

Drama and the Politics of Professionalism in England c.1600-1640

Martin Steward

Ph.D.

University College London

University of London

“And Pharaoh said unto Joseph, Forasmuch as God hath
shewed thee all this, there is none so discreet and wise as thou
art: Thou shalt be over my house, and according unto thy
word shall all my people be ruled: only in the throne shall I be
greater than thou.”

Genesis 41:39-40

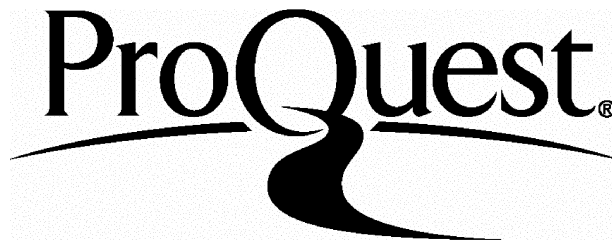
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Abstract

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The project was conceived as a cultural-studies contribution to the debate around the “causes of the English Civil War”.

The “silences of conciliation” emphasized by “revisionist” historians concealed an unwillingness to entertain a theory of sovereignty, despite Tudor administrative centralization. Understanding this unwillingness helps explain how conciliation could be a preface to civil war. The answer lies partly in the way professional constituencies divided up the action of government. This did not prevent dissension, because these competing claims upon power perpetuated precisely those divisions which concepts of sovereignty were designed to overcome. Reading controversy from *within* the idioms of these professions reveals divergent constitutional theories, articulated at a remove from mainstream political discussion or institutions, which sound orthodox, but constantly threaten to open divisions in the public sphere.

The introductory section sets the historiographical and literary-historical contexts for the period, with particular emphasis on the professional status of the theatre, and its impact in the political sphere.

Section One describes how professional disputes between common lawyers, civilians, and the episcopacy impacted on constitutional questions, before exploring how far theological disputes concerning “Arminianism” can be reinterpreted as debates over the socio-political role of the clerical profession. It concludes by showing how *Cymbeline* and *King John and Matilda* deal with similar issues while removing them from their original professional contexts into a theatrical one.

Section Two focuses on the monarchy. Examining Baconian science as well as “Arminian” and “Puritan” theology, it argues that vague divine right theories opened up spaces for claims of professional interpretative supremacy within apparently “absolutist” rhetorics. These themes are drawn together in a reading of *The Royal Slave*.

In Section Three the contrasting aesthetics of the Shakespeare-Jonson rivalry are translated into a contrasting politics through readings of Jonson’s critical works and *Poetaster*, and Shakespeare’s *Tempest*. The Section concludes with a reading of *The Roman Actor*, an exemplary *apologia* for the political role of an independent, professionalized theatre.

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Introduction

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I

Setting the historiographical context: the problem of sovereignty and the “Causes of the English Civil War”

“I am confident that the king... is able by his wisdom and ministers to carry any just and honourable action through all imaginary opposition for real there can be none.”

Sir Thomas Wentworth, Earl of Strafford, to Archbishop William Laud (1633)

“... men differed much in opinion touching the warre, most wished it had not bin begun.”

Bulstrode Whitelocke, *The Diary of Bulstrode Whitelocke 1605-1675*, 36th Year (1640)

The story of the downfall of “Whig” history is a well-rehearsed one, especially in the field of seventeenth-century studies: “The English Civil War is perhaps the outstanding example of the need of each generation to re-write its own history”, as Conrad Russell has observed (Russell 1973, p.3). I must briefly cover some of the ground again, as that process of re-writing forms the background and the impetus for this study. The Whig tradition interpreted the constitutional crises of the mid-seventeenth century as the inevitable result of political innovations which had eroded the Tudor consensus, exemplified by the emerging self-confidence of Parliament in opposition to the Crown. It is recognizable in some writing of the later seventeenth century, but it achieved true fruition between 1840 and 1940 with the vast, archivally based narratives of Motley, Froude, Gardiner and Macaulay, and the Anglo-American project, led by A. F. Pollard, J. E. Neale and Wallace Notestein, to revivify the field of Parliamentary history.

The revisionists, writing from various ideological and historiographical perspectives, have to some degree or another stressed that “the majority of important political events took place outside Parliament”, that “clashes of words and of ideas during the earlier period of controversy were clashes between men whose thinking agreed on many essentials”, and that these essentials demonstrate considerable continuity with late sixteenth-century politics (Russell 1979, p.1). Marxist and other materialist historians, from R. H. Tawney through to Lawrence Stone and Christopher Hill, drew attention away from purely constitutional conflicts onto class relations during a period of economic upheaval, and their impact on sites of social and religious conflict. Of course, Marxism provides us with a master-narrative even grander than Whig liberalism, and its critics have identified class conflict as a simple alternative to the constitutional “high-road to Civil War”, or even an extension of it. As such, their ideological reinterpretations did little to challenge the methodological criticisms made long before by R. G. Usher and Herbert Butterfield, who had identified the liberal concentration on supposedly inevitable “change and innovation” as selective and teleological (Butterfield, p.4). The lasting contribution of Marxist history - and that which raises its importance above the more recognisably Whiggish “court and country” thesis, was its

focus on more localized institutions through which political culture developed in a day-to-day sense, as opposed to the traditional centres of the constitution, anticipating the groundswell of local and county history that emerged during the 1960s and 70s. Researchers were able to draw out macrocosmic applications from their microcosmic studies: for example, Alan Everitt advocated a “county federalist” thesis which stressed that the priority of local political loyalties presented severe structural problems to a nominally national government (Everitt 1969, p.8).¹ This is the methodological basis for the work of one of the most influential revisionists, Conrad Russell: “As the body of work on local government has grown, it has become increasingly clear that its findings are incompatible with many of the traditions of English Parliamentary scholarship”, he has written, even as he applied these reinterpretations to the Parliamentary struggles of the period. This was Parliamentary history that saw disputes arising over process, not ideology, and which explicitly disavowed any claim to be the history of politics in the wider sense. Russell actively dismissed the notion that there was ever a coherent “opposition” within a powerful Parliament before 1640: “we have all been too preoccupied with collecting the speeches of conflict to notice the silences of conciliation”; recent research had revealed “a society not sufficiently divided or polarized to make the war easily explicable” (Russell 1990, pp.52, 231).

The post-revisionist problem, of course, has been finding different ways to account for a conflict that did, after all, really happen. The “silences of conciliation” in English politics actually concealed a dangerous unwillingness to entertain a coherent theory of political sovereignty, such as those formulated by Continental thinkers. French theorists, most significantly Jean Bodin, had theorized on absolutism in response to the massive threats to civic order presented by the Wars of Religion. Bodin defined sovereignty as both a legislative power and a point of final appeal, ideally invested in a monarch. Despite the fact that *de facto* Tudor administrative centralization ought to have invited such a theory, Bodin’s work seems to have provided Englishmen with “an encyclopaedia of political wisdom” in this period, but not “a source of controversial argument” – partly because theories of sovereignty were not thought applicable to English circumstances (Salmon 1959, pp.22-23). Indeed, Nicholas Henshall argues that “absolutism” is difficult to find even in Continental political thought – even Bodin accepted that a feudal subject enjoyed a kind of ownership of property, *dominium utile*, which meant that it “sufficeth not that any man should therefore of right be called lord of all, or a lordly Monarche” (Henshall 1992; Bodin 1962, pp.104, 191-194). This seems to agree with J. G. A. Pocock’s revision of his “ancient constitution” thesis: although he accepts that the stark antithesis he once drew between French and English legal scholarship “may have to be modified”, he claims that his initial work on Sir John Davies was meant to show that “the same man might write with great sophistication about history shaped by the conflict of laws” – in his *Discourses of Ireland* – but, at the same time, “deny that such a conflict had shaped English law or history” (Pocock 1987 [2], pp.258, 263, 280ff.; these

1. At the other end of the spectrum, a great deal is owed to David Starkey’s rekindling of interest in the royal court as a political and cultural institution: see, for example, Starkey 1977; 1981; Starkey, Morgan, Murphy, Wright, Cuddy, and Sharpe, eds. 1987

arguments answer criticisms in Pawlisch, pp.84-99, 161). Christopher Brooks identifies “a legal and political chavinism which can be traced back at least as far as Fortescue” (Brooks 1998, p.223).

Not all scholars accept this. Patrick Collinson has written about the “quasi-republican modes of political reflection and action” available to Elizabethans – although it is not clear how close humanist “quasi-republicanism” is to outright republicanism; and again, Brooks observes that the effect of the “Roman reception in sixteenth-century England” was to “lead to something of a Gothic revival in the seventeenth” (Collinson 1990; Brooks 1998, p.227). Quentin Skinner writes exclusively about post-Civil War theorists, and concedes that even they articulated a “sometimes ambiguous republicanism”, which often “stressed the compatability of their theory of liberty with regulated forms of monarchical government” – precisely the “mixed” ideal that Hobbes wrote to oppose (Skinner 1998, pp.22-23, 54). The counter-revisionist J. P. Sommerville cites Christopher Lever to demonstrate an English theory of sovereignty: “the Prince is the Sovereign or principall of every State: by whom the lawes have authority, and the life of execution” (Lever 1608, p.56). However, simply writing that the Prince was “Sovereign” meant very little - it was universally accepted as part of the consensus. Theoretically, it is qualified by the following clause, which clearly emphasises the Prince’s *executive* role; Lever does not need to say who *makes* the laws, because it is accepted that they are made by the King and the three estates together. On the other side of the “conflict”, Sommerville argues that concepts of natural law enabled “resistance theorists” to develop a contractual model of government whose “practical implications” were that the King’s authority was limited by original conditions set down by the community, who thereby had a right to resist or even to depose him. However, he cannot produce an example of resistance theory being put into practice, and later admits that “Nakedly republican sentiments were rarely expressed before the Civil War”. Indeed, he draws attention to Robert Parsons’s *Conference about the Next Succession to the Crown of England* (1593), a book of republican sympathies published in St. Omer, which, when reprinted at Oxford, underwent significant changes - “Fledgling republicanism turned into sycophancy towards the king as soon as it crossed the Channel”. Sommerville sometimes provides evidence for the consensus he disavows: as he observes, commentators who turned to natural law and contract theories, such as Matthew Kellison or John Selden, did so “to show that the authority of kings was limited, not that people should govern”. At one point he suggests that one reason resistance was not advocated was that there was no need for resistance against a prerogative which was already limited by law (Sommerville 1986, pp.46, 38, 17-21, 69ff., 58, 62, 75-77; he defends his position in the 2nd Edition: Sommerville 1999, pp.224-265). The necessity of strong, centralized government was neither supported abstractly nor questioned as an affront to liberty, because it was the alternative to semi-anarchic feudalism rather than a repressive prelude to liberal democracy. Indeed, the sixteenth century saw increased statutory protection of subjects’ rights, as well as a great consolidation of common-law thought which might have been impossible without such centralization; an emerging middle class perceived its advantage in having military power and the administration of justice safe in the hands

of a monarch who would protect their interests against Parliaments still under the sway of a feudal nobility. When the crisis came, polemicists took sides in order to protect the ideal of balanced government against King or Parliament, rather than to exercise an ideological desire to locate sovereignty in one or the other exclusively.

Margaret Atwood Judson sees this ideal of “balance” informing the conciliar government under James I, pointing to the general competence of his administrators, the minority of court favourites wielding real power, and the fact that “Except for Bacon, they were men of action, not philosophers, viewing government as a job to be done, not an idea to be theorized about” (Judson, pp.109, 9 see Hinsley, pp.107-117; Burgess 1996, pp.20-28 and *passim*). As Skinner has pointed out in an influential essay on “History and Ideology in the English Revolution”, there *were* theorists who developed a “fully articulated and rationalist theory of sovereignty”, but they did so away from the debates around the relative powers of Crown and Parliament, and their ideas were not seen in this context until well into the 1640s (Skinner 1965, p.169). Although Russell observes that the only reason for the collapse in relations in June 1641 was that Parliament saw an opportunity to grasp “some share in executive power”, he concludes that “It seems very improbable, however, that they meant to do this by setting up such a thing as ‘parliamentary government’”; indeed “The greatest difficulty in leading was that Parliament did not recognize the concept of leadership” (Russell 1971, pp.330, 333; see D. Smith 1994). Some commentators, notably H. L. A. Hart, have criticized the notion of sovereignty on which these assumptions are based as overly Hobbesian, arguing instead for a concept that agrees not only with the fundamental rule of law, but with the possibility of a sovereign with legal origins; but this position really only reiterates the point that sovereignty, if it existed at all, was *de facto* without being given any kind of theoretical articulation (Hart, *passim*; also Goldsworthy, pp.51-75, 89, 95, 124-141; cf. K. Pennington, pp.278-284).

A. J. P. Taylor has observed that “in our flexible system any practice is constitutional which is tolerated by contemporaries” (Taylor 1976, p.63). If this is true, everybody has to agree upon exactly what those practices are, or rather, how the consequences of those practices should be interpreted in the light of, and incorporated into the body of, the constitution. Agreement, in these terms, generally means assenting to a form of *expression* - a consensual rhetoric, a sense of decorum - within which constitutional *practice* can operate. The constitution is a site across which politics, ideology, rhetoric and law meet and negotiate. It might well be objected that to look at the situation in these terms is once again to reduce it to ideological conflict (whereas in fact it points to the disastrous avoidance of ideology); it looks like an approach that depends upon unproblematic readings of what protagonists *said* as opposed to what they actually *did*. But this is a literary study (I do not have the skills of an historian), and as such it builds upon certain insights into the relationships between saying and doing that have been brought to the study of early-modern literary texts. Selden famously declared that “Syllables govern the World” (Selden 1689, p.43). If political agreement means consenting to a form of expression, it involves what Stephen Greenblatt has called “self-fashioning”, the “representation of one’s nature or intention in speech or actions”.

And “self-fashioning derives its interest precisely from the fact that it functions without regard for a sharp distinction between literature and social life”, for “we begin to lose a sense of the complex interactions of meaning in a given culture” if we attempt to “wall off literary symbolism from the symbolic structures operative elsewhere, as if art alone were a human creation, as if humans themselves were not, in Clifford Geertz’s phrase, cultural artifacts”. At bottom, “Self-fashioning”, political, aesthetic, social, “is always, though not exclusively, in language” (Greenblatt 1980, pp.3, 9; Geertz, p.51).

This insight informs some of the most useful post-revisionist historiography, as it provides a way to read outside the “silences of conciliation” without drifting back into the teleological paradigms of binary opposition, simply by complicating the contexts in which “self-fashioning” political statements were made. “If discourse consists of public acts, then what should determine our reading of any text ought to be a sense of what sort of action it was intended to perform”, as Burgess puts it (Burgess 1996, p.28). This approach goes some way to solving a problem identified by Sommerville: “ideological conflict is a blindingly obvious feature of early Stuart history”, he insists, and “Platitudes and pious hopes about balance were useful in disguising the reality of disagreement on matters of substance”. Bearing this in mind, it is instructive to compare Sommerville’s reading of James I’s speech to the Parliament of 1610 with Burgess’s (James VI and I 1918, pp.306-325, esp. p.308). Sommerville notes that it went on to be cited by thinkers of all political persuasions, and accepts that everyone agreed that the King was bound to rule according to law, but maintains that this proposition was “ambiguous”, and “on close analysis, the speech dissolves into little more than pleasantries” (Sommerville 1986, pp.132-140). However, we might observe that “pleasantries” were at the centre of the culture that produced this speech. Burgess suggests that we can resolve apparently contradictory statements about the constitution, even those made by the same person, by recognising that they “are made in different contexts, to different audiences”. He draws attention to the use made of James’s speech by radically opposed thinkers, but resolves Sommerville’s “ambiguities” by explaining that the sentiments “exemplify the consensual duplex understanding of royal authority that dominated Jacobean political thought” (Burgess 1992, pp.118, 148). This understanding rested upon the idea that the King exercised a double prerogative, one concerned with domestic matters and defined by the common law, and one concerned with any matters not covered by the common law (such as foreign relations, war, etc.) which was absolute. Controversy could be avoided by following well defined points of decorum, which Burgess outlines: theological statements of divine right could be made as long as they were no more than vague statements about the essence of kingship, and not legalistic, and as long as they were not directed at an audience that might perceive in them an implied practical message, such as the King’s right to tax at will; and civil law arguments would not arouse opposition as long as they were clearly linked to the absolute rather than the legal prerogative. Burgess ultimately decides that this “consensual duplex understanding” worked perfectly until the accession of Charles I, whose “idiosyncratic use” of these linguistic conventions meant that his motives were

constantly misinterpreted, leading to confusion and a failure of the consensus (Burgess 1992, pp.148ff., 162, 181; cf. 1996, pp.30-36, 104-106).

What Burgess has traced in this instance is the recurring *avoidance* of abstract political theorizing in favour of delicate negotiations between the specialized idioms of the administrative professions. The importance of these idioms in political discourse should not be surprising: the period saw “expansion across the professional sector as a whole” fueled by “demographic and economic growth, combined with the evolution of a steadily more ambitious and complex state apparatus”. One of the more readily identifiable “opposition” rhetorics of the revolutionary decades was that of “hostility towards the monopolistic pretensions of the three learned professions”, and its “persistence and vigour are backhanded testimony to the prominence which the professions had achieved in early modern English society” (Prest 1987, unpaginated, p.19). The professions had exploited the expanding Tudor administration to wield unprecedented and disproportionate power, and their specialist idioms arrested the development of sovereignty as they were employed to divide up the action of government into mutually exclusive jurisdictions and competencies: “Threatened vested interests within institutions were incapable of forming alliances with what might have been natural allies” (W. J. Jones, p.111). Brooks writes of “the conflict between the professional desire to maintain a monopoly over specialised fields of knowledge and the belief that these were too important to society at large for them to be withheld”. Both clerics and lawyers were inclined to “define their own importance in terms of their disciplines” and “promote their own self-esteem in terms of what they saw as the centrality of the institutions and ideas within which they worked” (Brooks 1998, pp.234-239; also pp.201, 210-212). This extension of the idea of mixed government did not prevent dissension, nor eventual civil war, precisely because these competing claims upon the application of power perpetuated the divisions which concepts of sovereignty aimed to overcome. Pre-Civil War England lingered in a state of what Michael Foley has called “constitutional abeyance”: administrative responsibilities “could in no way be formally expressed, accurately ascertained, or even reliably understood”, and these ambiguities contained the “ingredients for systemic conflict”, and “an inherent potential for disjunction, contradiction and eventual dissolution” (Foley, pp.xi-xii, 15-16).

The problem of professional elites and their effect on the development of sovereignty is undoubtedly best illustrated by the case of the common lawyers, who were probably the dominant professional group and who achieved the greatest monopolization of political discourse during the Tudor-Jacobean consensus. The claim that there was a fundamental law and that Parliament was its guardian prevented the assembly from assuming powers above and beyond that law, and even when it began to act as a sovereign legislature it still justified itself in these terms; indeed, both the Restoration and the 1688 Revolution can be seen as reinterpretations of this tradition according to the new notion of a sovereign King-in-Parliament. This was how influential a professional group could be in delaying the acceptance of truly modern concepts of sovereignty: “the English had - and knew that they had - a pacified politics”, but “it was pacified not by the mechanisms of electoral politics, but by the common law” (Burgess 1996, p.161).

However, if these professional groups were unanimous in allowing jurisdictional competition in the realm of political power, as even the lawyers who occupied the most contentious position seem to have been, there must have been another factor outside this fracturing of the machinery of government to account for the disintegration of the 1640s. Disagreement over constitutional theory does not account for the division between royalist and opposition that emerged so suddenly at this time, because these conditions had existed since at least the dissolution of Parliament in 1628. Perhaps, as Burgess suggests, “the issues dividing the two groups were largely religious” (Burgess 1992, pp.215-222). Religion was “the only ‘colour’ under which an army might gather against a lawful magistrate”, as Conal Condren writes, and “Reformation political theology” had “provided a caustic rhetoric of violence” (Condren, pp.36-38). I think that this makes sense if we consider the clergy of the Church of England as another one of our competing professional groups, the difference between them and all the others being their relationship with the Crown. “Traditionally, two groups in particular have been identified as producers of absolutist theory”, Burgess observes: “a group of royal officials and aspirants to office”, including figures like Sir Francis Bacon, “who are often seen as having fallen under the influence of civil law”; and “a portion of the clergy”. Both these groups “had ‘professional’ or self-interested reasons for being absolutists” (Burgess 1996, pp.51-52; also O’ Day 1979, pp.231-245; Collinson 1982, pp.97-140). However, whereas statesmen and civilians tended to press their own interests primarily when disagreement arose with the Crown on whose centrality they depended, the Church and the Crown were mutually dependent to a far more profound degree. It would be possible to envisage a considerable threat to the balanced constitution evolving *outside* the confines of political discourse, allowing it to reach a dangerous pitch of intensity before it made any impact in the sphere where it could do the greatest damage, should the politics of religious contention grow serious enough and religious affiliation become translated into political allegiance. “Although ostensibly religious matters, questions about the structure of the church were also professional problems”, Brooks observes. “Seeing them as such can help us to understand that they involved the same fundamental questions about authority which had been at issue for more than a century” (Brooks 1998, pp.254-255). Because doctrinal language could serve to diffuse the innovatory nature of some political ideas, challenges might be made to traditional power before their significance could even be assessed. Matthew Kellison, a Roman Catholic whose faith *obviously* conflicted with civil authority in the form of the Oath of Allegiance, saw the issue of sovereignty in terms of spiritual and temporal affairs very clearly: “Because both are necessarie, so both are not equall, but the one inferiour to the other, the one subordinate to the other; else the one would be an hindrance to the other, and both would cause confusion” (Kellison 1617, p.77). By contrast, it was a *confluence*, not a conflict of interest, that caused this “hindrance” to develop between the Church of England’s hierarchy and the government.

This study concerns itself with the political discourse that emerged from these two major administrative professions in the years preceding the outbreak of civil war in order to demonstrate the role of vested professional interests in the constitutional collapse of the 1640s. It does not seek

to deny that ideology had a role in the outbreak of civil war, but rather, that political ideologies developed “organically” out of professional ideologies. As such, it draws upon evidence that the pre-Civil War culture was one in which professional ideologies were deep and pervasive. For that reason, the larger part of the study is concerned with texts originating, not with the traditional professions, but with one of the youngest viable vocations of early Stuart England - playing, playwrighting, and the theatre. Although it would scarcely meet any sociological criteria for professionalism, the theatre was in many ways the most remarkable of all vocations, experiencing the most rapid and radical transformation in the period from 1580 to 1640 - described by the Privy Council as a “trade” in 1581, it was called a “profession” by 1582, and a “qualitie” ten years later (Chambers I, p.309). It serves a dual function in this study: as a vocation in itself, with increasing self-awareness of its political and economic status on the outskirts of the capital city and within the royal court; and as a barometer of the *idea* of professionalism, and of professions other than itself, within the cultural and political contexts of early Stuart London.

II

Setting the literary-critical context: “*Placere cupio*”: playwrights, professionalism and politics

i “The staging of power and the powers of the stage”

William Hazlitt’s judgement that “The language of poetry naturally falls in with the language of power” enjoyed something of a renaissance with the new historicism (Hazlitt 1970, p.284). “Theatricality”, concurs Stephen Greenblatt, “is one of power’s essential modes” (Greenblatt 1994, 1985, p.33; also 1980, p.253). The sheer volume of contemporary comment dedicated to the influence that drama could exert upon society does indeed suggest its capacity to *shape* the prevailing social order. Even Francis Bacon’s antitheatrical prejudice was itself a recognition of the political potential of drama, which, if it could but be harnessed, might be “used as a means of educating men’s minds to virtue” (*Works* IV, p.318). The charge that fiction involved falsity - a favourite of antitheatrical literature - was met by recourse to the higher, Aristotelian truth of its mimetic-didactic potential, which tended to stress its conservatism. Thomas Heywood’s *Apology for Actors* (London 1612) insisted that plays “teach the subjects obedience to their King”. Thomas Nashe agreed: plays always “shew the ill-success of treason”, which ends with “the halter and the gallows”. Nashe self-consciously drew on the didacticism of the Morality Play, occupying a position favourable to the centralizing Church and state as it upset the fractious Puritans with vague suggestions of pre-Reformation structures of authority; and Heywood similarly contrasted didactic drama with the Puritan “undertaking to purifie and reforme the sacred bodies of the Church and Common-weale” (Heywood 1614, sigs.F3v, Br; Nashe 1972, p.114). Antitheatrical critics found themselves attacking the messenger while applauding his message. And so, “at their happiest”, we might think, playwrights were “the Crown’s public-relations men” (Bradbrook 1976, p.7).

Both Heywood and Nashe refer unproblematically to the theatre's reproduction of the state's ultimate spectacle of power, the public execution. New historicists, following Michel Foucault, have shown a similar interest in this exemplification of the ways in which the "totalising character of Renaissance political theology" finds expression in dramatic forms. For Foucault, public execution was "a ceremonial" that restored an injured sovereignty "by manifesting it at its most spectacular" (Foucault 1977, p.48). Greenblatt observes that "power" must "record other voices, permit subversive inquiries" because it can never be "perfectly monolithic": as such, execution, like drama, staged the opposition between the traitorous criminal and the state, overcoming the visibility of the subversive with a total assertion of ownership and control. Shakespeare's plays were similarly "concerned with the production and containment of subversion and disorder". The obvious problem with this is that the King's staged image - "in large part the invention of the audience" - can never be the sole property of the King himself, nor even of the playwright's, and for Greenblatt, this formula articulates a reality that reaches beyond the stage, as "a sense of the limitations of king or theatre only excites a more compelling exercise" of audience authority. He privileges containment over subversion only by positing that the royal power "manifested to its subjects as in a theatre" was different from that in the theatre itself because it was "made to seem entirely beyond the control of those whose 'imaginary forces' actually confer upon it its significance and force" (Greenblatt 1994, 1985, pp.26-30, 43-44).

This may have been the *intent*, but was it possible for the theatrical and political forms of representation to remain unaffected by one another? This sounds like the view which new historicism spent much of its energy trying to discredit. As Richard Dutton puts it, this kind of "elegant post-structuralist double-bind" should be contrasted with "the equal and opposite deconstructionist position" which reminds us that "It is not monarchs, writers or texts which generate or sanction meaning: but readers, in all their perplexing variety" (Dutton 1996, p.94). Indeed, once political contention had become more than a dramatic spectacle, both sides in that contention disavowed Bacon's controlling view of the imaginative faculty: the Long Parliament legislated against the playhouses, and Bacon's former secretary insisted that "Metaphor, and senseless and ambiguous words are like *ignes fatui*" which can only lead one into "contention, and sedition" (Hobbes, pp.116-117). If plays resolved political problems idealistically, how could they avoid educating their audiences in the processes of political decision-making? And if their own society was not ideal, why would they not criticize the reality in terms of this staged ideal? Steven Mullaney chooses to stress the ambivalences of public execution, which, taking place on the margins of the city, symbolically exiled the condemned man "to a liminal area outside the law, where he became a figure as ambiguous and equivocal as the place he occupied" (Mullaney, p.40). Every condemned man had to be convinced by moral argument to follow a script in which he had little or no interest, and the drama consisted in the audience's anticipation as to which role he would play, with the concomitant possibility of their "rejection of the punitive power" through sympathy with a show of defiance (Foucault 1977, pp.59-61). The spectacle of power in politics and theatre instituted a dialogue which could only corrode the authority of the state. As the

mutilated William Prynne was transported to prison in Caernarvon, to the cheers of adoring crowds, Sir Thomas Wentworth observed that “*A prince that loseth the force and example of his punishments, loseth the greatest part of his dominion*” (Strafford 1739 II, p.114).

Public execution staged the deaths of traitors, but tragedy involved staging the deaths of Kings, many of whom were punished as traitor-tyrants. Thomas Elyot said that reading tragedies would lead a man (not necessarily a King) to “execrate and abhor the intollerable life of tyrants”; but how was he to distinguish between the tyrant and the righteous King? *Richard III* and *Macbeth*, to name just two, are plays which lend an unlooked-for perspective to Foucauldian notion that “the condemned man represents the symmetrical, inverted figure of the king” (Elyot I, p.71; Foucault 1977, p.29). King James’s theatrical metaphor for Kingship - “a King is as one set on a stage, whose smallest actions and gestures, all the people gazingly doe behold” - suggests that he recognized that placing politics before a theatre audience might result in their application of those politics to real life: in short, if he gave them a performance, they might be taught by the theatre to see through it (James VI and I 1918, pp.43). His own view of himself as the model of consistency seems bound to conflict with this metaphor, and this, according to Rebecca W. Bushnell, is the key to the theatrical tyrant’s political subversiveness: “the culture accepted that the sovereign prince was visible only in the princely role he or she assumed”, but the “constant acting of the king thus comes dangerously close to the tyrant’s hypocrisy”. This was also why the very act of “playing the King” was seen to be a threat to the natural order of things, a peculiarly pernicious kind of falsity, for essential hierarchical categories were all that stood between order and confusion (Bushnell, pp.7, 18, 27-32, 60-62). “*Behold my Tragicke Buskin*”, Heywood’s Melpomene intones, “*Which Kings and Emperours in their tymes have worne*” (Heywood, sig.B2r). Stephen Gosson warned that “we are commanded by God to abide in the same calling wherein we were called”, and that “proportion is so broken, unitie dissolved, harmony confounded” when a man dressed above his proper statuts, “that the whole body must be dismembered, and the prince or heade cannot chuse but sicken” (Gosson, sigs.G6v-G7r; cf. Sig.E5r).

Actors could trick us into thinking that “the Personater were the man Personated” claimed Heywood, which was fine if one accepted his controlling, mimetic-educative argument (Heywood, sig.B4r). But Sir Henry Wotton remarked of *Henry VIII* (Globe 1613) - hardly a subversive play - that it could “make greatness very familiar, if not ridiculous”, suggesting that it was precisely the mimetic capabilities of drama (regardless of ideology) that offered the greatest potential to demystify authority (Wotton II, p.32). Demystification of political authority was achieved in the name of theatrical authority, placing drama at the centre of power, or at least underlining its inescapability. “Monarchs and dramatists speak the same language, pursue the same concerns”, observes Jonathan Goldberg, and so “The staging of power and the powers of the stage” are always in potential competition (Goldberg 1983, p.166). Drama enabled audiences to “experience disorders under the auspices of a mock king who finally resigns”, writes Sandra Billington. This might seem like a conservative “restoration of order”; but it also meant that a theatrical King “was

a leader of the opposite of an order which would only be restored once the play ended” (Billington, pp.5, 112-113). In effect, royal authority was time and again rejected for the saturnalian authority of the play.

ii The limits of censorship

James was anxious that Members of Parliament should not discuss matters of state which came under the royal prerogative, and so it would come as no surprise to find that he harboured a similar anxiety concerning common playgoers freely discussing the policies of stage-Kings in war, diplomacy and the rule of law. However, for a variety of reasons exercising control over the theatre proved difficult. By its very nature, drama presents peculiar problems for the would-be censor. Its rhetorical strategies, generically dialogic as they are, complicate ideological positioning (see Dollimore 1984, pp.42-44). Ivo Kamps notes the Machiavellian influence on drama in this period, which kindled an “interest in non-monarchical forms of state, in political causality” and other ideas that were largely unavailable to political theorists or historiographers, perhaps because they did not think to exploit a dialogic form. “Shakespeare’s fascination with alternative modes of government is evident in plays like *Coriolanus* and *Julius Caesar*”, he writes, in complete contrast to Blair Worden’s opinion that he eschewed the “risky preoccupation with the new politics and the new history to be found in Jonson or Chapman or Daniel”. Curiously, Worden takes as the basis of this argument the idea of Shakespeare as first and foremost “an actor” with an “infirm identity”, apparently the same foundation of those critical approaches that emphasize his political engagement: he “gives little time to the machinery of politics or the workings of constitutions” because he was interested in the psychologies rather than institutions; or, as Alexander Leggatt puts it, he did not think about politics because “he thinks in the way a playwright thinks”, working “not in theory but in practical demonstration” (Kamps, pp.42-43; Worden 1991, p.6; Leggatt 1988, p.xi). Because drama involves showing rather than telling, it is difficult to get to the playwright behind the characters, their situations, and their conflicting opinions. Ben Jonson and Thomas Nashe, especially, sought to distance themselves from subversive ideas by attacking the (clear-eyed) critic who would “shew himself a politician by misinterpreting” (Nashe 1972, p.50; see *Ben Jonson* I, pp.194-196; V, p.19; VIII, p.605). If drama recalls any kind of formal argumentative mode, it is that of the *elenchus*, a form favoured by the most sophisticated apologists for absolutism. Drama simply highlighted the problem inherent in these refutations - by drawing attention to or even quoting dissenting opinion one ran the risk of opening to public view that which had hitherto been hidden, and giving it a voice within a legitimizing context. For example, Henry Herbert’s Revels Office records contain the only passage to survive from Philip Massinger’s lost play, *The King and Subject* - the speech about the monarchical power of taxation which King Charles insisted upon excising (Bawcutt, ed., pp.203-204). Drama not only anticipated the methodology of censorship, it actually mimicked the discourse of authority in doing so (see Sinfield, pp.71-72; A. Patterson 1989, pp.41-51).

It was perhaps a tacit acknowledgement of these ambiguities that caused censorship of the drama to be targeted at narrowly defined, easily identifiable offences: criticism of specific government policies, or of allies or their sovereigns, great nobles, or subjects; comment on religious controversy; and common profanity. Politics itself was not censorable, but direct analogy to contemporary events or persons was (Clare, pp.119-148; Heinemann 1980, pp.36-47; Bentley 1971, pp.167-173, 188-194).² The author of *The Hector of Germanie* (Red Bull; Curtain c.1614) was careful to ensure that everyone understood that the “*Prime Elector*” of his play was *not* Frederick IV, who had just married Princess Elizabeth, for “*To bring him while he lives upon the stage*” would “*offend Authoritie*” (W. Smith, sig.A2v). The King’s Men staged a production dealing with the Gowrie conspiracy, which James himself had been successfully milking for political effect, and yet “some great counsaillors are much displeased with yt: and so it is thought shalbe forbidden” (Chamberlain I, p.199).

Even censorship under these criteria was not straightforward. There is disagreement over how we are to interpret that entry in the Revels Office records concerning Massinger’s *The King and the Subject*. Don Pedro, King of Spain, is quoted from the playtext expressing his determination to “rayse supplies what ways we please”, like the Roman Caesars, acknowledging “no lawes” nor objections from “the senators”; Charles I insisted that ““This is too insolent, and to bee changed””. The references to the legal wrangle over Shipmoney seem obvious, and Bentley remarks that “Massinger must have been naïve to think that they would be approved by the Master of the Revels” (Bentley 1971, pp.172-173; cf. pp.160-161). But Massinger had been working with the Revels Office for nearly twenty years, and surely would not have submitted material he thought had no hope of approval. It is remarkable that only this particular speech caused concern, though we might assume that the whole play must have dealt with the subject of tyranny. Furthermore, Herbert must have felt that an assumption of deliberate political specificity was unwarrantable, or at least beyond his own remit: why involve the King if the matter was as straightforward as it seems in hindsight? Ultimately, Charles gave his “warrant”, and the performance was “allowed”, with “reformations most strictly observed, and not otherwise” (Bawcutt, ed., pp.203-204). Albert Tricomi argues that the key word in Charles’s notation is “the intensifier *too*”, which “suggests an attempt to curtail the overstepping of some ill-defined boundary” (Tricomi, p.188). But whatever that boundary was, there is no evidence that Massinger was punished for crossing it.

Similar difficulties surround perhaps the most politically explosive theatrical event ever staged in London, the Essex faction’s 1601 production of *Richard II*. Queen Elizabeth’s famous remark - “I am Richard II, know ye not that” - leaves no doubt as to her awareness of the intended analogy (Nichols, ed., *Queen Elizabeth III*, p.552; Chambers II, pp.326-327). How was it, then,

2. An important revisionist account of the customs and extent of censorship in the period, which places greater emphasis on rhetorical strategies aimed at diverting the censoring eye, as well as the personal interpretative taste and acts which shaped censors’ decisions, is Annabel Patterson’s *Censorship and Interpretation*. More recently there has been Burt’s *Licensed by Authority: Ben Jonson and the Discourse of Censorship*; and Bawcutt’s introduction to *The Records of Sir Henry Herbert...*, esp. pp.50-75

that the Chamberlain's Men, far from being censured, ended up performing the play for her on the night of Essex's execution - deposition scene and all? Perhaps we should not underestimate the fine but cruel irony that this commission implies; but we should also bear in mind the privileged position theatre occupied thanks to its pervasive visibility and its now well-developed professional status - how much *could* one tinker with a well-known, properly-licensed play? In his official deposition to the authorities, Globe shareholder Augustine Phillips insisted that the company had protested to their seditious patrons that a play "so old and so long out of use" would not draw a profitable crowd, acquiescing only once they had secured 40 shillings "more then their ordinarie for it" (Chambers II, p.205). As Douglas Bruster suggests, the company may have "counted on the bonus payment to persuade the authorities" of "the theater's essential commercialism" - as opposed to its essential subversiveness (Bruster 1992, pp.25-26).

Nevertheless, historical drama was an obvious target for censorship under these criteria, and indeed John Whitgift and Richard Bancroft's Order of 1599 allowed "noe English historyes [to] be printed" without special permission from the Privy Council (Chambers IV, pp.259-261). However, although the number of histories in the repertoire of the public playhouses decreased markedly as Elizabeth's reign drew to a close, prose histories suffered more, and Ivo Kamps suggests that the shift from Tudor history play to Jacobean Romance reflected a cultural shift in response to popular taste rather than any fear of dabbling in chronicles (Kamps, pp.10, 3). But this shift did impact upon political representation: the intricate plotting and availability of wild coincidence in the emergent genre allowed the decentring of dramatic character and the assertion of authorial control; and Romance Kings were much less likely to be open to censorship under the traditional criteria. Constance Jordan points out that histories were politically conventional precisely because they dramatized events which could be interpreted as direct precedents for current affairs, whereas tragedy and romance deployed a greater "degree of allusiveness" (C. Jordan 1997, p.30). This enabled more radical analogies and politics to be articulated in the space between stage-world and real-world. Allegorical settings of plays provided a similar topical loophole: "to act at all one must be more Roman than Dane," writes Goldberg, "especially if one is to play the king" (Goldberg 1983, p.167). Heywood did not hesitate to admit that "in the lives of *Romans, Grecians, or others*" represented on the stage, "either the vertues of our Countrymen are extolled, or their vices reproved" (Heywood, sig.F3v). That "England" was present to some extent when "Rome" was dramatized is similarly implied by the conventional substitutions, such as "Tiber" for "Thames". The practice was pervasive and not exclusively associated with political dissent - the potential for analogy was clear and obviously acknowledged, but the charge of subversion by analogy was much harder to sustain if the action was set in Rome, Bohemia, a fabulous forest or island, or even fourteenth-century Spain (as Massinger's *Don Pedro* suggests).

Where prose historians for very obvious reasons (and political philosophers for more complex ones) showed little interest in alternative forms of government, dramatists were not nearly so reserved. For example, in the ancient Britain of *King Lear* (Globe 1605) a monarchy is transformed from Lear's feudal to Edgar's Machiavellian state; the very essence of the Roman

drama was the debate between Republicanism and Imperialism; and Massinger and John Fletcher even addressed the same themes in a contemporary context thanks to the (not in itself uncontroversial) Dutch setting of *Sir John Van Oldenbarnevelt* (Globe 1619). Publishers steered clear of this controversial text (there was no quarto, and it is absent from the 1647 Beaumont and Fletcher folio), but it was something of a *succès de scandale* at the Globe. As Thomas Middleton's *A Game At Chess* (Globe 1624) showed, it was possible to stage a politically explosive play whose message could reach a far greater and wider audience - over three thousand people a day, according to the Spanish ambassador - than any government publication, or indeed any idealizing court masque: and furthermore, "prohibition adds desire and difficulty maketh good the curiosity" (Matthieu, pp.77-78; the Spanish ambassador's letter is translated in Wilson and Turner, pp.480-482). The discrepancy between what was allowed through the printing presses and what it was possible to get onto the stage (however briefly) is yet another mitigation against a ready acceptance that "censorship was considerable" and "designed to predetermine the nature of all drama" (Dollimore 1984, pp.22-24). Consider the players' stratagem revealed in Henry Herbert's account of Ben Jonson's *The Magnetic Lady* (Blackfriars 1632). The play was licensed without incident, but after the performance the players were summoned before High Commission to explain some offensive material: the player's "second petition" to the court "did me right in my care to purge their plays of all offense", Herbert explained, and so the Archbishop "layd the whole fault" of the play upon them; but "In their first petition they would have excused themselves on me and the poet" (Bawcutt, ed., p.184). The King's Men had testified that they acted only what Jonson had written and Herbert had licensed: there must have been many occasions on which the same stratagem succeeded and the Master took the rap, or the authorities never noticed the incursion.

Peter Thomson notes how theatre historians have always struggled to reconcile "the vigour of the Privy Council's Orders with the repeated failure to enforce them"; discussing the influence of radical Protestant patronage on theatre production, Paul Whitfield White finds that instruments such as the Bishops' Order of 1599, forbidding religious subjects from the stage, were sporadically enforced (P. Thomson 1992, pp.125-127; P. White 1991, p.40). To understand the dynamics of political drama we need to move away from models of binary opposition between authority and subversion which do not address the complexities of the social forces to which the theatre was subject. Theatre responded to various degrees of power, influence and interest which were constantly in competition, and which took advantage of the form precisely because control over it had been decentralized. "In administrative terms", as Bradbrook puts it, "the problem was to avoid flat prohibition and find some practical way of supervision through delegation from the central power", and this was achieved, "by dividing authority between the Office of the Revels, the magistrates, and the players' lords" (Bradbrook 1979, 1962, pp.35, 282). The office of the Revels was originally established to organize and supervise all of the monarch's entertainment, but in 1581 a new patent was issued to Edmund Tilney for the regulation of "all and every player or players, with their playmakers". This involved a fracturing, rather than an expansion, of his

powers, because the patent was only granted after quite fierce negotiation with the City of London, which was generally hostile towards the theatre and had enjoyed little or no say in what was suitable for court performance before (see Bentley 1971, pp.147-148; Astington 1999, pp.20-34). Tilney's most important initial task was to supervise the creation of the Queen's Men, but his new powers also made it possible for him to make a personal profit through the licensing of theatres and plays, whether or not they were bound for performance at court. The arrangement was mutually advantageous: the Master could sell a great deal more licences, exercising a much less stringent vetting policy over those plays which would never see the inside of the court; and the theatre companies could pay about £1 to have their play effectively established as fit for performance at court (even if it would be too risky *in fact*), a standard which local justices or city authorities could not possibly challenge. "As early as 1592," writes Dutton, "the City of London authorities came to regard Tilney as the players' protector rather than their regulator" (Dutton 1993, pp.68-69; also Gurr 1992, p.72). Successful theatrical entrepreneurs such as John Heminges and Christopher Beeston took care to cultivate the Master, and achieved quite considerable leverage against rival companies and City authorities in doing so (however, cf. Clare, pp.12-13, 33-36, 209-210; Dutton 1990, pp.287-319).

iii Patronage

The basis for these developments was, arguably, the 1572 Act for the Punishment of Vagabonds, which removed the right to patronize actors from all persons below the status of Baron, and ultimately spurred "the progress of the professional players from strolling entertainers" to "permanently established repertory companies" (Gurr 1992, pp.24-33; also Bradbrook 1979, pp.32-38). The translation of the major London companies to exclusive royal patronage after 1603 – in the midst of the most pressing matters of state – demonstrated the "aim of the privy council to contain the theatrical profession within a closed circle of its own licensing" (Dutton 1993, pp.61-62; Bentley 1948, p.40; Chambers II, pp.208-209). From the beginning of the new reign there was an explosion in arts funding: over £30,000 was spent annually out of a total budget of £250,000; and the figures began truly to skyrocket after Henry's investiture as prince of Wales in 1610, and his household became a centre for arts patronage. Dramatic productions at court increased fourfold as "the court theatre became almost a third playhouse" for the King's Men (Astington 1999, p.218; also pp.26-27, 115-116; Chambers I, pp.207-212). By the time of Charles's reign, the monarch himself was building new theatres (Parry 1981, pp.203-204; also Smuts 1987, p.131; Cuddy 2000, pp.63-66, 69, 80; Sturgess, p.148). This patronage brought very visible rewards – such as the right to wear royal livery – which catapulted players and sharers to superiority over the ordinary apprentices, craftsmen, or shopkeepers amongst whom they now worked (see Baldwin, pp.248-263). Heywood proudly drew attention to "the Royall and Princely services, in which we now live", while dedicating his *Apology* to both the Earl of Worcester and "my good Friends and Fellowes, the Cittie-Actors" (Heywood, sigs.A2r-A3r). When Queen Henrietta employed Joseph Taylor as a drama coach for her production of Walter Montague's *The Shepherd's Paradise* (1632)

the most powerful women in the land took instruction from a man who would have been classified as a vagabond just forty or fifty years before.

Not all the players enjoyed these kinds of privilege, but those who did - usually the sharers, although this could include the best of the company's players and writers - were the same people who chose the repertoire, so there can be little doubt that projecting the right image impinged upon the kind of drama that these companies offered for performance. The sharers were responsible for the collection of payment and the signing of receipts for court performances, a very tangible reminder of how the company's well-being was dependent upon the pleasure afforded their royal patron. About fifty such payments to John Heminges are recorded, worth over £3,000 - several times the cost of a new theatre (Bentley 1984, pp.8-9, 18, 27-42, 61-62, 151; Chambers II, pp.52-71; Rutter, ed., p.108). The politics of drama cannot be interpreted outside of these material considerations, and the key to understanding the dynamics of the influence of patronage would appear to be situation and aspiration. Most dramatists probably coveted a regular position with the King's Men: they seem to have had no difficulty poaching actors and subsequently holding onto them; they enjoyed the largest revenue from court performances; their plays were more often preserved and praised; and it seems fair to assume that their regular dramatists were relatively well paid. They alone enjoyed solvency throughout the period. Making a secure living was almost impossible in a business that relied on wealthy patrons who fled and theatres which were closed every time there was an outbreak of plague (the 1625 outbreak ruined every single company except the King's Men); if the disease itself did not bankrupt a company, the hardships of the itinerant life it necessitated often finished the job (Bentley 1984, pp.5-12, 60-61, 153, 177-182, 204, 243; Gurr 1992, pp.18-22, 80-84, 215-222; F. P. Wilson, 1999, 1927; Haaker, pp.283-306; Barroll 1991). The monarch's financial assistance during these times was crucial. In 1604 Richard Burbage was paid £30 "of his Majesty's free gift" for the "relief of himself and the rest of his company" until the city returned to "more perfect health" (Cunningham, ed., VII, p.xxxv). In 1636-1637, Charles paid his players £20 per week to stay afloat: "The Prince must be pleased", as William Rankins scoffed, "therefore the subjects be diseased" (Rankins, fol.2v).

Paul Yachnin writes, "The dramatic companies won from the government precisely what the government was most likely to give: privileged, profitable and powerless marginality". Commercialism, more even than censorship, eroded the subversive possibilities open to the theatre (Yachnin 1991 [2], pp.49-71). But Jacobean drama was no more homogenized than the politics of the Jacobean nobility. Not everyone could be employed by The King's Men, and so in the meantime one had to seek out patrons whose politics might disagree sharply with the King's, with sufficient finesse to avoid jeopardizing one's chances of working for the King's Men at some time in the future. The statistical paucity of overtly scandalous drama in the period can thus be accounted for in terms of market forces within a patronage system, rather than in terms of oppressive standards of censorship and punishment. Alvin Kernan writes that "the state" was "in full control of the theater" after 1603, but his identification of "the state" with these various members of the royal family is problematic: if anything, ideological splits were most pronounced

where they were exacerbated by family resentments and jealousies, as he himself appears to acknowledge in his characterization of Prince Henry's household as "the center of opposition to the policies of the king" (Kernan 1995, pp.7-9; see Strong 1986). Particularly audacious were the Children of the Queen's Revels, who, under Anne's patronage, traded in personal attacks against James, his court, and his ministers, so that she could "enjoy the laugh against her husband", as the French Ambassador put it (Chambers I, p.325; see Lewalski 1993 [1], pp.15-43; 1993 [2], pp.341-355; Meikle, pp.128-140). Decentralization once again played its part: their productions were licensed, not by the Master of the Revels, but by their own specially appointed censor, Samuel Daniel - who had courted trouble with *Philotas* (Blackfriars 1604). Nevertheless, after culminating eighteen months' worth of controversy with *The Isle of Gulls* the company was deprived of patronage, Daniel appears to have lost his powers to the Revels Office, and the government allowed better-favoured companies to rent or buy up the Children's erstwhile performing spaces at Blackfriars (Clare, pp.35, 122-123, 141-152).

So there was a market incentive to minding what one said and seeking the most advantageous patronage, which worked to produced both economic and ideological competition; but alongside this competition there remained a shared interest that no one company should push the bounds of acceptability too far. The renamed Blackfriar's Children found themselves in yet more trouble, thanks to the French Ambassador, over George Chapman's *Conspiracy and Tragedy of Charles Duke of Byron* (Blackfriars 1607-8): but this time James decided that the offence warranted the closure of *all* of the theatres. Despite this sweeping suppression, the solution arrived at by the four major companies was remarkably simple: they offered James a huge "bribe" of about 100,000 francs (Chambers III, p.258). Simple, but expensive. Heywood, who was employed by the "adult" companies, expressed his anxiety about the recent fashion for "inveighing against the State, the Court, the Law, the City" through "the mouthes of Children, supposing their iuniority to be a priviledge for any rayling", and advised those companies to use some "discretion" (Heywood, sig.G3v). It was, so to speak, more than his job was worth.

iv The "commercially autonomous author"

As critics such as R. Malcolm Smuts, Kevin Sharpe, Margot Heinemann and Philip J. Finkelpearl have shown, "particularly radical surviving plays" such as *A Game At Chess* "could be staged at all only because of exceptionally sharp divisions at the top, which temporarily softened the censorship" (Heinemann 1993, pp.237-238). There could be no "communal, 'courtly' taste in a group as diverse as this", and so "Between their many masters, whose edicts often conflicted, the players pursued their audacious career" (Finkelpearl 1982, p.139; also pp.150-151; Bradbrook 1979, 1962, p.63; also Sharpe 1987, pp.5-22, 36-39, 291-292; and esp. Smuts 1987; 1981, pp.165-187). But beyond the rarified atmosphere of high politics, the case of a play like *A Game at Chess* reminds us that political drama was not under the sway of a Prince Charles or a Buckingham, nor even of a supportive faction of the nobility. Like the bonfire-burning that greeted the return of the failed negotiators from Spain, Middleton's play was a *popular* phenomenon (See Tricomi, pp.143-

145; Heinemann 1993, pp.240-245; Lawless, pp.1-2). Plays performed at court had first to be tested before a paying audience - there are no examples outside of the masques of drama written exclusively for the court (Goldberg 1983, p.231). Even The King's Men generated only a tenth of their income from court performance (Butler 1984, pp.101-102). By far the most important "patrons" of the drama in this period were the London playgoers themselves, "a diverse public constituency" whose "concerns must take primary consideration" in any estimate of how playwrights positioned themselves "ideologically" (Hamilton 1992, p.21; also Norbrook 1999, pp.171-172). Consequently, most of the noisiest theatrical feuds of the period were over professional, rather than political ideology, between those who wrote more or less for a living, and those who wrote on an amateur basis.

This was not purely a question of aesthetics, as might be suggested by Will Kempe's gibe that university amateurs "smell too much of that writer *Ovid*" to challenge "our fellow *Shakespeare*"; or, from the other side, Thomas Rawlins's insistence that his audience "Take no notice of my name" because "I have no desire to bee knowne by a thread-bare Cloake, having a Calling that will maintaine it woolly" (*Parnassus II*, IV.iii.1766-1770, Leishman, ed., p.337; cf. p.244 and *Parnassus I...*, pp.185-193; Rawlins, sig.A2v). One's relationship with the professional stage, and its noble or royal patrons, was socio-economic and unavoidably political, as Jasper Mayne hints in his prologue to *The City Match* (Blackfriars 1638): "*Whether their sold scenes be dislik't, or hit, / Are cares for them who eat by th' stage and wit*", he wrote, but his "*unbought Muse*" acted only "*at the Kings price*" - "*the same / Power that makes Lawes, redeem'd this from the flame*" (Mayne, sig.A2r). Rawlins's play was met "*with good applause*" for the King's Revels Children at Salisbury Court during the 1630s, but despite, or perhaps because of this, Rawlins adopted the accepted idiom of the gentleman amateur abjuring any connection with the commercial theatre, even to the point of excusing his play's "faults" on "my ignorance of the Stage". Jasper Mayne's publisher wrote that "*The Author of this Poem*" - not this play - "*had no ambition to make it this way publique. Holding workes of this light nature to be things which need an Apology for being written at all.*" (Mayne, sig.Ar). This anxiety over self-definition was symptomatic of a period during which "An older system of polite or courtly letters" was "replaced by a new print-based, market-centred, democratic literary system", where playwrights occupied "contradictory roles as bourgeois entrepreneurs and feudal retainers" (Kernan, 1987, p.4).

There definitely seems to have been an attempt by certain dramatists to appropriate some of the social respectability of the amateur playwright for the professional theatre. From the late 1590s, a successful playwright could make himself comparatively well-off. Richard Robinson recorded his total earnings from non dramatic literature as £52 17s 5d, an annual average of a little less than £2 17s. In less than six years Philip Henslowe's companies paid Henry Chettle a total of £123 17s 6d (£25 *per annum*), and Thomas Dekker £110 9s 2d (£19 *per annum*); George Chapman once earned £28 10s in a single year. The standard rate for a single play was £8 or more by the 1620s, providing an income which could be supplemented by revising old plays, writing prologues and epilogues, preparing material for court performances, or by receiving company bonuses for

particularly successful productions, and “benefits” (a percentage of the receipts at the second or third performance): “These were very good earnings at the end of the sixteenth century”, when a schoolmaster could expect £6 3s 4d per quarter for four quarters, and £2 for his usher (Bentley 1971, pp.89, 97-104; Orpen, pp.183-193). It is therefore rather odd that the status of dramatists was so poor: they never rated a mention on the playbills which advertised their own products, which were themselves sometimes produced by companies who had never had any dealings with them at all. Although a playwright’s name might appear in printed copies of their plays, a quarto publication was often brought on by theatre-closure or box-office failure – it would risk plagiarism of companies’ best productions to place them in the public domain. The exceptions were the printed copies of plays by courtly amateurs (rarely commercially successful on the stage), who used publication precisely to articulate their contempt for the ephemera of the professionals (see Bentley 1971, pp.9-10, 31-49, 60-61, 82, 105, 264-279; Chambers III, pp.183-192).³ It therefore made sense for ambitious dramatists (often those who were not contractually bound to certain companies, such as John Marston, William Davenant, John Ford, Thomas Nabbes, Ben Jonson and perhaps George Chapman) to pursue the dignity and permanence of publication alongside their greater presence at court. Jonson, of course, was in the publishing vanguard, his luxurious folio *Workes* appearing in the same year as the King’s - with not only the author’s name on the title page, but even the “Comœdians” and “Tragoedians” who had created the roles onstage. Within a decade, cast-lists had started to accompany published play-texts, and individual writers and players were beginning to enjoy some respect among the more well-to-do playgoers (see Butler 1984, p.106).

The importance of “the commercially autonomous author as a new species and problem”, as Dutton puts it, is emphasized by the fact that *A Game At Chess* was produced by the King’s Men themselves, the richest and most secure company in the country: if they were willing to appeal to popular sentiment against the King, surely companies whose solvency depended upon pleasing these popular sentiments would not hesitate to do so (Dutton 1993, pp.60-61). Butler writes that “the crucial theatrical division” of the 1630s “falls not between the elite and popular theatres at all, but between the courtly and the professional stages”, and that the Caroline mainstream favoured the professional side and was “much closer to the popular end of the spectrum than is usually supposed”. The Curtain, Hope, Swan and Rose theatres had closed by this time, but the Globe, Fortune and Red Bull continued to respond to a taste for old-fashioned Elizabethan styles and titles - “the old ‘national’ taste” in Butler’s words, anti-Papist and anti-court in tenor (Butler 1984, pp.181-210, 283-284). He suggests that this drama articulated a culture of

3. Even upon publication a playscript was regarded as the property of the printer before the dramatist (the law would only be altered in 1709): see L. Patterson, pp.43-47, 68-77; Kirschbaum, esp. pp.197-205; P. Blayney, pp.383-422. Some of these assumptions have recently been challenged by Lukas Erne, who argues that the Shakespeare short quartos were theatrical versions, while the long folio texts were, with some exceptions, deliberately composed as reading texts, never performed (or indeed performable) in full. Shakespeare and others, as well as Jonson, were self-consciously writing for both page and stage: Erne 2003. On Jonson’s *Workes*, see J. Howard 1989, pp.31-49; Kay, pp.224-237; Dutton 1996, pp.42-44, 61-69, 113-115, 153-162; R. Newton, pp.31-55; Loewenstein 1988, pp.265-266, and *passim*.

protest which also drove the crowds who applauded Burton, Bastwick and Prynne, who stormed Lambeth Palace looking for “William the Fox”, and who demonstrated against Strafford and Laud through 1641-1642, many of whom must have “stood in the playhouse yards in the previous decade”. Simonds D’Ewes lamented in May 1641 that Parliamentary sessions were being disrupted because “the greater parte” of its Members disappeared to “playes & bowling grounds” - and this enables Butler to argue that “theatre audiences” were “drawn from those same parliamentary classes from which the political challenge to Charles in 1640 would come”. To some extent it seems that the language of drama began to merge with that of satirical protest: following the abolition of Star Chamber in 1641, the explosion of printed polemic included a striking number cast in “dramatic or semi-dramatic form”, and it was claimed that “some of our ablest ordinarie Poets” were “compelled to get a living by writing contemptible penny-pamphlets” when the theatres were closed (Butler 1984, pp.232-248, 100; D’Ewes cited pp.134-135; *Actor’s Remonstrance*, p.7).

The explicit connection between cultural forms and political conflict has become the natural reflex of Marxists and cultural materialists. “Is it too ambitious to see such a relationship between the drama and the English revolution?” asks Dollimore. He characterizes both the Marxist and the new historicist critical methodologies as “materialist”, but acknowledges the differences between “those who emphasise the process of consolidation” of power “and those who discover resistances to it”. The solution to this paradox lies in recognizing that we should “speak not of a monolithic power structure”, but one of “competing elements, and these not merely producing culture but producing it through appropriations”. However, he then returns to Greenblatt’s “Invisible Bullets” for the theoretical criteria for this recognition, and thus to his model of binary opposition between Authority and Subversion - which often reads like a literary-critical version of the Whig historians’ Court and Country (Dollimore 1984, pp.3-4; 1994, 1985, pp.11-13). Dollimore’s decision to mount his attack on “essentialist” readings of “canonical” texts rather than to offer a defence of the texts which have been disregarded in the formation of the “liberal” canon means that he not only politicizes canonical tragedy, but characterizes it as “radical”, that is, addressing the material concerns of ordinary subjects to the point of stirring political agitation. But the argument disregards contemporary market forces, “the economic foundation of the playhouses” which “established a map of interests that must be charted alongside, if not before, a similar sketch of more explicitly ideological concerns” (Bruster 1992, p.10). There was, and always had been, a popular drama which addressed the concerns of the people who shared the social status of the sixteenth-century player - as Butler demonstrates, it persisted well into the 1630s - whereas the plays Dollimore focuses on defined themselves quite self-consciously *against* this popular tradition in order to move into the new market which made it possible for a select few to make money *and* be considered respectable.

A key moment in the creation of this diverse profession, which removed some of the stigma associated with “vagrancy”, was the building of The Theater in 1576 and its provision at last of a sense of place and permanency. The “outward and visible sign of the common players’

right”, the custom-built playhouse involved players in an intimate relationship with London’s middle class (Bradbrook 1979, 1962, pp.40-41; see Loengard, pp.298-310; Astington 1985, pp.456-457; H. Berry, pp.133-148). Public playhouses were located among artisanal businesses on land rented by the same landlords (see Gurr 1992 pp.44-46, 67-72; Kernan, pp.134-135). Anyone who could pay the penny entrance fee could get in to the playhouses - In 1574 the Merchant Taylors’ company complained that when “common plays” were “exposed to be seen for money” in the Livery Hall, “every lewd person thinketh himself (for his penny) worthy of the chief and most commodious place”, thereby upsetting the company’s traditional, hierarchical seating-order (Chambers II, p.75). But at the same time the very fact of a specialized building requiring an entrance fee equivalent to an average workman’s daily wage began to attract a better sort of clientele: the theatre had begun to exploit, as well as help to establish, a sense of social hierarchy that was primarily economic. The appearance of so many diverse playhouses in so short a period, together with the royal patronage after 1603, resulted in a fragmentation of the market which reflected this hierarchy, comprehending that wide social spectrum from Ann Jennalie Cook’s *Privileged* to Butler’s “unprivileged playgoers”.

By the time of Charles I’s accession to the throne, the London theatre had enjoyed royal patronage for more than twenty years, earned an international reputation, and become an industry of considerable economic and political importance. The King’s Men, with Shakespeare and then Fletcher as chief dramatist, had fashioned an economic niche and dramatic forms which enabled the profession to encompass the audiences of both the suburban Globe and the royal court, as well as challenging the supremacy of the Boys’ companies in private theatres such as Blackfriars. Jonson had painstakingly and almost singlehandedly achieved a similar goal in his experiments with the court masque, creating a “laureateship” which outlived his own favour. Indeed, Butler himself goes so far as to suggest that one section of this fractured market constituted the beginnings of “the Restoration *beau monde*” in the 1630s, in that class of person who would come to London as a place of leisure and add the theatrical companies to that group of professionals who provided services to them. This social group allowed a concentration of wealth within London which, “though partly overlapping with the court”, also enjoyed an “identity of its own”. The 1632 census shows that the West End remained primarily a business centre, with no really influential land owners who could forge the vital link between court and city. As a result, it was “less exclusive and developed”, and the theatres were a crucial part of an environment that accommodated people from a wide spectrum of the lower-middle class, enabling them to share interests and do business. The court profoundly distrusted this “semi-permanent, independent gentry presence in London”, just as the rural landowners did, and various proclamations aimed to slow down this process of gentrification (Butler 1984, pp.102-120, 134). “The associates, the patrons, and the audiences the Caroline professional playwrights addressed were elite”, writes Clark. But “elite” in this context means little more, in social terms, than “educated”. Cook describes how this audience “ranged from the threadbare scholar or the prospering landholder, newly risen from the yeomanry, all the way up to nobility and royalty itself”. As Clark suggests, the fact that these people “held a

wide range of sociopolitical preferences” made the 1620s and 30s a “proptitious” time for politically-engaged drama to flourish as “another index of the last era before the English Revolution” (I. Clark, pp.10-11; Cook, pp.9, 150).

However, the theatre was far from an unproblematic conduit for either courtly “authority” or City-based “opposition”: as David Scott Kastan observes, “its control was a matter of contention between the Court and the City”, but this only goes to show that it had become an important source of anxiety for them both, deep enough to require its “control” on their own terms (Kastan, p.464). For the court, perhaps this anxiety was purely political, concerned only with curtailing another potential platform for dissent. But for some constituencies within the middle class, anxiety over social status seem to have been at the centre of attacks on the theatre and its gentrification. As Leinwand observes, “to have a public voice (as a playwright) within the context of a thriving urban enterprise (like the public theater) was to enjoy an important middling-sort entitlement” - but “the theater business... embodied but could not resolve economic and social differences” (Leinwand, pp.288-289, 302). The professional players were aspiring to the highest clientele imaginable, but they had always been drawn from, and still appealed to, the lowest as well: “Howsoever he pretends to have a royal master or mistress”, as one commentator put it in 1615, the player’s “wages and dependence prove him to be a servant of the people” (Chambers IV, p.256). There was a sense in which, just as the clergy offered a means for the lowly to attain high office, so the theatre held the promise of wealth, influence and high society out to those without advantages of birth or years of sound investment. There was no London theatre guild like those for the Cordwainers, Drapers or Stationers, but “the City saw the players as a horrible parody of a guild” - “our society”, as Heywood described it, organized itself into similar hierarchies of apprentices, hired men, and sharers (Bradbrook 1979, 1962, pp.74, 40-46, 62-65; Heywood, sig.E3r). Bruster observes that the Red Lion opened for business just as Thomas Gresham began construction of the Royal Exchange - which Thomas Dekker would one day compare with the Theatre (Bruster 1992, pp.3-4, 24-25). If the professional theatre “became in effect a ‘physiognomic metaphor’ for the mobile and polymorphous features of the market”, Jean-Christophe Agnew argues, it was precisely that drawing of attention to the new economy’s “mobility” that offended its chief proponents (Agnew, p.11; also Barish 1981, pp.114, 166). And yet even as they condemned both the popular and private theatres, the Aldermen of London staged shows, plays, and masques privately in their own houses, and “lavished thousands of pounds on Lord Mayors’ pageants to impress Londoners with the wealth and glory of their city, and to preach, through allegorical tableaux, the virtues of industry and thrift” (Heinemann 1980, p.31).

Indeed, so-called “antitheatrical” polemic often reveals more about the nature of unpredictable political alliances during the period than it does about why certain constituencies voiced a dislike of plays. When Prynne’s *Histriomastix* revived the dormant Puritanical form of this rhetoric, he found himself alongside not only the City, but also some members of the High Church. As in so much else concerning ecclesiastical disputes, doctrinally their opposition made little sense, but they found agreement amongst themselves - and alongside the professional

authorities of the City - in deploring the theatre's potential for public disorder. Its perverse professionalism provided the nexus for these alliances. Milton lamented the effects on "our youth and gentry" of "the corruption and bane which they suck in dayly from the writings and interludes of libidinous and ignorant Poetasters" (Milton I, pp.818-820). John Stow noted that acting had begun as an amateur pursuit, "But in process of time it became an Occupation", and because "Playhouses thronged" - they were full of people, and there were many built - plays became "the Occasion of much Sin and Evil" as "Disorders and Inconvenience were found to ensue to the City". Their business enabled more scandalous "business": "maids, especially Orphans and good Citizens' Children under Age, were inveigled and allured to privy and unmeet Contracts" (Stow 1720 I, p.247). Against these voices we find not only the royal court, but also that growing coterie of gentlemen professionals, many of them lawyers, who frequented the West End and whom the court had been eyeing with such concern. And yet the Judges who found against Prynne at his trial disavowed any intention "to apologize for stage playes": he was condemned "less for having attacked the stage than for his scandalously extravagant and inflammatory language against virtually the entire social order", according to Butler; Lord Cottington thought it more important to observe that "Mr. Pryn would have a newe churche, newe governmente, a newe kinge" (Butler 1984, pp.84-85; see also p.94; Cobbett, et al., eds., *State Trials* III, cols.562-586). The gentlemen of Lincoln's Inn said the same thing when Prynne was expelled - but then, they would not have wanted their entertainments jeopardized by a general suppression of professional playing any more than to have authority challenged so blatantly by one of their members. In the end, the King suggested that the "visible testimony of a Royal Masque" would help to convince him of the loyal "affections" of the Inns of Court following this embarrassment, and James Shirley responded with *The Triumph of Peace*. His masque was presented by the Inns at Whitehall in February 1634, and again on the King's command at the Merchant Taylors' Hall - a remarkable royal endorsement of the three "City" institutions that had nourished Shirley's intellectual and professional growth (see I. Clark, p.114; Butler 1987, pp.117-141; Parry 1981, pp.192-194; Sharpe 1987, pp.214-222; Tricomi, pp.169-171. For an account of the entertainments, see Whitelocke, pp.73-76).

The Inns, the court, the City, the Church, the radical Protestants, the gentry. All complained about the theatre, and all patronized it. This was not as contradictory as it sounds: they all patronized what they considered to be *their* theatre, and complained about everyone else's. Hostility was balanced by the possibility that drama might be used to the advantage of various authorities if it could be properly controlled and regulated: "It was not theatre *per se* that disturbed the town fathers", as Tennenhouse writes, for this was "not a moral issue, but a political one: who had control of the means for representing power" (Tennenhouse 1994, 1985, pp.115-116). The 1642 closure of the playhouses makes much more sense in these terms - as a realization by the Long Parliament that it could no more control the stage as a propaganda machine than could the Privy Council before it - than as "the climax of a sustained puritan anti-theatrical campaign" or "petty parliamentary revenge on a courtly amusement" (Butler 1984, pp.136-138). If we see the 1640s as a sudden collapse of an apparent consensus, upheld by rhetorical strategies that served to

disguise ideological differences, the sheer variety of theatrical entertainment on offer in the 1630s - "courtly, fashionable, popular" - begins to make sense as political expression. These three major traditions identified by Butler each provided "a critical perspective on the court", but addressed audiences whose grievances and hopes were divergent and "ultimately incompatible"; the very existence of markets for these cultural products implies "a society at one in its desire for political change but deeply torn over what that change should be, in whose interest it should be made, how far it should go", and in which conflict occurred not "between institutions", but rather "across the minds of every individual". Because political theory had yet to identify where final sovereignty lay, solutions were propounded in fictional contexts which "repeatedly dramatized and explored versions of those accommodations which failed of achievement in practice". Early-Stuart dramatists *were* interested in exploring political questions, and the genres within which they worked both facilitated and limited this exploration (Butler 1984, pp.21-23, 287-288; also Kamps, pp.42-43). But the economic status of the theatre as a proto-capitalist enterprise emerging from a patronage system of production has to be considered in its full complexity in order to move beyond the conservatism of certain new historicist readings or the "oppositionist" radicalism of cultural materialists - especially in the light of post-revisionist historiography of the period. As such, the following chapters on the rhetorical positioning of the traditional professions are meant to provide a background and a model for the readings of plays that accompany them: between the competing factions who sought to define themselves in their exclusive dramatic languages, the dramatists themselves presented an audacious apology for their "quality", challenged the authority of the patrons they praised, and asked the most difficult political questions in the innocuous spirit of play.

ONE

Legal and Religious Ideologies

“... it is observed by *Seneca*, that in one and the same plotte of ground, the Hound seeketh for a Hare, the Oxe for good grasse, and the Storke for a Snake or Lizarde, and my desire was, that in this booke of Dialogues, the severall students of the Canon lawe, the Civill law, and the Common law of this Realme, might have diverse repast according to their disagreeing appetites...”

William Fulbecke, *A Parallele or Conference of the Civill Law, the Canon Law, and the Common Law of this Realme of England* (1601)

“The Lawier is the onely man he hinders, by whom he is spited for taking up quarrels.”

John Earle, “A Grace Divine”, *Microcosmography* (1628)

“... considering that the *Prince* of this *Realme* is the immediate *minister* of *Iustice* under *God*, and is sworne at his *Coronation*, to deliver to his subiects *aequam & rectam Iustitiam* I cannot see how it may otherwise be, but that besides his Court of meere *Law*, he must either reserve to himselfe, or referre to other a certaine soveraigne and pre eminent *Power*, by which he may both supply the want, and correct the rigour of that *Positive* or *written Law*...”

William Lambarde, *Archeion or, a Discourse upon the High Courts of Justice in England* (1635)

“... to defend our lawes and liberties against Prelaticall incroachments, is one principall part of a
Lawyers Profession”

William Prynne, *The Antipathie of the English Lordly Prelacie, both to Regall Monarchy, and Civill Unity* (1641)

“And to speak more generally, those three Noble Professions which all civil Common-wealths do honour, are raised upon the fall of Adam, and are not any way exempt from their infirmities; these are not only diseases incurable in Physick, but cases indissolvable in Laws, Vices incorrigible in Divinity. If General Councils may err, I do not see why particular Courts should be infallible: their perfectest rules are raised upon the erroneous reasons of Man, and the Laws of one do but condemn the rules of another...”

Sir Thomas Browne, *Religion Medici* (1642)

I

Professional imperatives behind competing theories of the origins of law

Most systems of positive law based their claims to authority on an affinity with the laws of God and nature; common lawyers tended to claim that English law really *was* the law of nature, “the common Parent of all other Lawes” (Cooke, “Epistle Dedicatory”). Sir Edward Coke thought the common law to be the perfection of reason: even its standardization of weights and measures was “grounded upon the Law of God” (*Institutes* II, pp.179, 41; see 2 *Reports* Vol. I, p.iii). The idea accorded well with James I’s paternalistic interpretation of Divine Right theory; however, the contentious ideological issues become clearer when the argument is made in terms of historical provenance rather than metaphysics. George Saltern, writing in James’s interests on the union of the kingdoms, considered that “our Statutes enacted since the *Norman*” and “the remnants of our Actes made by the *Saxons*” were “ful of Godly & devout admonitions, or the secret footsteps of the auncient British constitutions, appering yet in the bodie of our common Lawes”; indeed, the British were of the “most auncient nation of the posteritie of *Iaphet*”, governed by “Lawes, and institutions derived from the Principles of the first age, that is from the Lawe of God written in nature” (Saltern 1605, sigs.B2r, C4r). To characterize positive law as a declaration of natural principles was to remove the idea of an historical lawmaker and the basis of any claim of sovereignty over modern law, either through hereditary succession from the first lawmaker, or through mere assumption of any such pre-existing office. “When the law was made”, as Milton put it, “there was no King” (Milton I, p.770). What makes Saltern’s argument so intriguing is that it shows how a common-law ideology can undermine the concept of (monarchical) sovereignty even as it articulates pro-Jacobean propaganda. James I himself preferred to believe that when “the Bastard of *Normandie* came into *England*... he gave the law, and tooke none”, proving “that the King is above the law” (James VI and I 1918, p.63). As a descendant of William I, this seemed to place him in a position of sovereignty. Magna Carta was universally recognised as the ultimate statement of Norman law, but that simply placed it at the centre of debates about the provenance of the common law: for example, Coke maintained that it “was for the most part declaratory of the principall grounds of the fundamentall Laws of *England*” (*Institutes* II, pp.2-3). James, by contrast, insisted that “The Charter which you great doe call / came first from Kings to stay your fall / ffrom an uniust rebellion” (James VI and I 1955-1958 II, p.190).

J. G. A. Pocock argues that the key to this common-law historiography was its failure to understand the nature of feudalism, a rival system of law that was “highly developed and imposed upon an already articulate society by a single catastrophic act of conquest”. At times Pocock appears to suggest that common-law theorists were busy refuting an argument from Conquest “which nobody was putting forward”; but Quentin Skinner soon demonstrated that the Conquest was a common, not to say reflexive, subject of discussion among historiographers whose concerns were not limited by sovereignty debates between Crown and Parliament (Pocock 1957, pp.63-67, 54; but cf. his response in Pocock 1987 [2], especially on Selden, pp.282-305; Skinner 1965, pp.154-169; also Sommerville 1986, pp.249-261; 1996 [2], pp.39-64). Samuel Daniel provides a

good discussion in his *Collection of the Historie of England*, for example (*Works* IV, pp.133, 165-166). King James himself owed his informed view to the fact that the newest research on feudal law was to be found in Franco-Scottish historiography. Notably, Thomas Craig's monumental *Jus Feudale* (1603), dedicated to James, characterised the Norman Conquest as a wholesale destruction of Anglo-Saxon law. The rights of conquest are shown to agree wholly with the principles of feudalism - with references to Polydore Vergil and, significantly, Jean Bodin; as such, "Conquæstor leges Normannicas intulit neque in ejus Regno ulla juris antiqui & patrii observatio erat, legibus tantum & moribus Normannicas omnia subsellia strepebant". Most modern legal terms "utuntur Gallica sunt, nihilque cum Saxonica lingua habent affine", he argued; anathema to the common-law ideology, he observed that the most obvious of these Norman loan-words is "parliament", which makes sense in so much as this institution "neque ulli principi permissum nisi qui sui juris est & superiorem non agnoscit, Apud Gallos antiquior fortasse ejus origo suit". Furthermore, although in England the authority of the Roman Law is but little acknowledged, because "suis hominibus ascribere, quam veteribus jurisconsultis debere, malunt... non usque adeo Romanis legibus & juri Civili pareatur, ferendum quodammodo est" (Craig 1655, pp.31, 29, 32, 35, 11; also Craig 1703, pp.149-161, 266). Common lawyers resisted these notions, in large part because they ran counter to the project of redefining English law to suit the emerging importance of the Commons to an expanding middle class.

Whereas common-lawyers like Coke understood that feudal law was connected to lordship and tenure, they could not or would not see that it formed a distinct class of legal phenomena; theoretical difficulties were simply eradicated through jurisdictional subsumption: for Coke, the "only essential characteristic" of feudal laws "was that the courts of England recognised them as custom" (Pockock 1957, pp.63-67). Once again, it can be seen that this demonstrated that no person or assembly held a position of *lawmaking* sovereignty over the law itself: feudal law fell within the jurisdiction of the common-law courts, which meant that it must be interpretable according to the principles of Magna Carta, in which "it is not said *legem & consuetudinum Regis Angliæ*, lest it might be thought to bind the King only, nor *populi Angliæ*, lest it might be thought to bind them only, but that the law might extend to all, it is said *per legem terræ, I. Angliæ*". As such, "the Kings prerogative is part of the Law of *England*, and comprehended within the same", and, "being a body politique cannot command but by matter of Record" (Coke, *Institutes* II, pp.51, 108, 496, 186; see *12 Reports* VII, pp.74-76). This is why Coke argued that a Parliament called by the King's Lieutenant could not then be dissolved by the King himself - because it had been summoned under the King's legal capacity, it could only proceed according to customary legal form. This was to subject all the actions of the King, even in his governmental capacity, to the potential scrutiny of the Judges (*Institutes* IV, pp.6-7; *Institutes* II, p.26).

Coke never argued that the common law was founded by Judges, or that the Judges had sovereign power: the law itself was sovereign (Burgess 1992, pp.119-120). Nevertheless, once the law was accepted as sovereign, the Judges could argue for their *interpretative* supremacy against the King and other members of his government. Essential to the law's ability to perform the role of

“sole definer of ‘private’ right”, Burgess observes, “was the contention... that it was an exclusive professional ‘art’”, and it was this professional self-interest lay behind the ideological inconsistencies in Coke’s reading of Magna Carta, which he jealously protected as fundamental law while simultaneously insisting on its malleability “within the scope and meaning which judges and parliament have given it” (Burgess 1996, p.171; F. Thompson, pp.279, 360). As Pocock observes, “The royal courts were communities of the learned, hard to imagine as engaged in unreflective or unsophisticated reiteration of a reasonable act since time out of mind” – as one might mistakenly read Coke’s position. In fact, “it was less... the content of the law than the juridical process itself – usage, judgment and statute – that was immemorial”: as such, “‘custom’ was a term of art, employed in courts to legitimate their proceedings”, and “ancient constitutionalism was not... a major component of the ideology which they exchanged with the public” (Pocock 1987 [2], pp.267-268, 275; Brooks 1998, pp.223-224). The customary status of the common law as unwritten and immemorial, the embodiment of Coke’s “artificial” reason, was really the distilled knowledge of many generations of learned Judges encapsulating a vastly complex and yet “expresse and defined certainty” accessible only after lifelong practical study and application. Coke exploited a much-lamented deficiency of the common law, that it was a “darke” and sprawling mess and “hard to be understood”, to press forward his own interpretations as disinterested orthodoxy: “we have specially in these and other parts of the *Institutes* opened such windowes, and made them so lightsome, and easie to be understood, as he that hath but the light of nature... may easily discern the same” (*Institutes* III, p.245, sig.Bv). The light is accessible to any reasonable mind, but the window can only be unlocked by Coke. Strikingly, his use of the collective “we” in this context suggests that Judgeship, like the Kingship, is a political capacity to embody or impersonate a multitude - specifically the supposed orthodoxy of common-law practitioners past and present, but also, by implication, the settled will of the entire realm. This inevitably brought him into collision with James, most spectacularly in November 1608, at a meeting during which Coke informed the King that *he* was protected by the common law rather than *vice versa*: the King angrily raised his fist, and Coke was fortunate to have Robert Cecil interpose on his behalf (*12 Reports*, Vol. VII, pp.64-65; see Bowen, pp.260-264; Usher 1903, pp.664-675).

Sir John Fortescue had made a similar argument: “Bee ye learned you yt are iudges of the earthe”, he warned, “least the lord ware angrye, and so you perish from the waye of righteousness”. He observed that “Justice is ye thing, whereuppon al princelye care dependeth and resteth: witheoute the whiche the kinge can neither rightly iudge”, but wondered “howe can you love Iustice, unless you first have a sufficient knowledge in the lawes”? His advice to Edward was, “A Prince therefore must not be ignorant of law”. His student, understandably concerned about the “many yeares” that full legal training will consume, has to be assured that, according to Aristotle, the first principles of the law inform all the particulars, so that “you be wel worthy to be called a lawier, if you serch out ye principles and causes of ye lawes”. Nevertheless, one should still make sure that practical decisions “be left to your iudges & men of lawe... For you shall better execute

iudgements by other, then by your self". Knowledge of the law is likened to knowledge of the natural sciences in its refusal to yield to simple common sense: "it is a comen sayinge, that an art hath no foe but the ignorant person". It is exclusive in other ways: because "ye lawes of England are lerned in these three tonges" - Old English, French and modern English - "they cannot conveniently be taught or studyed in ye universities, where onely ye latine tongue is exercised". As such, legal study is pursued at the Inns of Court, where students can benefit from being "nighe to ye kinges courtes where the same lawes are pleaded and argued, & iudgements by the same geeven by iudges menne of gravitytie, auncient in yeares, perfecte and graduate in the same lawes". It is made significant that the Inns are not only nearby the "kinges courtes" - centres of the law - but also by implication the "kinges court" - the centre of political power (Fortescue, fos.5v, 12r-25r, 112r-v; also Cooke, pp.11-12, and 73; W. J. Jones, pp.16-17, 39-44; Prest 1986, esp. pp.236-256; Shepard 1936, pp.289-319).

James was aware of the threat this sort of thinking posed to the practical scope of his prerogative, whether ordinary or extraordinary: "these proud spirits must know, that the countrey is ordained to obey and follow God and the King, and not them", he told his judiciary in 1616. He was well aware that civilian theorists had long been developing effective counter-claims to "artificial reason". Although he did his best to reassure everyone that he did not "dislike the Common Law", which he found "favourable and advantagious for a King", he also acknowledged that there were those who feared that he would like to replace the common law with the Scottish system he knew and respected. When practical issues such as the right of impositions or the status of the Scots *Post-Nati* were at stake, he instinctively used civilian language, often categorized as "natural law"; he manned his courts, as far as he was able, with those learned in the Roman codes; and he had no qualms about expressing his fear that "the Common Law, wherein as yet I can profess no great knowledge" was encroaching upon the jurisdictions of canon and civil law, "wherein I am a little better versed" (James VI and I 1918, pp.310, 340, 299, 331; see Christianson 1991, pp.71-95).

The high level of abstraction at which civilians worked enabled them to judge different law codes with reference to a transcendent concept of natural law, so that, in effect, they claimed to be able to assess the soundness of localized systems of positive law from the outside. Their characteristic idioms, nurtured by an intellectual heritage and political position which saw them closely allied with the Crown, the Universities, and the clergy in the ecclesiastical courts, resembled absolutism. During the sixteenth century, the loosely-defined cache of legal rights and privileges that made up the Tudor prerogative had evolved, with an increased civilian administrative presence, into a more cogently argued doctrine of the King's extraordinary power *without* the common law (Levack 1988, pp.220-241; Coquillette 1988, pp.46-96; 1981, pp.1-89). So, for example, Ridley anticipated the "artificial reason" argument when he asserted that "Lawes, Statutes, or Customes" were utilized most sensibly when "the Iudge be not to subtill in his interpretation, but follow such exposition of the Laws, as men of former age have used to make, if they be not plainly absurd and erronious" (Ridley 1607, p.120). There was no room for a

professionally-exclusive immemorial custom in this system. Although there was no written law in the “prima & verè aurea ætate Patriarcharum”, Craig concedes, it was not long before human nature saw to it that “quum pro viris bonis locupletes postea ad judicandum succederent, viderenturque divitibus quam pauperibus aquiores; nec eadem omnibus loquerentur; sed præjudicati æliiquid secum domo semper adferrenti; convenit tandem inter eos qui ejusdem erant societatis, ut leges scriberentur... melius è Repub. Antiqui censuerunt ex legibus certis & scripto jure judicandum, quam ex unis hominis arbitrio” (Craig 1655, pp.4-5). This is not to say that the civilians abstracted themselves from their professional interests: Craig might regard it “down-right mockery to say that when a people have given away all their power and Authority to the King, they have reserved some to themselves”, but this was, in effect, what lawyers of all stripes were arguing when they made claims of interpretative primacy for their profession (Craig 1703, p.185).

The civilians’ language was pre-eminent in international issues where the common law had no jurisdiction, and their arguments fit very well into a political context of expanding trade and Anglo-Scottish union (see Ridley 1607, pp.79-92, 225-226). The emerging historiography of feudalism increased this aptness of civil-law theory to the projects of the Jacobean state, even as it exacerbated ideological opposition to Fortescuean common law. Craig had dedicated his *Jus Feudale* to the King in the year of the accession, and it stands as a magnificent attempt to dictate a perfect union on civilian terms. Having listed some key axioms of English common law, Craig observed that their tenor was agreeable to the principles of Scots Law, the reason being that English law owed so much to feudal law, despite common-law arguments to the contrary (Craig 1655, pp.34-35; also 1909, esp. pp.89-90). It seemed obvious to many common lawyers that a perfect union would necessitate an abrogation of English laws and their re-enactment as “British”, a situation that would render their professional position uncertain. This was the source of the fierce objections to Bacon’s proposal of a sort of international prerogative court, modelled on the Council of the Marches or even “the Grand Council of France”, to deal with Anglo-Scottish jurisdictional disputes (*Letters and Life* III, p.233; see Coquillette 1992, pp.71-75; Levack 1975, pp.97-115; Russell 1994, pp.238-256).

It was no wonder that someone like Saltern should have tried to wrest the union of kingdoms project back from civilian control. This perspective puts his – and Coke’s – statements about the common law being “written in nature” into a professional context: immemorial custom was “a way of discovering the ‘reason’ which Cicero had claimed was inherent in all laws”, formulated as a “response to a particular set of political, religious and legal conditions” that accompanied the new Stuart dynasty, and not “the product of a deep rooted mentality” (Brooks 1998, pp.224-226). Saltern told the old story of Elutherius, his *dictum*, “We may (saith he) alwaies reprove the Lawes of Rome & Cæsar, but not the Lawes of God”, and the resulting preservation of the ancient “*Mulmutinæ*”. This enabled him to argue that, “the Scottish Historie agreeing in many things with us”, they too rejected Roman “Arrogancie and vanitie”, which in turn served “not onely to prove the antiquity and sincerity of our common lawes, but that the same or others much like obtained in Scotland also”. In 1605, therefore, “if we consider the best meanes to establish the

perpetuall unitie and felicity of these two mightie nations, now againe reunited, we shall finde it to consist principally in conferring them, both as much as may bee to the lawes, of that God of unitie which ordeyned the auncient Lawes of both kingdomes to be very like, & almost the same, as I have shewed” (Saltern 1605, sigs.B2r-Dv, K3v-L4v; and *passim*, Lv-M2r). It would not have taken a legal scholar to see that the pretended continuity of *English* common law could never be argued for the Scots civil law of the seventeenth century, and that Saltern’s prescription was essentially to bring Scotland under the sway of the common law which they had been foolish enough to squander.

II

Sir Francis Bacon and Sir Edward Coke

Despite this apparent professional coherence, because they worked within an administrative system whose governing principle was patronage, it was perfectly possible for common-lawyers to identify their professional interests in ways that did not agree with the ideological positions associated with Fortescue and Coke. On all sides, “the discourse of law was heavily influenced by the state, the elite and (not least) the interests of lawyers themselves” (Brooks 1998, p.187). This is why the apparent opposition of civilian and common-law ideologies did not develop into a well-defined constitutional conflict. Because the common law had evolved as a slow accretion of property rights, it was difficult to apply them to the practicalities of government and issues of public law, and so many Jacobean lawyers were willing to use the systematic the Justinian codes as “a highly organized and flexible system of public law to buttress the less adequate formulations of their own legal tradition” (Pawlisch, pp.162-163). Francis Bacon’s career is the perfect demonstration of this process at work. His many references to “the living laws” being “stifled in the embraces of the dead”, and his contempt for “slavish” reliance on custom, are attacks on Coke’s ideology, but also the professional interest with which it was identified: “The narrow compass of human wisdom cannot take in all the cases which time may discover; whence new and omitted cases often present themselves”, he wrote; “In omitted cases, the rule of law is to be drawn from cases similar to them, but with caution and judgement... Let reason be esteemed prolific, and custom barren. Custom must not make cases”. Ostensibly, his objections shared their basis with Coke’s claim for the interpretative supremacy of Judges: the “narrow compass of human wisdom”. Bacon, however, was more rigorous in insisting that the “artificial reason” so beloved of Coke was inaccessible to *any* human mind, including a lawyer’s, and so he recommended the more modest tool of straightforward “reason” - the common sense that James I felt should make him an expert in the laws of his kingdom. This kind of reason was, for Bacon, always superior to the ancient customs of the law, and could even be used “to correct the law” if a precedent “corrupteth the sense” of it (*Works* V, pp.99, 89-90; VI, p.433; VII, p.322).

A completely defensible common-law theory, it nonetheless singled out Coke for opposition as it worked to gain the King’s sympathy – and, it should be noted, it singled him out unfairly: Coke was perfectly happy to cite civil law in his *Reports*, despite his rhetorical antipathy

(Pawlisch, pp.165-167). Verbal coincidences consistently underpin theoretical sympathies: in 1616 the King reminded the Judges, “you are no makers of Law, but interpreters of Law”; Bacon’s essay “Of Judicature” famously holds that “Judges ought to remember that their office is *jus dicere*, and not *jus dare*; to interpret law, and not to make law” (James VI and I 1918, pp.332, 336; Bacon, *Works* VI, p.506). One might expect them both to approve the old absolutist proverb that said “a man were better live where nothing is lawful, than where all things are lawful”; but Bacon is also careful to quote his King directly when expounding the view that rulers must govern according to law, “*For certainly a King that governs not thereby can neither be comtable to God for his administration, nor have a happy and established reign*” (*Letters and Life* IV, p.265; see James VI and I 1918, pp.55, 66). When James addressed Parliament concerning law reform in 1607, he might have been reading from a script prepared by Bacon: “the grounds of the Common Law of England, are the best of any Law in the world”, he enthused, but “the obscuritie in some points of this our written Law, and want of fulnesse in others... hath enforced the Iudges to iudge in many cases here, by Cases and presidents, wherein I hope Lawyers themselves will not deny but that there must be a great uncertaintie”. Interpretative presumption according to Coke’s methodology could be disastrous in this situation, for where “a iust Iudge may do rightly, yet an ill Iudge may take advantage to doe wrong; and then are all honest men that succede him, tied in a maner to his uniust and partiall conclusions”. The solution was clear: “leave not the Law to the pleasure of the Iudge”; instead, “by Parliament our Lawes might be cleared and made knowen to all the Subiects” (James VI and I 1918, pp.292-293). James exploited his acknowledged supremacy in Parliament in order to establish his own influence over the decisions the judiciary might make. It was a reflection of Bacon’s counsel, whose legal theory was similarly “governmental”, geared towards enabling rather than restricting the executive. He liked to point out that neither philosophers nor lawyers were the best people to write about law in any practical sense: should statutes be found “to be injurious to public justice”, it should be “kings, councils, and the supreme authorities of the state, who should be empowered to suspend the execution of them” (*Works* V, pp.88, 99-100).

Bacon’s propensity for “natural law” rhetoric and codification point to obvious similarities with the civilians’ abstract legal philosophy, similarities which he explicitly acknowledged: “whereas some of these rules have a concurrence with the civil Roman law, and some others a diversity, and many times an opposition”, he wrote of his *Maxims*, “such grounds as are common to our law and theirs I have not affected to disguise into other words than the civilians use” (*Works* VII, p.321). This was no civilian in disguise: what he envisaged was a codification of the common law modelled on the Romans’. His frequent references to Roman law seem calculated to *distance* himself from awkward associations with modern civil law, characterized as a degenerate form of the ideal, classical system. Nonetheless, during the late 1570s Bacon had sought to complete his formal education in France, primarily “to bolster the somewhat parochial training in English common law he might expect to gain at Gray’s Inn with an understanding of Roman law, as practised in France”, and one cannot help feeling that, once he had implemented his reforms, “the

science of the common law would be indistinguishable in practice from the science of the civil lawyers” (Jardine and Stewart 1998, pp.38, 59-61; Julian Martin, p.129; see Coquillette 1992, pp.11-12, 106-110, 245-255, 282-283; Shapiro 1974, pp.428-465; 1980, pp.331-362). His position, and indeed his genuine respect for England’s “wise... just, and moderate laws” could confuse the issue: “no tree is so good first set, as by transplanting”, he observed, and after all, “there are more doubts that rise upon our statutes, which are a text law, than upon the common law, which is no text law”. At the heart of his legal theory lay the empirical conviction that “Books must follow sciences, and not sciences books” (*Letters and Life* VI, pp.63, 67). Bacon’s “book” would be a law code drawn out of Coke’s and Fortescue’s precedents, but based on principles of equity, which, “unlike legal fictions, operated openly and was governed by established rules of fairness and reason”, thereby actively rejecting laws which were superfluous and open to judicial abuse: hence his advice to Justice Hutton that to be “a good Judge... you should draw your learning out of your books, not out of your brain” (Coquillette 1992, p.142; also pp.152-153, 254-255; Bacon, *Letters and Life* VI, p.202).

This confusion between an *a priori* “governmental” view of the law and an *a posteriori* view of how it should be applied by Judges in their courts is explicable in terms of the compromising influence of Bacon’s professional self-interest within the Jacobean administration, which necessitated a greater emphasis on the elements of his legal thinking that agreed with James’s and challenged Coke’s. Bacon was anxious that the King should govern his laws by his lawyers, and felt that the common law was “the best, the equallest in the world” if “rightly administered”, but he had a clear idea of which kind of lawyer would be best for the job. This informed his influence over James in the matter of Coke’s “promotion” to the supposedly toothless position of Chief Justice of King’s Bench, “to strengthen the King’s causes greatly amongst the judges”. To consolidate his advice, he catalogued “such novelties and errors and offensive conceits as were dispersed in his Reports” which appeared to threaten the authority of the prerogative (*Works* VI, p.158; *Letters and Life* IV, pp.381-382; VI, pp.18, 76-82, 90-93). Using the same anti-ideological argument that Coke would level at the civilians, Bacon declared that “great Judges are unfit persons to be reporters” because their books “hold too much *de proprio*” (*Letters and Life* V, p.86; see also VI, pp.65-70; *Works* V, pp.104-105). But there seems little doubt that Bacon’s clash with Coke was engineered so that he would emerge as the most obvious choice for the position of the King’s most trusted legal authority, probably with a view to heading a major project of law reform. Bacon’s every move during his tenure as Lord Chancellor, and the period of conciliar government between 1618 and 1621, was calculated to garner favour with the King.⁴

The Chancellorship - his father’s old office - was the ideal position from which to exercise the practical implications of this philosophy, while also gratifying the King by categorizing his status as “beneath the law’s directive power but above its corrective power” (Burgess 1992,

4. For good accounts of key moments in their longstanding conflict, see Jardine and Stewart, pp.253-254, 337-340, 364-366, 383-391; S. White, pp.6-7, 59-63; J. Baker, pp.368-392; Dawson, pp.127-152; Knafla 1977, pp.297-318

p.158). As early as 1608, in his arguments on the jurisdiction of the Council of the Marches, Bacon had been developing his theory of equity against Coke's restrictive "artificial reason". It was the self-interested lawyers, those "greater stomachs", who had introduced this "*nova doctrina*, to make such an opposition between law and equity, and between formal justice and summary justice". On the contrary, Chancery, as far as Bacon was concerned, could and should be used as "the court of your absolute power", and the Chancellor "ever a principal counsellor and instrument of monarchy" (*Works* VII, pp.602-603). He had what William Lambarde called a "double *Iurisdiction*; the one, of *Common Law*; the other, of *Equitie*; that first being limited in power, and his latter being meere absolute, and infinite". Indeed, "the King did commit to his *Chancellor* (together with the charge of the great *Seale*) his own Regall, absolute, and extraordinarie preheminance of *Iurisdiction* in *Civill* Causes, as well as for amendment as for supply of the *Common Law*". As such, "he commandeth the whole great *Seale*, whereas other Courts doe use onely a part thereof". Effectively, the Chancellor was "the Mouth, as it were, of the Prince" (Lambarde, pp.32-33, 39-40).

It was this capacity that fascinated and attracted Bacon: the Chancellor had immense power within a jurisdiction that had been expanded largely through Bacon's own judgements, culminating in his part in the *Case of Commendams* in 1616. In the same year Bacon advised James to "redouble unto all your Judges your ancient and true charge and rule, that you will endure no innovating point of jurisdiction, but will have every court impaled within their own precedents". In his "Speech on Taking His Seat in Chancery", he emphasized that the court's powers were "ordained to supply the law, and not to subvert it" (*Letters and Life* V, pp.249-254; VI, pp.184-187; see Coquillette 1992, pp.197-211, 247-250). Bacon's idea of Chancery's jurisdiction was quite different from Lambarde's. Although he confirmed "the *Chancellors* power to devise any *Writ* for the directions of *Suits* at the *Common Law*", he insisted that it "was extraordinarie and speciall". This was to be strictly observed, lest "it should come to pass (as Aristotle saith) that a *Beast* should beare the rule". A good Chancellor "will permit the *common Law* to hold her just honour, and not make such violent irruption upon her borders". Besides, this power or "Court of *Equitie*" was a function of itself, and not of the Court of Chancery, as Bacon seems to argue: in Chancery, "as touching the Authoritie in *Iudgement*, I see not what *Iurisdiction* [the Chancellor] hath... which is not incident to the making or keeping of the *Records*: for hee cannot reforme the error of another Court; yea, error committed in his owne Court, shall be reversed in the *Parliament*" (Lambarde, pp.26-29, 44-45, 36-37). John Cooke pointed out that, after common lawyers were made Chancellors in Henry VIII's time, "Equitie began to be spun with such a fine thred, that none but the eye of a Chancellor could discern it, as Bacon (the Chrisostome of our Law in his time) was wont to say: Conscionable equitie being converted into politique equity" (Cooke, p.27). Something of what he meant by "politique equity" can be understood when we recall that, soon after the commendams case, James became the first monarch since Henry VIII to enter the Star Chamber in person, proclaiming that "The Chancerie is

independent of any other Court, and is onely under the King” - apparently under Bacon’s direct advice (James VI and I 1918, p.334; Bacon, *Letters and Life* VII, p.70).

This was the most explicit display yet of their shared determination that the judiciary should submit to the will of government: “we say that in the King’s prerogative there is a double power”, Bacon had written in 1607, “One which is delegate to his ordinary judges in Chancery or common law; another which is inherent in his own person, whereby he is the supreme judge both in Parliament and all other Courts” (*Letters and Life* III, p.373). It was this view that prevailed in the following years, as judgement after judgement saw the common law adapting itself to the policies favoured by the King and his Council. Except for those cases in which Coke was involved, *Bates’s Case* (1606) to *Hampden’s Case* (1637) saw an uninterrupted series of judgements in the Crown’s favour. It is no wonder that “No other King in English history was so genuinely convinced of the virtue of the bench” as Charles I (W. J. Jones, p.27; see Brooks 1998, pp.186, 201, 210-212).

These “Baconian” judgements did not appear fundamentally innovative because they were formulated in acceptable common-law terms in order to oppose Coke most effectively. The year following Bacon’s death saw the celebrated *Five Knights’ Case* (1627), in which Attorney General Sir Robert Heath gave, for the majority, a formulation of the prerogative powers that was perfectly in tune with common-law principles, and yet unmistakably Baconian: “The King cannot command your Lordship, or any other Court of Justice, to proceed otherwise than according to the laws of this kingdom, for it is part of your Lordship’s oath, to judge according to the law of the kingdom. But, my Lord, there is a great difference between those legal commands and that *absoluta potestas* that a sovereign hath, by which a king commands. But when I call it *absoluta potestas*, I do not mean that it is such a power as that a king may do what he pleaseth, for he hath rules to govern himself by, as well as your Lordships, who are subordinate judges under him. The difference is, the king is the head and the same fountain of justice, which your Lordship administers to all his subjects”. If dissenting voices were to be heard, they merely stated that “the question is only *de modo*, by what medium or method this supreme power, which is in his Majesty, doth infuse and let out itself in this particular” (Gardiner, ed. 1906, 1886, pp.60, 110-112).

As Sharpe has written, “legal objections should not be equated simply with constitutional opposition to the government”, because across the entire professional and ideological spectrum there was a settled, if vague, notion of the ideal *efficacy* of the law: “the law and courts were not regarded only, or perhaps primarily, as an arena of contest and dispute, but as a forum for reconciliation and settlement. Litigants did not just ‘use’ the law as a weapon; they appealed to the law as an arbitrator” (Sharpe 1992, pp.715-716, 726-727). Abstract questions of political power and sovereignty had ultimately become ones of legal practice and jurisdiction, and battles were fought between professional constituencies rather than political or even legal ideologies.

III

“The High and Most Honourable Court of Parliament”: The Petition of Right, and the revival of impeachment

“The House of Commons is called the Lower House in Twenty Acts of Parliament, but what are Twenty Acts of Parliament amongst Friends?”

John Selden, *Table-Talk: Being the Discourses of John Selden Esq; or his Sence of various Matters of Weight and High Consequence Relating especially to Religion and State* (1689)

We can trace the effects of these contentions in the most important political forum of all, and explain some of the oddities of the period in terms of this supremacy of professional over purely ideological considerations. There was no “opposition” sentiment in early Stuart Parliaments because consensus, accomodation and unity, and not opposition, was what Parliamentary politics was thought to be about. Parliament “consisteth of the Kings Majesty sitting there as in his Royall politick capacity, and of the three Estates of the Realm”, wrote Coke, and no law or Parliamentary judgement could be made outside of this partnership. The partnership was not an equal one, however: “Of this Court of Parliament the King is *Caput, principium & finis*”. Accordingly, Lords and Commons cannot assent to anything “that tended to the disherison of the King and his Crown, whereunto they were sworn” (*Institutes* IV, p.1; II, pp.157-158; III, p.22). For “the supply of your estate” and “the better knitting of the hearts of your subjects unto you Majesty”, wrote Bacon, “Parliaments have been and are the antient and honourable remedy”. Henry VII’s first act as monarch had been to call a Parliament, “to let his people see that he meant to govern by law” (*Letters and Life* IV, p.280; *Works* VI, pp.35-36, 85-88, 92). For his part, King James assured his first english assembly that he would make laws “onely at such times as this in Parliament”. He had a clearer idea of his own supremacy in Parliament, based on a belief that kingship preceded law: “the lawes are but craved by his subjects, and only made by him at their rogation, and with their advice”, he said, and so “it lies in the power of no Parliament, to make any kind of Lawe or Statute, without his Scepter be to it” (James VI and I 1918, pp.311, 277, 62). Some of his natural law theories might have caused a stir out of context, but here they do not challenge the view that Parliaments provide necessary counsel in the act of legislation. It is difficult to find any serious discrepancy between the “common-law” and the “governmental” descriptions of Parliament, which are both articulated according to well-worn rules of traditional decorum (Russell 1990, p.26; 1971, pp.41-45).

However, the rhetoric of royal supremacy was compromised by the practical realities of Parliamentary business. Coke, for example, conceded that “the Parliament cannot begin but by the Royall presence of the King”, but, because the King-in-Parliament was a purely political body, he added the qualification, “either in person or by representation”. If the King was overseas, his Lieutenant was empowered to call a Parliament that was not subject to automatic dissolution upon the King’s return (*Institutes* IV, pp.6-7). Far from informing against the prerogative, this reiterated the universally accepted notion that the monarch was “in the exaltation of his orb” as King-in-Parliament, an instrument of the common law: a decision of his Lieutenant acting in the same, supreme capacity cannot be reversed except through the defined legal means. The same can be

said when Coke remarked of Hubert de Burgo's counselling of King John against his Charters, "it being done by Authority of Parliament, and enrolled of Record, it was strange that any man should think that the King could avoid them" (*Institutes* II, pp.3, 26; also *Institutes* IV, p.28). The point was made most notably by James Whitelock during the Commons debate on impositions in 1610: "in every commonwealth and government there be some rights of sovereignty", he said, "*potestas suprema*, a power that can control all other powers"; in England, "The sovereign power is agreed to be in the King: but in the King is a twofold power" - personal outside Parliament, and political inside - "And if of these two powers in the King, one is greater than the other and can direct and control the other, that is *suprema potestas*, the sovereign power, and the other is *subordinata*". It was simple common sense to see that the practical power of "the King in Parliament is greater then his power out of Parliament". This would seem to approach a theory of sovereignty, locating as it does a supreme legislative power in the King-in-Parliament, but in fact Whitelock said that the supreme "*jura majestatis*" only "belong to the sovereign power of that State, *unless custom or the provisional ordinance of that State do otherwise dispose of them*" (Tanner, ed. 1930, p.260, my italics).

Like Coke, Whitelocke was really talking about the sovereignty of law. The reason seems to reside in the tensions caused by the fact that the Commons had started to see themselves in a much more active political role, precisely because the House was emerging as a kind of receptacle for professional, and especially legal, interests. The Commons continued to regard themselves, and express themselves, in legalistic terms that ultimately frustrated political centralization. In Russell's words, the King called a Parliament in order to "put his power in a wider context". But what did this mean, in practical terms? Once business was done and members returned home, they effectively remained part of the machinery of government, involved like an executive in enforcing locally the laws they had made. The increasing significance of this activity formed an important part of the professionalization of Parliamentary politics, which was intimately related to a growing sense of the commixture of legislative and judicial powers. However, Parliament seems to have been defined so traditionally that it tended to be the local arms of law enforcement that benefited from these procedural changes. For example, it made practical sense for both the "governmental" and the "common-law" thinkers to assume, if Parliament was "the perfection of monarchy", that "his M. Could wish the ancient statutes were put in use of holding a Parliament every year", as Bacon wrote (*Letters and Life* V, p.30). Coke made the same point several times during the 1621 session, and was fond of reminding people that Elizabeth's "Parliaments were very frequent, and often holden, and for the most part one Parliament in two years" (*Institutes* II, p.408). Generally, however, Russell can find no sign during the 1620s of any change in the notion of Parliaments as short-term, occasional assemblies, and therefore no change in their perceived status, and the fact remains that between 1603 and 1640 Parliamentary sessions covered less than four-and-a-half years (Russell 1990, pp.4-5, 6-7, 21; 1971, p.39).

The status of Parliament, and its relation to the legislative aspect of sovereignty, is indicated by the attitudes expressed towards the statute law it produced. Sir John Fortescue had

provided a pragmatic expression of its authority: “customes & ye sentences of the lawe of nature after that they were once put in writing, & by ye sufficient autoritie of ye prince published and commaunded to be kept, were chaunged into ye nature of constitutions, or statuts, and did after that more penally, then before binde the subiectes of the prince to the keepinge of them by the severitye of his commaundement” (Fortescue, fo.36v). By the time of Coke and Bacon, however, this kind of pragmatism was being challenged by competing ideologies, none of which seems to have anticipated the eventual sovereignty claimed by the Parliament. Indeed, whereas the Tudor Parliaments had consolidated their legislative supremacy in the Acts of Appeals, Supremacy, and Uniformity, and begun to involve themselves in lawmaking across an unprecedented range of areas, the late Elizabethan period had seen the amount and importance of legislation decline under the weight of accumulating statutes: the Lord Keeper began to greet parliaments with warnings that they should not make any new laws, because there were more than enough already.

Francis Bacon, it has been said, had a “genuine concern for Parliament’s lawmaking role” (J. Epstein 1977, p.39). He observed that many of the legal procedures which appeared to be under the jurisdiction of the prerogative courts had actually been confirmed by Acts of Parliament, “whereupon I note that if the King by prerogative might have done all things by Commission or by Charter, that it had been vain to have made so many laws in Parliament for the same” (*Works* VII, pp.514-515). However, working at his highest level of political abstraction, Bacon yet again reduced everything to his “governmental” principle of law in the service of the King’s political body: “if an act of parliament be made wherein there is a clause contained, that it shall not be lawful for the king, by authority of parliament, during the space of seven years, to repeal and determine the same act; this is a void clause, and the same act may be repealed within the years”. The Act is void, and yet it must be repealed by Parliament itself. This unspoken paradox informs the next point: “And yet if the parliament should enact in the nature of the ancient *lex regia*, that there should be no more parliaments held, but that the king should have the authority of the parliament; this act were good in law” (*Works* VII, pp.370-371). Parliament could legislate itself out of existence, and yet this did not confirm the King’s sovereignty: it only conferred upon him a pre-existing “authority of parliament”, he would still reign in his political body. At the same time, however, it would render statute law virtually meaningless in terms of sovereign power: instead, we are offered the vague and mysterious “ancient *lex regia*” as the source of sovereign power (some kind of ideal commixture of the King’s political and personal bodies, perhaps). Of course, it was pointless to define sovereignty so nebulously. It was another evasion of the problem.

There appears to have been widespread confusion about how to define the relative supremacy of the legislative, executive and interpretative functions of Parliament, which in large part resulted from the common lawyers’ insistence on its “curial nature” (Burgess 1996, pp.180-181; also S. White, pp.42-45, 143-165; Thorne 1937, pp.24-49; Mendle 1992, pp.133-162). John Selden, who always insisted that “The Parliament of *England* has no Arbitrary Power in point of Judicature, but in point of making Law only”, felt compelled to ridicule the inconsistencies he perceived: “The Parliament-party, if the Law be for them, they call for the Law; if it be against

them, they will go to a Parliamentary way... Like him that first call'd for Sack, to heat him, then small Drink to cool his Sack, then Sack again to heat his small Drink, &c." (Selden 1689, pp.44, 39-40). William Lambarde's Parliament was "our *chiefe* and *highest Court*", by which he meant that its judgments had "as ample *Authoritie*, as the *Sentence* of any, or all other *Courts* whatsoever; for it delivereth *Lawes*, that doe *binde* all *persons*, in all *causes*" (Lambarde, p.140). Coke preceded his commentary on Magna Carta by insisting that "The highest and most binding Laws are the Statutes which are established by Parliament"; his opinion that a "grievous" legal custom should be annulled by Act of Parliament (and *only* by an Act of Parliament), seems to imply the superiority of statute law; and in his commentary on the "High Court" itself, he maintained that Parliamentary matters "are not to be ruled by the Common law". We could be forgiven for hearing a concept of sovereignty in his claim that "the power and jurisdiction of the Parliament for making of laws" is "transcendent and absolute", but there is as much hedging in this location of "absolute" power in Parliament as there is in Bacon's location of sovereignty in the King (*Institutes* II, pp.4, 664, 97, 36; also p.619; IV, pp.17, 15-16). "It is a maxime in Law, that a man cannot claim any thing by custome or prescription against a Statute, unlesse the custome, or prescription be saved by another Statute", he declared: statute is superior to custom, not because an Act of Parliament says so, but, paradoxically, because it is "a maxime in Law", a common-law custom (*Institutes* II, pp.20-21, 38). This would agree with the opinion he expressed elsewhere, that "if any statute be made to the contrary of *Magna Carta*, it shall be holden for none". The explanation for these contradictions is perhaps that, "by the statute of 42.E.3.cap.1 all Statutes are repealed that are against *Magna Carta*, or *Carta de Foresta*" (*Institutes* IV, p.52). Coke acknowledged that the peculiar force that Magna Carta had in the common law is due in large part to its ratification through statute law: "we seem to have a theory of reciprocal superiority", or "a doctrine of consubstantiality, like denying that God the Father could annihilate God the Son" (Burgess 1996, p.176; Pocock 1987 [2], pp.270-274, discussing Thomas Hedley's Commons speech in E. Foster, ed. II, pp.172-176). In the same way, all common-lawyers, including Coke, indulged the "practice of ascribing customary status to continental law", both civil and canon, as well as "subordinating local custom to their notion of the law as administered through the royal jurisdictions of Westminster": this was the subsumptive reflex (Pawlsch, pp.170-174; Brooks 1998, p.216; 1986, pp.198-199). In the common law courts, however, if a point of common law was at stake, working Judges rarely sided with statutes, and some even declared that statutes might be void if they conflicted directly with common-law perceptions of natural justice, equity, prerogative, or private property (Judson, pp.93-106). In his opinion in *Bonham's Case* (1610), Coke himself argued that "the common law will controul Acts of Parliament, and sometimes judge them to be utterly void" (8 *Reports*, Vol. IV, p.118a). His later, compromised zeal for the authority of statute can be contextualized as a growing frustration with the increasingly "governmental" bias of the law courts, a professional conflict of interests in an individual whose overriding intent was to see his version of the common law become the legal orthodoxy, but who could now only assert his jurisdiction as a member of the "High Court of Parliament".

The effect this professionally compromised theoretical position had on “constitutional” thinking becomes clear when we consider the meaning of the 1628 Petition of Right in this context, instead of simply accepting that it represented a groundbreaking statement of Parliamentary authority. It should now come as no surprise that it was Coke, despite all his statements about the supremacy of statute law, who revived the old form of the petition in order to enshrine the rights of the individual against the prerogative (the idea was first suggested by Sir Dudley Digges, and pursued by Coke, Sir Robert Phelps and Wentworth). The result was that, in its time of greatest crisis, the Commons failed to assert their lawmaking supremacy by drafting a Bill, as was initially planned, apparently because it was felt that this would have been too frank an admission of their lack of trust (Johnson, et al., eds., *Commons Debates in 1628* III, pp.271-296). The many references to Magna Carta in the debates around the drafting of the Petition now read somewhat ironically: packed with common lawyers, the Commons earnestly declared the supremacy of the law contained in this Charter *and the six statutes subsequently confirming it*, while refusing to acknowledge that it was precisely as statute law that it had any force in modern government. In Coke’s case, this should not surprise us: as Pocock points out, “in that part of his life which we most associate with Magna carta and the ancient constitution he was no longer sitting on the bench *cum fratribus* but had been dismissed from office to display great activity on the benches of the House of Commons” (Pocock 1987 [2], pp.278-279). During the course of May, as Russell argues, “it became increasingly clear that what the Commons were asking was not a confirmation of Magna Carta or of the existing law: it was a new legislative enactment, giving statutory force to their own interpretation of Magna Carta”. This “contest between the King and the Commons about the nature and limits of supreme authority” resulted from an inability, “without recourse to the legislative authority of the King in Parliament, to show the ground and authority for their interpretation of an immemorial and unchanging common law”. The resulting deadlock between the King who “would not proceed with any new legislation, and the Commons [who] would not proceed without it” was met with the Petition, “a deliberately antiquarian attempt to revert to an older method of legislation” which, though it made the king’s assent a matter of record, could not be said to make it a matter of law. In effect, the high drama surrounding the exclusion of the term “sovereign power” and the King’s hesitation in awarding it his traditional *Soit droit fait comme il est désiré* assent was politically meaningless (Russell 1979, pp.354-355, 368-369; Kenyon, ed. 1966, pp.82-85). Of course, to the common law mind the removal of Richard Weston’s “sovereign power” clause was imperative, as it gave legal definition to a power that should remain legally undefinable, as Coke argued, along with John Pym and Lord Saye and Sele. This was no victory, however, only a way of preventing the planned Petition of Right from backfiring disastrously (Judson, p.197; Reeve 1986, pp.257-277; Guy 1982, pp.289-312; Foster [2], pp.21-45; Coke in Johnson, et al., eds. III, pp.624-634). Charles himself, fighting sophistry with more sophistry, subsequently maintained “that it was a private petition and did not bind him, and that since it only asked for confirmation of existing law, it did not bind him to abandon practices which were permitted by existing law”, as Russell observes. He suggests that Coke’s

absence from the 1629 session was crucial, not least for the publication of the Petition: the first printing (including the decorous French response) was scrapped by order of the King; the second was printed along with Charles's initial, unyielding response to the Petition (Russel 1971, p.307; also 1979, pp.361,383-402; 1973, p.28; Foster [1], pp.81-84). Judson describes the Petition as "a truly great victory in the realm of ideas", adding that "no such direct, complete, comprehensive, and formal statement on behalf of the subjects rights had been put forward and agreed upon by the whole realm since Magna Carta"; but she acknowledges that, because this statement was not made in the form of a statute, it "lacked sanction" and was "a legal defeat" (Judson, pp.267, 268, 257-259).

It was a legal defeat for the cause of Parliamentary sovereignty, certainly - but it was a victory for the lawyers who sat in Parliament and spoke, as Russell has it, "for the justification of their own subject and their own profession". But Russell also argues that some of the distrust embodied in the Petition was directed "at the common law itself", born of a "fear that the common law was too uncertain to provide for the security of the subjects" (Russell 1979, pp.346-350; also pp.361-368). This is not a contradiction: the professional conflict belonged properly to the common-law courts, and had been incongruously dragged into the House of Commons by Coke and his followers. A year after the Petition of Right was put on record, Sir Robert Heath was able to exploit Coke's logic to insist that Members of Parliament "have no privilege to speak at their pleasure. The Parliament is a high court, therefore it ought not to be disorderly, but ought to give a good example to other courts". After all, "If a judge of our court should rail upon the State, or clergy, he is punishable for it" (Kenyon, ed. 1966, p.52 ; see also pp.91-92). Coke found himself in the middle of a methodological-professional crux: he could see that the slippery slope of Parliamentary sovereignty would drain away virtually all the political power that Judges possessed in their jurisprudential freedom; but his legal ideals were being attacked by Judges in the courts from which he had been dismissed. As Stephen D. White observes, "his critical attitude towards some parts of the legal profession did not lead him to support reductions in the authority of judges"; neither did he "support parliamentary solutions for the great problems relating to property law and statutory construction that he had repeatedly discussed in his *Reports*". Adopting an awkward compromise, "he wanted Parliament to deal almost exclusively with defects in existing legal procedure" (S. White, pp.49-50; also pp.58-59, 78-83, 137-141). Despite his political interests, it must have seemed far more prudent to a professional lawyer to locate Parliamentary supremacy in the ancient legal idea that it was simply the highest law court in the kingdom.

Did this legalistic idea have any political implications? And if so, were they recognized at the time by those who formulated it? It would seem that they ought to have been, at least as early as 1604. When Sir Francis Goodwin was elected member for Buckinghamshire, the Court of Chancery declared his election null and void in accordance with a royal proclamation forbidding outlaws (among others) from sitting in Parliament. The Commons, and James responded by ordering a conference made up of Judges, a Commons committee and the Privy Council, couched in frankly absolutist terms. A compromise was finally reached, whereby the King sent out a new

writ for the county of Buckinghamshire, but not before the Commons had made their feelings very clear: James had received grievous “misinformation” concerning “the privileges of this House of Parliament”, and they took it upon themselves to re-educate their King. Their privileges were held by right, and not grace; it was absurd to imagine that “your Majesty’s High Court of Parliament” should find that “the examination of the return of writs for knights and burgesses is without our compass, and due to the Chancery”; and most importantly, Parliament was a “Court of Record”, and it was wrong to think that “attendance with the records is courtesy, not duty” (Tanner, ed. 1930, pp.220-221; Cobbett, et al., eds., *State Trials* II, cols.91-114).

The next politically significant step in this Parliamentary legalism was Coke’s revival of impeachment. Francis Bacon was among the first victims of the process, and in his defence he reminded the Lords that they were “not simple Judges, but parliamentary Judges; you have a further extent of arbitrary power than other courts; and if your Lordships be not tied by the ordinary course of courts or precedents in points of strictness and severity, much more in points of mercy and mitigation” (*Letters and Life* VII, p.243). The victim of a vendetta and of political exigencies at the top of government as much as anything, Bacon seemed aware that the process could take legalistic proceedings out of the limits of the law, into uncharted political territory. And yet he had supported the inception of that process, when the Apology and Satisfaction had attacked the authority of King and Chancery (*Letters and Life* III, p.166). It had been purely a matter of law back in 1604 - even Bacon, the most “governmental” of legal thinkers, had not stopped to consider the political implications of his legal arguments.⁵ His “corrupt” behaviour was usual for the times - “there are *vitia temporis*, as well as *vitia hominis*”, as he explained in his defence - and though his technical guilt on all charges is clear, one is surprised that he should have used such a legalistic defence against what looks like a deliberate, political attack upon the prerogative and its supporters (*Letters and Life* VII, p.244). But how far was the process really thought of as political? James certainly perceived some of the dangers, but he still allowed the process to go ahead - he needed to avoid trouble over the monopolies issue, and sacrificing Bacon and a few other men of lesser importance seemed like the best way to channel public energies away from himself. There seemed to be no threat to the King himself in the process, after all, no potential for personal culpability. Coke seems to have accepted that Parliament could never give any judgement against the King

5. “During the 1620s”, writes S. White, “the revival of parliamentary judicature was not thought to threaten the crown and was achieved with singularly little controversy”. They were merely “extensions of their traditional attempts to remedy grievances and reflected their basically conservative propensity to find scapegoats for these grievances rather than seek their more fundamental, institutional causes”. Nevertheless, he describes this assumption of judicial powers as “The most striking constitutional innovation of the early 1620s”, presumably because it “anticipate[s] the trials of the... early 1640s. By developing arguments to show that Parliament could put men on trial for religious offenses or for inconvenient policies, Coke laid part of the groundwork for Parliament’s later proceedings against Montague, Manwaring, Buckingham, Strafford, and Laud”: S. White, pp.142-145, 155-160; cf. pp.191-192; also Russell 1979, pp.15-17. James must have recognized some of the dangers inherent in these developments, as during the proceedings against Edward Floyd he had asked for clarification “whether this House be a court of record and has a power of judicature”, pointedly producing a precedent from the reign of Henry IV which suggested that the Commons had been “misled by those who affirmed the power of this house to judge alone”: Notestein, et al., eds. IV, pp.290-291. See Zaller 1971, pp.106-114

himself; and it is easy to forget that the word “impeachment” was never formally used in the case against Bacon: “the process was seen merely as a practical means of dealing with an immediate problem which none of the normal courts of law could solve” (Coke, *Institutes* II, pp.635-636; Kenyon, ed. 1966, pp.93-94). Nevertheless, practicalities set precedents, and these impeachments certainly introduced significant innovations: during Mompesson’s impeachment, when the Lords requested that Members of the Commons should testify under oath in the Upper House, Coke pointed out that Judges in Common Pleas or Star Chamber could not testify under oath in their own courts, and argued that these Members were effectively judges who had “affirmative and negative power and voice in making or rejecting of laws”. When it came to Bacon’s impeachment, it was obvious that a conviction would depend upon Members of the Commons testifying before the Lords; somewhat awkwardly, Coke reinterpreted his earlier argument - it was not that they *could* not testify in their own court of Parliament, but that they had a *privilege* not to do so, and they could do so if they pleased (see Cobbett, et al., eds., *Trials* II, col.1087-1135).

“A judge on his bench, expounding *usus*, *consuetudo* and *jus non scriptum*, was not in the least precluded from... discerning the affinity between what he was doing and the sovereign reason by which king-in-parliament made statutes”, writes Pocock. “It is not at this point, consequently, that ‘the ancient constitution’ appears as a doctrine necessarily opposed to the royal sovereignty or even the royal prerogative; only in ‘Whig historiography’ – it could be argued – does it play that role” (Pocock 1987 [2], pp.269-270). Indeed, as I have argued, although it was the subsumptive capacity of Coke’s ideology that characterized Parliament as judicial *and* conciliar, creating an illusion of all-encompassing competency in matters of politics and law which prepared the way for notions of Parliamentary sovereignty to fill the vacuum left by the collapse of consensus, before the vacuum appeared, there was no notion of Parliamentary sovereignty emerging, just further assertions of the sovereignty of the law. This is how we should interpret the Petition of Right, in the light of Coke’s anxiety to avoid tabling a Bill: it was meant to be declaratory of common law, an *interpretative* statement, made in the face of the confusion evoked by the King’s attempts to apply his absolute prerogative within common law jurisdiction. Consideration of a concept of sovereignty similar to that which Hobbes would suggest in *Behemoth* was curtailed by a Parliament of professional lawyers who were loth to become professional politicians, as they clung to the hope that sooner or later their version of the common law would prevail as orthodoxy: in the end, they did prevail, but only after a sovereign Parliament had made the decision to reclaim the works of Sir Edward Coke and, effectively, *declare* that his *Institutes* and *Reports* were the law of the land.⁶ The final irony of the situation in 1640-1641 was that, alongside the Bishops and Councillors, those common-law Justices who had diligently upheld the royal prerogative during the 1630s were also punished - if rather more sheepishly and

6. By the beginning of the Jacobean period, more than half of the members of the House of Commons had enjoyed a specialist legal training: see Neale 1976, 1949, pp.144, 290-296; however, as Kenyon points out, the proportion of career lawyers was far smaller: Kenyon, ed. 1966, p.24. W. J Jones observes that “It was not their numbers but their skill which counted”, noting their preponderance on special Parliamentary committees: W. J. Jones, pp.45-47. Also Prest 1986, pp.253-256, 273-282; 1967, pp.20-40

uncomfortably - by those Long-Parliament lawyers. Their crime had been precisely that which Coke had consistently been accused of in the first two decades of the century: attempting to legislate without Parliament, and pressing the cause of the judiciary as a political profession.

IV The Church and the law

According to Richard Hooker, Thomas Cartwright thought that knowledge of positive laws “*might be spared*” because “*Scripture*” provided “*the onely law whereby to determine all our Civill controversies*”. Hooker, by contrast, felt that the Elizabethan Church was “much better settled” than any other precisely because “All decisions of thinges doubtful and corrections of thinges amiss are proceeded in by order of law” - and “our lawes do neither suffer a spirituall Court to entertaine those causes which by law are civill, nor yet if the matter be indeed spirituall, a meer civill Court to give judgment of it” (Hooker, *Works* I, pp.41-42; III, pp.434-435). Hooker had lived and worked in the Temple for seven years, and it is immediately obvious how closely his concept of rational tradition ratified by public consent agreed with Edward Coke’s notion of “artificial reason”, just as Coke’s understanding of the Church concurred with Hookerian Erastianism. “Let us joyne in our prayers, and Sacraments, and performe a due obedience to God, and to our King, as wee are all of one Nation, so let us be all of one Church”, said the Chief Justice: it is no surprise that he attacked Roman Catholic recusants for their “treasonous” activities rather than their irreligiosity or idolatry, nor that he tolerated conformist Puritans while castigating Separatists as “a Sect not to be tolerated in any Monarchyall government” (Coke 1607, no pagination). Indeed, Coke may have been among Hooker’s congregation at the Temple (Little, esp. pp.31, 149, 166, 174-184; Forte 1982, pp.133-157). The important difference was not theoretical but professional: Hooker’s concept of tradition was based on the principle that the settled will of all the people expressed a universal order, whereas for Coke, common-law tradition constituted the arcane judgements of legal minds through the ages. Anyone could grasp Hooker’s “reason” (if not his prose); only a lawyer could grasp Coke’s “artificial reason”. Of course Hooker’s theory was exclusive: “Ministeriall power is a marke of separation” because “those duties which the Law of God, and the Ecclesiastical canons require in the Clergy, lay governors are neither for the most part so well acquainted, nor so deeply and nearly touched”, and therefore they “may not meddle” with them. Exclusivity and inclusivity came together in his notion of the rationality of the universal order. Popular opinion must be seen as the “general *and perpetual* voice”, the things “which all men have *at all times* learned”: if the universal approbation of laws by a society was necessary to make them acceptable, the existence of a society living by laws to which it is accustomed signifies in itself the legitimacy of those laws. Custom betokens approbation *and* rationality, so that any resistance to established law must necessarily be irrational - pursued only by those “proud spirits, whose wits not conceiving the reason of Laws that are established”, turn to “their own private fancy, as the supreme Law of all”. The same was true of the traditional ecclesiastical order: “the axiom used in the Civil Laws, *That the Prince is always presumed to do*

that with reason, which is not against reason done” is “in every respect true of the Church, and her Divine Authority in making Laws” (Hooker, *Works* III, pp.241-242, 256; II, p.425). Because everything was necessarily and inherently reasonable the idea that there could be conflict between different branches of the established polity never occurred to Hooker, which is why he never arrived at anything like a concept of Parliamentary sovereignty, a “judicial review” notion of the supremacy of the law, nor indeed a model for a theocracy (Little, pp.160-162; Lake 1988, pp.197-200). This made perfect sense in the 1590s, when threats to legal and clerical jurisdictions came from outside the established order, from Presbyterianism; but by the time Edward Coke was writing, the threat to his professional jurisdiction, as he perceived it, was coming from within - from the Crown and the Church, and a reciprocal threat was being felt by the clerical hierarchy. John Donne, in his most Hookerian mode, held “the Dispensers of the *Law*, reverend”. If, “for spirituall duties, God sends us to the Priest”, for our worldly “Rights, and Titles, and Proprieties, and Possessions, God sends us still to the Iudge” (Donne, *Sermons* VI, pp.259, 298). But proprietary law and ecclesiastical law did not admit so tidy or reasonable a distinction as Donne (like Hooker) implied. Richard Field observed with Hooker that positive laws “have life, force, & vigor, when the manners of men receiving, & obeying, them, give them allowance”, but against him (and the Cokean logic), he concluded that if a law fell out of favour it could therefore “iustly” be abrogated; “contrariwise, against the lawes of God, and Nature, no prescription, or contrarie use, doth ever prevaile; but every such custome, or practise, is rightly iudged a corruption, and fault”. This led to his anti-Hookerian conclusion that human laws could never entirely bind the conscience, because he distinguished, not between positive and divine law *in themselves* (as Hooker did), but between the systems of *reason* that underpinned them, thereby opening up grounds for reasonable encroachments across jurisdictional boundaries (Field 1606, pp.270-275; also 1610, pp.100-101).

Churchmen were fond of employing the legalistic rhetoric of the common lawyers for their own ends. If the lawyers were to have their exclusive “artificial reason”, then the clergy were to have theirs enshrined in difficult Biblical texts and Patristic tradition. Donne echoed a familiar claim of Edward Coke and other Justices: “As the Law is our Iudge, and the Iudge does but declare what is Law”, so “the Scripture is our Iudge”, and the “Church doe[s] not *make* articles, yet she *declares* them” (*Sermons* VIII, p.281; also pp.344-354; III, p.94). The anti-episcopal controversialist, Lord Brooke, agreed that “the *Church* hath *no power* to make any one thing *Indifferent* in it selfe”, because it had only “a power *Judicative*, (or if you will *Judiciall*) but not *Legislative*” (Brooke, pp.27-29). But the question of authority over such declarations was vexed, and had political connotations, just as it did in the legal sphere. Donne, with his legal training, was especially adept at challenging lawyers (in several Lincoln's Inn sermons) to think about this issue of competition over civil order, employing legal terms in a religious context in order to question the legal profession's ultimate competence: “Judgement appertaines to God,” he preached, “It is his in Criminall causes” and “in civill things too”; indeed, “God is the Judge, not a Judge, but the Judge”, and his omniscience contrasts with “Earthly Judges” who “have their distinctions, and so

their restrictions". By drawing attention to worldly "distinctions" - between solicitor and barrister, common-lawyer and civilian, and so on - he challenged the very idea of jurisdiction itself:

"Wrangle as long as ye will who is Chief Justice, and which Court hath Jurisdiction over another; I know the Chief Justice, and I know the Sovereign Court" (*Sermons* II, pp.313-317). Calybut Downinge noted that "the Lawes" required ecclesiastical court officials who were not in sacred orders to "be assisted by a surrogate who is a Minister, and hee is to pronounce sentence as principall Iudge": before these Prelate-Judges, the best Kings had yielded, "not as Prelates, but as they are Fathers in God". He wished that "more of our learned Civilians were Divines, or more of our judicious Divines Civilians" (Downinge, pp.33, 37-38, 42, 76). Indeed, one of those learned civilians recalled that the Chancellor used to be "commonly a *Bishop*, or other Spirituall person" because this "was the more meet (after the opinion of men in those dayes) to give advice according to *Equitie*, and a good *Conscience*" (Lambarde, p.37).⁷ Those Popish days were gone, and it was quite possible for critics like Henry Parker to counter that "spirituall jurisdiction" was "not only appropriated to Bishops, but to Lay-men under Bishops", because "Canonists and Civilians are held more able and knowing herein than Bishops" (Parker 1641, p.8). Nevertheless, it was still obvious, and not only to Donne, that "no Law can be so meerly a humane Law, but that there is in it a Divine part". Indeed, in stating that the law was "Gods Power", and that "The Law of the Prince is rooted in the power of God", Donne arrived at a similar challenge to the absolute royal prerogative as Coke, except that it was Scripture as interpreted through Patristic tradition that bound the King, not "artificial reason". You would see a doctor if you fell ill, or a common-lawyer to protect your estate, he said, so "since you are not borne, nor grown good Physicians, and good Lawyers, why should you think yourselves borne, or grown so good *Divines*, that you need no counsell, in doubtfull cases, from other men?" Transgressing "true Laws" in which "God hath his interest", was "certainly sinne", and the Church monopolized "powers over *sinnes*": to refigure lawbreaking as "sin" was to argue for an ecclesiastical supremacy in at least some aspects of secular affairs (Donne, *Sermons* V, p.225; IV, 223, X, p.121; see Shuger 1990, pp.202-203). By 1625, William Laud felt that "the civil courts" were "much too strong for the ecclesiastical", and reminded Parliament that God had "set the High Priest very high in the Sanhedrim", because "Church causes must have their trial and ending as well as others" (Laud, *Works* I, p.82).

The battle for supremacy centred around that modern Sanhedrim, High Commission, which had been empowered by the Act of Supremacy (1559) to enforce discipline with fines and imprisonment. Nobody challenged the need for a forum in which to enforce ecclesiastical censure, but in practice its encroachments on life, liberty and estate were often provocative to the common-law mind (Marchant, p.33). The civilian Ridley outlined the historical provenience of the civil and criminal matters handled in ecclesiasticall courts in order to show that canons made on cases in which "the goods and possessions of the Church may be alienated" existed so that "Clerks and

7. Fincham 1990 notes an expansion of the episcopal presence in Star Chamber after 1603, and James's "increasing willingness to consider bishops for high legal office, culminating in his appointment of [John]

other Ecclesiasticall men trouble not themselves about Civile matters, contrarie to their office and profession" - specifically to rebut the Puritan view that it was because "Their eyes [were] ever imminent upon worldly matters" that the clergy were intent on becoming "expert in Canons, and Decretals, which may inable them to judge, and interpose in temporall Causes, however pretended *Ecclesiasticall*" (Ridley, pp.73-76, 103-108; cf. Milton I, p.593; Prynne 1637, pp.179, 188-189, 199-201, 264-265). The debate was resolutely one about whose business was whose. The Church had a very good case for conceiving of High Commission as it did, and this context, the Hookerian statements made by the conformist clergy about professional jurisdiction seem less cynical.

Lancelot Andrewes regretted the propensity "to meddle with that [which] pertains not to us", and conceded that, "Be one never so deep a lawyer, if he have not the place of a judge, he can give no definitive sentence". But again, there was law, and there was God's law. Central to Andrewes's writing on professional jurisdiction is the word "order": against meddling he insisted that "all is to be done κατὰ τάξιν, 'orderly.' Each to know his own". Meddlers "'walk out of order,'" becoming "ἄγγοτρισεπίσκοποι, 'Bishops of other men's dioceses;'" [1Peter 4:15]. St. Peter's words suggest that Andrewes was thinking about encroachments on a legitimate clerical concern with "order": after all, "in Christ's Church there a law is preached", and the Church must order and punish according to this law, which is "To be preached". Even "Kings themselves that make laws" and "judges themselves that are presumed to be best seen in the law" must be "learned in this law". The reason this law was to be preached - the sole jurisdiction of clerical orders - was that "this is a law, *de quâ dixit Deus*" - and yet who stood with the same "awe and reverence" before God as he did before "an earthly bar?" In the current climate, "if a man be attained to any high skill in law, which is the gift of God", they think themselves qualified "to overrule our matters in divinity" and start "affirming things they know not [1Tim 1:7], and censuring things they have little skill of [Jude 10]". Lawyers "control the Priest [Hosea 4:4]", lording over "them that 'are over you in the Lord;'" [1Thes 5:12]. Andrewes's assertion that "we take not upon us to deal in cases of your law, or in matters of your trade" depended upon a viewpoint that wished "we could do as much for the Bible as for the statute-books" - a willingness to consider these texts, and the jurisdictions they represented, as comparable (*Works* III, pp.319, 386-387, 392; I, pp.287-290; V, pp.6, 15; see Lake 1991, pp.115-123).

Puritans asserted the law of God against the positive law just as surely as the hierarchy, precisely because Archbishop Laud enforced the 1604 Canons in a perfectly legal manner (Laud, *Works* VI, p.126; J. Davies, pp.26-27, 65-66). At Hampton Court it was Edward Reynolds who "first tooke exception, to the committing of *Ecclesiasticall* censures, unto *Lay-Chancelors*"; and Milton would insist that the Gospel "lookes on the Law, as on a childe, not as on a tutor [Gal 4:1-5]": his arguments against episcopal courts rested upon his belief that "'Tis not the common Law, nor the civil, but piety, and justice, that are our foundresses" (Barlow 1604, pp.77-78; Milton I, pp.762, 605). It was this competition over the same moral ground that facilitated the alliance

Williams as Lord Keeper in 1621": pp.39-41; also pp.50-53, 97-102, 165-176. See James's Star Chamber speech of 1616: James VI and I 1918, p.330.

between common lawyers and Puritan gentry. But sharing an enemy does not entail sharing an ideology or theology, and so it was against the *jurisdiction* and *authority* of canon law itself that this sometimes awkward alliance worked most smoothly: Puritan and lawyer resented the encroachment upon the individual conscience and “the Law of the Land” *respectively*, but both suffered professionally and financially when the canons were enforced against property rights.⁸ The aggressive interpretation of common law developed by Coke was an effective defence against this, as it subsumed all jurisdictions, and altogether denied the status of law to canons. During *Fuller’s Case* (1607) he maintained that the determination of “what power or jurisdiction belongs to ecclesiastical Judges... belongs to the Judges of the common law”. He dismissed the numerous canons dealing with heresy as “divers wandering opinions” that “are not agreeable to the law” (12 *Reports*, Vol. VII, pp.41-42; *Institutes* III, p.40). This line of thinking led to challenges against canon law’s self-generating authority, as contrasted with the notion of “immemorial custom”: William Prynne complained of proceedings “against the Law (to wit, the Common Law,) of the Land, upon Articles, Canons, Constitutions, Ceremonies” - not *laws* - “of their owne making”; as for the authority of “*Scripture*”, Henry Burton demanded, “who shalbe Judge whether the *Canons* doe crosse it? Who but the *Canon-makers*, and *Canonmasters*, the *Prelates*?” (Prynne 1637, p.160; Burton 1640, sigs.C4v-Dr.).

That the most focused theoretical challenge to canon law came from John Selden’s *Historie of Tithes* indicates how closely the threat to common law was associated with threats to property. It was the Coke-Littletonian conception of common law as proprietary law that lay behind Selden’s opening statement of professional competence: he asked jealous canonists, “to whom it belongs more to write the *Historie of Tithes*, then to a *Common Lawyer*” (Selden 1618, sigs. C3v-C4r; see Prest 1986, pp.222-223). Indeed, “There’s no such Thing as Spiritual Jurisdiction”, he maintained elsewhere, “all is Civil, the Churches is the same with the Lord Mayors” (Selden 1689, p.26). His main object in the *Historie* was to show that canon law had never been consistently or universally enforced. In the Middle Ages, the “generall *Opinion* of the Church” was that tithes were “due *Iure divino*; but that is warily to be interpreted out of the generall practice cleerly allowed by the Clergie”. Despite the fact that “*Canons* are very frequent for the right of them”, to argue that they were therefore paid according to these canons would be like “proving of the Practice of a custom from some consonant Law of *Plato*’s common wealth”. Canon law “hath ever been made subject in whatsoever touches the temporalities or maintenance of the Church (which come from Lay men) to the varietie of the secular Laws of every State, or to Nationall customes”; and “The Laitie at pleasure commonly limited the Canon Law... especially where it toucht their dignities or possessions”. Because tithing was concerned with property, *Articuli Cleri* and other statutes “permit not the spirituall Court to hold Plea of Tithes” (Selden

8. Prest’s sample of barristers reveals, “among those whose religious preferences can be classified”, a “relative scarcity of Catholics and High-Churchmen” and an “overwhelming preponderance of puritans (broadly defined)”. With caveats he concludes that “one can hardly fail to be impressed by the number and power of the various ideological and material forces at work to bring lawyers and puritans together”: Prest 1986, pp.211-231

1618, p.70; and *passim*, pp.46-67; sigs.b2r-v, dv-d2r; pp.424-426). Ridley lamented at “such grievances as have bin of late offered by one Iurisdiction unto the other”, and tried to answer the concerns of both Puritans and common lawyers by arguing that civilians like himself were employed so “that the Clergie men thereby might not be drawn from their prayer”, as well as to ensure a verdict from someone “of their owne learning” rather than “a Judge of an other profession”. His position on tithing was rhetorically similar to Selden’s even as he held that the “the Ecclesiastical Law is hindered by the Temporall in their proceedings contrarie to Law, Statute, and custome aunciently observed” (Ridley, sig. *2v, pp.105, 128-135, 160-161, 209). But this was precisely what Selden would come to criticize - conclusions depending upon an imagined universal canon-enforcement, put forward by civilians who, lacking the common lawyers’ historicizing mentality, ignored the flexibility of canon law to make it fit rigid interpretations of legal practice. Civilians “are generally against the possession of *Feudall Tithes* held by Lay men (which they suppose but falsely, to have all had beginning from the Church)”, for example, although some cope by “mingling common Laws with their Canons, then writing as Canonists”. The common law allowed feudal tithes, “and suffer[s] the Canons to have power over them”, and it was this fact which led some civilians to “receive into their Conclusions” that which “their own profession abhorres” - a “striving to conforme the Canons to the common Laws, or secular Constitutions of the State where they live”, rather than “judging according to the bodie of the Canons, that regularly allow no sufficient exception against parochiall payment of the whole prediall Tenth” (Selden 1618, pp.154-155).

Selden identified rigid enforcement of canon law with the growth of Papal power (Selden 1618, pp.93, 143-147, 421-422). Coke made the same judgement on the subject of tithing, and avoided trawling his way back to the Middle Ages for his evidence, stopping at “*25.Hen.8.cap19*”, which was “but declaratory of the common law”, and allowed “no Canon against the Kings Prerogative, the Law, Statutes, or Custome of the Realme” (*Institutes* II, p.658; also pp.648-664). Henry VIII’s Reformation effectively secularized the canon law (and its disciplinary procedures) by passing it into the hands of the civil lawyers, who gladly took on the work of the ecclesiastical courts just as their business was beginning to expand. Common lawyers were themselves trying to draw defamation, tithe, testamentary and mercantile matters into their own courts, and because theirs was primarily land law, this required some appropriation from the civilian and canonist jurisdictions, and provided another incentive for their alliance with Puritan factions. “The fact that the common law allies of the Puritan propagandists were willing to deprive the Englishman of an equitable system of testamentary law by their attacks on the church courts, as they also deprived him of an equitable system of mercantile law by their attacks on the Admiralty Court, has never been sufficiently investigated by ecclesiastical historians”, observes Ronald A. Marchant. His own conclusion is that “The common lawyers were neither better nor worse than any other group of professional people in honestly confusing their particular interests with those of the country at large” (Marchant, p.108; also pp.viii-ix, 3-4, 238-239; see Helmholz, pp.79-89). But the civilians had *their* interests, too, and were well aware of these counter-encroachments. William Fulbecke,

offering “*A Parallele*” of the several law systems, immediately made the stark claim that “The cannon lawe is more auncient, then the other twayne, and of greater continuance”. The reason English law (as Fulbecke described it) “hath florished long in this good estate” was that it “agreeth with the law, religion, and discipline of the holy, Catholike, and true Church of Christ”, and also “because other nations, with whom we have commerce, & entercourse, doe not find their commodities or liberties to be impeached by this lawe”. One might observe that this seems to confirm Selden’s objections; nevertheless, having succesfully neutralized the term “Catholike” by placing it firmly into the context of international law (the civilians’ uncontested jurisdiction), Fulbecke completed his encroachment by observing that, “our Law hath very much diminished [clerical] ability, as to their intermeddling in secular matters”, revealing a strategy designed to repel the jurisdictional claims of both the common lawyers *and* the episcopacy itself (Fulbecke 1601, sigs.*viir-*viiiir, **iv, Aiv-Aiir). Indeed, it is important to note this concomitant conflict between the episcopacy and their civilian officers, as it suggests that these conflicts were more professional than ideological (Heal 1980, pp.310-311; also Fincham 1990, pp.148-164; O’ Day 1976, pp.77-94; Lander, pp.215-238)

The civilians’ role in newly secularized Church courts may have deflected some of the unjust slurs about “Popish Inquisitions” which some parties conspired to fling at them. It was true that, because there was no equivalent to High Commission in the Northern Province, the southern court, headed by the Archbishop of Canterbury, could and did interfere in the disciplinary affairs of the Archbishops of York. The Archbishop of Canterbury had previously exercised jurisdiction in the province of York only as a Papal legate, and so in effect the establishment of this court provided him with an authority throughout both provinces which he had lacked since the break with Rome. In this respect, Laudian policy did represent something of an “attempt to maintain the medieval concept of canon law” (Marchant, pp.34, 195-20). But ultimately this was a caricature: Marchant finds that “Within its historical context, the church courts’ procedure was not as out of line with contemporary standards of justice as is sometimes made to appear”, and that in some cases defendants had greater procedural protection there than many who found themselves before secular courts (Marchant, pp.6, 8, 32, 185; also Barnes 1962, pp.334-346; O’Day 1979, pp.198-206). In fact, High Commission could not order capital or even corporal punishment, and so compared quite favourably with the practice of “pressing under lead weights, till the culprit pleaded or died, used at common law” (Usher 1913, p.325).⁹ However, if they could not seriously argue that High Commission exercised “A tyranny and barbarous cruelty transcending” the “*Spanish Inquisitors* proceedings”, the allied opposition certainly saw the potential of nationalist mythologies to capture the anti-Papal mood (Prynne 1637, p.162). After all, even Ridley conceded that the reputation of canon law suffered from its association with the “grosse and superstitious matters used in the time of Papistrie” (Ridley, p.66; also pp.102-103). Selden insisted that, “whatever the Pope wrote from *Rome*, we know the truth by a cloud of home-bred witnesses”: he

9. Fincham’s view is less charitable: 1990, pp.16-17 – but cf. pp.39-41, 171-172; he follows Houlbrooke 1979.

portrayed the proto-Protestant “Northern Nations” as almost racially disposed to resist tithing under canon law, and in demonstrating that “Mention of Tithes, with Churches in Appropriations, was rare, or not at all, till after the *Normans*”, he implied that “ignorant” translators misinterpreted old “Saxon” laws, corrupting them for posterity (Selden 1618, pp.105-106, 195-225, 359, 370). The Conquest led to a disastrous corruption, not only of the good old Saxon law, but of its very language - an almost Romantic notion of law as an expression of national culture, self-consciously celebrated in pages of untranslated Old English. This culminates in his examination of a “speciall Disquisition” - *Qualitèr Laici ad id privilegium pervenerint quod locis Religiosis illas (Decimas) conferre possint* - whose author “had heard from a good Civill and Canon Lawier” of a dispute “between a Religious house and a Parson, for Tithes in the Parsons Parish”, in which “the Advocat for the Religious house... told the Court a long storie of Easterne holy Warres about *Pipins* time”. For his role in this “holy warre”, the Duke of Normandy was rewarded with the power to exact arbitrary tithes, “And lastly (to bring it into *England*) hee thus concludes, *Et cum Dux Normanniæ Willielmus ad conquisitionem Angliæ venisset, quidam Miles eius Robertus d’Oylleye nomine malens suas Decimas Deo commendare quam contra naturalem Ecclesiæ consuetudinem ipsis uti, eas Ecclesiæ S. Georgii quam in Castris Oxenford construxit contulit, Et postea ad Monasterium Osney per Diocesanum & Capitulum Lincoln ac etiam per Advocatum Canonice devenerunt*”. But “what had that been to *England*?” Selden asks, having already questioned the verity of the story: even if this Duke’s descendant had conquered England, “had therefore the old supposed privilege of retaining or disposing of Tithes, been thence communicated to his subjects of *England*? and that to the losse of the Church here, that never could have gotten good by the supposed cause of the privilege? All the Canon and Civill Law that the Advocat had, could never have proved such a consequent”. This is recognizable as the standard claim that William I’s laws must have been declaratory (of the *laga Eadwardi*) and not innovatory. The only exception Selden allowed is a key one: ecclesiastical jurisdiction as such never existed in Anglo-Saxon law - canon law was mediated by the customs of the laity - but, “by a Law made by the Conqueror” which deprived the clergy of access to temporal courts, Church courts received their inception. The entire edifice of English ecclesiastical law was categorized as a series of legal and clerical errors made by “ignorant” Norman translators (Selden 1618, pp.399-402, 412-413; see Christianson 1996; 1984, pp.271-315; Helgerson 1992, pp.70-104; Pawlisch, pp.169-170; Coke, *Institutes* IV, p.559).

The rhetoric of anti-Papalist nationalism also emerged in spurious invocations of *præmunire*, and the related increase in prohibition warrants from common law courts. Ecclesiastical lawyers reckoned that 477 prohibitions were sent into the provincial Court of Arches alone during the 1580s and 90s, and the number was increasing rather than diminishing until Laud put a stop to it with some legal victories in the 1630s: “the Church... is so bound up in the forms of the common law,” he wrote to Wentworth in 1633, “that it is not possible for me, or for any other man, to do that good which he would, or is bound to do” (*Works* VI.i, p.310; IV, pp.138-141; Usher 1913, pp.202ff.; Thorne 1938, pp.85-88; W. Epstein, pp.211-261; Helmholz, pp.172-188; Hill 1956, pp.125-131, 144, 322-331). Bulstrode Whitelocke recounts an instance of the sort of

chicanery of which Laud despaired (Whitelocke, pp.90-93, 99). Nevertheless, episcopal influence in the law caused resentment: "All of them Erect Episcopall Courts, send out Summons, Exercise Jurisdiction, Sentence, Fine, Imprison, doe what they list, in their Owne name", complained Lord Brooke (Brooke, p.40; also Leighton, pp.39-40, 119-124, 313-314; Stoughton, pp.49, 53, and Appendix). Burton maintained that "the *Prelates Church Catholick Canons*" would "make *Corpus Canonikum* the Rule whereby to governe this new *Corporation* of the Two Churches now become one againe". Bishops defended "Ecclesiasticall Iurisdiction to bee from the King", but this contradicted "their ordinary practise", which revealed it as "a branch of that forraigne power altogether excluded in the Statute of 1.*Eliz.cap.1*" - as such, prelates "are all in a *Præmunire*". It was due to "the Insolencie and Lawlesse proceedings of *Prelaticall Courts*", under Laud's "Popish" authority, that "*Prohibitions* out of the Kings bench to the *High Commission* are so gueson" (Burton 1940, sigs.C4v-Dr; also sig.Gr; 1636, pp.69-71). Peter Heylyn described Burton as "the only clergyman that stands for prohibitions" (Heylyn 1637, pp.92, 106). But the relative freedom the episcopacy enjoyed in this regard, and the lack of any direct legal challenges to their prerogatives was due to their increasing efficiency and popularity among a majority of the population, again suggesting that the Puritan-common lawyer alliance was a minority professional interest for whom persistent prohibitions were the only viable recourse (Marchant, pp.84-85, 103-109, 127-128; Prest 1987 [2], pp.65-66). Because both identified their interests against foreign encroachment, they were easily invested with greater importance than they warranted by being refigured in constitutional terms. Alexander Leighton, for instance, went so far as to argue that "all that submitt themselves to the jurisdiction" of the Church courts, "giveth his body to the Prelats imprisonment or yeelds his goods to their fineing", should be deemed "passive" in their transgression against "the Kings sole prerogative", and as guilty as the Prelates themselves (Leighton, p.41). Resistance was a constitutional duty. Burton recounted how, when a prohibition was obtained "according to the course of the Kings Lawes" at William Prynne's trial, Laud erupted with "fury", promising "that *whosoever should dare to bring the next Prohibition, hee would set him fast be the heeles*". Did not these words, "spoken alowd in open Court", as Burton gravely intoned, "trench upon the Kings honor, the Lawes of the Land, and the Liberty of the subject", even "out-dare the Kings just government..?" A marginal note pushes the point home, drawing our attention to this "presumptuous speech of a Prelate, setting his prowde foote upon the Kings Lawes as the Pope did once on the Emperours neck". This was an appeal to a common-law King - "His Majesty had not long before signed the Petition of Right", Burton marvelled - the same King to whom Coke appealed against Richard Bancroft's complaints of encroachment, and in whose name Prynne urged ministers and churchwardens, "bound by their Oath of Allegiance and Supremacy, to resist" the visitations of Prelates who "have no such Commission from the King" (Burton 1636, pp.53-54; Coke in Cobbett, et al., eds., *State Trials* II, col.134; Prynne 1637, pp.111, 117). He does not say what form this resistance should take, but it could hardly have been conducive to the civil and ecclesiastical order which was Charles's main concern. As Christopher Hill puts it, "old precedents, dating from a period when the Crown strove to control a semi-

independent international Church, were now being used by the common lawyers in an attempt to deprive the Crown of the church courts as an interest of government" (Hill 1964, pp.286-287).

Calybute Downinge pointed out that ecclesiastical law was now made in Convocation, "not excluding the advice of Parliament, because the State Ecclesiasticall is not an independent societie"; as such, "they are called the Kings Ecclesiasticall Lawes", and "hence it is, that for this last age, the Ecclesiasticall Lawes of this realme have so well agreed with the Civill". In post-Reformation England, "there is no ground for a *præmunire*... unlesse we will deny the Kings supremacie over all causes and persons Ecclesiasticall". His legally sophisticated suggestion for bringing this "scandalous" torrent under control, was that prohibitions ought to be regarded as similar to "a writ of errour in the temporall Court" (Downinge, pp.73-75). Field agreed, and, Perhaps nexpectedly, so did Selden (Field 1610, pp.233-248, 429; Selden 1689, p.48). The civilians, secure in their anticipation of the King's support, were happy to play the game. First, they pointed to the change in practice which had benefitted them so handsomely: "since the forreine authoritie in Spirituall matters is abolished", suggested Ridley, "there can lye no *Præmunire*, by those Statutes at this day". All laws, and all courts, were now the King's, and so "*frequent prohibitions*" seemed to him "absurd and frivolous". The "*the Reverend Iudges of this Land*" should show some respect for the jurisdictions of canon and civil law, because civilians were not "*so daunted, but that they can fly for succour unto him, to whose high place and wisdom, the deciding of the differences doth of right appertaine*" (Ridley, pp.107-110, unpaginated, 115; "To the Reader", unpaginated). Sure enough, when Laud wrote to Charles about how the poor state of Rochester Cathedral was exacerbated by the refusal of the dean and chapter to be visited by their Bishop "upon pretence that their statutes are not confirmed under the broad seal", the King determined that "This must be remedied one way or other"; similarly, when some Oxford recusants pleaded exemption from episcopal authority "under your majesty's great seal" he replied, "If this be not upon Composition, I understand it not" (Laud, *Works* V.ii, p.319, 342). It was only a matter of time before this anti-episcopal strategy would be fatally compromised: in 1637 the Judges, appointed throughout the 1630s for views "more consonant with the law as the King understood it", overturned two Acts of Parliament (1Ed.VI.cap.2 and 1Jac.I.cap.25) with their decision that ecclesiastical courts required no patent under the Great Seal (Usher 1913, p.321; also pp.242-251).

"There is no doubt", writes Marchant, "that the Supreme Governor of the Church of England could be the sole fountain of ecclesiastical law by his mere decree"; ironically, this disavowal of royal authority was the most acute demonstration of that fact (Marchant, pp.129-132). The subsequent employment of Church courts as part of the machinery of extra-Parliamentary government was one of the factors that transformed the alliance between the Commons gentry, Puritans and common lawyers into an aggressive political force, as they found themselves largely excluded from this evolving "*system of droit administratif*" (Hill 1964, p.261; see also pp.291-293). William Laud's annual accounts to the King give us an idea of the short shrift given to those few Judges who stuck obstinately to their professional traditions and

procedural norms: in 1635 he wanted some Kentish “Brownists and other separatists” to be “driven to abjure the kingdom, which must be done by the judges at the common law, but is not in our power”; Charles promised to “command the Judges to make them Abjure”. Three years later he was still complaining: “without some temporal assistance from the judges we know not what to do”; again, Charles underlined the word “judges” and wrote, “Demande their helpe and if they refuse, I shall make them assist you”. The 1636 pamphlet assault from Burton, Bastwick and Prynne caused the Bishop of London to implore Laud to use the powers of High Commission against the men, “But if the high commission shall not have power enough, because one of those libels contains seditious matter in it,” the Archbishop suggested to Charles “that your majesty will call it into a higher court, if you find cause; since I see no likelihood, but that these troubles in the Church, if they be permitted, will break out in some sedition in the commonwealth”; the King happily obliged: “I shall supplie, as I fynde Cause, in a more powerfull way”. The next year, Laud wanted to support a Bishop in prosecuting anti-social ale-house owners, but he was afraid that “a prohibition will be granted against the ecclesiastical proceedings”; Charles assured him that “no prohibition shall trouble him in this case” (*Works* V.ii, pp.336-362). Legal argument was no defence against this potent alliance of civil law, canon law, and royal prerogative, which had itself been forged in opposition to an aggressive professional alliance between a certain class of Puritan with a certain school of common lawyer. By making appeals to the King, all the parties involved had allowed the pursuit of professional interests to threaten the balance of the constitution by tempting, even forcing, the Crown to take sides in defining itself as either the sole arbiter in jurisdictional disputes or a constrained “King-in-Parliament”.

V

“And who is sufficient for these things?”: Arminianism – theology, politics, or professional ideology?

“Religion is become nothing lesse then Religion, to wit, a matter of meere talke: such politizing is there on all parts, as a man cannot tell, who is who...”

Christopher Sutton, “The Preface to the Christian Reader”, *Disce Vivere. Learne to Live* (1604)

“... a man must know which is true doctrine, and what is the right use of Sacraments, before hee can know which is the true Church.”

Richard Field, *Of the Church, Five Books*, Book II (1606)

“... it is evident to any man that has but halfe an eye, that most of those Doctrines which you [Roman Catholics] adde to the Scripture doe make one way or other, for the honour or temporall profit of the Teachers of them.”

William Chillingworth, *The Religion of Protestants a Safe Way to Salvation...* (1638)

In the preceding chapters, I have attempted to show how the political-constitutional positions adopted by members of the legal and ecclesiastical professions were influenced by, or even secondary to, their professional ideologies. In this chapter I move from “God’s law” to the Law of God – theology – and attempt to show a similar dynamic at work. In particular, I am concerned to examine the characteristics of what has been called “English Arminianism”, as it was developed by prominent early Stuart High Churchmen. I will not try to unpick the rhetorical strategy adopted

by many Puritan controversialists that categorised “Arminian Errors” as “*in truth meere Popery, and Semi-Pelagianisme*” – itself a markedly disruptive obstacle to getting to the bottom of what “Arminianism” was about (Prynne 1629 [1], sig.¶¶3r). Instead I will remain focused on the ways in which High Church theology underpinned a sense of “professional sacerdotalism”, which in turn had social and political ramifications. As such, this chapter incidentally raises some objections to Nicholas Tyacke’s influential study of *Anti-Calvinists*, in particular its understanding of English Arminianism, exemplified in the Church piety of Archbishop Laud, as a series of doctrinally innovative departures from the Elizabethan Settlement (Tyacke 1987, pp.3, 248-265, and *passim*; also Tyacke 1973, pp.119-143).

i Predestination

Prynne, following on where Francis Rous left off, insisted that “none can embrace Arminianisme in the Doctrine of Predestination, and grace, but he must first desert the Articles agreed upon by the Church of *England*” (Prynne 1629 [1], sig.¶¶2r; cf. sigs.a2v-a3r, a4r; Rous, p.58; also pp.3-20, 42-97). Prynne identified Richard Montagu as the man who broke with this supposed tradition. In fact, Montagu had written that “to give such an absolute sway to free-will, as many doe, is little lesse than flat impiety against God”, and offered a learned defence of the doctrine of total and final apostacy, while insisting that it was a matter left “at libertie unto us”. The only doctrine he discounted as irredeemably distasteful was double-effect predestination, the belief “that some are *damned*, and some are *saved* by an inevitable decree” (Montagu 1624, pp.112, 157-171, 184). It was not only Montagu who felt the first Lambeth Article - “From eternity God has predestined some to life and reprobated others to death” - came close to making God responsible for sin. Salvation must be offered to all men, and if anyone refused to accept that offer, this was not due to God’s inexorable will but to human obstinacy. Man’s free will persisted only in the ability to revert to obstinacy, and could effect nothing but evil: the position allowed no power of choice whatsoever with respect to spiritual good, until God’s grace had first removed the impediments to that good. “This was Arminianism” (New, pp.13-14). Soteriological disagreement arose simply because Calvinists asserted that the elect would become believers, and Arminians that all those who believed were the true elect.

Donne’s work illustrates the problems of polarizing these views. In a sermon which Tyacke calls an example of “Arminian preaching”, Donne referred to those who “in an over-valuation of their own purity despise others as men whom nothing can save” – for good measure, he wrote the word “Cathari” in the margin (Tyacke 1987, p.182; Donne, *Sermons* IX, p.119). But it was specifically double-effect predestination that was being attacked here: God had spread “his gracious purposes upon all the soules of men”, or at least, “all that do not resist him” (*Sermons* VII pp.247-248; V, p.54). Adam’s sin left us with “no free-will at all”, but if the righteous man would just “put himself actually in the way”, of God’s grace he could regain “an ability to preserve himself in that integrity, to which he was restored” by Christ: so “the faculty of free-will works in us as well as it did in *Adam* though onely the grace of God enable that faculty”. In practical terms,

the righteous man - "Saint *Pauls* Puritan" - feels "That I do believe I ought to do this; That I really do it; That my conscience tell me after, it was rightly done". Donne drew this argument specifically against the antinomian tendency to value faith over good works: "good works are no cause of our iustification", he maintained, but neither is "Faith itself", the value of which "grows *Ex pacto*, That God hath made that Covenant, that Contract, *Crede & vives*, onely beleeeve and thou shalt be safe." He saw justification as "a chaine" of "foure links": "As the efficient iustification, the gracious purpose of [which] had done us no good, without the materiall satisfaction, the death of Christ had followed; And as that materiall satisfaction, the death of Christ would doe me no good, without the instrumentall iustification, the apprehension by faith; so neither would this profit without the declaratory iustification, by which all is pleaded and established", and this "belongs to workes" (*Sermons* I, pp.162-163, 189; VII, pp.227-228). Covenant theology held that the elect experienced salvation through the good works which his faith simultaneously inspired from him and approved as conscientious. There is no suggestion whatsoever that Donne, or any other conformist, held the Arminian tenet that men had free-will to *choose* salvation.

The theology of the covenant was the work of those who, like William Ames, John Preston, William Perkins and Richard Sibbes, were looking for a means of "smuggling 'works' into Calvinism" (Hill 1958, pp.221-223). The "Arminian" innovation of accepting the possibility of free-will *soliciting* salvation can be seen in Preston, who preached that belief in Christ conferred the ability "to beleeeve all the Covenant of Grace", and once "put into the Covenant", one's "election is sure" (Preston 1630, p.390; 1634 [1], p.85; 1634 [2], pp.8-9). The fairly hard-Calvinist James Ussher told us that, "even in doing the workes of grace, our free-will suspendeth not her action", for grace does not negate "the *libertie*, which commeth by Gods creation, but the *pravitie* of the Will, which ariseth from Mans corruption" (Ussher 1624, p.465). Andrewes also held that "invocation presupposeth faith" and "presupposeth life too": if any man called upon God, "he shall be saved", but only if the calling serves to "make us move" in "*praxis*" (*Works* III, p.320; II, pp.155, 180-181, 200-201). The manifestation of faith as an invocation of God is the first and most vital of those good works which *embody* one's election. Richard Field wrote that it was "by force of divine operation" that men "bee framed to cease from sinne, and to turne from in unto GOD" - God only "frames" the potential for salvation, the "turning" must be an act of will. One of the essentials of the Christian faith is the belief that God calls only "whom he pleaseth, to bee partakers of these pretious benefits of eternall salvation", but Field emphasized that it was the *active belief* that "directly concerne[d] the matter of eternal salvation". No one, no matter how charitable, could be "ignorant" of these essentials of faith "and be saved" - but it followed that no one could be saved without the inward *act* of faith, either. In fact he pointedly employed this word: "speciall faith hath sundrie actes", he wrote, "Faith, by her first act, obtaineth and worketh our justification, and doth not finde us just when wee beginne to beleeeve: by her second act, shee doth not actively iustifie, but finding the thing done, certifieth and assureth us of it" (Field 1610, p.59; 1606, pp.68-69, 177).

ii Natural reason and scripture

This emphasis on *willing* and *acting* towards faith and salvation necessitated a strong sense that “reason is not to be excluded in matters of religion” (Donne, *Sermons* IV, p.291). As such, some Puritan controversialists argued that Arminianism “baptizeth mans naturall freedome with the name of grace” (Prynne 1629 [1], p.85; also Rous, pp.98-107). Again, Donne belies the caricature. In his most profound preaching on the subject, he observed, “the Apostle seemes to make that our first step, *Hee that comes to God, must beleieve* [Heb 11:6]”. And yet God “does not say at first, *Faciam te credere*, I will make thee to beleieve, but *Faciam te intelligere*, I will make thee understand”: in spiritual terms a man is nothing without grace, but “Grace finds out mans naturall faculties, and exalts them to a capacity” whereby “understanding infuses faith”. These were the epistemological implications of covenant theology. Faith and understanding follow one upon the other in a series of perfectly reasonable steps in logic: “God exalts our naturall facultie of understanding by Grace to apprehend them, and then to that submission and assent, which he by grace produces out of our understanding, by a succeeding and more powerfull Grace he sets to the Seale of Faith”. If we believe there is a God, we must also believe that he would be worshipped, and that “how he will be worshipped” would be revealed “in some permanent manner in *writing*, and that that writing is *Scripture*” - and that Scripture must inspire a rational faith, for “if we had not these testimonies”, how could we teach the Gospel to natural men, “since our way is not to create *Faith*, but to satisfie *reason*?” The implication of the idea that Scripture must be rationally ponderable was that all the precepts contained in the Ten Commandments, the Lords Prayer and the Apostles Creed were “but declaratory”, and “The same things are first written in mans heart” - despite the fact that interpretations and traditions must “be grounded upon the Word of God” (*Sermons* IX, p.355; IV, pp.216-217; V, pp.247-248; III, pp.209). In other words, the truths of Scripture were evident to the rational mind *before* faith or grace. Here was a real difference of opinion with those Puritans who, precisely because they did not see the truths of Scripture to be self-evident without grace, disapproved of Patristics and traditions which involved fitting Scripture in with what men thought self-evident - their rational understanding of the phenomenal world.

For example, Laud argued that the assumption that infant baptism was received “by tradition from the Apostles” did not mean that it could not “directly be concluded out of Scripture”, for “nothing [is] so likely to be a tradition apostolical as that which hath a root and a foundation in Scripture” (*Works* II, p.69). Here was the typically tautological argument of the apologist for ecclesiological tradition: the Apostles passed on the Scripture to the Church; they also passed on traditions to the Church; therefore their traditions cannot possibly disagree with Scripture. If some of the traditions were not mentioned in Scripture, that did not matter, because the *principles* behind those traditions were rational, and must agree with the principles *implied* in Scripture - and that was why careful interpretation was needed to discover those underlying principles. The result, of course, was that Biblical exegesis began to serve the ends of validating “Apostolical” traditions. Montagu wrote that, although the Gospel obviously did not *rely* upon

tradition, it was “*through Tradition*” that “we are assured, that the Gospels of Saint *Marke*, and Saint *Luke*, are divine, and true; and that the Gospels of Saint *Thomas*, Saint *Bartholomew*, and others, are forged”: the canon itself was evidence that tradition had always controlled the interpretation of Scripture, and not *vice versa*. But once this was established, the weight of precedent had to limit that control: “*if I flye from antiquity, hisse at me for ever*”, but if any tradition can be proved “convincingly” to be Apostolic, “by Scripture, Fathers, consent of Antiquity”, then “we receive it with both our armes” (Montagu 1624, p.43, sigs.¶¶¶r-v; and p.32; also Field 1606, pp.238-263; Andrewes, *Works* II, pp.406, 410; VI, p.49). Nonetheless, when Laud referred to Apostolic tradition as the “unwritten words of God”, it was as a *criticism* of Robert Bellarmine’s use of the term to describe *all* ecclesiastical tradition: “we are content to be judged by the *joint and constant* belief of the Fathers”, he said, exhibiting the same scepticism that Andrewes’s Patristic knowledge had evinced in him: “we shall not find one place of a hundred which they all expound alike, so that few of their expositions should be received” (Laud, *Works* II, pp.79-81, 62-63, my italics; Andrewes, *Works* VI, p.60). Field emphasized that Patristic statements were unreliable because context-specific: if we “beleeve the Articles of our faith, because they were revealed, and beleeve they were revealed, because our Auncestors so delivered unto us, and the Church beleeveeth... we should have no greater certaintie of things Divine and revealed, then such as humane meanes and causes can yeeld”, and upon “such grounds, wee cannot firmly and undoubtedly beleeve” (Field 1606, p.209; also pp.80, 92, 107-108, 159, 170-171, 206-216, 228-235). Those fundamentalists “which would call backe all circumstances, to their first patternes”, refusing to accept that “Religion hath her fashions, variable according to ages, and places” were described by Joseph Hall as “superstitiously curious” (Hall 1611, pp.21-22).

How should the English Church deal with this problem? It really agreed with the traditional positioning of itself in a *via media* between Rome and Geneva. The “Fathers of *Trent*” commanded “*That Traditions be received as the Scripture*”, as Montagu wrote. By contrast, the English Church is “*not so wedded*” to its customs, “*but upon reason, we have, will, and may change by better warrant then you can avoide*” (Montagu 1624, pp.34-38, sig.Ar; also Field 1606, pp.90-116, 148, 225-228, 235-243). This was an extension of, rather than a departure from, the familiar orthodoxy: if Scripture was reasonable, and tradition was reasonable, then the basis for tradition must be ponderable in Scripture; but if a tradition was found not to be reasonable, it could be changed, and consequently Scripture was also subjected to challenge from successive interpreters. The ecclesiastical corollary of this was a broad catholicism acknowledging the uncertainty of Scripture, within which the Church worked simply to “bind us to peace and external obedience”, as Laud put it, “where there is not express letter of Scripture and sense agreed on”. So, in tandem with their liberal catholicity came an insistence upon tight control over the privilege of Scriptural interpretation: though Laud accepted that “*animalis homo*, ‘the natural man,’ sees some light of moral counsel and instruction in Scripture, as well as believers”, he could not fully appreciate it “till tradition of the Church, and God’s grace put to it, have cleared his understanding” (*Works* II, pp.33-34, 38, 97-98; also pp.xv, 372). The ideal was that Scriptural

fundamentals should be clear and accessible to everyone, but the nuances were only properly attainable by those schooled in the ecclesiastical and exegetical traditions of the Church. With these arguments the clergy “replaced the mystery of the mass with yet another”, as Rosemary O’Day puts it, hiding “the secrets of the Scriptures from the people behind obscure language and incomprehensible scholarly techniques in order to justify their own monopoly of religious teaching in the state”. The Bible would no longer be the property of any rational mind in a state of grace, but the preserve of those ecclesiastical professionals trained in Patristics – and “the universities did little to adapt their formal curriculum to the needs of a church which set great store by preaching and pastoral care... It was as if the bishops took refuge behind the outward success of the drive to produce a graduate profession” (O’Day 1987, pp.43, 47-48; also p.56).

Ironically, this gave the lie to Prynne’s accusation that these divines baptized man’s natural freedom with the name of grace. According to Donne, Godliness is a mystery which is unfathomable to the eye of nature, learning, or the state, and is seen only “by the eye of the Church”; it was the heretic who challenged “the foundations of the Church upon the appearance, and pretence, and colour of *Reason*”, that is, reason not deduced from Scripture. We were not to “rest in Nature without God, nor in God without Christ, nor in Christ without the Scriptures, nor in our private interpretation of Scripture, without the Church” (*Sermons* III, p.210; VIII, p.73; I, p.235). As Francis White put it, the holy spirit moved the conscience “by arguments and sound reasons of holy Scripture” (F. White, pp.117-118). Although Field insisted on a supernatural authority for the Christian faith, he was explicit about its origins and status: “Christ (sayth *Augustine*)... by miracles got himselfe authority, by authority wonne credit, by the credit hee had gotten, drew multitudes after him, which continuing long in one course of profession, in tract and continuance of time gained the reverend estimation of antiquity”. Authority, it should be noted, came before credit: only Christ’s miracles could possibly come before authority, and because no one could have mircaulous powers after Christ, authority must take precedence in all matters of belief. The source of that authority is placed in the Church, which, though a “multitude”, is punningly narrowed down by that ambiguous word, “profession”. Traditional knowledge was “not necessarie to men of spirituall and heavenly understanding”, Field argued, “but we are now to shew how [natural] men may become wise, and attaine the knowledge of spirituall things”. It was obvious that “spirituall and heavenly understanding” did not refer to Puritan “raptures”, but to something much closer to the professional competencies of the visible Church hierarchy: no one could attain spritual knowledge “unlesse they be purged from their soules uncleannesse: from which they cannot be purged, unlesse they listen to them, that are already wise and exercised in things that are divine, and therefore they must begin with authoritie”. But the importance of control over doctrine seems to have been a symptom of a more direct concern with the political aspect of ecclesiastical order. Field was prepared to argue that the Church - even the Church defined as all the faithful since Christ - though “free from any error”, could not be made “equall to the Scripture”, because the Scriptures were the source of the Church’s infallibility; nor free “from ignorance of many things, wherein wee may bee influenced by Scripture”. Hence it was

possible for private individuals to glean “some things” from the Bible “that were not in such sort knowen and delivered by any, that went before”. In purely doctrinal terms, then, the Scriptures were “full and sufficient to all purposes”; but in terms of order, “because of the manifold turnings of heretiques, it is necessarie, that the line of propheticall and Apostolicall interpretation, be drawen downe, and directed to us, according to the rule of Ecclesiasticall and Catholique sense”. This was why he outlined his three kinds of scriptural interpretation: “private”, “publike” (i.e. that of “the Bishoppes assembled in a generall Councell”) and “authenticall”. The last covered interpretations “which every mans conscience is bound to yeeld unto” and was “of an higher nature” than the other two, but Field made it obvious which was more likely to be the repository of “authenticall” interpretation: “private spirits” and “*Enthusiasts*” who “neglect the common rules of direction... we accurse” (Field 1606, pp.213, 217-218, 225, 227-228).

Passages such as these reveal Field as an important figure in the translation of Hookerian doctrine into the Jacobean Church. Hooker rejected traditions whose origins were “not in the Scripture”, and could not “otherwise sufficiently by any reason be proved to be of God”. But we should read this positively rather than negatively: like Laud, he believed that the Apostles were reasonable, and that Apostolic tradition must therefore agree with the reason of Scripture, even if only implicitly: these traditions were “of God”, and “it is not the maner of delivering them unto the Church, but the author from whom they proceede which doth give them their force and credit”. In terms of ecclesiastical polity, man’s instinctive awareness of God’s order should instruct him to submit to orderly structures, the explicit limit Hooker placed upon the freedom of natural reason: he held that the only points “we are now of necessity bound to beleive or observe in the special mysteries of salvation” were those which were “clear and manifest without proof” (*Works* I, pp.68, 85, 126-130; III, pp.209-210).¹⁰ This was fine for soteriological doctrine, but as soon as it impinged upon issues of public order Hooker warned against those who made claims to an unmediated knowledge of Scripture through grace. Ecclesiastical lawmaking was no work for natural reason, but the preserve of reason trained in Patristics: what Hooker felt to have been approved by God (evidenced by its survival over time) was episcopacy, formed not by the community, but by the Apostles, and confirmed by the Fathers and their clerical interpreters. Any attempt to alter that system was unreasonable, and against God’s order. The “present forme of Churchgovernment which the lawes of this land have established, is such, as no lawe of God, nor reason of man hath hitherto bene alleged of force sufficient to prove they do ill”, whereas “The

10. White comments: “Like Jewel, [Hooker] acknowledged the importance of patristic authorities, but where Jewel’s defence of the English Church had been founded on its fidelity to the purity of the primitive church, stressing the authority of the Creeds, the first four Councils and the early Fathers, Hooker was ready to appeal to the church’s medieval teachers as well. The evidence that Hooker’s thought was steeped in the ancient and medieval past is so compelling as to render altogether implausible the claim that his theology was in its particulars as well as in their synthesis novel”: P. White 1992, pp.125-126. However, what was novel was the authority Hooker was prepared to credit these thinkers with, in the context of the English Reformed Church. In many ways, I think that this was the germ of that strand in Stuart ecclesiastical thought which stressed the mutability of tradition *as interpreted and administered by the Church hierarchy*. As I discussed before, this was an extension of the idea of the *via media*, between a Calvinism with no traditional order and a Tridentine Romanism which styled its traditions fundamental doctrine. See Lake 1988, pp.151-160, and *passim*

other which instead of it we are required to accept, is only by error and misconception named the ordinance of Jesus Christ", without "one prooffe as yet brought forth". This was not quite "all things that are, are good", as he put it later: the *status quo* was good because it was *not* Presbyterian (*Works* I, pp.2, 73).

Henry Burton's claim that before Laud the orthodoxy was "that the *Scripture* was the *Sole Iudge and Rule of Faith*" (Burton 1640, sig.C4r) is clearly exaggerated, both in terms of the way it saw the past and the way it experienced the present. The argument is made more moderately by Ussher, but still it is difficult to disagree with Laud that "neither Hooker, nor I, nor the Church of England, for aught I know, leave the Scripture alone to manifest itself" (Ussher 1624, pp.35-40; Laud, *Works* II, p.134). Andrewes also drew on "honest" Hooker to show that "that which hath been ordained impiously at the first, may wear out that impiety by tract of time, as the names of our heathen months and days used throughout all christendom without any scandal" (*Works* VI, p.367). Peter Lake has noted that, despite "continuities" that are obvious, "Hooker's name is largely absent from the standard account of English Arminianism" - that is, Tyacke's (Lake 1988 pp.228-229).

iii Preaching and the sacraments

Reiterations of Hooker's elitism suggests that a general concern to constrain orthodox forms by limiting doctrinal discussion without the authority of the visible Church - "Leave al curious disquisitions to the Schooles", as Joseph Hall wrote - had always been a settled aspect of Stuart ecclesiastical culture (Hall 1628, sig.†8r). John Buckeridge and John Howson, as we might expect, both complained about those who would "turne oratories into auditories", and Laud reminded his congregation that in Old Testament times there was "No preaching in their several synagogues, and parishes, that I may so term them, but was, according to the law, contained in the ark, at the Temple, the Mother Church" (Buckeridge 1618, pp.10-11; Howson 1598, pp.39-45; 1602, sig.A3r; Laud, *Works* I, p.75). But even Selden, who thought that "lay-men have best interpreted the hard places in the Bible", ultimately warned that "you should believe your Minister, unless you have studdied Divinity as well as he"; and the Puritan Richard Bernard argued strongly that the catechism was the best preparation for effective preaching (Selden 1689, pp.3, 4, 35; Bernard 1613, pp.1-27).

The 1622 Directions to Preachers were meant "to put a difference, betweene grave, and solid, from light and humerous preaching", said Donne, for indeed, "Can any man hope to make a good Preacher" in just "three or foure dayes, or with three or foure Bookes?" The government never wanted to do away with preaching, which would "disarme *God*": preachers had simply to exercise their duty "*In their order*, in that Order, and according to those directions, which, they, to whom it appertaines, shall give them" (*Sermons* IV, pp.202, 195, 192). The Directions were a direct attempt to prohibit preaching on sensitive doctrine to members of the clergy under the degree of dean, which, though ostensibly driven by "princely care and zeal for the extirpation of schism and dissension", became "in effect a party restriction" as Laudians were elevated into the

Church's top positions (Kenyon, ed., pp.145-146; Hill 1964, pp.18, 22-23). At Hampton Court in 1604 James had committed himself to furthering the preaching ministry by enforcing canonical requirements for clerical residence and weekly parochial sermons - "Indeed the pulpit has some claim to be regarded as the icon of Jacobean religious life" (Tyacke 1987, p.186; see Fincham 1990, pp. 83-91, 117-118, 275-276, and *passim*; 1993, p.73; O' Day 1987, pp.29-33). But James did not patronize anything like a Puritan evangelizing ministry. It is more likely that he wanted his ecclesiastical hierarchy to regain a more solid hold upon the dissemination of basic orthodoxy by winning back the respect of those educated Puritan gentry who had begun to sponsor their own religious instruction. This ideal of an "official" preaching ministry explains the enduring appeal among some members of the episcopacy of the image of preaching pastor in the hostile climate of the 1630s: calls for a return to the Church of James or Elizabeth were thus common to episcopalians such as Thomas Warmstry and Presbyterians such as John Ley (Warmstry, pp.13-16; Ley, sigs. b3v-b3r.; see Hawkins, p.60). However ambitious Crown and hierarchy might have been for their reforms, they were bound to take a long time to come to fruition: "Given the poor quality of those ordained in the early Elizabethan Church and the extreme poverty of thousands of parochial livings, any effort made to realize the ideal of a godly, preaching, professional ministry tended to divide the Church into two unequal tiers". The hope and ambition was the "homogenizing [of] the ministry on a common basis of professional competence", but when the pulpit and lectern became the focus of political dissent in the 1620s, the latitude which James had given to preaching came home to roost precisely because of this wide and receptive market: it was not only the government, but town corporations appointing Puritan ministers and lecturers who "wanted to pay the clergy directly because they wanted direct control of the pulpit", and these rival systems of patronage created a professional conflict within the Church which resolved itself around prohibited doctrinal *minutiae* (O' Day 1979, p.198; also pp.75-123, 127-138, 144-158, 166-168; 1987, pp.43-46).¹¹

The line between civil peace and doctrinal freedom became increasingly difficult to draw, as Puritans deliberately made doctrinal niceties into fundamental issues and the Declarations into a kind of "free speech" concern, and conformists responded with expressions of loyalty couched in unprecedented legalisms. It "*was never his Maiesties, (nor I thinke your Lordships) intention, to silence or suppress*" anything but "unnecessary disputes about curious, nice, and needlesse Schoole-points", wrote Prynne as he broached the subject of predestination; "*these Anti-Arminian*

11. See Fincham 1990, esp. 198-206; Hill 1956, p.185, and *passim*. Collinson draws attention to the phenomenon of "lectures by combination", whereby Bishops co-operated with the gentry of certain towns to promote preaching in neglected areas by "combinations" of neighbouring ministers, and emphasizes the level of apparently cross-doctrinal support for the projects. Far from being a threat to the very basis of the Church, such lecturers were an element in its cohesion and comprehension, which Collinson goes so far as to describe as "the most characteristic institution of the Jacobean Church": Collinson 1982, pp.136, and *passim*, pp.78-176; 1975, pp.182-213; 1983, pp.467-498. Although unbeneficed lecturers, especially, were attacked for preaching "factious and disorderly sermons" before running away "into other countries, where [the bishop's] jurisdiction would not reach to punish them", Laud seems to have been reluctant to initiate a clampdown, despite Prynne's accusations of relentless suppression of London lecturers: see Laud, *Works* V.ii, pp.310, 319; Prynne 1646, p.373; J. Davies, pp.160-166; Trevor-Roper 1988, 1940, pp.106-109, 119.

Tenets”, however, “*are points of highest consequence*” (Prynne 1629 [1], sigs. ¶¶v, ¶¶2r-¶¶3r). Of course their intention *was* to silence and suppress: but it must be recognized that the motivation was political on the part of the government, and professional on the part of the clerical hierarchy - that is, not doctrinal or “largely a matter of theological perspective” for either of them. Indeed, Tyacke writes that, “from a Calvinist point of view preaching... was the chief means of salvation”, but Sharpe is surely right to observe that “The logic of strict predestination did not square easily with the vocation of a preaching ministry” (Tyacke 1973, pp.138-139; Sharpe 1992, p.299). Fincham concludes that “there is no positive proof that Arminian court bishops helped to frame” the 1622 Directions; and both Davies and Collinson note that “some of Dr Tyacke’s ‘Arminians’ were among the most enthusiastic preachers in the Caroline Church” (Fincham 1990, pp.232-246; J. Davies, p.68; Collinson 1979, pp.182-204). When Leighton complained that “the palpable *ignorance* of many Millions in this Land” arose from “forbidding to preach the Gospell”, he did so, not against “Arminians”, but against “Anabaptists”, who, “seeing the grosse abuse and forced interpretation, of scriptures... reject the word & other ordinances, and fall upon their owne *fantasticke revelations* and damnable fooleries” (Leighton, pp.83-87).

As the strength of the “freelance” preachers continued to grow, something other than sermonizing was required to boost the professional status of the clergy. At Hampton Court Bancroft had requested “that there might be amongst us, a *Praying Ministerie*”, to combat the notion that “the *onely dutie* required of a *Minister*” was “speaking out of a *Pulpit*”, and that “very indiscreetly and unlearnedly”. The King agreed that “the hypocrisy of our times” was that “which placeth all religion in the ear” (Barlow 1604, pp.53-54, 56, 191). Lake writes that Laudians felt that “the ceremonies of the Church were visible sermons”, but it is equally true that they wished to make sermons part of the visible Church (Lake 1993, p.166). Doctrinal justifications for this project were provided after the fact, largely by Andrewes. “The word is holy”, he preached, but if “all our service [were] ear-service; that were in effect as much as to say all the body were an ear [1Cor 12:17]”. Andrewes saw preaching itself as sacramental, a “‘taking of the spirit’ of the preacher, and putting it on the hearer”, but within a hierarchy that prioritized the Lord’s Supper: Christ preached to his disciples all the way to Emmaus, “but their eyes were not opened but ‘at the breaking of bread’ [Luke 24:31]” (*Works* IV, p.377; III, pp.98, 128-132; II, pp.204-205, 288; I, p.62). Following this lead, some of those who rose to prominence in the last years of the Jacobean Church would characterize that institution as one in which the “beauty of holiness” had been had “preached away”; they were concerned to formulate a view of sacramentalism which would imbue the Church - that is, the place itself - with a sense of the numinous, so that attending at the font and the altar, with the mediation of the priest, would be considered essential to salvation (Shelford, pp.12, 35; also Robarts, p.3). Donne preached along similar lines. The sermon and the sacrament were “a powerful thunder, and lightning, that go together: Preaching is the thunder, that clears the air, disperses all clouds of ignorance; and then the Sacrament is the lightning, the glorious light, and presence of Christ Iesus himself”. That word “presence” points towards a Lutheran sacramentalism, which, like Andrewes’s, subsumed the sermon: “preaching is the ordinance of

God, for the salvation of souls”, and “the Word preached” was “the Sacrament of Faith”. Sacramentalism therefore amounted to a professional restriction of the spiritual efficacy of preaching. If “The Trumpet of God” was heard in all of “his publique Ordinance in the Church; Prayer, Preaching, and Sacraments”, then the “Pretended services of God, in schismaticall Conventicles, are not in the Trumpet of God”, and offer no “spiritual resurrection” (*Sermons* IV, pp.105, 71; V, pp.261-262). By 1629, lecturers were being asked to read prayers before each lecture, a considerable departure from the Canons of 1604 (which required it only twice a year) designed to tie ministers to the liturgy (Laud, *Works* V.ii, pp.307-309; Maltby, pp.64-68, 113-124).

There were clear social and political reasons for these innovations, and problems only arise trying to make doctrinal sense out of them. “Most of the apologiae for ceremonies during the 1630s suggest little concern with theology”, as Sharpe observes: for Ambrose Fisher, their purpose was “not necessity of holiness but peacable uniformity of order”; the controversial communion-table and altar rail policies, which Laud claimed (plausibly) to be in line with the 1559 Injunctions and the 1604 Canons, were officially explained in similar terms (Sharpe 1992, pp.329, 339-345; A. Fisher, p.39; Laud, *Works* VI.i, pp.59-60). To identify “rival views of the Christian religion, the one built around the sacraments and the other focused on the sermon” is to misrepresent the establishment’s attempt to offer something to compete with Puritanism in the religious marketplace: the idea of the sermon as one part of an overall “package” for salvation (Tyacke 1987, pp.200-202). There was little that the Puritan preacher or lecturer could offer against that, and so he had to resort to “false advertising” - claims that the Laudian enforcement of Canons passed for decency and order were not only innovations, but Popish innovations. The fact that Laud could blame Popish idolatry for making some Englishmen “afraid to testify their duty to God, even in His own house, by any outward gesture at all” suggests that, by the 1620s, “Popish” had become a straightforwardly socio-political imprecation (*Works* II, p.312).

This becomes clear when we look at the the issue of transubstantiation, which lay at the heart of debates about sacramentalism. Hooker’s view – articulated against Romanist misapprehensions in terms which would be adopted by “Arminians” - was that sacraments “are signes assisted alwayes with the power of the holy Ghost”, the “due administration” of which facilitated “grace effectuall to sanctifye, to cure, to comfort, and whatsoever ells for the good of the soules of men” (*Works* III, pp.84-85; also II, pp.340-341). Indeed, the *Laws* might best be seen as a defence of the idea of prayer and sacrament as a necessary means of grace implicit in the Book of Common Prayer. What was not entertained was any specific, doctrinal anti-Calvinism. Neglecting the sacraments leads to dissolution, as “wee see in parte by some experience had of those men with whome that opinion is most stronge”, but grace is received “from God him selfe the author of sacramentes and not from anie other naturall or supernaturall qualitie in them”, for “they are not physicall but *morall instruments* of salvation” (*Works* II, pp.244-247; see pp.340-341). His “Arminian” followers said nothing more extreme than this – in fact, Hooker was to be liberally cited by Puritan controversialists *against* them (Tyacke 1987, p.60). Montagu accepted that “the *Body* and *Bloud* of our Saviour Christ is *really* participated & communicated”, but that

“We are not solicitous for the *manner* how he worketh it” (Montagu 1624, pp.251-255; also p.316). Perfectly orthodox, this was explicitly concerned to allow for freedom of conscience in the issue, while stressing the importance of the sacrament as a means of saving grace. William Forbes saw that both Scripture and the Fathers maintained that the worthy communicant “truly and really takes into himself the Body and Blood of Christ, but in a certain spiritual, miraculous and imperceptible manner... which is incomprehensible to the human understanding” (Forbes II, pp.381-382, 389; also p.421).

Prynne’s opinion that “*such as be voide of a lively faith*” who receive the eucharist do so “to their condemnation” is equally orthodox, in accordance with Article 28 (Prynne 1629, p.9). That there was scope for consensus is further demonstrated by the Calvinist James Ussher’s sermon on the issue. The sacraments were not just “bare signes”, but “*seales*” of the “Covenant of grace”. The bread and wine were changed by “the sacred use whereunto they are consecrated”, so that they “differ as much from common bread and wine, as heaven from earth”. To “participate in the benefits” of Christ’s spirituality, “*eate him we must, (as he himselfe speaketh [John 6:57])*”. So far, so “Arminian”. Interspersed with this active reading of the sacraments were the covenantal qualifications, an orthodox rejection of con- and transubstantiation: we “must not thinke that we cannot truly feed on Christ, unlesse we receive him with our jawes”, for “*It is the Spirit that quickeneth, the flesh profiteth nothing [John 6:63]*”. The communicant received the eucharist through the “spirituall mouth” of “Faith” (Ussher 1681, 1621, pp.26-44). Lake describes Andrewes’s “full-blown doctrine of priestly absolution”, but even he preached the sacrament as a “*vehiculum* of the Spirit”, effective only because it was ““a spiritual meat,’ [1Cor 10:3]” (Lake 1991, pp.122-129; Andrewes, *Works* II, pp.220, 268, 402-403; III, pp.102, 199). The bread was not “transubstantiated”, argued Donne, but “transformed”, because “whereas the nature of the bread is but to nourish the body, the nature of this bread now, is to nourish the soule” (*Sermons* VII, p.295; see Field 1610, p.103; Shelford, p.66). Even Rome held that “it is not the bodily touch in the Sacrament, that doth the good”, observed Andrewes - “reprobates, have that touch, and remain reprobates as before” (*Works* III, pp.37-38, 194). Tellingly, Field used the objection to widen what he calls the “ministeriall Power” over “admitting those that they thinke meete and worthy to the participation of the holy Sacraments” and “reiecting the unholy” (Field 1610, pp.99-100; cf. 1606, pp.24-25).

The centrality of the ministerial role in communion was, in fact, seen by some to rest on a *rejection* of Romanist doctrines of the presence. Andrewes’s, and especially Donne’s, conception of the eucharist can be related to their fascination with hypostasis – and because Christ’s Spirit worked through the “correspondency” between “the Sacrament and His character”, both drew a fine distinction between what they saw as the acceptable veneration that should be paid to the sacrament, and Popish idolatry: “*τρόπω προσκυνήσεως, after the manner of adoring, amounteth not to adoring*”, wrote Andrewes, for it is “a term qualified, and restrained to the outward manner”

(Donne, *Sermons* V, p.135; Andrewes, *Works* I, p.116; XI, pp.15-16).¹² Similarly, Field wrote that “Christ’s body is not in the Sacrament... but in reference to use appointed by Almighty God”; this was why the sacraments were not “the body of Christ, that dogs, swine, and mice doe eat, as the Romanists are wont to blaspheme”, but only those properly consecrated. Field, a moderate Calvinist, embraced the covenantal interpretation of justifying faith alongside a sacerdotal model for the Church: “The power of holy and Ecclesiasticall order, is nothing else, but that power which is especially given to men sanctified and set apart from others, to performe certaine sacred, supernaturall, and eminent actions, which others of another rancke may not” (Field 1606, pp.149, 156; 1601, pp.99-103). The mystery of the presence was brought about by “a *Divine Change*”, wrote Thomas Morton, but he also maintained that the change could only occur “*After Consecration*” (Morton, p.103). Cosin pressed the notion further: just as Christ was sent “to reconcile the world by His death and sacrifice”, so the Apostles and their successors were “to be ministers of the reconciliation”, and “sacrificers too, representers at the Altar here, and appliers of the Sacrifice once made for all, without which last act, the first will do us no good”. The minister occupied a position in relation to God similar - “a *sicut similitudinis*” if not a “*sicut equalitatis*” - to Christ’s (*Works* I, p.94; also Mason 1613 [2], p.207).

Statement’s like Buckeridge’s that “there is no Religion without priesthood, no priesthood without sacrifice” enabled Leighton provocatively to respond, “In a word, as *No Ceremonie, no Bishop*, so *No B[ishop]. No Ceremonie*”, and to assume that the clergy believed that “there were some difference betweene them, and the people” (Buckeridge 1618, p.47; Leighton, pp.105-106, 316). He was not wrong on the second count: Jasper Fisher described the priesthood as ambassadors from Heaven, “elevated above this wicked world, and imbued with a heavenly power”, while Thomas Laurence taught the laity to maintain “an humble distance from God”, while the clergy enjoyed the “immediatenesse of their acesse” (J. Fisher, pp.9, 34, 42, 46; Laurence 1635, p.3; 1637, pp.9-10). The notion that the priest exuded a kind of divine, angelic aura seems related to the pursuit of an order that justifies itself by some transcendent authority: “the minister like an angel of light appears”, wrote Edward Boughen, while the congregation “appear in the presence of God as one man, decently kneeling, rising, standing, bowing, praising, praying altogether” (Boughen, pp.10-11). Andrewes, it should be noted, preached that when we received the Eucharist we were “on earth most near to Angelic perfection”, indicating a sense of shared experience; and Donne warned against “overvaluing the gifts of any man so, as that thou take the voice of an Angell, for the voyce of the Archangell” (Andrewes, *Works* I, p.214; Donne, *Sermons* IV, pp.20-21). So we can detect a change in the employment of this imagery of the angelic priest, from an ideal to which mortal men in the profession ought to aspire as part of an hierarchical chain (linked with the laity and subject to God), to a straight statement of unqualified

12. See Carey, pp.117-152. Predictably, the idea received its most baroque expression in their Christmas Day sermons: see Donne, *Sermons* IV, pp.296-297, 300; VII, p.280; and Andrewes, *Works* I, pp.41, 231, 276; II, pp.301-302, 150; and *passim* throughout the Good Friday sermons, pp.119-184; III, pp.58, 143. See Lake 1991, pp.120-122, 128-129

fact in the 1620s and 30s. But this was not a theological innovation so much as a change of policy in enforcement of ecclesiastical order, in direct response to lay encroachment. Collinson makes the invaluable observation that “the difference between holiness and godliness... was not an immense difference”, as both “species of churchmanship breathed a neoclerical ideology” (Collinson 1982, pp.108-111, 252, 260) Although Nicholas Tyacke is right to say that “the sacramental counter-argument to determinism remained undeveloped” in 1604, it seems strange, on this evidence, to conclude that “the initiative indubitably still lay with the Calvinists” - as he defines them - “and subsequent royal support was considerably to strengthen their position”. If anything, it was the King himself who placed the greatest emphasis on clerical exclusivity in 1604, which suggests that for him the issue was already more political than doctrinal, and that when the clergy came to adopt a similar position it would be in response to the politics of professionalism rather than any “link between free will and the externals of devotion” (Tyacke 1987, pp.28, 52-53).

iv Social and political ramifications of “the beauty of holiness”

As sermons were the source of political news and ideas for the majority of people, who were “governed by the pulpit more than the sword in times of peace” as Charles I put it, the association of a particular view of Church-government and its relationship with royal power seemed obvious (Charles I, p.200). Humphrey Sydenham preached against the “Discourses” of the “Pseudo-Prophets” to emphasize their political content - “I am sorry I cannot call them Sermons”; Cosin insisted that we are “not to preach unless we be thereunto appointed”, recognizing that preaching was the most significant of the sacraments in terms of its potential for dissemination of doctrinal or political heterodoxy; and the Laudian sacerdotalism is appreciable in predestinarian terms only insofar as it was concerned with order (Sydenham, pp.135-136, 150-153; Cosin, *Works* I, p.95). Laud himself wrote that “no man may expect inward private revelation without the external means of the Church”, because the network of faith in the community required worship by “evident means, as other men may take notice of” (*Works* II, pp.85-86; I, p.73). In other words, we do as others do, and so we all ought make an outward show of faith with our good works: “our hearts may learn their duties by the outward gesture of our bodies, and be alike affected”, agreed Andrewes, “that thereby we may move others to worship God with us” (*Works* VI, pp.136-137).

The Establishment did not preach up works against faith, but works as a manifestation of faith, a position related to the covenant theology. Donne preached that, when people brought their sick to Christ to be healed, this was a “faith expressed, and declared in actions”, approved because Jesus “required such a faith, as might be evident to men”, even though He “could have seene their faith, by looking into their hearts”. Crucially, he then cites Calvin in support of this reading. There needed to be a received standard of conduct in Church and society, and “therefore our godliness be not only mystical but manifest, as God was” (*Sermons* X, p.74; IX, pp.236-242). But, as Andrewes began to complain in 1607, “nowadays, we go very mystically to work indeed; we keep it under a veil, and nothing manifest but *opera carnis*”. He spoke of “incarnating the word”, turning “the vocal word into a real work”. Of all good works, receiving the Lord’s Supper in the Church was

the most efficacious: we could not “stay at home”, for “shew Him forth ye must”. Like Hooker before him and Laud after, he taught that God “maketh men of one mind to dwell in one house” [Psalm 68:6], the “special places for Thy divine worship” (Andrewes, *Works* I, pp.42, 99; II, p.300; III, p.114; VI, p.319; Hooker, *Works* II, pp.113-117; see Lake 1988, pp.165-173). Donne went so far as to declare that “an Hypocrite at Church, may doe more good, then a devout man in his Chamber at home”, as he at least provides “a good example”. There was no way of knowing whether “he that is absent from Church now, is now at his prayers in his Chamber”, or taking himself out of the official eyesight of the Church and into a potentially subversive politics. “As vapors and winds shut up in Vaults, engender Earth-quakes; so these particular spirits in their Vault-prayers, and Cellar-Service, shake the Pillars of State and Church”. Evidence of one’s salvation - and, by implication, one’s loyalty to Church and state - must be “sealed and delivered to thee in the presence of competent witnesses, the Congregation” (*Sermons* II, p.90; V, p.219; VIII, p.228; also Sydenham, pp.137-138). If the Church were not “outward” and visible, Andrewes claimed, “we should have nothing but enthusiasts - as them we have notwithstanding; but then we should have had no rule with them” (*Works* III, p.273). Ceremonialism was about “having a rule” with potential enthusiasts, by using habituation to inculcate deference in the congregation: the “correspondency and sympathy between the soul and the body” meant that the repetition of outward gestures would feed an inward sense of decency and order, to the extent that Laud convinced himself that the altar controversy would be resolved once people had been “won by the decency of the thing itself” (Robarts, sig.3r; Laud, *Works* V.ii, p.343). If, at all times, we were “sometimes kneeling, sometimes standing, otherwhiles bowing when and as we are commanded”, there would be “no time for sleep and wandering thoughts”: like Andrewes’s ideal sermon, the ideal church service should leave us silent rather than talking, obeying rather than questioning, constrained by the established liturgy rather than free to express our inner faith, with “nothing at all left to our discretion” (Boughen, pp.6-8; also Buckeridge 1618, pp.19, 47, 215; Jackson, p.200).

It is obvious how this would have offended the more independent-minded parishioner: Laud pursued uniformity in the name of unity, and although “he signally failed to appreciate that the result of a policy of enforcing rites would be to create the very divisions which he aimed to remove”, there was no doctrinal basis for the bad faith of his most vehement critics (Laud, *Works* IV, p.60; J. Davies, pp.61-62). A minority who desired to bring the Church more firmly under lay control led a particularly strong reaction against Laudian clericalism, but their accusations of Popery disregarded the fact that the drive towards order was partly concerned to stem the increasing flow of converts to Rome who regarded the English Church as irreverent and lax: Ethan Shagan has recently dissented, but an impressive group of scholars have criticized the notion that the Protestant Reformation was entirely popular, and found views that might be described as “Arminian” clinging on lower down the social scale (Shagan 2002; Haigh 1981, pp.37-69; 1984, pp.195-219; K. Thomas 1971, pp.78-112, 151-173; Lake 1988, pp.119-125; Maltby, pp.76-80; Hill 1963, pp.77-102; Collinson 1982, pp.191-220). The ceremony around the eucharist “sometimes deceives well-meaning men”, complained Milton, and Bishops who “think by these gaudy

glistenings” to “stirre up the devotions of the rude multitude” indulged “the hellish Sophistry of Papism”, adding, “If the multitude be rude, the lips of the Preacher must give knowledge, and not ceremonies” (Milton I, pp.523, 828). But he did not consider that the kinds of values he would have taught to the “rude” multitude might have been less agreeable to them than the token uniformity required by the Laudian Church. Prynne railed against the “usurped authority” of Bishops’ “power Legantine”, to which “all the Clergy of England have submitted” and “many Laymen too”, without stopping to consider the reasons for that lay support (Prynne 1637, pp.245-246). It is notable that “The 1630s was the peak decade in the seventeenth century for sales both of Authorised Versions of the Bible and Books of Common Prayer” (P. White 1993, p.229). Tyacke suggests that the offence taken by “those confident of their own spiritual standing with God” would not be shared by “someone unable to make this mental leap”, for whom “a priestly intercessor had obvious attractions” (Tyacke 1987, p.221; also Collinson 1982, pp.191-207, 256-258).

If one did not happen to be blessed with new money and a certainty of one’s own election, the attractions of congregating for a Laudian church service were clearer - the pomp and circumstance of the Divine presence tended to act as a leveller, exalting the lowly with His attention while humbling the “elect” with His resplendence. In social terms, these people would have had little interest in bringing the Church under lay control, because they certainly were not the laity who would have exercised that control; but they may have understood that the Presbyterian discipline would be more, not less, oppressive in their everyday lives. It was the Puritan middle class who found themselves in opposition to and suffering at the hands of the episcopacy, and this, rather than any serious or well-defined doctrinal disagreement, focused their polemical energy on the political institution of episcopal Church-government.

VI

“Shall ’s have a play of this?”: performing the ancient constitution and the justified conscience in Shakespeare’s *Cymbeline* and Robert Davenport’s *King John and Matilda*

To conclude this opening section, I will examine two plays that deal with many of the issues raised so far: the tensions between “ancient constitutionalism” and administrative absolutism, the underlying economic changes that exacerbated those tensions in their professional contexts, the differing conceptions of salvation and religious authority, and the relationship between Church and State. However, in a pattern that will determine the readings of drama in this study, I hope to show that contemporary drama not only addressed these issues, but self-consciously shifted them from their original professional contexts, and into those of theatre itself.

i “Publish we this peace / To all our subjects”: *Cymbeline*

Shakespeare was an attached professional dramatist with the Lord Chamberlain’s Men in 1603, when the company was created the King’s Men. Among his patrons had been the Earls of

Southampton and Pembroke, both of whom had spoken out in favour of James's accession before Elizabeth had made her own intentions clear, and reaped the benefits of the King's favour early in the new reign; but they also identified with the stricter kind of Protestantism and supported the cause of the Earl of Essex, "opposition" tendencies which soon translated into criticism, both of James's policies and his friendliness with the Howards and other Roman Catholics. Donna B. Hamilton "notices that Shakespeare's moves" depended upon "how his patrons, Southampton and Pembroke, positioned themselves", and that this entailed resistance and refusal "on the same issues that Southampton and Pembroke refused" (Hamilton 1992, pp.xi-xii, 20-22; also Heinemann 1991 [2], pp.63-86).¹³ Where there was profound disagreement, would Shakespeare have allied himself with the (religious) politics of his former, noble patrons or his new, royal one? Or would he, instead, have attempted to formulate a peculiarly *dramatic* politics, one which negotiated (and negated?) the tensions to which his art was subject, in the service of the ideals of his profession?

The problem of aristocratic loyalty to the ruling family fascinated Shakespeare, especially the question of how far such an essentialist sociopolitical philosophy could articulate opposition to an equally essentialist authority, and the hybrid Romance genre, perhaps because of its removal from immediate historical reality, seems to have been the most viable forum for exploration of these difficult questions. In *Cymbeline* (Globe 1609), the wicked Queen's rejection of hereditary principles seem to undermine her own attempt to shift the succession to her own descendents. The asinine Cloten will not be protected by the traditional, patriarchal values if he becomes King, but his political skills will not be up to the job either - the Queen's machinations can only satisfy her short-term ambition, before leaving the throne to a son whose incompetence will not disguise his illegitimacy. These facts point to the way in which essentializing structures of natural and positive systems of law are corroded by the politics of the Machiavel, a pattern that permeates the various oaths sworn between Imogen, Posthumus and Iachimo concerning sexual fidelity. An oath is a form of words that defines the conditions of an agreement, but its force is implicitly predicated upon the honourable intentions behind those words. Iachimo's "proof" of his sexual conquest of Imogen is a foregone conclusion - because his oath was taken, not with a view to honour, but to "design!" - but also because Posthumus has an essential belief in his honour. His doubts only extend as far as the suggestion that there be "articles between us", and he does not see that a binding form of words does not detach itself from the predicate of his trust in Iachimo's nobility: to prove his conquest, Iachimo recalls details of Imogen's chamber, and "will write it down", put it into a form of words which seems to corroborate his oath while actually challenging its stability as a universal standard, reducing it to "the contents o' th' story". Machiavellian lies, by imitating the universal values of the law, come close to overcoming them as a new standard. Oaths become sites

13. It has been argued that Shakespeare was Roman Catholic; biographical evidence for this seems sketchy and inconclusive. See Mutschmann and Wentersdorf 1969, 1952; de Groot 1946; Gary Taylor, pp.85-100; Honigman 1985, pp.114-125; McManaway 1967, pp.197-205; Brownlowe 1989, pp.186-191; Richmond, pp.79-96; Sams 1995, esp. pp.11-16, 32-36; and (the Jesuit) Milward 1973. Schoenbaum 1991, 1970 concludes that, "Probably Shakespeare remained a tolerant Anglican", and I think this agrees with my own sense of the playwright, especially as he comes across in *Cymbeline*: see pp.41-62, 114, 286-289

of radical uncertainty, located at the meeting places of the essential and the pragmatic: because Posthumus will not so much as entertain the notion of Iachimo's cheating his way past Imogen, the villain sees that their "covenant" and "lawful counsel" provides the perfect cover for his lack of principles (I.iv.140-146, 156-168; II.ii.23-27).¹⁴ Posthumus compounds this mistake with another oath, included in the letter that Iachimo passes on to Imogen: "He is one of the noblest note, to whose kindness I am most infinitely tied", she reads, "Reflect upon him accordingly, as you value your trust". Indeed, her "trust" in noble Iachimo plays upon her own insecurities concerning Posthumus's honour, which derive from her essential notions about social class (even though their relationship is self-consciously subversive of those notions). Iachimo has picked up on Posthumus' "concealed need for reassurance, rising from his own 'unworthiness'", which "makes Iachimo's attempt the secret mission of his own fears", and gives him a strategy with which to come between the lovers: Posthumus's infidelities are effected through "that self exhibition / Which your own coffers yield", he tells Imogen; he counsels revenge, without which "you / Recoil from your great stock" (Bradbrook 1979, 1955, p.201; I.vi.22-128).

Words like "stock" exemplify the queasy nexus of aristocratic and mercantilist notions of authority which characterizes the rhetoric of the Shakespearean Machiavel; and his ironic commodification of Imogen also points to the fundamental difference between the natural-law basis of oaths and the common-law basis of contracts. The legal contract was an obvious extension of the growing circulation of "paper wealth", in that it stood for a promise of payment that was both reliable and conveniently liquid, as opposed to real estate which was rapidly losing its value. In this context, Posthumus's engagement ring becomes symbolic of more than just his betrothal to Imogen - it is a material symbol of Imogen's value. Iachimo is the first to suggest such a connection: "that diamond of yours outlustres many I have beheld", he tells Posthumus, "But I have not seen the most precious diamond that is, nor you the lady". Posthumus replies, "I prais'd her as I rated her: so do I my stone"; he momentarily breaks this implied money-connection - "the one may be sold or given", the "other is not a thing for sale, and only the gift of the gods" - but it is soon reinstated in the form of the contract-wager. Iachimo offers to "pawn the moi'ty of my estate to your ring, which in my opinion o'ervalues it something", which rational valuation irritates Posthumus, who thinks his ring has added commodity- (or sentimental-) value. This leads to Posthumus's curious *overvaluation* of the ring - he refuses to lay it down as a stake, and effectively wagers Imogen herself. He fetishizes capital at the expense of the material goods it represents, and Iachimo ironically approves this as "wise": "If you buy ladies' flesh at a million a dram, you cannot preserve it from tainting" (I.iv.39-85, 108-110, 134-136). Liquidity is always advisable as insurance against a collapse in the value of a commodity - in this instance Imogen's virtue. The collapse in this "market" points to the fundamental problems of a mercantilist system that depends upon contract and credit rather than essential honour: rumour, which has to work much harder where honourable standards are assumed, can drain value from a commodity just as efficiently as overproduction. Accordingly, the pretended sexual seduction of Imogen is facilitated

¹⁴ All references to Shakespeare's plays cite Shakespeare 1997.

by her actual seduction by the idea of Posthumus's involvement in purchasing "a present for the Emperor", which speaks to her anxiety that he should become a man of means in order to access the circles of aristocratic power. She promises Iachimo to "pawn mine honour" for the safety of Posthumus's "interest in" these riches, taking them into her bedchamber (I.vi.185-196). In fact she pawns her sexual honour by allowing Iachimo into her chamber (just as rumours of infidelity cause a collapse in the value of the sexual commodity, so this fictional wealth evaporates); and in her enthusiasm to accept the possibility of the social influence of wealth over heredity (as justification for her engagement), she pawns her aristocratic honour, investing her own social standing in Posthumus's mercantilist "interest". When she loses to Iachimo the bracelet that Posthumus has given her as an engagement token, she scolds herself, "Shrew me / If I would lose it for a revenue / Of any king's in Europe!" (II.iii.140-144), contrasting her contract wealth with the accumulated "revenue" of a feudal income. When that investment fails because Iachimo describes her birthmark, "a voucher, / Stronger than ever law could make" (II.ii.39-40), it is clear that "vouchers" are only as valuable as the market dictates, and that legal contracts in a mercantilist society are worth nothing more than the wealth-interest that guarantees them.

Of course, Iachimo's Machiavellian appropriations of honour imply that these unstable values are ripe for a challenge. But how should they be challenged? Posthumus's servant, Pisanio exhibits a moral clarity - articulated as a transcendent Good analogous to natural or divine law - which seems to highlight the relativistic confusion of *both* the aristocratic and mercantilist moralities, as they are expressed, rather clumsily, by Cloten: "if thou would'st not be a villain, but do me true service", Pisanio should acquiesce in his "employments" and "industry, that is, what villainy soe'er I bid thee do" (III.v.108-121). In order not to be a villain (a low-born serf), Pisanio should obey the aristocratic Cloten in performing villainy (evil works): aristocratic honour is just as much a fiction as paper money and legal contracts (all are underpinned by "employment" and "industry"). Pisanio disobeys in terms both economic - "Thou bid'st me to my loss" - and moral: "for true to thee / Were to prove false, which I will never be / To him that is most true" (III.v.157-159). At this point, Pisanio does not say that villainy would prove false to some *transcendent* truth, only to the truth of his (pay-)master (although the enjambment, and the ambiguity of "him that is most true", hints at his potential to conceive of transcendent truth). In fact, Pisanio's obedience is defined by every value-system at one time or another: against the Queen he asserts faith in "my good lord" (I.v.86-87), with respect to social hierarchy - "lord" - qualified by moral "good". Each controlling system of values partakes of the ideal Good, which therefore subsumes them all: as soon as his "master" gives the "bad" command to murder Imogen he rebels just as surely as did against the Queen (III.ii.9-15; see Strier, pp.104-133, esp. pp.125-126). He cuts through the moral confusion of Imogen's death-wish with his insistence that his dagger shall "not damn my hand", introducing a theological term for the first time. The register persists in Imogen's protest that the responsibility to kill her is Pisanio's, because of his obligation to Posthumus and because "Against self-slaughter / There is a prohibition so divine" (III.iv.64-77). Her argument fails thanks to the life-affirming divinity which prohibits murder for the same reasons as it prohibits "self-slaughter".

As Posthumus's later change of heart will prove, the only way to obtain the Good is to disobey the customary goods, and allow Imogen to live.

The transcendent Good is associated with the play's protagonists when they are acting authentically, outside the corrupting influence of their antagonists. According to this ethic, the nobility of birth is overridden by the moral categories that seem so appropriate to the play's Romance conventions. But Pisanio's reference to damnation points to the difficulties which the play acknowledges in applying this idealism in the real, sinful world. Belarius and the brothers Guiderius and Arviragus are among the play's most attractive characters, but their morality is aristocratic: Belarius reprimands the brothers for forgetting to bury Cloten, a "queen's son": "Though mean and mighty, rotting / Together, have one dust, yet reverence / (That angel of the world) doth make distinction". This, too, is the message conveyed by the great threnody for "Fidele" - not simply that "Golden lads and girls all must, / As chimney-sweepers, come to dust", but that *until* they come to dust, the "Golden" should have priority before the "chimney-sweepers". All those worldly things that pass, "the frown o' th' great", the difference between the reed and the oak, "The sceptre, learning, physic", are consequently accepted as necessarily concomitant with the here and now. The fact that Imogen is really still a part of that here and now, and that upon waking she will fall prey to these worldly imperfections, only serves to confirm this anti-idealism: only death can end the fear of "slander" and "censure rash" (IV.ii.76-77, 93-94, 243-272), because the world supports evil Iachimos and Clotens whose reputations and actions have the appearance of nobility. Politics and riches are necessary constituents of the here and now, and removing them results in simple penury: despite all his fine words about natural nobility, Belarius is anxious that Imogen "Think us no churls; nor measure our good minds / By this rude place we live in"; and this "natural" attachment to one's "proper" status is most obviously signalled by the brothers' nobility of birth emerging *despite* their penury, and not because of it. Imogen not only picks up on the signs of this noble "nature", but, despite her own repudiation of nobility, does so from within the ideology of her rightful social standing: "Great men" could not "outpeer these twain". The fact that she does not speak of these *three* implies a natural intuition that Belarius does not share their nobility, any more than "false" Posthumus (III.vi.64-65, 80-88). She is thrown into an ironic confusion by her affection for these boys, which seems to conflict with her instinctive aristocracy: asked, "Are we not brothers?" she replies, anticipating the threnody, "So man and man should be, / But clay and clay differs in dignity, / Whose dust is both alike" (IV.ii.3-5). Her deepest feelings and her political pretence come into conflict - "man and man" should be brothers in her pretended ideal, pastoral world, but she is not really a "man", and she only expects and desires equality to come in the afterlife.

This resolution of social differences in exclusively eschatological terms also informs the play's treatment of theological differences. The letter in which Posthumus orders Imogen's death seems to her like the "scriptures of the loyal Leonatus, / All turn'd to heresy" and made "Corrupters of my faith!" (III.iv.80-83), words which could be imagined coming from the ruling Church (denouncing heretical use of the Bible's texts), or from a Puritan (denouncing the Church's

corruption of the Bible's message). It is significant that Imogen should refer to Posthumus by his second name here, which the Soothsayer interprets for us in the final Scene as recalling "the lion's whelp" (V.v.443-445) of Judah - which in turn represents the coming of Christ and the new Law (Gen 49:8-10; see Geller, pp.248, 251; Shaheen, pp.294-315). Belarius calls Imogen, "an angel" and "divineness" personified (III.vi.40-44); and the Second Lord prays that she continue to "keep unshak'd / That temple, thy fair mind, that thou mayst stand / T' enjoy thy banish'd lord and this great land!" (II.i.62-65) She is represented by the "temple", then, but names herself "Fidele", or *faith* (III.vi.59-60), establishing an identity with a Protestant eschatology without drifting into separatism: indeed, she is the true Church of "this great land" of Britain, but she cannot "stand" without whatever it is Posthumus, her "banish'd lord", represents. Cymbeline, demanding her acquiescence to his political and patriarchal will, asks if she is "Past grace? obedience?" By pairing "grace" and "obedience" he places a "statist" or "Popish" emphasis on a theologically loaded term (suggesting that one might earn grace with obedient "works"). Imogen's reply - "Past hope, and in despair, that way past grace" (I.i.136-137) - concerns itself more with her inner state, "faith" over "works", and intimates that one can fall from grace into despair, thereby avoiding the extremes of antinomianism, while resisting her father's "statist" theology (see Hamilton 1992, pp.129, 138-139). Imogen is not instinctively rebellious - "the breach of custom / Is breach of all", she tells Guiderius and Arviragus (IV.ii.10-11) - and this informs against her father's idea of her wilfulness, but also against Posthumus's, whose unwarranted belief that she has betrayed him leads to a rejection of the entirety of womankind. Mistaken suspicion of corruption in the individual leads to a disastrous judgement of corruption in the institution, and a rejection of all faith (by rejecting the institution which is the proper repository of faith): like a good heretical extremist, Posthumus takes to the printing press with his "curses", and he is convinced that for the corrupt institution (Imogen, woman, the Church) to have its will, it must forego any hope of divine favour; in other words, he resolves upon schism over reform (II.v.29-35). And so we have two extremes: Cymbeline rejects the free conscience represented (but abused) by Posthumus. By the end of the play, however, the King readmits Imogen into "my grace"; indeed, it is not even his grace: "I know not why, wherefore, / To say 'Live, boy'", he confesses, so that from being a clear reward for "obedience", grace has become a mysterious act of unfathomable mercy, given for no other reason except that it has been asked. The only evidence of grace is the fact of being spiritually alive, "reviv'd from death", as the astonished Belarius puts it, gesturing towards the Resurrection that prefigures all possibility of grace (V.v.93-96, 119-123). Guiderius and Arviragus provide us with the form the ideal Church should take, and its politics. Their burial of "Fidele" is achieved with a Puritanical concern to avoid the excesses of liturgical ceremony, "priests and fanes that lie" and "protract with admiration what / Is now due debt". The "fane" (a *Roman* temple) is a place for ceremonial order, but it is more importantly a place for *feeling* one's faith. And that faith should be the basis of a very Jacobean pan-European catholicism: "Fidele" is buried next to the boys' stepmother, "Euriphile", with the same requiem, "Save that Euriphile must be Fidele"

(IV.ii.229-242). In other words, Europe can be reconciled (or love itself) through the basic tenets of faith.

The stumbling blocks before this goal are the Queen, Cloten, and Posthumus, whose behaviour marks him out as representative of that strain of Puritan social theology that saw all relations in contractarian terms: his involvement with Iachimo implies an idolatory just as pernicious as the "Popish" forms it decries - the equation of paper money with real wealth - and a paranoia over the employment of any ritual signifier that does not agree with its own world-view. The solution is presented by the essential nationalism that emerges with new importance during the battle scenes, and suggests that a pan-European, catholic theology has to be justified by an appeal to Britain's independent political identity. Posthumus arrives with "th'Italian gentry", but soon changes sides, dressing as a "Britain peasant" to fight and "die / For thee, O Imogen". Abandoning his "gentry" status, Posthumus rediscovers his love both for Imogen and for Britain; and although he is a *professional* soldier (and the easiest way for him to earn money and political favour would be to continue on the Roman side), he fights for the abstract ideal of "valour" (V.i.17-26). He defeats Iachimo on the field of battle, turning decisively against this representative of "statist", "Jesutitical", equivocating, Machiavellian Roman Catholicism for the first time. The other worthy outlaw-"heirs" who embody a pastoral nobility, Guiderius and Arviragus, also express it through patriotic valour: their essential aristocracy blooms, uncorrupted by the politics of the court but ideally suited to it for that very reason. When other British warriors fly, and Cymbeline is captured, Belarius and the brothers storm in to rescue him, pouring scorn on their less determined comrades (V.ii.11-13). Posthumus reports their warnings to the British forces: "Stand, / Or we are Romans and will give you that / Like beasts which you shun beastly" (V.iii.19-26). They will take on the appearance of "Romanism" in order to assay the truth of Protestantism, turning towards Rome in order to inhabit a position from which to force defeat, or reform, upon Rome. And so, like Posthumus's, their actions enable their reconciliation with British nationalism, which was always prefigured by the inherent nobility of their genealogy: "I am / The heir of this reward," Cymbeline thanks them, "which I will add / To you, the liver, heart, and brain of Britain"; called upon to identify themselves, Belarius says simply that they are honest gentlemen - "Further to boast were neither true nor modest" - thus disavowing any suggestion that their valour had as its object the rewards that Cymbeline immediately bestows: "Arise my knights i' th' battle. I create you / Companions to our person, and will fit you / With dignities becoming your estates" (V.v.12-22). Theology has thereby removed itself from the realm of political economy in order to defeat "statist" Roman Catholicism: as Iachimo observes, "Knighthoods and honours, borne / As I wear mine, are titles but of scorn" in the face of true faith and allegiance (V.ii.6-10). Belarius's and his sons' allegiance to Cymbeline does not frame itself in rigid legalistic formulae, unlike that of the British gentry, who remain incredulous towards the outlaws' selfless patriotism (V.iii.51-65). By contrast, the Queen and Cloten, when Lucius reminds Cymbeline of the "tribute" which has lately gone "untender'd", exceed their rights by exercising an unproportioned influence against pacifism in British foreign policy. "Britain's a world / By

itself", blusters Cloten, and, echoing the bombastic "1588" rhetoric that was apt to thunder about the House of Commons while *Cymbeline* was on the stage, the Queen recalls Julius Caesar "carried / From off our coast", his ships tossed on "on our terrible seas" and cracked "'gainst our rocks". Cymbeline offers a more considered nationalism: "Till the injurious Romans did extort / This tribute from us, we were free". Hamilton suggests that similar arguments "were being used during these same years to oppose James's absolutist policies within England", and are "appropriated, in this controversy involving an enemy external to England, to defend the king" (Hamilton, p.154). However, the rest of Cymbeline's speech does not support common-law "anti-absolutist" theory at all: he defends Mulmutius's laws against the "sword of Caesar" (canon law and Papal power), but in describing him as the first Briton who "call'd / Himself a king" (III.i.5-14, 24-64), he undermines the common-law notion of "time immemorial" and its concomitant refusal of an original sovereignty over the law. This position chimed perfectly with James's British nationalism, and placing it in a context of resistance lent them a populist edge which pre-empted concerns about the rights of freeborn Englishmen and government pacifism. The "Pannonians and Dalmatians for / Their liberties are now in arms", Cymbeline tells Lucius (like the city representatives and princes who had met in Auhausen in May 1608 to form the Protestant Union under Frederick IV, Elector of the Palatinate and future son-in-law to James I): their resistance is "a president / Which not to read would show the Britains cold" (III.i.73-75). During this period of escalating sectarian tension on the Continent, Shakespeare had, perhaps, been reflecting upon the anomalous position of certain factions who desired a war-footing in Europe but resisted the prerogative powers required to organize and fund it: as Cymbeline says, to resist properly, the King must act to the height of his "sovereignty" and not "Appear unkinglike" (III.v.4-7).

Establishing this nationalist space is important because the play suggests that the English Church will involve a turn towards Rome and away from both the "statism" of the British monarch and the Puritanism of the British gentry. When Imogen refuses to go "back to th' court", Pisanio observes that this entails a repudiation of her allegiance to the political notion of "Britain". He advises her to enter the service of the Roman ambassador-general Lucius, disguised as a boy, so that she might come "near / The residence of Posthumus" - implying that Imogen's turning towards Rome is *not* an abandonment of the Protestant ethic at all, but an attempt to rediscover its reforming truth (III.iv.130-167). Imogen's quest is pan-European, catholic, and informed by an covenantal idea of grace; and so Lucius's comment on her assumed name, "Fidele", significantly reinforces this theology from a Roman(ist) point of view - "Thy name well fits thy faith; thy faith thy name". His acceptance of a non-"Popish" theology points to the possibility of a Romano-British *rapprochement* around agreeable, essential articles of "faith". Imogen promises to "follow" Lucius, as soon as she has "please[d] the gods" by burying Posthumus. What Imogen thinks she is burying here is materialistic Puritanism - the "false" Posthumus - but she does so "weeping and sighing", because she fears that she might be burying Protestant truths as well. In fact, she is burying *Cloten*, and with him the worst excesses of the Whore of Babylon's "statist" ambitions, and Lucius says that the act has "taught us manly duties" (IV.ii.376-397).

Posthumus is not allowed to die in battle as he wishes, but finds himself locked in a British prison, still wishing for “The penitent instrument to pick that bolt” of life. “Is’t enough I am sorry?” he wonders, shifting his discourse from politics to pure conscience in order to articulate a much more forgiving, “Arminian” view of grace than hitherto. “For Imogen’s dear life take mine,” he begs, praying that the Puritan church be subsumed into the catholic institution, “though / ’Tis not so dear, yet ’tis a life; you coin’d it” - the articles of his faith remain the same as those “coined” by the Apostolic Church. The political aspects of this “Arminianism” are made clear when members of his family intercede in his suit for grace: “Like hardiment Posthumus hath / To Cymbeline perform’d”, pleads his brother, so, “king of gods, / Why hast thou thus adjourn’d / The graces for his merits due...?” His mother adds, “our son is good, / Take off his miseries”, and his father threatens to “cry / To th’ shining synod of the rest / Against thy deity”. Pertinently mixing legal and ecclesiastical (and indeed theatrical) terms, Posthumus’s family base their arguments on works as a manifestation of faith in the king of gods, and loyalty to the King of Britain. Jupiter considers their arguments even as he reminds them that they have no jurisdiction over his sovereignty of freely-offered grace: “Be not with mortal accidents oppress’d, / No care of yours it is, you know ’tis ours. / Whom best I love, I cross”. He warns against the assumption that hardships are a righteous punishment of the reprobate: grace was always available to Posthumus, even in his darkest hour - indeed, when most “crossed”, one is most likely to look to remember the suffering of Christ and be “crossed” with its blessing. Grace is inscrutable, Posthumus has “this golden chance and know not why”, and in fact he never assumes that his election is secure, fully expecting reprobation for his treasonous hand in Imogen’s death (he does not forgive himself for his crimes against Church and state, and, living up to his name, he considers “mortal accidents” only in terms of their eschatological ramifications). His Jailer offers another articulation of the covenant’s ability to underpin a catholic faith that transcends politics, swearing an oath on his “conscience” (emphasizing his freedom to do so), before admiring Posthumus’s supposedly “Roman” virtues: “I would we were all of one mind, and one mind good”, he concludes; “O, there were desolation of jailers and gallowses!” (V.iv.9, 22-27, 75-101, 131-132, 151, 166-206). Where consciences are free, as far as they do not endanger the temporal sovereignty (“of one mind, and one mind good”, loyal to the nation and loyal to the catholic faith), there are English “Romanists”, but no religious terrorists, and therefore no gallows. This point is also made through Belarius - introduced at the very heart of the play, III.iii, and representing what Hamilton calls “the threatened English catholic subject”. His “fault” was that two villains “swore to Cymbeline / I was confederate with the Romans”, and Hamilton argues that his plight recalls criticisms of the Oath of Allegiance; but it might equally be argued that he suffers *because* there is no oath he can take *against* the false oath that has ruined him. He is certainly “a reliable figure who supports the same causes that the king’s sons support”. Although he kidnapped the princes “to bar” Cymbeline “of succession, as / Thou refts me of my lands” (the Roman Church had been been “reft” of land during the Henrician Reformation, and it resisted the successions of both Elizabeth and James), Belarius *does* return the princes to their rightful place, after giving them an education in the proper

obligations of monarchy to religious toleration. Crucially, he is able to accommodate his catholicism within the British “internationalism” of Jacobean ideology: “Myself, Belarius, that am Morgan call’d, / They take for natural father” - he is the embodiment of both Roman and British (and specifically Welsh, Tudor) values (III.iii.57-68, 99-107). He “shows himself to be the friend of Imogen and the enemy to Cloten”, that is, supporting the (catholic) English against the politicized Roman Church, and the effects of his education are seen in Guiderius’s decapitation of the “Antichrist” Cloten, who had intended to “Displace our heads” (IV.ii.122; Hamilton, pp.129-130, 145-146, 156-160).

If Guiderius’s use of the sword represents the state’s right to eliminate false, “statist” religion, the state’s relationship with the *true* Church is worked out in a more complex fashion, in the play’s extraordinary final scene. Posthumus, still punishing himself for the supposed death of Imogen (the true Church, potentially), is highly offended when “Fidele” approaches him with soothing words of “Peace”, and strikes her to the ground. Pisanio comes to her aid, but is himself the victim of another hasty judgement, this time from Imogen herself: “Thou gav’st me poison. Dangerous fellow, hence! / Breathe not where princes are”. Posthumus, imagining the true Church destroyed, can only assume that the catholic “Fidele” is a newly assertive “Popery”, which he violently rejects; Imogen, imagining that Pisanio is a poisoner (like the Whore of Babylon), assumes that *he* is “Dangerous” to temporal “princes” (Cymbeline curiously declares this “The tune of Imogen!” - the true English Church *should* speak out against the Papal deposing power). Until the ethical basis for toleration, of the inscrutability of God’s will, is fully accepted, there can be no just marriage between Church and State: when Pisanio’s innocence is proved, and “Fidele” revealed as Imogen, she and Posthumus are finally reunited. Embracing him, Imogen tells Posthumus, “you are upon a rock”, the “rock” of the Apostolic Church (Matt 16:18) which Posthumus recognizes, and cannot now reject; indeed, he *becomes* a part of that Church - his “soul” a “fruit” of its “tree” - which is now an official institution to which loyal subjects can conscientiously declare their faith. The marriage of the temporal and spiritual realms is ratified by the King, whose “tears” become baptismal “holy water” (V.v.227-238, 261-269). The new institutional Church opens a space for toleration with its all-embracing covenant theology, guaranteed by constitutional powers consequent upon that theology becoming a principle of law and government. Hence, before Cymbeline’s conversion, he threatens to “slaughter” his Roman prisoners, a vengeful act that is not the religious appeasement of “good souls” which Cymbeline claims it is (V.v.69-74), but a political warning that Caesar should leave Britain alone. This is the fundamental mistake of all “statist” religion: putting the political cart before the Christian horse, identifying a questionable political aim and apologizing for it in spiritual terms. Cymbeline’s conversion is inspired by Posthumus’s exemplary repudiation of sectarian bigotry. Following Iachimo’s long and sincere confession, he calls for an “upright justicer” and “torturers ingenious”, which we assume he wants to employ against Iachimo, as James’s agents had against the suspects in the Gunpowder Plot. In fact, these torments are for himself, “Posthumus, / That kill’d thy daughter”. Posthumus has stood for the Puritanism that had persecuted Roman Catholic subjects

since the accession of Elizabeth. When the inevitable backlash came, that same Puritanism intensified its calls for further persecution. Posthumus's acceptance of his own culpability breaks the cycle of violent paranoia through open confidence in the true Church. When this confidence is established, and Posthumus and Imogen - he calls her "The temple / Of virtue" (V.v.210-221) - are reunited, the new Church can accommodate not only the benign and loyal Belarius, but even the malignant Iachimo, whose wrongs are acknowledged to have been facilitated by Posthumus's own failings. Iachimo's own "heavy conscience" leads him to allegiance to the true English Church, the theology of which can now accommodate his conscientious beliefs: he returns the ring and the bracelet that confirm Imogen to be the "truest princess / That ever swore her faith". His genuflection expresses both political allegiance and his conscientious confession. The proper reaction of the state-Church's representative is to accept such supplication only as it is offered by the free conscience as an obligation to the true authority of the divine order, and, as such, Posthumus tells Iachimo, "Kneel not to me", for "The pow'r that I have on you is to spare" and "to forgive you". Cymbeline determines to "learn our freeness of a son-in-law", declaring, "Pardon's the word to all" (V.v.412-422; see Geller, pp.250-251; and Jordan, p.104).

The play's theology is a victory for both the Protestant and Roman confessions, and both the British and Roman political administrations. The Soothsayer (whose comical prophecies tend to be correct) had predicted "Success to th' Roman host" (IV.ii.346-352), who get what they were fighting for when Cymbeline decides to pay the tribute. The Soothsayer clears up his confusion by explaining that his "vision" of "the Roman eagle, / From south to west on wing soaring aloft" had not presaged conquest, but shown how Rome "Lessen'd herself, and in the beams o' th' sun / So vanish'd", leading Caesar to "unite / His favour with the radiant Cymbeline". Political and doctrinal differences are subsumed by the "peace" tuned by the "pow'rs above" which are alluded to in Christ's words to Pilate (V.v.458-476; John 19:11). As for the promise to pay tribute, Jordan reminds us that Cymbeline's "verbal contract is plausible only if he has accepted what he earlier rejected: a word given in good faith has a force in conscience"; only now, "in the Word" do we have that "good faith". Britain submits to the Word; but the Roman Eagle is also "lessened" in the "Son". Augustus was the first Emperor to take on "the style of gods", to claim divinity, but the coming rule of Christ immediately abrogated these claims: this is the point of both Augustus's and Cymbeline's paradoxical submissiveness at the end of the play (Jordan, pp.73-74, 91, 105-106).

Cymbeline offers the same *theological* project as had the early Stuart Church - a project which failed because of a concomitant *professional* self-interest. The play's confession is effective precisely because it eliminates all reference to clerical offices, emphasizing the contracted conscience as the guarantor of stability and loyalty. After the Soothsayer's elucidation of his vision - the nearest thing the play has to a priest or a sermon - Cymbeline commands praise and sacrifice to the gods. We have a full Church service, with sermon, hymns, communion, teaching, praise, sacrifice. But the sermon's message, "peace", has to be "Published" to "all our subjects" through some other channel than the institutional Church (V.v.476-480). Cymbeline himself demonstrates why this communication is so vital. Posthumus and Imogen, state and Church, both made mistaken

judgements from their imperfect perspective on the facts of the play's action: the revelations of the final scene begin with Posthumus's metatheatrical scolding of his disguised mistress - "Shall 's have a play of this?" (V.v.228-229). Cymbeline is also bewildered by the sheer complexity of the plot: "When shall I hear all through?" he wonders, for he has heard only an abstracted version of events, a "fierce abridgement" related to him by the characters who were subject to those events. His confusion is matched only by the delight of the audience, who enjoy a god-like apprehension of precisely those questions Cymbeline asks, as well as the way in which all the "circumstantial branches" inform the plot as a whole, its sense of justice and balance (see Bradbrook 1979, 1955, pp.200-201; 1976, pp.196-204). These details of how state and Church have arrived at this perfect harmony "should be demanded", concludes the subjective Cymbeline, but this is "nor the time nor place" to "serve our long interrogatories"; but of course the two hours' traffic of the stage on which he stands has indeed provided the objective audience that "time and place". They have no need to "quit this ground" for the "temple", for they have watched the development of the play's political theology: instead, leaving the temple of the theatre, they will march "through Lud's-Town" and "ratify" the peace which the play has suggested to them with "feasts" rather than prayers (V.v.381-398, 481-483), keeping alive the spirit of play which Shakespeare, it seems, thought more conducive to social and religious harmony than the rigidities of ceremony or commandment, or the exhortations of priests or lecturers.

ii "Emperor of the Barrons": *King John and Matilda*

Many of the political and theological concerns of *Cymbeline*, as well as its notion of a kind of "catholic" dramaturgy, are picked up in a much later play by Robert Davenport, *King John and Matilda*. Its editor, Joyce O. Davis, concludes that it was written and performed in "1628-29" (in R. Davenport, pp.xi-xiii).¹⁵ I think this conjecture is corroborated by a curious anomaly in Davenport's (generally accurate) treatment of the play's historical setting: Fitzwater puts King John's age at "twenty seven summers" (II.iv.158), whereas in 1216 he would have been 48. King Charles, however, was 27 in 1628; and the developments in the House of Commons during June of that year (the Petition of Right was passed on the 7th and "Arminianism" was debated on the 11th), together with the appointment of William Laud as Bishop of London on July 4th, provide a very topical context for the play. King John insists that the aristocracy should lay down its "lawlesse arms" and submit to his sovereignty, and Leicester fudges the issue in much the same way as the pro-war factions had been doing in the Commons for twenty years: "I will not leave mine arms, / Nor break my word to you, / Unlesse provok'd, you have my faith". Subsidies would be agreed in Parliament as long as the money was spent on "arms" - national defence of the Protestant "faith" on the Continent - a "pledge" that King John "mislikes". The parties are in the limbo between the breakdown of communication and the joining of battle, where the only way to avoid conflict rests in the kind of disingenuous legalisms articulated in Coke's, Eliot's and

15. All references to the play cite this edition. See Bentley 1941-1968 I, p.246. The play was first performed at the Cockpit.

Selden's 1628 Petition. "As a topical play the significant point is that the barons call on their king, as Parliament did Charles, not to sign the great charter (which John had already done), but to live up to it" (Tricomi, pp.150-151). Fitzwater speaks in anachronistic (but decidedly Cokean) terms about "the whole Realm" swearing to Magna Carta: "Perform but the seal'd Covenants you are fled from", he pleads, and "We shall bow"; failing that, not only will the Charter's signatories be "perjur'd", but the King will find that their "irregularity" will force him back into civil war. Despite this threat, "love in our side sings" (I.iii.87-130). His notions that innovatory encroachments are really the simple pursuit of ancient, "seal'd Covenants" are all very 1628.

The immediate topicality of the play is perhaps also indicated by its genre: like John Ford's *Perkin Warbeck* (Cockpit 1632), it is another example of an unusually late history play staged by Queen Henrietta's Men. Davenport is similarly concerned as much with the King-in-love as the King-in-politics - Anne Barton notes that it is "the first English history to give the king's name in the title equal weight with that of the lady he loves" - and indeed, it styles itself "*a Tragedy*" rather than a "*Chronicle History*" (Barton 1977, p.78). Unlike its main source, Chettle and Munday's *The Death of Robert, Earle of Huntington* (?Rose 1599), which Davis describes as "almost entirely a romance", *John and Matilda* presents us with "a skillful interweaving of material from romance and from chronicle history, used to exalt the honor and the power of true virtue". This results in the "fundamental weakness" of the play, she suggests - its failure to embrace the "didacticism" of a coherent ideology (Davis in R. Davenport, pp.xvii-xviii, lxxiii, lviii-lx). Such criticism depends on a teleological view of the play's context as one of well-defined, conflicting ideals: in the political limbo of 1628, between articulating positions and acting from them, it was not easy to take sides in an ideologically coherent way. Indeed, Davenport's remarkable interweaving of his two plot-strands, from the play's title through its metaphors to its action, perfectly expresses the peculiarly tangled and *affective* nature of early seventeenth-century politics. Acknowledging the inconsistencies on all sides, and opening a space for reconciliation against the increasingly self-justifying language of the political elites, it was a political play precisely because its politics were ambiguous.

King John is a would-be adulterer who politicizes and militarizes his Queen, making her "play the Amazon": she will remain "an agent to secure / Me and my Kingdome", not by giving birth to an heir, but by chasing after Matilda, her replacement in the royal bed. The political motivation is to force Fitzwater's capitulation by taking his daughter hostage, but the overriding desire is "lust" - as the courtier, Hubert, observes, with a rhyme that shows how this renders the political act "unjust". Indeed, the King muses to himself, "I will hazard / Even to a Kingdom for thee" (I.iv.26-47). The conflict degenerates into a perverted form of chivalry as the sexualized imagery of battle is divorced from political ends (III.ii.60-71; III.iii.2-12). This is a politically important confusion: although the nobles "powted" at the King's disregard for Magna Carta, they "fell into no relapse of hostility" until he cast his "covetous eye" on Matilda (II.iv.124-130). For both the King and the rebellious aristocrats the war is only tangentially concerned with the legal aspects of Magna Carta, the politics of which are, in an important sense, really the politics of the

family. Davenport makes the point with careful metaphorical resonances: as John tries to seduce her, Matilda reminds him of his “vows” to her husband never again to lay “battery to the fair fort of my unvanquish’d / Vertue”. He not only breaks an oath made to an aristocrat, but the traditional imagery of the besieged lady place them into the Magna-Carta context of civil war and the forcible appropriation of baronial property: Matilda flees “unto *Baynards* Castle to my father”, for “she had a need of Castles, where a King / Layes such violent seige”; and at the beginning of the same scene we have heard Oxford’s report of the demands formulated “here at *Baynards* Castle”, the final plea that Magna Carta “be ratified”, so that the fortification on the north bank of the Thames which had been held by the Fitzwaters for generations come to symbolize a conflation of the personal and the political. The King insists, with the same legal sophistry he uses to disavow Magna Carta, that such “bad vows” are “better broke than kept”. When Matilda points out the *other* vows he has made to his wife, he attempts to exercise a brute, sovereign power: “Words shall convert to deeds then; I am the King”, he declares, offering to assault her (I.i.10-19, 69-92, 115-117). Matilda draws a knife. Again, we witness the point at which verbal disagreement teeters over into physical action, a literal resort to arms. Despite her brother’s claim that Matilda’s “knife enfranchis’d her” (I.iii.36-44), it was not intended to defend her life but to threaten suicide as a “sacrifice to vertue” (I.i.93-96). Conflict in pursuit of ideals inevitably ends in self-destruction, and therefore destruction of the political grounding for those ideals. The play is obviously concerned with the inconsistencies between aristocratic, feudal rights and the quasi-citizenship implied by the “ancient rights” enshrined in Magna Carta and the 1628 Petition. Davenport suggests that conflict arises from both sides trying to have their cake and eat it: the King emphasizes the nobles’ perverted view of family loyalties - they are a “nest” of scorpions, and Lady Bruce is a kind of anti-Mother (I.i.22-34; III.v.39-41) - but his pursuit of Matilda indulges the same perversions.

Similar inconsistencies are traced in the play’s politicization of religious dispute. Oxford refers to the King simply as “*John*”, because that was “how you stood at *Rome*, put from / Your Kingly office” (I.i.5-9). This suggests that the King’s status depends upon a “holy anointing” by the Church; but Fitzwater urges Young Bruce, “faith he is the King”, and points out that he favours “regularity” even though “at *Rome* he does stand interdicted” (I.iii.22-26). In this formula, the secular law’s nationalist “regularity” defines the “faith” that is “the King” *in spite of* the Church. We can already see that the nobles have factionalized the religious question, splitting between pro- and anti-Roman parties. They are responding to John’s own politicization of the issue: he complains to Pandulph, the Pope’s Legate, that the rebels swore fealty to the “King”, but then “deny’d” he was the King “till our assoylment / Of our six years Interdiction”, and that *this* made the lawful signing of the Charter into a sealing of “unlawfull liberties” (II.iv.106-125). In fact, he had already complained to the Pope about the Charter. It is not surprising that Pandulph’s visit to take off the interdiction in return for “conceal’d” conditions is seen by the Bruces as a direct threat to the nobles’ political rights (I.iii.148-160). They are right, of course. Reconciliation with Rome has more to do with the King’s political status at home than anything doctrinal: as the Bishop of Winchester advises, it would “reinvest your temples / With the rich Diadem”, and more

pertinently, enable “your power, / Weakned and wounded”, to “rowse it selfe and remove all obstacles / Twixt you and the high calling of a King”. The Charter was “the reason you stood Curst at Rome” - the Pope could not risk backing a lame-duck King - but now, having witnessed John’s successful resistance, the Pope is ready to lend his support. Resigning the crown *internationally* should therefore be regarded as a mere “necessity” on the way to becoming “a King absolute” (II.i.47-80). In the re-investiture scene the King enters first, followed by Pandulph, who is thereby shown to outrank the nobles of “*the Kings Party*”, who in turn enter before the rebels. The King holds his crown rather than wearing it, and kneels next to Pandulph, who sits in the Chair of State; he then addresses his “*Prelates*” before his “*Peers*” (not just in the service of his rhyming couplets), and, “*With all submissive reverence*”, sets his crown “*at the most sacred foot / Of Innocent the Third*”. Crucially, he declares that he will “*Submit to the Popes Power to disclose*” all of “*my Rebellions*”. King John’s most serious “*Rebellion*” against the Pope (for which he was interdicted and excommunicated) was his refusal to accept Stephen Langton as his Archbishop of Canterbury in 1205. This goes unmentioned in Davenport’s play - indeed, John’s re-investiture is shifted forwards from 1213 to 1216, in order to associate it with his *other* major “*Rebellion*” against the Church - his signing of Magna Carta. This subtly translates “*my Rebellions*” into “the rebellions of my aristocracy”: “these Lords” would have “been now bruising the face of peace”, he tells Pandulph, were it not for “Your strict compulsion” and their fear of “interdiction”. In effect, John curtails political dissent by subsuming the numinousness of the Church to his own kingly office. Fitzwater begs the Papacy to retain a “holy pure, unmixt simplicity”, and not to “wrong” the Church by forcing it into the “pleited proceedings” of politics. But Pandulph offers John the Chair of State, “your now true Seat”, implying that his “absolute readmission / Into the Church” also comprehends the re-investment of “all Powers, prerogatives, / Freedomes, Communities” of “lawfull Princes” (II.iv.1-14, 24-56, 73-81, 140-143). In reality, however, the King’s standing is improved not chiefly because of his acquisition of Papal power, but because of the *domestic*, “religious” authority the backing of the Church affords him, as Richmond and Bruce point out: “Those that before fled from him as a Leaper, / Will now flock to him” (III.iv.30-34). As such, Fitzwater does not express his dread of Papal domination, but of “The Kingdoms ancient Liberties” running “the course that he shall steere” - that is, King John himself, without the control of the Church. Fitzwater sees that things have gone beyond Magna Carta’s domestic, negotiable terms, and John confirms his fears as soon as he has been re-invested: after “your words”, he says, “we will fall to deeds”; and as the rebels are imprisoned, “we can now talk and do” (II.iv.1-14, 85-87).

The religious question is highly politicized, but still a divine order is implied, beyond the vagueness of Romance-style ironic reversals, and it is located chiefly in the imagery which explores the relationship between the Sun King and God as Sun/Son. Fitzwater justifies dissent by arguing that, “when Kings our Dials retrograde do run, / We leave to look on them, and go by th’ Sun” (I.iii.180-181). The King’s relation to God and nature is necessarily human and corrupt, and can therefore run “retrograde”. Fitzwater’s metaphor suggests that the subject can judge the King’s

religious (and therefore political) competency according to the unmediated “Sun/Son”. After being “clouded” by excommunication, John remarks he is now once again “like the Sun in his Meridian”. He is the sun at midday, when even the sundial becomes “like the Sun” because it casts no shadow: at the midday-height of his power no one can judge the extent of agreement between the human sundial-King and the divine “Sun/Son”. Even the Church is rendered subordinate by this imagery: “the Sun” of the Papacy “hath chaste the night / Out of our Hemisphere”, John says, so that in the space of eighty lines, the the King’s metaphorical sun has gone from midday, casting no shadow, to daybreak, casting its longest shadows. The first sun is the King, whose will is tantamount to the divine will; and second is the Church, whose edicts are shadowy and questionable. Although Pandulph reinvests John as “an obedient Son unto the Church” (II.iv.81-82, 92-94, 171-175), behind these niceties lies the truth that the Church is a subordinate *mater* to an all-powerful *filium*, with whom the Sun/Son King identifies himself. Nevertheless, this demonstrates little more than the political appropriation of essential values and symbols. A more reliable indicator of the “divine order” of the play is the King’s lustful pursuit of Matilda, which acts as a commentary on the King’s appropriation of ecclesiastical authority. He describes her, “comely as the holy shining Priest / Deckt in his glorious sacerdotal vestment” (I.i.53-54), very much a High Church, whose authority is underscored by public ceremony - not in itself immoral, of course, but its articulation of adulterous desire strongly implies that it would be immoral under this King. Davenport’s play is not primarily concerned with categorizing John as either tyrannical apostate or proto-Protestant hero, because it recognizes that the power of the real Roman Church is less relevant to the 1628 context than the threat of an Erastian or “Arminian”, *domestic*, “English Popery” - and the nature of the King’s relationship with his Church. As the wronged Queen puts it, Matilda is “a Book of goodnesse” like the Bible, but John “no truth intends” with his “foul desires”, which “corrupt that Text which he commends”. The King who controls the Church controls the meaning of the Word of God, and can make it speak up for the divinity of his office. Even John himself recognizes this as “my sophistry” (III.ii.41-52).

Magna Carta’s opening clause, “*quod Anglicana ecclesia libera sit, et habeat jura sua integra, et libertates suas illesas*”, makes it clear that, in moral-political terms, the English Church should be as free and sacrosanct as legal and property rights. Which brings us to the thorny question, what is the theology of Davenport’s ideal free Church?¹⁶ The way Brand is shown to go

16. Tricomi describes Davenport as “A Puritan”: p.150. It helps if we go beyond the play in order to think about its engagement with the historiographical tradition. Davis makes a persuasive case for Davenport’s familiarity with John Stow: his “account of the meeting to sign Magna Charta contains language which is paralleled in Davenport’s references to the event”; his version of the re-investiture “corresponds more closely with Davenport’s than does any other chronicle of the day”; and he is “the only historian of the late sixteenth century who records the obligation John accepted, to pay a thousand marks annually as rent on his kingdom to the pope”. In his account of the agreement John made to end the Interdiction, as Davis observes, “Stow does not comment on the question of patriotism involved, but he makes it plain that John was prompted by policy to accept Pandulph’s offer, and he does not mention, as Holinshed did, that John had any reservation about resigning English sovereignty to the pope”. This, she argues, demonstrates an engagement with an “older and harsher medieval view of John”. The earliest monastic chroniclers of John’s reign, as might be expected, depicted him as a ruthless tyrant bent on defying the Church, a “pre-Reformation” view canonized in the major chronicles of Matthew Paris and Roger of Wendover. In the sixteenth century a

about his grisly business seems to offer a commentary on the moral-theological question of “Arminianism”. Chester has written to him to lament his capture by “*my most mortall Enemy young Bruce*”, whose mother and brother Brand has in custody: “*you have occasion cast into your hand to parallel their sufferings with my fortunes, not that I would have you banish humanity*”. Delegating moral action inevitably ends in a compromise of morality to fit in with self-interest: Brand acknowledges Chester as “the Laddar of my fortunes”, and tells us that his captives shall not eat or drink “till I heare againe from My Lord”. He will starve them to death, as he assumes Chester really desires, while leaving himself the opportunity to blame their deaths on Chester’s lack of action. Neither Chester nor Brand are concerned about what other people might think they *intended* or *desired* - all that matters is what they are seen to have *done*. The same amorality surfaces in Brand’s offers of “sustenance” in return for the Lady’s sexual indulgence. Her son points out that, with Brand next to his “Mother”, “when I am a bed too, there / Will be no room for my Father”, a suggestion of perverse Mariolatry subverting the place of the First Person of the Trinity. Brand offers salvation through a ritual which will not be damnable because “No body shall see’t” - if salvation is assured through good works made visible in the sight of the priest, then evil works done out of sight need not end in reprobation. “If such sinnes could not be done without being seen,” he points out, “a Parators place / Would convaile five Serjeants”, and “there would not be sheets enough in the Land / For the penitent”. The idolatry, the soteriology, and the legal-political machinery of the Roman Church is associated with Brand’s moral turpitude of privileging appearances over conscience. The young George, by contrast, suggests a covenantal ethics according to which conscience “will make you give’s some bread, / And then you’ll be a very honest man” - his inner assurance will lead to an action which visibilizes a pre-existent “honesty” (III.i.1-33, 52-89, 106-117). George promises to “tell my Father such good things of you, / He shall return your kindnesse treble back / To your honest bosome”; so Brand’s bosom must be “honest” already (an indication that the “father” George is referring to is omniscient). Brand knows that “to have an honest bosome (as the world goes) / Is the next way to want bread” (IV.i.12-19) - true enough “as the world goes”, but George is talking about the sustaining bread of the body of Christ, which nourishes through unworldly faith. This is not a simple lesson in Popish idolatry, but in faith regardless of doctrinal or ritual specifics: Lady Bruce and her son articulate a

different portrait began to emerge to reflect the new spirit of Protestant nationalism. John’s defiance of the Pope became an act of heroism, and the cause of the rebellious nobles condemned as illegal and unjust. John Bale’s anti-Catholic, historical Morality play, *King Johan* (c.1536) exemplified the most vitriolic version of this tradition, alongside the inevitable entry in Foxe’s *Actes and Monuments*, which appeared thirty years later. The one major exception to this trend in the first half of the sixteenth century was Polydore Vergil’s determination to preserve a positive interpretation of the nobles’ efforts to curb the John’s tyrannical power as both an act of patriotism *and* a defense of the true Church. When we come to Holinshed a mixed view emerges, according to which John’s reign is legitimized on the basis of Richard I’s death-bed nomination, his nationalism celebrated, and the rebellions against him condemned, while at a personal level John’s irrationality is shown leading to political indiscretion and cruelty. It is this character whom we find in *The Troublesome Reign of King John* (1591), and then (albeit with the the violent anti-Catholicism toned down) William Shakespeare’s *King John* (?Theatre 1596): Davis in R. Davenport, pp.xxix-xliii. Her references are to Stow 1580, p.246; p.243; and 1575, fo.78, respectively. She certainly shows that Davenport’s familiarity goes beyond simple reiteration of Stow’s version as it is found in Chettle and Munday.

“Protestant” moral theology which is visualized in terms of “Romanist” rituals - the eucharistic “bread”, of course (taken *in bona fide*), but also the “blood” to which they resort in their strikingly ritualized final moments. Lady Bruce begs her son to “bite on thy Mothers arme, / The blood will nourish thee”. The suggestion seems to be that the “Mother” Church actively sustains the reality of Christ through the sacramental ritual. “Why should not mine then nourish you?” George replies, making the point that Christ can sustain himself without the Church, but not *vice versa*. “Truly I shall hurt you if I bite yours”, he says: Christ’s blood is the sustaining, limitless, saving blood of the sacrament; the blood of the Church is merely human. Lady Bruce accepts her son’s primacy as an agent of sustenance, while still offering her own arm to him, that they might “go hand in hand to Heaven”; but before George can suck any blood from his mother, he dies. His is a completely nourishing being, as his Christ-like death becomes a way for the faithful (or the “innocent”) to accept “friendly death” with the promise of everlasting life: as his mother observes, he dies “with a lovely smile” (IV.i.63-81).

The play presents us with a delineation of covenant theology which emphasizes the performative, or even the “theatrical”, side of witnessed faith. Kidnapped by the King’s agents, Matilda apparently gives in to the “strong temptation” simply to “take those pleasures”, a performance which makes little sense outside of its inherent value within her overall performance of faith, which succeeds in winning both the Queen and Hubert to her cause. Hubert removes Matilda, for her protection, to Dunmow Abbey - a distinctly “Romanist” location, but a possession, not of the Church, but of the rebellious Fitzwaters. He now sees that “there is honour” in doing so - not political, of course, but spiritual *and* aristocratic, concerning his “after happinesse” as well as “the honour of your House”, as the Queen puts it (IV.ii.5-14, 28-53, 63-82). Ultimately, Hubert emerges as a Pisanio-like “*transgressing servant*”, as he styles himself to the King, “*forc’d by a secret command from heaven to mine owne conscience*” to act against the sovereign in the cause of Good (including the King’s spiritual health); John calls him a “Most excellent villaine”, with apt irony (IV.iii.53-60). Without being overwhelmed, the “statist” and the “Puritan” tendencies in Church reform, so to speak, are united by witnessing a performance of good conscience. Later, when Matilda rejects John’s (and her father’s feigned) offer of marriage, Fitzwater joyfully reveals his true opposition to the King, and putting himself into the Lord of Misrule character which the King had earlier ascribed to him (“Emperor of the Barrons”), praises the sovereignty of God as if it were a delightful comedic dénouement: “I will live and laugh”, he says, because “you would have made her / The mistresse of the King, and she is married / To the Kings Master” (V.i.82-86). So Matilda preserves her freedom of conscience by performing it, making it visible, in a “Church context” - she and the Abbess appear above the King, on the Abbey walls.

But how far does Matilda, the true spirit of the Church, depend upon the protection of the institution of the Church, and is that institution corruptible? At the Abbey, as Oxford points out, she is no longer “in the Kings power”, but “in heavens” (III.iii.44). But this is a moral judgement rather than a political one: the King warns that his “Army fill’d with Ruffians” will “levell” the

Abbey if Matilda is not released (V.i.61-66); and even Brand gets “*freedom of accesse*” thanks to “*Eustace Confessor to his Majestie*”, forcing the Abbess to bend all “regularity” to “this Mandate” of the combined state and Church. Her only hope is that Brand has come in the name of “vertue”, which he meets with an unconvincing performance of the King’s “chang’d” conscience, “a lover / Now of *Matilda’s* noble constancy” (V.ii.1-17). The fact that the Abbess falls for this (she had seen it exposed as a sham from the Abbey walls in the preceding scene) demonstrates how the politicization of the Church diminishes its willingness to differentiate between good and bad conscience when it comes to ritual performance. This is not a statement of anti-ritual or anti-Erastian sentiment *per se*, but a reminder that the true purpose of ritual gets muddled by influence of the state. After all, *The Death of Huntington* made the Abbess and her monastic lover into panders who threaten to kill Matilda to prevent her from revealing their licentiousness to the outside world. The compromise Davenport offered reflected the fact that he was writing for a Roman Catholic Queen who happened to stand at the head of a radical Protestant faction at court: the theology of *King John and Matilda* is defined by the humanism shared, to some degree, by the two extremes in the current ecclesiastical debate.

Davenport’s response to the danger of the politicized Church is very much that of the playwright - to set Fitzwater’s and Matilda’s performances in opposition to the King’s. The free conscience (unlike the Abbess’s) will inevitably see through the pretence to the truths these performances visibilize. It is therefore fitting that the King’s autocratic appropriation of dramatic performance should be problematized alongside his appropriation of religious performance. Just before Matilda is kidnapped, her father assures her that they are safe in the City of London because “The very hearts o’ th’ Citizens (men injur’d / In their priviledges as we are) they are ours”. The citizenry and the nobility are shown to be bonded through play-acting and entertainment - Richmond announces the arrival of some citizens “Apparell’d rich like Masquers”, because the Queen and her “noble friends” are present - a celebration of the supposed shared interests of the Queen, the “opposition” nobles, and the better sort of citizen who frequented the Cockpit. But of course, these masquers are neither “citizens” nor “friends” - the King has appropriated the masque to get to Matilda. The pageantry strikes Fitzwater with its splendour, which presents a problem of definition, both professional and social: “Your Fathers wore a kind of comely habite, / That wel became the reverend name of Citizens”, he recalls, “But now let a Knight walk with you in your shops”, and “We know not which is which” (III.iv.76-79, 81-88; III.v.1-9). The King is able to invade the hall because the citizens have *also* appropriated the masque (and its attendant social signification). The point is, play-acting is politically dangerous when its success becomes a simple matter of appropriating power rather than of metaphor, compromise and negotiation. As such, the kidnapping itself is figured as an act of power: disguised as a Torch-bearer, he takes Matilda in his “graspe”, ostensibly to dance with her, and “*pulls her violently*”. This violence, “too much for a Torch-bearer”, alerts Fitzwater to the dubiousness of the masquers: “I will see thee, / Wert thou King *John* himself”. Once revealed, it is impossible for Fitzwater to criticize John’s performance, because it is political rather than a dramatic: “Your pardon sir”, he apologizes, “By my good

sword I knew ye not". Chester remarks that, if he had, they might have plotted to kill him as a "a sawcy stranger", then "pleaded ignorance" (III.v.16-31, 45-49). In other words, in terms of the appropriated theatre of power, Fitzwater can "criticize" a citizen's performance because of his superior political power, but once Matilda has been taken hostage, the King's political status clearly enables him to adapt a "critical" primacy. Now, as he says, "Will it please the mighty Emperor of the Barrons, / The King may kisse *Matilda*"; it will not please him, of course, but the King knows that this is beside the point, because Fitzwater can only ever be an "Emperor" in saturnalian terms, under the King's Mastership of the Revels *and* the Rebels. To emphasize the point, he draws a *scena* for Fitzwater, according to which all those who had betrayed him shall submit themselves to his will to be entertained, until he close the performance "Upon *Matilda*'s lip" (IV.iii.9-35). The critical dialogue of drama is overwhelmed by the King's irresistible power, and it has been allowed to do so in part because of the appropriation of playing by a number of self-interested factions, including the citizens and nobles, in the form of the masque.

To stress the true independence of theatre, Davenport, like many of the professional playwrights of the 1630s who followed the examples of Shakespeare and John Fletcher, drew attention to the sophistication of his dramaturgy. He transformed Chettle and Munday's "fair play into a good play", as Davis argues, and the "generally superior craftsmanship" behind its alterations reflected "changes in the dramatic taste of audiences". But audiences had been educated in this self-consciously witty, even courtly idiom, by the playwrights themselves. Significantly, one of Davenport's most effective changes involves the King's masque itself, as if to make precisely this professional point: in the earlier play, the King disguises himself as a masquer for his *first* visit to the rebellious nobles, so that it serves no dramatic purpose "except to gain him entrance to Fitzwater's castle"; in this "almost useless masque" Davenport saw "a potential which he skillfully exploited to heighten the intrigue and tie together strands of plot". Saving the masque conceit for the later scene, "when the friction between king and lords has increased", lends it greater dramatic sense, and loads the unmasking with both professional and political significance; Davenport also took this opportunity to bring in the device of Fitzwater's lost glove, which the King uses to trick Matilda into captivity, and finds an echo in Brand's poisoned glove in the last Act (Davis in Davenport, pp.xvi-xvii, xxiii-xxv). This gives the King a wonderful opportunity to "play *Oedipus*, and expound" the riddle of his ingenious kidnapping (III.v.99-114); and gives Brand a similarly entertaining bit of glove-swapping stage business, after which he advertises his author-creator's dramaturgical cleverness: "as by a Glove / You were carryed from your Father to this Cloyster", he crows, "So by a Glove you are from this Cloyster sent / To the chaste Court of Saints" (V.ii.54s.d., 70-73).

Equally important for the theme of theatrical independence is the withdrawal of the rebellious nobles from political performance. Their central conceit is an expression of solidarity - with both the King, if he would but reform, and with the commoners: the Elder Bruce tells John, "perform with us, / You shall walk over us, if not, we stand / Our injur'd Countries Justicers" (I.iii.136-138); but his patriotism is somewhat belied by that "perform", which signals the self-

consciousness of the nobles' position. The King calls Bruce a "Proud boaster" for claiming to represent the people, and indeed, if they are supposed to provide a bulwark for the freedoms of the commonweal, the promise that John "shall walk over us" if he meets *their* conditions seems problematic. Behind the two performances he offers lies the governing truth of *aristocratic* privileges. The clearest indication of how far the rebellious nobles are prepared to consider aristocratic solutions to their crisis before popular or national ones is their debate over whether they should offer Philip of France the English throne in return for his military assistance. Fitzwater insists, "I do not like it", but even he couches his objections in self-interested terms: Philip will "be a gainer", but "what will you get by't?" We must ask ourselves whether "we can undergo a heavier stroke / From a Naturall, then from a Forreigne yolk": English or foreign, it is all immaterial - the problem is a King who has sapped too much power away from his aristocracy. As such, Fitzwater does not scrap the idea of a foreign invasion, but suggests that they should "send for *Lewis, Philips Sonne the Dolphine*", who "may be wrought on" more readily than the "dangerously politick" King. This will enable them to "hover / Twixt *John* and *Lewis*" until the King is forced to capitulate, at which point, "We fall on his part" and "expulse *Lewis*". The sacrifice Fitzwater is prepared to make reveals very starkly the social stratum for whose benefit this plan is formulated: "it may be / He shall take a fisher Town", he concedes, but "every Nation / Can take away their trading as the time goes" (III.iv.21-29, 39-68). Unlike Davis, I am unable to see this as "patriotism". It is not true that the Dauphin is "used only to frighten or pressure John into reconciliation" - Fitzwater seems ready to offer Louis the throne, and he urges his followers not to "chain our freedoms to a foreign hand" only *after* John has conceded to his demands (Davis in R. Davenport, pp.xlvii-xlviii, lvii-lviii). At this point, Fitzwater interestingly wavers between the three different performances which the nobles have given during the course of the play: "Trust to our faiths sir, give the Land her Liberties, / And do but look upon my poor *Matilda*" with "Kingly chaste eyes", and "you shall stand a King then absolute". General "Liberties", aristocratic family rights and royal sovereignty all stand together, mutually reinforcing. But only the aristocratic role is convincing: the liberties belong to those with "Land", and the King's sovereignty is guaranteed only because "My brother shall command his Sonne to obedience, / *Leister* and he shall give ye up the castle", and "We will call *Richmond* with his powers from *Lewis*" (V.iii.55-81). The nobles have appropriated roles (populists, loyalists, Frenchmen) in pursuit of their own ends, and have succeeded (as John succeeded with his kidnap-masque) only because they have made their brute power even greater than the King's.

By contrast, Matilda's performances work by negating the self in order to accomodate others. In a key scene, she is subjected to a violent assault from the jealous Queen, until her brother arrives, threatening mortal revenge against the "rude hand" that hath "ras'd this Book of beauty" (his epithet already anticipating her status as *tabula rasa*). Matilda blames "rude Souldiers", and thanks the "wondrous kind *Queen*" for rescuing her with her own "troop". The Queen exclaims, gratefully, "Thy soul is Christall" (II.iii.1-7, 15-21, 30-61): her soul is pure - one can see through her motivations, there is no deceit involved, and even her refracting performance

is exclusively concerned with clarifying her inner truth and reflecting the possibility of reconciliation with those who observe her. By refracting her brother's violence onto non-existent "Souldiers" she reconciles him with the Queen who would, if he knew the truth, be his victim. Later, Young Bruce acts against his sister's example. Over Matilda's still "warne" body, he determines, "With a new art", to "catch old Blood-hounds", pretending to be "the Kings well-wishing friend" for his audience, Brand, who is hiding in the bushes. Brand takes him to be "one of our side" who "knows not twas the Kings injunction" to have Matilda murdered. This, along with the "Purse of Gold" Young Bruce offers the murderer, coaxes Brand to show himself, and to brag of killing George and Lady Bruce. Young Bruce flies into a vengeful rage, pins him down, and resolves "To aske thee for a Mother, a sweet Brother, / A chaste kinswoman"; but, knowing that such perfect compensation can come only on the Day of Judgement, he wishes instead that Brand "couldst be / Ten daies a dying". All the religious and moral ideals personified in Matilda are savagely betrayed at this moment, in her name. Bruce threatens to stab Brand "So thick with wounds" that his body will be like "a Book / Full of red Letters, characters of thy cruelty": but according to the covenant theology, those characters will not only tell the story of Brand's cruelty, but of his own (furthermore, in refusing to acknowledge God's moral sovereignty he becomes complicit in the Popish iconography of "red Letters"). Pre-empting the divine will, this is the worst kind of theatricality, and it is figured as the theatricality of the punishing sovereign: he decides to take the bodies of his murdered family to Windsor, to "expose" them "(As spurs of righteous vengeance)", before all those concerned with "Conscience, and Blood" (V.ii.107-122, 134-181, 198-201). He does not see that conscience and blood are mutually exclusive - literally, morally, and politically - and that reaction to this miserable *tableau mort* will depend upon which of the two is prioritized.

In fact, until Matilda's body arrives at Windsor the political situation is indeed more about "blood" than "conscience". Fitzwater, with the superior power of a foreign Prince's army and navy, has brought the King to terms; but, as Davis observes, "everyone must remember here that the king had submitted and made promises 'in the words of a king' before", only to resume his tyranny once he was "free from the pressures of the armed nobility". We are only taken beyond these impenetrable political performances when "The king and the barons are united by grief" at the sight of Matilda's hearse (Davis in R. Davenport, pp.xlix-l, lii). This is a very special kind of theatre, "tragically" real, not ideological: Hubert describes Matilda's face as "A sad writ Tragedy", and urges John to "Read your sad act, *Matilda's* Tragedy", which is "so feelingly / Languag'd, and cast", that "wild savages, / Satyrs, and the rude rabble of the Woods, / Would weep" at it. From now on, the play takes on a distinctly ceremonial feel, as theatrical rituals of consensus are focused upon Matilda's body: the new political unity "is symbolized by the almost antiphonal verses spoken by the king and Fitzwater"; John grieves at "My scoene of sorrow" (Davis in R. Davenport, p.l). But all suggestion of political performance has drained away as "blood" gives way to "conscience", both individual and universal: "the Kings penitence" offers "A publique benefit", and, as for his wrongs, "When it shall please, / Let heaven question him"; in the mean time, Bruce

concludes, let us “quit the Land of *Lewis*”. There has been sin on all sides - against God, against the nation - and so the play ends with an amalgamation of the theatrical, the political and the religious which acts as the contractual basis of a new politics and confession: the King commands everyone to return to Dunmow Abbey, and to observe the same ritual as “A monthly obsequie”. This shifts final authority away from the King himself onto the act of theatrical worship itself: indeed, once he has finished speaking, the drama ends with a threnody for Matilda which achieves the same kind of consensus around “catholic theatre” which Shakespeare offers at the end of *Cymbeline* (V.iii.55-101, 115-131, 156-157, 170-171, 180-219).

The play presents one last difficulty: its disappearance from the 1630s stage must be explained, for it is a good play, and the 1655 title page claims that it met with “great Applause”; its publisher, Andrew Pennycuicke, suggests that its subsequent obscurity can only be explained by “the absurdity of times” (To the... Earle of Lindsey..., 15-18). This presumably refers to the Long Parliament’s thirteen-year outlawing of the London theatres, which would tally with the dedication of this edition to the Earl of Lindsay, who was not known as a patron of the arts, but had been a royalist partisan during the civil wars, returning to public life as a member of the Restoration Privy Council and a judge at the trial of the regicides. This might seem like a surprising fate to befall a play originally produced by the company with the strongest links to radical Protestant court factions, but it is really emblematic of the ideological indeterminacy of theatrical patronage in the 1620s and 30s. *King John and Matilda*’s fuzzy consensus politics was actually well-tailored to fit into its professional context, between Henrietta Maria’s theological Romanism and the Cockpit’s oppositional Protestantism. But it did not answer the political needs of 1628, which it seems to have had ambitious to do. In the Shakespearean tradition, it avoided the problem of final political authority at a time when defining such an authority had become a necessity. Ironically, its later appropriation by royalists indicates the extent to which the play failed to convince political factions to give up self-interest in favour of a common consensus underwritten by legal-political sovereignty. As such, the (post-Hobbesian) publication date of 1655 emerges as surprisingly significant: in September of the previous year, Oliver Cromwell had expelled a large group of Parliamentarians for their opposition to the Instrument of Government, which considerably restrained their ability to question the Protector’s policies. History was repeating itself as its own mirror-image, and Davenport’s play once again spoke to “the absurdity of times” in ways its author can never have envisaged or desired. Perhaps Andrew Pennycuicke saw, ruefully, that the play’s peculiar reference to King John’s “twenty seven summers” had become loaded with significance all over again.

TWO

“Gods Lieutenant”: Kingship, Divinity, and Professional Counsel

“... there is nothing in a Common-wealth of so high nature, nothing of so important weight, as is Religion... it is necessarilie expedient, that they who beare the soveraigntie of State, should alwaies manage the affaires of religion; either by themselves, or by some at their appointment within the same State...”

A Reporte of a Discourse Concerning supreme power in affaires of Religion... (1606)

“Soveraigntie stands between God and the Priesthood, and the Priesthood between
Soveraigntie and the people.”

Humphrey Sydenham, “Moses and Aaron, or the Affinitie of Civill and Ecclesiastick Power” (1625)

“A gross error it is to think that regal power ought to serve for the good of the body and not of the soul, for men’s temporal peace and not their eternal safety; as if God had ordained *Kings* for no other end and purpose but only to fat up men like hogs and to see that they have their mash?”

Richard Hooker, *Of the Laws of Ecclesiastical Polity*, Book VIII (1648)

“The *Puritans* who will allow no free will at all, but God does all, yet will allow the Subject his Liberty to do, or not to do, notwithstanding the King, the God upon earth. The *Armenians*, who hold we have free-will, yet say, when we are come to the King, there must be all Obedience, and no Liberty to be stood for.”

John Selden, *Table-Talk: Being the Discourses of John Selden Esq; or his Sence of Various Matters of Weight and High Consequence Relating especially to Religion and State* (1689)

I

The most widely recognized of early modern ideologies is that of the divine right of Kings. It seems to offer the clearest statement of absolutism one could imagine, and was articulated across the political spectrum. It enabled Edmund Bolton to argue, in spite of Nero, that “No Prince is so bad as not to make monarchie seem the best forme of government”; and Richard Field to urge obedience to God rather than men, and yet add that “wee must so refuse to obey, that wee shew no contempt of their office, and authoritie, which is of God, though they abuse it” (Bolton, sig.A3v; Field 1606, p.270). James I believed that monarchy “as resembling the Divinitie, approacheth nearest to perfection” - and just as “to dispute what God may doe, is Blasphemie”, correspondingly, “sedition in Subiects, to dispute what a king may do in the height of his power” (James VI and I 1918, pp.53, 107-108, 310). Edward Coke accepted that “the King being Gods Lieutenant cannot doe wrong” (*Institutes* II, p.681). Even Henry Burton preached that monarchs were “Gods Ministers”, and William Prynne wrote about his “bounden Duty to my Sovereigne Lord the King” (Burton 1636, pp.36-38; also p.41; Prynne 1641 [1], sig.¶13r-v). However, what these examples show is that the relationship between God and the King was a point of dispute: Burton and Coke saw the King as “Gods Lieutenant” or “Minister”, a kind of proxy, others identified divine right with the natural laws governing primogeniture, and the King himself wrote that monarchy was the form of government which most closely *resembled* the authority of God - “Kings the breathing *Images* of God upon earth” (James VI and I 1918, p.248, my italics).

This lack of a unified divine right theory forms the basis of the following four chapters. We have already seen how legal professional ideologies could use the uncertain status of the Kingly office to advance the claims of common, civil and ecclesiastical lawyers on political power. In this section, I will examine ways in which clerical assertions of primacy in the spiritual sphere impact on the political idea of the King’s divine mandate. As before, these issues will be studied in tandem with a play that shifts them from their original professional contexts into the theatrical. Before doing so, however, I will look at the more singular, but similar relationship between Baconian science and natural-law conceptions of Kingship.

II

The divine right of Kings and Baconian science

“...the just and lawful sovereignty over men’s understanding, by force of truth rightly interpreted, is that which approacheth nearest to the similitude of the divine rule... amongst so many great foundations of colleges in Europe, I find it strange that they are all dedicated to professions, and none left free to arts and sciences at large... So if any man think philosophy and universality to be idle studies, he doth not consider that all professions are from thence served and supplied... hence it proceedeth that princes find a solicitude in regard of able men to serve them in causes of estate, because there is no education collegiate which is free...”

Francis Bacon, *Advancement of Learning* (1605)

The divine right of Kings was a confused ideology partly because its origins had, by the late sixteenth century, become incidentally and deliberately obfuscated. It had always been a popular theory which generated a passionate faith in response to the political world as it really was: “the

outcome of facts far more than it is of thinking". As the facts which it was meant to address changed, the theory changed with them. It developed in response to claims of Papal supremacy over the temporal sphere, playing a key role in the Reformation struggle and subsequent localizations of political power, and in the formulation of the modern, unified, independent nation state. In sixteenth-century England the anti-Papist aspect of the theory became central, especially after Pius V's 1570 Bull of Excommunication, served against Elizabeth I, obliged Roman Catholics to regard her as a usurping apostate (See Figgis, pp.3-5, 15, 51-53, 65, 100-101, 179, and *passim*; for a recent overview, see Canning, pp.67-110, 139-153). However, the political circumstances of the Tudor dynasty forced other aspects of the theory to be suppressed, particularly, of course, the notion of indefeasible hereditary right. By contrast, James had no claim to the English crown *apart* from his birth-right, and succeeded in spite of The Succession Acts of 1534 and 1544 which had been aimed at excluding the house of Stuart. The doctrine of passive resistance put forth in *The Trew Law of Free Monarchies* rested on many concepts so central to the anti-Papist absolutism that those imbued with the sixteenth-century spirit, even Edward Coke, would not have found them particularly controversial (see James VI and I 1918, pp.61, 66, 77-79, 219-225, 235; Coke, *Institutes* III, p.36). But in other respects, James's political theory differed sharply from the Tudors'. The Church was particularly sluggish in adapting to the change in dynasty: the Canons of 1606 maintained that any new form of government would be deemed valid once it had become "thoroughly settled" - perfectly suited to justifying Henry VII's accession, but it could only have displeased James. This might help explain why Richard Hooker was unable to publish the last three Books of his *Laws* (see Hooker, *Works* III, pp.144-145; Cross 1969, pp.35-37; Sommerville 1983, pp.231-239; Nijenhuis, pp.149-163). The King no longer needed to dispense with the law of nature, and so once again it became acceptable to insist that "The Bishoppe of Rome cannot dispense with the law of Nature" (Mocket, pp.76-77).

One might have expected that James's divine right theory would be more absolutist in tone, but in fact his reintroduction of natural-law rhetoric (in effect, the reintroduction of God into the concept of divine right) has almost the opposite effect. James's conviction that monarchy was a natural phenomenon precluded its discussion in political terms: "Kings are compared to the head of this Microcosme of the body of man", for example, and "what state the body can be in, if the head, for any infirmitie that can fall to it, be cut off, I leave it to the readers iudgement" (James VI and I 1918, p.65). But although his distinctions between the tyrant and lawful King were "moral and affective rather than legal and institutional", in the context of the nascent, Bodinesque concept of sovereignty, such a distinction actually worked *against* legal absolutism: the origins of sovereignty relied upon the separation of positive from divine law (as in the Tudor theory), rendering the law of God more *exclusively* a matter of ethics, rather than a structure upheld by a transcendent authority which supported the entire edifice of secular government (Shuger 1990, p.156; Hinsley, pp.69-70). James – and, it seems, Jacobean culture at large – was serious about the moral implications of Order theory, which through the last years of the sixteenth century had been reduced to a merely political-hierarchical schematic (J. Wormald 2000, p.251; Burgess 1992,

pp.133-134; 1996, pp.93ff). *Basilikon Doron*, “His Maiesties instructions to his dearest sonne”, emphasized the responsibilities of a King towards the laws of God and nature in order to lend credibility to James’s paternalistic interpretation of the office. Patriarchalism was uncontroversial and settled in the criminal law itself, as can be seen in Coke’s interpretation “Of Petit Treason”; as Francis Bacon observed, the fact that patricide was punishable as petty treason illustrated that “there remaineth in our laws so much of the ancient footsteps of *potestas patria* and natural obedience”, and the civilian Thomas Ridley wrote that “the pietie of Fathers towards children, & children againe towards their parents” was “the beginning of all commonwealths” (Coke, *Institutes* III, pp.19-20; Bacon, *Works* VII, p.357; Ridley, p.215). Lancelot Andrewes showed how Kings succeeded to the rights of the Old Testament Patriarchs, but he also stressed that a patriarchal model of government underscored the ruler’s duty of care: in his commentary on the Fifth Commandment, he took “mother and father” to mean anyone honoured with superiority because of their enhanced power to benefit their inferiors, and he always gave priority to the duties of the superior over those of the inferior (Andrewes, *Works* IV, p.48; VI, pp.339-350). And this was not just a clerical-hierarchical orthodoxy: Puritans laid as much emphasis on the patriarchal family unit as anyone: (see Hill 1964, pp.384-401; Walzer, pp.148-198; Stone 1979, pp.69-146; Schochet 1988, 1975).

As one might expect, the conviction that “monarchy is like a work of nature” commended itself to Bacon, and its implicit privileging of natural philosophy over political disputation profoundly influenced his opinion in *Calvin's Case* (Bacon, *Works* VII, p.174; McCabe, pp.114-118). Robert Calvin, born in Scotland in 1606, was allegedly disseised of a parcel of land on the grounds that, as an alien, he was unable to enjoy freehold. James recognized that this was an important case for establishing a legal foundation for the union of his kingdoms. Bacon argued that naturalization was based, not on allegiance to a system of laws, nor even by consent of the subject or his representatives in Parliament, but on a personal bond between subject and monarch, articulated in feudal and natural law terms - the allegiance was like “that of a man to his lord or a child to his parent”, because “our law is grounded upon the laws of nature, and these three things do flow from the laws of nature”. This was a useful concept in union arguments because it appeared to formulate nationality and allegiance without parliamentary action: even though Bacon went on to argue that the Kings “acts and grants” were effectively limited by a law which he and his colleagues argued about every day, this did not “evacuate or frustrate the original submission, which was natural”; the King was not “only our rightful sovereign, or our lawful sovereign, but *our natural liege sovereign*; as acts of parliament speak: for as the common law is more worthy than the statute law; so the law of nature is more worthy than them both” (*Works* VII, pp.663-664, 646-647; Cobbett, et al., eds., *State Trials* II, cols.580-595). As Burgess points out, Bacon did not use the civilian argument that the King’s sovereignty was instituted by a system of positive law that reflected the laws of nature, only that the subject’s allegiance was; in doing so, he managed to “argue the case he was expected to argue as Solicitor-General... *without* undermining the political status of common law” (Burgess 1992, p.128). At the same time, his insistence on a “natural law”

conflation of the King's two bodies informed against any kind of Bodinian location of sovereignty in Parliamentary legislation. Coquillette argues that "Bacon's winning argument for Robert Calvin almost certainly did not reflect his personal views", on the evidence of his own work towards "an actual, legal union of the Kingdoms by act of Parliament"; in other words, even if Bacon *did* want to formulate some kind of legislative sovereignty, he chose rather to pursue his professional interests as a common-law advocate for the Crown (Coquillette 1992, pp. 157-160, 166; also Levack 1987, p.184). This approach was also perfectly in tune with his scientific ideas concerning the greatness of states: pushing natural philosophy metaphors to their limits, he wrote that the "elements" of Scots and English law "do promise an excellent temperature in the compounded body" (*Letters and Life* III, pp.335-336; and *passim*, pp.190-246, 303-345; J. Epstein 1977, pp.80-85; Peltonen 1992, p.283 and *passim*).

Bacon freely employed the fashionable notion that the union of the Houses of Lancaster and York somehow prefigured this greater union: Henry VII, "a prince not unfit to be paralleled" with the current monarch, was "that King to whom both Unions may in a sort refer", he wrote in his *Historie*, "that of the Roses being in him consummate, and that of the kingdoms by him begun" (*Works* VI, p.25; *Letters and Life* IV, p.298). James's first speech before Parliament made the same point, as did the 1604 Act of Succession which that Parliament ratified (King James VI and I 1918, p.271; Tanner, ed. 1930, p.10). In Bacon's case, however, all of this seems to have been Providential dressing for the very specific goal of the Union, rather than a serious apology for the divine right of Kings or regal sovereignty. Like Sir Walter Raleigh, Bacon shifted historical emphasis onto secondary causes, emulating Machiavelli's rejection of Christian morality as unworldly and impolitic; but unlike Raleigh he followed Machiavelli in assuming that this was relevant primarily to Princes. Bacon's *Historie* made references to "the secret providence of God" that answered the needs of the dominant symbolism - Richard III "was by the Divine Revenge... overthrown", and the unsuccessful Lambert Simnel plot and Irish rebellion was a supernatural "invention of fortune" - but "Vicissitude of Things" did not lend a great deal to the overall tenor of the work. His equivocation over the matter came to a head with the Perkin Warbeck affair. "Now did the sign reign, and the constellation was comen, under which Perkin should appear", he began, before detailing the scrupulously politic counsel he received from Lady Margaret. Against this we are offered a portrait of a King who "by this time was grown to such a height of reputation for cunning and policy, that every accident and event that went well was laid and imputed to his foresight, as if he had set it before". After many attempts to finish Perkin off the tale ends in Exeter, "like the end of a play" authored by the King himself, "one of the longest plays of that kind that hath been in memory, and might perhaps have had another end, if he had not met with a king both wise, stout, and fortunate". Even when Perkin escapes imprisonment, "it was believed generally that Perkin was betrayed; and that his escape was not without the King's privity, who had him all the time of his flight in a line; and that the King did this to pick a quarrel to him, to put him to death, and to be rid of him at once; which is not probable, for that the same instrument who observed him in his flight might have kept him from getting into sanctuary". Just as Bacon appears

to be airing his scepticism, he goes on to detail other treasons which came to light because of this escape attempt, “And in this again the opinion of the King’s great wisdom did surcharge him with a sinister fame, that Perkin was but his bait to entrap” the other conspirators. Whatever Bacon really thought about Henry’s powers of foresight, it is clear that he wanted to convey his subjects’ awe of his political guile and unwillingness to consider him simply lucky or blessed with divine protection: indeed, Providential divine right rhetoric is almost exclusively associated with Perkin Warbeck or his followers, particularly in his own lengthy proclamation at the heart of the *Historie* (*Works* VI, pp.156, 167-171, 191, 201-203). But if Warbeck’s claim to divine right was so spurious, and Henry so unconcerned with it, what are we to make of this *Historie* in the light of James I’s dependence on divine-right claims that stretch back precisely to this King?

The answer is that Bacon was here, as in his *Essayes*, being assertive: we need to think of his Henry VII not as a flattering portrait of James I, but a model of how Bacon wished him to be. One of the confusing aspects of the *Historie* is its representation of Henry “as embodying a mixture of differing, even opposite qualities” (B. Wormald, p.254). Bacon’s politic man was able to keep to a Machiavellian *via media* because he was familiar with every extreme, and by turning from one to another, he controlled them as the situation demanded. Hence, Henry’s “confidence of mind” was coupled with a “a continual vigilance” that “did suck in sometimes causeless suspicions”; during the Warbeck affair, he became almost paranoid, “lost in a wood of suspicions” - but ultimately, of course, he emerged with his state of mind vindicated. His paranoia protected him from unexpected “Vicissitudes” to the extent that he felt so overwhelmingly confident as to let Warbeck escape for his own ends. As Bacon concluded, “his fortune wrought upon his nature, and his nature upon his fortune”: as a result he “was governed by none”, and “what he minded he compassed” (*Works* VI, pp.57-59, 144, 240, 244).

The content and tone of the *Historie* imply that “governed by none” meant just that - not even God’s Providence could scupper the plans of this King - suggesting that Bacon envisaged a political science that completely separated the secular law from the law of God. In fact precisely the opposite is the case: this was not about political sovereignty, but the supremacy of natural philosophy. Henry VII’s acquaintance with extremes as a guide to the middle way is a kind of scientific induction - weighing and considering, he is not only a political scientist but a scientist pure and simple, comprehending the empirical evidence available to him to make decisions that appear to predict the future, second-guessing the laws of God. Bacon felt that his scientific ambitions would be impossible to fulfil if power was concentrated in the hands of the monarch, who could best contribute to science by steering clear of the constitutional questions of the time so as to preserve the peace and stability of the well-balanced polity. His aim, “to unite political conservatism with scientific expansion”, looks forward to “an age when fortune’s wheel can be stopped by the scientific conquest of nature”, when “the harshness of the Machiavellian order will be replaced by the charity of scientific conquest”. Bacon “had to use the existing forms of political power as a means to his own ends”, as Weinberger writes: “When he praises Henry’s lawgiving and arming of the people, and when he describes Henry’s Parliament as if it were sovereign, it is

with an eye to strengthening a monarchy, not weakening it. But the truly discerning and daring will understand, when they add everything up, that the *History* actually shows the way to a world in which kings are no longer necessary" (H. White, p.58; also pp.1-13, and *passim*; Weinberger, pp.218-220). James was fond of speaking of the "middle way": "Search all that is reasonable, but omit that which is idle, curious and unnecessary", he told his Parliament during debates on the union in 1607; "otherwise there can never be a resolution or end in any good worke" (James VI and I 1918, p.291). Here was a learned King who might understand Bacon's idea of scientific political leadership, essential for the creation of a stable polity in which a scientific research programme might be established. But before Bacon could be noticed as a scientist - and chosen to lead such a programme - he had to win the King's confidence and favour as a man of government: Jardine and Stewart note that the punning title of his first major scientific work, *The Advancement of Learning*, indicates "that advice of this kind is offered as a bid for preferment" (Jardine and Stewart, pp.285-286). Fortunately, his first opportunity to make himself useful to the new King tallied with his desire to find a political solution to a potential source of sedition: the union of the kingdoms.

Early indications were promising: when the King received his copy of *The Advancement of Learning*, he promised "to read it through with care and attention, though I should steal some hours from my sleep", adding that, "in the general, I have already observed, that you jump with me, in keeping the midway between the two extremes" (James I in Bacon, *Letters and Life* VII, p.122). But this was not to be a meeting of minds. Unlike James, Bacon seems to have had virtually no interest in or sympathy with theological enquiry, and took a single-mindedly political view of religious matters, "things not properly appertaining to my profession". Problems of "the ecclesiastical state" might simply be "purged and restored by good and wholesome laws" (*Letters and Life* III, pp.103-127, *passim*). But a driving impetus behind Bacon's vision was its challenge to the clerical elite's tendency to allow theology to overshadow every other intellectual pursuit in the universities: "Sacred Theology ought to be derived from the word and oracles of God," he insisted, "and not from the light of nature, or the dictates of reason", for the "admixture of theology" with natural philosophy "does the greatest harm" (*Works* V, p.112; IV, p.65). Theological controversies "hinder the advancement of the sciences" by encouraging this dominance, and so a striving for the "infinite blessings" of religious unity was a central tenet of Bacon's thinking from a very early stage (*Letters and Life* IV, p.138; *Works* VI, p.382; J. Epstein 1977, pp.26-31). His dismissal of the obstacles before his vision of a universally recognized and established Church that would not hinder scientific progress were consequently simplistic: "The quarrels and divisions about religion were evils unknown to the heathen", he observed in his essay "Of Unity in Religion", "because the religion of the heathen consisted rather in rites and ceremonies, than in any constant belief" - precisely the criticism levelled at the episcopacy by even the more moderate Calvinists (let alone his own mother). Elsewhere he himself wrote that "sensual rites and ceremonies" and "over-great reverence of traditions" are causes of superstition (*Works* VI, pp.381, 416). He flatly refused to face up to the ecclesiastical problems that attended the union

of the kingdoms, insisting that it was “perfect in points of doctrine; but in matter of discipline and government it is imperfect” (Bacon, *Letters and Life* III, p.223). In effect, he settled for the toleration of indifference: it was atheism that flourished in “learned times, especially with peace and prosperity; for troubles and adversities do more bow men’s minds to religion” (*Works* VI, pp.414-416). Associating atheism with learning and civil peace was an expression of Bacon’s desire that James should banish theology from the scientific curriculum: as he flattered the King, “Your Majesty also reigneth in learned times; the more in regard of your own perfections and patronage of learning” (*Letters and Life* VI, p.62; also VII, p.363).

This scientific Erastianism was extensively fantasized in *New Atlantis*. The scientists of Solomon’s House are empowered to determine the meaning of the miraculous appearance of a pillar of light, and they do so in such a way as to render it politically acceptable, bringing reason and natural philosophy to bear upon the potentially divisive activity of interpretation. Indeed, there seems to be little in the way of theology in Bensalem, despite a surfeit of ritual and ceremony: patriotism, civility, and tolerance have replaced contentious concepts like charity, election or good works, and the researchers of Solomon’s House have subsumed the functions and trappings of the clergy. The Father of the House of Solomon “was set upon a low throne richly adorned, and a rich cloth of state over his head”, and “when we were come near his chair, he stood up, holding forth his hand ungloved, and in posture of blessing; and we every one of us stooped down, and kissed the hem of his tippet” (*Works* III, pp.155-156; also p.166). A tippet, according to OED2, is a kind of ceremonial scarf worn by clergymen; the Dictionary actually cites *New Atlantis* under sense 1.a., which has none of the ecclesiastical associations: the compilers have had to assume, because he was not writing about the Christian clergy, that Bacon was not using the newer, professionally-specific meaning of the word. Nevertheless, recognizing the scientific researchers as religious ministers is vital if we are to get to the heart of Bacon’s utopia.

Although the travellers are told that the name of the society refers to “the King of the Hebrews, which is famous with you”, the Biblical Solomon had a temple for the Lord built separately from his palace (1Kings 6-9), whereas these priest-scientists have only the one House, in which the functions of devotion to nature and government by reason are both fulfilled (*Works* III, p.145). There is a well-defined hierarchy in this “aristocracy of experts”, as Howard White describes it, from “Merchants of Light” up to “Interpreters of Nature”: fieldworkers are subordinate to the philosophical elite who order their findings into “greater observations, axioms, and aphorisms”; as a result, those lower down the hierarchy have little control over the eventual use of the raw materials which they collect, preventing evidence from being utilized for political or interpretative contention (H. White, p.223; also pp.132, 147-166, 232, 237; Zagorin 1998, pp.173-174). Only once their evidence has been rendered safe for mass consumption by the Interpreters is it disseminated: “Lastly, we have circuits or visits of divers principal cities of the kingdom; where, as it cometh to pass, we do publish such new and profitable inventions as we think good.” (Bacon, *Works* III, pp.164-166). Although the “achievement of Baconian science was, in the end, to bridge the longstanding divide between scholarly system-building and artisan-led technology”,

we can sense a strong professional jealousy not only in his defence of science from the schoolmen, but also in his suspicions about “hermetic” magicians, Paracelsians, and “Godly” authors, articulating his doubts about sects in general and the dangers of anarchical, unmediated knowledge. Bacon’s project favoured neither the democratization of knowledge nor the sovereignty of King or Parliament in a science-driven state: Bensalem seems to have had Kings once, but the real authority lies with Solomon’s House - “This Order was not actually the ‘State’, but had a powerful covert role within the ‘State’”, as Coquillette observes; “Indeed, the Order did not always share its scientific power with the State” (Coquillette 1992, pp.258-259). Similarly, Bacon’s work for the King was not done in the name of royal power itself, “but the aid to science that royal power could give” (H. White, p.62). If, as Martin writes, “His was a natural philosophy made appropriate to a centralising monarchy”, it certainly was not one aimed at *supporting* a centralising monarchy: Bensalem is, and Britain ought to be, “a utopia ruled or directed by a philosophical and scientific elite” (J. Martin 1992, p.4; also pp.61-63). Bensalem’s constitution remains unwritten, Harvey Wheeler suggests, because its “figurehead king who reigned but did not rule” was an obvious “subversion of Stuart absolutism” better “left unsaid” (Wheeler 1990, pp.292-293; also Bierman, pp.492-500). Bacon made no argument for the sovereignty of King and Privy Council, even if that Council *were* to be made up of Baconian scientists: because, just as Coke argued that the King was subject to the common law, and James himself recognised his obligation to the laws of God, so Bacon ultimately limited political power with the rigid chains of nature. Despite placing some political power in the hands of his Interpreters of Nature, he still acknowledged their status as *interpreters*, with no prerogative to *make* the law. This was one of many ways in which Bacon’s ambition to codify nature can be related to his ambition to codify the common law: “As for myself, the law is my profession, to which I am a debtor”, he wrote in consideration of the project, but “Some little helps I may have of other learning, which may give form to the matter” (Bacon, *Letters and Life* VI, p.62; also VII, p.363).

Unfortunately, just as Bacon had no time for religious disputation, the scholastically trained King balked at the *Novum Organum* (Hill 1965, pp.99; Jardine and Stewart, pp.274, 437-439). “Flatter not your selfe in your labours,” James advised his son, “but before they bee set forth, let them first bee privily censured by some of the best skilled men in that craft”: but he was not stupid, and perhaps recognized the number of layers of trained scientific workers which would stand between the regal and clerical offices and the site of Bacon’s project (James VI and I 1918, *Political Works*, p.47). Whatever the reasons, it soon became clear that the Instauration Magna was not a prospect attractive enough to prevent the King from sacrificing Bacon to impeachment. Suddenly out of favour, we can see what Jardine and Stewart call the “basic contradiction at the heart of Bacon’s alleged intellectual retirement, his ‘withdrawal from civic life’. The fruits of that retirement had to continue to be employed in his campaign to restore his estate - for it was only with the proper finance, which itself depended on such restoration, that the ‘intellectual retirement’ could be achieved” (Jardine and Stewart, pp.486, 400-415). A sense of Bacon’s bitterness is evident in the three drafts of the letter he wrote to Buckingham after the King’s favourite failed to

turn up to discuss political rehabilitation; and in the political sections that conclude *Of the Dignity and Advancement of Learning*: the Machiavellian world of the court is no longer one of exploitable opportunity, but of iniquity that will distract, frustrate, and destroy. Those men “who have devoted themselves to laborious professions and the like, as lawyers, orators, learned divines, and writers of books, are not so clever in founding and promoting their own fortunes”, he reflected, “because their time is much occupied with other things” (*Letters and Life* VII, pp.314-317). At court, by contrast, “the ablest persons both to improve their own fortunes and to assail the fortunes of others are those who have no public duty to perform, but are ever occupied in the study of advancement in life” (*Works* V, p.74). Bacon was first and foremost a natural philosopher, one of those “writers of books” whose political thinking was limited to practical problems of government and law, and wedded to the balanced constitution established in the sixteenth century. His innovation was the role he envisaged for science in government, but this was important because it articulated anti-monarchism *within* the discursive tradition exploited by Jacobean divine right theory. “Bacon had expressed persistent doubts about the ultimate value of his ‘active’ professional and political life, even before impeachment”, notes Coquillette. “His thirst for power had always been driven, in part, by his desire to ‘command wits and pens’ to assist with his writing and research” (Coquillette 1992, p.225). In this he was no different from any other ambitious professional - whether lawyer, capitalist, politician, or bishop - who wished to see their own fraternity staking a claim to power and influence, and like them, he seems never to have considered “that the anti-authoritarian attitude he associated with the practice of science might migrate into the political and social realms and put traditional political and social institutions into question” (Zagorin 1998, p.226).

III

Divinity, orthodoxy and power: “No Bishop, No King”?

“... it will not follow, that the Ecclesiasticall state, and the principall ministers of the Church, may take unto themselves the authority of Kings, or take upon them to do the things that pertain to Kingly offices, because they are greater in dignity, and have a greater power; unlesse they had a greater dignity and power in the same kinde... Now they who must amplifie the greatnesse of Ecclesiasticall power, preferring it before the other which is Civill, never make the greatnesse of it to consist, in that in, civill affaires it may doe more then that; but in that it hath a more noble object, and more wonderfull effects.”

Richard Field, *The Fifth Booke of the Church...* (1610)

“The present hierarchie are not ashamed, to beare the multitude in hand, that their calling is *jure divino*. But they dare not but confesse, when they are put to it, that their calling is a part of the Kings prerogative. So that they put upon God what he abhorreth, and will hold of the King when they can doe no other.”

Alexander Leighton, *An Appeal to the Parliament...* (1628)

“I thys day heard the Kynge delyver hys speeche to the Commons and Lordes, and notede one parte thereof wherein his Majestie callede the Devil a busy Bishope, sparynge neither laboure nor paines. My Lorde of London tolde me, he thoughte his Majestie mighte have chosen another name.”

Sir John Harrington, *Breefe Notes and Remembrauncer, Nugae Antiquae*, Vol. II (1779)

Kingship is a nexus for the pressures of natural and positive law, hereditary and economic rights, providential history and political power. As we have seen, these pressures crack open fissures in which anti-authoritarian politics can thrive within orthodox rhetorics appropriated by professional ideologies. Moving from the natural-law aspects of divine-right theory, we can now examine the

same pressures coming to bear on its theological underpinnings. A King at his coronation “willingly promiseth to his people, to discharge honourably and trewly the office given to him by God over them”, wrote James, who saw his own patriarchy as “ordained for his people, having received from God a burthen of government”: he excelled his subjects only “*in daily care and hazardous paines-taking*”. Sovereignty, as far as it existed, was a *duty* required by both God and subject. The King was responsible to God alone, but this implied an observance of the norms of worldly government, because divine right theory meant nothing if it did not hold that *government* had been divinely ordained. Although one doubts that he appreciated being called “God’s sillie vassal” by Andrew Melville, James himself railed against those “who build but to their owne Monarchie upon the ground of their owne Traditions; and not to CHRIST upon the ground of his word and infallible trewth”. God alone enjoyed an absolute sovereignty: He could empower rebels to depose a King, “and although that rebellion be ever unlawfull on their part, yet is the world so wearied of him, that his fall is little meaned by the rest of his Subiects, and but smiled at by his neighbours” (James VI and I 1918, pp.3, 12, 18-19, 68, 91). Charles I accepted that “the prince may not make use of his high and perpetual power to the hurt of those for whose good he hath it” (Kenyon, ed. 1966, p.21).

Andrewes freely identified the office of the King with the power of God: in the Bible, “we find not any sovereign power ever seated in any body collective”; the kingdoms are God’s, and “to whom He will He giveth them.” [Dan 4:17]. Worldly government “where One is Sovereign” was most desirable, for “Such is the government of Heaven, such is Christ’s ‘government’” (*Works* IV, pp.15-16, 280; I, p.24). Donne agreed that “God himselfe... *is the Type of Monarchy*”, but only “a Religious King is the Image of God”. Donne consistently deployed absolutist language in his delineation of what Shuger calls “a spirituality based on awe and subjection”, but *all* humans found themselves in this position before God, which meant that the presence of God in the Church went some way to reducing King and subject to a level: the “Church is not a *Monarchy*, otherwise then she is united in her head, Christ Iesus”. Donne “preaches a Kingdom”, but it is the Kingdom of “the Gospel of God”, in which no man is a slave, and all men have a will of their own (*Sermons* IV, p.240; VIII, pp.336, 164-165; Shuger 1990, pp.166-168). Like Hooker, Donne and Andrewes contrasted the King’s visible authority with Christ’s spiritual dominion. Andrewes preached on a “point of difference” between Christ and “other governors”: the world’s governors delegate, but “Not so He”. So when he says that we must “see God in every government”, he means that, “in strict propriety of speech Moses and Aaron lead not, but God by the hands of Moses and Aaron”. Christ alone occupied all three offices of King, Prophet, and Priest, representing his joint Headship over the temporal sphere and the spiritual (*Works* I, pp.26, 76-77; II, pp.18, 21; also pp.296-297). As Donne said, it was a sin against the Father to conceive ill of either the Priest or the King, “But then the greatest danger of sinning against the Father, in this notion of power, is, if you conceive not aright of... his owne Son Christ Iesus in heaven”. Christ’s Headship acted as a level between the King, Prophet and Priest, whose offices were exclusive and equal (*Sermons* III, pp.290, 350; also IV, pp.291, 309).

But Kings were “the Lord’s Anointed”, and Andrewes wondered how such men could be expected “not to meddle with any thing that holy is”. Or, more euphoniously, “For holy unction, holy function” (*Works* IV, p.84). Laud also preached that “a Christian King” must “take care for the souls, as well as for the bodies and goods, of his people” (*Works* I, p.205). But it is difficult to separate ecclesiastical from political authority in what they had to say about the role of Kings. Usually the spiritual role of the King was figured as something like “Protector of the Faith” - as he was protector of his dominions. In Numbers 10:1-2, God gave Moses the ultimate authority - “two trumpets” - over both secular and spiritual affairs: “there is no question” that Aaron and the priests were “to call the people together to their assemblies”, Andrewes conceded, but it did not follow that they must “make a trumpet too”. Aaron’s religious assemblies were to be called with Moses’s trumpets, and “with no other than these”: God ordained “that Moses shall permit Aaron’s sons to have the use of these trumpets. But the use, not the property”. 1 Maccabees 14:44-49 made it clear that “the altering of religion is still termed the deed of the King”, and any attempt on the clergy’s part to own, rather than use, the ecclesiastical supremacy would be a “usurping (not upon the congregation, but) upon princes and their right”. Judges 17:6 suggested that the “setting up of false worship is the cause why Kings were missed, and the redress of it the cause why they were placed”, so it could not now be argued that Kings had no right to influence the spiritual affairs of the Church. After all, “when the Apostle speaketh of the service that Kings do unto God, he doth not only use the term of λειτουργός, that is, ‘public officer,’ but διάκονος too, as it were God’s ‘deacon’ or servitor, by a name peculiar to the Church offices [Rom 13:4-6]” (*Works* V, pp.148-151, 156, 166, 179-180).

Furthermore, Andrewes constrained the possibilities for any kind of resistance to Kings by asserting that they were *all* “the Lord’s Anointed”. Even Saul, who “usurped” the exclusively spiritual power of sacrificing could not be punished by David for this “sin”. Abiathar, who had “escaped that great massacre of Priests by Saul” and was now the “lawful High Priest”, could not command his excommunication. Priests and Prophets, even objects, were anointed, but none was ever given the title of “*christus Domini*”, which “follows the King, and him only”. As Old Testament Kings were figures of Christ, so Christ was a figure of Christian Kings: “it is not *unctos*, but *christos Meos* [1Chron 16:22]”; Kings are “made *synonymi*, both with God and with Christ”. Furthermore, it could have nothing to do with “religion, nor virtue, nor any spiritual grace, this royal anointing”, as both the “heathen” Cyrus and the “tyrant” Saul had the title conferred upon them (Isa 45:1; 1Sam 26:9) - “Cæsar and God will stand together, yea Tiberius Cæsar and God”. The priest performing the ceremony “only declareth what is done. The party was before as much as he is after it” (*Works* IV, pp.37-39, 49-58; V, p.139). According to this conception of Kingship, which argued for the stability of the state rather than for the office or person of the King himself, the tyrant was seen as the punishment of God upon a sinful people, and therefore no right of rebellion against him could be justified. Field, writing against the same threat, denied that “the spirituall power dothe constitute the terrene power”, which was “not reduced into any other originally, as having authority over Kings, but unto Christ only”. As such, “the Chiefe Ministers of

the Church invest the Princes of the world with their royall authority... but give them not their authority”, and any advice or rebuke they might offer “the civill state, shaken by negligence or malice of civill Princes” must be given “by way of charity, not of authority”. Christ Himself allowed infidels and wicked Kings their temporal rights (Field 1610, pp.324-326, 309, 333). Donne described David and Solomon as “those royall Doctors of the Old Testament” - how James would have revelled in that title! - and told his congregation that the King “must *answer for your soules*”, being, “not a King of *bodies*, but a King of *men*, bodies and soules”. For that reason, “in the Schooles we call Sedition and Rebellion, Sacriledge”, and regard Jesuits as essentially and “impiously” rebellious, because they say that a King cannot “establish any forme of Religion in his Kingdome, though it bee the right Religion, and though it be but by way of Confirmation” (*Sermons* I, p.261; IV, p.255; VIII, pp.116-117).

This concept of the Davidic priest-King was restrictive and relevant only to arguments against Papalism. To counter lay encroachment in the name of Prebyterianism, a contrasting improvement in clerical status was required. William A. Lamont highlights the importance of George Carleton’s *Jurisdiction, Regall, Episcopall, Papall* (1610) as representing “a shift in Anglican thinking from the question of supremacy to the question of jurisdiction”. Tudor apologists for the reformed Church had necessarily to deal with supremacy, not jurisdiction, but Carleton claimed that Papists encroached in two directions: not only upon the temporal jurisdiction of the King, but also the spiritual jurisdiction of the English Church. He based his distinction between the two spheres on a difference between execution and interpretation. Andrewes, as we have seen, appeared to allow the King a large amount of interpretative authority - to do away with heresy, the King must be able to decide what heresy is. Carleton’s theory diminished that royal authority in relation to the priest’s, while dissociating his position from Papalism by disavowing any claim to coactive, as well as to spiritual, jurisdiction; in so doing he blurred the distinction between Church and state to the detriment of the state. In seeking to define these boundaries, Carleton could pose as the defender of the King’s interests as well as the Church’s, while limiting the royal authority to external matters: “For the preservation of true doctrine in the Church, the Bishops are the great watchmen. Herein they are authorized by God. If Princes withstand them in these things, they have warrant not to obey Princes, because with these things Christ hath put them in trust” (Carleton 1610, p.44; see Lamont, pp.36-42; Collinson 1982, pp.3-4, 12-21). This is how we come to Laud’s conception of the aristocracy of Bishops under the monarchy of Christ: “they are no mean ones, which think our Saviour Christ left the Church militant, in the hands of the apostles and their successors, in an aristocratical, or rather, a mixed government; and that the Church is not monarchical, otherwise than the triumphant militant make one body under Christ the Head” (*Works* II, pp.221—225). But it is also important to recognize the influences of both Whitgift and Hooker – who wrote in an anti-Presbyterian context - on the development of this positive Erastianism: doctrinal fundamentals are locked into the clerical profession, to prevent the interference of the laity (even the King), while the coactive, political authority of the King is both

employed in, and protected by, the enforcement of the forms of religious observance of the visible Church.

This was characteristic of “Arminianism”. Montagu observed that the Act of Supremacy placed the monarch “*Over all persons, in all Causes (not and all causes) as well Ecclesiasticall as Civil*”, drawing attention to the “difference betwixt, *Over all*; and *in all*”, and “*Persons and Causes*”. He was refuting Papalist claims that the Church of England was classically rather than positively Erastian - English monarchs could not “determine what is *de fide*... as your side belyeth us” - but this involved moving towards a catholic, sacerdotal orthodoxy. Nobody ever saw Queen Elizabeth preaching, administering the Sacraments, interpreting Scripture, appointing faith or denouncing excommunication, he pointed out, and although “Shee claimed, and might have had authority commanding, coercive, coactive, over Church-men”, she never did “challenge, or use it”. When, in this context, he claimed that if any conventiclers “presume to expound or interpret Scripture in private Houses” they were “punishable in our visitations”, he implied the equality of monarch and congregation before the spiritual supremacy of the clergy (Montagu 1625, p.68-72).¹⁷ As early as 1606, Andrewes acknowledged that there was a difference between “Kings in general” and “Kings who also themselves believe”; by the time of his *Pattern of Catechistical Doctrine*, though he still held that “the wickedness of a man cannot take away the force of God’s [fifth] commandment”, he had already pressed the paternalistic qualification: just as “the children are not for the fathers, but the fathers for the children”, so those in authority must “nourish and cherish those that are under them, as their own flesh”. Psalm 82 showed how, if they abused their power, the foundations of Kings’ authority would “be shaken”, for “Christ hath power to dispossess and punish them”, and He would judge harshly those who “executed not God’s judgments aright, but became evil shepherds”. Andrewes concluded that “absolute obedience is due to God only, and kings are to be obeyed so far as their commandments are not repugnant to God’s commandments”, his only mitigation being that “it shall be good and expedient” to “obey, if it be in our power” (*Works* V, pp.248-249; VI, pp.179-184). In 1607 Thomas Sparke, conceding that clerical jurisdiction derived “from Princes”, added, “yet in respect of their ministry and spiritual iurisdiction in the Church, they wel may be said to be of God’s own ordinance” (Sparke, p.78).

By the 1620s this was fully expressed by a number of preachers and writers. Ecclesiasticall “powers of order and jurisdiction be immediately derived from Christ the mysticall head of the Church”, argued Calybutte Downinge, and were only “mediately derived from our prince, the ministeriall head of our particular Church” (Downinge, p.68). Although the King’s was “a power above the Priest”, as Donne put it, it was “not above the function of the Priest, but above the person of the Priest”. The function of the priest was superior to the office of King - this notion changed the tradition of *jure divino* Kingship, as it subjected the King’s divinity to mediation through the priestly office of interpreting God’s Word and will. “The Kings acts are Gods acts”,

17. Cf. Mason 1613 [2], p.144; Buckeridge 1606, sig. D4a; Kellison, pp.135-138. James Cooke, Richard Thomson, Robert Burhill and Marc’ Antonio De Dominis were equally emphatic on the same subject: see Sommerville 1983, pp.548-549

but they were not *unquestionably* God's acts, for they had to conform to the priestly conception of what God's acts would be: David "proposes Religious duties, in that capacity, as he is King (Religion is the King's care); He proposes, by way of Counsaile to all; by way of Commandment to his owne Subjects"; but he is *bound* "by a more powerfull way, then either counsaile or Commandment, that is, by Example, by doing that himselfe, which he counsailes, and commands others to doe" (*Sermons* III, p.298; VIII, pp.115, 125). Laud conceded that "all spiritual men, even to the highest bishop, and in spiritual causes too", were subject to the King, "so the foundations of faith and good manners be not shaken"; but this was because "emperors and kings are *custodes utriusque tabulae*", and subject to a higher power which demanded duties from them to those people over whom they reigned (*Works* II, pp.227-229). This returns us to the idea that King and subject were reduced to a level before God. Indeed, in 1627 Donne told Charles that, "to speak properly, a King that possesse the whole earth" would be "not a dramme, not a grain, not an atome to God". When he was not standing in front of the King, he was more blunt: "when these great persons are in the balance with God, there they weigh as little, as lesse men" (*Sermons* VII, p.357; IV, pp.112-113; VIII, p.325). Even David took off his crown to worship "'before the Lord,' before Whom we cannot be too low [2Sam 6:21-22]", Andrewes observed; by contrast, in the words of Donne, the priest came as an "Ambassador" sent "to represent the highest King" (Andrewes, *Works* IV, pp.373-375; Donne, *Sermons* VIII, p.166; X, p.121). This "assumption that kings are mortal and their power is contingent" was "an unavoidably demystifying assumption in the context of Stuart court adulation", writes John D. Cox (Cox, p.201). Donne was capable of taking it to an almost "Puritan" extreme: "That man who hath a soul in subjection to God, and in dominion over his own body, that man is a King", and "That man who from the Altar of a pure heart, offers sacrifices of prayer and praise to God, that man is a Priest: so all you are or may be Kings, and all Priests". The same logic informed his commentary on Esther's decision to break the law in pursuing her people's case before King Ahasuerus [Esther 4-5]. He insisted that she acted in no "seditious spirit", but made a personal judgement when faced the choice of obedience to the laws of God or man: "she was then come to that," he said, "which onely can excuse and iustifie the breaking of any Law, that is, a probable, if not a certain assurance, contracted *Bona fide*, in a rectified conscience, That if this present case, which makes us break this Law, had been known and considered when the Law was made, he that made the Law would have made provision for this case" (*Sermons* V, p.226).

What we have here is a typical early-Stuart misreading of Hooker: the law should be reasonable, because it is the manifestation of the universal order of God; but Hooker had said, in Book I of the *Laws*, that the law as it was established must therefore be the same as the law of God. Only by considering Book VIII alone can one advocate the kind of common-sense criticism of existing laws upon which Esther acts and which Donne defended. Those Jacobean and Caroline divines whom Judson calls "royalist clergy", who "definitely grasped the concept of sovereignty", described a contract between King and people which was underwritten, so to speak, by God in the form of *His* contract with the King (Judson, pp.170, 195, 213-217). Hooker simply assumed that

such a contract could never be broken, because it was based upon universal reason; but by allowing the *possibility* of a break in that contract between God and the King, “royalist” clergy reintroduced the need for a reliable interpretation of God’s Will as manifested in the acts of the King, and put themselves forward as interpreters. When Laud preached that “All inferior powers of nobles, judges, and magistrates” rested, not upon “the foundation of David, but upon the ‘house of David’”, because Christ was “one and the same ‘foundation’ of the King and his people”, he was using the doctrine of the divine right of Kings to pursue a professional end: the episcopacy went unmentioned in his list of “inferior powers” (*Works* I, p.84).

Saul chose as his title “God’s anointed” rather than “his liege lord the King”, Andrewes observed, because this “makes the matter surer, as he thinketh”. Saul’s divine justification is implied to be fallacious, and yet David respected it. But this only demonstrated that he was more worthy of the title than Saul, who was made a King by his people before the proper time set by God. By contrast, God “‘found’” David “His ‘servant’” in the matter of “the highest point of His service, the care of His people”. This was the “Covenant” (Psalm 89:20-23), which was to be kept by any King, and as long as he did not lose sight of that covenant, God would “be at hand still ready to defend him”. David had to “lose God... before his enemies could do him any harm”. It is important to note that Andrewes did *not* say that nobody would try to harm the King, nor that God necessarily protected all Kings from harm: there was “no way to prevail against Kings”, but to bind God’s “hand” first, and pinion this “arm.” (Psalm 89:21). Otherwise, “evil men there may be, and evil meaning, but no evil success”: it was not that they “shall not have the will; but, shall not have the power to do hurt [Psalm 21:11]”. Implied in the small print of this covenant is the possibility that it might be broken, and that, should the King *in fact* come to any harm, he cannot have been, or should no longer be considered, the Lord’s Anointed (*Works* IV, pp.32, 70-74, 81-94). When Donne preached to Lincoln’s Inn that “A King is not the lesse a King, for a Rebellion”, he agreed with Andrewes in pointing out that a King might be less of a King in the event of a *successful* rebellion (*Sermons* III, pp.126-127). As Sir John Harington put it, “Treason dothe never prosper, What’s the reason? / Why, if it prosper, none dare call it Treason” (Harington II, p.144).

But this was no rebels’ charter. Andrewes recognized that God’s delivering of Saul up to the mercy of David [1Sam 24:5-8] appeared to make God the “accessory, nay principal, to the murder of a King”. This, he warned his congregation - including the King himself - was “the perilous point of all”. David’s followers felt it “not only lawful now, but a matter of conscience to kill Saul, אִמֵּר, God hath said it”. The most grievous thing was that the would-be murderers “were David’s men, the better side”, but not all “of David’s mind”. Nevertheless, with the proper guidance, these good men were able to do the will of God - even when that will was obscure. “God said all this”, conceded Andrewes, “and yet Saul [was] not touched”. To attack Saul would have been a misinterpretation of God’s will: “You shall see withal what it is when swordmen will be meddling with *Dominus dixit*, with our profession”, taking what God *said* for what God *meant* - “For, had not David been the better divine, he might well have been overtaken, and made believe there is a way to destroy Kings, even by the word of God”. Andrewes, putting himself in David’s

place, took God's words and proceeded to "scan them a little". Only David was able to "divine" the goodness of God's will through his clear interpretative vision, which was why "God would not have said this to every one. To David He did", knowing "that Saul was safe" as a result, because "nothing that was evil in God's eyes would seem good in his". In political matters, therefore, we should all "Look to *tuis* then, that the eyes be David's, and all is well" (*Works* IV, pp.159-162). The crucial phrase in all of this was, of course, "had not David been the better divine". He was a Prophet before he was a King, and, as we can see here, it was his status as a man of God that enabled him to assume Kingship.

It was of central importance to Andrewes's sermons that the role of historical Providence should not be confined to Old Testament times and Kings, but continue into the modern age (Shuger 1990, p.146). The David and Saul sermon was preached on the anniversary of the Gowrie Conspiracy, hinting at his strong sense of history as an unfolding providential drama: "'By' and through Him Kings first settled their reigns", he said on the anniversary of the Gunpowder Plot, and "'By' and through Him vouchsafed many miraculous preservations in their reigns". The year before he had punned, "No, it was no casualty, this fire, no more was the saving us from it, neither casual, but causal both". He decided, therefore, that "A King thus saved by God is more than a King; I mean, more than another King, not so respected by God", because he was "more feared of his enemies, when they see the eye of God's providence" upon him (*Works* IV, pp.108-109, 114). John Williams declared that the King survived the Gowrie and Gunpowder Plots so that he "might appear in the world... a Monster, as it were, of the Divine Providence" (J. Williams, p.45). Providential history was as important to so-called "Arminian" clergy as it was to Calvinists, because it meant that in modern politics the will of God still needed to be interpreted by a qualified elite, and the assumption of this role was related to the increasingly sacramental professionalism of the priesthood. The King was "anointed" by a priest at his baptism, and again at his coronation, "But then were you 'anointed' again after that," Andrewes argued, in the form of deliverance from conspiracy: "For either of your anointings have had a famous delivery to second it". As such, he commanded, "let all them that took any joy in the first finding and anointing, here renew their joy afresh for this second, when thou were thus in a manner 'lost and found' again". By using terms like "anointing" and "delivered", Andrewes emphasized not only the numinousness of the events, but also the sense in which their interpretation and presentation to the public was confirmed by the sacramental priesthood. Just as the saintly elect could fall from grace, and must continually renew themselves through the "good works" of the sacrament, so the King could be "lost and found" through deliverance from violent enemies. Indeed, Andrewes called this God's *virtus ad salutem*, "'strength to save'", and "the salvation of Kings". Consequently, the Christic imagery associated with Kings in these "royalist" sermons takes on a different light. In 1605, God "brought you back, if not from death itself, yet from death's door" Andrewes told James, and so "that day was a very Easter-day to you, though it were in November", constituting "a very resurrection" (*Works* IV, pp.95-107; V, pp.238-239; II, p.287; see Shuger 1990, pp.144-145; Goldberg 1983, pp.215-217). In this context, the emphasis is upon the priest *calling* the King a type of Christ, rather than the

King simply *being* a type of Christ: there is an interpretative *act* committed in moving the Easter symbolism into November. The “Aristocraticall Clergie have not only relation to their prince, as hee is a crowned King and they his lawful subjects, but also as he is the Lords annoynted”, wrote Downinge: “For they also are the Lords annoynted, delivering that faith; and the *Primate* of them, the immediate instrument of his consecration; so that as by the crowning, they are by right his subjects, so this annoynting of God, superinduceth a brotherhood betwixt Kings and Bishops”. As Kings “have more right by” their annointing, “so they have more reason from it to doe what good they please for the Clergie” (Downinge, pp.53-55). Proverbs 22:11 says that “He that liveth the pureness of heart for the Grace of his lips, the king shall be his friend”; on that text, Donne preached that it must therefore be the King’s “duty”, for “it is not said, The King *will* be; but The King *shall* be his friend; it is not an arbitrary, but a necessary thing” (*Sermons* I, p.213). Laud said that a King with “God’s grace upon him”, is “a mediate fountain of God’s goodness and bounty streaming to the people”; but “no King can promise and perform this out of his own strength”, because “a King’s felicity is born as Christ’s was, by an overshadowing power”. Being Christ-like merely reaffirmed one’s contractual obligation to God the Father, and what is more, no one could “search all the reasons how he is set for blessings; because God, in disposing it, hath hid *lumen intra umbram*, and thickened the veil that is drawn over it” (*Works* I, pp.36, 40-41). Laud’s image of the drawn veil, possibly an allusion to “Arminian” ecclesiology, shows that he too uses the Christic signifiers to emphasize the exclusively priestly role of interpretation and mediation.

As Shuger observes, by the seventeenth century “England seemed to be governed by a ruler whose authority rested on popular consent and by some crown-appointed civil servants, for tradition’s sake still referred to as bishops”. Roman Catholic recusancy and Presbyterianism both represented a revolt against Erastianism disavowal of the need for *iure divino* institutions, but so did the Church’s own “reversion” to “political theology”, affected during the 1590s in response to these trends. Andrewes’s political sermons “center on the divinization of the king” as “both a sacred and priestly character”, answering a “a widespread desire” to “preserve the link between social forms and divine order” (Shuger 1990, pp.143-147, 150; also Bowker, pp.227-243). This was the kind of project required to revivify the status of the Church, which was nothing if not the point at which “social forms and divine order” should meet. By figuring the King as Christ in terms of a kind of “sacramental politics”, Andrewes, Donne, Laud and others attempted to subsume all political discourse within the ecclesiastical sphere, to bring it out of the conventicles and Council chambers and into the Temple. “Shall the sun of this day arise, and go down upon us, and not see us together, to render Him praise?” asked Andrewes in another Gowrie sermon. And we should praise Him “by *cantabimus*, the hymns and music of the Church”, for “the stream of our joy must come from the spring-head of religion”. The hierarchy thus emphasized the coincidence of its interests with the King’s - “they that are enemies to David, are enemies to Sion” - while implying not only its supremacy in spiritual matters, but also its right of consultation in civil order, which it ratified through reference to God’s will (*Works* IV, pp.99-100, 119-122, 218-219, 16).

“We sin then against the Father, when we undervalue God in his Priest”, preached Donne at Lincoln’s Inn: we should not depise Kings in the name of clericalism, but we should remember that God’s people shall be “*a Kingdome of Priests* [Exod 19:6]”, and again, “*Priests, and royall Priests* [1Peter 2:9]” – the blessings from both King and priest “are so great, as that the Holy Ghost expresses them by one another mutually” (*Sermons* III, p.289). Humphrey Sydenham’s sermon on Moses and Aaron argued the same way, if a little more crudely. He insisted that his emphasis on the authority of the clergy was not meant to “rivall the dignitie of the *Priesthood* with that of *Soveraigntie*; but to minde you in what lustre it sometimes shin’d, and how the times now conspire to cloud that glorie”. But Sydenham’s arguments implied more than this because of the way he chose to define sovereignty in sacred terms – “*Soveraigntie stands betweene God and the Priesthood, and the Priesthood betweene Soveraigntie and the people*” – setting up a kind of triangle of mutuality which depended upon the divine knowledge monopolized by the clergy. For he had already spent most of his sermon emphasising the priestly aspects of Moses’s authority: “’Tis not my intent to shew you *Moses* here in the stormes and troubles of the *Court* and *State*, but of the *Church*”; though “forty years a *Courtier*”, Moses “was a *Priest* too”. Indeed, Moses and Aaron seem to set the pattern by which Kingship is defined by priestliness: “the first *crowne* which the *Romanes* used, was the *spicea Corona*, given as a religious Ensigne, in honour of their *Priests*”; those who contended that Moses and Aaron should not have subsumed civil authority, failed to recognize that “*Moses* here had both”, or that “in the *robes* of *Aaron*” there was “*a crowne set upon the Miter, moralizing a possible conjunction at least of Minister and Magistrate in one person*”. This was not a sign that the crown should be above the mitre, but that the priest and the King should be in “*conjunction at least*”, and ideally that the supremacy of the priest’s divine calling should be acknowledged: “thus having his *Congedelee* and warrant from above”, Moses was regarded as occupying “the place of God, *God indeed*, with a - *sicut* - the Text tels us so, thrice tels us so, *God to Aaron, God to Israel, God to Pharaoh*, ’Twere then too high a sacrilege, to rob him of any title or prerogative, which should wait on the greatnesse of such a person” (Sydenham, pp.134, 139-141).

Laud, before Parliament, was even bolder in turning anti-Papalism to an apology for clerical supremacy. All temporal magistrates, Judges, and peers were “pillars” of the state under one great, central “pillar”, the King; and the Church “resembles” the state in that it too was formed of pillars under “The great master pillar, Christ”. Next to Christ, he explained, “the Apostles and the disciples are ‘pillars’ [Gal 2:9]”, and “their successors, bishops, and priests”, they too “came to be ‘pillars’”. Finally, “so soon as Emperors and Kings were converted to the faith, they presently came into the nature of ‘pillars’ to the Church too. If any man doubt this truth, I will call in the Pope himself to witness it. There are two great ‘props,’ or ‘pillars,’ of the Church, saith Leo, the ‘King’s authority, and the Priests’;’ both these: and the Pope was content to put the King’s first” (*Works* I, pp.104-105). The Pope’s words justify the place of the temporal magistrate at the head of the Church, but Laud’s outline of history – in which Bishops were “pillars” before Kings, and ratified all royal conversions and elevations – hinted that royal supremacy could only be instituted

by the clergy. Kings were not the great master pillars of the Church, but subordinate pillars under Christ and *alongside* Bishops. This was certainly how Laud's critics saw the issue. Censuring Burton, Bastwick and Prynne, the Archbishop insisted "that the calling of bishops is *jure divino*", despite the fact that "this is made by these men as if it were *contra regem*, against the King, in right or in power" (*Works* VI.i, p.43).

It is instructive to compare this idea of clerical authority with Matthew Kellison's Romanist perspective on the same issues. As an apologist for Papal jurisdiction against the Oath of Allegiance, it is not surprising to find Kellison arguing for the general supremacy of priests over Kings. It is more surprising to find him claiming that Andrewes, an adversary in the controversy, "hath taken a great part of the Supremacie from the King", before widening this claim to take in Thomas Bilson and "Field" as well. His argument resembles those of Hooker, Andrewes, Donne and Laud. Political sovereignty is derived from the entire community, in whom it is originally invested by God. This is the chief difference "betwixt the Pope and the King", he explained: the Cardinals elected the "person" of the Pope, "but Christ only... giveth the power and iurisdiction, it being supernatural"; the Pope, "being ordinarilie Priest and Bishop before, this Authoritie must be attributed only to God as the Author", and thus "no sacrament" was used in the "creation of the Pope", which transcended all mortal hands. That was why an Archbishop "receaveth the Kinges oath in the name of the Church and people" - the King's divine right was merely a fiction conferred upon his political body by communal consent and confirmed by a cleric anointed by God - whereas the Pope's divine right inhered in his vocation itself, conferred by "Christ only". Seen in this light, the more radical implications of Sydenham's formula - "*Soveraigntie stands betweene God and the Priesthood, and the Priesthood betweene Soveraigntie and the people*" - become clear. As Kellison put it, to be subject to the higher powers meant especially to be "subiect, if they be members of the Church, unto her spirituall power: for as Symmachus Pope sayd once to the Emperour Anastasius: ... *If all power be of God, much more therefore that power which governeth divine matters; Honour thou God (O Emperour) in us, and we will honour him in thee*" (Kellison, pp.74-87, 115-165).

In opposition to these trends, and yet sharing some of their rhetorical effects, Puritan polemic eagerly turned to the notion of the Christian Emperor, the anti-Papal Godly magistrate, building on Calvinist models of worldly order (Lamont, pp.46, 94-95). This idealistic version of divine right theory soon gave way to specific misgivings about the ungodly "Emperor" Charles - despite the fact that commentators such as Lord Brooke and Burton wrote that "an Heathen Emperour may be as lawfull a *Monarch*, as any Christian Prince", and that "the Christians of old" performed "such faithfull military service unto the heathen Emperours", even "cruell persecuters of the Church, and Apostates from Christ" (Brooke, pp.40-45; Burton 1636, pp.44-45; see D. Smith 1995, p.219). In the meantime, James was wise enough to see that it was the Lord Bishops he had to thank "that these men doe thus pleade for my *Supremacie*" in order to "make their party good against you", as if the episcopacy "were not well affected towards it". Howsoever he was aware of the very similar potential of the episcopate's rhetoric, he was sure that once the hierarchy

“were out, and they in place, I knowe what would become of my *Supremacie. No Bishop, no King*, as before I sayd” (Barlow 1604, pp.82-83). All the time obviously anti-episcopal concerns fueled Puritan monarchism, James and Charles would side with those who supported government policy most clearly - it was indicative of what might be called the self-deception of the Puritan-common lawyer alliance that it refused to believe that “this false Paradox, *No Bishop, no King*” had not been foisted upon James by Barlow (Prynne 1641 [1], sig. ¶¶r; also sig.Br, ¶; 1641 [2], sig.Bv; also Milton I, pp.576-583, 638). Prynne welcomed the promise of “the present Raigne of our gracious King *Charles*”, apparently expecting royal support for his dour theology, and Burton made his humble “*appeale to the Kings Majestie my Sovereigne*”, secure in the thought “*that a Prince so gracious, so righteous, so religious shall be my Judge*”. According to Burton, John Bastwick was fined, excommunicated and imprisoned for “maintaining the Royalty of [Charles’s] Crowne against the Prelates usurpation”, by an Archbishop who believed “that a *Prelate* is in part in [*sic*] *Monarch*” (Prynne 1629, p.62; Burton 1636, sigs.br, b2r, pp.67-68).

Can we take such Carolatory seriously? Ultimately, I think that anti-episcopal monarchism was an exaggerated expression of still unassailable habits of thought, even among those who would espouse the most revolutionary ideas in the years to come: there was no real resentment at the usurpation of Kingly authority, only at the episcopate’s influence in civil affairs; but the former complaint was a convenient fiction with which to disguise Presbyterian, Parliamentary, or common-law notions of authority. “By the beginning of 1642, two coherent and self-sustaining conspiracy theories stood face to face, deploying remarkably similar language and levelling almost identical charges” (D. Smith 1995, p.222). Both sides competed to emphasize how much more loyal they were to the King: “And howsoever they cry thiefe first, and their cry being lower, prevailes most”, complained Burton, “these will be found to bee the great theeves” (Burton 1636, pp.77-81, 91).

How justifiable were claims that Charles was manipulated by his episcopate? Unlike his father, he did not recognize any responsibility to determine the nature of a godly Kingship, and seems to have surrendered that role to Laud. In 1637 it was rumoured that “Charles had flatly denied that he *was* the Head of the Church” (Lamont, p.57). He did not *need* to make such a claim, because, unlike his father, he was prepared to take sides with those who had convinced him that they would support his authority. Where Montagu promised, “defend me with the sword and I will defend you with the pen”, Carleton would only offer, “defend the truth and faith, whereof God hath made you the defender, and God (who only is able) will not faile to defend you” (Montagu 1625, p.322; Carleton 1626, sig.A3r). For Charles, who was self-confident enough to accept flattery at face-value, there was no contest. The fine balance maintained in James’s episcopate was quickly destroyed by Charles’s appointment of Bishops who had been pressing for an increased sacramentalism and talking up the royal supremacy. Laud, who had never found favour with James, was the most significant of the newly successful party (See Lake 1988, pp.247-250; Trevor-Roper 1988, 1940, pp.36-37, 56-71, 338-345).

Recent studies have emphasized “the symbiotic relationship between archbishop and monarch”, pointing out that their interests coincided and that they used each other’s power in separate spheres to extend their personal influence (Fincham and Lake 1993, pp.44-46). But Hill has repeatedly claimed that “Laud was virtual prime minister”, and that he “ruled the country” (Hill 1964, p.321; also 1956, pp.xiii, 314; 1980, 1961, p.2). Laud was always very careful to secure official endorsement for all his major decisions, even as his party claimed supremacy in spiritual matters, suggesting that he expected criticism and was concerned to deflect it upwards. Charles actively sought Laud’s opinion on ecclesiastical matters, but preferred him not to meddle in politics without his specific instructions; and besides, Laud seems to have disliked the corruption and flattery that attended Stuart governments. “I am no controvertist”, he insisted, concerned merely that the “distractions of the Church may be composed happily”. He told Bishop John Williams that the King preferred him not to be “earnest in temporal causes”, and Strafford that Charles liked to appear to be the originator of policy - but of course, that might have been for his own insurance (*Works* III, pp.147-148; VI.i, p.315; VII, p.359; also Sharpe 1992, pp.143-145, 284-285; Trevor-Roper 1988, 1940, pp.211ff., and *passim*). It was, after all, the King’s decision to apply a policy of positive Erastianism, and it was a policy that served his own perceived ends; the fact that he turned a blind eye to Puritan claims that he was being misled and manipulated illustrates this as much as anything (see Hawkins 1973, pp.60-63; P. White 1993, pp.229-230; A. Foster 1993, p.147; also Trevor-Roper 1988, 1940, pp.297-298). Although he was less intellectually committed on theological matters than his father, Charles felt secure in his *authority* over spiritual issues, and was anxious to impress his supremacy upon everybody by recreating the Church in his own image; but the “visibilization” of this stately kind of holiness corresponded to the sacramentalism that informed Laudian ecclesiology (see Fincham and Lake 1993, p.42; J. Davies, pp.10, 12-13, 17-18). Threatened by conversions to Rome and the politicized wing of Puritanism, Charles saw this kind of stately Church as the solution to both problems - an impressive Anglican alternative to Roman pomp, which would instil the virtues of order and decorum on his unruly subjects, together with a renewed reverence for the King as God’s minister.

Accordingly, Court practice was ritualized. The masque became the royal entertainment of choice, and its spectacular element more and more significant. The secular Court was deliberately compounded with the spiritual Church, adopting the role of aesthetic, moral and political exemplar for the nation as a whole, embodying “a spectacular liturgy of state” (Sharpe 1992, pp.209-222, 279-283, 403-422; also 1987, pp.4, 211, 260, 280-281; Howarth 1997, pp.53-55). The “cathedral mother church”, the Chapel Royal, and the ceremonials developed for it by Andrewes, became the ecclesiological models for the entire nation (Gardiner, ed. 1906, 1889, pp.103-105). Peter Heylyn identified the precedent for change in the 1633 judgment concerning the position of the communion table at St Gregory’s Church, in which Charles favoured the cathedral authorities, in commanding the communion table to be placed “altarwise” (Heylyn 1636, pp.63-66; 1671, p.209). Laud himself cannot be associated with such extreme departures from convention, and he clearly felt ambivalent about several innovations pursued by Charles, applying them only piecemeal: as he

said at his trial, “I pressed no one to come up to receive at rails, no further than the Prayer Book prescribes” (Prynne 1646, p.488; see Laud, *Works* VI.ii, pp.348-352). As Tyacke observes, although Laud and Neile had been engaged in the communion table debate for many years prior to this decision, they did not place the same emphasis on uniformity according to the example of cathedral practice, which perhaps illustrates how much more political the motivation behind Charles’s adoption of the Laudian style was, compared with its clerical originators (Tyacke 1987, pp.199-200, 214; Laud, *Works* IV, pp.233-234; VI.i, pp.56-57, 239-241). Indeed, Howarth suggests that “It was because Laud personally was largely indifferent to material objects that he was prepared to have them erected or not, provided that was, the building offered an efficient context for the enactment of divine service” (Howarth 1997, pp.55-59, 273-279). Charles’s recommendations placed a greater nominal discretion into the hands of ordinaries, which they were happy to accept without too much scrutiny, thus presenting Laud with the prospect of his archepiscopal authority devolving towards diocesan Bishops on the one hand, while evolving towards the King on the other.

So there was by no means a complete consensus within the episcopate, or between the Archepiscopate and the Crown, and it was Laud, if anybody, who understood the danger inherent in politicizing the Church so overtly, and who tried to make it clear to Charles. He advised him against two of the most impolitic decisions of the reign: the publication of Sibthorpe’s and Manwaring’s sermons, and the continuation of Convocation beyond the Short Parliament (*Works* III, pp.207-208). But because Laud held his position only through the support of both King and Bishops, he was forced to abandon, or at least keep subdued, his disaffection with the way in which the “beauty of holiness” was being used to render unassailable the King’s spiritual as well as his temporal authority.

IV

“There’s difference ’twixt a Colledge and a Court”:

Laudianism and Oxonianism radicalized in William Cartwright’s *The Royall Slave*

The vexed issue of this relationship between theology and power, ecclesiastics and the State, is dealt with in the fourth play in this study, William Cartwright’s *The Royall Slave* (Oxford University 1636). My reading relocates this work, not merely in the broader context of early Stuart debate, but very specifically alongside the complex relationship between Laud and Charles. Another key difference between this and the other plays in this study is that it originated from an amateur pen, and was performed in a non-theatrical setting. As such, it is a control against one of my central hypotheses: if the professional theatre tended to produce self-consciously theatrical apologia, we might expect to find non-professional theatre articulating a similarly positive view of its own, particular professional context. I believe that *The Royall Slave* provides an excellent example of that process in action.

Cartwright was born into a prosperous, well-connected Gloucestershire family, but by the time he had reached school age his father had been reduced to keeping an inn. William was sent to

the local free school, but attained a King's scholarship at Westminster, and at the age of seventeen registered at Christ Church, Oxford as a gentleman commoner. Both his father and his uncle had been entered as "plebs"; election as a "gentleman" came with a generous studentship. We may surmise that, from an early age, Cartwright saw that determined scholarship could recover some of his father's lost respectability. At the very least, it provided him with relative comfort, and relieved his family of the burden of supporting him. He emerged, in Algernon Swinburne's words, a "typical Oxonicule", and was made Reader in Metaphysics in 1642. When war broke out, and Charles ordered the university to place Oxford in a state of defence, Cartwright was on the Council of War that provided for royalist troops; he also helped train the university militia, and preached the victory sermon after the Battle of Edgehill (no doubt considerable rhetorical skills were deemed necessary). His family history would support such apparently ideological royalism. But might his decisions have had less to do with political convictions than with the university culture which he had come to cherish? The ardent royalism of the gown was exacerbated by the equally ardent Parliamentarianism of the town: the campus must have quickly developed a siege mentality. As G. Blakemore Evans puts it, Cartwright "represented all the old virtues" of "loyalty to the king and to the established church, a morality practical rather than visionary, and a philosophical attitude which Bacon damns as 'sophistical'. In a word, Cartwright typified 'authority'". But respect for "authority" was not simply affiliable with ideological royalism - especially *before* 1642. Evans goes on to observe that Cartwright's religion "was practical and of rather mixed loyalties - his political devotion to the cause of Charles vying with an intense hatred of the Puritan Aeolists, both tempered by his first academic love" (G. B. Evans [1], pp.6-7, 9-21, 46-47; Swinburne cited on p.59). To say that his academicism "tempered" his political and religious convictions is to acknowledge that the scholarly Cartwright placed himself outside what we might call the major ideological struggles of his time, defining himself in terms of his professional life and culture. Christ Church provided Cartwright with a way to restore honour to the family name in the same way that we shall see the Globe, Blackfriars and Whitehall did for Ben Jonson. Just as Jonson's relationship with James and Anne was complicated by his first interest in promoting the influence of his own theatre, so Cartwright's relationship with Charles and Henrietta Maria was complicated by his interests at the university.

First and most obviously, Cartwright's plays do not sit very comfortably in the culture of Caroline professionalism, with its twin streams of Shakespearean-Fletcherian tragicomedy and Jonsonian city comedy. *The Ordinary* (1635), an attempt at middle-class comedy, suggests a playwright struggling to avoid his real strengths; *The Lady Errant* (c.1635), *The Royall Slave* (1636) and *The Siedge, or Love's Convert* (c.1637) are all designated "Tragi-Comedy", but none were performed on the public stage, and the first especially, written for a cast made up entirely of women (including the Queen), seems more like an extended masque. *The Royall Slave*, with its complete abandonment of a comic subplot, signals an underlying tendency towards the rarefied genre of the Platonic drama - metaphysical poetry with a little (but not much) action – which was an academic appropriation of Fletcher's tragicomedy ostensibly initiated by Montague's *The*

Shepherd's Paradise (1633). Neoplatonic theory is the foundation for the entire morality (or rather, proper conduct) of its characters; and dialogue and action move forward through syllogism rather than plot. As Evans observes, "With Fletcher plot and action were paramount", but for "Cavalier dramatists" like Cartwright, "The play was not the thing" - because its author was not a professional playwright (G. B. Evans [1], pp.22-24). These entertainments, like masques, were made to present courtiers and Princes in idealized roles played out before spectacular scenery.

The opening lines of *The Royall Slave* toy with the idiosyncracies of this tradition: an exotic scene is discovered with a Persian Magus "*worshipping the Sunne*", who leaves his "Devotions" to turn to "*the Throne*", "Drawne by a neerer and more glorious Sun". Like gods, the King and Queen "make all fit" for the play to begin, thus becoming "both th' Entertainer and the Guest" (The Prologue to the King and Queene, 1-12).¹⁸ Indeed, the rapturously enthusiastic Henrietta Maria did take on the role of "Entertainer" when she commissioned a second performance of the play at Hampton Court, which Cartwright supervised for the sum of £40. He wrote a new Prologue which credited the Queen's "gentler breath" with keeping the work's embers glowing, and punned, "Things twice seene loose; but when a King or Queene / Commands a second sight, they're then first seene" (The Prologue to their Majesties at *Hampton-Court*, 5-6, 21-22). Cartwright allows the royal couple to appropriate his work by transforming it with their favour, the change of "scene" somehow changing the drama itself, from university play to court entertainment. Nevertheless, although it is possible to see Cartwright's plays "as an extension of the masque into the field of drama", they differ substantially from Shakespeare's or Fletcher's experiments by virtue of their inhabiting a space both private and exclusive, and yet recognizably "dramatic" (and relatively inexpensive). This privatized drama had no interest in promoting the market for professionally-produced plays, but it competed with them on something very much like their own ground: responding to a growing tendency of the court to turn to amateur plays as opposed to masques, Cartwright's "collaboration" with the Queen put "the drama very much on the defensive" (G. B. Evans [2], p.173, and [1], pp.12-13; he calculates the expense of the Hampton Court production to have been about £224: [2], p.182). Anthony Á Wood and William Laud strongly suggest that one of the main reasons for the Queen's production of the play was to compare the skills of the King's Men and the university's amateurs - and despite a £20 bonus, "by all men's confession the players came short". This is not surprising: the play's style utilized none of their strengths, and offered little prospect of compensating any effort they might have put into it - Laud stipulated "that neither the Play, or Cloaths, nor Stage, might come into the hands and use of the common Players abroad" (Laud, *Works* V.i, pp.153-154; Wood II, pp.408-413). For all Cartwright's courtly rhetoric about royalty transforming what was "seene", the play itself was probably not altered between the two performances, and Chancellor Laud enjoyed considerable

18. All references to *The Royall Slave* are to G. B. Evans, ed., pp.163-253

sway over precisely how it could be used, even by the King himself. It was still a university play, and still a Platonic drama.¹⁹

For the first performance, "The Prologue to the University" has the Magus explain that the "Majesty" of "*the Spectators only made the Play*", but it is difficult to decide whether he means the royal couple or, as the address suggests, the university officials: "*After our Rites done to the King*", he had begun, "*we doe / Thinke some Devotion's to be paid to you*". After giving the King priority, he credits his learned brethren with nicer taste. He wishes that "*some Question*" of "*Metaphysickes*" could be "*cast into a Play*", but circumstances prevent this: "*we know / The Sun comes downe and cheeres her here below*", he concedes, lending the university minds the monarchical honorific stolen back, it seems, from the Prologue to the royal couple; their endurance is petitioned with the promise that the play has been "*ayr'd*" of the musty superfluties of both "*Stage*" and "*Court*" (17-18, 1-12). The irony is that, once the play is done, everyone will recognize its distance from stage and court because it *is* a philosophical drama concerned with the untangling of an abstract "*Question*". Arsamnes's "Epilogue to the University" revisits it: "There's difference 'twixt a Colledge and a Court; / The one expecteth Science, th' other sport". He offers a false modesty before the skills of "those sturdy Yeomen of the Arts" of public theatre - "We are not trayn'd yet to the Trade" - but still implies that those who "make the Schooles the measure of the Stage" will *not* have been disappointed by this production, whose "Logicke" and taste is impeccable (5-14). One is invited to ask, to whom are the addresses to the university *really* directed? Did Cartwright mean to idealize university culture through the lens of royal approval, or to idealize university culture in order to *command* royal approval (see Sharpe 1981, p.151)? The tone adopted by "The Epilogue to their Majesties at Hampton-Court", which would have come after a lacklustre performance by the King's Men, is notable. The figure of the royal "Entertainer" is turned upon their Majesties: "*nothing shall here be seene / To make the Slave appeale from King or Queene*"; the reception of the play now has nothing to do with its inherent merits, but is entirely at the mercy of the royal discernment. He speaks of "*grace / And favour altring with the time and Place*", allowing the possibility of a change of opinion to match their Majesties' magical change of "scene". They must "*free the Captive twice*", for, "*you who made him live, may make him dy*". But their opinions cannot really change, for this would admit the possibility of an egregious error of taste and judgement in Oxford: "*if you / Now kill him, you kill your owne favour too*" (13-24).

A point about the definition of taste is surely being made, which posits the university as a self-contained site of higher learning whose culture cannot simply be reproduced (like a play

19. See Bentley 1941-1968 III, p.137; 1971, pp.21-22; G. B. Evans [1], pp.12-13; [2], pp.171, 173, 181-184; Astington 1999, p.184. "It cost £100 just to make the costumes and scenery ready again for the second performance", observes Gurr 1992, and so "Laud showed an understandable anxiety about the university's property": p.208. Sharpe 1987 points out that the royal visit coincided with Charles's presentation of the new official statutes drawn up for the university by Laud: "The king visited, that is to say, as ruler in an immediate and particular as well as a general sense, as the governor of the university as well as of the realm": pp.47-48. But an argument could just as easily be made for Laud's occupation of this privileged position. Sharpe himself writes that Laud's statute book was intended "to be received by the university as royal legislation". There were those who saw in them an attempt to become "an universal lawgiver": Sharpe 1981, pp.147-150; also pp.155-157, 160; Laud, *Works* IV, pp.187-191

script) on a different stage. The Chancellor's prohibitions concerning this singularly successful play, by curbing the freedoms that guaranteed the income of professional players, proved that the professional concerns of those players inevitably interfered with the purity of their drama, and their ability to deal with the most innovative dramatic ideas. And a related political (or administrative) point was also being pressed: if good government was about decisions being taken without prejudice or self-interest, then the ivory tower was perhaps better suited to inform those decisions than the interest-riddled corridors of Whitehall. Of course, there was self-interest involved at the university, too. Laud had led the applause for Cartwright's play, and he was always explicit about Henrietta Maria's personal involvement in getting it repeated at Hampton Court (*Works* V.i, pp.153-154). This would seem a remarkable confluence of minds that were normally so locked in mutual suspicion, were it not thrown into such an ironic light by Cartwright's Prologues and Epilogues, the play itself, and the circumstances of that ill-fated second performance. As Kevin Sharpe writes, at Whitehall "The queen's group and Laud coexisted in uneasy tension": he found himself caught between the opposing poles of the radical Protestants who were drawn to her pro-war politics, and her Roman Catholic entourage whose proselytizing Laud had publicly criticized. Inevitably, "The two factions vied for power", and for access to the King's ear (Sharpe 1992, pp.837, 840). *The Royall Slave*, I would argue, presented an idealized Laud of moderate, apolitical moral probity, and located the ideal space for him in the intellectualized (and yet still influential) cloisters of cathedral and college, removed from the court politics which hindered his reforms and distorted his public image. For two or three years Laud had been considering the appointment of a an "*Architypographer*, whose Office is to supervise and look after the Business of Printing", and in May 1637 he responded favourably to the Vice-Chancellor's recommendation that the author of the recently-performed *Royall Slave* should be offered the new position. Cartwright was "so well deserving for this or a better place", he enthused, authorizing the heads of the colleges to appoint him, and asking his deputy to "let Mr. Cartwright know, and withal give him thanks for his fair respective letter to me" (*Works* V.i., pp.170-171). Is this the sound of Cartwright calling in a favour? It is a possibility, but in the event no appointment was made until 1658, fifteen years after Cartwright's death.

The play opens with the defeated Ephesians being informed of the singular Persian "custome" of investing one of their conquered prisoners with the "Priviledges" of kingship "for three full dayes", after which he is "led to death". An exotic variation on a common saturnalian theme, this is also significant in terms of contemporary criticisms of Laud's agency in government: he was sometimes regarded as Charles's puppet, used to press unpopular policies and shield the King from reproach; but more often he was caricatured as a self-seeking usurper who wielded a kingly power in pursuit of his vision of the Church; by the mid 1630s, he was being called an "English Pope", the puppet of Urban VIII, and the mock-King's investiture by Muslims may have been a wry allusion to these rumours of Popish plots. In the event, the four Ephesians who dream of abusing power fail in the election: Archippus and Stratocles both look forward to a surfeit of "whores", Leocrates resolves to "Revell it all night", and most disturbingly, Philotas muses that

“one dayes Royalty” would be “space enough to new mould a Kingdome” (I.i.61-94). They are contrasted with Cratander, who does not covet power. Arsamnes, the Persian ruler, first sees him carrying a book, “Arm’d with a serious and Majestique looke, / As if hee’d read Philosophy to a King”. He is the image of the perfect King: self-contained but majestic, his bookishness somehow communicates the potential action of “arms”. When he is elected to the mock-kingship, he neither revels in his new power nor fears “the Death that waytes it”, for both “are indifferent in themselves; / And only good or bad as they are order’d” (I.ii.101-107, 185-189). His policy of “order” and moral reform is tempered by a belief that to act “Beyond the reach of Law without controule, / Is not the Nature, but the vice of Pow’r” (II.i.351-353). Against Molops’s caricature - “I beleeve hee’s conning a Hymne against the good Time” - Cratander explains that he is studying “a discourse o’th’ Nature of the Soule; / That shewes the vitious Slaves, but the well inclin’d, / Free, and their owne though conquer’d”, revealing Lutheran inflections in his espousal of freedom of conscience under political oppression. As all good Puritans would have put it, true freedom is not about having “the good Time”. Balancing this is a counter-emphasis on the efficacy of good works: “Victory” is “Not fortunes gift, but the deservings Purchase”, he tells Arsamnes, and, asked to define the “deserving”, he replies, he who fights not for the sake of fighting, “but out of Conscience / To kill the Enemy. Not the man” (I.ii.109-114, 122-128). Cratander is moderate, despises controversy because it obscures the pursuit of “Conscience”, and maintains that fellow men are not his enemies, but only the evil which corrupts those men. By implication, he suggests that all human institutions, no matter how corrupt, can be unified and reformed without being destroyed (Sharpe 1987, p.49; 1981, pp.151-152).

The point is developed when Arsamnes touches upon a key ecclesiological controversy, the “beauty of holiness”: “What wouldst thou sacrifice? the best, or worst?” Cratander responds unequivocally, “The best, unto the Best”, explaining that “th’ Deity doth not love / The maymed, or mishapen, ’cause it is / A thing so different from himselfe”. Nevertheless, a respectful difference is always maintained between “the best” of the world and “the Best” of heaven: the gods “doe not hunger after / Your Cookery of sacrifice”, and the meanest grain of incense, “If offer’d with Devotion”, will “redeeme / A destin’d Hecatombe”. Arsamnes agonizes over the “pitty” of Cratander’s reasoning, which proves him “best bestow’d” to be the sacrificial mock-King, “That best deserveth to be spar’d”: Cratander’s protest at this heathen “Cookery” does not prevent him from embracing the “fate” which the Persian sun-god “doth require [of] me” - another indication that his respect for tradition is given in good faith. Arsamnes’s appointment is text-book Machiavellian (and saturnalian) state-religion: he thinks that Cratander’s spiritual sincerity is such that he will not have the political skill to make his piety acceptable to the Persian court, and so his own abdicated power will be seen in a new, more favourable light. Cratander’s investiture is a markedly visible affair - he is adorned with priestly “Robes” as the Magus sings a hymn, and he assumes his kingship, paradoxically, by kissing the sceptre and swearing to Arsamnes “First to be faithfull to the State”. The “state”, it seems, has been abstracted for the purposes of this temporary rule, because as a King, Cratander cannot swear allegiance to any other King. But this is really a

fiction: Arsamnes surrenders “All the Prerogatives of Majesty / For three full dayes”, but then he promises Cratander that, so he “may’st fall honourably, I intend / To strike the blow my selfe” at the fatal abdication (I.ii.137-167, 181-183). Whatever the appearance, Arsamnes makes it clear that he is still the *true* King of Persia, with the power to bestow honour and death. Cratander will merely play the role of “ideal Priest-Philosopher-King”, so that Arsamnes can demonstrate to his factious court how unwelcome such an ideal would be in political reality.

However, Cratander’s “toughening up a society gone to seed”, as Martin Butler puts it, serves only to deepen Persian factionalism (Butler 1984, pp.44-48). “Half of Arsamnes’s councillors find the pretender so impressive that their desire to extend the duration of his monarchy verges on treason”, writes Anne Barton, and the rest are “passionate to get rid of him”. Both critics are puzzled by what they see as the failure to emphasize the association of Cratander with Charles through “the orthodox discovery that, really, this man possesses noble blood”. The confusion is allayed by the simple observation that Cratander stands for Laud - the son of a wealthy clothier, but no aristocrat. The number three is inherently numinous, of course, but perhaps the three days of Cratander’s reign correspond to the three years (almost to the day) of Laud’s archepiscopacy up to the play’s performance on 30th August, 1636. “Cartwright was, of course, a university man”, Barton observes, and “Cratander’s gentry is really something he fetches ‘from Oxford, not from heraldry’”; the play articulates “the logical end of the Stuart history: as visible kings are reduced to petty and undistinguished private men, private men of a certain kind may come to seem like kings as kings once were” (Barton 1977, pp.91-92). The fact that the Church, and latterly the universities, provided the lowly with a way into the highest echelons of government, challenging to the aristocracy in the House of Lords itself, annoyed anti-episcopal commentators like Lord Brooke. It is along these lines that the Persian court splits: Hydarnes and Orontes think Cratander’s “courage” shows him “worthy” of “A longer Kingdome”; Masistes and Praxaspes counter that, however “fit” for the office, he is “still a Slave”, and that it is only a matter of time before Cratander drags Persia under the Ephesian yoke, turning “our free Monarchy into a Nation / Of cheated Slaves” (I.ii.207-228). Even worse, Masistes worries that his “spice of that unnecessary thing / Which the mysterious call Philosophy” (I.iii.265-267), Cratander’s idealism, cannot even *comprehend* the loyalty he has sworn. Cratander is not Persian, nor even an Ephesian aristocrat, who might understand such loyalty. Laud had been offered a cardinalship - how long would it be before *his* self-interest sacrificed England’s “free Monarchy” and Church to Rome? But we have already seen that Cratander’s is a moderate, “catholic” Ephesianism. The advice he gives the other prisoners concerning their conduct recall Laud’s attacks on the Popish proselytizers among Henrietta Maria’s retinue (who drew paranoid fire upon both Laud and the King); but also his criticism of enthusiastic English Puritans for providing the excuses for Jesuit controversialists to undermine the legitimacy of the Protestantism. Against Philotas’s protests that “We don’t fire Temples”, and “tis not Incest to be merry”, Cratander observes that in these matters the minority’s “vices are esteem’d / The Rites and Customes of your Country”. This is a very Puritanical argument, theologically, morally and politically: it is an exhortation to personal responsibility on

the grounds that every individual is as much a representative of his nation as a King. He speaks like “a good Common-wealth’s-man”, Molops observes, with only a little irony. For Cratander, birth is *not* the issue, it is morality - but *visible* morality: Calvinism tempered by Lutheran formalism; Ephesian nationalism by distaste for Ephesian vices and a desire for Persian respect. And against this moderation, it is notable that Philotas and Stratocles make the same complaint as the Persian Masistes: “we suffer” because of his “familiarity with the Devill in Philosophy” and “a few Notions out of *Socrates*” (III.ii.751-790). Like Cratander, the Established Church characterized itself as the moderate victim of two opposing extremes, a position which enabled Protestantism to be ecumenical: Ephesus might be a nest of vipers, but who could object to Socrates? Likewise, Urban VIII might be Antichrist, but who could object to St. Paul?

The problems arise when ideals are appropriated for factional politics. His fellow Ephesians “must be repress’d”, Cratander realizes, because “the giddy People / Are ready to transpose all crimes upon / Him that should moderate them”. No doubt Laud feared that “Their faults might be accounted mine” as he acted against the Queen’s Roman Catholic entourage (II.v.534-537). The “giddy people” are easily led by the propaganda that emerges from the court, and because both factions want to put pressure on Cratander (as both factions wanted similarly to pressurize Laud), they effectively join forces (in negative terms) against established authority. So Praxaspes and Masistes themselves whip up the Ephesian *coup d’état* they had prophesied, asking Cratander’s erstwhile friends why they are “excluded from his thoughts, / But when he meanes to shew that he hath anger”. Cartwright suggests that the radical Protestant nobility at Charles’s court were not only responsible for the rumours of Papist incursions upon government, but for the *fact* of such incursions. Praxaspes and Masistes encourage the Ephesians’ Popish “Oath” to murder the Persian King, standing by as it is “crowned” by drinking from a “Goblet”. An aberrant eucharist is observed - as it had been in Jonson’s *Catiline* (Blackfriars 1611): Philotas wishes the wine were Cratander’s “bloud”, pours some out for “the infernall Gods”, and is rewarded by the “Good Omen” of the wine running in “thickned streames”, a diabolical parody of transubstantiation. Finally, the stage direction states that “*They all drinke*”; it is not clear whether or not this includes the Persians, but they have not left the stage (III.iii.827-874; *Catiline*, I.422-494, *Ben Jonson V*, pp.419-550; De Luna, pp.173-175). The “Protestant nationalists”, so to speak, promote and perhaps even participate in a movement against their own ideology in order to empower that ideology as a necessary “opposition”. The victims of this factionalism are the two kings, Arsamnes and Cratander. However, Arsamnes is unable to dissociate Cratander from the Machiavellian culture into which he has forced him. Partly out of jealousy over Queen Atossa, but more importantly because he suspects Cratander of pro-Ephesian conspiracy, he begins to regret his election. Orontes reminds him that “religion, and your word” demand that Cratander reign for three days, and that “To cut him off before, were to abridge / Your Triumph, and Devotion”. Arsamnes agrees. Like Charles, whose favouring of Laud galvanized the Church until its power and influence threatened his own authority, the Persian King is unable to alter the election without throwing into question his own judgement, not to mention his own religious faith and ideology. To

bring Cratander back under his control, Arsamnes attempts to embroil him even further in the culture of the Persian court, to distract him from his ideals. It was during the autumn of 1636 that Charles began to pressure the Church for Forced Loan and Shipmoney sermons; and October saw his order for the Prayer Book to be enforced in Scotland - a move against which Laud had always advised caution, but for which he ended up taking much of the criticism.

Arsamnes's court is the meeting-point of political power and sensual entertainment: he tempts Cratander with "All the delights and pleasures, that a Slave / Admires in Kings", specifically "Musicke" that "subtly" puts good government to "sleepe" (I.v.331-341). This is significant in the context of the play's performances. The first was obviously an occasion at which the King was hosted and entertained; but the King also entertained the town and university with his presence. The ambiguity enabled Cartwright to conceal his idealization of Laud within an apparent idealization of Charles. Faced with Arsamnes's banquet of sense, Cratander maintains that "a Throne / May stand without those tumults of delights". This looks like congratulations for the King's inherent serious-mindedness before the university's "pompous Luxury", but it soon starts curiously to anticipate Laud's attitudes, both towards the play itself and towards churchmanship in general: "Kings pleasures are more subtle, then to be / Seen by the vulgar" (II.i.342-348). If we see the King's presence as the *real* entertainment at Oxford (as it would be, unequivocally, at Hampton Court), Cratander's objections begin to sound like a complaint against the King's - Arsamnes or Charles - intrusion upon the academic world. This returns us to the self-satisfied distinction between ideologically independent university drama and the professional theatre of London and the royal court which was raised in the Prologues and Epilogues. Cratander is initially delighted at being offered "a taste of our / Best Persian Musicke", but when he gets two women and their boy trilling an erotic lyric - "shee Minstrells" whom he describes as "wicked creatures" - he objects that he "did expect some solemne Hymne of the / Great world's beginning", or at least a play that represents "a Kingdome in one face" or "A People in one body". In other words, what he likes are plays of ideas, Platonic or heroic drama, idealistic, enlightened entertainment. Worst of all, such court ribaldry justifies the Prynnes of this world in tarring all kinds of drama with the same brush. Cratander borrows his rhetoric to make the point, calling the entertainment "so vile / And abject an imployment", and, turning to the female minstrels, railing against "the foreheads / Of women once growne impudent!" (II.ii.355-366; II.iii.367-410, 420-436).

The most famous of these "impudent women" was Henrietta Maria, who liked to perform in entertainments that often satirized the King's policies. Cartwright parodies the bastardized Platonism of these pastoral Romances in the scene which has the Ephesian slaves "*disguis'd in beggars habits*", like "a most perfect Goblins Masque" (V.iv.1464-1465). In this garb, they plan to murder Cratander and usurp his office. Cartwright has more fun at the expense of the religious ambiguities involved in these patronage alliances: when nobody volunteers to carry out the bloody deed, they all agree that the next person to pass them will decide, based on who is "judg'd the fittest to make a Persian Priest" (Philotas, considering this company of Jesuitical extremists,

ruefully concedes that they are all “very unfit to bee Preists”). The next passenger happens to be Cratander, who has overheard the plot against him. This is a test for Cratander just as the problem of what to do with Henrietta Maria’s Roman Catholic proselytizers was a test for Laud. Cratander insists that he is “not well skill’d in your Persian Rites” (as Laud insisted that he was not in Popish ones), calls some Persian “Servants” to judge the issue, before revealing that they guards whom he orders to “seize / These foure pernicious Raskalls”. The irony that the Persians are loyal to their Ephesian King while the Ephesians pretending to be Persians try to murder him is significant: “You now would know who’s fittest / To make a Persian Priest”, he says; “Is it not all one to aske me, who / Is fitt’st to Sacrifice me?” (IV.iii.1157-1178; IV.iv.1197-1215). Cratander - and Laud - is figured as a martyr to the ideal of religious toleration, at the mercy of those who would politicize and abuse his moderateness, just as they politicize pastoral Romance and Platonism.

The play’s editor notices a parallel with John Fletcher’s and Philip Massinger’s *Beggars’ Bush* (Blackfriars c.1622), in which the principal beggars choose their leader in much the same way (G. B. Evans [1], p.191). But it seems clear that Cartwright’s is a satirical parody against that concept of “order outlawed” which, for a certain kind of radical Protestant aristocrat, “became increasingly attractive as society lost its cohesion” (Billington, p.197). Martin Butler’s discussion of Richard Brome’s contribution to this tradition of “woodland-commonwealth plays”, especially in *The Court Beggar* (Cockpit 1640) and *The Jovial Crew* (Cockpit 1641), is useful here. Brome used the Elizabethan pastoral tradition to embody the “nexus of social and economic relationships” which these representatives of the “country” contrasted with the supposed insularity of the court: his “contentious realism” asserted that, if it was “to have meaning beyond the world of Westminster and its constitutional arguments”, government policy “must be in touch with the England ‘represented’ here dramatically in all its human detail”. In his plays the same “old complaint of country aganst court, provinces against the centre” gave voice to resentment that Whitehall was swallowing up the country’s wealth: “Beggary is more than the condition of the court, it is a prospect which the court is forcing onto the whole realm” (Butler 1984, pp.269-275, 222-228). The problem with this ideological position is its disingenuousness concerning the so-called “country” faction’s interests at court, its very involvement in the politics it claims to despise, an hypocrisy, as far as Cartwright was concerned, exemplified by the alliance of religious extremes under Henrietta Maria’s patronage. Praxaspes and Atossa’s ladies-in-waiting comment on the political power of women. “I wonder / No woman’s chosen Queene” to accompany Cratander, Mandane remarks, for it would make for a more “delicate Comedy”. This is a sideways comment on Henrietta Maria’s political influence, upon which the Puritan faction relied, despite anxieties over the incursions of her Papist retinue; similarly, they helped to patronize the “delicate Comedy” of court culture while affecting disdain for its superfluities. Praxaspes’s response is negative and yet indulgent: “Your Sexe is too imperious to Rule”, he insists, “too busy, and too stirring” in “your Curiosity”. Predictably, he focuses on the usual anti-court charges: “Your Closet and your Senate would be one; / You’d Gossip at the Councell-table”, and womanish trifles would be elevated to “a State affaire”. Ariene and Mandane see through his half-hearted objections:

"Things then it seemes / Are very brittle, that you dare not trust us"; either that or "Your follies are more serious, your vanities / Stronger, and thicker woven" (I.iii.237-255). That much is certainly true: it is the "opposition" faction who do their best to inflame Arsamnes's jealousy by harping on at how Cratander "is growne the talke / And sight of all the Court"; this is only half-true, of course, but Arsamnes immediately worries lest Cratander should "Be favour'd by my Queene" (I.v.305-311). But it is Cratander, not the members of the supposedly anti-court "opposition", who intervenes to stop the other Ephesians from subjecting the Persian ladies to "Rape", which Leocrates insists is nothing more than "Love-sport": they were "arguing / *Pro*, and *Con* out of *Plato*, and are now / Going to practise his Philosophy". Cratander is scandalized that they should call such behaviour "Philosophy" (II.v.509-525).

All the time, Cratander's ideals are under pressure from all sides to be factionalized. No sooner has he prevented this perversion of Platonic theory than his musings on "Pure vertue" and "faire honour" are interrupted by Atossa, hidden above him, throwing down "*a gold chayne*". Cratander thinks that he is being offered "more temptations"; but his decision with respect to this token is typically Laudian: he will wear it, because it is "Royall", and "cannot be the wealth of any, but the Throne" - he not only has a right, but a duty to wear it, as it signifies the dignity of his office. Nevertheless, "if it prove a Mettle / That some foule drossy minde could not endure", he determines to cast it away in "scorne and anger" (II.v.541-556). Visible emblems are important, but they are given their importance by the respect accorded to them by free "minds". The golden chain will not work as either a love-token, a bribe, or an idol, because Cratander interprets it according to his strictly Platonic notions of the "Golden Chain" - it gains its value from its reference to an ideal. "I would not feigne Favour" on the strength of "A Jewell or a Twist", he tells Atossa, for that would be "Sacrilegious", and "violate that sacred thing, / Pure, spotlesse Honour". By the same token, "Where honour is transmitted in a true / Mysterious Gage of an Immaculate minde", as it is by Atossa's beauty, "I will defend it as some sacred Relique". True "Affection" sees its own reflection in that which is "resplendent", for "the carefull Deities provide, / That Love shall ne're be so unhappy, as / To want his Brother". All very Platonic, masculine, sexless. In religious terms, he locates the importance of the visible in its reference to the invisible: the "immateriall Beames" of a "Body of perfection" are a reflection of "that Deity, which hath let downe / Himselfe into those Rayes", and so the "Body" itself is worthy of "an awfull Adoration" - which, as he says to Atossa, "my Religion payes to you". His conclusion - if "You like not the Devotion, be content / To slight the Sacrifice, but spare the Altar" (III.iv.876-908, 920-927) - is a concise digest of Laud's view of the "beauty of holiness", and the ecclesiological policies he recommended pursuant to that view.

This criticism of both Puritan asceticism and Popish idolatry succeeds in converting Queen Atossa away from her factional extremes to Cratander's *via media*, and in the process she rediscovers the responsibilities of her office: "Conceive not hence a passion burning toward you; / For she that speakes like woman, is a Queene". She offers to act as his "Instrument" in any service "without an injury / Unto Religion", and at this point Cratander lets us in on his - and Laud's -

“strong Ambition” to “maintaine / An equall faith ’twixt Greece and Persia”. Greece and Persia, England and Rome, Protestantism and the Mother Church, should be maintained under the “equall faith” of a catholic confession. To win Atossa to this project, which on the face of it she ought (like Henrietta Maria) to welcome, Cratander has to break her alliance with those “potent Lords”, who are united in opposition “gainst my designes”, sabotaging his efforts to “Obtaine an Army; for they thinke I have / That vile minde in me to betray this Kingdome”. In fact, “my’intent is only / To perfect great *Arsamnes* Conquest, and / In that be beneficiall to my Country”. In Cratander’s vision, everybody benefits, just as they do in Laud’s: the Protestants are reconciled with the Mother Church, the Roman Church is purged of its corruptions, and peace will boost the “growth and verdure” of every economy (III.iv.934-982).

But of course there is deep anti-Ephesian suspicion in Persia which is only exacerbated by the temporary leadership of a man presumed to be loyal to Ephesus. Cratander, far from colluding with his countrymen, is shown to suffer intolerable pressure under such assumptions, from within the Persian court itself. He assumes that the golden chain which Atossa had thrown down to him was from Phocion (an Ephesian spy who infiltrates the Persian court), a bribe with which to “binde” him to their conspiracy. This associates the Queen with these foreign incursions - an association that makes no sense in the political world of the play, but reflects the suspicion directed at Laud’s presumed relationship with Henrietta Maria’s Roman Catholic entourage. Cartwright’s point seems to be that such presumptions betrayed a simplistic idea of Laud’s loyalties - that Cratander “only hide[s]” his obvious intention to “betray the Persians into our hands”, as Phocion puts it. But Cratander’s patriotism is as Platonic as his love, and therefore agrees with his new obligations: “this pow’r” of the Persian kingship “hath only / Added one linke more to the Chayne”, the Platonic golden chain of loyalty, he tells the spies; it makes him “*Arsamnes* Instrument”, to whom he has “sworne / Faith”. Hippias and Phocion, by contrast, define Cratander as “an unnaturall Sonne” for his pro-Persian views, and urge betrayal as “good t’ your Country”, because they can only conceptualize Epheso-Persian relations as oppositional: when they complain that his oath of allegiance was extracted by “force”, Cratander replies, “As if the valiant could be forced by any”. Peace is the choice made by the truly “valiant”, the patriotic good is found in the transcendent Good of peace rather than the contingent good of victory (II.vi.565-566, 583-597, 611-627).

Cartwright deliberately conflates representations of Jesuitism and Puritanism in order to break down the simplistic identification of confession with nationality: Phocion has “made our Grecian faith / Become a Proverbe t’expresse Treachery” when true religion tells us that “An Oath’s the same in Persia, and in Greece”; Hippias articulates the anxiety of the radical Protestant, who, under “Tribute, and taxe, and payment”, feels “thrall’d and yoak’d; the hard gaines of our sweat / Must be sent in to serve their Luxury”; Phocion can also sound like the 1608 Protestant Union: “Nor is’t Ephesus / That only dreads this slavery”, he observes; “*Claros* too, / And *Colophon*, nay *Magnesia*, and others / That joyn’d i’ th’ warre do feare a share i’ th’ Tyranny”. Cratander’s reply echoes the Caroline-Laudian foreign policy, based on both idealism and political

realism: “Your forces are so weakned, that you cannot / Regaine a perfect Liberty” (the farce which was about to emerge out of the policy of Shipmoney would illustrate this point in the context of Charles’s England), and so the best policy is to work for peace while “preserving / Your Lawes and Liberties inviolate” (IV.ii.1091-1111). Despite feeling “Like to the doubtfull Needle ’twixt two Loadstones”, his idealism overcomes his division of loyalty as both his religious ideology (“Piety”) and his sense of patriotic honour (“Justice”, both to Ephesus and Persia) come to agreement in his catholic vision: “Faith shall consist with both”. To forget that ideal in pursuit of dogma or nationalism would be to reduce piety and patriotism to “sinnes” (II.vi.647-652). This is what was meant by the words with which he began his kingship: “our Royall pleasure” will be “To make our Conquest perfect” (I.ii.193-195). The ambiguity as to whom “our Conquest” refers really defines Cratander’s vision: he is Ephesian, so it could mean the conquest of the Ephesians; but it could equally mean the conquest of Persia *by* the Ephesians; and of course, the same aporia applies *vice versa* now that he is the Persian King. His “our” a universal plural, the conquest is of both nations by “perfect” peace; but it is also a “Royall”, personal pronoun, recognising that the greatest power is attained by the conquest of the self.

The final Act shows this Christian self-negation operating at both the personal and the political level to facilitate the play’s comedic resolution. Having brought Atossa’s female court and the Ephesian army round to his pacific vision, Cratander needs only to prove the “opposition” view to be paranoid self-interest, and to convince Arsamnes that the suspicions aroused by this opposition are fed by baseless jealousy. News of the gathering of Ephesian forces around “th’ Queene and Ladyes in *Arsamnes* Castle” (IV.v.1242-1247) causes Arsamnes (who like Phocion and Hippias, cannot conceive of peaceable Epheso-Persian relations), to draw the conclusion that “Credulous” Atossa has been tricked into willingly giving herself up to the Ephesians’ sexualized onslaught. The Queen corrects him in the same way Cratander has corrected both her and the Ephesian spies: she has not betrayed her “faith” to Arsamnes and Persia, for “what I’ve condescended / To ayde thus farre, is only a faire likenesse / Of something that I love in you”. Platonic love is universal, not restricted to individuals, like the true patriotism of pacifism. She urges him on “to Conquer”, apparently betraying the trust of the Ephesian army, but then promises to reward that conquest with “A peace, as everlasting as our Loves” (V.ii.1301-1327). Victory is achieved peacefully because the Ephesians retreat, following Cratander’s order to avoid conflict. A political point has been made to Arsamnes: the Ephesians are *not* interested in aggression against Persia; furthermore, it has been made by an Ephesian who had all the necessary power to order an invasion. There are no grounds for the opposition party’s paranoia: “You owe him, Sir, the honour of your Court”, as Ariene observes, for “Slaves had defil’d our Husbands beds” were it not for his peacemaking (V.iii.1371-1376).

The politics of peace dealt with, attention shifts to religion. Atossa asks for Cratander’s life to be spared, a dispensation that would draw a line under the Epheso-Persian war and demonstrate that Persian doctrine holds no threat to the Ephesian “Lawes and Liberties”. Again, Cratander demonstrates by example: the true Ephesian religion (Platonism) abjures the “Cookery

of sacrifice" (I.ii.155-161), but he articulates a localist toleration, accepting the "fate" decreed for him by the Persian sun-god telling Arsamnes that this clemency "is not in your Pow'r". It is left to Atossa to criticize her own religious dogma: from her newly-acquired Platonism she reasons that, if the Persian deities really are "Gods", sparing the "Innocent and Vertuous" should be "their Festivall". Cratander is exercising his greatest influence over the Persian court at this moment, even as he subjects himself to its laws and customs. "'Tis the best time to fall, when there are most / Requests made for our preservation", he says, but "I could wish that your / Blest Pray'rs were spent in gaining a good peace / For hopelesse Ephesus". Of course, underlying this self-negation is the knowledge that the rejection of this offensive religious practice would indeed facilitate "a good peace": "The Gods that doe / Require my ruine, would accept their safety", he reasons, but as Atossa has suggested, gods who require human sacrifice will never respect the inviolability of innocent lives. It is an aspect of Persian religious culture that cannot help but cause conflict, but Cratander chooses to undermine it by tolerating its brutal effect upon himself. Arsamnes finally relents under overwhelming moral and affective pressure: "*Cratander*, live; we doe command thee, Live". The irony of Arsamnes *commanding* the good of Cratander against the authority of the laws of the gods as interpreted by Persian custom, and against Cratander's still-legitimate kingship, not to mention his expressed preference that the correct ceremony be observed, is developed by Cratander himself: "Beare witnesse O yee Gods, that I doe suffer / This as his Servant too". But as soon as Arsamnes has chosen the path of peace and reformation, Cratander clarifies the extent of his influence: there is "Only one life I'm so much Master of", he says, but it is one which he must sacrifice if it cannot continue alongside "Ephesian safety", for "the Altar comes / More welcome than the Throne, if this shall bring / Freedome to me, and Slav'ry to my City". He yields to the Persians' interpretation of what is required at their "Altar", but now he has "pow'r" to attach his own political conditions. He is able to do so because he has totally reformed the Persian court, as Atossa once again demonstrates: she feels herself bound by "solemne Vowes", required by "our Gods", to insist that the Ephesians be free to "use their antient Customes, changing / Neither their Rites nor Lawes". The Persian gods have been made to agree with Ephesian doctrine, because any decent ruler would "sorne to have them subject as your owne, / And vile as strangers"; sovereignty (especially that won by conquest) must be tempered by a religious toleration that can absorb the customs of new "subjects". Religious reformation is forced by political realism: Arsamnes declares that his "Mercy" has "added to our Conquest", which is the "equall Triumph" of Persia and Ephesus (V.iii.1338-1355, 1385-1440).

One important constituency remains to be convinced: the Persian religious hierarchy. The Priest insists that to circumvent the sacrifice would be "not to worship, but delude". This recalls Cratander's own views on praxis: he too held it "stealth" rather than "Devotion" to offer anything but the "best, to the Best", but tempered this with the Platonic tenet that all sincere offerings refer to the ideal of Devotion. Arsamnes thought that this was "Bravely sayd" even *before* his conversion to doctrinal Platonism. Now it must have the force of religious conviction, and yet in the face of the Priest's objections he says that "The Gods recall my courtesy". But if Cratander's

doctrine is correct (and it is in the ascendant within the Persian court), there is no quarrel between the gods and Cratander's life. The irony of Arsamnes's conversion is repeated: to survive, Cratander must convince the Persian King-in-waiting to assume sovereignty over religious custom, and consequently over his own life. Again he affects complete resignation to his "fate"; but when Arsamnes is forced to contemplate the act of sacrifice itself, he is suddenly "Sure" that "The Gods desire it not" (V.vi.1499-1527, 1542-1561; I.ii.137-158). He has, therefore, decided to defy his priesthood *before* the pageantry of the sacrificial rite is performed. We seem to be headed for constitutional crisis, as Arsamnes refuses to fulfil his hieratical role as it is defined by the priesthood. As far as they are concerned, this role is divinely-ordained, and to refuse it would be to deny the authority upon which the kingly office subsists. The stage is set for the *deus ex machina*: "*the Sunne appeares eclipsed*", so that as "*Arsamnes prepares to give the stroke*" (we assume not in earnest) he "*is interrupted by the Priest*", declaring, "Heav'n is not pleased with your Sacrifice". Arsamnes has come to the same conclusion *independently*, but, perhaps under the assurance that the gods would indeed intervene to prevent an irreligious injustice - "The Gods / Have justify'd my care" - he has miraculously reformed the Persian religion while resisting a confrontation with his priesthood: "Thou hast now, / The voyce and visage of the Gods, good Priest", he declares, emphasizing his divine right even as he draws attention ("now") to the *process* of reformation. Finally, Arsamnes tells Cratander that his reprieve "comes not / From any humane pow'r". This is true, but it is also true to say that Cratander's life is saved by his own example of the "neo-Platonic essence of kingship", as Barton describes it, "from which Arsamnes can learn to correct what is unkingly in himself" (Barton 1977, p.92). Arsamnes's recognition of this fact is demonstrated by his decision to "reward" Cratander's "faith" and "moderation", by making him King of Greece, so "that what was meant / For sport and mirth, may prove a serious honour": Cratander's "Vertues there / May shine, as in their proper Spheare" (V.vii.1573-1585, 1595-1606). Cratander will be a King (really a sort of colonial Governor), but a King in his "proper Spheare", that is, not Persia. His will not be a kingship in the political terms usually understood, because it has been earned entirely on the basis of his religious piety, or "Vertues", his closeness to the divine will (he has no right in positive law to be a King, for, as we learn from Phocion, he went out of Ephesus "a Slave"). But Arsamnes's appointment is a recognition that, just as Cratander's ideals have created the peace which gives him sovereignty over Ephesus, so his religious doctrines have brought him closer to the divine will which legitimates his kingship in Persia itself. Cratander's piety has defined and legitimated the political kingship to which he subordinates himself.

This is the view Laud had of his own office in his most exalted (and yet most sincere) moments. Cartwright allows Cratander to step out of the play to make his point "to the King & Queene": Prospero-like, "*The slave though freed by th' King, and his Priest too, / Thinkes not his pardon good, till seal'd by you*". Cratander was freed by Arsamnes and the Priest, but in deference to a divinity in which he had educated them, and the same paradoxical relationship is implied between Cratander (that is, Laud) and his royal spectators, whom he has been educating through his example in the play: "*'tis our forward duty that hath showne / These loyall faults in honour to*

your Throne” he says; “*Great joy doth bring some madnesse with it still; / We challenge that as title to doe ill*” (The Epilogue to the King & Queene, 3-10). The play has brought “*Great joy*”, but it could not be all joyful, for it was meant seriously to educate through its Platonism - this is the dramatists’ “*title*” to do the “*ill*” of presuming to educate a King and Queen against their “*faults*”. The play did bring the Queen “*Great joy*”, but her subsequent appropriation was an affront to the play’s argument concerning the authority of the university’s Chancellor to counsel the royal couple in religious politics. How could Cartwright and Laud put this right? By sabotaging the Hampton Court performance, demonstrating the supremacy of Laud’s university (and by association Laud’s Church) over the play’s complex of religious philosophies. As such, “The Epilogue to their Majesties at *Hampton-Court*” foregoes any recapitulation of the educative message. Instead it works to dissociate Cartwright and Laud (through Cratander) from this performance, tying responsibility for its failure firmly to the Queen’s incompetence in commissioning drama and her unwitting exploitation by both poles of the religious extremes at court. The play is described as “*Incense*” which is “*Foule and unwelcome*”, suggesting the malign influence of the Queen’s missificating retinue. On the other side of the extreme, there is the pun suggested by the complaint that “*the Censer’s in another hand*” (5-8). Throughout his time in the Bishoprics of London and Canterbury Laud had been harassed by the theatrical productions sponsored by the radical Protestant opposition (and produced not only by the Queen’s company but the King’s Men themselves). Religious controversy, though statutorily banned from the stage, continued to cause problems for the Church precisely because the “*Censor*” had been “*in another hand*” since 1606, when Sir George Buc secured authority to license plays for the press against a commission headed by the Archbishop of Canterbury and the Bishop of London: “the secularization of dramatic censorship under absolute state control” (Clare, pp.37-38, 123; see E. Schwartz, pp.467-468; Eccles, pp.409-506; Finkelpearl 1982, pp.150-151). The Revels Office was “in the hands” of the Lord Chamberlain, a position monopolized by fairly radical Protestants ever since the Careys and Cobham held it in the 1580s and 90s. It is a source of pleasant irony, considering Laud’s unwarranted reputation, that when he tried to suppress playing during the Lenten period of 1637, the Lord Chamberlain at the time, Philip Herbert, vigorously objected to episcopal meddling in his jurisdiction - a position that conveniently reflected his views on Church government. This was also the year of “the infamous Star Chamber decree of 1637”, as Sharpe ironically calls it, which, “it has been said, reads like a statute, and was clearly intended to strenghten the ecclesiastical commissioners’ jurisdiction over the press which had hitherto rested on letters patent” (Sharpe 1992, pp.649-651).

This was the position Laud felt himself to be in during the mid- to late 1630s: embroiled in a court whose exploitation of religious extremes offended his sensibilities and damaged his project of Church reform with its consistent libels, misrepresentations, and factionalized interests. In *The Royall Slave* a fellow idealist and Oxonian offered a dramatic voice for the discontents of the professional Church. That it provides an ironic commentary on its own failure to communicate those discontents to its royal audience adds to its interest, for the existence of such a commentary

points us to something in the political culture of England in the 1630s that might explain the disasters which were to come. “Neither the blot nor sinne” of the Hampton Court performance can “stand” on Cratander-Laud-Cartwright, “For though the Peece be now mark’d his, and knowne, / Yet the Repeaters make that Peece their owne” (The Epilogue to their Majesties at Hampton-Court.7-10): the Epheso-Persian “Peece” of this “Peece” of drama was sullied by the appropriation of its royal “Repeaters”. Was not the peace of the Laudian Church sullied into war through a similar royal appropriation?

THREE

The Political Case for Professional Playwrights: Jonson, Shakespeare, Massinger

“Some say (good *Will*) which I, in sport, do sing
Hadst thou not plaid some Kingly parts in sport,
Thou hadst bin a companion for a *King*;
And, beene a King among the meaner sort.”

John Davies of Herford,

“To our English Terence Mr. Will: Shakespeare”, *The Scourge of Folly...* (1610)

“Why, gentlemen, do you know what you do? Ha! would you ha’ kept me out? Christmas, old Christmas? Christmas of London, and Captain Christmas? Pray you let me be brought before my Lord Chamberlain, I’ll not be answered else. ‘Tis merry in hall when beards wag all. I ha’ seen the time you ha’ wished for me, for a merry Christmas; and now you ha’ me, they would not let me in; I must come another time! A good jest, as if I could come more than once a year. Why, I am no dangerous person, and so I told my friends o’ the guard. I am old Gregory Christmas still, and, though I come out of Pope’s Head Alley, as good a Protestant as any I’ my parish. The truth is, I ha’ brought a masque here out o’ the City, o’ my own making, and do present it by a set of my sons, that come out of the lanes of London, good dancing boys all. It was intended, I confess, for Curriers’ Hall, but because the weather has been open, and the livery were not at leisure to see it till a frost come that they cannot work, I thought it convenient, with some little alterations, and the Groom of the Revels’ hand to ‘t, to fit it for a higher place - which I have done; and though I say it, another manner of device than your New Year’s night. [*He sees the King*] Bones o’ bread, the King! Son Rowland, son Clem, be ready there in a trice; quick boys.”

Ben Jonson, *Christmas his Masque, as it was presented at court* (1616)

“This our device we do not call a play,
Because we break the stage’s rules today
Of acts and scenes...”

There’s one hour’s words, the rest in songs and dances...”

Thomas Middleton, “Prologue”, *A Courtly Masque* (1620)

“I could never thinke the study of *Wisdome* confin’d only to the Philosopher: or of *Piety* to the *Divine*: or of *State* to the *Politicke*. But that he which can faine a *Common-wealth* (which is the *Poet*) can governe it with *Counsels*, strengthen it with *Lawes*, correct it with *Iudgements*, informe it with *Religion*, and *Morals*; is all these.”

Ben Jonson, *Timber: or, Discoveries Made upon Men and Matter* (1640)

I

So far in this study, drama has been used to show how political, religious, legal and professional issues of the Jacobean and Caroline periods were not only dealt with by contemporary playwrights, but dealt with in such a way as to shift emphasis onto the particular advantages of dealing with them through the contexts and structures of professional theatre – or, in the case of *The Royal Slave*, professional seats of learning. This concluding section is more exclusively concerned with ways in which theatrical texts posited a political role for themselves in their own right, without specific reference to extra-theatrical issues. As my introductory chapter on playwrights, professionalism and politics intimated, the case that was made by the profession was no more monolithic than the profession itself. Because space will not allow me to do justice to plays from a full range of Jacobean and Caroline theatres, from the demotic Red Bull to the gentrified Cockpit, I have chosen to focus on the most important and best-documented professional rivalry of the period, which, it could be argued, defined the two most influential modes of English drama down to the Civil War and beyond: that between Jonson and Shakespeare. Just as a binary opposition of Bacon and Coke, or Laud and Prynne, simplifies the nature of legal and theological disputation in the period, so this binary opposition simplifies the nature of its drama. However, my object in all three cases is to provide a snapshot of the ways in which a particular professional contention subsumed what might otherwise be taken for ideological conflict, purely and simply.

The section ends with a reading of perhaps the most remarkable theatrical apology for the politics of drama ever to appear on the English stage, Philip Massinger's *The Roman Actor*, which serves to crystallize the tendencies which I have been tracing in all the plays in this study.

II

“Sovereignty needs counsel”: Ben Jonson's *Poetaster* and the politicized aesthetics of authority

Ben Jonson's grandfather “served King Henry 8 & was a Gentleman”, we are told, but his father's loss of wealth and untimely death led to Ben's early life as a bricklayer and common foot-soldier. He experienced the positive benefits of patronage, being “putt to school by a friend”, and perhaps learned thereby to associate learning with influence and wealth; but he also experienced the curtailment of those benefits by a step-father who preferred the regular remuneration of manual labour to the slow accumulation of scholarship (*Ben Jonson* I, p.139). He seems to have defined his success in terms of “winning back some of the status and self-esteem his father's death and his mother's remarriage had denied him”, and London's political culture in the early seventeenth century was such that a “rehabilitation” of this kind was at least a possibility for a commoner who was not a high-ranking cleric (Riggs, p.18; he identifies Jonson's step-father on pp.9-10; R. Evans, pp.32-33). However, the prejudices that told against such a rehabilitation were still strongly and almost universally held: fifteen years after his first royal entertainment had been staged and he had become a well-known fixture at court, Nathaniel Brent greeted *Pleasure Reconciled to Virtue* (1617) with the opinion that “he should retourne to his ould trade of bricke laying againe” (*Ben*

Jonson X, p.576). Alexander Gill ran over the same ground following the performance of *The Magnetic Lady* (Blackfriars 1632): "In thy old Age agen / Take upp thy Trugg and Trowell, gentle Ben" (*Ben Jonson* XI, p.348). The jibe was particularly cruel, as Jonson had been partially paralysed and bedridden by a stroke.

At both the professional and personal level, it was damaging that the intensely learned Jonson had not enjoyed the university or legal training that might have stood him in good stead against his want of wealth or title, and this may explain his particular concern to present his literary career in highly professional terms. Discussing the "variety" of human mind and their specific aptitudes, he carefully placed his own calling among the learned professions: "Some are fit to make *Divines*, some *Poets*, some *Lawyers*, some *Physicians*; some to be sent to the plough, and trades". But he resented the dilettante: "*Poetry* in this latter Age, hath prov'd but a meane *Mistresse*, to such as have wholly addicted themselves to her", he observed, whereas "They who have but saluted her on the by" she has "advanced in the way of their owne professions (both the *Law*, and the *Gospel*)". The literary profession suffered because of amateur appropriations: "*Poet*" is now "a most contemptible *Nick-name*", because "the *Professors* (indeed) have made the learning cheape" (*Ben Jonson* VIII, pp.583-584, 572). In more unguarded moments of his conversations with Drummond, the project of appropriating idiomatic professionalism for poetry gives way to a kind of retrospective frustration, pique, and wish-fulfilment: "He dissuaded me from *Poetrie*, for that she had beggered him, when he might have been a rich lawer, Physitian or Marchant"; he also had "a minde to be a churchman" (*Ben Jonson* I, pp.141-142, 149). Nevertheless the associations of other professions were perceived to be an advantage: Jonson's "interest in jargon" was "strangely colonialist", even beyond the generic characteristics of drama, as if he would subsume the respectability of the learned professions along with their idioms, or show how completely he had mastered those idioms, despite exclusion from their institutions (Sanders, pp.186-187). *Volpone*'s dedicatory epistle to the universities maintains that a poet should "be able to informe yong-men to all good disciplines", objecting to the idea that "variety" of learning "breeds confusion" (*Ben Jonson* V, p.17). He "should not be ignorant" of those diverse professions "hee will handle", and so "he which can faine a *Common-wealth* (which is the *Poet*) can governe it with *Counsels*, strengthen it with *Lawes*, correct it with *Iudgements*, informe it with *Religion*, and *Morals*". The poet is philosopher, divine and politician rolled into one. Having subsumed the roles of all the professions in the government of his feigned commonwealth, Jonson is able to invest an absolute sovereignty in himself, the dramatist, subject to no criticism besides that of his own professional elite (which is alone omniscient): "To judge of *Poets* is only the facultie of *Poets*; and not of all *Poets*, but the best" (*Ben Jonson* VIII, pp.619-620, 595, 642).

The "sheer variety of forms of writing to which he turned his hand, and the differing audiences and publishing contexts which these entailed" are illustrative of this professional outlook. Ultimately he saw himself as a patronage poet destined for service at the highest level, but in the meantime he had to make his writing pay in the same way a legal or political career would have done, and this drew him to the theatre (R. Evans, p.31). He was alone in pursuing such

variety, and thus open to criticism from every quarter regarding the awkward social position his career occupied - I will suggest Shakespeare's *Tempest* is one such criticism, for example, and the earlier "War of the Theatres" was certainly informed by the same tendency. Much of the antagonism of these skirmishes arose from the fact that Jonson was temperamentally unsuited to the sometimes dispiriting work of the attached dramatist: his work for Philip Henslowe with the Admiral's Men consisted largely of collaborations and revisions. His decision to join the Bricklayers' Guild in 1598 or 1599 may have had something to do with securing the citizenship rights that came with membership, or it may indicate that he was "thinking of getting out" of the theatre business, as Joseph Lowenstein puts it; but it certainly must have provided his critics with another example of his sticking fingers into too many pies and getting ideas above his station (Loewenstein 1988, p.268). His first real success also demonstrates his reluctance to play by the rules - despite his obligations to Henslowe, he went to the Chamberlain's Men with *Every Man in His Humour* (Curtain 1598) - and between 1597 and 1602 he tried his luck with at least four different companies, as if he were trying to refigure his relationship with the theatre in terms of the gentleman amateur he clearly was not. It is notable that, of the four companies Jonson wrote for, only plays performed by the Chamberlain's Men and the Children were deemed worthy of inclusion in the 1616 *Workes* (Dutton 1996, pp.43-44; Riggs, pp.36-37, 45, 69). Whereas Shakespeare's Folio, prepared by actors, has a list of the King's men who appeared in *all* of the thirty-six plays between its covers, Jonson's specifies the *individual* companies who produced each *individual* play, thereby proclaiming "his independence from any single company" and presenting the author as "an employer of actors rather than as an employee" (Herendeen 1991 [2], pp.53, 115-116).

We might regard Jonson as the ordinary poet of the Children of the Queen's Chapel, but that company was dissolved following the *Isle of Gulls* scandal; the only other company that could have afforded him the same kind of access to the royal court was the King's Men, and of course since 1594 their ordinary poet had been Shakespeare. As a result of this man's insurmountable dominance (artistic *and* financial-administrative), Jonson theorized poetic professionalism but practised a kind of pseudo-amateurism, for which he was criticized in social terms. In response, he placed exclusively formalist limits upon literary criticism: to develop his socially-conscious art, he had to pre-empt socially-motivated criticism. Jonson had to "distance himself from the most dominant theatrical voice of recent times", but he could not attack Shakespeare's crass professionalism (as so many *real* amateurs did) because he himself coveted "the authoritative space" which it had created (Dutton 1996, p.146). Thus Shakespeare "wanted" not social standing, but "Arte", which Jonson presented as a kind of *artisanal* professionalism that could compete with Shakespeare's: he reputedly "never blotted out [a] line", Jonson recalled, and his writing "flow'd with that facility, that sometime it was necessary he should be stop'd"; Shakespeare's "wit" had no "rule" (*Ben Jonson* I, p.133; VIII, pp.583-584). This was a highly self-conscious, professionally-motivated formalism. Although his *Discoveries* concludes with a defence of the neo-Aristotelian unities, much of the preceding matter should modify our sense of his dogmatism. "Nothing is more

ridiculous, then to make an Author a Dictator, as the schooles have done Aristotle", he wrote, and all one's reading in these Classical authorities would be "in vaine, without a naturall wit, and a Poeticall nature in chiefe"; after all, before "the *Grammarians*, or *Philosophers*" found out their "Lawes", there were "many excellent Poets, that fulfill'd them". His conclusion was that there was more in Shakespeare "to be praysed, then to be pardoned" (*Ben Jonson* VIII, pp.627, 639-641, 584; on the Unities, see pp.645-649). Even his strongest attacks upon the grotesqueries of Shakespearean Romance could easily be turned against Jonson's own masques - the point is, once Jonson had forged this professionally exclusive role for himself, the last thing he wanted was to have Shakespeare steal his effects for the public stage - an appropriation that "ignored the 'necessary rules' by which an author shapes his works", and defined the "proper relationship between the writer, the text, and his audience / readers". Professional and aesthetic decorum must agree: artistic freedom is fine before sophisticated court audiences, where subtleties can be expected to be taken on their own terms, but in the public playhouse, the "necessary rules" preserve the right air of professionalism and detachment in the face of the base appetites of the multitude (Dutton 1996, pp.154-155; see L. Wilson, pp.72-76, 83-95).

Jonson's "Augustan literary programme" was a considered act of orientation within Jacobean cultural norms (Cain, p.1; see Erskine-Hill, pp.108-121). James's Augustan pretensions were clear from the day of his entrance into London, and Jonson was one of two poets chosen to write speeches for the royal procession (see Goldberg 1983, pp.33-34, 39, 46-47; Parry 1981, pp.1-39; Bergeron 1971, pp.66-89). Thomas Dekker, his partner and rival in the exercise, mocked his colleague for making it as much a celebration of his learning as the new King's dispensation (*Ben Jonson* VII, pp.67, 77-79; and X, pp.386-388). Jonson's entire life and career fed on this conflict between author-ity and authority: "Ambivalence to authority and the confusion of self-interest with social service and aggression with instruction all inform Jonson's work", as John Gordon Sweeney observes (Sweeney, p.16). It is *not* strange, but decidedly *Jonsonian*, that the man who would become a servant to the King, and find himself "only a heart-beat away from" the office of Master of the Revels, should have had so many brushes with various authorities in his early career, which were themselves replete with peculiar complexities (Dutton 1993, pp.57-59, 83, and *passim*; *Ben Jonson* I, pp.237-239). His military service in the Low Countries was marked by a determination not to be obscured by regimental anonymity, manifested as a particularly poetic-Romantic gesture of individualism: "in the face of both the Campes" he had once "Killed ane Enimie & taken optima spolia from him"; and he (or Drummond) seems to have associated this sally with the most serious act of lawbreaking he ever committed - the killing of Gabriel Spencer in a duel - attempting to legitimize his crime as if it were "a chivalric passage of arms conducted on foreign fields". Jonson escaped "the Gallowes" by pleading benefit of clergy, thereby appropriating an arcane professional privilege *and* making a legal defence out of his learning (*Ben Jonson* I, p.139; Riggs, pp.19, 49). On both occasions "he was acting out the things he had read", as Barton puts it (Barton 1984, p.2). Drummond's final item in his catalogue of Jonsonian nonconformity is his "12 yeares a Papist": he converted back and forth as it suited him, and his

Roman Catholicism does not appear to have harmed his career. Soon after the Gunpowder Plot (his relation to which is intriguingly mysterious), he and his wife were cited for recusancy, and it was officially suggested that “ever since the kinge Came in he is a poett and is by fame a seducer of youthe to ye popishe Religion”. Jonson denied the latter charge, which curiously politicized his chosen profession; and he responded to the charge of recusancy with an archetypally Jonsonian formula: he pleaded a “scruple of conscienc[e]”, thus asserting his individuality and placing himself on equal terms with the “learned men” whom he might “confer” with about his theology: he “intellectualized” the problem, as Riggs observes (*Ben Jonson* I, pp.220-222; Riggs, p.142).²⁰ The charges were the result of malicious calumnies.

Jonson saw the same problem with the reception of his plays - in fact “most of his legal troubles” up to this point had “resulted from suspicions concerning his dramas” - and he met them with the same kind of solution (R. Evans, p.265). In his mind these “legal troubles” were directly linked with his aesthetic theory: “if I have any thing right”, he said, comparing his own status with “the *Ancients*”, “defend it as Truth’s, not mine (save as it conduceth to a common good)”. The aesthetics of the Elizabethan were an affront to the legal-political concepts of “truth” and the “common good” because they abandoned the stable precepts of Classical naturalism. “The true Artificer will not run away from nature”, for, “*I have* considered, our whole life is like a *Play*” in which “wee so insist in imitating others, as wee cannot (when it is necessary) returne to our selves”. In a culture where decorum has been abandoned, no one can be sure who you are or what you stand for: “Words are the Peoples; yet there is a choise of them to be made” which should accord to “the persons wee make speake, or the things wee speake of” (*Ben Jonson* VIII, pp.567-568, 587-588, 597, 621). This was as much a *political* point as an aesthetic one. The fact that “Sidney did not keep a Decorum in making every one speak as well as himself” was indicative of a time when the “natural” order of things could be overturned by the simple abuse of words (*Ben Jonson* I, p.132). It was at times like this, “when Jonson is at his most Olympian”, as Dutton puts it, that he was trying to “cancel out the tensions” of Jacobean England, “where social and economic conditions were in such flux”, in order to establish a legal-political stability for the reception of his texts by his ideal readership (Dutton 1996, pp.135-136). “*An Innocent* man needs no *Eloquence*”, he claimed, “his *Innocence* is in stead of it: else I had never come off so many times” when “I have beene accus’d to the Lords, to the *King*”. In these situations, it was preferable for the “naturall wit” of the poet (*Eloquence*) to be obscured by Classical authority, implicitly associated with the political-legal authority (*Innocence*): “if the obscurity happen through the Hearers, or Readers want of understanding, I am not to answer for them”, he explained, assigning *political* accusations against his plays to his critics’ lack of Classical “understanding”. Such

20. He was, he told Drummond, “for any religion as being versed in both”: *Ben Jonson* I, p.151. See Stroud, pp.274-282. John Aubrey wrote that “King James made him write against the Puritans” (perhaps *because* of his unapologetic catholicism); more strikingly, in early October 1605 he attended a party given by Robert Catesby, and, two days after the Gunpowder Plot was foiled, was employed by Privy Council as a go-between in their efforts to contact a certain Roman Catholic priest “that offered to do good service to the state”: *Ben Jonson* I, pp.139, 180, 202. See J. Archer 1993, pp.95-120; Riggs, pp.51-52, 127-130; Fraser 1996, pp.149-150, 189; De Luna, pp.35-36, 115ff., 130-143

“interpreters” merely “sucke out the poyson of bookes” because “they thinke no Learning good, but what brings in gaine” - knowing nothing of literary theory, they value a speech in terms of its scandalous potential, rather than its place in a long tradition of officially-countenanced satire (*Ben Jonson* VIII, pp.604-605, 623-624, 595).

Shortly after the first performance of *Poetaster* - written in haste as a pre-emptive strike against Dekker's *Satiromastix* (Paul's 1601) - Jonson appended “an apologeticall Dialogue” in response “to sundry impotent libells”. The Author explains that he had chosen “Augustus Caesars times, / When wit, and artes were at their height in Rome” to show that even great poetic lights such as Virgil and Horace “did not want / Detractors”, but also to draw a “line (although no *parallel*)” between their situation and his own (To the Reader, 1-11, 101-107). It would be natural to identify Jonson with Horace, were he not so subdued, even peripheral, until the fifth Act.²¹ Instead Ovid dominates the action up to this point, and the play begins as he is composing his elegaic poem about envy, picking up the “Author's” theme from the Prologue. Ovid demonstrates a very professional, Jonsonian concern with literary craft, going over the “hastie errors of our morning *muse*” (lines from the *Amores* that patiently appeal to the judgement of posterity: I.i.40-42, 81-84), just as the “Author” is offended that hackwork “Should carry it, by the multitude of voices” against his own “long-watch'd labours” (To the Reader, 193-215); the Jonson who was “beggared” by poetry and left to face critics who “upbraided my poverty” is reflected in the Ovid whose “guiltlesse povertie” arms “Prodigious ignorance”, and who takes solace in the “true difference twixt” writing done “for common hire, / And the high raptures of a happy *Muse*”. Ovid's father stands in the way of his literary aspirations as Jonson's had curtailed the professional education which might have opened up the possibility of respectable poetic amateurism. Ironically, Ovid's father is anxious that he *should* finish training to be a lawyer rather than a “stager”. Ovid counters that his poetry is “not knowne unto the open stage”, and that his foray into drama - which he calls “a *poeme*” - was an amateur's response to the entreaties of “friends, and honorable *Romanes*”. The difficulties involved in Jonson's analogizing himself with Ovid turn out to be the crucial problems of his early self-definition. Ovid's father observes that the “gallants” who “hath drunke of the same poison” as his son can do so because they are “gentlemen of meanes”, putting his finger on the awkwardness of Ovid's “amateurism” - because he has forsaken his legal studies, he will have to make a living out of writing (I.ii.235-243, 11-18, 52-79, 68-77).

21. “No fewer than four figures who can be associated with Jonson himself complain of hostile audiences: the prologue, Ovid, Horace, and the Author of the Apologetical Dialogue. Two of these, the prologue and Ovid, define this audience response as envy. Envy is one of Jonson's favorite cudgels, always close at hand when he berates his spectators”: Sweeney, pp.40-41. Horace's father was a freed slave pursuing a profession - trader in salted foods - for which he was taunted like the “bricklayer” Jonson, and who gradually carved out a career as a patronage-poet following military service at Philippi. Even before *Poetaster*, John Weever praised John Marston's achievement in “*Horace's* vaine”, before associating it with Jonson's “rich” style; on becoming a “Son of Ben”, Thomas Randolph felt a connection with “the whole quire” of Classical poets, but especially to the “*Latin lyre* / That is so like thy *Horace*”; Thomas Smith celebrated called him “the elaborate English *Horace*”: *Ben Jonson* XI, pp.362, 390, 374; as did Henry Chettle 1603, sig.D2v. See Kay, pp.125-128; Pierce, pp.20-31

Resenting the restricted opportunities which life had offered him, Jonson uses the character of Crispinus to attack the dabblers who play at the profession he was trying to make respectable. A representation of John Marston, who graduated from Oxford in 1594, joined his father as a lawyer in the Middle Temple (maintaining rooms there until 1606), and eventually took orders in 1609, Crispinus is similarly determined to spread his talents thinly: Horace calls him a “Hydra of discourse”, because he never stops talking about his competence in so many contrasting disciplines. He has no concept of literary merit and determines to “bribe” his way into favour with the art-loving Mecænas; he calls this “labour”, but Horace’s scornful refiguring of it as “impudence” articulates the world of difference between Jonson’s poetic “Truth” and meretriciousness, *craft* and *graft* (III.i.285, 20-43, 236-279). He ends up being employed (or exploited, depending on one’s view of things) by Tucça, whose “wealth allows him to act as a travesty of a patron”: when Jonson brings these two literary interlopers together, it is inevitable that poetry should be reduced to a system of profit and exploitation through the medium of the public theatre (Mcluskie 1991, p.59; see Maus 1991, pp.76-77, 84-86). The appearance of Histrio gives Tucça the perfect opportunity to advertise Crispinus as “a gent’man, parcell-*poet*” and a “Pantolabus” - “one who takes all” (a parasitical character from Horatian satire) - emphasizing the dissipative nature of both his motivation and his production, his lack of a clearly defined aesthetic. Apparently with no real idea of what Crispinus’s work is like, Tucça simply appeals to the lowest common denominators of the “new stalking straine” of the popular Elizabethan playhouses (III.iv.50-73, 155-172). *Poetaster* is too often read as a simple attack on bad writing, but the real target is what is represented by Tucça - the corruption of literary values by the financial exploitation of dramatists. After all, Jonson himself had been forced into perpetuating the worst excesses of Elizabethan bombast and melodrama thanks to his dependence on the Henslowe. (Tucça bails Crispinus out of gaol in the same way Henslowe did Jonson).

Like Jonson, Ovid’s singleminded dedication to literature leaves him vulnerable to such non-literary professionals who would calumniate, subsume or appropriate poetry. The tribune, Lupus, and Tucça ridicule learning rather than poetry *per se* - “Three bookes will furnish you” to study law, “And the lesse arte, the better” - because for financial and political reasons both are anxious to keep the authority of learning out of the law and the independence of “arte” out of the theatre. In response Ovid promises to translate Roman law into verse as smooth “as Propertius *elegies*” (I.ii.117-130, 105-107), not simply to appease parental ambition, but to convince an authority-figure that such calumnies against poetry are but the vicious libels of the self-interested. Jonson would make the same appeal to those in power, especially when he found himself imprisoned for the offences of *Eastward Hoe*: in his mind at this time, the distinction between the King’s laws and the poet’s laws had become permeable. This is where he parts company with Ovid, who fails satisfactorily to subsume legal jargon (and by extension the constraining-liberating laws of Classical aesthetics) into his poetry. Indeed, while studying law in his “gowne” he writes bad poetry: “I will new dresse the *law*, / In sprightly *poesies* habillaments”, he insists, suggesting that he is cutting the cloth of literature to fit the body of the law, rather than *vice versa*: the

exercise has turned from using law to justify poetry to using poetry to make legal studies tolerable. Tibullus uses a legal term to put an ironic end, or "*Supersedeas*", to his "melancholy" studies, in the form of a letter from Princess Julia: given the typically erotic Ovidian subject matter, our poet's dry measures on the statutes give way to the "Celestiall accents" which now spill effortlessly from his lips, extolling "The law, and art of sacred Iulias love" (I.iii.5-23, 55-58). But for all their brilliance, these lines do not extol the law which Jonson recognized as essential to the successful negotiation of poetry into power - a politicized aesthetic distinguished by its sense of *detachment*. Ovid rushes to consolidate a relationship with a member of the royal family according to the most committed criterion imaginable - erotic infatuation.

In *Poetaster*, the extremes between which this detachment must chart its course are succinctly and amusingly personified by Crispinus (the social-climbing poetaster who exploits Chloe to sing for Julia) and Hermogenes (the artistic temperament, born of Hermes, devoted exclusively to the aesthetic ideal). The conflict that erupts between them eventually forces Gallus to have to remind them all of the spoiling "banquet", the practicality of this *social* occasion, which threatens to be overwhelmed by "this difference" between two competing notions of aesthetic value. Poetry must be concerned to engage with social contingencies, because it has to be about "putting food on the table", so to speak; but at the same time detachment is important for the poet's own effective orientation precisely because the socialites themselves are just as surely angling for preferment, and putting on their own pretentious "performances". The several layers of class-confusion are exemplified and exacerbated by Chloe's attempt to rise by stooping in her marriage with Albius, while preserving what she believes to be her superior social status against patriarchal norms. Albius himself keeps trying out a newly-learned formality - "At your ladships service" - which he learnt "by seeing a play last day" (II.ii.66-202). Their marriage might seem analogous to Jonson's uneasy "marriage" to the "entertainment" industry, whose vulgarity he berated even as he exploited it. The difference lies in the appeal that Jonson made to the aesthetic ideal *beyond* the morass of pretense necessary for self-promotion. This dinner-party shows that, to be successful in the theatre of insincerity that is the court, the aesthetic ideal (the ultimate insincerity) must embody the notion of social *distinction* even as it works to dissociate the practitioner from pretentious social *ambition*. (Indeed, this party is itself only a pretentious, "theatrical" representation of the court). The poets have to exploit the pretensions of the socialites using Jonsonian strategies to avoid their mistakes. Crispinus does not play the role well enough, for example - we all get to see the strings too easily. More significantly, he fails because he is too eager to exploit Chloe's pretensions.

This same exploitation informs most of the comedy derived from the "banquet of the gods" in Act IV, in which the politics of Jonson's Horatian naturalism takes its place in the aesthetic that preserves poetic independence against the power of patronage. Gallus blasphemously suggests that "all the honours of the gods have beene deduc't" from the "divine spirits" of "*poets*", that divine reality does not pre-exist the poetry of praise; indeed, he claims that "the sacred breath of a true *poet*, can blow any vertuous humanitie, up to *deitie*". Tibullus develops the idea: the

banquet will “shew that *poets*” are “able to *deifie* themselves”. In the case of one of these poets, this deification has considerable social and political ramifications - “Ovid will be Jupiter; the Princesse Iulia, Iuno” - which are deepened by the fact that the last couple in Tibullus’s pantheon are Albius and Chloe, “Vulcan” and “Venus” (IV.ii.22-52). Ovid’s “marriage” overturns the social hierarchy by appealing to a grotesque kind of divinity in defiance of patriarchal and imperial authority; Chloe’s achieves something similar: the deification inadvertently draws attention to how much they have in common, and sure enough, Jupiter and Juno bicker in a sort of mirror-image of Chloe and Albius. At this point, the couple are still detached, still playing with their identification as deities, but eventually the sensualism of the banquet causes them both to surrender to subversiveness. Ovid calls on “Mercury” (Crispinus) to command the Emperor to “sacrifice as a dish to this banquet, his beautifull and wanton daughter Iulia”, because she “plaies the scold behind his backe”. Julia enters into the game wholeheartedly: “tell Augustus”, she says, that “hee had better to doe so ten times, then suffer her to love the well-nos’d *poet*, Ovid”. Their own names emphasize how completely they have abandoned the realities and responsibilities they carry; and the grotesqueness with which they assert “divine” authority over patriarchal rights by citing their *real* disregard of those rights reveals this as a case of theatricality exceeding the bounds of naturalism and restraint that make it politically tolerable. The mock-gods’ “high pleasure” explicitly subverts essential hierarchies and relationships: all should be free “to be nothing better, then common men, or women” and “breake loving oathes”; the enterprise is so dissolute that even the object of the banquet - to legitimize the “marriage” of Ovid and Julia - would be threatened by either of these two perversions. That, of course, is Jonson’s point: unrestrained theatricality is counter-productive, because some kind of (aesthetic) authority is necessary for professional negotiation within a political society. Tibullus declares that “now we may play the fooles, by authoritie” - but his authority is a sham. When Hermogenes the antimasque “Momus” is expelled by Julia for being “too grave, and wise”, the aesthetic ideal for which he stands is removed, leaving only fools. Appropriately, it is Tucca (Mars to Chloe’s Venus) who puts the seal on this expulsion of artistic individualism (the obstacle before his exploitative ambitions), in terms that stress its political import: “Wee’ll have it enacted”, he says, “Is’t not a good motion?” (IV.v.87-103, 200-217, 8-45). As Tom Cain writes, “instinct and appetite are not seen, as they are in *Bartholomew Fair*, as vital and positive but as limiting... the carnivalesque vision accepts and celebrates an imperfect world, in which all is in metamorphosis”, whereas this “Augustan world is one of absolute values offered in the clear, authoritative language of the committed humanist” (Cain, pp.13, 20-21; see Maus 1984, p.90)

Caesar’s entry, with its queasy wavering between terrible power and mocking irony, seems to reclaim the authority of performance for the sovereign. He plays the role of confused subject - “Doe we heare? and see?... Are they the Gods?” - to illustrate the seriousness of their transgressions against reality, and presents his attempt to murder his daughter as a response to a command from these supposed “gods” - graphically showing how blasphemy leads to violent treason. Only when Mecœnas and Horace exclaim against his threat of action does he refer to these

deities as a mere “pageant”. The moment of crisis having passed (and it was a moment of dramaturgical crisis, when comedy threatened to become tragedy), Augustus strips away the last vestiges of pretense. Asked for his identity, Albius tells him, “I play Vulcan”; he no longer *is* Vulcan, and Caesar presses him further - “But, what are you, sir?”. Albius once again resumes his place as “Your citizen, and jeweller”. Chloe demotes herself from Venus to “Your citizen, and jewellers wife”, even her “gentlewoman born” pretensions abandoned in a submission to patriarchalism. Interestingly, stripping away Ovid’s divinity also involves Augustus stripping away his own: “If you thinke gods but fain’d, and vertue painted, / Know, we sustaine an actuall residence”, he declares, and that “the title of an Emperour” retains the “spirit” of “imperial power”. Mecœnas and Horace again beg him to “forgive: be like the Gods”, but because Caesar’s authority resides in his ability to threaten real power, he has to execute some form of punishment: his political power actually depends upon the fact that he is less than a god. This concept also makes a point about the utility and capacity of poetry in political society: “There is no bountie to be shew’d to such, / As have no reall goodnesse”, he insists: “Bountie is / A spice of vertue” (IV.vi.1-16, 43-64). These words recall Gallus’s claim that poetry can deify the virtuous human being. Of course, the revellers were anything but virtuous, least of all in their divine pretensions. Augustus’s point is that all the power or authority (or virtue) anyone has is his own: no one can have ideal power “like the Gods”, and no one can be elevated by praise further than is justified by reality. This guarantees the Emperor, who has the greatest *real* power, a monopoly over performances of *ideal* power. Jonson offered the same formula as the indispensable source of honest counsel: “bitternesse of *Truth*”, or “truth of argument”. From within his intertwined myths of quasi-mercantilist freedom and Classical aesthetics Jonson was able to appeal to aristocratic patronage while deriding “Flatterers” who “fit their discourse to the persons, and occasions” rather than to the matter (*Ben Jonson* VIII, pp.612-613; see R. Evans, pp.61, 250-252, 266). His painstaking development of the antimasque had been the centrepiece of his attempt to force his notion of poetic independence into the court’s autocratic world, beginning at least as early as *The Masque of Queenes* (1609) and arguably occupying his thinking since *Cynthia’s Revels*. Its ideology certainly informs *Poetaster*. “The masque staged by Criticus in *Cynthia’s Revels* was an instrument for discovering truth”, writes Barton, whereas “Ovid distorts the proper function of art when he devises the blasphemous banquet of the gods”, and is guilty of “pulling the immortals themselves down to the level of man at his most trivial” (Barton 1984, p.82). This is true enough, but the reason people like Chloe and Albius seem trivial in their divine costumes is that they *are* trivial. Jonson’s “bitternesse of *Truth*” involves the acknowledgement that, to praise power (and also to sing *powerfully*), the poet must legitimately place himself among those who *wield* the greatest power. Ovid says as much in his rueful soliloquy in exile: “The court’s the abstract of all *Romes* desert”, he concedes, and so, “out of it”, the poet “loseth al the vertue of his arte” (IV.viii.10-18).

Ovid’s offences against both aesthetic *and* political authority represent those aspects of Jonson’s own poetic temperament which he necessarily, but reluctantly, chose to exile from his

work for the advancement of his career into the new reign that was approaching. As Cain puts it, "The Ovid being rejected is as much the Ovid of the 1590s in England as the historical Ovid of Augustan Rome", that is, the Elizabethan court culture associated with Marlowe and the Earl of Essex (Cain, pp.19-23, 41-44). Shakespeare also indulged, of course, and they were followed by writers like Marston, Donne, and Chapman - whose *Ovid's Banquet of Sense* (1595) was perhaps the model for the banquet in *Poetaster* (Kermode, pp.68-69). Jonson fought to escape this culture, especially its peculiarly sexualized politics: "As Ovid's star declines, that of Horace gradually rises", as Barton writes; Elizabethan Ovid gave way to Jacobean Horace, and the sovereign-subject relationship changed from one of pseudo-erotic devotion to pseudo-mercantilist contract (Barton 1984, p.85). As Stanley Fish argues, Jonson's poetic mode refigures the patronage relationship as "a transaction of perfect if closed reciprocity in which to give something - a poem, a praise, a liking, a reading - is at the same moment to be getting it back", or "to owe money is already to have repaid it, that to ask a favor is to have granted one, that to praise kings is to exercise majesty, and that in the very posture of supplication and dependence one can nevertheless be perfectly free" (Fish, pp.239-262; see also R. Evans, pp.95-144, 250).

Jonson's Horace is "the great poet-moralist", a satirist whose observations are based on truth and good intentions rather than libellous self-interest (Cain, pp.12, 23-25). Our overall sense of his being detached from his own modes of expression is exemplified by his successful integration of the idea of the law into his work, without it overwhelming his poetry as it does Ovid's. By encouraging Crispinus to take responsibility for his "affaires" before the law whilst articulating a kind of patrician contempt for its institutions and procedures, and by revealing the extent to which legal language can be appropriated for satirical effect in his asides, Horace "legalizes" his poetry while maintaining the poet's proper, professional detachment (III.i.209-227). Like Jonson himself, Horace sees the advantage of being "well seconded" by the company of lawyers, especially in a world of libellous Tuccas and Histrios (III.iv.378-381), while preserving his own professional integrity (as Jonson would have glossed his own lack of formal education in the midst of his many Inns-trained theatrical colleagues). Horace's major statement of aesthetic theory comes in conversation, but also in disagreement, with Trebatius. He acknowledges that some have found him "excessive sower" and his work wanting "matter to eternise it"; but the lawyer can only suggest that he "Surcease" (a legal term comparable in effect to Tibullus's "*Supersedas*"). We are reminded of Ovid and his father here - Horace calls Trebatius "father". He advises the poet, "if such love of writing ravish thee, / Then dare to sing unconquer'd Caesar's deeds; / Who cheereth such actions, with abundant meeds". Like Ovid Senior, Trebatius cannot see beyond the problem of earning a living to answer Horace's questions of aesthetics on their own terms - he ignores Horace's gift for satire. Ovid responded by attempting to versify the statute book; Horace, by contrast, acknowledges his own limitations (his celebratory war poems are full of "defects"), but also the limitations of poetry itself: "Great Caesars warres cannot be fought with words". Just as poetry cannot legislate, but only make written laws "Runne smoothly", so wars cannot be *fought* with words, only celebrated (or mourned). Trebatius says, "Yet, what his vertue

in his peace affords, / His fortitude, and iustice thou canst shew". That word, "vertue", directs us back to the idea that one should not praise qualities a person does not really have - Horace can only "shew" what is there already. This gives Horace a chance to make his poetry of praise proactive: "nor must I / with lesse observance shunne grosse flatterie", he agrees; his poetry will not be too sour, and will appeal to eternity, if he writes about a virtuous Emperor. Trebatius, although he still has in mind an uncritical stance towards Augustus, approves: "how much better would such accents sound, / Then, with a sad, and serious verse to wound / Pantolabus". Again, he does not really understand satire, but his shift from legal-financial to aesthetic terminology suggests that Horace (unlike Ovid) will take only what is *poetically* useful to him from his "father's" advice. The recognisably Horatian view of satire emerges, in which poetry becomes a kind of law: "like a sheathed sword, it shall defend / My innocent life" (like deterrent justice), "But, he that wrongs me" will find himself sued, "with every tongue / Throughout the citie, infamously song". This gives poetry the same independence as the legal profession: "Servius, the *Prætor*, threats the lawes", and "Thurius, the iudge, doth thunder worlds of ill, / To such, as strive with his iudicial will". Trebatius has still not arrived at Horace's definition of satire, and warns that "ignorance of the sacred lawes" could result in him being "su'd" should he "wrong mens fames with verses lewd". Horace reiterates his key point, that by securing the Emperor as a patron, not only will the true nobility of satire break free from such petty "lewdness", to "spare mens persons, and but taxe their crimes", but lawsuits will have to contend with the real power behind those "sacred laws": "Such, shall in open court, find currant passe; / Were Caesar iudge, and with the makers grace". Trebatius, taught aesthetics in a language he can comprehend, finally comes to unreserved agreement with Horace: to "adde more", he says, any unjust "sute shall quickly bee / Dissolv'd in laughter, and thou thence sit free" (III.v.1-9, 16-43, 65-102, 125-140). If anything, the law of comedy - not Caesar's laws - will be the source of Horace's authority.

Julie Sanders criticizes "literary historical accounts" of Jonson "the King's poet", observing that most of these accounts focus on the 1616 *Workes* as "indubitable proof that Jonson had an absolutist's drive towards fixity": Jonson did not "cease to write literature aimed at the public or popular sphere" after 1616, she writes (Sanders, p.2). But this does little to acknowledge the decade-sized hole in this part of his career. Jonson seems to have wanted the *Workes* to be seen as a retrospective summation of his career up to 1616, as he readied himself to leave behind the patronage of the lesser aristocracy and the public playhouse market for the exclusive favour of the King. Thanks to the unmediated relationship he had built up with his Stationer, William Stansby, he was able to perpetrate significant "acts of self-censorship" which, as Dutton argues, "divorce Jonson from his own identity as a 'playwright'" in order to present himself as "floating free of the contingent pressures that shaped him" (Dutton 1996, pp.65-66). As Loewenstein puts it, "Publication completes the displacement of the performers both as a representational and as an economic fact. For the first time we find Jonson evading the Henslowes of London and selling his

copy-texts directly to printers” (Loewenstein 1988, pp.271-273).²² The *Workes* do suggest “an absolutist’s drive towards fixity”, but there was room for only one absolutist: “In his merry humor, he was wont to name himself the Poet”, Drummond tells us - that is, not the King’s poet, and not one court poet among many, but *the Poet* (*Ben Jonson* I, p.150). 1616 saw the publication of another remarkable folio, the *Workes* of King James himself: Jonson’s book asserted absolute control over his work in a way that likened artistic to kingly authority - Sara van den Berg suggests (intriguingly, if a little too enthusiastically) that “Jonson could become the first poet to capitalize on the new medium of print partly because James... replaced the performative, theatrical mode of royal self-representation with the new literary mode of print” (van den Berg 1991, pp.116-117). Lifting himself and his career out of the competitive marketplaces of both playhouse and country house which, until then, had helped to define his saleable independence, he understood that the new independence he required had to stand up to the power of monarchy. The only terms upon which Jonson could make such a challenge were not economic, political or factional, but aesthetic, humanist, and Classical. “Learning needs rest: Sovereignty gives it”, Jonson declared. “Sovereignty needs counsell: Learning affords it”. Any patronage relationship should be mutually beneficial, for even a sovereign needs to “heare discipline” to sustain his power. There are distinctly Baconian echoes: “among the greatest affaires of the *State*” it is important “to take care of the *Common-wealth* of Learning” through “the *advancement* of Letters”. Nevertheless, Jonson is interested in “Letters” specifically, choosing to co-opt a kind of empirical omniscience for the advancement of “he which can faine a *Common-wealth* (which is the *Poet*)”. Horace, he claimed, was “a man so gracious, and in high favour with the Emperour”, that “(if wee may trust Antiquity)”, he “had design’d him for a Secretary of Estate”, and there was more than King James’s affected Augustanism to suggest that the King might be sympathetic to his Horatian ambitions. “*A Prince* without Letters, is a Pilot without eyes”, he wrote. “All his Government is groping. In *Sovereignty* it is a most happy thing, not to be compelled; but so it is the most miserable not to be counsell’d” (*Ben Jonson* VIII, pp.565, 592, 595, 643, 601-602). James was the ideal subject for his appeals. The cosmopolitanism of his *Reulis and Cautelis* (1584), as well as its “powerful addiction to prescriptive theory”, were indicative of the sort of mind that could sympathize with the author of *Timber*, and the 1616 *Workes* had established James as scholarly “king of the book” (Myers, p.34). This might have seemed like an Elizabethan declaration of intellectual sovereignty, but Jonson carefully defined the King’s literary career - “a Poet, while thy

22. See also Riggs, pp.220-234; Gerritsen, pp.52-55; Timothy Murray 1983, pp.641-664; Barish 1981, pp.136-140. On the efforts Jonson expended trying to supervise the printing of his late plays “from his sick-bed”, see Barton 1984, pp.252-257. Richard Newton discusses the “closed coherence” of the *Workes*, their “unfolding in time of his timelessness and unchanging talent”: R. Newton, esp. pp.35-45. Also Brady 1991, pp.192-213; Kay, pp.224-237; Butler 1993, pp.377-378; Healy, pp.41-42. This ideal must have been in his mind quite early on, as *Poetaster* suggests, and as the quarto edition of *Sejanus* makes rather more explicit: “this Booke”, as he correctly calls it, “is not the same with that which was acted on the publike Stage, wherein a second Pen had good share: in place of which I have rather chosen, to put weaker (and no doubt lesse pleasing) of mine own, then to defraud so happy a *Genius* of his right, by my lothed usurpation”: *Ben Jonson* IV, p.351. The collaborative problem having been easily overcome, the play was included in the Folio.

dayes were greene, / Thou Wert” - in such a way as to leave a space “for the counsel of Jonson’s own poetry in the maturity of his kingship”: capable and competent, he was inexperienced next to his accomplished servant (*Epigrammes* IV, *Ben Jonson* VIII, p.28; Dutton 1996, p.73; see also Brady 1985, pp.380-399). A good counsellor should assume that “the Prince were already furnished with the parts hee should have, especially in affaires of State”, Jonson wrote, “For in other things they will more easily suffer themselves to be taught, or reprehended”: as the musician said to Alexander, “*Absit ô Rex, ut tu meliùs hæc scias, quàm ego*” (*Ben Jonson* VIII, p.566). Jonson flatters himself by drawing attention to James’s indisputable good taste, without threatening his primacy as Alexander’s musician.

In *Poetaster*, these politicized poetics are soon tested on Horace, after Lupus threatens that “Caesar shall know of” his lenient attitude towards Ovid’s banquet (IV.vii.54-56). What prevents him from suffering a similar fate to his fellow poet? Sweeney notes “Caesar’s refusal to consider Ovid’s offense in the mitigating context offered by Horace”, and concludes that his “pious decree seems bizarre” next to Horace’s “avuncular willingness to accommodate the young poet’s indiscretion” (Sweeney, p.36). But Horace’s “avuncular” reading of the banquet is *not* offered as a mitigating context before Caesar himself, only before Lupus, when Horace is making an apology for poetry *per se*; before Caesar he could only make a formulaic plea for mercy. If we think that Augustus has “overreacted” to Ovid’s banquet, we have no right to expect greater moderation in his treatment of Horace. But even Gallus and Tibullus are restored to “the late state of our love” on the strength of “vertues” which “shew, your titles are not writ on posts”. The “vertue” he singles out is remarkable, considering their crime: “Sweet *poesies* sacred garlands crowne your gentrie”, he tells them, poesy that is “abstract, and perfect”, as much one of the “sciences” as one of the arts. This suggests that Ovid was punished, not for his poetic performance (which Gallus and Tibullus aided and abetted), but for his far from “abstract” challenge to patriarchal authority (poetry, as Augustus’s paean suggests, has a feminine, generative place within this culture: “Shee can so mould *Rome*, and her monuments, / Within the liquid marble of her lines”). The word “vertue” also implies the extent to which this mercy is part of a *quid pro quo* relationship: he can only forgive the two poets because he knows that they are essentially loyal; and his mercy is itself evidence of that Kingly character whose “vertue” must *really* exist before poetry can justly sing of its “choise deeds”. In this way, Jonson has Augustus give voice to the Horatian-Jonsonian theory of satire. The point is reinforced when Mecœnas, and then Horace himself, praise “Your Maiesties high grace to *poesie*” in suitably reciprocal terms: “Phœbus himselfe shall kneele at Caesars shrine” to “quite the worship Caesar does to him”. The effect is crowned with the entrance of Virgil, symbol of the greatest heights (aesthetic *and* political) to which poetry can aspire, who has come to read from his *Aeneid*, to celebrate not the Emperor, but the grandeur of Rome for which the Emperor is *responsible*. Augustus subtly grants this distinction by having Virgil sit at “our right hand; where ’tis fit, / *Romes* honour, and our owne, should ever sit” (V.i.6-24, 33-53, 68-71).

There is, then, a governing association in Augustus’s political aesthetic between poetry, the state, and the Emperor: “Caesar, and Virgil / Shall differ but in sound” (V.ii.2). Once he has

shown that poetry enjoys political licence, he is concerned to limit that licence to the service of the ideal of poetry (and hence of the state and the Emperor), as opposed to the pursuit of self-interest. Meccenas, Gallus, Tibullus and Horace are tested against this Virgilian standard when Augustus asks them all for their opinion of the great poet. They are all “of his profession”, he notes, with Horace “the poorest, / And likeliest to envy, or to detract”. But Horace attacks the corrupting effects of “damned riches”, aiming to convince Caesar that he has not come to court to see what he can bleed from it: instead, “what I know is due, I’ll give to all”. Augustus is pleased with this “free, and holosome sharpnesse”. Tibullus comments that Virgil’s poetry is so comprehensive that “any serious point” of discussion can be encompassed and penetrated by “his spirit”. Augustus agrees that it is “fit for any conference”; as Horace adds, it does not become “Wrapt in the curious generalities of artes: / But a direct, and *analyticke* summe / Of all the worth and first effects of artes”. These “artes” comprehend not just poetry, but the arts of rhetoric, history, law, government, and war. Finally, Virgil is seen to represent the potential of all poets who are devoted to the glory of their art and of Rome, as Caesar acknowledges that the “mutuall loves of all your severall merits, / Argues a trueth of merit in you all” (V.i.75-95, 118-141). The poets’ praise of Virgil makes the case for the primacy of their own profession at the heart of government. Jonson takes this idea well beyond convention by making Caesar relinquish much of his authority over poetry’s “trueth of merit”. “Virgil” and “Caesar” may differ but in sound, but sound is important: as soon as this statement is made, Augustus urges the poet to read from his work himself - “let not me / Prophane one accent, with an untun’d tongue”. When it comes to the words themselves, professional competency supersedes the Emperor’s ideal association with poetry. The business concerning Virgil’s chair brings this to a head. Augustus declares, “Vertue, without presumption, place may take / ‘Above best Kings, whom onely she should make’”. It rises “without presumption” because of its superiority over worldly goods and titles - only “vertue” can make Kings, not the office in itself; but it *only* rises if it is “without presumption”, that is, not looking beyond its services to art and the state towards self-interest. The question needs to be asked - is Virgil’s chair placed higher than Caesar’s? When it is first positioned, it is placed simply “on our right hand” (V.i.70). Virgil questions whether it will be thought decorous that a poet should “transcend Caesars chaire”; but even this is ambiguous - the *Oxford English Dictionary* cites these lines when it defines “transcend” as “To ascend, to mount into” (rather than “to rise above”). Virgil is more explicit: “Poore vertue rais’d, high birth and wealth set under, / ‘Crosseth heav’ns courses, and makes worldlings wonder’”, but like Caesar’s, this statement is distinguished in both quarto and folio texts with gnomic pointing: the only unequivocal references to “vertue” being situated above “Kings” are proverbial, the tenets of immemorial custom, as it were. Moreover, these tenets are contradictory. Indeed, Horace’s contribution - “‘Custome, in course of honour, ever erres: / ‘And they are best, whom fortune least preferres’” - is a customary commonplace dealing with “Custome”, and its own self-reflexiveness suggests the limits of custom without authoritative interpretation. We can all agree that virtue is paramount, but who is to decide what constitutes virtue and its degrees? Augustus is in no doubt: he *will* have Virgil at his right hand:

“The course of heaven, and fate it selfe, in this / Will Caesar crosse; much more all worldly custome”. So although Virgil literally has the last word on the subject, metaphorically he does not : “Great Caesar hath his will: I will ascend”, he says, taking us right back to the point at which Caesar offered the chair with a *command*, “refuse it not” (V.ii.17-48). In short, the superiority of “vertue” (and hence poetry) subsists only as an acceptable fiction defined and delimited by the Emperor himself; the reality, denoted by the positions of real chairs on a real stage, offers (at best) a conditional equality (see Womack, pp.58-59).²³

Ultimately, there is no conflict between the true poet and the true Emperor. The important thing is the imperial guarantee poetry is given that its intentions will not be distorted by the contingencies of malicious self-interest. When Tucca and Lupus arrive with their accusations against Horace’s work, there is one important detail that their commotion is not allowed to disturb: “Virgil, keepe thy seat”. Augustus hates “to have our court, and peace disturb’d / With these quotidian clamours”, which suggests his willingness to separate the poetics of satire from the malice of sedition. Furthermore, as Cain observes, Tucca and Lupus not only interrupt the passage dealing with the attack by the giants on the gods, interpreted by Renaissance readers as “an allegory of barbarism’s attack on learning” (Cain, p.25; Virgil, IV, 160-188, pp.85-86). Sure enough, Lupus flaunts his failure to master the nuances of genre: the work of Horace’s in question is “an *emblem*”, the poet explains, to which Lupus replies, “That’s *greeke* for a libell”. Even before Lupus’s *faux pas*, however, his proof that the emblem is drawn in Horace’s hand is met by Augustus’s dismissive judgement, “Then ’tis no libell”. Horace, in his appreciation of Virgil, has already proved himself; but it is still the Emperor’s decision to honour the poet with his trust, and it is Caesar who pronounces the “doome” that “must not be revok’t” upon Lupus and Histrio. Nevertheless, although he is technically the Judge in all causes, he allows Horace and his fellow poets to be defendants, prosecutors and jury when it comes to interpretative matters within their profession, even when its disputes threaten to become politicized: eventually he turns the role of “*Prætor*” over to Virgil (declaring this to be “no impeach of royaltie”). Virgil articulates the familiar Jonsonian maxims, which manage to straddle the related spheres of politics and aesthetics: it is not the true “*satyricke* spirit, / That hurts, or wounds the bodie of a state”, he declares, “But the sinister application / Of the malicious, ignorant, and base / Interpreter”. Tucca, who is well aware that the executive power in the matter lies with Augustus, is now doubly aware that the Emperor is more than willing to base his judgements on the findings of his favoured poets. As such, when Augustus enquires about his identity, he introduces himself as “one of thy commanders, Caesar”, and Gallus confirms, “I never noted him by any other imployment”. It is ironic and entirely fitting that, as he desperately tries to distance himself from the theatrical

23. Cain argues that Virgil has an “an authority that is only partly dependent on Caesar’s power”, and that “Jonson goes out of his way to establish that Virgil ranks even higher than Augustus in the order of things, by placing him, as he reads his epic, above the *princeps*: it is, admittedly, Augustus himself who insists that he takes his place ‘above best kings’ (V.ii.27), but authority is vested in Virgil, as to a lesser extent in Horace, by his status as a great vatic poet whose relation to the stern ethical values of Rome, and Roman law, is that of the confident interpreter of a tradition”: Cain, pp.15-16.

profession in order to save his own neck, he should simultaneously exploit play-acting to the same end, like the literary usurper he is, setting “the best face I have, upon’t now”. Installing himself in the jury next to Mecœnas and Gallus, he abruptly assumes contempt for the poetasters’ playhouse-culture: “come, my calumnious varlets: Let’s heare you talke for your selves, now, an houre or two. What can you say? Make a noise. Act, act” (V.iii.4-67, 120-145, 162-169, 183-204, 251-255).

There is a conspicuous double-standard here. The poets’ appropriation of the legal idiom is relentless, and accompanied with no comparable suggestion that this is a professional usurpation. Virgil calls the poetasters’ weak satires “the evidence” and “that *writ*”; and the entire process is paranthesized by the exhaustive baroque pseudo-legalism of the “inditement” and “the oath for good behaviour”. Most strikingly, when it comes to the administering of Crispinus’s sentence, a praetorial act, Augustus tells Virgil, “use your authoritie, command him forth”. Virgil says that Horace entreats “Caesar” for a mitigation of the poets’ sentence, but in fact he asks the “grave *Prætor*”, Virgil, “in open court” to administer the oath; and Virgil himself assumes the prerogative power of commutation in sentencing Demetrius. “With Caesars tongue, thus we pronounce your sentence” may acknowledge the proper source of sovereign power, but the reality of the process as it occurs onstage seems to undermine it: at no point does Horace make any supplication to Caesar. Indeed, “so long as Virgil loves me, / Gallus, Tibullus, and the best-best Caesar, / My deare Mecœnas” and “many more”, he says, the poetasters’ “Envy” cannot hurt him. There is no appeal to any “legal” pardon here at all: Caesar is smuggled into a gallery of Horace’s fellow-poets, a bastion of shared *aesthetic* values, with its own implied hierarchy. Rather than showing how completely the poets have usurped the prerogatives of the Emperor or the legal profession, I think that this demonstrates how far removed the “trial” of Demetrius and Crispinus is from a legal process. What is most important is the idea that poetry can subsume the spirit and authority of the law to the extent that it is trusted with a freedom beyond it, a manifestation of what Horace’s triumph over Trebatius means for poetry. Virgil’s sentences flirt with the idea of legal punishment before settling on “literary” ones: Demetrius is made to wear the Fool’s “coate, and cap”; and Crispinus, whom Jonson clearly felt capable of better things than the Marstonian nonsense he is made to vomit out, is given, “in place / Of a strict sentence”, an extensive reading list (or volumes-full of strict sentences) (V.iii.263-265, 212-232, 398, 447-468, 536-610). Alexander Legatt writes that poetry “functions as the law should: in open court, it exposes and punishes the vices of men”. But it does so in contrast to the legal system as it is seen to work for most of the time in *Poetaster* (Legatt 1981, p.95; see Cain, p.19). If we take Lupus to be representative of that system as it works near the heart of government, his punishment at the hands of Augustus renders the play’s position on sovereignty much more comprehensible: Caesar stands at the head of every competing professional faction, insofar as he offers protection and advancement to those who do him loyal service in the pursuit of their particular “art”, and punishment to those who invade the jurisdictions of other professions. In this way, the protection of professional interests, or the balancing of factions, also helps to preserve the status of the Emperor as sole judge and arbiter in disputes over professional identities: loyal service is rewarded

by serious advocacy. Hence, Caesar has the last words of *Poetaster*, and he uses them to condemn the “the discords of those iangling rimers”, the poetasters, but also to rein in the true poets: “let not your high thoughts descend so low, / As these despised objects”, he commands, but “Be you your selves”, and “with our best favours” you will “stand crown’d” (V.iii.616-622). Become expert in your field, and even the Emperor will not be able to choose other than to respect your pre-eminence in it - and you shall thereby achieve the fitness to offer him true and loyal service.

If *Poetaster* marks the beginning of Jonson’s redefinition of himself from playhouse hack to Horatian sage in the service of the great and good, the period covering *Sejanus*, the “Royal Entertainments”, *Eastward Hoe* and *Volpone* sees him negotiating the tensions inherent in this gradual transition. He wanted to abandon “Ovid”, but could not become “Horace” until he had secured the support of a “Mecœnas”, let alone an “Augustus”. Although the play itself ends with Horace in triumph and receiving Caesar’s approbation, the printed text (and at least one performance) continues with the ambivalent “Apologetical Dialogue”, in which “his frustrated claims of indifference to attacks on the play only emphasize how much they bothered him” (R. Evans, p.249). It makes a show of moving into a more rarified mode of expression even as he abandoned Horatian satire for the superficially popular genre of tragedy: whereas the comical satires had attempted to garner favour amongst the audiences of the Curtain, Globe and Blackfriars, now, “if I prove the pleasure but of one, / So he iudicious be; he shall b’ alone / A Theatre unto me”. As the inspiration for *Sejanus* comes on, Nasutus intones, “I reverence these raptures, and obey ‘hem” (To the Reader, 237-240), leaving our Author significantly alone upon the stage or in the reader’s imagination. It was this solitary authority that he wanted to advertise to potential patrons, but, tautologically, he needed these private patrons in order to stabilize his authority in the first place. Hence, the *Sejanus* period sees him, for the first time, becoming that literary *factotum* beloved of his modern critics: seeking courtly, aristocratic and civic patronage while plugging away at the playhouse audiences and assiduously supervising the passage into print of his quarto playtexts, already anticipating the Folio of 1616. Unfortunately for Jonson, it also anticipated that time well after 1616, when the “violent and vicious” forces that characterized the transitional period of his career, and brought him to the centre of power, finally turned against him.

III

Prospero-us playwrights: Shakespeare’s *The Tempest* and the Jonsonian masque

Shakespeare’s *Winter’s Tale* (Globe 1610-1611) had drawn criticism from classically-minded commentators like Ben Jonson who took exception to its flagrant disregard for neo-Aristotelian dramatic “Arte” (*Ben Jonson* I, p.133). The play’s success at court and in the playhouse gave Shakespeare the last laugh, and clearly he was still laughing as he set about his next essay in Romance, *The Tempest* (Blackfriars 1610-1611), “an enigma, where severity of control is balanced by freedom to use the language of show and music” (Bradbrook 1976, p.215). The critical debate is resumed when Gonzalo makes his clumsy association of Carthage’s “Widow Dido” with Tunis

(they were nearby, but separate cities). The irony of Antonio's likening this mistake to Amphion's city-raising "miraculous harp" is redirected against the critic whose dogmatic realism would deny the playwright artistic and commercial licence to present what he calls "impossible matter". Sebastian joins Antonio in joking that Gonzalo "will carry this island home in his pocket" before "sowing the kernels of it in the sea" to "bring forth more islands" (II.i.82-95). If Jonson was going to insist on criticizing *The Winter's Tale* purely because of its Bohemian shipwreck, Shakespeare would respond by shipwrecking these ineffectual critics of Gonzalo's imagination off the coast of a wholly nonexistent island, magically conjured from his own pocket, "giving *The Tempest* a temporary veneer of realism by capturing its fantasy in a theatrical *mise en abyme*", and topping the effect off by yoking this fantasy world to the rigid prescriptions of the unities (*Ben Jonson I*, p.138; Bruster 1992, p.33).

Gonzalo suffers further criticism from Antonio and Sebastian for his muddled, pseudo-Ovidian commonwealth of "contraries". In the midst of his string of negatives he declares that the ideal polity would have "No sovereignty", but, as Sebastian and Antonio observe, his own desire to "be king on't" suggests that "The latter end of his commonwealth forgets the beginning". This sounds like another criticism that may have been levelled at *The Winter's Tale*, and the link between Gonzalo's ignorance of both dramatic and political theory articulates the play's argument that moral and political action should have a common-sense rather than an abstract basis. This is why the Ovidian negatives prove so useful - they do not constrain Gonzalo's future government with any positive legal framework, allowing him to declare, with vague simplicity, "I would with such perfection govern, sir, / T'excel the golden age" (II.i.148-171). Despite his foolish appearance, his simple, grounded good sense makes him an influential figure. It was not "Providence divine" that kept Prospero and Miranda alive in their watery exile but Gonzalo, who provided not only their "necessaries", but those "volumes that / I prize above my dukedom". Similarly, though "bountiful Fortune" has caused his "enemies" to sail close to his island, Prospero has to "court" that fortune with the power of those books saved by Gonzalo, whose "charity" was necessary for Prospero's "Providential" survival to this "auspicious" moment (I.ii.158-168, 178-184). The circularity of it all is engineered by, and ends with, Gonzalo, who provides the final summing-up of the narrative which will be etched "With gold on lasting pillars". This paradoxically privileged position is his by virtue of the fact that, as Prospero seems to acknowledge, he manages to reconcile divided loyalties with an essential "goodness": "O good Gonzalo, / My true preserver, and a loyal sir / To him thou follow'st!" (V.i.68-70, 205-213) "Good" is perhaps the only epithet that could comprehend both "true" and "loyal" in this context; Prospero is not labouring under the illusion of Gonzalo's loyalty to *him*, but appreciating the proper loyalty he has shown to his new sovereign, Alonso. Gonzalo's obedience is praiseworthy because hierarchical obedience ensures political stability, a principle that Prospero would not undervalue following his own experiences with both Antonio and Caliban: Gonzalo is "good" because he tempered an immoral act of obedience with charity without allowing that sense of charity to violate the terms of his assignment. As Paul Yachnin puts it, "the solution depends upon

an endorsement of the idea of obedience *along with* an awareness of the moral and human costs that such obedience demands" (Yachnin 1991 [1], pp.8-12; also Ebner, pp.161-173).

Gonzalo has massive influence without ever coveting a political office: we know that his sovereignty over the ideal commonwealth is not a move against Alonso's Kingship – indeed, "it's aim is to concole the king" (Norbrook 1999, pp.175-177). This directly contrasts with Antonio and Sebastian, whose mocking support of Gonzalo's usurpation mutates into a real plot to commit regicide (II.i). Antonio has done this before: "lorded" with the sovereign "prerogative" of "revenue" and "power", he began "To credit his own lie", removing the "screen between the part he play'd / And him he play'd it for". But the role was *conferred* by Prospero himself: the player-King became the real King because the real King had forgotten that kingship is as much a role to be played as an office to be held. His library being "dukedom large enough", Prospero was "rapt in secret studies" and removed from his subjects' gaze, and hence the responsibilities of government, rendering him "incapable" of "temporal royalties". The final displacement of those "royalties" was signalled by Antonio's reversal of foreign policy, an exclusive "prerogative" power, by entering Milan into a confederacy with Prospero's enemy, King Alonso of Naples. The paradox at the heart of Gonzalo's act of kindness becomes apparent: Prospero's devotion to the "secret studies" of his books led to the loss of political power which, through the application of those arts, he will now regain. However, just as Prospero was not responsible for saving his books, so his re-established power will be exercised by someone other than himself - the personal power he abdicated in favour of his books will never truly be regained through them (see Orgel in Shakespeare 1999, p.21). "I have done nothing, but in care of thee", he tells Miranda, the conduit through which rightful power will be restored, "who / Art ignorant of what thou art". The suggested definition of his daughter as a work of "art" seems both to stress and undermine the hereditary right to authority that Miranda unknowingly enjoys, as Prospero characterizes her imminent return to power as his own, and implies that he thinks of his daughter as a product of his own book-learning (Douglas Bruster writes of "Her relation to Prospero as director", and notes that "we are used to thinking about Miranda in terms of the visual": Bruster 1995, p.43). Interestingly, before he relates the story of his rule and deposition in Milan, he tells Miranda to "pluck my magic garment from me", removing his "art" from his own self-definition, perhaps in recognition of the role that his studies played in undermining his office; nevertheless, when he comes to the point in the narrative which covers the time on the island during which he has been Miranda's "schoolmaster", he "arises", and, in most editions (though not in the Folio text), puts his magic robe back on (I.ii.66-77, 97-116, 16-25, 169-174). The power he exercises on the island is the opposite of the power he had in Milan: there, he counted on the inviolability of filial honour in order to pursue his book-learning; on the island, he counts upon his book-learning to reassert hereditary rights (see Schmidgall, pp.231-233).

This paradox challenges Orgel's reading of Prospero's narrative as a controlling revision of the past, despite the fact that it creates a "surrogate memory" for Miranda (Orgel in Shakespeare 1987, pp.15-16). Because Prospero must portray his brother as "perfidious" in order to justify his

own claim to power, Miranda must be made aware that politics can undermine the essential loyalties of family relations; and once she has this awareness, she knows that her father cannot exercise a tyrannical, or patriarchal, authority over her choices as an independent heir to political power. The obvious manifestation of this aspect of Prospero's powerlessness is Miranda's marriage to Ferdinand, which "accomplishes the very Neapolitan takeover of Milan which Prospero has decried" (Yachnin 1991 [1], p.15). The heady drive of love at first sight subverts patriarchal politics by attacking the foundations of patriarchy itself: Ferdinand gets straight to the point, not asking Prospero but Miranda, "If you be maid or no?" When Miranda answers, again without consulting her father, Ferdinand is astonished to hear his own language and remarks, "I am the best of them that speak this speech, / Were I but where 'tis spoken". Caliban also made sexual advances towards Miranda, and in framing his assault in terms of its usurpation hereditary rights over the island - peopling it with Calibans - he shows how similar he is to the Neapolitan prince who will disregard Prospero's paternal rights in the wooing of his daughter. If Caliban is right in his assumption that appropriation of Prospero's books will spell the end of his reign on the island, then Ferdinand's appropriation of Miranda, the suddenly-independent product of the learning of those books and the heir to their power, can only be seen as a similar if not greater threat to his position. The difference is Miranda's consent, which defines their relative success: she saw Caliban in much the same terms as her father did, because she taught him the "language" that Prospero had taught her; but her regard for Ferdinand (who, by contrast, is the best who speaks Miranda's speech) competes and conflicts with her love for her father. Prospero attempts to re-establish paternal authority: "The Duke of Milan / And his more braver daughter could control thee, / If now 'twere fit to do't", he says, asserting their filial alliance. He becomes almost paranoid in defence of his authority over his daughter and his island, calling Ferdinand "a traitor" (to the ideals of patriarchy). Faced with Ferdinand's armed resistance against this "entertainment", he paralyses him with the power of his "art" - the pattern of his plan as a whole occurs in miniature as he uses his book-learning to protect his paternal rights. "Thy nerves are in their infancy again", Prospero intones, reducing Ferdinand to sexless, unthreatening childhood; but the young man becomes passive, not before this chiding "father", but before his love for Miranda, "a prison" which makes all his troubles seem negligible. Furthermore, Miranda, far from supporting her father, intercedes twice on Ferdinand's behalf, implying that her father's "art" cannot, in itself, grant him the control over his daughter which he feels is necessary if he is to rule again through her succession (I.ii.53-120, 344-351, 426-494). Prospero's object is attained even as power over the situation is taken from his hands: at no point has his opinion of or permission for this union been asked or granted.

Prospero's permission is absolutely necessary for the marriage itself, where desire is constrained by a legal contract that stresses responsibilities towards family and society. It is here that Prospero hopes to reassert his authority, where the legitimacy - in all senses of the word - of heirs and successors depends upon paternal consent. He holds the couple under contract to him in this respect: "Be more abstemious", he warns, "Or else good night your vow!" Even this authority

is limited, however. The real influence he has is based upon the threat of an outcome - political illegitimacy - that would be equally hurtful to his aspirations as theirs, and so he chooses to portray this new power as if it were just an extension of the old power of his "art", uttering a kind of magical curse: "If thou dost break her virgin knot before / All sanctimonious ceremonies", he warns, "barren hate, / Sour-ey'd disdain, and discord shall bestrew / The union of your bed with weeds". It is not fear of this curse but the simple wish that "that day's celebration" should go ahead that informs Ferdinand's promise that nothing shall "melt / Mine honour into lust". Indeed, in some respects the marriage is more obviously to their advantage than it is to Prospero's, who only exerts influence over their legitimacy as long as they remain *unmarried*. "Sit then and talk with her, she is thine own", Prospero adds, apparently as his final, generous concession; but long before Ferdinand has made this "oath", Prospero had already "given" Miranda to him, "a third of mine own life, / Or that for which I live" (IV.i.52-54, 15-32, 2-4). Speculation as to what three things Prospero is referring to usually settles on his nuclear family - himself, his wife, his daughter. In the light of the obvious importance of hereditary succession, he might also be referring to his past, present and future, his antecedents, himself, and his descendants: this is a stark admission that Prospero's route back to rightful status will involve, not an assertion of his personal power, but a relinquishment even of a part of his "own life": "To provide a husband for Miranda is to acknowledge his own age and declining powers" (Orgel in Shakespeare 1999, p.29). Schmidgall draws attention to "a crucial word-cluster in the play centering upon *temperance*, *season (tempestas)*, *temporal*, *time (tempus)*, *tempest*, and *temper*" (Schmidgall, pp.253-262; also C. Judson 1997, p.202; D. Peterson, esp. pp.238-244; Langley, pp.118-137).

As such, the wedding masque itself is the herald of a future over which he has no control. The spectacle is majestic, but it is performed by Ariel and his "meaner fellows", a "rabble"; Prospero dismisses it as a "trick", the "vanity of mine art", and admits that it is not a self-justifying act of power, but an obligatory service: "my promise" to couple, "And they expect it from me". The masque, starring the pastoral and chaste Ceres, Juno the patroness of marriage, and the symbolic rainbow-arc of harmonization, Iris, celebrates the resolution of political conflict and the prospect this offers of Prospero's return to his home and natural rights (IV.i.35-42, 60-117). Bradbrook argues that "The union of the life of the stage and the life of the world in a royal masque" also constitutes "Prospero's instruction in statecraft - by means of these toys - to his new son, his new heir, Prince Ferdinand" (Bradbrook 1976, p.223; also Orgel 1975, p.46). But Ferdinand misreads the intentions of his art: he finds it "majestic" and "Harmonious", but out of simple delight he wishes to "live here ever", forgetting his responsibilities to power. "Sweet now, silence!" exclaims Prospero, annoyed that Ferdinand has interrupted his display in order to misinterpret it so absolutely, "Juno and Ceres whisper seriously". The seriousness consists of Iris's announcement that the marriage should be "A contract of true love" (IV.ii.118-133), refiguring the rainbow symmetry from symbolizing the link between two individuals to something more pertinently legal and political.

Unfortunately the masque is *too* “Harmonious” to be taken seriously as a political text, exuding a purity which belies the role that the “rabble” plays in its performance. Prospero so disguises the lowly origins of his spectacle, in order to glamorize his own sense of power, that we have to ask, why bother with politics when there is no polity, only an all-powerful ruler? As the masque is brought to an abrupt end, its lowly, human origins are those which become suddenly obvious: “The actors in the masque - namely Ariel and his spirits - have been given no warning of this abrupt ending”, observes Bevington, who wonders how they exit so suddenly - “The theatrical requirements of the moment are compelling”, especially Juno’s exit. “Is she to be cranked back up in her chariot, presumably more swiftly than she descended?” The difficulties “suggest a deliberate move on Shakespeare’s part to call attention to the contrivance of Prospero’s fiction, and indeed to all theatrical fiction” (Bevington 1998, pp.235-236). With the masque, generated by his “art”, Prospero revisits the time in his library in Milan, when the real politics happening outside threatened his power as he cultivated his imaginary realm. He claims that the Milanese loved him dearly (I.ii.141) - which makes Antonio’s *coup* difficult to explain: if there were any popular petitions against Antonio’s policies, Prospero must have been oblivious to or dismissive of them. The play “shows that a ruler who cannot acknowledge that his immense power comes from the people and is in some sense their power does not prosper” (C. Jordan 1997, pp.172, 213-216).

It is an idea allegorized in the play’s opening scene: the King and his court must rely on the ship’s master, who is in turn helpless without his mariners, as they battle with the forces of nature. “Where’s the master?” demands Alonso of the Boatswain, naturally wanting to assess the situation from the point of view of the highest-ranking seaman. The Boatswain, however, lets practicality overrule rank: “I pray now keep below”, he cries, “You mar our labour”. It is imperative that the ruling class let the professionals do their job: “What cares these roarers for the name of king?” he demands; “Use your authority” to still the storm or keep out of our way (I.i.9-33). Alonso’s power on the ship is an illusion, then; but what about Prospero, director of the scene and bringer of the storm? In fact, his power is also concomitant upon the mariners’ profession - they had to sail the ship within wrecking distance of the island before Prospero could do anything with his “art”. Furthermore, he himself credits this to “Providence”, not to his own powers, just as the Mariners, the courtiers, *and* the King are levelled in their final, desperate resort to prayer (I.i.51-55). One’s social status, even if one is a King or a magician, depends upon support from above *and* below. Because Prospero’s assertions of power occur alongside his failure to study what those below him are really thinking and doing, “The moment Prospero relaxes with the celebratory masque”, as Billington writes, “he gives time for usurpation to be plotted” (Billington, p.249). If Prospero’s “awareness of time comprehends both masque” and the “crisis of the dramatic moment”, allowing him a “total command of the action moment by moment”, it is only because Ferdinand so blatantly rejects the intended reading of his elaborate production (Orgel 1975, pp.46-47; see Barker and Hulme, pp.191-205). This critical rebellion marks the point at which Prospero finally realizes that his displays can only *declare* his own potency, leaving the individual consciences of his subjects fundamentally free. This is a revelation to him: he “*starts suddenly*” as

the notion of Caliban's freedom of thought (and speech) is shown forth in Ferdinand's. He *knew* that the plot was afoot, presumably thanks to that illusory omniscience he cultivates with his spirit-intelligencers, and yet he "forgot that foul conspiracy". It is as if the effort of producing the wedding masque has drained him physically, the "vanity" of his efforts to display his power over his own future reducing him to his weakest point in the play. His "old brain is troubled" as he contemplates his own "infirmity" (IV.i.139-142, 148-160): he "begins to feel death working within himself where he cannot command it" (Bradbrook 1976, p.222).

Thus begins Prospero's transformation from a delusional autocrat to a passive overseer of political reformation. It is "not so much that the play is a romance", writes Norbrook, "as that it stages and in the process distances itself from, the romance scenario of dynastic redemption that Prospero is staging" (Norbrook 1999, p.172). In the Ferdinand's desire to stay on the island, Prospero recognizes his younger self, and learning the lesson of political engagement at that very moment, he also makes his first serious attempt to teach that lesson to Ferdinand through harsh images of the real world that dissolve his fantasy: "Ferdinand, rather than the more culpable aristocrats, is the logical recipient of the vulnerability paradox precisely because he will ultimately become the most powerful of Prospero's former enemies" (Breight, pp.20-21). His solution to the problem of imminent rebellion reflects his change of heart. Instead of repeating the old patterns of including the obedient spirits in the workings of his "art" and excluding the trouble-makers, he decides to passify the rebels by providing them with the "trumpery" to mount their own, harmless display of power. Caliban has been calling Stephano "my king", and he appears to make the "good mischief" of usurpation a condition of his loyalty. Stephano does indeed entertain "bloody thoughts", but as soon as they discover the "wardrobe" that Prospero has provided for their sport, his murderous ambition is assuaged by the opportunity to *act* the player-King, lording it over none but Trinculo and Caliban - their fawning, it seems, has been fulsome enough to satisfy him without burdening him with the real responsibility of Kingship (IV.i.186-187, 215-234). The emphasis is on the self-contained nature of the subjects' play: it is not "Prospero's art" that "controls these comic conquistadors", as Kernan suggests; he merely supplies props, paradoxically exerting his greatest influence by withdrawing and encouraging a sense of freedom (Kernan 1995, pp.162-163). By contrast, his earlier attempt to sow dissent between the three conspirators by having Ariel impersonate Trinculo saying "Thou liest" (challenging Caliban's history of the "tyrant's" reign) actually strengthened the Stephano-Caliban alliance. Similarly, when Caliban asks them to sing the catch they have taught him, with its subversive suggestion that "'Thought is free'", Ariel plays the tune in an attempt both to strike terror into the conspirators' hearts and delighted loyalty into Caliban's. However, the two objects conflict: Caliban, mollified into passivity by Prospero's "art" because he knows its origins, reassures his new friends, "Be not afraid". Stephano covets this "brave kingdom" where "I shall have my music for nothing", his fear turned to "delight" thanks to Caliban's reading - "When Prospero is destroy'd", insists Caliban, *his* "delight" turned to rebelliousness by Stephano's (III.ii.40-86, 116-130, 135-146). When a display of power is imposed upon a passive subject-audience, individual reactions might be governed, but an

interpretative community will multiply, refract, complicate and distort its own normative readings of that display. Had Stephano and Trinculo been left under Prospero's power, they would have attempted to depose and murder him; given their freedom, they merely put on a subversive play.

Accordingly, when the proper authorities are reinstated at the end of the play, Prospero's "art", despite its *apparent* centrality, is curiously marginalized. Alonso assumes that Miranda is "the goddess that hath sever'd us, / And brought us thus together", and Ferdinand, assuring him that "she is mortal", adds that "by immortal Providence she's mine". Prospero's own invocations of Providence, we recall, had understated Gonzalo's agency, and his own, in surviving the *coup* and causing the shipwreck - both understated the importance of his "art". Ferdinand continues, "I chose her when I could not ask my father / For his advice, nor thought I had one", not only failing to ask Alonso's permission now that he *is* available to give it, but again disregarding his father-in-law. Finally, Prospero accepts that they have to return to Naples "to see the nuptial / Of these our dear-belov'd solemnized": the wedding masque, supposed to be the pinnacle of his legal-paternal power, was legally worthless, because there can be no law or power where there is no society. The masque "solemnized" nothing except Prospero's delusions of power over the couple and their future - which is also *his* future. Hence, the marriage will subsume his life within the lives of Ferdinand, Miranda, and their offspring: "Every third thought shall be my grave" because, once he has considered his past and present, the future that once was his - Miranda - is now independent from him: he owns nothing except death and the afterlife of his descendents (V.i.181-191, 308-312). Prospero's transformation is informed by the play's ethical interpretation of sovereignty: he faces "a challenge typically political" in being forced "to refuse to practice deceptions that mask his human condition", but this also involves the question of empathy between ruler and subject, ruler and subversive, the powerful righteous man and his enemies (C. Jordan 1997, pp.12-13, 207, 147).

If fellow-feeling underpins political stability, members of the polity must enjoy the freedom to make their own moral decisions about empathy and antipathy. When Prospero's "charm so strongly works" on his enemies, Ariel is able to convince him "That if you now beheld them, your affections / Would become tender" by suggesting that *his* would, "were I human". Prospero's yearning to feel that he is "human" causes him to abandon his "art", hitherto his only weapon against his enemies: he concedes that "The rarer action is / In virtue than in vengeance", and suggests that he is giving up his magical effect upon them because they are now "penitent". But Prospero's enemies are "penitent" only in the face of the God Who they believe is exacting this "vengeance" upon them: though penitent *sub specie aeternitatis*, Prospero requires them to be penitent for what they have done *to him*, *sub specie temporis*, and for that to happen they have to "be themselves". This is the true power of the empathy which Prospero engenders in the free conscience by relinquishing his power. The faculty of fellow-feeling reveals itself to be an instrument of subjection to those minds whose freedom includes the ability to fear, empathetically, the pain of Trinculo, Stephano and Caliban, the afflicted *exempla*. He has to make himself visible to give the suffering of his enemies the meaning he intended it to convey, but even as he makes

himself the central player in the magic “O” of his final drama, he withdraws to allow their sins to grow in the light of his forgiveness. He outwardly forgives his “Flesh and blood” brother, not for his crime against his own Dukedom, but for his plot to kill Alonso - thus formally ceding power to his old enemy. This is about looking forward rather than back - the political threat that Antonio and Sebastian still present to their King and his heir (also Prospero’s, of course) must be curtailed more decisively, and so Prospero craftily “entertains” Alonso, Ferdinand and Miranda with their “ambition”, making them aware that they might have conspired to kill their sovereign. He tells the conspirators in an aside that he “could pluck his highness’ frown upon you / And justify you traitors”, but “At this time / I will tell no tales” (V.i.17-32, 71-79, 126-129). In fact, he could not really tell the “tale” of their conspiracy against Alonso, because of his own role in facilitating that conspiracy. This was effected during the time of his assumed divinity, when he did not regard himself as subject to any moral law. However, in order to exact the proper penitence from his enemies concerning the sins they had committed against *him*, he has had to relinquish the divinity that defined his political power, ceding both the Kingship and the responsibility to guard against treachery to Alonso (and ultimately to Ferdinand).

If *The Tempest* does indeed represent “Shakespeare’s political testament”, it maintains that one cannot define oneself or one’s power in the terms of a discourse which does not comprehend that power or one’s own idea of oneself (Morris, p.107). To attempt to do so is to diminish one’s power by yielding to its definition within inimical, self-interested discourses. Of course, these definitions will be generated anyway, in the free production of representations, but as long as one’s essential position is kept separate from them, by withdrawal, only its representation, and not the thing itself, can be redefined in the service of those competing interests. This might sound like the Greenblattian notion that “power” must “permit subversive inquiries”, necessitating an imposed sense that “the performance” of royal power (unlike theatre itself) is somehow “entirely beyond the control of those whose ‘imaginary forces’ actually confer upon it its significance and force” (Greenblatt 1995, 1984, pp.26-30, 43-44). In fact, as Prospero finds out, only the power of God is experienced as being “beyond the control” of the ruler’s subject-audience, and because the ruler is not God, any attempt to engender allegiance to the ruler-as-God merely results in eschatological angst *sub specie æternitatis* - obscuring the idea of political allegiance. *The Tempest* suggests that respect for the ruler as a feeling human being, a mortal subject of competing definitions, is the best way to engender loyalty to that which is essential and unchallengeable about his rule.

The Tempest explores the political implications of the disagreement between Shakespeare and Jonson concerning the definition and the future of the playwright’s profession. Jonson’s criticisms of the fanciful lack of realism in Shakespeare’s Romances were not mere quibbles over aesthetic taste or decorum; his was a concerted effort to undermine Shakespeare’s experiments in an emergent genre, to protect his own experiments in the similarly emergent genre of the court masque (which would prove the most lucrative project of his writing career). Barbara Mowat wonders why Shakespeare chose “to shape the tactical dramaturgy of the Romances so strangely”, and surmises that it had something to do with creating “a new kind of dramatic experience”, the

fashionable “fascination of Greek Romance”, or a wish “to say something about life that he had only hinted at before” (Mowat, pp.64, 117-118). As Schmidgall notes, “None of Mowat’s speculations has anything to do with the facts of Shakespeare’s professional life, the exigencies of his company, or the general social and artistic flux that occurred during his active years” (Schmidgall, pp.xix-xxi). Masques were produced exclusively for the court and performed largely by non-professionals. This exclusivity, and the closeness of the relationship between the masque-producer and his patron, curtailed the polyvocal narratives that were generically characteristic and economically vital to traditional drama, and replaced them with more idealistically “Harmonious” imagery and ideas, reflecting tendencies that Jonson claimed to deplore in the Romances for playhouses.²⁴ What he is threatened by in Shakespeare’s Romances, however, is their potential to appropriate the imagery of the court masque to the traditional, dramatic and polyvocal politics of the public playhouse, which offers itself as the best forum in which to present that hierarchical but reciprocal model of the good society. Indeed, this may explain why *The Winter’s Tale* should have been subjected to Jonson’s particular disapproval: the dance of the “satyrs” or “saltiers” in this play - three of whom “hath danced before the King”, we are informed (IV.iv.337-338) - is thought to have been imported from Jonson’s *Oberon* (1611), in which the King’s Men took speaking roles (see Pafford, ed., p.xxii; Cox, pp.213-215). Jonson’s objection to this “nest of *Antiques*”, in the preface to *Bartholomew Fayre* (Hope 1614) turns out to be directed against a scene of his own devising, precisely because he saw the rarified entertainments he had formulated for the exclusivity of the court being exploited by a playhouse dramatist in a way he had always sought to resist (*Ben Jonson* VI, pp.16-17; see Dutton 1996, pp.148-150, 154-155). This is why, with *The Tempest*, Shakespeare offered a production that answered Jonson’s *ostensible* dramaturgical criticisms of *The Winter’s Tale* while preserving, and indeed strengthening, the tradition of the playhouse-Romance against the threat it faced from Jonson’s *real* professional ambitions - and indeed why *The Tempest* comes in for an equally hard time in the same “Articles of Agreement” that eschew antic dances. Indeed, as Orgel points out, Shakespeare was innovating: “the masque of Ceres, Iris, and Juno anticipates important elements of the form in the next decade. If Jonson had an English model for such pastoral masques as *The Golden Age Restored* (1615), *The Vision of Delight* (1617), and *Pan’s Anniversary* (1620), works in which royal power is conceived as power over nature and the seasons, it can only have been Prospero’s masque – there are Continental analogues, but no other English examples” (Orgel in Shakespeare 1999, p.46).

When Prospero abandons his “art” in favour of the power of withdrawal, he “proudly catalogues the accomplishments of his theatrical magic” (Kernan 1995, p.160-161). He invokes those aspects of Shakespeare’s early Comedies and Histories that look forward to the rule-breaking of the late Romances, in which Shakespeare was “absorbing, not imitating, some features” of the masque, as Bradbrook writes, “combined with even stronger memories of the plays of his youth”

24. By the time Charles I was commissioning masques, stricter entry regulations were being enforced, such as admission by invitation and the employment of turnstiles: Bentley 1941-1968 III, pp.107-108; Astington 1999, pp.171-177. See Fumerton, pp.113-128

(Bradbrook 1976, pp.4, 9). He boasts of having “bedimm’d / The noontide sun”, subverting the laws of nature and the unity of time with advanced lighting effects, used wind- and wave-machines to set war “twixt the green sea and the azur’d vault”, and “given fire” to “the dread rattling thunder” of the drum with yet more lighting effects - aspects of Shakespeare’s “potent art” out of keeping with Jonson’s drama, but the mirror-image of his newly developed masque-idiom. In the prologue to *Every Man in His Humour* (Curtain 1598), Jonson had complained about the abuse of the unities and called for a dramatic language “Where neither *Chorus* wafts you ore the seas; / ... nor roul’d bullet heard / To say, it thunders; nor tempestuous drumme / Rumbles, to tell you when the storme doth come” (*Ben Jonson III*, p.303; see Gurr 1992, pp.180-187). Prospero “abjure[s]” this “rough magic” which manipulates consciences that are not its own. For Shakespeare, this withdrawal was retirement to Stratford-upon-Avon, *The Tempest* both an “abjuration” and an illustration of the real power of his theatre - signalling the withdrawal of “Mr. William Shakespeare” out of the texts to make room for the competing narratives of his dramatic characters: “The dramatist leaves the establishing of *direct* relationship with the audience to the actors; his art involves *a kind of abdication*” (Bradbrook 1979, 1962, pp.127-128, my italics).

Prospero’s withdrawal is a challenge, or even a plea, to Jonson: the “rough magic” of the court masque is corrosive, not only of the tradition of the public playhouse and its professionals, but potentially of the image of those whom such displays idealize. The obfuscation of Prospero’s humanity by his “potent art” ultimately results in a loss of authority over the facts of who and what he is. Alonso thinks he might be yet another “enchanted trifle to abuse me”; Prospero’s *inscrutable* power has been experienced as “abuse”, and “madness”; and although he is ready to resign his Dukedom and ask forgiveness from the true Duke of Milan, he continues to wonder, “But how should Prospero / Be living, and be here?” Even Gonzalo will “not swear” to his reality. Prospero recognizes that his absolutist displays have abstracted his authority - “You do yet taste / Some subtleties o’ th’ isle, that will [not] let you / Believe things certain” - but, powerless to rectify the situation, he merely tries further to obscure these doubts - “Welcome, my friends all!” (V.i.41-57, 111-125). Those “friends” are in much the same position as Cymbeline in the final scene of *his* play: overwhelmed by a complex, incredible story which cannot be abstracted by its own characters. Cymbeline’s declaration that the stage on which he stands is “nor the time nor place” for “our long interrogatories” (*Cymbeline* V.i.391-392) is ironic, of course, because *we* have seen the plot unfold on that stage, and to our eyes it is *not* abstract. Similarly, Prospero urges Alonso to “know for certain / That I am Prospero”, offering “No more yet of this, / For ’tis a chronicle of day by day” not “Befitting this first meeting”. However, that “chronicle” he fails to relate has never been acted on the stage - it is a repetition of the history he has fashioned about himself, for which even the audience has no objective evidence. Like Alonso, who remarks that “Some oracle / Must rectify our knowledge”, we must move outside the text if we are ever to know the truth of Prospero’s rights to power - and Prospero, of course, is nothing but text (V.i.158-165). He is powerless to “resolve” any doubts because, perversely, nobody but he has any authority over the story of his identity. The separate and competing narratives of *Cymbeline* - a drama - will give its

eponymous character the same multivalent view as its audience; but the audience of *The Tempest* has not seen a drama, it has seen a masque: a display of power controlled by an author-subject which does not refer outside of its own idea of its subject. As Norbrook observes, Prospero's masque "cannot reach a climax with performers mingling with the audience, as was the rule at court, for the performers are spirits", precisely what "the courtiers pretended to be" (Norbrook 1999, p.182). Sturgess writes that *The Tempest's* "special poetry is developed in place of the verbal richness of the earlier plays", allowing the Blackfriars-staged play to move "in a masque-like way" without masque-like scenery. "In a special way, it is imperative that the magic island should not be scenically realised", he continues, because "To the different characters it becomes a different place; they each impose on it a construction that comes from their personality and their moral bias" (Sturgess, pp.76-80). One might add that this is no less true for the play's audience, and this is part of *The Tempest's* socio-aesthetic ideology, which informs "a politics of independent artistry" (Bevington 1998, pp.233-234, 238).

Unable therefore to adapt to the shift into the objectivity of the final scene, which is drama, Prospero has ultimately to rely upon its audience's willingness to "be cheerful / And think of each thing well" (V.i.245-251) - the "prayer" which, without "art to enchant", alone can save him from "despair". The trust upon which this is based only exists in the context of empathetic human relationships: as Leggatt writes, "The ultimate achievement of Shakespeare's political characters" - among whom we should include Prospero - "is not to order and rule their own worlds but *to move and impress the theatre audience*, not in victory but in defeat" (Leggatt 1988, pp.242-243, my italics). Prospero's worldly Dukedom must be ratified by the theatre audience: he will be "sent to Naples" by "the help of your good hands" (Epilogue, 14-16, 3-10). The exclusivity of the court masque, which defined its audience in terms of its own unchallengeable delineation of its royal subject, is utterly abandoned for the inclusivity of the theatre, according to which anyone who could afford the entrance fee to Blackfriars or "the great globe itself" (IV.i.153) had the right to withhold their consenting applause from any Duke, or King, or Caesar put before them. Norbrook's suggestive argument, that *The Tempest* "is structured around... oppositions between courtly discourse and wider linguistic contexts", is true on several levels (Norbrook 1999, pp.167, 183). It was "written to be realized in performance, with broad areas of ambiguity allowing, and indeed necessitating, a large degree of interpretation", writes Orgel. *The Tempest* "tempts us to fill in its blanks" (Orgel in Shakespeare 1987, pp.11-12). Or, as Bradbrook puts it, Shakespeare could have "subtitled all his later plays 'What You Will'" (Bradbrook 1976, pp.31-32).

This is not an argument for Shakespeare the democratic idealist. Jonson's "sell-out" had, for five years, been a direct threat to the profession that made Shakespeare wealthy. As Bradbrook writes, "to set the audience debating meant full houses" (Bradbrook 1976, pp.220, 115). Plays were particularly remunerative commodities because they could address several radically different markets on different occasions. "The masques of Jonson and his successors", by contrast, "performed in the majestic setting of the Banqueting House where important ceremonies of state also took place, were thus deliberate attempts to bring the resources of pagan mythology, religious

ritual and theatrical art together in a cultural statement about the ideology and the political priorities of the Caroline regime" (Wilcher, p.12). They were "inherently royal", even "an expression of the royal mind" which was "intended for one performance only and for one Spectator only" and whose subjectivity "eroded that barrier of the stage that characterizes drama as a form of entertainment" (Goldberg 1983, p.65; Orgel 1975, p.43; Sharpe 1987, p.179). Thomas Middleton wrote, not of drama, but of his "short and small Treatise that followes, call'd *A Masque*" - and producing rigid "Treatises" could not help but undermine the playwright's political and financial independence (Middleton and Rowley, sig.A4r).²⁵ Jonson himself was aware of this threat, and tried to develop his role in such a way as to prevent his complete subsumption, as an artist, by the will of his patrons. Robert Evans's "psychology of patronage" is useful here, as it fits with the idea that self-consciously educative masque-writing could, after all, be an effective way to "enhance, display, and create the power of the poet" *alongside* that of the patron, and before a more discerning and influential audience than the incompetents at the public playhouses (R. Evans, pp.61, 223-239).

The problems of this educative Platonism became much clearer as the politics of the court masque were aestheticized as never before during the 1630s. Jonson found himself on the wrong side of the debate with Inigo Jones over the "soul" of the masque, a "vexed *auteur* problem" which had been growing increasingly heated since at least the time of Charles's accession: telling Charles that "the greatest Villaine in ye world" would be called "ane Inigo" was hardly going to please a man who would follow Jones's advice assiduously after keeping him on as Surveyor of the King's Works - in striking contrast to Jonson's own career (Sturges, p.160; *Ben Jonson* I, p.145). The issue would still be rumbling away in Jonson's *Discoveries*. "*Truth and Goodnesse are plaine, and open: but Imposture is ever asham'd of the light*" was another formula for expressing the Jonson's painstakingly politicized aesthetic, as contrasted with the "*Puppet-play*", which "must be shadow'd, and seene in the darke: For draw the Curtaine, *Et sordet gesticulatio*". His image aggressively materialized the supposed Platonism of Jones's machinery: far from idealizing his own engineering, it merely concealed it; metaphorically, it idealized divine providence by concealing cause and effect, idealized the King by concealing politics, and made the unavoidable *reality* of politics outside the masque-world "*sordet*". His own introduction of a certain carefully negotiated, Ariostan negativity into this Spenserian world, through the antimasque, was, he would have claimed, much more "plaine, and open". Here resided the politics of *writing*: "the Pen is more noble, then the Pencill. For that can speake to the Understanding; the other, but to the Sense". Visual art "doth so enter, and penetrate the inmost affection (being done by an excellent Artificer)" that it "orecomes" the "power" of the more noble, honest, and *political* arts of "speech, and

25. Sharpe 1987 writes of Charles and Henrietta Maria as "authors" of their own entertainments, pp.186-189. Ambassador Guistinian wrote back to Venice about *The Masque of Beauty* (1608), produced by Jonson for Queen Anne, "So well composed and ordered was it all that it is evident the mind of her Majesty, the authoress of the whole, is gifted no less highly than her person": *Ben Jonson* X, p.457. See Fish, p.236; Orgel 1965, pp.6-7; 1981, pp.261-273; Whigham, p.634.

oratory" (*Ben Jonson* VIII, pp.570, 609-610). It is *because* of its transportative power that visual art cannot be trusted to provide unaccompanied entertainment (let alone counsel) for the powerful.

In the antimasques, "Truth is more and more frequently brought into relation with sweating cooks and alchemists", as Joanne Altieri observes - even Jonson's spelling of "anti-masque" seems to insist on this agonistic quality (as opposed to Samuel Daniel's "ante-masque"). And yet they can often appear like a vain attempt to preserve some kind of integrity rather than coherent political or dramaturgical strategy, as if "acknowledging the limits" of idealization merely justified subsequent "outrageously glowing" praise. The "danger", which "even Jonson does not always avoid", was the "vacuity" of a superficially dramatic idiom drawing attention to the masque's fundamentally *undramatic* forms and aims (Altieri, pp.26-28). It was too obvious that the disruptive comedy would be overcome by transcendent "truths" (the word "*Restored*" figures strikingly often in the titles of these entertainments), so although the common (comedic) voice entered the masque *theatre*, it only entered the masque *world* once it had lost its own identity - indeed, Jonson credits Queen Anne herself with the idea for the development of the integrated antimasque in 1609's *The Masque of Queens* (Lindley, ed. 1995, p.35). His masques achieved "resolution on the plane of ideality", with a "participatory *ludus*" removed from the "collision of modes and perspectives" characteristic of drama. Faced with the "monolithic" idealism of Jones's machinery, Jonson responded not with a theatrical experience, but with a counter-idealism of poetic independence. His masques "treat comedy ultimately as idealistically as they treat the court", Altieri argues: "the comic figure must become part of the figure that the masque makes, not only symbolically, but stylistically". The presence of the poet within his idealizing production was central to the "didactic justification" which Jonson centralized "As soon as the masque developed a significant text" (Altieri, pp.25-30; also Orgel 1965, p.48). Jonson's publication of those texts - "a re-presentation of them for different consumers", as Dutton puts it - purified them of their associations, not only with Jones's machinery, but also with the commissioning power of their patrons: they stress Platonic-didactic authenticity in their complex Classical commentaries, their increasingly explicit "metafictional" figurations of their author's role, and their unabashed claims that the poet is their sole author (Dutton 1996, pp.2-3, 23-25, 30).²⁶ Idealization of the poet-within-his-text "avoids as self-evident the fact of panegyric and the poet's relation to panegyric", as Altieri suggests. If this flattery was, as Orgel suggests, merely convention, "Why did it become a convention, and how?" she asks; "What were the nature of the interests served by such conventions? What toll did it take of the artists to comply with them? What problems does it cause

26. *Hymenaei* (pub. 1606) is "by Ben. Jonson", *The Haddington Masque* (pub. 1608) "devised by Ben. Jonson", *Masque of Blackness* (pub. 1608) "invented by Ben. Jonson" and *The Masque of Queens* (pub. 1609) "written by Ben Jonson"; *Love Restored* (1612) includes quips about poets going unpaid; by the time we get to the "Masques at Court" in the 1616 *Workes*, the entire corpus is credited exclusively to "The Author B. J."; in *News from the New World* (1620) he alludes to his recent trip to Scotland and his subsequent non-productivity in such a way as to call attention to "the masque's facility and success"; and "Good Ben" is finally named in the masque-text itself for *The Gypsies Metamorphos'd* (1621). See Orgel 1965, pp.61-67; 1991, pp.168-191; Barish 1981, pp.140-142; van den Berg 1991, pp.126-134; Armstrong, p.51; Gurr 1984, pp.30-45; and Livingston, pp.318-392

Jonson or Davenant et al. to conceal the answer to those questions by idealizing themselves, too, as educators, poets of the *utile dulci* in its expressly political form?" (Orgel 1965, p.48; Altieri, pp.32-33). The masque audience was ideal because Jonson imagined that he could assert his control over it: like poetry, a masque had that audience of one to which he alluded in *Poetaster's* "Apologetically Dialogue"; but like drama, it presented that private relationship in a public, yielding the ultimate self-publicizing value to be had within an aristocratic patronage economy. This is precisely the opposite of the ideal of the playwright that we have found in Shakespeare's *Tempest* - far from withdrawing, Jonson repeatedly uses his masques to promote himself. Their disagreement is over the playwright's role as a professional in a political context, and the fact of Inigo Jones's promotion, placed alongside Jonson's decline, does not help the poet's case.

Outside of the dubious Platonic-didactic claims, it seems clear that the masque was "ineffectual" beyond maintaining a particular "group's image of itself", even if that image "could reveal imperfections in reflecting the ideals from which they fell short" (D. Gordon 1975 [2], p.23; Sharpe 1987, pp.195-196). According to Parry, "No contemporary reactions to masques make reference to political content: they are always concerned with spectacle" (Parry 1993, pp.113-114). This exclusivity did nothing to promote the empathy of the groups it excluded. Was aesthetic idealisation (whether the patron's or the poet's) politically harmful? Even Butler, who would usually shy away from such "suspiciously teleological" readings, writes that Caroline masque-poets failed to make "good use of their opportunity for influencing the politics of their day" because they worked within an "ideology" that tended to "reinforce rather than to ameliorate their society's tendencies towards polarisation", thereby helping "unwittingly to precipitate that catastrophe which they had every intention of resisting". The masque was not an essentially apolitical genre because it was so exclusively concerned with idealizing its subject - that singlemindedness was political. Some "politically adventurous" entertainments "were presented on the fringes of court", but this simply meant that dialogue occurred *between* masque productions rather than *within* them (Butler 1984, pp.7, 8, 10; 1993 [2], pp.151-152, 122-123; but cf. Sharpe 1992, pp.198-233, 262-274, 403-422; 1987, pp.183-204, 260-290). The problem with political debate between competing but idealized expressions of authority lies in the very individuality of these expressions - their dialogue cannot be guided by a dramatic mind whose concern is for resolution. The "court audience was factionalised into various interest groups", as Parry acknowledges, "But a masque had to entertain the whole court and to associate everyone with the glory of the occasion and with the celebration of the monarch". The monarch, then, provided this controlling authority between masque productions. But even this authority could be challenged, as was demonstrated by the increasingly audacious divergence from government policy entertained by Prince Henry, whose patronage "produced a new tension and complexity in the masque as writers like Jonson and Daniel, whose primary loyalty was to the king and queen, devised entertainments which tried to satisfy both the rising prince and the ruling parents" (Parry 1993, pp.115, 87; also Marcus 1978, pp.201-225; 1981, pp.7-16; 1986, pp.29-38, 64-85).

As relatively marginal figures whom Jonson had sought out as patrons began to find themselves near the centre of power, the language with which he had celebrated their moral and political detachment from the more unsavoury aspects of Jacobean court life revealed itself as an astute marketing tactic. Jonson's fortunes peaked as some of the tensions at court were reconciled by the rise of Buckingham (and the scandalous fall of Somerset), with which he was involved: Pembroke had risen to be Lord Chamberlain; most of his patrons had become Gentlemen of the Bedchamber; and Jonson himself was rewarded with his royal pension in February 1616. Political stability in the court of James, Buckingham, and Prince Charles gave Jonson "the luxury of writing for the same patrons over an extended period of time", observes Riggs, and made him "free to pursue a motif or idea through a series of works" - the moral and aesthetic reform of the masque genre as a site of genuine criticism of court manners (Riggs, pp.164-187, 215-272). But this was short-lived: following the outbreak of hostilities in Europe in 1618, Jonson's entertainments began to toe the royal line, emphasizing the inscrutable mysteries of Kingship in the same idiom James was using to quell foreign-policy debate in the House of Commons (see S. Pearl, pp.60-61; Butler 1993 [1], pp.380-383). Then the failure of the Spanish Match and the emerging alliance of Buckingham and Charles on a militant Protestant ticket began to make Jonson's position uncomfortable. He was reprimanded for satirizing the anti-Spanish rhetoric of George Wither in *Time Vindicated* (1623); and commissioned to prepare a celebration of the collapse of the marriage negotiations, *Neptune's Triumph for the Return of Albion* (1623). James desperately tried to get speeches altered or removed to avoid offending the Spanish ambassadors, and in the event the masque was cancelled, an unusual resort which seems to have confirmed Jonson in his suspicion that he had become "a kind of *Christmas* Engine", required to produce innocuous amusement for a court morally disabled by factionalism (Riggs, pp.289-299, 317-320; *Neptune's Triumph...*, Lindley, ed. 1995, p.137).

The statements about counsel and the "commonwealth of learning" we find in the *Discoveries* begin to read, in this context of decline, less like celebrations of an ideal sovereign, or even respectful advice, and more like the criticisms of a bitterly disappointed man. The general attitude to the rights of monarchy within which they are made does not seem to challenge the accepted dogma: "After God, nothing is to be lov'd of man like the Prince" who "hath put on the care of the publike good"; his authority will admit only a passive resistance - "If hee offend, he hath his Discoverer" in "God". However, there is a hard edge to these commonplaces which reaches back to the world of the Roman tragedies: "*Princes* that neglect their proper office" are apt to "draw a *Seianus*, to be neere about 'hem". Treason grows from corruption within the ruling court, "For no men hate an evill *Prince* more, then they, that help'd to make him such". The Prince's "proper office" is politics, which he must master by familiarity and realism. This was the message of the antimasque, which introduced the Machiavellian forces of the dramas like *Sejanus* into the ideal masque-world, so that they might go through *visible* purification from the court. Idealizing the King by concealing politics would conceal the Sejanuses of the court; but then, it had been proven that idealizing the poet led to the same problem - not least for the poet himself. It

is during the course of this discussion that Jonson makes a rare positive reference to the masses, contrasting “him, that is rais’d to the *Sovereignty*, by the favour of his Peeres; and him that comes to it by the suffrage of the people”: the former can never rest easy nor provide true service, “because hee hath to doe with many, that thinke themselves his equals; and rais’d him for their owne greatnesse”; the latter, “rais’d by them, that sought to be defended from oppression”, is “both the easier, and the honester to satisfie”, for “when a *Prince* governs them, so as they have still need of his Administration (for that is his Art) hee shall ever make, and hold them faithfull” (*Ben Jonson* VIII, pp.594, 600-601, 598-599). Jonson elevated Englishmen to the status of republican citizens not for their own sakes, but in order that he might associate himself with them, *idealize* them, problematically, in order to maintain his place in the ideal commonwealth while extricating himself from a royal court gone bad. A play like *Sejanus*, for example, with its portrayal of “corrupt characters” who try to impose “their personal control and limited visions upon the social world by manipulating others” is fraught with the ambiguity of Jonson’s own self-assertions in the various marketplaces of his career: although he did this “by ostensibly using his art not to disguise reality but to reveal it”, as Evans argues, “like the characters who so plainly fascinated him, he too manipulates his audience and uses fictions to enhance his prestige” and the “imaginative power of the playwright” (Clare, p.41; R. Evans, pp.254-255). In *Volpone*, Howard Felperin has suggested, the “several plotters form a hierarchy of imaginative accomplishment that mounts towards and finally implies Jonson’s own accomplishment in the play itself” (Felperin 1980, pp.153-169, esp. p.158). It was a form of self-promotion which was brilliantly suited to, and which would reach its culmination in, the controlled anarchy of the antimasques; but it had been a governing principle throughout Jonson’s early career under James I, and to some extent it embodied a kind of early Stuart ideal, through which the newly emerging political economy might work. Jonson fitted so well into this society, and developed a voice so representative of its values and so reflective of its structures, “that he could speak out against it and yet speak within it” (Goldberg 1983, pp.220-221).

But this privilege was not to last. Even having perfected independent voice, Jonson did not disengage fully enough with the cultural forms of the court to reconcile the divisions within it - except through a curious reference to the once-despised multitude-patron-audience. Jonson’s fall from favour, like Bacon’s, is equally indicative of how fragile the relationship between the old and emerging political economies had become, of how closely the highest attainments of early Stuart political culture resembled the forces which would cause its collapse: “his whole career,” suggests Mulryne, “rooted in the actualities of city merchandising and city fashion, but deferring to the values and privileges of the court, might be read as exemplary of the strains, practical and ideological, which were soon to make the effective government of Stuart England an impossibility” (Mulryne, p.23). To clarify this point, we should recall that the exclusivity of the “masque” form resulted in social polarization even outside the court, because it could idealize bourgeois values just as efficiently as Kingly ones: City authorities “lavished thousands of pounds” on “pageants to impress Londoners with the wealth and glory of their city, and to preach,

through allegorical tableaux, the virtues of industry and thrift" (Heinemann 1980, pp.31-32). These pageants were meant to "connect mercantile life with the courtly world", Altieri suggests, and they were "successful largely because their adaption reflects true facts of the real world", demonstrating that "One can ape without losing one's own proper identity". But if *The Tempest* tells us anything about the politics of pageantry, it is that idealism and abstraction *obscures* one's identity, that it is lost if one attempts to define it in terms of its exclusion of other idioms, interpretations, or discourses. The City authorities "borrowed their syntax and semantics from the seat of royalty", to idealize "not the secret wisdom of divinity", or indeed the secret wisdom of Kings, but "the value to the country at large of the trades and mercantile ventures of the various guilds represented" (Altieri, pp.15-16, 88-89, and *passim*, pp.87-100). As Dutton suggests, "With such mixed – and, in some ways, dubious motives – the need to dazzle doubtless always ran ahead of calls for intellectual complexity", and indeed, the merchant élite of the Livery Companies deliberately clung to the Pageants' traditional and less adventurous forms against any possibility of "depth and development of character, sophisticated dialogue, significant plot, unity of action, rapport with audience", perhaps for these reasons (Dutton, ed. 1995, pp.7, 8, 11). Glynne Wickham senses a "dangerous and aggressive spirit beneath the theatrical cloak of these festivities at Court and in the City", which by the 1630s had become "two faces of a coin which had parted company" (Wickham 1959-1981 I, pp.237-238; also Bergeron 1993, p.150; N. Wright 1998, pp.197-217. D. Gordon 1975 [3], p.14). In both cases the author was also the subject, idealized and abstracted to a state of splendid isolation - like Prospero in his library or on his island. Prospero, informed by the professional genius of his creator, recognizes the necessity of submitting his image to the interpretative powers of a diverse *audience*; but perhaps too many other constituencies - professional, social, increasingly political - persisted in the "vanity" of his error, insisting upon their exclusive right to order a society, and creating tensions to which their very isolation had made them insensible.

IV

"Spoken Like Yourself":

absolute theatre and absolutist politics in Philip Massinger's *The Roman Actor*

By the time of Charles I's accession to the throne, the London theatre had earned an international reputation, and become an industry of considerable economic and political importance. The King's Men, with Shakespeare and then Fletcher as their chief dramatist, had fashioned an economic niche and dramatic forms which enabled the profession to encompass the audiences of both the suburban Globe and the royal court, as well as challenging the supremacy of the Boys' companies in the private theatres. Jonson had almost singlehandedly achieved a similar goal in his experiments with the court masque, creating a "laureateship" which outlived his own favour. It is fitting that Philip Massinger's *The Roman Actor* (Blackfriars 1626) - "a trenchant sermon to the new ruler and a playwright's manifesto" - should have appeared at this time, in a context so determinedly political (Gurr 1992, p.26). As Douglas Howard observes, "during the Caroline period" Massinger's

tragedies “follow a recognizable trend in the direction of political controversy”; Allen Gross traces their engagement with “two major problems of early Stuart England - taxation at home and intervention on the Continent in the Thirty Years’ War”; and Margot Heinemann has argued that they “helped to form and stimulate a mood of resistance to the policies of the crown”, especially by dramatizing “the case for a bold foreign and military policy” (D. Howard [2], pp.117-118; Gross, pp.280-289; Heinemann 1993, pp.239-243; 1980, pp.213-221). Massinger appears to have respected and emulated the aristocratic ideals which the Herberts stood for, and was content to rely upon the patronage of the Herbert-Pembroke faction without looking beyond them for a better deal, so his espousal of their ideology was probably as unironic and explicit as practicality would allow (See Butler 1985, pp.139-140; Tricomi, pp.153-159). But practicalities were important for theatre professionals, and they inevitably complicated even favourable representations of ideologies which did not agree with the theatre’s fundamentally commercial foundations. Complicated expressions of loyalty reflect the complexity of early Caroline politics - and also the fact that the “elite” audiences of the private theatres were not all of the same social class or political persuasion as the Herbert-Pembrokes.

The dedicatees of *The Roman Actor*, Sir Philip Knyvett, Sir Thomas Jay, and Thomas Bellingham, were “representative of Massinger’s associates” within “a coterie made up of lesser gentry” (I. Clark, pp.34-35). Though not pulled from the top drawer of nobility, they were Massingers “only supporters” in the composition of “this tragedy”. Before this unusually explicit statement of material debt, the playwright declares, “I were most unworthy of such noble friends, if I should not with all thankfulness profess and own them”. This exaggerates their nobility, but hints at a justification of that exaggeration in his own, public act of “owning” them: they have paid for Massinger’s services, but in so doing they have bought into the exclusive ranks of those who patronize the arts - the burden of debt is shifted back onto the patrons, in terms of their status as “noble friends”. Of course the patronage of the Sir Philip Knyvetts of this world is about money, Massinger concedes, but the idea that drama is a business of “gravity and height” rather than commerce not only glosses over this awkward reality, but offers the chance for patronage of the arts to civilize the lower gentry out of their self-interested mentalities (Dedication, 1-18).²⁷ The “self-deprecating” tone emphasized by Howard is surely just conventional. It seems odd to argue that “Massinger’s failure to strike out on his own as a dramatist until he was nearly 40” indicates “less than genuine enthusiasm for his craft” (D. Howard [1], pp.1-2; but cf. p.3). This was the nature of the profession for the vast majority of dramatists, and Massinger’s patient observance of his apprenticeship implies an innate respect for his chosen craft rather than contempt or resentment.

In the 1620s the business was very different from the one which forced Jonson into hack-work for Philip Henslowe’s undiscerning clientele: even a minor playwright with the King’s Men had opportunities to write for “privileged Carolines” who were “educated to hold in common a set of expectations and aesthetic values” and “appreciate expert displays of their rhetorical

27. All references to *The Roman Actor* are from Gibson, ed. 1978

professions": their universities and Inns gave them "backgrounds in drama, and many of them had theatrical experience". There could be respect for the theatrical profession *as a profession*, made up of skilled artisans who were driven by more than profit and loss. For Massinger, like Jonson, patronage was "an honourable compact. Bonded by mutual gratitude, the patron offers security and provisions while the poet returns the loyal service of eternal praise" (I. Clark, pp.34-35, 11). *The Roman Actor* was evidently a product of this culture, "a kind of theatrical *tour de force*", as Colin Gibson describes it, celebrating its medium with four plays-within-the-play and a "histrionic hero". The play's quarto edition boasted tributes not only from other dramatists, but from its star, Joseph Taylor; and the other players are accorded the unusual (but appropriate) distinction of being named in the cast list (Gibson 1985, p.25; Gibson, ed., pp.97-98, 102). The ways in which the Caroline professional dramatists constantly "looked to each other", writing commendatory verses and adapting common, successful "techniques, characters, and situations", nurtured a guild mentality in pursuit of respect among more traditional trades. But the methodology of professional theatre itself, like the vague mystique of aesthetic sensibility, reflects back upon its audience models of behaviour which educate *their* social aspirations (I. Clark, pp.3-4, 9, 49-50; also Farr, pp.5, 110-111, 151).

The Roman Actor begins with a discussion of the ills that overtake a society that fails to support the theatrical profession. First of all, Paris concedes, it is bad for his financial well-being; but it is also the betrayal of a social ideal: the "amphitheatre" that held "fifty thousand / Spectators in one day" now lies as empty, as if it were "great Rome unpeopl'd" - it was once a place for the definition and reformation of Roman civic identity. Actors used to "profit" their audiences in their endeavour "To build their minds up fair", but now "they that shun us / Practise, in private, sports the stews would blush at". Aesopus, missing the moral sense of "profit", observes that "while you hold your grace and power with Caesar, / We from your bounty find a large supply". Noble and popular neglect has forced them to depend upon an audience of one, and the theatre, if Aesopus is representative, is in danger of abandoning the "profit" of education for the "profits" of a slavish attention to Caesar's will. Furthermore, it becomes entangled ever more tightly in the political intrigues of the court. Paris assures the courtier Parthenius that he would never "abuse" Caesar's favour or use it "to wrong the innocent", and although Parthenius concedes that "many men owe you / For provinces they ne'er hop'd for; and their lives, / Forfeited to his anger", he adds, "I could say more" (II.i.67-83).

The problem is that Paris's profession provides a service to Caesar which reflects and comments upon the services of all other courtiers: because Paris's patron is every Roman's patron, the effects of his drama run out of his control as they are appropriated by Caesar; they can be used for good, but also abused for evil. Even getting somebody a province they never hoped for denies somebody else the province they deserved. The "decisive polarities" of the play's opening - "art, virtue, and honour adhere to the stage, while politics, vice, and shame thrive at court" - are "qualified and re-evaluated throughout the play", as the stage becomes increasingly involved with the court (Hogan, pp.273-274). Working for the Emperor alone, Paris only grudgingly admits that his drama is political, because politics under Domitian is so horrible. The Senate should be

concerned with “the affairs of kings / And provinces”, says Paris in response to Aretinus’s charge, not with “the censure of a bitter word, or jest, / Dropp’d from a poet’s pen!” (I.i.59-65) - but Paris’s company *is* the “king’s”, and it *has* been instrumental in the distribution of “provinces”. As Aretinus correctly insists, they do indeed “search into the secrets of the time” (I.iii.36-42). Paris himself would agree that this is the proper satirical function of the theatre, but satire only works before an audience of many, by promoting virtue by example: before an all-powerful audience of one it degenerates into flattery at best, and backbiting at worst. Only in his defence before the Senate, working for nobody but himself and with Caesar absent, does Paris reassume the ideal: once again the players “act ourselves”, because the audience must think their sentence is given “in sport”, and they will “live again tomorrow”. As Goldberg puts it, “Paris turns theatricality on its head; it is real, and the judgments of law courts are not”. This is an affirmation of the “Caesarean constancy of the Roman actor”, but it can only be articulated in Caesar’s absence, when theatre can characterize itself as transcendent and absolute like Caesar (Goldberg 1983, p.205). “’Tis spoken like yourself”, comments the Lictor - in other words, this does not sound like another script written by Domitian (I.i.50-58).

Paris develops his theme during his defence. Aretinus is offended that Paris treats the Senate like an amphitheatre, but the actor replies that, seeing as the “whole world” is a stage, “This place is not exempted”. Paris is “confident” that, according to the *satirical* “justice of our cause”, his accusers cannot “make that a libel which the poet / Writ for a comedy”: even if it *were* libellous, its status as comedy would exempt it from the law of the Senate. Once this primacy is established, he details its application for his defence, using the Aristotelian-Horatian argument that theatre breathes vitality into the “cold precepts (perhaps seldom read)” of moral philosophers, which then serve as useful standards of conduct in the world of politics and its offices (see Aristotle 1967, 1448b, pp.20-21; Nashe 1972, pp.112-114; Heywood, esp. sig.B3v-B4r, F4r-G2r). Out of Paris’s mouth it rings hollow. In fact he becomes the object of his own satire. The corrupt stage-judge “favours / The person, not the cause”, abusing the office which makes him “the image / Of absent Caesar”. Here, “Caesar” is the ideal stage-Caesar, that “Caesar (in whose great name / All kings are comprehended)”, whom Paris wishes to be his judge. The corrupt judge sentences in favour of the “person” of Caesar (that is, brute political power) against the “cause” of Caesar (moral and theatrical law). But this is precisely the point Parthenius makes, in Act II, about Paris’s own position. When Caesar interrupts proceedings, returning to Rome “in triumph” (Parthenius’s words, significantly), we witness another appropriation of the theatrical mode. It is Aretinus, Paris’s accuser, who turns “The censure of this cause” over to Domitian (I.iii.43-149). This is *not* what Paris had in mind when he invited the judgement of his ideal “Caesar”, because it removes the theatrical mode from Paris’s hands. The cause is no longer “theatrically just”, because the judgement now depends, not upon “the justice of our cause” - the force of the litigants’ arguments before an audience of many - but upon Domitian’s personal favour. The language of theatre has been reduced to the utilitarian, deceptive and ingenuous language of fawning, which Domitian appropriates and redefines, and Paris’s passivity makes his earlier defence “a rhetorical set piece of

his own devising, a moral stance which bears no real commitment to the good" (Hogan, pp.273-276). He commissions his actors "To entertain the time", with "soft delights" which he styles (in the manner of the 1604 order for royal patronage) as a favour that will "provide the people / Pleasures of all kinds", but, with magnificent absurdity, he pronounces "death to him that wears a sullen brow" (I.iv.75-85). Acting out subjection will not guarantee favour if it is against Domitian's script; but refusing to act out subjection will be considered a crime against that script: "With Massinger's *The Roman Actor*, it is finally impossible to separate the stage from the staging of power" (Goldberg 1983, p.xiii; see Davison, p.42).

The difficulties this presents become clear in "The Cure of Avarice". Philargus is annoyed that his son, Parthenius, is trying to "tutor" him in the proper use of his wealth, and demands that he show the "obedience" required by patriarchal values. But those same values underpin Parthenius's right to recommend his father's repudiation of his "sordid linen" in favour of accoutrements that better become his "fair fortunes" and the reputation of their family. Philargus scoffs that this "prodigal" course would "make my mercer / Or tailor my heir", implicitly acknowledging the material selflessness of his son's advice while living up to his own name, the second element of which suggests both *argentum*, silver coin, and ἄργός, idle: Philargus likes his money to lay idle (as "my idol"), so that in his case a lack of respect for feudal honour results in artisans languishing in unemployment. Caesar is interested in curing this disease of "avarice", which renounces patriarchalism in order to defy the prerogative power over public finances; but he will abuse the concept of patriarchalism for his own ends, and he will abuse the theatre to promote those ends. When Parthenius approaches Paris with his problem, the actor is confident that his drama can confront Philargus with his avarice "as in a mirror", until he comes to "loathe it". Parthenius pays him, and says, "I ne'er bought better counsel": he trusts Paris's professional judgement in the matter, and makes no attempt to influence the play itself. The same attitude underlies what he tells his father to convince him to "to see an interlude": to reveal that *he* has commissioned the performance would poison his father's critical disposition, so he offers the reasonable lie, "It is the emperor's charge". Philargus acquiesces, and even anticipates that he might "enjoy" the play - a vindication of Parthenius's care to exert the least possible influence on the play's aesthetic purity. All these careful efforts are wrecked in a moment by Domitian because he has no respect for theatre beyond its political utility. He thinks the plan to re-educate Philargus so straightforward that he butchers the play: "spare the prologue, / And all the ceremonies proper to ourself", he orders Paris, "And come to the last act, there where the cure / By the doctor is made perfect" (II.i.1-33, 48-58, 90-109, 263-286). He renders it nonsensical by tearing its dénouement out of context, and stripping his own office of its proper performative ritual. This might seem like modesty, but in fact this kind of ritual (analogous to coronation oaths and pledges of allegiance in political terms) is vital in delimiting the relationship between ruler and subject: theatre and government are stripped down to matters of brute, utilitarian power.

The miser-character is never actually placed before Philargus "as in a mirror" - all the scenes of his ridiculous pursuit of wealth have been cut. What we get is a second-hand account of

this passive old man's behaviour from his son, precisely the effect Parthenius had wanted to avoid when he concealed his hand in paying for the play. Philargus naturally identifies with the *apparent* victim of the play - "Still, still myself!" - a critical reaction perfectly in tune with the dynamics of the drama with which he is presented. Massinger's witty play-within-the-play-within-the-play clarifies the dynamics of this educative failure. The doctor (played by Paris) opens the old man's iron chest while he sleeps, to "cause a fearful dream" that will "disturb" his mind back to its senses. However, because characterization has suffered from the cuts to the play, Philargus makes the reasonable assumption that the doctor has "come to rob him". Missing out all the time during which the son offered loyal care to his father, the old man's worst qualities (exploited as an educative "mirror" for him by Paris's Doctor) seem more like prudent pragmatism: Philargus's final critique is a just one: "An old fool to be gull'd thus! Had he died / As I resolve to do, not to be alter'd, / It had gone off twanging". Hogan argues that "Paris as doctor had a true desire to heal the sick but no real power over intractable human nature": but "Paris as doctor" *was* successful in healing the sick *character* in the play; Caesar "can employ irresistible human force to alter his patient, but only by perverting the substantial meaning of a physician's role". Indeed, he not only perverts the physician's role, but also the impresario's, the patron's, the audience's, and the actors' roles. It is only in this sense that "Domitian's charade illustrates the divorce between acting and virtue": crucially, it is *Domitian's charade* that fails, not *Paris's play* (Hogan, p.276). When Bushnell writes that, "While 'The Cure of Avarice' is put on at Paris's own suggestion, it is meant to gratify the Emperor", her failure to acknowledge that it is not Paris's "Cure of Avarice" that we see leads her to conclude that *The Roman Actor* is "a devastating theatrical satire of a world in which satire is not functional" (Bushnell, pp.181, 186). Similarly, Butler's reading of "The Cure of Avarice" as uncomplicatedly Paris's production leads him to argue that "instead of sympathizing with the 'approved' characters, he praises only the villain of the piece", which assumes villainy of a character whom we have seen pursuing nothing more sinister than an afternoon nap. Far from being "a demonstration of the speciousness, danger even, of the arguments of I.iii", the metatheatrical passages in *The Roman Actor* demonstrate the "danger" of co-opting the ambiguities of true theatre to ideological dogma. It is not the "most anti-theatrical play of the English Renaissance", but it might, in some sense, be the most anti-political (Butler 1985, pp.159-160). We cannot know whether the "The Cure of Avarice" would have cured Philargus, because he never really got to see it. This does not matter to Domitian. Why should it? To him, "The Cure of Avarice" was not a play so much as an amusing way to exert his authority: "If the comedy fail / To cure him", he had already determined to "minister something to him / That shall instruct him to forget his gold". Philargus is ultimately honest, even heroic, in his protestation that brute force is not enough to change his "mind" (II.i.164-166, 294-339, 372-409, 427-447).

Butler likens the sympathetic portrayal of Paris's and Philargus's "collision with a power demanding the assent of their minds as well as bodies" with the experiences of Sura, Rusticus and Lamia (Butler 1985, pp.141-142). Because Philargus is prepared to go to his death to protect, not simply his worldly goods, but his right to critical freedom in the theatrical context, Paris's

entertainment becomes subversive in spite of itself, *thanks* to Domitian's interference. Sura and Rusticus are similarly taken out of themselves by a Paris performance. At the beginning, we see them espousing a privatized, stoical, "passive fortitude", refusing to "strive against the torrent" in public; because political oppression has not yet invaded their private space, they feel secure in their "assurance / That the state, sick in him, the gods to friend, / Though at the worst will now begin to mend" (I.i.110-120). This is an absurdity of procrastination: *they* are clearly "sick" of Domitian, but still they publicly conform. Opposition has to be shifted out from the private sphere if it is to have political effect; in other words, somebody has to insist that Domitian is not going to get away with appointing himself the sole "Roman Actor". The stoical Senators realize this when they hear Paris's grand, and free, oration: "There's spirit in this", Sura comments (I.iii.67) - it is courageous, but also pure in its fidelity to the "spirit" of theatre. In the ensuing scenes, Sura and Rusticus begin to criticize Domitian's abuse of theatre, and are eventually reported for describing Caesar's "triumphs as mere pageants" (II.i.114-117).

Caesar is so confident in his subordination of theatricality to power that, against Parthenius's advice that "popular senators" should be "Made away in private", he orders Sura and Rusticus to be tortured to death publicly. "Give us leave / To die, fell tyrant", Sura begs, as if even this must be sanctioned by Domitian's script; but the subversion of this idea is given in the completion of the line - "For beyond our bodies / Thou hast no power" - the same sentiment that informed Philargus's critical resistance. Caesar threatens to "afflict your souls", which "blaspheme / The power of princes, that are gods on earth", an absurdity that reveals how all of his claims to power are based, not upon essential realities, but theatrical constructs that *abuse* them. Such threats hold no "terror", Rusticus insists, for those "taught by his example / For whom we suffer": he is referring to "Thrasea our master", but the Christian undertones are obvious. Paris's point about theatre breathing life into the "cold precepts" of the moral philosophers is of central importance here. Caesar goads the Senators, telling them to "take a leaf of Seneca now" and draw on "the Stoics' frozen principles", but he forgets that the leaves of Seneca contained not only moral philosophy but philosophical *drama*: they represent the perfect symbiosis, to which Paris referred, of essential morality (frozen in the sense that it is immutable) and essential theatre (which will thaw them). Accordingly, Domitian becomes increasingly frustrated at the Senators' visible and audible defiance against his script. His public performance of "rage" is "lost" next to the Senators' more gripping and inspiring show of stoicism; he is "tortur'd / In their want of feeling torments", begging them, "For my sake roar a little, / And show you are corporeal, and not turn'd / Aerial spirits". His worldly power cannot appeal to anything essential beyond itself. As "Aerial spirits", assured by "grave philosophy" (a pun for "eschatology"?) that the disembodied soul is "divine", Sura and Rusticus appeal to essential values - not only of stoicism, but of pure theatre, the "spirit" of Paris's *apologia*. Rusticus swears that, when Caesar's greatness begins to "totter", he will once again "appear in horror" as a vengeful ghost, that staple of (neo-)Senecan tragedy. "I am the guilty man, and not the judge", Domitian realizes. In political, theatrical, and legal terms, he has been refigured as a subject: thoroughly defeated, far from wanting to display his cruel power over these

rebellious Senators, he orders their executioners to “leave / No memory of their ashes” (III.ii.13-27, 52-122).

Lamia's wife, Domitia, who will become a symbol of Caesar's theatricality, is also used to show that “When power puts in its plea the laws are silenc'd”. When Parthenius reveals Domitian's interest in her, she protests that she is “not mine own”, and wonders “how law / Can be dispens'd with to become his wife”. That's easy, replies Parthenius: “his rule is infinite”. Massinger asks us to think of Domitia as Lamia's property. Indeed, this is the view taken by Lamia himself: “Cannot a man be master of his wife / Because she's young, and fair, without a patent?” he demands, alluding to the official letters governing the production and trade of certain goods that were despised by so many English “Senators”. Parthenius replies that “It is sufficient honour / You were his taster in this heavenly nectar, / But now must quit the office” - an idea of marriage which agrees with a feudal understanding of property in which Domitian has *dominum directum* and Lamia *dominum utile* (see Craig 1655, pp.43-45; 1909, p.79; Bodin 1962, pp.187-192; Cowell, s.v. “Property”; James VI and I 1918, p.62). Feudalism was beginning to enjoy a new respectability among civilians, and it was civilians who administered marriage law. In some sense, marriage still establishes a relationship guaranteed by a contract which remains the property of the sovereign. When Parthenius produces the “bill of divorce between your lordship, / And this great lady”, he refers to Lamia's signing of it as putting “the will of Caesar into act”. Within this chinese puzzle of legal punning there is a reference to the conflict between civilians and common lawyers over jurisdiction in matters of “wills” and probate, a key issue in how the law should settle the movement of private property; the “will of Caesar” suggests the prerogative; but in a Parliamentary context, turning a “bill” into an “act” requires executive sovereignty. The fact that Lamia is required to sign the “bill” is ironic - the “act” is a *fait accompli*, of course, and Senatorial subscription a mere legal ritual, another instance of the Emperor's dominance of political theatre. Lamia must sign the bill “as if you did it uncompell'd”, but if he refuses, “here are clerks / Shall in your best blood write it new”. By now, Lamia sincerely doubts his previous convictions: “Is this legal?” he wonders. Maybe it *is* legal, after all. “Monarchs that dare not do unlawful things, / Yet bear them out, are constables, not kings”, Parthenius lectures. A constable merely enforces respect for laws which operate above him - they dare not do unlawful things because they understand certain things *to be* unlawful - whereas Kings have the power to define what is and is not lawful, and so “cannot doe wrong”, as Edward Coke himself put it (*Institutes* II, p.681). In Domitian-Parthenius's view, a monarch is *ipso facto* sovereign, and when asked, “Will you dispute?” Lamia, intellectually crushed and unable to articulate a legal defence, puts his name to the bill. This is all very deliberate, and based on respectable legal theory emerging from feudalist historiography, the coherence of which stands in marked contrast to Lamia's feebly-argued platitudes about private property, despite his command of our sympathy as a character. His classification of Domitia as chattel is *supposed* to strike us as distasteful, especially next to his pontifications about his own freedoms. The fact is, both sides are bending essential values to their own ends: Caesar wants to exercise *dominum directum* without honouring its obligations, and Lamia distorts the true meaning

of the immemorial customs of the law (which Massinger suggests to be feudal in origin) in an attempt to protect his material wealth. Not only does Lamia describe his marriage as a “patent”, Parthenius “pays” Domitia reverence “As a debt due to her that’s Caesar’s mistress”, and advises her to “fit you to your fortunes”. They both say that the divorce sets her “free, / And mistress of yourself”. Indeed, Domitia defends her decision by insisting “‘Twould argue a base mind / To live a servant, when I may command” (I.ii.1-12, 39-93). She sees herself moving from a position of servitude under Lamia to a position of command over him; but there is also the suggestion that she might be able to command her new husband, as well. Like metal, in her “base” form she was a servant - with an absolute, fixed value - whereas in the form of currency she takes on an exchange value, which can fluctuate with market conditions, and “command” through the flexibility of economic signification. Feudal economics maintain that property is held in fee from the monarch, but also that monarchical property is governed by a similar contract with God. Feudal property does not properly belong to any private individual, just as Domitia sees, momentarily, that she does not belong either to Lamia or Domitian. In effect she becomes the indispensable, money-like medium in the relationship between Domitian and his subjects, even the aristocratic ones, who can no longer express their loyalty to him except through his new Empress (II.i.246-263). However, because Domitia has no *essential* claim upon the allegiance of those subjects, Domitian’s infatuation with her implies a loss of control over his Caesarean image and power. By marking out a non-referential (and non-reverential) space for the political power of wealth, economic liberalism puts sovereign powers into the hands of ordinary citizens - Domitia warns Paris that “The means to kill, or save, is not alone / In Caesar circumscrib’d” (IV.ii.16-17).

The relationship between Paris and Domitia documents the ways in which theatre and wealth politicize each other. The noble ladies of the court are shocked to find Domitia “Among the players”, with “all state laid by”. But Domitia’s rights of “state” are not based on noble precepts, but on her sexual desirability (or exchange value), the *flexibility* of her status, rather as if she were a player herself. She is so determined to “act a lover” with Paris, Caenis observes, “I thought once / She would have courted him” (III.i.85-94); indeed, in the process of theatricalizing herself, she has indeed brought Paris into the imperial court on what she believes to be the mutual terms of sex and money. Following “The Cure of Avarice”, Domitian asks his wife how she liked “the matter, and the actors”. A character faced with such a question is usually expected either to follow Caesar’s critical line or prepare to die, but Domitia is uniquely able to dissent: the subject was “filch’d out of Horace”, she complains, but, “by Venus”, she liked “the fellow / That play’d the doctor”. The distinction between the company and its material is significant - the former the commodity to be hired, the latter the site of the theatre’s purity, supposedly Classical, documentary and beyond money’s corrupting influence. But Domitia co-opts the company in order to change their texts: Paris “would perform / A lover’s part much better”, she suggests, asking Caesar to let her arrange a production of “Iphis and Anaxarete”. Domitian promises “Anything / For thy delight, Domitia”, looking forward to bedtime because his actions are about the control of money (Domitia’s sexual favours) as much as they are theatre: “The Cure of Avarice” was supposed to release Philargus’s

grip on his wealth, hence his black joke about Philargus's death as a "tax" on himself (II.i.408-420, 447); he regards Domitia, wealth taken in fee, as under his control already, so that handing the commissioning of dramatic entertainment over to her continues his own appropriative impetus. But just as Domitian had appropriated "The Cure of Avarice" from Paris (or Horace), so Domitia appropriates "Iphis and Anaxarete" from both Paris *and* Caesar by contracting it "into one continu'd scene", to "cut off / All tedious impertinency" and give herself the sexiest bits of the play all at once: "I hug myself", she says, rejoicing in her own editorial skills - "I have the art of't". Caesar coos, "Thou art still thyself", that is, still what he *thinks* she is - chattel under his absolute control. But this, ironically, is her "art" of flexible signification, as she implies when she interrupts his praise with the promise to thank him "When we are a-bed": her sexuality is associated with her free economic exchange value, and, accordingly, a quick enjambment takes her from promising to have sex with Caesar to another promise, that "Thou shalt see / Such an Iphis of thy Paris!" (III.ii.129-146) She is always on the look-out for a better lover, and here she is declaring Paris to be the best of them all, under the guise of providing a service for her husband.

It is during the performance she has commissioned that we see the beginning of Domitia's loss of control - over herself, over Paris, and over Caesar. The nexus between sex/money and theatre is broken, and the limitations of the former are contrasted with the ideal possibilities of the latter. The commission was about buying a sexual fantasy, and so Domitia's power over the theatre is signified by her *awareness* that it is fantasy - as in her knowledge that she is free to rewrite the drama to her own ends. However, the potency of her lust, coupled with Paris's realization of his part, cause her to be "rapt" out of this awareness ("raped" is implied, the ultimate sexual objectification). She struggles not "to keep him company" when Paris sheds his actor's tears, and when Latinus's Porter abuses Paris's Iphis, Caesar has to calm her ire against the *player* who merely acts "his part". When Domitilla first comes onstage as Anaxarete, Domitia sees her casting decision as a reflection of her dominance: "I think / I have fitted her for a part", she says, and when she scolds Paris's Iphis, "There's her true nature, / No personated scorn". However, this apparently self-assured detachment does not last: Domitilla's performance eventually makes her blurt out, "Oh devil! Devil!" and as the scene climaxes with Paris/Iphis threatening suicide, she is completely "Transported", leaping from her seat and exclaiming, "Restrain him, as you love your lives!" The purity of the performances have shattered her control over this drama, even though she edited all of its lines herself. Paris's character, preparing to die, says that "any man" who wishes to express the depth of his betrayal in love should "Say, 'This most bloody woman is to me / As Anaxarete was to wretched Iphis!'" His role universalizes individual experience by textualizing it, the opposite of Domitia's "realization" of a text; furthermore, it establishes the primacy and immutability of the text through emphasis on the names of its characters, so that the story remains stubbornly Ovidian in the collective imagination, wrenched back from Domitia's control. Let us remind ourselves of Domitia's economic symbolism. Next to Caesar's delusion that he has bought "Iphis and Anaxarete" *through* Domitia we have Domitia's delusion that she has bought it for and through herself. Caesar's delusion is based on a failure to understand money's pure exchange value;

Domitia's delusion is based on the assumption that money's pure exchange value subjects everything to the buyer's desires. However, Paris shows that theatre literally gives you more than you bargained for - the company can be hired, but its texts are universal, immutable, always out of the buyer's control. Domitia becomes submissive as her buying power (also her sexual appetite and allure) is curtailed. Caesar suggests that she return to her "place" to "see what follows", but she refuses, allowing her husband to put her back into *his* idea of her "place" - the marriage bed (III.ii.175-293).

Domitia, despite her disadvantaged status, persists in her delusion of sexual power over Paris, but his refusals eventually force her to demand only the kiss "which a brother may / Grant to a sister". Paris agrees, since this does not appear to threaten their proper loyalty to Caesar, but Domitian enters, along with Aretinus and the noble ladies, just as Domitia forces Paris to "Kiss closer", molesting him "*wantonly*", and declaring, "Thou art now my Trojan Paris, / And I thy Helen". This is another piece of appropriated theatre: but whereas Paris's name agrees with his character's, Domitia can still only claim the actor's love as a fiction, by making herself Helen; *she* is transformed by theatre, and not, as she initially intended, *vice versa*. To some extent, Caesar recognizes this situation for what it is when he remarks that, "in myself, the theatre of the gods / Are sad spectators" of this supposed adultery, which nonetheless performs the essential truth of Domitia's infidelity (IV.ii.98-116). This is the most stark indication yet that he has lost control over two things upon which he has based his claims to power - Domitia (representing the wealth of Rome), and Paris (representing the theatre and the display of power). Seen in these terms, we can begin to understand the political weight he has given to the possibility of her infidelity: it would be as if "all my legions / Revolted from me", presage "my destruction", and "assure me" that "I am mortal"; it would prove that "There are no chaste wives now, nor ever were" (IV.i.135-151, 161-179). In other words, there could be no such thing as "faith", whether that be fidelity in sexual love, or feudalism in economics, or loyalty in politics. In a world of merchants and lawyers, there can be no place for Caesars or Kings.

Having conceded this, Domitian knows that he has to destroy the three people who have stolen his authority over his political economy - Domitia, Aretinus, Paris. Aretinus's punishment is simple and takes a mere 14 lines: sending him to be strangled, Domitian explains, "Thou hast robb'd me of / All rest, and peace", by bringing knowledge of "that, of which if again / I could be ignorant of, I would purchase it / With the loss of empire". His realization that he has lost control over the politics of theatre makes him wish it could be depoliticized again: he would happily lose his "empire" over it to prevent anyone else from abusing it against him. His change of heart informs his punishment of Paris. Crucially, there is absolutely no reference to Paris's role as an actor in the theatrical revelation of the infidelity - he is addressed exclusively in terms of his supposed adultery, "Thy readiness to serve this woman's lust". Indeed, he even offers to "hear" what Paris can say to "excuse" himself, promising to "stand attentive", effectively commissioning a performance that he hopes will change the Imperial mind to "such satisfaction / As I might bury the remembrance" of Paris's presumed guilt. Caesar concedes that the act of commissioning drama

does not comprehend an absolute control over its words or effects. Paris has only to tell the truth - that he was the victim of Domitia's advances - to be spared. This is extraordinary, and Paris's decision to *act* the guilty adulterer is equally extraordinary. The reasons for it become clear as Caesar agonizes over the necessity of his execution: he wishes that "thy fault had been / But such as I might pardon", his examples being Nero's burning of Rome, betrayal of the army, murdering the entire Senate, or sacrilege. This is not mindless hyperbole - all of these crimes are against people or things other than Caesar by a *single* person, whereas it takes two to tango: a plea of innocence from Paris would leave the essential fact of Domitia's *attempted* infidelity unchanged, perhaps even make it seem that Caesar had excused the man who cuckolded him. As Domitian says, "cruelty of honour" prevents him from offering the desired pardon, and Paris has understood this: Domitian cannot let "posterity" think that "Caesar, unreveng'd, suffer'd" a "wrong" of this nature (IV.ii.152-197). By accepting guilt and punishment even when offered the chance to plead innocence, Paris selflessly repays Domitian's "respect" for the ideal freedom of his performance with a reciprocal respect for Caesar's need to display a controlling power.

Domitian now calls for the fateful performance of "The False Servant". How does this final play-within-the play differ from the others? Once again, Caesar reduces it to "but one short scene"; he replaces the "foil", a theatrical prop, with his own Imperial sword; and when he acts out, for real, the killing of Paris, he radically re-writes the play: "I should talk now; / But I have forgot my part", he says, hastening to the execution itself - "But I can do, / Thus, thus, and thus". He appropriates Aesopus's part because he thinks he "can perform it better". But of course this is *true* - Domitian really is an "injur'd lord", after all: he makes do with a simple "cloak and hat, without / Wearing a beard, or other property". This drama is perfectly authentic, even down to the fatal sword itself. "Though but a new actor", he promises, "When I come to execution you shall find / No cause to laugh at me". He becomes a convincing actor by playing himself, the culminating statement of reciprocity between pure theatre and Caesarship, and he honours his self-definition by subjecting himself to direction by the professionals: "When / My cue's to enter, prompt me", he says, and when the moment arrives he asks further confirmation - "I must take them at it?" - before receiving a final directorial command, "Yes, sir; be but perfect". For the first time in the *The Roman Actor*, the title unequivocally refers to both Paris and Domitian. The unspoken understanding that Paris has sacrificed himself for the honour of Caesar is implied by the "The False Servant" itself, as erroneously titled as Paris is erroneously guilty: the scene they act is one in which the lady "commands the servant / To be unthankful to his patron", and Paris's character says he would face death rather than forsake his lord's "pleasure". If this had been a real political appropriation of the play, Domitian would have made it "public", and completely re-written it to stress the "False Servant's" falsity. In his oration of judgement, which is also a tribute, he celebrates Paris's "spirit" in the same terms the stoical Senators had celebrated their own in defiance of him: instead of leaving "no memory" of his ashes, he orders them "enclos'd / In a golden urn", and places poets on his hearse. Domitian still calls his victim "My Paris", and his execution "my plot", but he also admits that this was "Rome's bravest actor", finally conceding a

superior whom he himself will “crown” with “an applause enduring to all times” (IV.ii.197-308) This is a celebration of theatrical ideals over a terrible political necessity which had been caused, in large part, by several abuses of theatre - by Domitian, by Domitia, by Aretinus, and, of course, by Paris. Paris’s death is “a very ironic thing”, as Hogan puts it, but not because it is written into a “tyrant’s script” (Hogan, pp.279-280). Paris is far more involved in preparing his final script than is immediately apparent: it derives, ultimately, from his willingness to sell out his drama for preferment, which caused him to be dragged into the fatal association with Domitia. By consenting to allow the re-writing of “The Cure of Avarice”, Paris as well as Caesar led Domitia to believe she could do the same with “Iphis and Anaxerete”, and both consequently admit their culpability for her infidelity.

This helps to explain - beyond facile references to his continued sexual infatuation - Caesar’s failure immediately to punish his wife. As soon as she had been discovered, and again after Paris’s death, Domitia defiantly tells him, “Thy lust compell’d me / To be a strumpet” (IV.ii.135-136). Domitian’s “lust” represents his betrayal of the feudal principle that wealth is indeed held in fee by private subjects and not purely and simply Caesar’s. His “lust” after Domitia challenged his obligations to God, and surrendered his essential right to Domitia: making her divorce Lamia achieved nothing except her own determination to be free. His “flatterers” may persuade him that “what pleases Caesar / (Though never so unjust) is right, and lawful”, she says, but she knows him to be her “slave”. The only real law is economics, and because there is no way for him to encompass all of Rome’s wealth without destroying its economy, “my empire’s larger / Than thine, Domitian”. But, Domitian warns her, “Reason may teach me to shake off the yoke / Of my fond dotage”. Reason of state must prevail over lust for power: he signs a warrant for Domitia’s death in “*a table book*”, as if he were “executing” a statute, exercising his sovereignty to sign away absolute rights over the wealth of Rome (V.i.39-99). Domitia’s sexual freedom and allure were based on her marriage to Caesar, only as Caesar’s property did she become subversively desirable. Released from this relationship as “spirit” in the same way Sura, Rusticus and Paris were - the idealized form of themselves - she is freed and neutralized simultaneously: his wife no longer an object of the “lust” of Rome at large, Domitian has re-established his sovereignty, and made himself more securely the head of his realm.

“Is Caesar a patron of the arts or a despicable butcher?” asks Butler. Well, in his final acts of butchery he punishes the vice of courtly ambition, re-establishes the freedom and dignity of the theatre, and acknowledges his subjects’ rights of property. As Butler concludes, “The play seems to pull simultaneously in contradictory directions” (Butler 1985, pp.161-162). Mulryne and Bushnell describe *The Roman Actor* as “the obituary of the ideologically engaged play”, or “a devastating theatrical satire” of a world in which the function of satire is “unclear” (Mulryne, p.23; Bushnell, p.186; also P. Thomson 1970, pp.422-425). But there is nothing “unclear” about Massinger’s favourable attitude towards the ideals of a free theatre and a free economy, nor the necessity of Domitian’s comeuppance. The difficulty is in reconciling the punisher and the punished in him. This is a question of sovereignty. Clark notes that Caroline drama remained “ambiguous about the

resolution of ultimate sovereignty”, drawing attention to its audience’s training in the “techniques of rhetorical and forensic dispute” characterized by the Senecan *Controversiae*, “hypothetical cases” in Roman Law that addressed “moral issues where law breaks down” in order to segregate “what merely adheres to ordinance from what truly abides by piety” (I. Clark, pp.14-15, 38; see Waith 1951, pp.226-234; 1952, pp.86-98; Altman, pp.28-30, 243-245; Schoeck, pp.110-127). It was this kind of training which did so much to delay the adoption of modern theories of sovereignty in the culture from which *The Roman Actor* emerged. Domitian restores idealism and sovereignty through a series of punishments which queasily resemble his former abuse of that sovereignty. All the other characters who have abused ideals - Paris, Domitia, Lamia, Philargus, Aretinus - have to die. Why should Caesar, reformed or not, be exempt?

The problem is that the new order has to agree with the foundations upon which it has been built, including sovereignty, and this prevents any just attempt on Domitian’s life. The solution to this *Controversia* is to invoke the guarantor of all these ideals, God Himself, whose absolute sovereignty must either inform or overrule all kinds of political sovereignty. This is what happens as Domitian turns on the soothsayer who has foretold his “violent end”, making him predict his *own* fate so that, by destroying the him, he might demonstrate his ability to cheat providence. When providence cheats him back, Domitian becomes convinced that he is “a dead man, since all predictions / Assure me I am lost”. The Tribune cries, “Jove avert it! / In our swords lies your fate, and we will guard it”, paradoxically conceding that their swords will be powerless without the consent of heaven (V.i.107-130, 233-278). This is the role of the Tribune and the soldiery through the next scene, to assure Caesar that, with their loyal protection, he can be in no danger. Caesar, for his part, begins to “grow constant”, to which the Tribune replies, “Now Caesar’s heard like Caesar”. Domitian’s power, which the Tribune ratifies as Caesarean, is acknowledged to depend upon the loyal service of his soldiers, citizens, and politicians; by delegating he increases the security of his sovereignty. He resolves to reward the soldiery with “a large donative, and increase of pay”, moving from a blasphemous to a new and deeper understanding of the political and economic bases of his life and office (V.ii.20-43).

Again, this has caused some problems for the play’s critics. Why “give the play a sense of the numinous”, asks Howard, when it is clear that “Domitian’s murder is the work of human agents” (Howard 1985 [2], p.125)? Butler also puzzles over this “oddity”, which registered the fact that some of his audience’s “hostility to the policies of Stuart government was coming to be reinforced by religious worries” (Butler 1985, pp.154-158; also 160-161). More important is the paradoxical insight that a divinely-sanctioned understanding of power comes as a result of emptying human beings and institutions of their sacral signification. Domitian has been unable to shed his old, numinous (or presumptuous), notion of Caesarship, and is undone by his own “passionate desire to believe himself essentially safe” (Hogan, p.281). Parthenius, a conspirator, convinces him that “the fear’d hour” of five o’clock has passed and that he should meet a post bringing news of recent victories in Syria “In private”, so that “the Senate from yourself / Be taught to understand how much they owe / To you and to your fortune”. Domitian eagerly agrees,

demonstrating the shallowness of the expressions of gratitude he had, just moments before, been showering on his soldiery. Asked by the Tribune if he requires their protection, Caesar haughtily refuses - "Know your distance" - and falls victim to the nobles' conspiracy. But, crucially, this desacralization applies to the nobles just as much as it does to Caesar: they conspire against him, not to appropriate the language of divinity to their particular view of aristocratic rights, but because they perceive the failure of Domitian's rule to agree with divinity. This is why it is so important that the conspirators see themselves as acting purely in the political sphere, doing "What Rome shall give us thanks for", rather than fulfilling a prophecy, thereby avoiding Domitian's hubristic mistake. Furthermore, the Tribune declares that they will have to face the law because Domitian "was our prince, / However wicked", striking the balance between legal process and affective loyalty with which the play ends: "Good kings are mourn'd for after life", whereas "such as govern'd only by their will / And not their reason, unlamented fall". The rebellion is still unlawful in worldly terms, and the conspirators' case will be referred "to the Senate". This seems to conflict with a preceding statement that "whosoe'er succeeds him will revenge" the assassination, but in fact what it does is contain the new Emperor's personal power within a legal framework executed by a republican institution (V.ii.47-64, 75-93). As Bushnell puts it, "That the tribune has the final say thus contradictorily both reaffirms Domitian's sovereignty, however corrupt, and intimates a new order by restoring rule to the people and to the Senate, which had so complained about Paris's theater" (Bushnell, p.185).

The Senate, in fact, never *complained* about Paris's theatre - only Aretinus was guilty of that - they had simply lost interest in its special ability to serve as a kind of ritual of accommodation and idealization for all levels of Roman culture and society. Only before the Senate will the full facts of the aristocrats' case appear, as they have appeared before the theatre audience. Their providential role can only be fully appreciated retrospectively, because its justice depended upon the desacralization of their political act: paradoxically, before the Senate, the independent revelation that this act was providential will lend it justification in their eyes, as it does in ours. Indeed, it seems increasingly clear that we, the audience, are supposed to regard ourselves as occupying the same space as the Senators (this is presumably how Paris's *apologia* works). Of course, Blackfriars in 1626 would certainly have been patronized by those who enjoyed the privilege to sit in the Houses of Parliament, as well as other administrative institutions. The message of the play to them, and especially those Protestant aristocrats who liked to assume that God was necessarily on their side, or those mercantilists whose approach to political economy was too straightforwardly liberal, was that the bigger picture was only available to those who were prepared to detach themselves from their ideologies and take a retrospective view of each party's role in the emerging conflicts. It is clear to us that "the script of Justice", as Hogan aptly describes it, has obviously been followed (Hogan, pp.273-281; also P. Thomson 1970, p.416). However, the point of *The Roman Actor*, like Shakespeare's *Cymbeline*, is to remind us that we are dramatic characters who do not enjoy a privileged perspective, and that the wider reality of "the script of Justice" is unavailable to us until our playwrights have dramatized our political lives.

Conclusions

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The early Stuart polity was subject to a tension between administrative consolidation – from Reformation England’s loose federation of counties, through the Union of Crowns, to the military-imperialist dictatorship of 1653 – and social fragmentation, as the self-confidence of distinct professions grew in line with their importance to the economy and state. Revisionist historiography has refocused our attention on these tensions as the key factors in the constitutional failure of the 1640s, so that we see its beginnings as a conflict, not between competing administrative ideologies, but between socio-economic and administrative forces. This study has examined the rhetorical practices developed to reconcile socio-economic and administrative tensions, to demonstrate that these practices resulted in an illusory ideological-administrative consensus that obscured growing disagreement at the level at which those practices worked themselves out – the level of professional self-consciousness.

A pattern recurs in the period’s professional discourse on the nature of administrative power. Civilians, ecclesiastics, and common-lawyers competed in economic and administrative fields, articulating their interests in terms that identified them with normative administrative structures and hierarchies. To put it crudely, every lawyer and every Bishop vociferously invoked kingly authority as both the object and protector of their particular professional operation. Only by interrogating the ways in which rhetorical tropes that were shared across each professional class (indeed, across all professional classes and across society as a whole) relate to distinct economic interests within that class can we begin to discover very different, indeed oppositional, conceptualisations of administrative power. Everyone agreed about what a King, a Parliament, a government was, in the broadest sense, but these consensual definitions rested on complex secondary factors – law, God, money – which could not be untangled from increasingly jealous debates about the administrative role of the professions. One conclusion of this study is that the oppositional politics that resulted from these debates rarely had their origins in any identifiable administrative ideology (which is difficult to find in the period), but that they arose “organically”, as it were, from the repeated articulation of professional interests in relation to the secondary factors which underpinned the accepted primary structures of administration.

My readings of the period’s drama aimed to do two things. Firstly, to bring a new perspective to some familiar texts by placing them into the context described above. In the cases of Cartwright’s *Royal Slave* and Davenport’s *King John and Matilda*, I hope that this new context helps to make sense of two plays which are under-appreciated because their meaning for and reception by contemporaries have puzzled critics. Secondly, and perhaps most importantly, the readings test the broader hypothesis implied by the pattern I have described by examining the ways in which it operates through the texts of even the most peculiar of the period’s professions. These readings demonstrate that when playwrights addressed some of the period’s most contentious political and religious issues, they failed, like the lawyers and clergy, to articulate an oppositional

or ideological-administrative rhetoric. Instead, the keynote was the familiar one of consensual commonplaces. In tragedy, comedy and romance, consensus is disrupted by some selfish impulse, whether of the tyrant or the faction-leader, before reconciliation is achieved through some resolution into universally-shared interests, by way of a marriage, a treaty, or a tragic funeral. But once again, this consensual rhetoric is, in a sense, anti-ideological: consensus and civil peace is staged as a good, to be sure, but the most pertinent point is that it is *staged*. Drama is presented as an escape from ideology into an omniscient perspective that subsumes all politics, resolving opposition through generic, performative modes. The “beauty of holiness” rhetoric was formulated by the Stuart High Church to resolve theological dispute in a supposedly ideologically-neutral ceremonial, performative, communal space, which in fact shored up a certain kind of professional primacy. In the same way, drama promoted professionally-specific perspectives and forms for staging political consensus, taking issues and problems from their original professional contexts and translating them entirely and exclusively into its own. The similarities between these two moves are revealed particularly clearly in the way that political and religious themes are resolved in *Cymbeline*. Similarly, if opposing conceptions of the political role of the legal and clerical professions were worked out through shared, generic structures, frameworks and pseudo-ideological commonplaces (about fundamentals like the King, God, the law, Parliament, and so on), the comparison between Jonson and Shakespeare shows how opposing conceptions of the political role of the theatrical profession were worked out in a similar fashion.

One conclusion I should like to draw from this identification of a shared rhetorical pattern between the traditional and theatrical professions is that the period saw, if not the origins, then certainly the full realisation and articulation of a general sense of professional self-consciousness, which encouraged the development of a politically-assertive “guild mentality” wherever people performed a shared species of commercial activity. This mentality was concerned with shoring up economic power through notions of specialisation that challenged traditional hierarchies, and resulted in the social fragmentation that occurred against the period’s administrative centralisation.

However, reading the drama of professional theatre back into this context in order to posit drama as a further reification of that context presents an obvious problem. How can we be sure that the resolutions into consensus that we find – the marriages, the treaties, the tragic funerals – are not simply generic, rather than professionally self-conscious? First of all, I would seek to play down the problem. I have no doubt that, to some extent, these effects are simply generic, although it can of course be argued that to choose one theatrical tradition over another amounts to a choice both professional and political, as well as aesthetic. Nevertheless, the problem required a further test of the hypothesis, in the form of my reading of *The Royal Slave*. To show that the generic features of drama had to be self-consciously co-opted for the professional interests of theatre, and that they would not answer that need inherently, it was necessary to identify the familiar pattern at work in an “amateur” text that appropriated the forms of drama in the service of a non-dramatic professional interest. Cartwright’s play is a particularly good example, because it is actively hostile to the theatrical profession’s claims of dramatic competence. Whereas playwrights tend to use

their plays to celebrate their own dramatic facility, as a kind of synecdoche for their company or profession, Cartwright's play is much more concerned to celebrate Chancellor William Laud as a synecdoche for the University of Oxford, where Cartwright's professional interests lay.

My reading of *The Royal Slave* is a lynchpin of this study, as it is both an exemplification of the pattern of social energies it describes, and a control which isolates those particular patterns against potential critical objections to the conclusions I draw. Hence, in a study that might be said to indulge a new-historicist sensibility, this reading is the only one to adopt anything like the classical new-historicist methodology of "refiguring the socio-cultural field within which... dramatic works were originally produced" while "resituating them not only in relationship to other genres and modes of discourse" but also in relationship to specific "contemporaneous social institutions and non-discursive practices" (Montrose 1998, p.779). It was important to provide a reading of a particular text in a specific material and historical context as a detailed control which could support my overall hypothesis, which was concerned with describing the realisation and articulation of a general sense of professional self-consciousness during the period.

This is central to the study's situation within wider historiographical and literary-critical traditions. J. G. A. Pocock, in the reissue of his *Ancient Constitution and the Feudal Law*, noted that his critics had sought "to transform what I said were assumptions into assertions... made by identifiable actors in identifiable circumstances for identifiable reasons". They were anxious "to transform a *mentalité* into a series of 'moves' – a historiographical strategy typical of our times", in which "the anti-whig reaction in historiography has now reached a point where all processes are to be dissolved into moments and all long-term explanations dismissed in favour of short-term ones". Taken in isolation, it could be said that the individual subjects of this study – Bacon, Coke, Andrewes, Donne, Prynne, Jonson, Shakespeare, Cartwright, and so on – have been shown engaging with the key debates of the period in "a series of 'moves'" which deny ideology, and hence "dissolve" the origins of the Civil Wars into a mysterious complexity. This was an outcome I was increasingly concerned to avoid, for precisely the reasons given by Pocock. "The ideological implications are fairly clear: all history is to be reduced to high politics, to the actions of those close enough to power to disregard change, unless they are its authors, and act only in the short run", he observes. "It remains a question, however, whether short-term actions are not sometimes undertaken in contexts stabilized by structures having a longer *durée* behind them" (Pocock 1987 [2], pp.262, 278). It was the desire to describe such a stabilizing structure that provided the impetus to find a pattern that recurred across professional classes and, implicitly at least, across early Stuart society as a whole. That was why I did not take the subjects of this study in isolation, but sought to draw them together with threads that bound their individual, competing "moves" into a shared "*mentalité*". If I have succeeded in doing this, or in suggesting that it could be done in a study of greater scope and ambition (for example, one which traces the relationships between the moves of the professional classes and the consumer demands of the populace whom they served), then perhaps I might conclude that this study describes the broad social fragmentation behind at least one of the major fissures that caused the constitutional failure of the 1640s.

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