Thomas Legge: The Complete Plays*, I, p. xvii.

King' (line 364) and pledges to make his enemies 'hop without their crownes'. (line 368). This Richard needs all the formal accoutrements of sovereign power, over and beyond efficacious power itself, and needs it with a violent desperation that Legge's protagonist seems to lack—at least on the surface. Richard of *True Tragedy* unequivocally declares to the audience:

> If I be but King for a yeare, nay but halfe a yeare,
> Nay a moneth, a weeke, three dayes, one day, or halfe a day,
> Nay an houre, swounes, half an houre,
> Nay, sweete Fortune, clap but the Crowne on my head,
> That the vassals may but once say,
> God save King *Richard's* life, it is inough. (lines 447-452.)

In Legge's play, the actual usurpation is at once far more insidious and complex, which takes place under the guise of countless manipulations, and over and above Richard's ambition it takes into account the conflicting interests of a number of factions keen on gaining control of the state. Legge's Richard lacks the single-mindedness, directness, and enthusiastic -- if crude -- agency that the Richard of *True Tragedy* displays in every scene. The way Richard absorbs the lion's share of the dramatic interest of *True Tragedy* has led G. B. Churchill to characterize the play as 'not the chronicle-history of a reign, it is purely the history of a character'.[17]

Compared to this vigorous character, Dana Sutton argues, Legge's protagonist

[17] G. B. Churchill, *Richard III up to Shakespeare*, p. 399.

comes across as an 'essentially weak man'.[18] While it is undoubtedly true that he is a far more understated character than the protagonist of *True Tragedy* and displays far less obvious vigour and raw energy, he exhibits a degree of political subtlety and sophisticated techniques of deception that are totally absent in the protagonist of *True Tragedy* whose language is neither sophisticated nor subtle enough to make his ruses of deception effective. In this, Legge's Richard is reminiscent of that other tyrant of neo-Latin, Senecan drama: King Herod in Buchanan's *Baptistes*. Like Herod in *Baptistes*, in *Richardus Tertius*, Richard is initially presented not as an outright villain, but as a Regent and a kinsman who feels justifiably threatened by the way in which Edward's maternal uncles have monopolized both the person of the young king and the power of the land. He manipulates Buckingham to commit treason, paradoxically, by appealing to his loyalty to the Yorkist bloodline:

> Although we belong to the King's high bloodline, and our family is distinguished by great titles, we are nevertheless granted no access to the King. They refuse to let an uncle live with his nephew. Where will such a mother's impudence come to an end? Already England's glory has yielded to a woman. See here, our trustworthiness is doubted. Our due honor is buried and our noble blood, an object of scorn, has become tainted. Now the sacred guardianship of the King is entirely entrusted to his mother's kin, although we scarcely yield to them in honor and although our loyalty to our nephew is equal to theirs. (Actio Prima, II,i, 200-210)

[18] Dana F. Sutton, Introduction to *Thomas Legge: The Complete Plays*, vol. I, p xviii.

Far from being weak, Legge's Richard is the consummate dissembler whose facade of respectability and good intention serves to heighten the ironic gap between the Erasmian model of the ideal Christian prince and necessities of political reality. In the fifth act of the first play, Catesby convinces Buckingham of the necessity of killing the minor King Edward V and his brother the Duke of York, and it seems that together they convince Richard to commit the crime that damns him decisively in the eyes of posterity. But as with Buchanan's Herod and his decision of killing the Baptist, with Legge's Richard one is never entirely sure whether it is Buckingham and Catesby who convince Richard or whether, in fact, Richard indirectly manipulates them into articulating the plan that he would never utter even in his soliloquies.[19] Even when the decision is made Richard never explicitly states his intention of killing his nephews. The farthest he goes is to declare 'I lay claim on my brother's sceptre. And I call you the author of your own security' (Actio Prima, V, i, 1362) — thus making it seem like an act of self-defence against the 'fierce, intractable' nature of the boy-king (V, i, 1353). Legge's Richard is adept at camouflaging his intentions not just from the other characters of the play, but also from the audience. The soliloquy in the third part, which for the first time unambiguously reveals Richard's 'false piety', also presents him as a true Machiavellian prince, who is willing to adapt with contingent circumstances. Having usurped the throne successfully he shows himself to be willing to practise the traditional virtues of kingship in order to compensate for the rather un-traditional manner by which he had acquired the throne:

[19] It is perhaps worth noting that both neo-latin texts use Senecan forms of argumentation – with open-ended *sententiae* and arguing *in utram que partem* they manipulate both the characters and the audience into interpreting general statements in particular ways.

> Nobody can undo that which has been accomplished. If the people hate me, I am a dead man. But my popularity must be preserved. Let only this stain be removed by which, alas, I have gained my criminal reputation . . . Now I shall be kindly, humane, pious and liberal to my subjects, and I shall purge my name of impious crime. (Actio Tertia, III, i, 3637-3640)

However, despite his resolve to undo his reputation for criminality, Legge's Richard, like most usurpers on the English stage, transforms into a tyrant. As Alison Hanham writes 'Usurpation, once committed, plainly tended to colour all subsequent views of Richard in minds to which usurpation and tyranny were synonymous'. [20] Having once revealed his true nature in the third play, the master dissembler loses his powers of effective simulation. Gradually everyone from Buckingham to Queen Anne begins to see him as he really is. His plans to 'conceal my evil plans behind a happy face' (IV, iii, 4036) fails as he is inexorably pushed towards the ignominious fate of the stage-tyrant. The kind of subtlety and doubleness Legge attributes to Richard is not unique to his character only, it is a characteristic of the ambivalent Senecan rhetoric that informs the politics of the play and of which the characters themselves make use. Thus a number of other characters apart from Richard display an unprecedented degree of subtlety, and try to advance their own interests or try to manoeuvre themselves out of danger by using devious political rhetoric. A striking example of this is Queen Elizabeth's extremely persuasive, eloquent and manipulative rhetoric when she strives to negotiate with the

[20] Alison Hanham, *Richard III and his Early Historians*, p.196.

Cardinal so that her younger son is allowed to remain in sanctuary with her. Instead of bewailing her misfortune, she invokes the law of the state to argue her case robustly: 'English law has made the mother the child's legal guardian when the father is dead.' (Actio Prima, IV, iii, 1035-6.)

In Legge's play Elizabeth emerges as an astute politician who is the architect of Richard's downfall in the end, rather than the wailing helpless mother of the *True Tragedy*. [21] In *True Tragedy*, not only Elizabeth, but Richard himself lacks the sophisticated techniques of rhetorical manipulation. He is secretive, but never subtle. Richard's ambition and his desire for the throne brook no opposition, neither does he pay lip-service to an image of respectability. He hatches the plan of having his two nephews killed in secret independent of Catesbie or any other counsellor, and in his characteristic blunt and over-stated manner he declares to his Page:

> Why thus it is, I would have my two Nephewes the yoong Prince and his brother secretly murthered, Sownes villaine tis out, wilt thou do it? Or wilt thou betray me? (992-4)

The differences in the characterizations of the protagonist in the two plays have to do with the material and historical contexts of their composition and performance, as well as the specific generic compulsions acting upon the two texts. Written by a Cambridge academic and performed (for the most part) for an educated audience, Legge's play

[21] This difference in the representations of the figure of the queen is in turn related to the way in which each dramatist conceives of and represents Richmond's claim to a legitimate sovereignty. I will come back to this point towards the end of my chapter.

displays all the traits which were typical of Senecan drama. The sophisticated, classical rhetoric is characterised by ambivalence; and the repeated stichomythic exchanges between characters requires the audience to engage critically with two conflicting points of view, simultaneously presented, and make their own moral choice. *True Tragedy* on the other hand was a play intended for the commercial London stage and maybe occasional performances in the countryside, belonging to that intermediate genre of plays characterized as 'chronicle plays'. Situated somewhat precariously between historical drama and political moralities, E. M. W. Tillyard writes that these plays 'had as a main concern the facts of history . . . sought to instruct their audience in the matter of prose chronicles'.[22] Moreover, Scott MacMillin and Mary Beth Maclean argue that the Queen's Men, and before that to a lesser extent the Earl of Leicester's men, were mouthpieces of Tudor propaganda, 'acting stories the court wanted the country to hear'.[23]The exaggerated villainy of the Richard of *True Tragedy* was possibly due to the fact that the

[22] E. M. W. Tillyard, *Shakespeare's History Plays* (London: Chatto and Windus, 1944, repr. 1961), p.99. Ribner however rejects the dichotomy between chronicle plays and history plays proper summarily saying 'Plays which deal with the history of any country are history plays, and no other critical term is needed.' Ribner, *English History Play in the Age of Shakespeare*, p.8.

[23] 'The crown had long sought to have a Queen's 'Men' who would turn playing to a Tudor advantage, and after seeing the Leicester's Men, then Warwick's Men, then Sussex's Men adapt themselves perhaps rather fitfully, to a goal that was never quite declared, it was determined that the goal be declared by taking some of Leicester's Men, some of Warwick's, some of Sussex's -- the best of them, for the queen loved the drama -- and making them into a company whose name signified its political origin . . . Thus a travelling company of the Queen's Men would not only carry the name and influence of the monarch through the country but would also give the impression of a watchful monarch, one whose 'men' ranged over the land. They would perform useful fictions before the crowds throughout the country, but they would also be something of a fiction themselves, coming into town dressed in their vivid livery coats, drums and trumpets heralding them: the Queen's men on the move' Scott McMillin and Mary Beth Maclean, *The Queen's Men and Their Plays*, pp. 16, 28. Andrew Gurr writes that the Queen's Men was set up by the Master of Revels on the orders of Walsingham by 'making a clean sweep of all the star players from the leading nobles' companies, as if to stop the rivalry with a royal monopoly'. Gurr, *Playgoing in Shakespeare's London*, p. 117.

play was produced by the company officially patronized by the Tudor monarch, and thus consciously engaged in the agenda of vilifying Richard in order to highlight the virtuous Richmond's role as the saviour of a war-torn England in the clutches of a tyrant. In order to increase the political and spiritual significance of Richmond's victory, the Richard of *True Tragedy* perforce must be a vigorous and enthusiastic villain, who displays all the standard characteristics of the stage tyrant from the outset, and whose 'thriftless ambition' ultimately drives him to a cataclysmic end.[24]

Shakespeare's familiarity with Legge's play is distinctly possible and his knowledge of *True Tragedy* almost certain.[25] He amalgamates *True Tragedy*'s vigour and Legge's understated deceitfulness, with a unique sense of humour, to create the ultimate stage villain—who in the time-honoured tradition of the morality vice manipulates the audience with his wit in order to make them complicit in his crimes. While examining *Richard III* I have found it entirely necessary to keep in mind not just the play in which Richard is the eponymous protagonist, but also the previous plays of the tetralogy, especially *3 Henry VI* where Richard first emerges as a character to reckon

[24] Rebecca W. Bushnell, *Tragedies of Tyrants: Political Thought and Theater in the English Renaissance* (New York: Cornell University Press, 1990), p.116.

[25] 'The exact relation between Richard III and the anonymous True Tragedy is not completely clear, although the best evidence seems to indicate that Shakespeare used the latter to some extent, as a model for his own work.' David L. Frey, *The First Tetralogy: Shakespeare's Scrutiny of the Tudor Myth*, (The Hague: Mouton & Co., 1976), p.122. Emrys Jones writes 'It seems feasible that Legge's conception of a trilogy of history plays dramatizing the reign of a fairly recent English king may have well prompted Shakespeare's own entry into the same field of drama'. Emrys Jones, *The Origins of Shakespeare*, (Oxford: Clarendon at Oxford University Press, 1977) p. 140. For a detailed discussion of whether or not Shakespeare was influenced by Legge, see Mary Thomas Crane, 'The Shakespearean Tetralogy', *Shakespeare Quarterly*, 36.3 (1985), pp 282-299. See pp. 287-8.

with.[26] When he makes his appearance in *2* and *3 Henry VI* as a rather peripheral character, Richard is a warlike young nobleman, no more or no less villainous than the general populace of the court, fiercely loyal to his family and determined to ensure the success of the Yorkist cause. This Richard, who ironically enough is guilty of murdering his young nephews later on, is outraged at the murder of his youngest brother Rutland at the hands of the Lancastrians, and is determined to avenge his family honour at any cost. There is nothing to prepare the audience for his ambition for the throne and his innate villainy which are suddenly revealed in a soliloquy in the third act of *3 Henry VI*:

> And yet, between my soul's desire and me—
> The lustful Edward's title buried—
> Is Clarence, Henry, and his son young Edward,
> And all the unlook'd for issue of their bodies,
> To take their rooms, ere I can place myself:
> A cold premeditation for my purpose!
> Why, then, I do but dream on sovereignty;
> Like one that stands upon a promontory,

[26] Andrew S. Cairncross, in the Arden edition of *1 Henry VI*, writes that 'Assuming then, that these plays were written in natural sequence, the date of *1 Henry VI* (as of *2* and *3 Henry VI* and *Richard III*) can be fixed within narrow limits.' Based on the stylistic influences exerted by Spenser's *Faerie Queene* on Shakespeare, and Shakespeare's influence, in turn, on Marlowe's *Edward III*, and a couple of external references to Shakespeare's plays by Nashe and Henslowe, Cairncross concludes 1590 as the most likely date for the first play of the tetralogy. See *The First Part of King Henry VI*, ed. by Andrew S. Cairncross, The Arden Edition of the Works of William Shakespeare (London: Methuen, 1962, repr. 1986), pp. Xxxvii-xxxviii. Antony Hammond, in his edition of Richard III in the same series, concurs with Cairncross's findings, and adds that 'Shakespeare's first tetralogy was begun by 1590 and concluded with *Richard III* probably in late 1591.' See King Richard III ed. by Antony Hammond, The Arden Edition of the Works of William Shakespeare (London: Methuen, 1981, repr. 1987), pp. 54-61.

And spies a far-off shore where he would tread,

Wishing his foot were equal with his eye,

And chides the sea that sunders him from thence,

Saying, he'll lade it dry to have his way:

So do I wish the crown, being so far off;

And so I chide the means that keeps me from it. (III, ii, 128-141)

After this, like the protagonist of *True Tragedy*, Richard is a self-confessed villain whose soliloquies leave the audience in no doubt as to his true nature, and whose ambition for the throne is something that is made explicit even before his story really begins. But Shakespeare's poetic and imaginative sophistication affords to Richard a depth and interiority that the two-dimensional protagonist of the *True Tragedy* lacks. This particular speech, for instance, does not merely put forth Richard's naked ambition, it showcases his own awareness of the impossibility of his desires, and makes the pathos of this recognition available to the audience. Nevertheless, the change in the audience's perception of Richard, brought about by that first and pivotal soliloquy is both unexpected and absolute, unlike Legge's Richard's secretly changing ambitions that kept growing insidiously, almost unnoticed by the audience. *Richard III* opens with another soliloquy in which Richard reminds the audience of his resolve to 'play' the villain – reconfirming the link between dissembling and tyranny. From this point onwards there is an exponential building up of his criminal deeds. Shakespeare's *Richard III* effectively ensures that pleasure and complicity are part of what the audience feels in relation to Richard's cruelty and ambition, so that both the audience experience of and the critical

discourse on *Richard III* are inevitably more responsive to the question of 'character' than with tracking the character's political ambition. Shakespeare's Richard, as Ornstein writes, is 'an entrepreneur and impresario of villainy, he is always removed from the murderous acts he perpetrates. His wit flashes rather than his knife'. [27] At the same time, according to Emrys Jones, his 'peculiarly frank theatricality' ensures that he acts as a link 'between the audience and the other characters, interpreting the action for us, preparing us for the next moves in the plot'.[28] It is this connection with the audience that distinguishes him from the protagonists of *True Tragedy* and *Richardus Tertius*. Bernard Spivack postulates that the curious affinity that the usurper has with the audience is because, at least through the duration of the first three acts, more than the tyrant of the morality plays of the early sixteenth century Richard is the descendant of the morality Vice: a 'merry and motiveless genius of seduction and dissension', who only at the very end of the play is transformed into 'the doomed tyrant tormented by bad conscience'. Shakespeare's Richard initially is the inducer of evil rather than the bold perpetrator of *True Tragedy*. Like Avaryce in *Respublica*, Ambidexter in *Cambises*, Clokyd Colusyon in *Magnificence*, Richard conveys the impression of revelling in the sheer hedonistic pleasure of evil rather than any motive of real gain, or personal grievance, even though we know that Richard has a concrete ambition and is fuelled by a number of grievances.[29] Spivack argues, Richard is himself a moral abstraction on whom 'a conventional human

[27] Robert Ornstein, *A Kingdom for a Stage* (Cambridge M.A.: Harvard University Press, 1972), p. 66.

[28] Emrys Jones, *Origins of Shakespeare*, p. 195.

[29] Nicholas Udall, *Respublica*, ed. by W. W. Greg, EETS (London: Geoffrey Cumberlege, Oxford University Press, 1952). See especially, Act II sc ii, Act V, sc ix, sc x. Thomas Preston, *Cambises*, ed. by Robert Carl Johnson (Salzburg: Institut Fur Englische Sprache Und Literatur, Universitat Salzburg, 1975), pp. 64-67, 74-81.

nature has been superimposed' and in so doing Shakespeare 'does not recast the historical figure, but . . . abrogates him entirely'.[30] [31] Shakespeare's usurper-tyrant thus is a unique theatrical invention who combines in his person the tyrant of neo-Latin Senecan tragedy with all his powers of Machiavellian dissemblance with the histrionic vitality of the devious Vice of the morality plays: a villain whose relation to his victims and crimes is more 'artistic' than 'moral.'[32]

His illegitimate, overreaching ambition as a usurper is only the beginning, which is soon overtaken by his pleasure in gratuitous evil-doing and his need to 'display himself as the type of villainy.'[33] Thomas Van Laan writes that Richard in Shakespeare's tetralogy was destined to play the role of the 'pretender-usurper' from the very beginning and after the demise of his father, Richard of York, he inherits this dramatic function of usurpation while Edward inherits the throne.[34] But once his usurpation is successful, his role gets transformed into the role of the 'unkingly king', or the tyrant, which seems to be the destiny of most usurpers on the English stage. Van Laan adds that above all the role Richard plays is 'that which, at bottom, he essentially is: his 'naked villainy'. His role-

[30] Bernard Spivack, *Shakespeare and the Allegory of Evil* (New York: Columbia University Press, 1958), p.33. Emphasizing the motivelessness of Richard's villainy, Spivack quotes Richard Moulton, 'It is to be observed that there is no suggestion of an impelling motive or other explanation for the villainy of Richard. He does not labour under any sense of personal injury . . . Nor can we point to ambition as a sufficient motive . . . In all his long soliloquies he is never found dwelling upon the prize in view . . . The general impression conveyed is that to Richard villainy has become an end in itself needing no special motive.' Quoted by Spivack, *Shakespeare and the Allegory of Evil*, p.36.

[31] Ibid., p.393.

[32] Ibid., p. 44.

[33] Spivack, *Shakespeare and the Allegory of Evil*, p. 403.

[34] Thomas F. Van Laan, *Role Playing in Shakespeare* (Toronto: University of Toronto Press, 1978), p.60.

which he splendidly performs — is that of a 'devil'.'[35] Van Laan's 'devil' is Spivack's 'Vice'— thus in Shakespeare's play the horror Richard evokes in the audience does not stem solely from the challenge he poses to the divinely ordained institution of hereditary kingship, but also from his hyperbolic monstrousness -- his usurpation is merely a function of this nature. We cannot know whether by transforming the warlike nobleman committed to the Yorkist cause into a hyper-villain Shakespeare sought to support the cause of Tudor legitimacy, but we may concede that, as a playwright for the commercial stage dramatising an already politically notorious subject, he was not immune to the controversial politics behind his subject's notoriety. As Linda Charnes writes, Shakespeare's Richard is the 'subject of traumatic cultural memory'. Shakespeare uses the ''portentousness' of monsters' to reveal 'how persons are produced to fit the requirements of history's 'traumatic events''.[36] Richard's exaggerated tyranny, ironically enough, serves to question the official version of these 'traumatic events' of history.

Not only is Shakespeare's protagonist different from the previous characterizations of Richard, Shakespeare's choice of episodes to exemplify his abuse of power is significantly different from that of his predecessors. He entirely omits the episode surrounding Shore's wife, which is of central importance in both *True Tragedy* and *Richardus Tertius*. In fact, in the previous plays, it is Shore's wife who is perceived as one of the major threats to Richard's power due to her popularity among the subjects and her influence over Edward IV, and the public shaming and cruelty she is subjected to

[35] Ibid., p. 138.

[36] Linda Charnes, *Notorious Identity: Materializing the Subject in Shakespeare* (Cambridge, M.A. : Harvard University Press, 1993), p. 28.

is one of the first instances of Richard's tyranny making itself manifest. Both plays express this through a visual spectacle of the penance she was forced to undergo, which as Scott McMillin argues, was designed to drive home the effect of Richard's misuse of power.[37] Ignoring this forceful and direct manifestation of authority, Shakespeare chooses to focus instead on Richard's duplicity and his phenomenal capacity for deceit and manipulation. The incidents dramatized in great detail are the ones ignored by the previous adaptations, such as the ingenious murder of his own brother Clarence and Richard's wooing of Lady Anne -- whose father and husband had been murdered by Richard himself. Both incidents draw attention to the way Richard combines political self-aggrandisement with a wanton delight in cruelty. As long as he is the 'pretender-usurper' Richard's unfeigned glee at the destruction he wreaks around him is evident and he is indeed reminiscent of the Vice of the moralities and the interludes. This destruction of the existing status quo is also the necessary precondition for the creation of new political order, but that promise ultimately dissipates into chaos and disorder. The moment his usurpation is complete, his role as a usurper is transformed into the role of the tyrant, and it is here that he becomes subject to the horrors of a guilt-ridden conscience, excessive paranoia, and universal mistrust of everyone around him: in short, he begins to display the characteristic traits of a stage tyrant.[38] According to Spivack,

[37] McMillin and MacLean write, 'The narrative information comes to bear on the visual image of the king's tyranny . . . the frightened woman is the visualization of a frightened realm.' Scott McMillin and Mary Beth Maclean, *The Queen's Men and Their Plays*, pp. 137-8.

[38] Benjamin, citing seventeenth-century German tragedian Andreas Gryphius, writes, that the stage tyrant, 'quails before his own sword. When he dines, the mingled wine that is served in crystal turns to gall and poison. As soon as the day is over the sabled throng, the army of dread creeps up and lies awake in his bed. In ivory, purple and scarlet he can never be so peaceful as those who entrust their bodies to the hard earth. And if he should still be granted a short sleep, then Morpheus assails him and paints before him, at night-

'Under the single name of Richard there exist two roles in different dimensions, with no continuous life between'.[39] But this duality is the destiny of the stage usurper. Richard's downfall begins with the inception of tyranny, or at the point at which usurpation transmutes into tyranny. Although even in his downfall, Shakespeare's Richard dominates the action and the language of the play in a way that even the protagonist of *True Tragedy* is unable to, and completely overshadows Richmond. Comparing the proportion of lines spoken by Richard and Richmond in *True Tragedy* and *Richard III*, Frey concludes that while in 'the earlier work, Richmond is given about 10% of the lines and Richard 20% whereas in the later play, Richmond's part has shrunk to a mere 3.7% and Richard's has increased to 31.2%'.[40] Even as Richmond acquires momentarily the moral lustre of the divinely ordained agent who saves England from the monstrous Richard, even while Richard's authority is disintegrating, the latter still dominates the imaginative world within the play so completely that Richmond appears to be just the 'historically correct' way of ending the play. [41] To let the usurper-tyrant dominate the action of the play at the cost of sacrificing Richmond's theatrical efficacy is a part of Shakespeare's design. As Ornstein points out, Shakespeare deliberately chooses to omit

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time, in gloomy pictures, what he thought by day, terrifying him with blood, with disenthronement, with conflagration, with owe and death and the loss of his crown.' To this Benjamin adds, 'melancholy, whose domination over man is marked by shudders of fear, is regarded by scholars as the source of those manifestations which form the obligatory accompaniment when despots meet their end.' Shakespeare's Richard, in the last part of the play, is almost a copybook illustration of this. Walter Benjamin, *The Origins of German Tragic Drama*, trans. by John Osborne, (London: Verso, 1998, repr. 2003), p.144.

[39] Bernard Spivack, *Shakespeare and the Allegory of Evil*, p. 41.

[40] Frey, *First Tetralogy: Shakespeare's Scrutiny of the Tudor Myth*, p. 122.

[41] Ibid.

details of Richmond's campaign that More describes so meticulously in his history, and the play '[D]ramatizes Richard's failure rather than Richmond's success'.[42]

The play ends almost abruptly a mere forty lines after Richard's death. Stanley bestows the crown upon Richmond, and Richmond makes a cursory reference to his Lancastrian lineage and his impending marriage to Elizabeth of York -- a marriage between 'The true succeeders of each royal House' (V, v, 30) in a hurried speech, and the play ends with a barely convincing assurance of peace and harmony to all Englishmen. The ending of the play is in stark contrast to the endings of *True Tragedy* and *Richardus Tertius*, both of which consist of a direct address to the audience and a eulogy dedicated to the Tudor dynasty, reflecting to a certain degree the ideological bent of the chronicle sources of the plays.[43] It is noteworthy though, that in the play by Thomas Legge, not only is the epilogue a deal shorter, but the tone is much more restrained than the exuberant, enthusiastic and rather sycophantic epilogue composed by the anonymous playwright of the commercial theatre company officially patronized by the Tudor monarch herself. In *True Tragedy* the epilogue is sixty lines long, (quite a considerable proportion of a play which consists of 2100 lines in total), while in *Richardus Tertius*,

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[42] Ornstein, *A Kingdom for a Stage*, p. 79.

[43] For example, the very first page of Hall's chronicles contains the following: 'But what miserie, what murder, and what execrable plagues this famous region has suffered by the deuision and discencion of the renoumed houses of Lancastre and Yorke, my witte cannot coprehende nor my toung declare nether yet my penne fully set further…But the olde deuided controversie between the fornamed families of Lacastre and Yorke, by the vnion of atrimony celebrate and consummate between the high and mighty Prince Kyng Henry the seuenth and the lady Elizabeth his moste worthy Quene, the one beeyng indubitate heire of the hous of Lancastre, and the other of Yorke was suspended and appalled in the person of their most noble, puissant and mighty heire kyng Henry the eight, and by hym clerely buried and perpetually extinct.' Edward Hall, *Union of the Two Noble and Illustrious Families of Lancaster and York* (London: Printed by Richard Grafton,1550), sig. Ai$^{r.}$

which is more than triple the length of *True Tragedy*, it is only thirty lines long -- a considerable portion of which is devoted to the praise of Richmond's mother, Margaret, to whom Corpus Christi College, Cambridge, owed its endowment. (Epilogue, lines 4674-7) *Richard III* is shorn of such eulogistic material completely. Although it is true that Shakespeare was exploiting 'his audience's knowledge that they were Tudor Englishmen' for whom the real significance of Richard's character lay in the fact that he was Richmond's enemy and the last great obstacle to Tudor succession, the extent to which Richard controls the action of the play and regulates the affective response of the audiences successfully resists any attempts of reading the play as simply a text that is complicit in furthering the propaganda of the Tudors.

Linda Charnes writes that Shakespeare makes it his project to produce a 'version' of Richard that would depart from that already overdetermined by 'official Tudor historiography'.[44] This is what ensures Richard's immense popularity on the Elizabethan stage. Thus, it is by *emphasizing* Richard's tyranny and overtly monstrous nature, rather than downplaying it, that Shakespeare critically reflects upon the power structures implicit within the discourse of history. Within the play this questioning of history is encapsulated in the moment when the young prince Edward muses upon Julius Caesar's construction of the Tower of London. On being told that it was recorded in history that Caesar had indeed built the tower, Edward says:

> But say, my lord, it were not register'd,
> Methinks the truth should live from age to age,

[44] Linda Charnes, *Notorious Identitiy*, p. 30.

As 'twere retail'd to all posterity,

Even to the general all-ending day. (III,i, 75-78)

Edward is aware that 'the truth' does not, in fact, 'live from age to age'; the epistemological content of history is determined by its record and by extension -- those who survive to record it.[45] The understanding of history as a constructed narrative written by the conqueror -- that the precocious young prince displays within the play and which the play as a whole subscribes to-- undermines the theory that the usurper in general and Richard in particular bolsters the purposive narrative of history in which all the events are neatly woven in a causal relationship only to lead to the harmonious conclusion of Tudor succession.

Providentialism, Machiavelli, and Monarchomachia

If we consider the actual historical circumstances of English politics at this time, it is evident that legitimate succession was an issue that was becoming more and more fraught with complications as the decades progressed. When Legge wrote his play, Mary Queen of Scots was still alive in England, being accused of one traitorous conspiracy after another. By the time Shakespeare's play was composed and performed, Mary had

[45] Robert Weimann and Douglas Bruster see this as an 'almost academic question' that pits two traditions of history—the oral tradition of popular history and the written chronicles—against each other. Robert Weimann and Douglas Bruster, *Shakespeare and the Power of Performance: Stage and Page in Elizabethan Theatre* (Cambridge: Cambridge University Press, 2008), p. 44. As Julie Sanders points out, the Scrivener in Act III sc vi echoes Edward's understanding of how 'history gets written and overwritten'. Julie Sanders, *The Cambridge Introduction to Early Modern Drama, 1576-1642* (Cambridge: Cambridge University Press, 2014), p. 100.

been executed, but the ageing monarch was yet to declare an heir presumptive to her throne, and the spectre of usurpation was yet to be exorcized. Earlier in my thesis I had argued that the theatre gave voice to many of the political anxieties of the time under the guise of dramatic fiction.[46] It is conceivable that the foremost political concern of the age, i.e. the inheritance of the Crown and the anxiety of usurpation and civil war or perhaps even foreign invasion, found its most striking expression in the figure of the usurper-tyrant, who took over from the legitimate-monarch-turned-tyrant of the earlier moralities, as the villain *par excellence* and kept the audiences enthralled for decades. But to interpret this phenomenon as only a direct theatrical manifestation of the succession anxiety would be a form of narrow-minded historicism which fails into take into account the more fundamental ideological changes that were being enacted in theory and theatre.[47] I argue that the usurper as the Machiavellian '*principe nuove'* is not only a symptom of the deepening faultlines within the institution of hereditary rule, but also foregrounds an incipient understanding of politics as a subject of humanist enquiry and political institutions as human creations.

E. M. W. Tillyard, and a generation of scholars influenced by his work, had sought to explain the figure of the usurper in terms of a providential interpretation of

[46] Greg Walker writes that the humanist courtiers of early Tudor England, were also litterateurs, and in voicing their political opinions through writing they 'took the only route available to loyal, articulate subjects in a culture that allowed for no direct opposition to the Crown'. Greg Walker, *Writing Under Tyranny* (Oxford: Oxford University Press, 2005), p. 2.

[47] Edna Zwick Boris argues convincingly in favour of the 'hypothesis that Shakespeare whether intentionally or accidentally, imposed a late sixteenth-century political understanding upon his historical material . . . Shakespeare, unlike Ben Jonson, was less interested in accurate history than in using history to explore current political problems.' *Shakespeare's English Kings, the People, and the Law* (New Jersey: Associated University Presses, 1978), p.16.

history, where the usurper's abuse of power and his tragic end serve as a homiletic reminder that the institution of hereditary succession in monarchy is sacrosanct and he who dares to usurp that power is destined to undergo exemplary punishment. No discussion of Richard III's history is complete without taking into account the knotty problem of providentialism and the 'Tudor Myth', which becomes particularly acute in the case of Shakespeare's history plays. I will attempt to sum up the existing debate briefly before moving on to my hypothesis.[48] In 1944 Tillyard argued that *Richard III* is an almost 'religious play' in which, 'Shakespeare accepted the prevalent belief that God had guided England into her haven of Tudor prosperity'.[49] Though enormously influential in its time (Jonathan Dollimore notes it went through nine impressions within the first thirty years)[50] Tillyard's *Shakespeare's History Plays* has since been severely discredited by a number of critics, who have instead tried to posit that if anything, Shakespeare's first tetralogy had the effect of destabilizing the Tudor claim to legitimacy. Dollimore argues that there were competing discourses of providentialism prevailing in the sixteenth-century, which not only erodes the idea that the history plays were invested in a project of

[48] Jonathan Dollimore sums up the Tudor myth and its role in the interpretation of Renaissance drama thus: 'Establishment providentialism … aimed to provide a metaphysical ratification of the existing social order. God encoded the natural and social world with a system of regulative (and self-regulating) law. The existing order, give or take a few aberrations, is the legitimate one. To depart from it is to transgress God's law … Providentialism also constituted an ideological underpinning for ideas of absolute monarchy and divine right. Here of course the doctrine existed in a more complex and sophisticated form . . . and it is in this domain that we encounter providentialism in the form of the notorious 'Tudor myth' — a teleological interpretation of history as the revelation and consolidation of God's design with the Tudor rulers being His agents and heirs on earth. Not so long ago it was accepted by many critics (and generations of their students) that the Tudor myth was the fundamental structuring principle of Shakespeare's English history plays'. Jonathan Dollimore, *Radical Tragedy: Religion, Ideology and Power in the Drama of Shakespeare and his Contemporaries*, 2nd edn (Hertfordshire: Harvester Wheatsheaf, 1989), pp. 87-89.

[49] E. M. W. Tillyard, *Shakespeare's History Plays*, p. 204.

[50] Dollimore, *Radical Tragedy*, p. 89.

substantiating 'this (non-existent) unitary myth' but proves 'also that some of them have precisely the opposite effect of revealing how myth is exploited ideologically'.[51] David L. Frey challenges the 'explicit nemesis pattern' put forward by Tillyard in which Richard III is God's scourge and Richmond is the sign 'that at long last, Albion's sins had been expiated'[52] by arguing thatvthe first tetralogy raises fundamental questions about 'divine justice, personal providence, and divine interpretation' and that 'Richard III, the Machiavellian usurper, despite his ignominious end, is a success'.[53] This line of criticism pits the Machiavellian model of heroism and history against the providentialist view, a contest in which 'Machiavellian' history indicates a non-Christian, non-providential history, or history as a neutral sequence of events unrelated to Divine Will. Wilbur Sanders seeks to achieve a middle ground between such extreme views by positing his theory of 'nature-as-providence' rather than Divine providentialism. Sanders finds a simplistic theory of providentialism hard to accept because, as he puts it, by focussing on the history of Richard III, if Shakespeare 'was planning to exemplify the simplified monarchic theory of Tudor propaganda, it was a singularly unhappy choice of subject'.[54] But he is equally unable to support the view that Shakespeare subscribed to a completely amoral, 'Machiavellian' view of history and politics.[55] In an attempt to reconcile

[51] Ibid., p. 90.

[52] David L. Frey, *First Tetralogy: Shakespeare's Scrutiny of the Tudor Myth*, p.74.

[53] Ibid., p.2.

[54] Wilbur Sanders, *The Dramatist and the Received Idea: Studies in the plays of Marlowe and Shakespeare* (Cambridge: Cambridge University Press, 1968), p.76.

[55] I do not agree with the opinion that Machiavelli's view of history or politics was necessarily amoral, I am merely paraphrasing the extant argument.

Shakespeare's clear pragmatism with some kind of moral order, Sanders posits the theory of 'natural providence' i.e. 'an organic human process by which the diseased soul disintegrates under the weight of its own evil, and the diseased society purges itself'.[56] More recently Phyllis Rackin has tried to strike a balance between the providentialist historiography that sees Divine Will as the prime mover and the Machiavellian view of history that highlights the importance of 'second causes' as Raleigh puts it, in their analyses of Shakespeare.[57] My argument is aligned with Rackin's theory which accepts the dichotomy between 'Machiavellian' and 'providentialist' views of history and posits that most Renaissance historians 'cheerfully mingled' the two aspects.[58] She argues convincingly that Shakespeare's history plays incorporate two conflicting views of history deliberately, 'from the beginning, generating theatrical energy and engaging the audience in the problematic process of historical interpretation'.[59] The Machiavellian view of political history as a sequence of events independent of Divine Will is directly related to the understanding of politics as a discourse constructed by men and women rather than God, and the state and sovereignty as products of human *poiesis* — an understanding that, as I have discussed earlier in the thesis, was gaining currency in sixteenth-century Europe. For Machiavelli, universal rules of political science could be created based on historical experience, precisely because it is possible to know and

[56] Wilbur Sanders, *The Dramatist and the Received Idea,* p. 95.

[57] Felix Raab quotes Walter Raleigh's *History of the World* , to describe this distinction between first and second causes, between 'God's Will' and 'particular humours of princes', where second causes obviously imply a Machiavellian, pragmatic, non-Christian, non-teleological, view of history and politics. Quoted by Felix Raab, *The English Face of Machiavelli: A Changing Interpretation, 1500-1700*. (Toronto: University of Toronto Press, 1964), p.72.

[58] Phyllis Rackin, *Stages of History: Shakespeare's English Chronicles* (London: Routledge, 1990), p.7.

[59] Phyllis Rackin, *Stages of History,* p. 46.

comprehend the history of politics in its entirety, which in turn is possible because political institutions are entirely man-made.[60] I argue that the usurper of the English stage, the self-made man who acquires political power through his own human agency, is a manifestation of this poetic understanding of politics—an aspect of Machiavellianism that has been hitherto overlooked in the study of Machiavelli's influence on Renaissance drama.

Since Edward Meyer's *Machiavelli and the Elizabethans*, the influence of the Florentine political theorist on Elizabethan theatre has been subjected to a great deal of scrutiny.[61] In the context of *Richard III* specifically, Machiavelli is an important figure because Shakespeare's Richard – in a blatantly anachronistic manner -- brags about his ability to outmanoeuvre the father of political cunning at his own game.[62] The much vilified stage 'Machiavel' was as much a stock figure of the commercial theatre of the Elizabethen-Jacobean age as the 'Devil' or the 'Vice' was of the moralities and interludes of the earlier decades of the century. The traditional assumption was that 'Machiavellism' (which, as Mario Praz points out, has very little to do with Machiavelli) [63] or the ascription of all things perverse, unethical and outright criminal in the realm of politics to

[60] Isaiah Berlin writes: 'Machiavelli was looking for – and thought he had found—timeless, universal, rules of social behavior' and that his goal was 'the discovery of the permanent principles of a political science'. Isaiah Berlin, 'The Originality of Machiavelli' in *Against the Current: Essays in the History of Ideas*, ed. Henry Hardy, 2nd edn (Princeton: Princeton University Press, 2013), p. 40, n.1.

[61] Edward Meyer, *Machiavelli and the Elizabethan Drama* (Weimar: Emil Felber, 1897).

[62] Richard, in *3 Henry VI*, resolves to 'set the murderous Machiavel to school.' by his own machinations. (III,ii,193)

[63] Mario Praz, *Machiavelli and the Elizabethans*, Annual Italian Lecture of the British Academy from the Proceedings of the British Academy, Volume XIII (London: Humphrey Milford Amen House, E.C.,1928), pp. 8-9.

Machiavelli, was something that the English dramatists derived from the French Huguenot writer Gentillet's *Contre-Machiavel*—a text that demonized Machiavelli in the eyes of posterity. [64] This view has been challenged by critics like Mario Praz and Felix Raab. 'In view of the proliferation of Machiavelli's works in England', Raab argues that the Elizabethan dramatists were familiar with Machiavelli's works first-hand, and were not dependent upon Simon Patericke's translation of Gentillet, which in any case was not published until 1602.[65] Beyond his influence on Renaissance drama, Machiavelli's secularizing influence on European political theory has also been a subject of extensive critical examination. It has been said that he loosened the mooring of sovereignty from its 'divine auspices',[66] that his theories posed a threat to what Raab calls the 'Augustinian universe with its theoretical unity of politics and theology'.[67] It was due to him that 'the secular state . . . has found its definite theoretical legitimization.'[68] To someone like Cassirer this was much less of a positive influence. He held Machiavelli responsible for

[64] The Huguenots had a bone to pick with Machiavelli, because of their oppression under the regime of the dowager queen Catherine de' Medici—the daughter of Lorenzo de Medici, whose patronage Machiavelli had actively sought by dedicating *Il Principe* to him. See Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), II, p. 308.

[65] Raab, *English Face of Machiavelli*, p. 56. Alessandra Petrina and Alessandro Arienzo say that even though *Il Principe* and *Discorsi* were not printed in England officially until the seventeenth century, there were 'enterprising printers such as John Wolfe, who in 1584 issued surreptitious editions of *Discourses* and *The Prince*'. Alessandro Arienzo and Alessandra Petrina, 'Introducing Machiavelli in Tudor and Stuart England' in *Machiavellian Encounters in Tudor and Stuart England: Literary and Political Influences from the Reformation to the Restoration*, ed. by Alessandro Arienzo and Alessandra Petrina (Surrey: Ashgate, 2013), pp. 4-5.

[66] Spivack, *Shakespeare and the Allegory of Evil*, p.375.

[67] Raab, *English Face of Machiavelli*, p.48.

[68] Ernst Cassirer, *Myth of the State*, (New Haven: Yale University Press, 1946), p.139.

effecting the breach between ethics and politics in Western Europe that has never since been healed.[69]

Despite this deep scholarly engagement with Machiavelli's influence on politics and theatre, one point that seems not to have been emphasized enough is the fact that *Il Principe*, which has been traditionally perceived as either a shameless exhortation to tyranny and cruel misuse of power or a morally neutral analysis of statecraft, was in fact entirely devoted to the topic of usurpation. It is almost a self-help manual for the usurper, or the '*principe nuove'*. Machiavelli's book instructs the ruler, who without any dynastic claim whatsoever, has assumed sovereignty by dint of his own *virtù* and with the aid of *fortuna*, on how to cling on to his power. And at the end it eloquently exhorts a new prince of exceptional *virtù* to assume control of Italy's political destiny. In Machaivelli's text, in so far as the usurper, in order to '*mantenere lo stato'* or maintain his hold upon the state, is forced to commit illegal and immoral acts, he is the tyrant. Machiavelli freely admits that the hereditary prince has less cause to offend and is automatically more revered than the new prince, because of ancient custom.[70] A hereditary prince of average capability can rule without trouble, but he is not a man of *virtù*, and holds no fascination for Machiavelli. Neither is Machiavelli concerned with the figure of the tyrant *per se*. His focus is entirely on the 'new prince': a prince who is 'no longer the agent of God', whose

[69] 'The sharp knife of Machiavelli's thought has cut off all the threads by which in former generations the state was fastened to the organic whole of human existence. The political world has lost its connexion not only with religion or metaphysics but also with all the other forms of man's ethical and cultural life. It stands alone—in an empty space.' Ernst Cassirer, *Myth of the State*, p. 140.

[70] 'Let me say, then, that hereditary states which have grown used to the family of their ruler are much less trouble to keep in hand than new ones are…Hence, if a prince is just ordinarily industrious, he can always keep his position, unless some unusual or excessive act of force deprives him of it'. Niccolo Machiavelli, *The Prince*, trans. and ed. by Robert M. Adams, 2nd edn (London: W. W. Norton and Co., 1992), p.4.

'identity is dictated by the necessities of political intervention' and who might be forced to commit tyrannous acts by the 'pressures of the contingent historical moment'.[71] Among the more famous *principi nuovi* he counts the likes of Moses, Romulus, Theseus and Cyrus, and suggests that even the greatest and most ancient dynasties and kingdoms owe their origins to an act of conquest, or usurpation of power.[72] Thus the basic premise of the work is that not all monarchies or '*principati*' are hereditary, and even if they are, they cannot remain that way till the end of time. An enterprising outsider may come and assume power — that is a political and historical fact that Machiavelli accepts without attempting to criticize or rationalize.[73] That a private individual may rise through the ranks and acquire sovereign power through his personal capability or his good fortune does not seem reprehensible to the Florentine because 'it is perfectly natural and ordinary that men should want to acquire things'.[74] This central importance of the act of usurpation, of non-hereditary and therefore illegitimate sovereignty, in *Il Principe*, is something that as far as I am aware has not been adequately discussed with relation to Renaissance drama. In a culture as deeply fraught by the values of hereditary monarchy and the anxieties of succession as Elizabethan England this moral and ethical neutralization of the act of usurpation and the figure of the usurper, which also implied a

[71] Dollimore, *Radical Tragedy*, p. 179.

[72] Machiavelli, *The Prince*, p. 16.

[73] It is of course important to remember that the political organization of Italy was vastly different from that of England or even Western Europe. Quattrocento Italy witnessed the birth and rise of properly republican states while in England, a semi-feudal polity was in force. So to imagine a political community devoid of a hereditary monarch in Florence was a very different matter from doing it in England in the sixteenth century. On the rather short-lived republican states of *quattrocento* Italy, see Skinner, *Foundations of Modern Political Thought*, I, pp. 1-22 especially.

[74] Machiavelli, *The Prince*, p. 10.

complete devaluation of the principle of succession, could have hardly failed to make an ideological impact. Not only does Machiavelli's work foreground the usurper, it also offers an entirely naturalistic explanation as to why the usurper must commit acts of tyranny to maintain his power. According to Machiavelli, every state, every political institution, owes its origins to an extra-legal act of violence committed by the new prince, who is also the founder of a new political order. He states clearly that a 'new prince, above all others, cannot possibly avoid a name for cruelty' because new political orders are tenuous and under constant threat.[75] He therefore encourages the founder of the new state to root out the last vestiges of the older order, in an act of all-encompassing violence, in order to ensure the stability and prosperity of the new one. This lawmaking violence that the usurper must perforce commit, effects his transformation into a tyrant. [76] Machiavelli's writings provided arguably the most vivid portrait of and practical commendations for usurpation and tyranny in the sixteenth century. Thus the growing

[75] Machiavelli, *The Prince*, p. 45.

[76] Four centuries later, when the theories of sovereign power and dictatorship are subjected to renewed scrutiny by political philosophers in the light of what was arguably the greatest political crisis of twentieth century Western Europe, Walter Benjamin turns back the focus of political theory on this very originary, 'lawmaking' violence, which lies at the moment of inception of the modern nation state, and remains enshrined at the hearts of the institutions of juridico-political power. In *Critique of Violence* Benjamin makes a distinction between lawmaking and law-preserving violence and suggests the modern state with its legal institutions have tried to monopolize the use of violence for the purposes of state control, at the same time it is to violence that the state and law owes its origin. Benjamin writes, 'law's interest in a monopoly of violence *vis-a-vis* individuals is explained not by the intention of preserving legal ends but, rather by the intention of preserving the law itself; that violence when not in the hands of the law, threatens it . . . by its mere existence outside the law. (p. 281)' but also, that 'there is a lawmaking character inherent in all such (military) violence . . . violence, crowned by fate is the origin of law' (pp. 283-285). 'When the consciousness of the latent presence of violence in a legal institution disappears, the institution falls into decay.' (p. 288). Benjamin's essay, though written in the context of 20th century politics, provides a startlingly relevant commentary on the political scenario of the sixteenth century. Walter Benjamin, 'Critique of Violence' in *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. by Peter Demetz, trans. by Edmund Jephcott (New York: Schocken Books, 1986), pp.277-300.

importance of Machiavellian political and historical thought -- connected to the idea of a human rather that divine etiology of politics, was one of the most important developments in political theory which made its presence felt in drama via the figure of the usurper-tyrant.

Apart from such a poetic understanding of politics stimulated by Machiavellian thought, the intensification of monarcho-machic arguments exerted a crucial influence on the superimposition of the figure of the usurper on to the figure of the tyrant in drama. The mid-sixteenth century was the first time when arguments in favour of the subject's right to depose the king who had lapsed into tyranny, were being tentatively articulated. The Scottish and English preachers Knox, Ponet and Goodman made the first decisive break with the Calvinist doctrine of passive resistance to tyranny, and tried to come up with a theoretical justification for the subjects resisting or deposing a tyrannous ruler, without directly contradicting the divinely ordained nature of the institution of monarchy.[77] The tentative rhetoric of resistance developed by these theorists paved the way for the more outright demand for resistance voiced by the Huguenots a couple of decades later. The ideological limitations of trying to forge a theory of resistance within the restrictive framework of Calvinism notwithstanding, the one point on which all the writers of resistance tracts are unanimously outspoken against is the unacceptability of usurpation. When the tyrant is the legitimate monarch ordained by God Himself it becomes well nigh impossible for them to state outright that he should be deposed by the

[77]'[W]hile the Calvinists on the continent [Skinner writes] tended to content themselves with reiterating the more cautious theory of resistance by inferior magistrates, the Scots and English revolutionaries instead began to exploit the more individualist and radically populist implications of the private-law argument.' Quentin Skinner, *The Foundations of Modern Political Thought*, II, pp. 210-11.

people for failing in his duties as a king.[78] But this dilemma is easily resolved when the tyrant in question does not have an ironclad genealogical claim to the throne. In fact in Knox's *First Blast of the Trumpet Against the Monstrous Regiment of Women*, which was written during and directed against the reign of Mary Tudor, the crux of the argument was that women rulers were by default usurpers because they had 'usurped authority' over the men in their realm -- directly defying the divine dispensation to the contrary. And as usurpers they ought to be deposed. Knox goes on to write:

> The case supposed, that a tyrant by conspiracy usurped the royal seat and dignity of a king, and in the same did so establish himself, that he appointed officers, and did what him list for a time; and in this mean time the native king made strict inhibition of all his subjects, that none should adhere to this traitor, neither yet receive any dignity of him; yet, nevertheless, they would honour the same traitor as king, and become his officers in all affairs of the realm. If after the native prince did recover his just honour and possession, should he repute or esteem any man of the traitor's appointment for a lawful magistrate? Or for his friend and true subject? Or should he not rather with one sentence condemn the head with the members? [79]

[78] Felix Raab notes that in the Tudor era, political exhortation of any kind is always shrouded in theological rhetoric, as such it becomes difficult for even the most radical polemicist, to directly contravene Divine Will. 'When Tudor teachers, statesmen and rebels wanted to convince, when they were concerned to sway large numbers to do this, or to refrain from doing that, they couched their writing in a theological manner, knowing that what would motivate or discourage the mass of their audience was the conviction that their course of action was in accordance with, or against, the Will of God.' Raab, *English Face of Machiavelli*, pp. 9-10.

[79] John Knox, *First Blast of the Trumpet against the Monstrous Regiment of Women*, 1558, ed. Edward Arber (London : The English Scholar's Library of Old and Modern Works, Limited Library Edition, 1880), pp. 48-50.

There is no doubt in Knox's mind that the nobles and the people 'ought, without further delay, to remove from authority all such persons as by usurpation, violence, or tyranny, do possess the same.'[80]

Ponet in his *A Short Treatise of Politike Power* goes a step further and says that it is not merely sovereignty exercised by a woman that counts as usurpation, but all forms of absolutism (the lines between absolutism and tyranny being notoriously difficult to ascertain) were tantamount to usurpation of authority. Absolutism was condemnable *because* it was a form of usurpation. Ponet writes:

> Now since kings, princes, and governors of common wealths have not nor can justly claim an absolute authority, but that the end of their authority is determined and certain to maintain justice, to defend the innocent, to punish the evil. And that so many evils and mischiefs may follow, where such absolute and (indeed) tyrannical power is usurped.[81]

[80] Ibid.

[81] John Ponet, *A Short Treatise of Politike Power*, reprint of the facsimile of 1556 edn (Yorkshire: Scolar Press, 1970), Sig Ci^{r}.

The notions of usurpation and absolutism/tyranny thus gradually become conflated, as it becomes tactically easier to argue in favour of deposing a tyrant if his authority is not based on legitimate succession to start with—and is thereby devoid of divine sanction.[82]

There was a further intensification of the monarcho-machic movement in the later decades of the sixteenth century on the Continent. Especially in the wake of the massacre of the Huguenots on St Bartholomew's Day in 1572, French writers such as Theodore Beza, Du Plessis Mornay, Francois Hotman and others became outspoken in favour of the subject's right to depose the tyrant.[83] But, even they found it expedient to 'approach the problem of tyrannicide . . . basing their arguments on the traditional distinction between tyrants by usurpation and tyrants by practices.'[84] The Huguenot massacre had engendered a hugely influential debate regarding the relative rights of the sovereign and the subject all across Europe. The rhetoric of the resistance-against-tyranny debates makes its presence felt in these plays — in a more direct manner than the political moralities of the previous decades -- and it is Richard's tyrannous deeds which spark these debates. In the third part of *Richardus Tertius,* when the two assassins enter the tower to murder the young King Edward and his brother, their dialogues play out the dilemma of whether or not it is lawful to resist the unlawful, ungodly commands of a King:

[82] By the time we come to George Buchanan's *De Jure Regni Apud Scotos* (1579), the need to resort to such subterfuges, to counter tyranny through a facade of usurpation has disappeared, as Buchanan calls into question the very basis of hereditary succession.

[83] Skinner, *The Foundations of Modern Political Thought*,II, pp.302-348.

[84] Ibid., p. 306.

Tyrell: Is it not fitting to obey the King's commands?

Brackenbury: It is never fitting for a King to order the basest things.

(Actio Tertia, I, i ,2847-8)

In Shakespeare's play, it is during the murder of Clarence that the assassins play out the self-same debate:

First Murderer: What we will do, we do upon command.

Second Murderer: And he that hath commanded is the king.

Clarence: Erroneous vassal! the great King of kings

Hath in the tables of his law commanded

That thou shalt do no murder: and wilt thou, then

Spurn at his edict and fulfil a man's? (I, iv, 182-7)

Clarence articulates the sentiments of the monarcho-machs, but in the very next lines Shakespeare in a characteristic manner undermines his superior moral position by reminding us that Clarence's 'treacherous blade'(195) had slaughtered his 'sovereign's son'(196) (i.e. Henry VI's son Edward) who he was 'sworn to cherish and defend'(197). Thus the argument for resisting the tyrant, though referred to, is rendered meaningless in the mouth of one who has already been guilty of high treason to a legitimate monarch. As Wilbur Sanders puts it, 'What answers are there, are paradoxical . . . What is true in one man's mouth is false in another's'.[85] However, that the resistance debate had made its

[85] Wilbur Sanders, *The Dramatist and the Received Idea*, p. 79.

influence felt on the English stage, and was associated closely with the theme of usurpation, is doubtless indicative of a significant development in both theatre and political thought.

The conflation of usurpation and tyranny was used not only by the resistance theorists, but also by their opponents, i.e. the apologists for the absolute right of the monarch to rule as they pleased. Whether or not an absolutist monarch was a tyrant was often a matter of opinion and when tyranny became a subjective concept, resistance against tyranny became harder to justify. The relativity of the notions of tyranny, absolutism and monarchy was used by the defenders of absolutist sovereignty to argue against the right of the subjects to resist. Rebecca Bushnell points out that Jean Bodin, one of the greatest champions of monarchical absolutism, used this line of argument, which led to the superimposition of the legitimate/illegitimate binary upon the good king/bad king antithesis. According to Bushnell, Bodin's aim was to prove that legitimate monarchs cannot be deposed for tyrannical acts, because 'only tyrants, properly defined as usurpers good or bad, may be deposed by their subjects', thus 'the moral continuum "good king, bad tyrant" is . . . superimposed on the legal opposition of "legitimate king, illegitimate tyrant" in a logically inconsistent way'.[86]

Not only was the overlap between usurpation and tyranny used as a strategy to forward opposing political aims, it was also appropriated by the theatre to resolve the dramaturgical problem of depicting tyrannicide in non-allegorical modes of drama. In my first chapter I have shown that in the political moralities of the first half of the sixteenth century, the tyrant is always the legitimate monarch, and is always chastised/deposed by

[86] Bushnell, *Tragedies of Tyrants*, p. 49.

one or more divine agents of retribution. But in the historical or tragic drama of the later decades there was no place for moral abstractions or figures like Adversyte, Divine Correction, Nemesis, Justice etc., who would come and restore political harmony.[87] The chastiser of the tyrant in such drama must be a human agent, most often another claimant to the throne or some form of popular discontent. In either case it would be a direct and dangerous breach of the theory of divine right of kingship — one of the mainstays of the official ideology of the Tudor regime. If the tyrant were a usurper, though, this problem could be effectively negotiated -- for only the usurper can be 'properly defined' as a tyrant and deposed without compunction. The way the usurper takes on the mask of the tyrant could be understood as an expression of the deep ambivalence and reservations the dramatists themselves must have experienced while dealing with the dangerous, double-edged, subject of tyrannicide. It was a politic strategy to depict the tyrant as the usurper, and conversely, the usurper as the tyrant. Thus, as far the late sixteenth-century English stage is concerned, we are hard-pressed to find a single example of a usurper who is able to prove himself a just and able monarch. [88]

[87] They appear in *Magnificence*, *Ane Satye of the Thrie Estaitis*, *Respublica* and *Apius and Virginia* respectively.

[88] The one significant exception to this norm, as I mentioned before, was Henry Bolingbroke, later Henry IV, who deposed Richard II and succeeded in establishing a dynasty, and this formed the subject matter of Shakespeare's second tetralogy of English history plays, comprising *Richard II*, *Henry IV* 1 and 2, *Henry V*.

Implications of Usurpation

The mutual nature of the exchanges obtained between the structures and theories of power and their literary representations ensured that while contemporary political thought made its presence felt in sixteenth-century drama, dramatic fiction too, influenced political thought in significant ways. I argue that the stage usurper brought into sharp focus the issue of what constitutes sovereign legitimacy, a question that plays prior to *Gorboduc* did not engage with. The three plays I have discussed emphasize different aspects of the same history, and convey different impressions of the same characters and events. What holds them together, though, apart from the common subject matter, is that, whether intentionally or incidentally, all three plays problematize the notion of a divinely sanctioned legitimate sovereignty perpetuated through hereditary succession and primogeniture. Even when the agenda of the playwright ostensibly is to uphold the divine sanctity of Tudor rule, as it definitely was for the anonymous author of *The True Tragedy*, the very presence of the usurper and the act of usurpation compromise the unique sacral position of sovereignty. The usurper signifies a subversion of the uniqueness and singularity of sovereignty that the theorists of divine right absolutism were at pains to highlight.[89] In *Gorboduc* the schism in sovereignty that the old king

[89] In the wake of the heightening of the monarchomachic movement, the champions of divinely sanctioned, absolutist monarchy also became emphatic in their defense of absolutism. Jean Bodin's *Six Books of the Commonwealth* was perhaps the most influential text of this genre. Julian Franklin writes that Bodin's absolutism as manifested in this text was 'not a direct and natural outgrowth of Bodin's earlier position. It was a sudden and dramatic shift which is best explained by a new political concern. It was, specifically, the outcome of his alarmed reaction to the revolutionary movement set off by the St Bartholomew's Day Massacre of 1572.' Julian H. Franklin, *Jean Bodin and the Rise of Absolutist Theory*, (Cambridge: Cambridge University Press, 1973), p. 41.

sought to effect led to the destruction of his kingdom, but there was also a lingering sense that sovereignty was never actually alienated from the person of the sovereign, even *after* he had divided the kingdom between Ferrex and Porrex. In the plays I have discussed in this chapter, the sense of dislocation and fragmentation of sovereignty is heightened to a much greater degree, reaching its culmination in Shakespeare's tetralogy. Thus in *True Tragedy*, when Richard imprisons the young king's maternal uncle Lord Gray in the name of sovereign justice in the king's presence, the king, powerless to stop him, exclaims:

> [I]s it iustice without my consent?
> Am I a King and beare no authoritie? (747-8)

There is a sense here that sovereign power has been effectively dislocated from the body of the monarch. The schism that is never quite complete in *Gorboduc* has been completed here. It is not Richard alone who is responsible for this dislocation: all three plays present to us a number of claimants to the throne, apart from Richard, signifying an all-pervading sense of political chaos. For instance, in *Richardus Tertius* and in the *True Tragedy*, Shore's wife is one such character who asserts that during Edward IV's reign, it was effectively she who exercised *de facto* authority. In *True Tragedy* she says it in so many words:

> For tho he was King, yet
> Shore's wife swayd the swoord. (1087-88)

It is not just Richard who is guilty of illegitimate ambition. According to one citizen in Shakespeare's play the Queen's faction is perceived as no less ambitious and power hungry than Richard:

> O, full of danger is the Duke of Gloucester,
> And the Queen's sons and brothers, haught and proud; (II, iii, 27-8)

In all three plays the Queen's faction, comprising Lord Rivers, Lord Grey and others, want to sabotage Richard's power as Lord Protector and lay claim on the young king's person to exercise effective power using him as a symbol of sovereignty—an inanimate accessory almost, like the crown, or sceptre or the Great Seal.

The locus of absolute or supreme authority within these plays is always contested, always shifting. In Shakespeare's tetralogy, perhaps because it takes up the story of usurpation and counter-usurpation at an earlier point in history, this sense of shifting sovereignty and multiple sovereigns is acute. In *3 Henry VI* especially, the claims upon sovereignty come so thick and fast that it becomes impossible to ascertain where *de jure* or even, for that matter, *de facto* power resides. Throughout the three parts of *Henry VI*, Henry remains the reluctant monarch. At the beginning of *2 Henry VI*, the governance of the state is entrusted wholly to Gloucester, only to be wrested from him by Queen Margaret -- who with Suffolk wields effective sovereign power while Henry VI remains the nominal bearer of sovereignty. At this stage it is not just Richard, Duke of York who stakes his claim to power; there are others with ambitions for power. In *2 Henry VI* even the Duchess of Gloucester expresses her ambition to rule the country alongside her

husband, for which her husband chides her (Act I, sc ii, 1-22). The commoner Jack Cade, at the Duke of York's instigation, manages to stake his two pennyworth of claim in the sovereign power of the kingdom. Concocting a royal lineage, he manages to gather a reasonable amount of men to rally to his cause; so much so that the King's counsellors fear for the King's life (Act IV, sc ii, iii, iv). Among a multitude of potential usurpers, Richard, Duke of York remains the principal, until his son inherits that role in the last play of the tetralogy. To Henry VI's assertion in *3 Henry VI* 'I am thy sovereign' (I, i, 76), York retorts unequivocally 'I am thine.'(I, i, 77). Henry believes his title is 'far better than his', i.e. York's, while York emphasizes his own 'infallible' (*2 Henry VI*, II, ii, 5) claim to the title of King, and the fact that the Lancastrians came into power through Bolingbroke's 'rebellion against his king' (*3 Henry IV*, I, i, 134). York manages to gain effective control of the state (but not the title of 'King') only to be ousted again by the Lancastrian forces, who reclaim it in the name of Henry VI, and who in turn are again ousted by the Yorkists. This time it is Richard's eldest son Edward who inherits title, throne and sceptre, and his hitherto loyal brother Richard, Duke of Gloucester begins to display signs of that fatal ambition that sets off a new cycle of usurpation. The Earl of Warwick is referred to as the 'setter up and plucker-down of Kings' (II, iii, 37 and III, iii, 164) at least twice during the course of the play, once by Edward IV himself, and once in rebuke by Queen Margaret. Throughout *3 Henry VI* it seems that it is Warwick who bears ultimate authority in the state. When he takes the side of the Yorkists he demolishes the Lancastrian claim to sovereignty by referring back to Henry IV's usurpation, and when he switches over to the Lancastrian side -- woe betide the Yorkists. The transition happens abruptly in Act III, sc iii of *3 Henry VI*. At the beginning of the scene, Warwick

the stout Yorkist, tells the young prince Edward that 'thy father Henry did usurp' (III, iii, 79), but on coming to know of Edward IV's unfortunate marriage, he quickly decides to switch over and asserts 'And therefore I'll uncrown him ere't be long.'(III, iii, 232) He confronts Edward and with supreme confidence says:

> Then I degraded you from being king,
> And come now to create you Duke of York.(IV, iii, 34-5)

Warwick seems to be the bearer of the semi-divine power of sanctioning legitimacy, the wielder of a supra-sovereign power, almost.

The final upshot of this dizzying series of claims and counter-claims to legitimacy is the fact that the notion of sovereign legitimacy itself is made bereft of any deeper significance. As Phyllis Rackin writes, when 'the crown becomes a commodity, tossed back and forth from one head to another at the whim of blind fortune and the Earl of Warwick', even 'the pretence of hereditary legitimacy and divine right is left behind'.[90] The ruling classes having lost their monologic authority, have assumed the chaotic appearance of the many-headed hydra.[91] Legitimacy, in effect, becomes something that can be manufactured or produced through tortuous dynastic claims, popular support, military strength, appropriate matrimonial alliances, and through machinery of law and parliamentary statute. As the aura of divine sanctity is eroded, sovereignty takes on a

[90] Phyllis Rackin, *Stages of History*, pp. 62-63.

[91] Peter Womack, 'Imagining Communities: Theatres and the English Nation in the Sixteenth Century' in *Culture and History 1350-1600: Essays on English Communities, Identities and Writing*, ed. by David Aers (Hertfordshire: Harvester Wheatsheaf, 1992), pp. 91-146. See p. 133.

constructed or cosmetic nature; in short, it becomes a product of human making. In a telling phrase, Richard III says to Queen Elizabeth, that he had shed his own blood to 'royalize' (I, iii,125) her husband Edward's blood, thus implying that blood that is not royal, can be *made* royal through bloodshed, or violence. Kings do not 'fall from heaven'[92], kings and kingdoms are instituted through violence and bloodshed. Shakespeare was acutely conscious, Stephen Greenblatt argues, of the fact that violence 'was one of the principal mechanisms of regime change'.[93] Therefore, just as there is no one who is quite free from the taint of usurpation in Shakespeare's plays, there is no one who can be exempted from the charge of tyranny either. All the people who have borne the title of sovereign or have attempted to rule by proxy, have been guilty of being 'unkingly kings'. Henry VI is inept, Edward IV is uxorious and exhibits a total disregard for law and diplomatic niceties, Queen Margaret and Warwick are selfish and autocratic. Thus the tetralogy is rife with minor figures of usurper-tyrants, all of whom ultimately give way to Richard III — the usurper and tyrant without peer. Machiavelli's contention that every state, every dynasty owes its origin to an act of forcible conquest and usurpation of power—and thereby states and sovereign power are created and perpetuated through human agency and 'lawmaking' violence, thus finds utterance in popular theatre.

This idea of manufacturing sovereign legitimacy is also imbued with actual, historical, significance for sixteenth-century England, because 'for close on a hundred

[92] *Richardus Tertius*, Actio Secunda, I, ii, 2089-90.

[93] Stephen Greenblatt, 'Shakespeare and the ethics of authority' in *Shakespeare and Early Modern Political Thought*, ed. by David Armitage, Conal Condren and Andrew Fitzmaurice (Cambridge: Cambridge University Press, 2009) pp.64-79. See p. 64

years -- 1399, 1460, 1483 and 1485 -- usurpation by force of arms had taken the place of legitimacy' in England. For the purposes of my argument it would be useful to briefly summarise the actual instances in which Richard and Richmond attempted to transform their *de facto* powers into *de iure* authority. In 1484 Richard, having got rid of all opposition, had the Parliament pass the Act of Settlement by which Edward V was declared illegitimate and the title of King of England was granted to him, apparently through consent of the nation.[94] When Richmond ascended the throne, he too had to make a concerted effort to legitimise his own authority. On his ascent to the throne Richmond, or Henry Tudor, repealed Richard's act and attempted to destroy most extant copies of it. H. G. Hanbury writes that this repeal 'in restoring the legitimacy of his queen, Elizabeth of York, furnished Henry with one more support, wherewith to bolster up his weak title through conquest, and his title by descent, which was weaker still'.[95] But even so, Henry was 'unwilling to acknowledge' Elizabeth's role in legitimising his power, 'as is shown by his ungracious delay in allowing the queen's coronation, which did not take place until the end of 1487'.[96] According to Bacon's *The historie of the raigne of King Henry the seventh*(1603), the founder of the Tudor dynasty took pains to distance himself from the

[94] Alison Hanham notes that even though the document was widely known as *Titulus Regis*, strictly speaking that was the title of Henry VII's act repealing the Act of Settlement. Hanham, *Richard III and his Early Historians*, p. 96, n. 4. Michael Hicks writes '*Titulus Regis* justifies Richard's accession by invalidating the marriage of Edward IV and Elizabeth Wydeville and thus bastardizing their sons Edward V and Prince Richard.' For a more detailed account, see Michael Hicks, *Richard III: Man behind the Myth* (London: Collins and Brown, 1991) especially pp. 82-85.

[95] H. G. Hanbury, 'The Legislation of Richard III', *The American Journal of Legal History*, 6.2 (1962), pp. 95-113.

[96] H. G. Hanbury, 'The Legislation of Richard III', p.96.

Yorkist claim as far as possible and emphasize his own 'exceedingly slight'[97] hereditary claim ignoring his wife's more direct hereditary right.[98] The fact that it was only a legal procedure that legitimised Henry Tudor's otherwise illegitimate rule is articulated by Edmund Plowden in his treatise on Mary Stuart's succession. Plowden writes treatise that before the judges overturned the act of attainder that had previously debarred Henry from succeeding, 'althoughe he tooke himselfe kinge, and the people accepted him so, yet he was no kinge in the lawe'.[99] But during the first Parliament of his reign, the judges declared that:

> And like as a man attainted of treason is capable of the crowne by election, by gyfte, or by usurpacon, so is he in the tyme of his attainder capable of the crowne by discent
>
> 100

[97] Ribner, *English History Play in the Age of Shakespeare*, p. 310.

[98] 'But then it lay plaine before his Eyes, that if he relied vpon that (i.e. Elizabeth's) *Title*, he could be but a *King* at *Curtesie*, and haue a *Matrimoniall* then a *Regall* power: the right remaining in his *Queene* . . . Whereupon the King . . . assumed the Stile of King in his owne name, without mention of LADY ELIZABETH at all'. Francis Bacon, *The historie of the raigne of King Henry the seventh*, ed. Michael Kiernan (Oxford: Clarendon Press, 2012), pp. 5-7.

[99] Edmund Plowden, *A Treatise of the two Bodies of the king, vis. natural and politic...The whole intending to prove the title of Mary Quene of Scotts to the succession of the crown of England and that the Scots are not out of the allegience of England*, Oxford, Bodleian Library, MS Don. 43, p. 31

[100] Edmund Plowden, *A Treatise of the two Bodies of the king,* p. 31.

To Plowden, an eminent jurist, Henry Tudor was a usurper, but equally, usurpation was a method of acquiring power which required *post-hoc* legal action to consolidate itself.[101] It is noteworthy that the treatise, perhaps because of the politically controversial content, could neither be printed during Elizabeth's lifetime, nor after. Plowden's son, Francis Plowden, presented a copy of it to James I on his accession, but it appears that it did not garner much attention. At present the treatise exists in the form of three manuscript copies (including the presentation copy, from which these quotations have been transcribed) – at the Bodleian and the British Library.[102]

The uneasiness regarding legitimacy and succession which is evident in the writings of Plowden and Bacon became Henry Tudor's legacy to subsequent Tudor monarchs. Mortimer Levine lists the multiple succession Acts that were passed during Henry VIII's reign, ratifying the claims of each of his children in turn, depending on the monarch's whim.[103] In fact, David Weil Baker argues that 'bastardized by Parliament in 1536 and restored by it to the succession in 1544, Elizabeth held a title that in a strict legal sense was more statutory than hereditary'.[104]

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[101] Among present day literary critics, the only person who shares Plowden's views is Stephen Greenblatt who argues 'Richard III . . . has royal blood and a better lineal claim to the throne than anyone else in the realm . . . Yet Shakespeare's history play never doubts that it is reasonable, sane, even necessary, to rise up on the side of the usurper [Richmond]'. Stephen Greenblatt, 'Shakespeare and the ethics of authority', p. 64.

[102] See Marie Axton, 'The Influence of Edmund Plowden's Succession Treatise', *Huntington Library Quarterly*, 37.3 (1974), pp. 209-226.

[103] See Mortimer Levine, *Tudor Dynastic Problems: 1460-1571* (London: George Allen and Unwin Ltd., 1973) where he describes in detail the three different succession statutes passed through the Parliament by Henry VIII and his last will and testament, all four of which indicated a different order or permutation of heirs, especially pp. 64-74.

[104] David Weil Baker, 'Jacobean Historiography and the Election of James VI', *Huntington Library Quarterly*, 70(2007), pp.311-342. See p. 312.

Despite the Tudors' insistence on divine right monarchy, the world inhabited by and depicted in sixteenth-century political drama was one in which the ruse of divine sanction was exposed by continuous attempts to seek legitimacy from worldly institutions. In the three plays, Richard attempts to manufacture his own legitimacy using whatever means he can. He coerces the nobles and the parliament, attempts to win over the people, casts aspersion upon Edward's legitimacy and thereby on his own mother's character. He uses the pulpit to preach against Edward and questions the legitimacy of his children; he summarily executes all his opponents and coerces the Parliament into ratifying his claim. In the three plays, the issue of Richmond's marriage to Elizabeth of York, as a part of his attempt to legitimise his claim to the throne is referred to with varying degrees of emphasis. That Richmond's marriage to Elizabeth was one of the major props bolstering his claim to the throne comes through quite directly in *Richardus Tertius*. In fact it is the dowager Queen Elizabeth who initiates the possible alliance (with some help from Richmond's mother), because she wants to see her progeny on the throne, and it is based on this possibility that Richmond embarks upon his mission to oust Richard. Buckingham first makes a reference to this alliance as a way by which to consolidate the shaky claims of either party: [105]

> If the two warring families, each laying a dubious claim on the throne, were to join in marriage, this would mean everlasting tranquillity for our citizens and bind

[105] 'What avenue to the throne is open for my daughter?' Queen Elizabeth muses. (Actio Tertia, II, iv, 3520-1)

together a solid, sure treaty of peace. And there would be an assured heir for doubtful England. (Actio Tertia, II,i, 3418-3423.)

Catesby advises Richard to stop this impending wedding, which would have momentous political consequences. 'Detach Richmond from his betrothal to your niece', he says (Actio Tertia, IV, i, 3834-5) making Richard realize it is Elizabeth who holds the key to consolidating his claim to the throne. He begins to woo her himself. The contest for the throne of England also becomes a contest for Elizabeth of York, whose legitimizing function is seen as indispensible by each contender for the throne. Thus in *Richardus Tertius*, Richmond's path to the throne is via his marriage to Elizabeth, more than his own convoluted Lancastrian heritage. In the *True Tragedy*, however, Elizabeth is portrayed as Richmond's prize for winning the throne by military conquest and divine beneficence and his legitimacy is derived from election, as the Lords and Commons both choose him with unanimity *because* he has ousted Richard in a feat of arms. Thus Stanley:

Then know my sonne, the Peeres by full consent, in that thou hast freed them from a tyrants yoke, haue by election chosen thee as King,
first, in regard they account thee vertuous, next, for that they hope all forraine broyles shall cease, and thou wilt guide and gouerne them in peace,
then sit thou downe, my sonne, and here receiue the Crowne of England as thy proper owne. Sit downe. (2087-2093)

And the dowager Queen backs it up with:

> Then here, my Lord, receiue thy royall spouse,
> vertuous Elizabeth; for both the Peeres and Commons do agree. (2115-2116)

The emphasis is on Richard's illegitimacy and misuse of power, which somehow takes the attention away from the fact that Richmond's dynastic claim is much hollower than that of Richard. In Shakespeare's play the focus is so purposefully trained on Richard that Richmond's marriage receives but a passing reference right at the end of the play. Instead, it is Richard's wooing of Elizabeth that draws attention to the dynastic legitimacy she embodies in her person and prognosticates the importance of Richmond's victory at Bosworth and her subsequent marriage to him.[106] Within Shakespeare's play, Richmond uses Richard's tyranny as the justification for his rebellion, referring back to the resistance against monarchy debates. Ornstein, despite acknowledging that Shakespeare devotes virtually no attention to Richmond in the play, also argues that in an attempt to avoid 'the ticklish question of the Tudor claim to the succession and Richmond's role as a rebel' Shakespeare casts him in the role of the bearer of the dispensation of mercy. In his oration to his army Richmond does not offer a theoretical justification for rebellion; he portrays the battle against Richard as an act of self-defense by which Englishmen protect their homes and families against a ravening predator. And Richmond need not expound his claim to the throne because his legitimacy is moral, not

[106] 'This wooing scene, like everything else in this second movement, is orientated towards Bosworth'. Emrys Jones, *Origins of Shakespeare*, p. 226.

genealogical. Richmond fulfills the imaginative need for a monarch who has not bloodied his hands in the civil wars.[107] In a political universe bereft of transcendental legitimation, the benedictions showered upon Richmond by the ghosts of Richard's victims are the only other-worldly sanction his rule receives. At Bosworth, at least in the eyes of a Tudor audience, Richmond appears in the light of the saviour of the English nation. But the universality of illegitimacy and tyranny, which have persisted through the duration of three plays and the better part of the fourth, has resulted in such deep rooted, festering, corruption that Richmond's brief presence, is powerless to heal the breach between the shortcomings of human politics and providential design. His own inadequate genealogy does not help the cause. That the moral and political universe of the play is governed as much by Machiavelli's *Fortuna* as by God's providence, becomes painfully evident in an exchange between the two citizens in the third act. One of the citizens expresses a naive faith in the possibility of peace and regeneration and half- praying to God, he say 'All will be well' (II, iii, 31), to which the other replies:

> All may be well; but if God sort it so
> 'Tis more that we deserve or I expect. (II, iii, 36-7)

The possibility of an omnipotent deity restoring equilibrium to this infernal state of affairs — if it ever existed — has become a tenuous one. All *may be* well, but even if it is, it would be a mistake to read a providential pattern of inevitable causality into a chain of man-made events.

[107] Ornstein, *Kingdom for a Stage*, p.81.

Citizens and the Theatre

The way in which the two citizens succinctly sum up the moment of political and historical crisis which Shakespeare's tetralogy seeks to capture is a striking but not an isolated occurrence in these plays. In fact, apart from the figure of the usurper-tyrant, the one feature that all the plays discussed in this chapter share is a common and unprecedented interest in voicing the political concerns of the subjects of the usurper-tyrant. This investment in the opinion of the individual citizen can also be related to the rise of the usurper-tyrant in drama in so far as both phenomena are linked to a tendency to view the state, sovereignty and associated political institutions as products of human making. Not only is the depiction of common citizens as stakeholders in matters of governance a new development in political drama, it is also acquires a meta-theatrical resonance in view of the fact that the majority of the audiences for whose consumption these plays were produced, comprised the citizenry of London and other towns in England.

With the sole exception of Lindsay's Scottish morality play *Ane Satyre of the Thrie Estaitis*, until the staging of *Gorboduc*, sixteenth-century political drama tended to cast the 'Commons' in the role of helpless supplicants with no political agency, and no opinion beyond their desperate pleas for succour.[108] *Gorboduc* was the first play of the

[108] Jean E. Howard and Paul Strohm, 'The Imaginary 'Commons'', *Journal of Early Modern and Medieval Studies*, 37.3 (2007), pp. 549-577. Howard and Strohm write that at the end of Elizabeth's reign, in *2 Henry VI*, the politicization of the common is more 'robustly' depicted than the plays which came earlier, even though the plays of early and middle decades of the century too drew upon this tradition of depicting the

sixteenth century to depict a people's rebellion and the death of the reigning monarch at the hands of his own subjects. The rebellion is condemned severely within the play, and the rebels are ruthlessly destroyed. Nevertheless, in subsequent political plays, alongside a rigorous questioning of the legitimacy of sovereign power, we often encounter the fact that the common people and their discontent have become forces to reckon with. The potential usurpers, the anointed sovereigns, the nobility, are all concerned with the opinions of the 'Commons'.

The renewed vigour with which monarcho-machic tracts were being written and circulated after the Huguenot massacre made the possibility of the people rebelling against the monarch a real one. Buchanan's *De Iure* articulated a sustained argument in favour of the contractual origins of the state for the first time in sixteenth-century Europe. In *De Iure* sovereign power itself is seen as an authority that the people voluntarily conferred upon the monarch in exchange for certain services, failing to perform which a monarch could be legally deposed by his or her subjects. Within the discourse of English common law this proto-contractual theory of the origin of the state was not unheard of either. Edmund Plowden, for instance, designates the body-politic of the Crown as an institution constructed by the people for their own welfare.[109] As the consent of the ruled gains ideological significance, the opinion of the individual citizen — as opposed to the undifferentiated 'Commons' — begins to find a place in drama. Especially in plays which

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commons as a part of the political nation—however passive. After the 1590's the stage ceased to draw on this 'resource as an animating force within the depictions of the political nation'. See p. 571.

[109] Plowden writes in his treatise on Mary Stuart's succession: 'But this body polliticke was founded wthout lettrs pattente…by comon lawe only. And was first devised for the necessitie of the people and for theire good direction'. Plowden, MS Don. 43, p. 25.

foreground the usurper-tyrant, an illusion of popular consent becomes an indispensible mechanism of legitimising sovereignty. Of the three plays, *Richardus Tertius* accords the greatest importance to the opinions of the citizens as Richard and his cohorts go out of their ways to strengthen their claims by winning over the 'Cives'. The first attempt at this takes place right after the death of King Edward IV, when Richard was still Duke of Gloucester and the usurpation still a rather nebulous and uncertain prospect. Halfway through Actio Prima, the 'Tumultuous chorus of citizens'(III, ii) first makes its appearance and Hastings tries reassure them of Richard's loyalty to his nephews. Thereafter throughout the play, securing the goodwill of the people remains the most important consideration for Richard and his allies. The entire first scene of the first act of the second part of the play is devoted to Richard and his counsellors trying to formulate a plan to win over the 'uncouth citizenry' of London especially (Actio Secunda, I, i,2005) because all agree with Lovell's theory that:

> The man who enjoys favour amongst his own citizens, whose authority shines, is able to soften their rude minds and persuade his fellow citizens to accept your rule. If London, the capital city of England, favours your wishes, we win. The rest, led by the same error, will go along . . . But what pretext for your rule should be offered to the citizens, so that the clever will not perceive that they are captured by deception? For the Commons will bear it ill to be cheated. (Actio Secunda, I, i, 1918-1928)

In *Il Principe*, Machiavelli advises the new prince to try his best to ensure — even if through superficial appearances — that his subjects are satisfied under his governance. He should cultivate an appearance of those virtues which will win him the loyalty of his subjects and hide those vices which would make them reproach him.[110] In accordance with this Machiavellian dictum, the stage usurper too, directs his performance of virtue towards the citizens. Ironically enough, while Richard manages to deceive and manipulate half the lords of the realm with his eloquence, the citizens remain thoroughly unconvinced. In the second act of the Actio Secunda, the scene between the two Londoners reveals the shift of the power that has occurred, with the Duke of Gloucester assuming the reins of governance and the young Edward being reduced to a nominal sovereign.[111] They also instantly see through the falsity of Dr Shaa's sermon preached at Richard's command, which was aimed at proving the bastardy of the young king and thereby making Richard the legal heir of the Yorkist line. Londoners are eminently unfazed by all the attempts of Richard's faction to assure them of the truth of Richard's claim to the throne, and display great apprehension regarding the future of their nation. In the third act Richard makes a great show of refusing the crown that he himself had arranged to be offered to him by the peers of the realm, and then accepting it with great reluctance. But even this scene of genuinely admirable dissemblance fails to fool the citizens:

[110] 'A prince must be shrewd enough to avoid the public disgrace of those vices that would lose him his state'. Machiavelli, *The Prince*, p. 43.

[111] Dana F. Sutton chose to translate 'Cives' as 'Londoners'.

> Sad crime seeks the appearance of virtue, and the vice is ashamed of its own ugly face. Alas, what naive man is unaware of these hidden deceits, of the uncle's thousand schemes? Who fails to see that his brother's kingdom was not already promised to him by deceit? In public he refuses the throne he secretly sought by his wiles. His pretended piety condemns the sceptre which he acquires. (Actio Secunda, III, 2518-2525)

In the fifth act of Actio Secunda, right before Richard's coronation, this sense of disillusionment with the political players is heightened as a Londoner relates the contemporary political events to a visitor. In a display of bitterness and cynicism that is startlingly reminiscent of the state of affairs in modern nation states, the Londoner tells the visitor that the 'government is always for sale, for a good price' (Actio Secunda, V, 2685). The remarkable political perspicacity that the citizens show in *Richardus Tertius* totally undermines the usurper's attempts to derive legitimacy through popular consent.

True Tragedy's Richard, on the other hand, shows none of this urge to win over the people. Following Machiavelli's prescription for extreme circumstances, he chooses to be feared rather than loved or respected.[112] The terror he manages to strike in the hearts of the people becomes evident when the Citizens refuse to offer succour to Shore's wife for fear of incurring the wrath of the monarch they know to be illegitimate. But, even if terrorized into inaction by Richard's tyranny, they are still not silenced. They display the same political acuity that is the distinguishing feature of the 'Cives' in Legge's play. In

[112] '[I]f you have to make a choice, to be feared is much safer than to be loved'. Machiavelli, *The Prince*, p.46.

True Tragedy it is the Citizens who first allude to Richard as the usurper, while expressing their concerns over the lawlessness that prevailed in the state:

> No men no lawes, no Princes no orders, alls husht neighbour now hees king . . .
> Now he hath proclaimed peace betweene Scotland and England for sixe yeares, to what end I know not, vsurpers had neede to be wise. (1095-1100)

In Shakespeare's play too, we encounter repeated examples of this kind of political perspicacity on the part of the citizens. *Richard III* depicts the conversation between three citizens filled with forebodings for the future. They discuss Edward IV's death, and the power struggle that would surely ensue between Richard and Queen's faction, and display a remarkable lack of faith in either party. Anticipating the chaotic political future of the state, one of them comments 'I fear, I fear, 'twill prove a giddy world.' (II, iii, 5). The vertiginous rise of the usurper in the political horizon of the kingdom has turned the political status quo on its head. But, like their counterparts in Legge's plays, the common people in Shakespeare's play too reject outright the semblance of normalcy and order that Richard and his men are at pains to promote. In a scathing rebuke to Richard's hypocrisy, the Scrivener who is asked to draft Hastings' death warrant based on false charges, says:

> Here's a good world the while! Who is so gross
> That cannot see this palpable device?
> Yet who so bold but says he sees it not?

Bad is the world and all will come to naught,

When such ill dealing must be seen in thought. (III, vi, 10-15)

This unerring, if pessimistic, understanding of the reality of political circumstances on the part of an unranked, unnamed, minor character has no precedent in earlier dramatic literature.

On the one hand, the fact that the citizens can see through the elaborate histrionics of the usurper when people of greater significance are easily fooled by him, helps the playwrights to cast them in the role of the chorus. It is the citizens who comment upon the action of the play and fill in the gaps for the benefit of the audience and enlighten them as to the hidden motives and impulses of various characters. Their commentary helps us interpret the play and enables and determines the processes of empathy and identification. On the other hand the citizens acquire a moral stature within the play that makes them 'independent minded and critical of those in decision making positions'. As Edna Boris writes, 'the opinion of the commoners' in Shakespeare's first tetralogy 'contributes a legitimating sanction'.[113] In *True Tragedy* too, Queen Elizabeth, before bequeathing her daughter's hand to Richmond emphasizes that it is the wish of 'both the Peeres and Commons' that this alliance takes place.[114] By withholding this sanction from

[113] Edna Boris, *Shakespeare's English Kings, the People and the Law*, pp. 56-7.

[114] In Bacon's *The historie of the raigne of King Henry the seventh*, we get a sense of exactly how important the support of the first parliament summoned immediately after his coronation, was for the future of Henry VII's reign, and, possibly, those of his heirs. Francis Bacon, *The historie of the raigne of King Henry the seventh*, pp. 8-11. This is corroborated by Edmund Plowden's account of how the first parliament nullified the act of attainder against Henry and legitimized his rule.

Richard, the people prove him a villain, and by granting it to Richmond they transform his conquest into an act of salvation.

It is not my intention to argue that these plays were committed to some proto-democratic ideal. In fact, the way in which *2 Henry VI* depicts Jack Cade's rebellion proves that Shakespeare was definitely not championing the cause of the masses directly assuming control of governance. Jack Cade with his army of weavers, tanners and butchers comes to embody an anarchic force, who wants to burn everything, from London Bridge to all the law books and 'Records of realm' (IV, vii, 12). His disregard for law and custom especially highlights his own leanings towards tyranny. Shakespeare does present the situation somewhat farcically, but its comic aspect cannot disguise the undesirability of such anarchic rule.[115] As Peter Womack points out, within the play 'the many-headed monster is a kind of a devil' not because the masses are fundamentally stupid or cruel, but because it is 'opposed by its very nature to good order in general'.[116]

Nevertheless, for the first time political drama shows an 'interest in the wider communities of the nation than purely the ruling classes'.[117] It is also significant that the representation of the citizens and common people in these plays has no precedent in the historical chronicles that constitute their source — it is entirely a product of the playwright's imagination in each play. Shakespeare and his two predecessors manage to thus create a world 'thoroughly populated with vividly recognized members of diverse

[115] Emrys Jones points out that while depicting Cade's rebellion Shakespeare 'used details taken from accounts of the Peasants' Revolt of 1381'. His anti-nomian hostility towards law and book learning reflects the traits of that Revolt. Jones, *Origins of Shakespeare*, p. 169.

[116] Peter Womack, 'Imagining Communities: Theatres and the English Nation in the Sixteenth Century', p. 131.

[117] Julie Sanders, *Introduction to Early Modern Drama*, p. 98.

social classes' in a way that none of the previous writers of political drama or political history could.[118] It is possible to understand this change as a consequence of the poetic understanding of politics, which necessitates, if only imaginatively, a greater ascription of agency to the people. If we consider the whole of Shakespeare's first tetralogy, and the two dramatic adaptations of Richard's history that came before it, it is evident that the denizens of the body politic of the kingdom have secured a place for themselves in the political imagination of theatre that they did not possess earlier.

Such representations of the common people of England made it possible for the audiences to be 'consciously built into the creation of meaning and recognition of both nation and community' thereby enabling awareness of their own political agency among the people — even if it was purely at the level of the rhetorical.[119] The first of these plays, *Richardus Tertius,* was a 'three-day public extravaganza' at Cambridge, accessible to not just the scholars but all members of the populace who knew Latin.[120] Alan H. Nelson writes, that even though the play was performed only once, it made a 'powerful impression on the audience and actors alike' and was consumed by 'educated readers throughout England'. So powerful was the audience's reaction to the play that the man playing Richard's part, John Palmer, was 'deemed by his enemies to have been spoiled for life by identifying too closely with the title role'.[121] Both Shakespeare's play and *True Tragedy* were performed on the commercial stages of London, the viewership of which,

[118] Lawrence Danson, *Shakespeare's Dramatic Genres* (Oxford: Oxford University Press, 2000), p. 90.

[119] Julie Sanders, *Introduction to Early Modern Drama*, p. 95.

[120] Alan H. Nelson, *Early Cambridge Theatres: College, University and Town Stages: 1464-1720* (Cambridge: Cambridge University Press, 1994), p. 75.

[121] Alan H. Nelson, *Early Cambridge Theatres*, p. 61.

until the turn of the century, consisted of what 'appears to have been a homogeneous, all-inclusive social range from gallants to grooms and from citizens' wives to whores'.[122] Dramatic fiction, as Andrew Gurr argues, often served as an outlet for political imagination and the affairs of the state in sixteenth-century England, because there were few other occasions (apart from sermons and public executions) which afforded the opportunity 'for the gathering of large numbers of people'.[123] As such, even though it was popular entertainment, the drama of the commercial stages was not devoid of political valence. With the increased representation of common people on stage, and through traditional theatrical devices of 'soliloquy and direct address and through the animation of memories, theatrical and everyday' the audiences were 'rendered agents in the story and the [historical] process'.[124] Moreover the space occupied by the citizens or common people within these plays is the zone known as the *platea* or the non-representational part of the stage -- a liminal space in which the players represented 'something and someone else, also (re)presented themselves'.[125] In that liminal space they stand for both the citizens of fifteenth-century England and the England of the time

[122] Andrew Gurr, *Playgoing in Shakespeare's London*, p. 153. See also p. 65 for a more detailed account of the composition of the audience.

[123] Andrew Gurr, *Playgoing in Shakespeare's London*, p. 114.

[124] Julie Sanders, *Introduction to Early Modern Drama*, p. 105.

[125] Robert Weimann, *Author's Pen and Actor's Voice: Playing and Writing in Shakespeare's Theatre* (Cambridge: Cambridge University Press, 2000), p.196. For more on the division between locus and platea see Robert Weimann, *Shakespeare and the Popular Tradition in Theatre: Studies in the Social Dimension of Dramatic Form and Function*, ed. Robert Schwartz (Baltimore: Johns Hopkins University Press, 1978) pp. 75-85. Weimann writes that locus and platea evolved into Elizabethan drama from the mystery cycles of medieval drama, in which locus stood for 'symbolic forms of mimesis' while platea stood for 'nonrepresentational modes of self-expression'. The major share of 'audience-actor contact' occurred in the platea which, in the case of historical or bibilical drama, gave rise to a curious anachronism which was characteristic of sixteenth-century drama.

of performance, thus reinforcing the links between the audience and the world of the play and establishing a 'flexible relationship between the play world and the real world'.[126] Especially in the drama in which the usurper is the protagonist, there arises a curious metatheatrical situation in which the citizens within the play are the audience towards whom the usurper-tyrant's histrionics are directed, and the citizens outside the play bear witness to the player-citizens bearing witness to the usurper-tyrant's performance. The difference is that while the protagonist — in this case Richard -- tries his best to deceive one set of citizens, he actively makes the other set complicit in his crimes through his soliloquies and direct addresses. The citizens within the play see through Richard's ploys, while the citizens outside the play are privy to them from the outset. As Weimann and Bruster put it, the usurper's 'duplicity . . . invites complicity' from the audience[127], but it wins him the censure of the citizens of the play. It is Shakespeare's Richard who, as I discussed before, manages to ensure most effectively that the audience's affective response is split between the citizens on the stage and the anti-hero protagonist of the play, at once complicating and enriching the experience of the play.

From the household drama of Skelton and Udall, to the Inns of Court Drama of Norton and Sackville, to the public performances of these usurper plays, throughout the decades of the sixteenth-century we see a widening of the spaces of political drama.[128] With the widening of the spaces, the representation of the common people in these plays

[126] Weimann, *Shakespeare and the Popular Tradition*, p. 80.

[127] Weimann and Bruster, *Shakespeare and the Power of Performance*, p. 56.

[128] Religious miracle and moralities were performed in spaces open to all right from the inception of dramatic performances in England. It was only drama of direct political import that were performed in more confined spaces. Lindsay's *Ane Satyre*, once again, is a significant exception because it was performed twice in public—in Cupar and in Edinburgh.

and the degree of political participation ascribed to them also changes. I argue that as *Gorboduc* made a bid to push back the boundaries of the political nation in order to include the members of the legal profession within its folds, plays such as *Richardus Tertius, True Tragedy*, and Shakespeare's first tetralogy claim a space for the citizens -- those within and without the play -- in the political nation of England. Even if that claim is not part of the play's ostensible agenda, even if the political nation is no more than an 'imagined community', these plays, by representing the political opinion of the individual citizen for the first time, were inviting the citizens of the audience to 'be' that 'imagined community' rather than 'merely contemplate' it.[129] The citizen of Elizabethan political drama anticipates the new kind of political subject created by the social contract theory in the seventeenth century: a 'protoliberal subject who freely enters into a social and political contract' with the state thereby granting it legitimacy.[130] It is perhaps possible to imagine that the erosion of the monolithic authority of hereditary succession that the figure of the 'new prince' symbolizes (who in real terms is, however, as singularly authoritarian as the divinely ordained monarch, if not more) makes this participatory model of politics an imaginative possibility.

Thus plays of the last decades of the sixteenth-century bear witness to a time when the political imagination of England, Scotland, and Europe in general comprised several vitally important and mutually conflicting strands of political theory and historiography. To privilege a divine origin theory of the state over human *poiesis*, or a

[129] Womack, 'Imagining Communities', p.138.

[130] Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640-1674* (Princeton, New Jersey: Princeton University Press, 2004), p. 1.

providential view of history over a 'Machiavellian' one, would be an unpardonably reductionist way of reading these texts. As Peter Womack puts it, in the late medieval and early modern period, the relationships between 'hierarchical and populist, 'kingdom' and 'commonwealth', the 'Queen's subject and Christ's people' is not one of 'chronological sequence' but one of 'conflicting emphases' within the same frame.[131] Thus the plays which depict the fall of the overreaching usurper and the victory of the ruling dynasty, also, within the same frame of reference, question the legitimacy of dynastic rule. While championing the institution of monarchy, they also, intentionally or unintentionally, call for a more inclusive, participatory, model of governance. Divine sanction and populism, a reinforcing of the political status quo and an inversion of it, all find expression within the same text. It is only by yoking the most heterogenous ideas violently together that the theatrical tradition of the late sixteenth-century achieves its unique vitality and richness.

[131] Peter Womack, 'Imagining Communities', p. 137.

Conclusion:

The aim of this thesis has been to read sixteenth-century political drama in juxtaposition with juridico-political theory, with particular focus on the figure of the usurper-tyrant, in order to reveal the mutual transactions between the realms of aesthetics and politics. I have argued that in late sixteenth-century drama, the usurpation plot emerges into prominence due to ideological, dramaturgical, and historical developments. The preceding chapters have shown that though the usurper is conspicuously absent from early Tudor allegorical drama, the conflation of usurpation and tyranny became a necessary dramaturgical device after *Gorboduc*, in a drama bereft of the divine agent of reform. In order to depict the deposition of the tyrant, it was necessary to establish his dynastic illegitimacy first. The Tudors' attempts at manufacturing their own legitimacy and the emphasis on their inviolable right to rule over England resulted in the solidification of the myth of divine right kingship in the sixteenth century. Simultaneously the century witnessed the intensification of resistance-against-tyranny debates. Under these circumstances, I have argued, the figure of the usurper provided the dramatists with a solution to the knotty problem of dramatising rebellion against God's deputy. The usurper, or the new prince, also embodied a 'poetic' conception of politics. As a man who acquires power rather than inherits it, the usurper, despite the singular nature of his authority, is identifiable with the more egalitarian, inclusive, understanding of the state and its institutions as products of human rather than divine creation—a understanding that manifested itself in the political writings of political theorists like Niccolo Machiavelli and George Buchanan.

Furthermore, through the discussion of tyranny and usurpation in drama, political theory, and history, my thesis has attempted to bring about a dialogue between three disparate bodies of texts — the early Tudor allegorical drama, sixteenth-century Scottish poetry and politics, and the historical drama of the late sixteenth-century performed at the universities, Inns of Court, and commercial stage of London. Hitherto, to the best of my knowledge, these three strands of early modern drama have not been examined together from the perspective of legal and political issues. Yet, as my thesis has tried to prove, it is the dramaturgical differences between allegorical and historical drama which affect the political ideology of the latter. The controversial deposition of Mary Stuart occasioned a great deal of theoretical writing on both sides of the border both on questions of succession, election and popular resistance and all these shaped English political drama during the second half of the century. My contention has been, thus, that Scottish theory, history, and drama, were crucially influential in the way England voiced and staged the idea of *poiesis* in politics — especially through the figure of the usurper-tyrant in historical drama.

In the course of investigating the mutual exchanges between political theory and political drama, I discovered rather to my surprise, in contrast to some of the contemporary legal and political writings, the English stage appears to reinforce the sacrosanctity of the institution of monarchy by inevitably condemning the usurper to a catastrophic end. In spite of the critical discourse on the radical nature of renaissance tragedy, it is remarkable that early modern legal, political, and historical writings seem to be able to countenance the act of usurpation with much better grace than drama. J. N. Figgis argues that the idea of 'indefeasible hereditary right', or succession by

primogeniture, first appeared in English history in the mid-fifteenth century, and was thus a relatively recent development in early modern England.[1] Not just Machiavelli, but champions of divine-right monarchy such as Jean Bodin, English jurists such as Edmund Plowden and John Morice, seem to accept the *de facto* legitimacy of the usurper with perfect equanimity.[2] Both in theory and political practice, the *de facto* monarch could manufacture his legitimacy, as the Tudors did so astutely. The taint of everlasting, corrosive, sinfulness which early modern drama associates with usurpation is at odds with legal and political theory on this count. Almost all of the late sixteenth-century and early seventeenth-century plays which deal with the usurpation plot in some form - *Edward II*, *Richard III*, *Macbeth*, *Hamlet*, *As You Like It* - respond to the rise of anti-tyranny theory and *poiesis* in politics by conflating the figure of the tyrant with the figure of the usurper, and then damning the usurper to the tyrant's fate. This rather remarkable discovery might call for a reconsideration of Shakespeare's second historical tetralogy, which appears to be an exception to this pattern, insofar as the usurper Bolingbroke

[1] John Neville Figgis, *The Divine Right of Kings* (Cambridge: Cambridge University Press, 1914), p. 82

[2] Jean Bodin writes, 'Yet the tyrant is nonetheless a sovereign, just as the violent possession of a robber is true and natural possession even if it is against the law, and those who had it previously are dispossessed'. Jean Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, ed. and trans. by Julian H. Franklin (Cambridge: Cambridge University Press, 1992), p.6. As I pointed out in my last chapter, for Plowden, an act of usurpation requires to be legitimated by the juridical system, but it is nonetheless an acceptable method of acquiring power, at par with succession. Edmund Plowden, *A Treatise of the two Bodies of the king, vis. natural and politic....The whole intending to prove the title of Mary Quene of Scotts to the succession of the crown of England and that the Scots are not out of the allegience of England*, Oxford, Bodleian Library, MS Don. 43, p. 32. Speaking of John Morice, a member of the Middle Temple in the 1570's, and an important theoretician of sovereignty and monarchy, Christopher Brooks writes,' Like others at this time, he accepted the legal tradition, dating from the reign of Edward IV, that a usurper could take on all the privileges of a rightful king, the reason being that justice and the benefits of government simply could not be maintained without a ruler'. Christopher Brooks, *Law, Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2008), p.80.

deposes the hereditary monarch, and instead of dying a violent and untimely death, he succeeds in establishing a long and relatively stable rule and his own dynasty.

I would like to conclude my thesis by considering briefly how this 'exception' might be analysed using the argument I have attempted to develop. Chronologically this group of four plays was composed after the *1,2*, and *3 Henry VI* and *Richard III*, even though, as we know, it follows the historical events prior to the beginning of Henry VI's reign.[3] The first play of the series was *Richard II*, which depicts Richard's deposition at the hands of the usurper Henry Bolingbroke. *1* and *2 Henry IV* relate the events of the usurper's reign and end with his peaceful death and the succession of his son. *Henry V* shows how the usurper's son not only establishes his authority, but becomes one of the greatest monarchs of English history by winning an impossible victory against the French at Agincourt.[4]

On the surface, it seems that this tetralogy effects a complete reversal of the pattern which characterizes usurpation and tyranny plays that precede and follow it. In *Richard II*, the usurper-tyrant conjunction is split decisively, and the binary between the

[3] The first quarto of *Richard II* was published in 1597. In the most recent Arden edition, Charles R. Forker has indicated 1595 as the probable date of composition for Richard II, and this suggestion enjoys 'wide scholarly consensus'. For a detailed account of the internal and external evidences pointing towards this date see *Richard II*, ed. by Charles R. Forker, The Arden Edition of the Works of William Shakespeare (London: Thomson Learning, 2002), pp. 111-118. Forker argues that when Shakespeare wrote Richard II he did have the following plays of the tetralogy in mind, which is evident in the way certain details in the former anticipate the latter. See pp. 118-120. *1* and *2 Henry IV* were entered in the Stationer's Register in 1598 and 1600 respectively, but both plays were probably composed around 1597-1598, and in rapid succession. *King Henry V* was entered in the Register in 1600, but possibly composed between March and September 1599. For more detailed accounts of these dates see *The Arden Shakespeare Complete Works*, ed. by Richard Proudfoot, Ann Thompson, and David Scott Kastan (London: Thomson Learning, 1998), pp. 361, 393, 421.

[4] For reasons of practicality, I will mainly focus on *Richard II* in which the crucial problems present themselves in concentrated form, and refer to the other three plays of the sequence as and when required.

good king and the bad usurper/tyrant is neatly reversed. It is the legitimate monarch, claiming to be God's vicar in no uncertain terms, who is also the tyrant, and it is the illegitimate usurper Bolingbroke who emerges as the just and wise ruler. Despite this apparently exceptional treatment of usurpation and tyranny, I would like to emphasise the way in which *Richard II* actually *reiterates* the concerns of earlier political drama – even while it renders those ideas controversial. *Richard II* presents to us interesting reconfigurations of many of the key issues which informed the discussion in the previous chapters—the *legibus solutus* debate, the question of the two bodies of the king, Machiavellian dissembling, and above all, human *poiesis* in politics. Richard's tyranny is made available to us through veiled allusions to his past misdeeds and his tendency towards absolutism. Richard's unwise, peremptory, exiling of Mowbray and Bolingbroke, his embezzlement of Gaunt's estates, and his lofty rhetoric of divine right of kingship, all indicate quite clearly that, though he is more subtle than the excessively tyrannous monarchs of the earlier plays, he is certainly of their ilk.[5] By hinting that the legitimate monarch Richard II is in fact a degenerate tyrant the play recalls the pattern of the early Tudor moralities, but instead of a divine agent of correction, it is Bolingbroke, the new prince, the self-made sovereign, who metes out the tyrant's punishment. This thesis, following Victoria Kahn's theory of the centrality of *poiesis* in political theology,

[5] The anonymous source play *Thomas of Woodstock*, presents him as a tyrant more directly. Closer to the morality pattern of young monarchs being led astray by vices, it shows us a young, self-indulgent, Richard, who ignores the sage counsel of his uncles Gloucester, York, and Gaunt, and immerses himself into tyranny at the encouragement of his minions Bushy, Bagot, Scroope, Tresilian etc. They actually urge Richard to be a tyrant- in so many words: 'but as a tyrant vnto tenranaye/and soe confound them all eternally.' The foil to Richard's character is his uncle, Thomas of Woodstock or Duke of Gloucester. Woodstock is loyal to his monarch, but his criticism of the latter's lawless ways is unsparing: 'I compaird the state, (as now it stands)/meaning king Richard & his harmful fflatterers/vnto a sauidg heard, of Rauening woolues/the commons to a flocke of Silly sheepe.' See *The First Part of the Reign of King Richard the Second* or *Thomas of Woodstock*, ed. by Wilhelmina P. Frijlinck, Malone society Reprints (London: Printed by John Johnson at OUP, 1929), pp. 24, 70.

has tried to demonstrate the way in which the idea of human making of political as well as theological ideas and institutions becomes a constitutive element in political theory and political theatre in the sixteenth century. Kantorowicz's description of the tragedy of Richard II as the tragedy of the king's two bodies, acquires new significance if we see Shakespeare's Richard as a monarch trapped within the Christological discourse of kingship untainted by the breath of common men.[6] Richard is so completely invested in the illusion of a purely theological model of eternal and absolute power that he has no conception that theology is inevitably political, and both the theological and the political are discourses constructed and legitimated through human *poiesis*. Alongside this model of personal, divine right absolutism, shrouded in the language of mysticism, the play presents to us a concern about the secular, participatory, model of politics. As David Norbrook points out, from noblemen like Northumberland who repeatedly try to keep the attention focused 'on constitutional issues as opposed to Richard's emotions' to the Queen's head gardener (in Act III, sc iv) who deploys the 'secular language of balance of power' in order to analyse Richard's fall and Bolingbroke's rise, the constituent members of England's body politic are aware of and invested in the fate of the kingdom.[7] Even though in the end Northumberland 'has bowed out of the play' and the commons 'remain spectators, not agents', the play still attempts an 'opening up in a public theatre areas of

[6] Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, New Jersey: Princeton University Press, 1957), p. 26.

[7] David Norbrook, '"A Liberal Tongue": Language and Rebellion in Richard II' in *Shakespeare's Universe: Renaissance Ideas and Conventions*, ed. by John Mucciolo (Aldershot: Scolar Press, 1996), pp. 46, 48.

debate that absolutists wanted to keep veiled as mysteries of the state'.[8] To Norbrook's persuasive argument I would like to add that in the figure of Bolingbroke Shakespeare presents to us the new prince *par excellence*, whose rise to power emphasises that contrary to Richard's presumptions, sovereignty is neither a divine gift nor immutable. Sovereignty is acquired, as Machiavelli puts it, by means of a combination of *virtù* and *fortuna*. Political authority and political institutions are created by human agency, independent of the transcendental legitimation that Richard seems obsessed with. By Bolingbroke's own admission to his son Hal, he had acquired the throne through 'bypaths and indirect crook'd ways' (*2 Henry IV*, IV, iii, 313) and had fought hard to keep his power intact. Hal, as a usurper's son whose dynastic claim to the throne is vulnerable at all times, is committed to making a conscious effort to hold on to his precarious sovereignty, to bolster it through legal and parliamentary measures as jurists like Morice and Plowden advise the new prince to do. Just as Richard's scant regard for the laws of England marked him out as a tyrant, Hal's ritualistic submission to the Lord Chief Justice of England and his resolve to summon the Parliament immediately after his accession legitimise the *de facto* power acquired by his father. Bolingbroke's and Hal's actions highlight the importance of human endeavour in the sustenance of political authority. By deposing Richard and having him killed Bolingbroke does offer the act of law-making violence necessary for the creation of a new political order. But instead of focusing on the destruction wrought by the new prince, as he had in the first tetralogy, in these plays, Shakespeare chooses to dramatise the construction of a new political order through the agency of the self-made sovereign, an order that is not so deeply ensconced in

[8] Ibid., pp. 46, 48, 41.

transcendental rhetoric that it loses sight of the politics of this world. It seems that in these plays, the usurper or the new prince gains a brief moment of respite, if not glory, from the inexorability of history. For an equally brief moment, the idea of a political order made by man replacing God's vicar on earth, is allowed to materialize on the English stage.

The plays I have analysed earlier in my thesis, even though they end differently from the Bolingbroke plays, anticipate this moment on the English stage. In the sixteenth century, the ideology of immutable and absolute divine right often shared the same discursive space with monarchomachic ideas preached by Scottish Calvinists and French Huguenots, a proto-contractual theory of elective monarchy emerging primarily from Scotland, Machiavellian ideas of politics and history as contingent and entirely man-made, and the model of legally circumscribed, parliamentary monarchy upheld by English jurists from Fortescue onwards. All these ideas manifest themselves with differing degrees of emphasis and intensity, and in different permutations, in drama. Drama, too, shapes political ideas and influences political action. The contexts of performance of political drama, prises open the political nation, and accords political agency to people who, in theory, are disenfranchised and disempowered. Lindsay's *Ane Satyre*, and *Gorboduc*, for instance, effect this kind of transformation before the advent of the commercial public stages of London. Before that, the allegorical plays about tyranny provide a model for voicing a critique of absolutism in an absolutist regime. In the first tetralogy, even though the usurper is proved a villain, the plays nevertheless reveal the constructed nature of sovereignty itself. Moreover, by giving voice to the citizens' discussion of matters of governance, the plays accord them a degree of political agency,

and thereby contribute the enterprise of widening the boundaries of the political nation initiated by the earlier plays. In the second tetralogy, even though the political reflections of the common people do not receive as much importance, the rule of the new prince receives legal sanction. It is by rehearsing the central concerns of the political drama that came before, by reconfiguring them in different permutations, that this moment can be conceived of in the public theatre. Thus it is possible to read this group of plays as not so much an exception to the drama of tyranny and usurpation and tyranny that precede and follow it, as a restatement of the exchanges between the aesthetic and the political – in other words, of the poetic dimension of politics.

Collectively, all the plays discussed in this thesis, through a consideration of monarchy, tyranny, absolutism, and usurpation, - in short, the various aspects of sovereignty – problematize the very notion of the legitimacy of both inherited and acquired political authority. It is for this reason that, when faced by an acute crisis of political authority in their own times, twentieth-century thinkers like Benjamin, Cassirer, Kantorowicz, and Schmitt, turned towards sixteenth-century theory and drama in order reformulate and reconfirm their own ideas about sovereignty and the transferences from the sphere of theological authority to the political. The enduring relevance and vitality of sixteenth-century political drama derives, at least in part, from the fact that the debates regarding the legal limits of sovereign power, the origins and legitimacy of authority, continue to inform the historical moment we inhabit. It was in the sixteenth-century that the political rhetoric that made this discourse possible was forged; it was also the century that witnessed the opening up of newer spaces of performance and representation in which such discursive practices could take place -- in plays of religious allegory, neo-

Latin plays of instruction, courtly entertainments, household drama, university and Inns of Court drama, and finally the public stages of the commercial theatre.

Appendix I: The Quotations from *Ane Satyre* in Middle Scots

1) Thairfoir I think your counsall odious.[1](221)

2) Princis or Potestatis ar nocht worth ane leik,
   Be thay not gydit be my gude governing:
   Thair was never Empriour, Conquerour nor King,
   Without my wisdome that micht thair wil avance,
   My name is Gude Counsall without feinyeing,
   Lords for lack of my lair at brocht to mischance (564-9)

3) To punische tyrants for thair transgressioun,
   And to caus leill men live upon thair awin.
   Na Realme nor Land but my support may stand
   For I gar Kings live into Royaltie (1603-6)

4) Be quhom haue ze sa greit authoritie?
   Quha dois presume for til correct ane King? (1717-8)

5) I will do nocht without the conveining
   Ane Parleament of the Estait[i]s all, (1585-6)

6) Is this the part my Lords that ye will
   tak? To mak
   us supportatioun to correct:

[1] From *Ane Satyre of The Thrie Estaitis*, ed. by Roderick Lyall (Edinburgh: Canongate Classics 18:1989)

It dois appeir that ye ar culpabill,

That ar nocht to Correctioun applyabill. (2414-7)

7) This bene against thir great fat freiris,

Augustenes, Carmleits and Cordeleirs:

And all vthers that in cowls bene cled,

Quhilk labours nocht and bene weill fed.

I mein nocht laborand spirituallie,

Nor for thair living corporallie:

Lyand in dennis lyke idill doggis

I them compair to weil fed hoggis. (2620-7)

8) It is devysit be thir prudent Kings,

Correctioun and King Humanitie (3823-4)

9) Cair thou nocht quhat estait sa ever he be,

Sa thay can teich and preich the veritie, (3186-7)

10) I grant that Christ was King abufe al kings;

Bot He mellit never with temporall things, (3601-2)

Appendix II: The letter from William Eure to Thomas Cromwell, Lord Privy Seal of England, dated 26th January, 1540.[2]

[Fol 137.a] Pleas it your goode Lordeshipe to be advertisede that at the meating whiche I had wuth twoe gentle men of the King of scotts Counsaile at Caldestreme for suche busynes as I haue aduerstised to your lordshipe of in myn other lettre with of our proceedings in the same / I hade diuerse commynings with Mr Thomas Bellendyn one of the saide [C]oun[ce]llours for scotlande/ a man by estymacion apperaunte to be of thage of fiftye yeres or above / and of gentle and sage conversacion / specially touching the staye / ofthe spiritualtie in scotlande / and gathering hym to be a [man] inclyned to the soorte vsed in our souerains Realme of Englande / I dide soe largely breke with hym in thoes behalues / as to move to knowe of hym of whate mynde the King and counsaile of scotland was inclyned unto/ comcernyng the busshope of Rome/ and for the reformacion of the mysusing of the spritualtie in scotlande / whereunto he genttlie and lovinglie aunswered/ shewing hym self well contented of that commynyng/ did saye that the King of scotts hym self / with all his temporall Counsaile was gretely geven to the reformacion of the mysdemeanours of Busshops/ Religious persones/ and priests within the Realme/ And so muche that bythe Kings pleasour / he being prevey therunto/ thay haue hade ane enterluyde played in the feast of the epiphanne of our loorde laste paste/ before the King and Queene at Lighgive/ and the hoole counsaile spirituall and temporall/ the hoole

[2] *The Works of David Lindsay of the Mount*, ed. Douglas Hamer, Vol. II. (Edinburgh: The Scottish Text Society:1931), pp. 2-6.

matier whereof conclunded vpon the Declaracion of the noughtines in Religion/ the presumpcion of busshops/ The collucion of the sprituall Courts/ called the concistory courts in scotland/ and mysusing of priests/ I haue obteigned a noote frome a scotts man of our sorte/ being present at the playing of the saide enterluyde/ of theffecte thereof/ whiche I doe sende vnto your lordeshipe by this berer/ My lord the same Mr Bellendyn shewed me that after the said enterluyd fynished the King of scotts Dide call vpon the busshope of Glascoe being Chancelour snf diuerse other busshops/ exorting thaym to reforme thair facions and maners of lyving/ saying that oneles thay soe did / he wolde sende sex of the proudeste of thaym vnto his vncle of england/ and as thoes wer ordoured soe he wpld ordour all the reste/ that wolde not a mende and therunto the Chancelour shuld aunswer/ and say vnto the King that one worde of his graces mouthe shuld suffice thayme to be at commaundement/ and the king haistely and angely aunswered that e wold gladel bestowe any words of his mouthe that could a mend thaym/ I am alsoe aduertised by the same Mr Bellendyn/ that the King of scottes is fully mynded to expell all sprituall men frome having any auctoritie by office vnder his grace/ either in household or elles where within the Realme/ And Dailye studiethe and devisithe for that entente/ The same Mr bellendyne/ haithe desired of me/ to haue an abstracte of all suche Actes constitucions and proclamacions as ar passed within this the King [Fol 137 b] our Soverains Realme touching the suppression of Religion/ and gather[ing] unto the Kinges maiestie suche other proffeites/ as befor haithe been sp[ritual] with the reformacion of the mysdemeanours of the clergye/ saying that h[e] trustethe to haue the King his Master to studie the same/ And haith m[ ] mme that if I cane attaigne the saide Actes, constitucions and Proclamac[ions] that I shall not adventur to sende hym thame/ but by suche a pr[evy]

persone as he shall send vnto me/ for that purpose/ Ffurther he haithe aduert[ised] me/ that it is appointed the quene of scottes now being with child[e] shalbe Crowned on sondaye the firste Daye of Februarij And thereafter shalbe had a Convencion of the lordes/ for whate purpoos [I] cannote be certefied as yet/ but as is thought apertely for the reform[a]cion of spritualtie/ I am aduertised by myn espielles that the Kinge of scottes having at this instaunte three shipes in redynes to goe t[o] the sees/ haither been at seen and viewed the same / and that it is Rumered a mainges the common people/ thay shulde be prepairede for the King to goe to the meating in france/ My lord conscidering theffests of the premises/ I thought my duetie could be noe les then of the same with deligence to aduertise your lordeshipe/ wherin as shall further stande with the Kinges maiesties pleasur to commaunde me/ even soe I shall god willing applie myn vtter deligence/ by the grace of the hollie gooste/ whoe ever preserue your goode lordshipe/ At the Kinges maiesties Castell of Berwike/ the xxvjth Daye of Januarye/ your lordships/

At commaundement

Wyllm Eure.

[Endorsement, Fol 139a, the original cover, verso blank] To the right honorable and my very goode Lorde my Lordes prevy seale.

[Top right hand corner] seale from the Captayn of Berwyke

[Enclosure, Fol. 138 a]

The Copie of the nootes of the interluyde

In the first entres come in **Solaice/** whose parte was but to make mary/ sing ballettes with his ffelowes/ and Drinke at the unterluydes of the play [/] whoe shewede firste to all the

audience the playe to be played/ whiche was a generall thing/ meanyng nothin in speciall to displeas now man/ praying therfor noe man to be angre with the same. **Nexte** come in a King/ whoe passed to his throne/ having noe speche to thende of the playe/ and thene to raitifie and approve as in playne parliament all thinges doon by the reste of the players whiche represented the Thre estes/ Withe hym come his courtiours **Placebo/ Pikthanke**/ and **fflaterye**/ and suche a like garde / one swering he was the lustieste/ starkeste/ best proporcioned and most valiaunte man that ever was/ An other swearing the was the beste with longe bowe/ Crosebowe/ and Culverein in the world/ An other swearing he was the best Juster/ and man of Armes in the world/ and soe furthe during thair partes/ Ther after came a man/ armed in harnes/ with a sword drawen in his hande/ **A Busshope**/ **A Burges man**/ and **Experience**/ clede like a doctour/ whoe sete thaym all down on the deis/ vnder the **King**/ After thayme come a poor **Man**/ whoe did goe vpe and downe the scaffald/ making a hevie complaynte/ that was heryed throughe the courtiours taking his fewe in one place/ and alsoe his tackes in an other place/ wher throughe he hade strayled his house/ his wif and childeren beggyng their brede/ and soe of many thousand in scotlande/ whiche wolde make the **Kynges grace** lose of men if his grace stod neide/ saying thair was noe remedye to be gotten/ for thoughe he wolde suyte to the kinges grace/ he was naither acquaynted with controuller nor treasurer/ and withoute thaym myght noe man gete noe goodenes of the king/ And after he spered for the king/ And whenhe was showed to the **man** that was **king** in the playe/ he aunsuered and said he was noe king/ ffor ther is but one king/ whiche made all and gouernethe / all/ whoe is eternall/ to whome he and all erthely kinges ar but officers/ of the whiche thay muste make recknyng/ and so furthe muche moor to that effecte/ And thene he loked to the**king** and said he was not the king

of scotlande for ther was an other king in scotlande that hanged John Armestrang with his fellowes/ **And Sym** the larde and many other more/ which had pacified the countrey/ and stanched thiftie/ but he had lefte one thing vndon/ whiche perteynde aswell to his charge as th[other] [Fol. 138b] **And** whene he was asked what that was he made a long narracion/ of the oppression of the poor/ by the taking of the corse presaunte beistes/ and of the herying of poor men/ by concistory lawe/ and of many other abussions of the spritual[itie] and churche/ withe many long stories and auctorities [and] thene the*Busshope* roise and rebuked hym/ sayin [it] effered not to hym to speake such matiers/ commaundinge hym scilence/ or elles to suffer Dethe for it/ by thair lawe/**Therafter** roise the man of lawe(struck through) armes/ all[ed]ginge the contrarie/ and commaunded the poor man to speake/ saying thair abusion hade been over longe suffered/ withoute any law[e]. Thene the ppor man shewed the greate abusion of busshopes/ Prelettes/ Abbottes/ reving menes wifes and doughters/ and holding thaym/ and of the maynteynyng of thair childer/ And of thair over bying of lordes and Barrons eldeste sones/ to thair Doughters/ where thouroughe the nobilitie of the blode of the Realme was degenerate/ and of the greate superfluous rentes that perteyned to the churche / by reason of over muche temporall landes given to thaym/ whiche thaye proved that the kinge might take boothe by the canon lawe/ and civile lawe/ and of the greate abomynable vices that reiagne in clostures/ and of the common Bordelles/ that waskeped in closturs of nunnes/ All this was prouit by Experience , and alsoe was shewed **Thoffice** of a Busshope/ and producit the newe testament with the auctorities to that effecte/ and thene roise the Man of Armes/ and the Burges/ and did saye that all was producit/ by the poor **Man** and **Experience**/ was reasonable/ of veritie and of greate effecte/ and verey expedient to be reafourmede/ withe

the consent of parliament/ **And the Busshope** said he wold not consent therunto/ **The Man of Armes and Burges**saide thay wer twoe/ and he bot one/ wherfor thair voice should haue mooste effecte/ **Theraftre the King** in the playe/ ratefied and approved and confermed all that was rehersed.

[British Museum, MSS Reg. 7.c.xvi, folios 136-9]

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