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PERFORMING AT THE BLOCK:  
SCRIPTING EARLY MODERN EXECUTIONS

By

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Thesis

presented in partial fulfillment of the requirements  
for the degree of

Master of Arts  
in English Literature

The University of Montana  
Missoula, MT

May 2013

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Performing at the Block: Scripting Early Modern Executions

Chairperson: Professor John Hunt

This thesis explores the executions of noble men and women in Tudor and early Jacobean England and the theatrical representations of executions that mirrored real life spectacles of deadly punishment. Historical scaffold confessions followed a formulaic pattern and condemned traitors performed their final moments before a crowd of witnesses with the power to judge the quality of the actor's deportment, costuming and words. As a public stage, the scaffold allowed the traitor a chance to assert and define his or her own individuality in the face of death and formulaic requirements, which I outline in the first chapter. Dramatic representations of executions both reflected and subverted the depictions of real life performances at the block. Playwrights employed the scaffold confession in a variety of ways. Execution spectacles within plays could—depending on the intention of the author—uphold the power of a just monarch, defy conventions and reveal societal ills, or show the agency of the individual characters facing execution.

## ACKNOWLEDGEMENTS

I would like to thank my Chair, Professor John Hunt, for his dedication, kindness, and encouragement during the composition of this thesis. His intelligent counsel, patience, and sound advice helped me immensely and I will always be grateful for his instruction and friendship. I would also like to thank the other two members of my committee, Professors Robert Browning and John Eglin. Each offered a unique perspective and helpful comments, allowing me to see the interconnections between executions, the state, and the divine. To Professor Ashby Kinch I also owe a great debt. It was in his independent study that I first conceived of my thesis topic and under his guidance that I learned the important history of late medieval ideas concerning a “good death.” The Department of English at the University of Montana has been immensely helpful and inspiring to me throughout this journey. I would like to thank a number of professors who dedicated their time and effort to my learning. Professor Brady Harrison offered extensive editing advice, supported my publication efforts, and cheered me on at a conference. I am so very grateful. Professor Robert Baker also provided critical feedback, benevolence towards all of his students, an appreciation for history, and a keen and sympathetic insight into humanity. I hope one day to become the kind of professor he exemplifies. Professor Casey Charles, who I first studied with in 2003, has given me encouragement over the last ten years. I admire his depth of critical knowledge and his uncompromising commitment to justice. Thank you all for providing me with a unique and wonderful education. Finally, I would like to thank my family for their support and love as I pursued yet another degree. To my grandfather, Wallace Lodine, I offer thanks for his continued devotion to my family and my education. I would like to thank my parents, in particular my mother, who always reads my sometimes dark works with an inquiring mind, attends my conferences, and continues to grow as a human being every day of her life. Thank you, Darby and Hannah for listening to your mother talk about beheadings and forcing you to

watch Shakespeare films. I hope you both learn to love reading as much as I do and find a vocation that brings you joy. And last, but not least, thank you Jason for honoring me with your love and for supporting my efforts to grow as a scholar and as a person.

## DEDICATION

I would like to dedicate this thesis to my grandmothers. It is because of them that I am able to accomplish my dreams today.

Edna Light Goodman (1917-2002), a lifelong reader who wanted to be an English teacher but never had the chance to attend university

Nancy Wooding Lodine (1926-2012), who wrote an unpublished novel and believed strongly in the education of women, but never had the opportunity to finish her Journalism Degree

## Introduction

Throughout the sixteenth and seventeenth century, executions of noble men and women dominate the historical record. During the reigns of Henry VIII, Edward VI, Mary I, Elizabeth I, and James I, numerous members of the aristocracy lost their heads at the Tower of London. Most of these individuals gave last dying speeches, which their contemporaries recorded and judged. According to custom, the demeanor and words of those dying on the scaffold provided their audience with the means to determine the nobility and goodness of the executed. This introduction looks at contemporary views of death and the rituals surrounding deaths—both natural and unnatural—as a way of understanding the performance of executed individuals found in both historical and dramatic representations. Western European cultures devised rituals to assist the dead to confront their own demise and to provide those left behind with a sense of closure. In addition, tradition ascribed certain actions and demeanors as assurances of a “good end.” As one writer stresses, “[h]ow a person died was important; it was expected that good people would die well, and that the good and great would die greatly” (Siebert 8). The rituals and actions that defined a “good end,” however, changed over time. The late medieval period, for instance, focused on the spiritual state of the dying individual and provided him or her with the means to make a good and proper end, assuring their souls of salvation and making their stay in Purgatory brief. The bed chamber became the scene of a spiritual struggle for the soul of the dying person. During the early modern era, ideas about death became increasingly secularized. As the Renaissance experienced a growth in the awareness and celebration of the individual, “dying [came] to be felt, more acutely than ever before, as a cancellation of personal identity” (Neill 5). Therefore, English men and women in the early modern era strived to construct their individuality at the moment of death. As Michael Neill notes, “death paradoxically becomes a powerful individuating experience, the supreme occasion for exhibitions of individual distinction” (34).



Like natural deaths, executions demanded set actions and speeches. During the late Middle Ages the executions of traitors—especially aristocratic male traitors—usually involved the shameful removal of rank through both outward symbolism and bodily destruction.<sup>1</sup> Although the condemned traitors of the fourteenth and fifteenth centuries typically confessed their sins prior to execution, their words on the scaffold are often absent from medieval chronicles. In fact, most accounts of executions during the late Middle Ages, according to one scholar, “dehumanized the condemned, reducing him to a body that served simply as a symbol of his crime” (Royer *The Body in Parts* 331). For individuals facing execution during this era, deportment seemed to matter more than words. Sympathetic accounts of late medieval executions—those rituals judged as proper deaths—stressed the “contrition and piety” of the condemned rather than their final words (Royer *Rhetoric, Ritual, and Redemption* 45-46). During the sixteenth and seventeenth century, most accounts of the executions of aristocrats included the last dying speeches of executed men and women, privileging the words delivered prior to death as the sign of a good or bad death. In order to be classified as a “good end,” the deaths of executed individuals in the early modern era needed to attest to the power of the state, the divine justice of death, and the individuality of the condemned. Many modern critics argue that the scene of the scaffold functioned as a theater for the self-fashioning of the executed, the catharsis of the crowd, and the manifestation of state power. While specific formalities and actions were required and expected by those facing execution, these ceremonies, I believe, provided the framework for condemned individuals to affirm both their religious beliefs and individuality.

### **Late Medieval Understanding of Death**

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<sup>1</sup> In a recent study of the execution of Hugh Despenser the Younger in 1326, Westerhof notes that English noblemen in the late Middle Ages were usually led to their executions dressed in “poor clothes” and often forced to wear crowns of nettles or thorns. In addition, following their executions, the physical bodies of these criminals were often quartered and publically displayed. Often, the executioner also emasculated the men and publically burned their genitalia. The punishment served to remove both the noble status of the condemned as well as his masculinity. See Westerhof 91-93, 103.

To fully comprehend the early modern Englishman or woman's understanding of death and execution, we first need to look at the late medieval period. According to historian Eamon Duffy, "late medieval Catholicism exerted an enormously strong, diverse, and vigorous hold over the imagination and the loyalty of the [English] people up to the very moment of Reformation" (4). In fact, the religious beliefs and traditions of the early modern era both built on and continued religious and ideological practices in place since the Middle Ages (Duffy 4). The enduring importance of these earlier ideas about death and the continuity of religious practices demand a close examination of late medieval death. How did individuals during that time view and prepare for death? Was there, as some scholars have argued, a certain morbid fascination with death and dying? If so, how did medieval beliefs influence or respond to art and literature?

Philippe Ariès argues that medieval Europeans usually recognized when they were going to die (Ariès *Western Attitudes* 2-3). Death, for them, became a ceremony "both familiar and near" (13)—an event witnessed by community members and family alike. Yet its very familiarity made death rituals important. Eamon Duffy argues that "it is clear that there was a well-defined set of attitudes and gestures which dying Christians were expected to manifest at this, the most solemn and important moment of their lives" (322). In following a ritualistic framework on their deathbeds, dying individuals hoped to meet a "good end" both in the eyes of their contemporaries and before God.

Custom and sacrament defined the death of the medieval individual. Clear cultural patterns outlined not only the actions of the dying person, but those of his or her friends and the church. The main player, however, remained the dying person, who "presided over" the specific deathbed ritual and "knew its protocol" (Ariès *Western Attitudes* 11). The dying individual typically expressed sorrow over the end of life by listing companions and possessions. Then, he or she would pardon the friends gathered around the death bed and

attempt to make amends for any wrongs committed against others (Duffy 323). Finally, the dying individual would think on divine matters and offer a prayer (Ariès *Western Attitudes* 9-11). Absolution by the church followed the prayer. The church would not anoint individuals until “death was imminent,” and according to historian Duffy, “reception of this sacrament effectively constituted a death sentence” (313). In fact, many individuals believed that a person who had received Extreme Unction could never again have sex or eat meat.

Rituals did not cease after the death of the individual. Instead, prescribed roles for the church and family of the deceased continued, sometimes for decades. Those left behind after the death of a loved one became responsible for the immediate afterlife of the deceased. The church celebrated memorial masses for the dead one week, one month, and one year following the death of an individual. In addition, every year on All Souls’ Day, the church performed a special liturgy of supplication for the deceased of their respective parishes called the “Commemoration of all Saints” (Duffy 328-329). Medieval Catholic doctrinal beliefs required the survivors to intervene for the souls of the dead and thus mitigate the deceased’s sufferings in Purgatory (Platt 102).<sup>2</sup> Purgatory’s pains caused great anxiety for the relatives and friends of the deceased and most sought to busy themselves offering prayers and offerings for the dead imprisoned in between heaven and hell. As Stephen Greenblatt explains:

[I]mperfect souls, souls still bearing the stains of the faults they had committed in mortal life, would have to endure excruciating pain . . . The reckoning in every case was strictly individual and scrupulously proportional to the gravity of the particular sins, but it was possible for individuals after death to receive help from others, just as living debtors languishing in prison could have their debts paid by friends. (Greenblatt *Hamlet in Purgatory* 19)

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<sup>2</sup> Eamon Duffy notes that while Purgatory was not hell, a certain fear of Purgatory influenced late medieval thought. He argues that the fear of remaining in Purgatory for an extended period became “the focus of Christian fear.” See Eamon Duffy, *Stripping the Altars*, 341.

Towards the end of the medieval period, families began paying the church to pray for the dead. Thus, each successive generation placed a burden on the next to pay the church for prayers while the deceased remained in Purgatory (Platt 105). Horrific accounts of Purgatory “were designed to move the Christian to action on his own behalf while still in health, to complete his penances, to live a mortified life, [and] to be generous in charity” (Duffy 342). In addition to the fear of Purgatory’s pains, the terror of sudden death also worried medieval English people. Part of this dread in the later medieval period might have stemmed from the fourteenth and fifteenth century experiences of the plagues, which denied individuals time to prepare for the customary and religious rituals of death (Platt 100).<sup>3</sup> Literary critic Michael Neill states that the plague “collapsed all differences between high and low, kinsfolk and strangers, humans and animals, and ultimately even between people and things” (20).

These fears of sudden death, in part, may account for the proliferation of textual and visual art memorializing death during the late medieval time period, although historian Colin Platt points out that artwork featuring the three living and the three dead “are commonly found in pre-plague painting” (151) and the cadaver effigies prominent in this time period did not relate directly to sudden death (159). Platt contends, however, that the treatment of death in art changed after the Black Death and different portrayals of death emerged and became prominent in the fifteenth century (151-2). In addition, the connection of cadaver effigies “with unsecured death by plague was by no means lost on all contemporaries” (159)

Three separate forms of art speak to the late medieval preoccupation with death. First, the *Ars Moriendi* (or “art of dying”)—an account of how to die properly within the Christian belief system—stressed the importance of letting the dying know their spiritual state and laid

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<sup>3</sup> Prayers for the souls of the dead pre-dated the Black Death. This doctrine gained acceptance in 1274 at the Council of Lyons and became a very important decision in the history of religious belief and in the study of death. See Platt 102.

out specific duties individuals needed to perform prior to death (Duffy 316).<sup>4</sup> The *Ars Moriendi* tradition held sway in the Early Modern era and continued to exert tremendous influence in England until the eighteenth century (Siebert 7-8). Secondly, the spreading use of cadavers both in paintings and in tomb sculptures dominated western art from the fourteenth through sixteenth centuries (Ariès *Western Attitudes* 39; Platt 151).<sup>5</sup> Duffy draws particular attention to cadaver tombs, “which portrayed the deceased as a decaying corpse, the skin stretched tight over grinning teeth, starting bones, and empty eye-sockets, the stomach bursting open to reveal a seething horror of worms and unclean creatures” (306). And third, literature from this time expressed an obsession with death. The medieval morality play *Everyman*, for example, stresses the shortness of life and the need to prepare for death (Duffy 305).

This late medieval obsession with death, however, pointed not just to a morbid fascination with the macabre. Instead, as Duffy argues, the “element of shock” prominent in such gruesome texts and images aimed to show human beings the reality of death and the need to be prepared. John Baret, for instance, who died in 1467, directed the addition of the *Mirror of Mortality* reminder across his stone cadaver effigy, which reminded his community that, “May se hys owyn merowr and lerne for to die” (Platt 154). The church and the parish concerned themselves with the “welfare of souls” and depictions of death reveal a concern with humanity and human destiny following death (Duffy 336). Yet, although the English in the late Middle Ages obviously expressed a fascination with death, they were also celebrating life (Duffy 303). As Ariès notes, the macabre nature of literary and artistic representations of death speak not just to fears of death, but instead signify “a passionate love for this world and

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<sup>4</sup> Although initially the fifteenth century *Speculum artis bene Moriendi* used extensive verbal description to provide both the clergy and common person with instructions on how to die well, later texts were reduced to eleven woodcut pictures, making it accessible to the illiterate. See Duffy, Eamon. *Stripping the Altars*, 316-318.

<sup>5</sup> Artwork depicting the Dance of Death also gained popularity during this time. See Ariès 39.

a painful awareness of the failure to which each human life is condemned” (Ariès *The Hour* 129-130).

### **Death Rituals Following the Protestant Reformation**

Following the Anglican schisms of the sixteenth century, certain ideas about death altered considerably. Purgatory’s pains no longer held sway and “death became a more absolute annihilation than ever” (Neill 38). In lieu of the loss of Purgatory’s purging power, Protestants developed a new system for memorializing death, “which stressed the didactic potential of the lives and deaths of the virtuous” (Neill 39). Instead of a focus on intercessory prayers for the dead, ministers began to exhort mid-sixteenth century individuals to look towards their own faith as they contemplated the deaths of loved ones. As one historian notes, “[t]he dead had gone beyond the reach of human contact, even of human prayer” (Duffy 475). Burial rites in the Elizabethan era became less ostentatious and ministerial prayer books focused on those remaining alive rather than the dead.

The shift from a Catholic to Protestant understanding of death defined a new aesthetic in which the dying person must “make death the consummation of a life conducted according to immaculately theatrical precepts” (Neill 35). Robert Watson contends that the Protestant Reformation “[shifted] the locus of redemption from group ritual to personal conscience” (5). Instead of the prayers of the living determining the ultimate fate of the deceased, the dying individual became the prime agent in the moment of death. . The conduct of the condemned individual on the scaffold reveals changing contemporary values. According to Margaret Owens, the Elizabethans and Jacobean saw “the traditional Christian values of patience and submission to Divine Will” as exhibited by the executed “[merge] almost imperceptibly with pagan stoic values of self-possession and submission to Fate” (129). Death became viewed as a cancellation of personal identity. As such, individuals needed to assert their individuality at

the moment of their death. Pierre Charron, in 1630, expressed this idea succinctly, stating that:

He that judgeth of the life of a man, must look how he carrieth himself at his death; for the end crowneth the work, and a good death honoureth a man's whole life, as an evil defameth and dishonoureth it. (Charron *Of Wisdome Three Books* quoted in Neill 36)

In light of this understanding, the tragedy of death and executions as presented on the Elizabethan and Jacobean stages became an “instrument to understanding death” (Neill 3). In a world without the assurance of Purgatory and the prayers of the community following the deceased, staged deaths allowed individuals to forge a new way to die. Tragedies compelled audiences “to rehearse and re-rehearse the encounter with death” (Neill 31), showing people how to exert individualism in their final moments. According to Neill, “tragedy served, in a fashion that was inseparable alike from its didactic pretensions and its entertaining practice, both as an instrument for probing the painful mystery of ending, and as a vehicle of resistance to the leveling authority of death” (31). This theatrical stoicism found in early modern dramas also found its way into the real life staged drama of execution.<sup>6</sup>

### **Execution Rituals**

Executions in England during the late medieval period differed in many ways from those of the Tudor and Jacobean eras. While Bellamy argues that during the fourteenth and fifteenth centuries, “penal brutality was uncommon” in comparison to that of the sixteenth century (Bellamy 181), many medieval accounts of executions detail the quartering of bodies,

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<sup>6</sup> The philosophy of Stoicism experienced resurgence during the late sixteenth century as early modern Europeans began to view the emotionless state of Stoicism “as a feasible and rational response to the political turbulence of the times.” See Kraye 458. Seneca’s theories, in particular, influenced English Renaissance drama. He argued that human beings need to accept that whatever occurs proceeds from natural law and “not to see and accept that such unpleasant eventualities as our own death are governed by this law (stable, predictable, part of a benevolent plan) is ultimate folly.” Human mortality, therefore, should not be viewed as a punishment but instead must be accepted as part of a grand plan. Seneca contends that by accepting death as a natural law should allow individuals to overcome their fears of death. See Inwood 235-238.

ritual removal of the genitals, and distribution of body parts throughout the kingdom as a reminder of the punishment of evil (Royer “The Body in Parts” 318-319). The main purpose of executions in the later Middle Ages was not to terrify individuals into obedience to the state but rather to punish the truly criminal. Local governments meted out a variety of lesser punishments to offenders, including branding, excising ears and hands, boiling body parts, and ducking prostitutes in vats of water (Bellamy 182).

Executions differed geographically and no standardized methods for executions and punishments existed until the late fifteenth century (Bellamy 185). Those felons executed usually were hanged on oak trees at crossroads, while those found guilty of treason suffered either hanging or burning based on gender. Sometimes executioners disemboweled traitors following their deaths (Bellamy 186-8).

No set rituals defined late medieval executions, although occasionally “tormentors dressed as devils” attended traitors on their way to executions (Bellamy 188). According to Ariès, most people in the Middle Ages “believed that the criminal about to be executed was a diabolical creature who had already gone to hell” (Ariès *The Hour* 308). Felons typically offered relatively short speeches on the scaffold, in contrast to the later dying speeches of the Tudor era. Society, however, expected the executed individuals to make a scaffold confession and request prayers for their souls (Bellamy 189).<sup>7</sup>

Renaissance ideas concerning the deaths of those executed changed. Although the Catholic Church had resisted the notion that the condemned were already damned to hell by providing confessors for the condemned, society had generally viewed “all spiritual consolation . . . as useless and forbidden, if not sacrilegious” (Ariès *Western Attitudes* 308). Protestant doctrine, in contrast, believed the condemned capable of rehabilitation through

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<sup>7</sup> Medieval chroniclers typically expressed little interest in the final words of the condemned awaiting execution. Instead, according to Royer, “[t]here was a passivity that characterized their descriptions of the condemned, who neither act nor react to the events on the scaffold.” See Royer *Rhetoric, Ritual, and Redemption* 49.



their suffering deaths (Ariès *Western Attitudes* 308).<sup>8</sup> While many Protestants during this era believed in predestination or the doctrine that some individuals were chosen for heaven while others were destined for hell, some reformers viewed a “good death” as an indication of elect status. Wunderli and Bruce argue that “[t]he Final Moment allowed a sinful life to be redeemed at the deathbed and it guaranteed salvation by acting as a sign of election” (267). In a recent study about the executions of martyrs during the early modern period Elizabeth Bouldin notes many Protestant martyrs believed that by exhibiting confident and composed behaviour on the scaffold they assured both the crowd and themselves that they were destined for heaven (45-46). During the sixteenth century, executions became increasingly ritualized. Beheading, in particular, became a socially marked form, defining both treachery and aristocracy. Decapitation, in effect, functioned as a commuted sentence, allowing the upper class to experience less pain and agony than the slow and agonizing ritual of hanging (Mitchell 6).<sup>9</sup> Beheading signified both pagan rituals that valorized “bloodletting as a purifying ritual” and Christian ideology that viewed blood “as a symbol of redemption” (Owens 124). The loss of the head had a positive connotation. It could be both cleansing and redemptive. Early modern people believed the blood that flowed from the decapitated traitor had medicinal qualities and in some European communities the executioner saved the blood in a bowl and offered it to the sick to drink (Owens 124).

In many different historical epochs, decapitation has marked class differences. The Romans, for example, used beheading “as a socially marked form of public execution” and only severed the heads of citizens within their empire (Janes 32). Likewise, sixteenth and seventeenth century Englishmen and women saw decapitation as a proper death because it affirmed the nobility of the beheaded (Owens 123-4, 127). Samuel Edgerton contends that

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<sup>8</sup> See also Carlton 71.

<sup>9</sup> Both Bellamy and Mitchell note that hanging was not a quick and easy death. The executioner strangled the criminal rather than breaking his or her neck. Suffocation prolonged the suffering of the criminal and distorted the facial features of the executed. See Bellamy 186 and Mitchell 6.

“[b]eheading, as a form of legal punishment, symbolizes the taking away of rank, that is, the crown” because “[o]nly members of the upper classes could wear the ‘crown’ in the first place” (128-129). Hanging, in contrast, “signaled the effacement of difference as the victim was subsumed into the anonymous and timeless persona of the common criminal and sinner” (Owens 127). In addition, hanging and other forms of capital punishment often kept the physical body immobile. Beheading, in contrast to hanging or being drawn and quartered, allowed the condemned to remain unbound and in control of the body. Thus, according to Mitchell B. Merback, “decapitation provided the opportunity to die gloriously, courageously, fearlessly, as one dies in battle, which made it eminently suitable for both noblemen, for whom warfare was a birthright, and high-ranking patricians, for whom the appropriated aura and symbolism of warfare were cultural capital every bit as precious as its monetary counterpart” (142). According to one scholar, “beheading was the most privileged means of death, reserved for traitorous aristocrats and adulterous queens as relatively quick and dignified, and meted out by royal prerogative” (Dolan 164).

The prevalence of heads decorating the London Bridge reveals both the frequency and prominence of beheading during sixteenth and seventeenth centuries (Mitchell vi). Paul Hentzner, a German lawyer who visited England in 1598, noted that over thirty heads of individuals executed for high treason decorated a tower on the south side of London Bridge (Hentzner 3). Likewise, a 1616 painting of London by the artist Claes Jan Visscher shows the heads of traitors decorating the famous Bridge (Symons vi). While the Tudor government displayed the heads of most lower and middle class traitors on London Bridge, the heads of most nobles were quietly buried with their bodies (Friedman 69).<sup>10</sup> In fact, a number of

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<sup>10</sup> Friedman notes that a “nuanced sensitivity for and veneration of rank was the reason that the majority of nobles were buried with body and head together rather than the more common practice of using the severed parts of an executed traitor as a public display to impart further messages of obedience.” See Friedman 69. The heads of some notable personages, however, were displayed on London Bridge. Edward Hall states that in 1535 the head of John Fisher, the Bishop of Rochester was placed upon the bridge. See Hall 817. Likewise, Mary I publically displayed Sir Thomas Wyatt the younger’s remains following his execution. In the *Chronicle of*

popular tales and myths sprung up around these displayed heads. Following the beheadings of Sir Thomas More and Cardinal Fisher in 1535, both men's heads are featured prominently in apocryphal stories. Thomas Bailey, writing in 1665, claimed Fisher's head remained fresh and youthful, failing to decompose, even after the Tudor government displayed it on London Bridge (Mitchell 9-10). According to legend, Margaret Roper, the daughter of Thomas More "rescued and preserved the head of her father" from the bridge (Janes 14-15).<sup>11</sup>

The display of heads functioned as just one part of a theater of state power. Due to the growing numbers of executions—both those of commoners and members of the aristocracy—the scaffold setting developed a specific theatrical aspect. The scaffold not only served as a theatre, but these real life executions influenced popular dramas. At least twenty English Renaissance plays were "drawn directly from famous murders and executions during the Elizabethan/Jacobean era" (Symons vii). Shakespeare, for instance, drew on execution traditions common during the late sixteenth and early seventeenth century (Symons viii). Both in and out of the play house, executions offered individuals a variety of possibilities for self-representation (Neill 35-37). Stephen Greenblatt, for example, argues that executions are an example of "Renaissance self-fashioning" (Mitchell 7), while Charles Mitchell contends that executions became "The Theatre of God's Judgments" (14). Although scholars have noticed parallels between the medieval death bed scene and the scaffold—especially in regards to religious preparation for death—public execution took on a different role in early modern society. Individuals preparing for the headsman showed a marked awareness of the need to present themselves as unflinching and stoic before the gathered crowd. Conscious that thousands might view their moment of death, some even practiced for the event. Catherine Howard, the fifth wife of Henry VIII, spent the night before her execution in such

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*Queen Jane*, John Nichols reports that after Wyatt was beheaded "he [was] forthwith quartered upon the scaffold, and the next day his quarters set at divers places, and his head upon a stake upon the gallows beyond Saint James." See Nichols 74.

preparations. According to the Spanish Ambassador, Eustace Chapuys, Catherine “asked to see the block, pretending that she wanted to know how she was to place her head on it.” After the warden sent the block to her chambers, Catherine “tried and placed her head on it by way of experiment” (Chapuys, quoted in Starkey 683).

Numerous poems from this era also reveal the fearful spectacle of public execution. Sir Thomas Wyatt, who spent time in the Tower of London on a number of occasions, and who possibly witnessed the execution of Anne Boleyn and her alleged paramours, wrote of the dangers of the court and the scaffold in his poem “Stand Whoso List”:

For him death greep the right hard by the crop  
That is much known of other; and of himself alas,  
Doth die unknown, dazed with dreadful face. (Wyatt 94)

John Donne, in his poem, “The Second Anniversary,” also contemplated a beheading, utilizing the violence of the death to remark on the moment of separation of body and soul:

But as a ship which hath strooke saile, doth runne,  
By force of that force which before, it wonne:  
Or as sometimes in a beheaded man,  
Though at those two Red seas, which freely ran,  
One from the Trunke, another from the Head,  
His soule be saild, to her eternall bed,  
His eies will twinkle, and his tongue will roll,  
As though he beckned, and cal'd backe his Soul,  
He graspes his hands, and he puls vp his feet,  
And seemes to reach, and to step forth to meet  
His soule; when all these motions which we saw,  
Are but as Ice, which crackles at a thaw:

Or as a lute, which in moist weather, rings

Her knell alone, by cracking of her strings. (Donne 207)

Poetry, like drama, reflected the realities of early modern execution and emphasized both the horror and humanity of the condemned.

### **Theoretical stances**

Scholarly treatments of executions offer two main differing perspectives on the ritual. One focuses solely on the power of the government over the body of the condemned, while the other emphasizes the actions of the crowd. Recently, a number of scholars have begun to consider the condemned individual's actions on the scaffold.

The first branch of scholars views executions as solemn occasions revealing state power. Michel Foucault believes a public execution is a "theatre of punishment" and the state inscribes its power on the body of the criminal and forces him or her to confess and repent. For Foucault, the body of the individual becomes a "carrier of state doctrine" (Laqueur 306) and the ritual of execution belongs "to the ceremonies by which power is manifested" (Foucault 47). Foucault argues that the public execution was "more than an act of justice; it was a manifestation of force; or rather, it was justice as the physical, material and awesome force of the sovereign deployed there. The ceremony of the public torture and execution displayed for all to see the power relation that gave his force to the law" (50). A more recent scholar, Randall McGowen, in a study of eighteenth-century executions, argues that the criminal is a part of the body politic and like a diseased limb needs to be severed to save the whole (662). He contends that

The physical bodies of individuals were seen as decidedly subordinate components of the body politic that could be sacrificed to heal the social organism. The remedy for crime was a public ritual, a purging or amputation

that cut off the infected part even as it healed by forcing people to see their interdependence and place. (McGowen 679)

Likewise, J. A. Sharpe argues that executions are “imposing demonstrations of the state’s might and authority played out at the grass roots level” (Laqueur 306). For Sharpe, the “ideological control” of English subjects by the Stuart state involved the dissemination of textual accounts of executions. According to Sharpe, “[i]n these short popular accounts of the execution for felony of obscure men and women we are arguably being offered evidence on one of the most important methods by which the virtues of obedience to the state could be publicized, and perhaps, internalized” (167).

Other scholars theorize that rather than upholding the power and majesty of the state, early modern public executions provided the audiences with rare opportunities to express their own agency by resisting the message of institutional authority. Thomas W. Laqueur, for example, claims executions “were imbued with a medieval carnival spirit and the condemned suggested a kind of Rabelaisian king of inversion” (Mitchell 16-20). Laqueur supports his theory, in part, by linking the popularity of bear and bullbaiting to the execution of criminals. For Laqueur, “[t]he crowd, and particularly the carnivalesque crowd, was the central actor in English executions” (309). Stephen Dickey also associates executions with festivals—although he questions their association with bear baitings—arguing that the people viewed both activities as “festive and comical” (Mitchell 18; Dickey 256, 272).

V. A. C. Gatrell, whose extensive study of eighteenth-century English executions focuses primarily on the spectacle of execution and the psychology of the condemned and crowd, subtly shifts the two competing ideas prevalent in execution scholarship. First, he questions Laqueur’s theory of execution as carnival, instead positing that crowds sometimes utilized humor due to their fear of death (79). Gatrell argues that “[t]he only way to cope with the pain and shame of scaffold death was to display your contempt for it, [and] to applaud the

victim's courage" (111). Gatrell, like Foucault, contends that the state remained in control of executions, even when the crowds expressed contempt for the government's role in the criminal's death (91, 97). Yet, he also expresses sympathy for the victims and demands that scholars lose their detachment and "not treat the scaffold as if it were only an idea" (30). Instead, Gatrell tells his readers "We must move closer to the choking, pissing, and screaming than taboo, custom, or comfort usually allow" (30).

Recently, scholars of criminal behavior have concentrated more closely on the behavior and reactions of the executed individuals. Charles Mitchell, for instance, in a recent study of Shakespeare and executions, contends that "the material presented by various critics to suggest the existence of a carnivalesque atmosphere at executions" does not come "from the period under discussion, the late sixteenth, early seventeenth century," but instead comes from scholars' theories about executions during the eighteenth century. Mitchell argues instead that "the behavior of the condemned at the gallows was the deciding factor in its reception" (19-20). Therefore, the actions and behavior of the condemned become the catalyst for the response of the audience (Mitchell 20). Michael Quinn argues that the celebrity nature of the condemned had "the power to subvert or pre-empt 'fictions of absolute authority'" (Mitchell 23). When looking at the executions of noble men and women in Tudor England, the crowd exhibited very few instances of carnivalesque behavior according to contemporary reports. Instead, the scaffold became the site of a contest between the elite members of society and the condemning authority.

In her 2006 dissertation, Toba Malka Friedman argues that the executions of nobles in Tudor England "could be used to reintegrate traitorous nobles into the ranks of the society that they had betrayed with their treasonable acts" (xiv). For Friedman, the behavior of the aristocracy served as an example for the larger society and by dying "well" at the block nobles reinserted themselves into the social hierarchy through their spoken words and

symbolic actions (51). The scaffold, she argues, offered the condemned a space “for negotiation and an expression of agency, whereby the individual before the block could seize this opportunity of certain death to demonstrate their intrinsic nobility” (xiv). For Friedman, the end result of the execution ritual was cooperation between the state and the convict that upheld the power of the monarch and Great Chain of Being but relied on the inner strength of the condemned individual (210). Friedman upholds Foucault’s theory of state power, but believes that “the noble on the scaffold could manipulate the rituals of display and piety to redeem himself and his place in society, while acknowledging the sacralization of monarchical power” (xv).

While all three players—the condemned, the crowd, and the state—took part in the execution ritual, the ultimate meaning of the spectacle self-expression depended upon the performance of the executed individual and the textual representations of the event. The approaches of Foucault and Sharpe, although correctly stressing the importance of the state as communicated through public executions, fail to fully acknowledge the power of resistance. While overt resistance was rare during the early modern period, the subtle rhetoric and posturing of the condemned often revealed individual agency, calling into question the supremacy of the government over the body and mind of the executed individual. Laqueur’s focus on the audience, while showing the crowd’s resistance to authority, finds its basis in later accounts of executions and problematizes the application of this theory to the sixteenth century scaffold ritual. In addition, the executions of Tudor nobility usually evoked sympathy from the audience, rather than the carnivalesque and irreverent attitudes Laqueur contends dominated public executions. During the sixteenth century, aristocrats, as the primary actors in the great drama of execution, often exhibited stoic behavior and spoke thoughtfully chosen words that subtly questioned the state power and moved the crowds to compassionate displays of emotion. The spectacle of execution brought the ritual of the deathbed into the



public sphere, shifting the mode of death from passive acceptance of fate to an active assertion of individuality within the confines of scripted ritual.

Although only a limited number of detailed accounts of execution behavior exist, those that do usually portray the final moments of the lives of nobles condemned for treasonous behavior. Very few official depictions of the executions of common people were published in Tudor and Jacobean England. Therefore, this study will be limited primarily to the scripted accounts of the executions of the privileged few and the texts surrounding their deaths on the scaffold.

The public spectacle of beheading informed and responded to both Tudor and Stuart culture. Although the formulaic aspects of noble execution demanded specific actions and speeches that spoke to the power of the sovereign state, individuals crafted their personhood and distinctiveness on the scaffold. Playwrights too used the scaffold convention either to uphold the power of the theatrical monarch or to overtly criticize unjust and unfair societal norms. Numerous sixteenth and seventeenth-century plays were based on famous executions. Shakespeare devoted an entire play to the atrocities attributed to Richard III, including the executions of his brother and Henry Stafford, Duke of Buckingham (Mitchell 67). Theatrical representations of the scaffold ritual reflected the writers' familiarity with actual events and comment on specific societal practices.

## Chapter 1: Nobility on the Scaffold: The Executions of Tudor Aristocrats

[T]here was a scaffold made upon the green over against the White Tower, for the said Lady Jane to die upon . . . The said lady, being nothing abashed . . . [walked] with a book in her hand whereon she prayed all the way till she came to the said scaffold . . . First, when she mounted the said scaffold she said to the people standing thereabout: 'Good people, I am come hither to die, and by a law I am condemned to the same. The fact, indeed, against the queen's highness was unlawful, and the consenting thereunto by me: but touching the procurement and desire thereof by me or on my behalf, I do wash my hands thereof in innocency, before God, and the face of you, good Christian people, this day' . . . And then, kneeling down, she turned to Feckenham [the dean of St Paul's] saying, 'Shall I say this psalm?' And he said, 'Yea.' Then she said the psalm of *Miserere mei Deus*, in English, in most devout manner, to the end. Then she stood up and gave...Mistress Tilney her gloves and handkercher, and her book to master Bruges, the lieutenant's brother; forthwith she untied her gown. The hangman went to her to help her therewith; then she desired him to let her alone, and also with her other attire and neckercher, giving to her a fair handkercher to knit about her eyes. Then the hangman kneeled down, and asked her forgiveness, whom she gave most willingly. Then he willed her to stand upon the straw: which doing, she saw the block. Then she said, 'I pray you dispatch me quickly.' Then she kneeled down, saying, 'Will you take it off before I lay me down?' and the hangman answered her, 'No, madame.' She tied the kercher about her eyes; then feeling for the block said, 'What shall I do? Where is it?' One of the standers-by guiding her thereto, she

laid her head down upon the block, and stretched forth her body and said:

'Lord, into thy hands I commend my spirit!' And so she ended.

*The Chronicle of Queen Jane and of Two Years of Queen Mary*, ed. J. G. Nichols, Camden Society (1850), 55-59.

An anonymous source penned the above account concerning the death of Lady Jane Grey, executed for treason on February 12, 1554. The description of Jane's death reveals both the formulaic pattern nobles were expected to adhere to as well as the very human fears encountered by the victims. This account of Jane's execution also serves as an example of how to die nobly. In fact, Jane's death became standard fare for playwrights and martyrologists throughout the remainder of the sixteenth-century and into the seventeenth.<sup>12</sup>

The Tudors executed over 50 members of the nobility during their reigns. Eyewitnesses, ambassadors, and hagiographers chronicled these spectacles, describing the actions and speeches of the elite members of society who met their ends at the scaffold. Many of these accounts provide extensive details of the demeanor, final speeches, and costuming of the executed. Most of the chroniclers also judge the quality of the death itself, determining if the individual died well. To perform an artful and noble death became part of the expectation for early modern nobles facing decapitation. As one Jacobean divine stated, "to dye is the course of Nature, to dye well, of Christian Art; that is common to men with beasts; this proper unto Gods servants alone" (Robert Watson *The Rest is Silence* 31).

The art of dying well at the scaffold found its basis in earlier medieval tradition, in particular the influential *Ars Moriendi*, guides meant to prepare late medieval and early modern Christians for their deaths.<sup>13</sup> During the Tudor period, a number of other handbooks appeared, offering instructions for the dying and those ministering to them in their final

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<sup>12</sup> The "innocent martyr" is exemplified by the character of Lady Jane Grey in Dekker's c.1602-1607 play *Sir Thomas Wyatt* and given prominence in the works of John Foxe. See Owens, 130-131.

<sup>13</sup> The *Ars Moriendi*, or the art of dying well, developed in the fifteenth century and "was popularized by the printing press in the form of books containing woodcuts, individual images that each person contemplated in his own home." See Ariès 107-110.

hours.<sup>14</sup> The *Ars Moriendi* and its sixteenth century equivalents reveal “a well-defined set of attitudes and gestures which dying Christians were expected to manifest at this, the most solemn and important moment of their lives” (Duffy 322). These handbooks stressed the need for the dying individuals to adhere to their faith at their most vulnerable moment (Langston 114) and to make amends, both with their fellow human beings and with God (Duffy 323). A significant part of the death ritual outlined in these manuals instructed the dying on their final words, which needed to echo those of Christ on the cross—“Into thy hands, O Father, I commend my spirit” (Langston 115). Overall, death was a staged affair with specific roles assigned to the dying man or woman who functioned as the central actor in an epic moment of pathos.

During the sixteenth century, however, ideas of death changed in significant ways and the notion of a “good” death underwent revision as fears of death extinguishing individuality became more prevalent. Many writers depicted heaven as a negative of earthly life in which the singular identity was subsumed into nothingness. Shakespeare’s *Macbeth* expresses his belief in the insubstantiality of the self even within life as well as the ultimate annihilation of the self through death:

To-morrow, and to-morrow, and to-morrow,  
Creeps in this pretty pace from day to day,  
To the last syllable of recorded time;  
And all our yesterdays have lighted fools  
The way to dusty death. Out, out, brief candle!  
Life’s but a walking shadow, a poor player,  
That struts and frets his hour upon the stage,  
And then is heard no more. It is a tale

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<sup>14</sup> Beach Langston notes that these handbooks were “frequently printed and widely read.” He counts twenty-six such instructional books printed during the sixteenth century. See Langston 113.

Told by an idiot, full of sound and fury,

Signifying nothing. (V. v. 19-28)

In *Paradise Lost* Milton depicts Death as “The other shape, if shape it might be called that shape had none distinguishable in member, joint or limb, or substance might be called, that shadow seemed . . .” (Milton *PL* Book 2).<sup>15</sup> The elaborate staging of death—as exemplified by Tudor executions—became an attempt by many to preserve the differences between death and complete self-annihilation (Watson 42). By fashioning individuality in the face of death, the dying person maintained an awareness of his or her unique place in the world.

While some scholars believe the drama of the scaffold “function[ed] as a kind of theatre meant to exhibit the power of the state over the body (and, as repentance speeches seem to show, over the mind) of the subject” (Kendall 8), the actions and words of many executed elite seem to assert their individuality while continuing to uphold the power of the state upon their physical bodies. Historians and New Historicists often rely heavily on Foucault’s theories of punishment when looking at executions, attesting to an unwavering belief in the power of the state over the individual.<sup>16</sup> This viewpoint, however, denies the individual agency often displayed by Tudor nobles facing execution. The condemned, as performers on a very public stage, could choose to craft their individuality by exercising their power as actors in the execution spectacle. Although scaffold confessions usually followed set patterns, near the end of life most individuals upheld the supremacy of the monarch and the justice of the law while subtly testifying to their own unique place in history.

The constructions of selfhood that I believe permeate the execution performance can also be read as an effort to in some way defeat death. Robert Watson views the elaborate

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<sup>15</sup> See also Watson 42.

<sup>16</sup> Historian J. A. Sharpe, for instance, contends that “[w]hen felons stood on the gallows and confessed their guilt not only for the offence for which they suffered death, but for a whole catalogue of wrongdoing, and expressed their true repentance for the same, they were helping to assert the legitimacy of the power which had brought them to their sad end.” See Sharpe 156. Charles Mitchell, a literary critic obviously influenced by New Historicist theories, also argues that, “mastery over the citizenry was accomplished through a visible display of mastering the body of the individual.” See Mitchell 5.

rituals surrounding executions and deathbeds as an attempt “to sustain a distinction between death and annihilation” (43). The Protestant Reformations of the sixteenth century further complicated the early modern understanding of life after death. As Watson notes:

Even mainstream Protestant theology, by its particular emphasis on individual interiority, on the sinfulness of the interiority, and on the lack of any purgatorial process that could winnow out that sinfulness, must have made it virtually impossible to imagine satisfactorily the survival of a full selfhood in heaven. (6).

This could explain the scaffold confession to some extent. If a loss of self occurred following death, it became necessary to discuss individual accomplishments and proclaim selfhood when facing death, especially when considering that the state removed the markers of nobility from condemned aristocrats through official acts of attainder that stripped these individuals of their property and rank.<sup>17</sup>

Set rules existed for these theatrical moments of self-fashioning in early modern England. When dying publically on the scaffold, what made a “good end”? Which rituals marked the behavior of the condemned individual? What kind of speeches did the crowds expect? And finally, how could the actor uphold the sanctity of church and state while asserting their own beliefs and individuality? Individuals awaiting execution prepared themselves emotionally and psychologically just as those experiencing a natural death prepared to meet their makers. However, the scaffold displayed their final moments to the public and as such demanded closer attention to detail. A “good end” necessitated both religious and political adherence to accepted cultural ideologies.

Rituals began for the condemned individual as soon as he or she entered prison under sentence of death. In prison, the individual prepared for death. First, the government isolated

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<sup>17</sup> According to J. R. Lander, “Attainder for treason was followed not only by the most savage and brutal corporal penalties and the forfeiture of all possessions, but in addition the corruption of blood passing to all direct descendants, in other words, by the legal death of the family.” See Lander 119.

the condemned from society, creating a liminal state for the felon or traitor. In effect, the imprisoned experienced “social visibility turned to social invisibility” (Mitchell 74). Secondly, the isolation of the individual forced him or her to contemplate sin and death. In fact, “religious anxiety was welcomed, even cultivated as the necessary precondition of the reassurance of salvation” (Mitchell 93). Finally—according to popular belief—the prisoner, although legally a non-entity, developed mystical powers due to his or her nearness to death (Mitchell 75).<sup>18</sup>

On the scaffold, individuals were expected to “die well.” According to Mitchell, the art of dying well meant an individual needed “to publically express guilt and repentance and warn others against any transgressive behavior in a speech that would be reported, interpreted and reinterpreted by the popular press” (1).<sup>19</sup> Audiences expected to see the condemned individual exhibit no “internal struggle or visible anxiety.” Instead, he or she should remain “passive yet instructive” (Mitchell 20). By performing well, the condemned individual not only upheld his or her dignity but maintained the family honor and sometimes the continuation of his or her heirs’ positions and property ownership.<sup>20</sup> Failure to perform

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<sup>18</sup> William Shakespeare’s play *Richard III* speaks to this belief, when describing the actions of George, Duke of Clarence while he awaits execution. In Act I, scene iv, Clarence tells his keeper about a premonition of his own death by drowning. See Mitchell 75 and Shakespeare *Richard III*.

<sup>19</sup> As P.J. Klemp notes in an article concerning the execution of Archbishop William Laud in 1645, the scripting of executions became a collective project, relying on the words of the condemned, the state control of the account, and the textual accounts of crowd reactions. Klemp states:

If Laud was cast in the role of the martyr re-enacting the Passion narrative, then other participants used carnivalesque behaviour to display broader community values. Scripts met counterscripts in dialogue; power was continuously negotiated in a confused collaborative venture; and since the complete regulation of truth by the state, victim, or crowd was impossible, the production of multiple truths was inevitable.

See Klemp 188.

<sup>20</sup> Typically the properties and monies of those executed for treason were forfeited to the crown. The monarch often granted rights to the traitors’ possessions to other nobles as a show of favoritism. As one scholar notes, “the crown milked [forfeiture for treason] unsystematically for immediate political gain, using it as a token of patronage.” See Kesselring 288. During the Tudor period, some monarchs did overturn attainder and restore the property and titles to the heirs of executed traitors. In 1539, the son of Henry Norris petitioned Henry VIII for the reversal of the attainder against his father who was executed for alleged sexual transgressions with Anne Boleyn in 1536. The monarch granted the son restitution in blood (or rights to the title of his late father), but not restoration of the property now held by the king. See Lehmborg 700. Elizabeth I restored the son of the executed Thomas Howard, Duke of Norfolk to the peerage twelve years after his father’s death. Friedman reads this restitution as a sign that, “[w]hatever his disgrace in death, the 4<sup>th</sup> Duke of Norfolk as well as his heir had

satisfactorily at the block could have dire consequences. According to Malka Friedman, individuals dying unrepentant “not only lose their life, and living, but the honor of their house is corrupted” (84).

The most important aspect of the execution and the crux of the experience, rested with the condemned individual’s final speech. The scaffold confession provided the condemned man or woman “a model of expected behavior to help him [or her] through [the] ordeal” (Charles Carlton 67). Scaffold confessions generally followed a set pattern. First, the individual would address the crowd directly, welcoming the audience and reminding them of the reason for the occasion. Often, the executed used nearly identical wording. Anne Boleyn, for instance, began her confession with the greeting “Good Christian people, I am come hither to die” (*Holinshed’s Chronicles* Vol. III 797) while Thomas Cromwell said “I am come hither to die and not to purge myself” (Hall, quoted in Carlton 67-68). Likewise, Edward Seymour greeted the crowd with the following words “Dearly beloved masters and friends, I am brought hither to suffer” (Seymour 358-359). The words of Master Thomas Wyatt executed under Mary I in 1553, also echo this formulaic beginning. He began his confession with “Good people, I am come presently here to die” (Nichols 73).

Secondly, most executed members of the aristocracy stressed that they had been judged by the law and refused to complain against or undermine the law of the realm in any way. Catherine Howard, fifth wife of Henry VIII, admitted at her 1542 execution being “justly condemned by the Laws of the realm and Parliament to die” (Starkey 684). In one account of Robert Devereux’s scaffold confession, he also upheld the sanctity of English law, stating, “I am now put to death according as by the law I am adjudged” (Friedman 270).

Nobles facing execution typically expressed guilt and sinfulness. Often, they did not actually admit any guilt for the crimes for which they had been convicted. Nearly everyone,

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presented themselves well enough to merit an enthusiastic return of the Howards into the realm of the peerage.” See Friedman 101.



however, expressed a general sinful state. As Wunderli and Broce point out, “Most felons denied the specific crime with which they were charged but confessed to Everyman's sins for which all men deserve to die” (272). George Boleyn, for instance, executed for treason in 1536, does not mention either guilt or innocence of the crimes, but instead focuses on general sinfulness, “desiring you all, and specially you my masters of the Court, that you will trust on God specially and not on the vanities of the world, for if I had so done, I think I had been alive as you be now” (Wriothesley 40). Thomas Cromwell similarly told the crowd, “I have lived a sinner, and offended my Lord God, for the which I ask him heartily forgiveness” (Foxe 1213-1214). Even individuals who expressly denied committing treason reflected on their own sinful nature. Lady Jane Grey, who attested to her innocence, still gave credence to her general sinful nature:

Notwithstanding I have offended Almighty God, for that I have followed over much the lust of my flesh, and the pleasure of this wretched world, and I have not lived according to the knowledge that God hath given me; wherefore God hath plagued me now with this kind of death, and that worthily according to my desserts. (*The Harleian Miscellany* 373)

Some individuals did, however, confess to their treason. Robert Devereux offered an especially eloquent confession of his sin, stating:

Not withstanding divers good motions inspired into me from the spirit of God, the good, which I would, I have not done; and the evil, which I would not, that have I done. For all which I humbly beseech my savior Christ to be a mediator to the eternal Majesty for my pardon; especially for this my last sin, this great, this bloody, this crying, this infectious sin, whereby so many have for love of me been drawn to offend God, to offend their sovereign, to offend the world. (Harrison, *Essex* 323 quoted in Smith *Treason in Tudor England* 273)

One early modern scholar notes that while their contemporaries seemed to believe their protestations of sinfulness and general guilt, to modern people such confessions “sound transparently false” (Carlton 69). In fact, Carlton compares these confessions to Stalin’s purges and North Vietnamese prisoner of war camps. Early modern Englishmen and women understood the confession as the expected genre that needed to be performed on the scaffold to guarantee a noble death. Adherence to the rhetorical framework was not only prescribed by the state and church but also strongly influenced by medieval tradition. The condemned nobles of the sixteenth century were not just pleasing the ruler through their faithfulness to accepted ritual. Instead, Tudor nobles adhered to the culturally accepted scaffold behavior because through exhibiting the correct words and actions they upheld the society that served as the basis for their religious identity and elite status.

Another usual element present in scaffold confessions was a request for forgiveness, which stemmed from the earlier instructions in the *Ars Moriendi*. At his execution, Edward Seymour asked forgiveness of anyone he might have offended in life (Seymour 359). Thomas Cromwell admitted to his audience “I have offended my Prince, for the which I ask him heartily forgiveness, and beseech you all to pray to God with me, that he will forgive me” (Foxe 1213-1214). George Boleyn simply told his audience, “I require you all to pray for me, and to forgive me if I have offended you, and I forgive you all” (Wriothesley 39-40).

Although not all nobles spoke to their personal history, a number recounted military exploits, celebrated their religious influence, and articulated their professional accomplishments. Essex, for example, commented on his past military prowess, explaining to the executioner that in his earlier military involvements, he had “[apprehended] the weakness and frailty of flesh” (quoted in Friedman 266). According to one historian, Essex “maintained and expanded his show of humility while simultaneously managing to remind the audience of his great service to the realm” (Friedman 266). Edward Seymour spoke at length to the

crowd about his personal impact on the spread of the Protestant faith in England, “which so long as I was in authority, I have always diligently set forth unto you” (quoted in Seymour 358-359). In fact, Seymour argued that through his influence “the state of Christian religion seemeth to draw most near unto the form and order of the primitive church” (quoted in Seymour 358-359). For his part, Thomas Cromwell reminded the crowd that “it is not unknown to many of you, that I have been a great traveler in this world, and being but of a base degree, was called to high estate” (Foxe 1213-1214).

During the sixteenth century, a number of condemned Protestant nobles used the scaffold as a platform for encouraging the proliferation of their faith, particularly the availability of the Bible in the vernacular. While using their dying confessions as a moment to attest to their faith suggests the personal importance some early modern individuals placed on their own spirituality, it also attests to their need to remind the crowd of their achievements in a world where religion and politics often became conflated. George Boleyn, executed in 1536, asked the crowd gathered to view his death “to help to the setting forth of the true word of God” (Wriothesley 39-40).

Most traitors offered prayers for the reigning monarch, irrespective of religious ideology or personal feeling. At her execution, Anne Boleyn spoke eloquently (and perhaps ironically) of Henry VIII, praying “God save the king and send him long to reign over you, for a gentler, nor a more merciful prince was there never, and to me he was ever a good, a gentle, and a sovereign lord” (*Holinshed’s Chronicles* 797). Even Mary Queen of Scots offered prayers “for the Queen’s majesty and desired God that she might prosper” (Friedman 200).

Finally, nearly every noble executed expressed his or her religious faith. Henry Grey, Duke of Suffolk, met his end at the block after a failed coup against Mary I. Beheaded in 1553, Grey made sure that his Protestant beliefs would be remembered by those witnessing

his death. He told the crowd “I shall most heartily desire you all to bear me witness that I do die a faithful and true Christian, believing to be saved by no other but only by almighty God, through the passion of his son Jesus Christ” (Nichols 64). By stressing his trust in salvation through grace, Grey communicated his position as a Reformer. Robert Devereux, the Earl of Essex, ended his final prayer by asking the Lord “to lift up my heart from all worldly thoughts and let thy mercies in Christ Jesus be the only object of the eyes of my mind, perfect by thy grace” (Friedman 268).

In many respects, the formulaic ending prescribed by custom echoed the earlier tradition of the *Ars Moriendi*. As literary scholar Margaret Owens contends, in their final moments of life, executed nobles “endured a test of faith and fortitude similar to that suffered by the martyr and thus [were] expected to perform a heightened and unusually spectacular version of the *Ars Moriendi*” (129). The speech of Essex, for example, was determined by historian Beach Langston to be a nearly perfect rendition of the customary death bed confession. Malka Friedman notes that “Langston placed Essex’s final speech in the tradition of the *Ars Moriendi* which required the Earl to forgive enemies, beg prayers and utter a final plea to Jesus as part of the expectations of a good Christian death” (20). Dying publically required that traitors defend the meaning of their lives by acting in a proper and noble way before a great crowd of witnesses.

In addition to their adherence to religious rhetoric, condemned Tudor nobles were required to conform to state expectations. According to historian Lacey Baldwin Smith, many individuals executed during the sixteenth century “read statements which have all the earmarks of having been either actually written or at least carefully perused by the government which was decreeing their death” (Smith “English Treason” 483). In some cases, the monarch actually gave orders concerning the final speech of the condemned. Elizabeth I, for instance, ordered the constable and lieutenant of the Tower to keep Essex from

mentioning that he had meant no ill to Elizabeth or her government (Friedman 235). Essex, however, failed to follow this advice and continued to insist even on the scaffold that he never meant to harm the queen.<sup>21</sup>

While some condemned nobles managed to deviate from the scripted last dying speech, others definitely followed the set formula. Smith offers three possible reasons for the condemned individual's compliance with the "scripted" dying speech. First, he suggests that the Tudor government utilized "physical coercion," including torture and lengthy interrogations aimed at breaking the spirit of the individual about to face execution (Smith "English Treason" 483-484). Secondly, Smith believes that early modern ideas about a subject's duty to the monarch and society also influenced the construction of last dying speeches. Sixteenth-century values commanded complete obedience to the king or queen and recognition of self-sacrifice as a possible route towards greater societal good. In short, such scripted final remarks might signify "the ultimate expression of obedience to a discipline and a way of thinking which had been inculcated from birth" (Smith "English Treason" 488). Finally, Smith argues that religious ideas about death also possibly influenced the condemned's final remarks. Many of the executed attributed their condemnation to the divine will of God, and viewed the king or parliament as God's "earthly instruments" (Smith "English Treason" 497). Executions, as state sanctioned exhibitions of the government's power, relied on the ideological concept of the monarch as representative of God on earth. As Karen Cunningham notes in an essay about Christopher Marlowe's depictions of executions:

To solidify their positions, stabilize their power, and universalize an image of themselves, Tudor monarchs tried to organize unambiguous, "divinely sanctioned" public punishments by controlling the interpretive play of trials and executions; in these events, as in the *de casibus* tragedies familiar at the

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<sup>21</sup> According to Thomas More's biographer, William Roper, Master Pope commanded More to use few words at his execution. See Roper 57.

time, God (not the monarch) saw the truth, brought it to light, preserved the innocent, and punished the guilty. (209)

Yet, despite societal pressure, physical coercion, and religious beliefs, many individuals subverted the state narrative and offered final words of defiance or subtle disagreement with their deaths. Such speeches, if set within the formulaic confession, even elicited praise from their contemporaries.<sup>22</sup>

Although some individuals subtly questioned the sovereign power on the scaffold, and a few overtly refused to die according to custom, Smith notes that a government capable of executing so many individuals could also control the written word and thus adapt the last dying speeches of the condemned to “suit its purpose” (486), thereby reporting the words of the executed inaccurately. While such actions were possible, the monarch also had the prerogative to deny the condemned a right to speak on the scaffold. Although Smith notes that “examples of men or women going to their death in silence are rare,” at times the government requested that the executed speak few words or allowed few witnesses to attend executions. In addition, a number of individuals met their ends on the Tower Green rather than on Tower Hill. This shift of venue—primarily utilized for aristocratic females—served to lessen the number of those in attendance and minimize opportunities for defiance.<sup>23</sup>

Allowing the executed individual the right to address the crowd, however, also revealed the power of the state and legitimized the monarch’s power (Mitchell 51-52).

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<sup>22</sup> While many chroniclers may have scripted aspects of last dying speeches and some (like John Foxe) obviously worked to promote a certain agenda, the numerous extant accounts of many executions suggest their verisimilitude to real life events. The last dying speech of Sir Walter Raleigh, for example exists in numerous eyewitness accounts and revealed his public subversion of the state narrative. As Anna Beer argues: Raleigh, in “publique” and with “freedom” successfully silenced or exposed the “attestations” of the Stuart state. The transcriptions of the speech reveal the degree to which the state had been muted. In only one version are the executioner’s traditional words, as he displays the head, recorded. Raleigh’s “perfect death” ensured that there would be silence when one would have expected “God Save the King.”

See Beer 37.

<sup>23</sup> Most executed Tudor nobles died on Tower Hill where large crowds gathered to watch the executed individual’s final performance. Most women died within the grounds of the Tower (including both of Henry VIII’s executed queens and Lady Jane Grey). A few male aristocrats were also beheaded in Tower Green, most notably Robert Devereux, Earl of Essex.

In addition to the specific words expressed on the scaffold, nobles attested to their social standing and bravery through bodily movements and costuming. Many accounts of aristocratic executions note that the convicts stretched their arms out as a signal to the executioner they were ready for the stroke of the axe. Samuel Edgerton, whose 1972 study of mannerist paintings found Christian symbolism within visualized beheadings, saw the outstretched arms of traitors on the block as a symbol of Christ on the cross. Edgerton also sees the kneeling position of the decapitation as synonymous with prayer (Friedman 38-39). Many of the noble victims executed under the Tudors and early Jacobean performed these symbolic gestures.<sup>24</sup> Sir Walter Raleigh, when forgiving the executioner prior to his execution, said, "When I stretch forth my hands, dispatch me." The executioner, however, faltered, and after twice stretching out his arms in the sign of the cross, Raleigh ordered him "Strike man, strike!" (Trevalyn 552). In this final gesture, Raleigh showed the importance of dying while in a Christ-like posture.

The executioner typically offered his victims a handkerchief to place over their eyes. While the majority of female victims seem to have utilized this concession, some men refused the ritual blinding. Thomas Howard declined the proffered handkerchief, saying that he would "go to God with mine eyes open" (Friedman 97).

Executed nobles made their final choice of clothing carefully. Extant accounts often mention the types of fabric worn as well as the colors selected. For her execution, Anne Boleyn wore "a mantle of ermine over a loose gown of dark grey damask, trimmed with fur, and a crimson petticoat. She had a white linen coif holding up her hair beneath her headdress" (Fraser 256). Henry Surrey went to his death wearing black velvet (Davey quoted in Friedman 49). According to the Spanish ambassador, Eustace Chapuys, Catherine Howard

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<sup>24</sup> Wunderli and Broce note that "[i]n virtually every execution in our source, the executioner waited for a "sign" from moriens [the dying] before he did his deed - a raised hand, two arms thrust out, a dropped handkerchief, but never a verbal command, except for the final prayer itself, that would distract from one's prayer at the final instant." 272-273.

walked to the scaffold “dressed in black velvet, with the same honors and ceremonies as if she were still reigning” (Friedman 62). Thomas Howard, Duke of Norfolk, executed in 1572 for treasonously planning to wed Mary Queen of Scots, put on “a black satin doublet, a long gown of raised velvet, also in black, and a white fustian shirt with a low, lace neck” (Friedman 95). Essex also dressed sumptuously for his execution, wearing beneath his doublet a scarlet waistcoat (Smith Treason 273).

The magnificence of the fabrics worn attests to the nobility of the individuals facing execution.<sup>25</sup> Friedman points out that in 1562, Queen Elizabeth passed a statute directed at all her subjects that “denounced the uses of velvet, satin and taffeta along with the wearing of excessive ruffs by any who were below the appropriate rank” (60). The colors chosen, however, present further evidence of the pageant-like aspect of the scaffold. In a world filled with intricate and symbolic meaning, the hues of the costumes held specific meanings for the Tudor elite. In a recent study of early modern portraiture, Robert Tittler notes that the colors used in heraldic painting “[were] few, largely pure and heavily symbolic: white standing for cleanliness, purity, and joy; black, *inter alia*, for prudence and humility; and red a symbol of blood . . . and of bravery” (8). As noted previously, the three main colors selected by nobles facing execution were black, red, and white. In addition to denoting humility, black signified (as it does for us today) death and mourning. The individuals presenting themselves to the headsman on the scaffold stage proclaimed their deaths through the visual means of color (Allen 81-91).

On the scaffold, the condemned removed articles of clothing to assist the headsman in his job. This public disrobing signified the nobles’ stripping of their outward showings of rank. Malka Friedman argues that when executed individuals removed their clothing, “they

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<sup>25</sup> The ermine worn by Anne Boleyn, in particular, emphasized her noble status. Ermine was an expensive import that came from Russia and the Scandinavian lands. One study notes that this fur was “principally used for ceremonial garments within royal and aristocratic circles.” See Ann Rosalind Jones and Peter Stallybrass, *Renaissance Clothing and the Materials of Memory* 190.



symbolically removed their outer show of glory to die noble deaths and thereby reassert that the essence of their rank was internal” (65). But such public disrobing can more easily be explained as confirmation of the leveling effects of death. Robert Watson notes that the fear of death “lies in its indifference, which steals away the differences by which and for which we live” (98). By removing the symbol of their nobility at the block, Tudor aristocrats became for one specified moment liminal beings. According to Linda Woodbridge and Edward Berry, liminality involved “namelessness, absence of property, nakedness or uniform clothing . . . minimized distinctions of sex, rank, and wealth, humility, disregard for personal appearance . . . suspended kinship rights and obligations . . . [and] acceptance of pain” (23). The condemned individual, in essence, became a non-entity before the block. To overcome the liminal state, the traitor needed to attest to his or her individual identity through the only signs left for use—the spoken word.

Although constrained by society’s expectations and a ritualistic system, in their speeches and behavior the executed Tudor nobles expressed their individuality and psychology. Their dying speeches outlined both political and religious sentiments, and delineated the life of the executed as they met their ends.

### **The Good Death—A Fine Line Between Acceptable Behavior and Dishonor**

For the condemned Tudor traitor, there was a fine line between a good death and a dishonorable death. The speeches and actions of a condemned noble needed to accommodate both the secular and religious expectations of his or her culture. Convicted nobles, as noted earlier, were expected to uphold the value of the state and monarch while professing their faith in Christ. But the condemned individual could also use the formulaic genre of the scaffold speech and spectacle to his or her advantage. Dying at the scaffold was an art form with the victim as primary actor and the witnesses an audience passing judgment on a dramatic work. Though contemporaries deemed the majority of executed Tudor and early

Stuart elites to have performed suitably on the scaffold, some accounts reveal the failure of individuals to exhibit the correct scaffold behavior. In other instances, accounts differed in their assessments of individual nobles' execution stagecraft. By considering the executions of three nobles executed under the Tudors, we discover which actions constituted a "bad" death, the scaffold behavior that remained questionable for early modern society, and finally, what type of conduct created an exemplary execution for its star participant.

Eyewitnesses almost universally expressed disapproval towards Thomas Percy's speech and demeanor at his execution. Beheaded in 1572 for his part in the Northern uprising and attempts to re-establish Catholicism and release Mary Queen of Scots, Percy, the Seventh Earl of Northumberland, failed to exhibit the correct behavior on the scaffold.

Northumberland's execution was atypical in many respects. First of all, the event took place in York rather than in London, where most condemned nobles met their deaths. In addition, Northumberland was beheaded in the afternoon, rather than the morning as was usual.

Yet, not only the timing and location made Northumberland's execution noteworthy. He behaved shockingly, neglecting to attest to the power of the queen and expressing overt defiance. One historian states that Northumberland "made a defiant speech, asserting that he died a Catholic, that the realm was in schism, and that 'he accounted his offence nothing ... he said there was neither pity nor mercy'" (Palmer 435). In fact, Northumberland refused to recognize Elizabeth I as his queen and did not ask for the traditional prayers for the safekeeping of the monarch (Friedman 81), which even Catholics usually offered their Protestant queen.<sup>26</sup> Northumberland also expressed his faith in shockingly irreverent rhetoric, attesting to his support of the pope and the seven sacraments, claiming that "all other doctrines were the invention of the devil." When Northumberland continued in his mockery

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<sup>26</sup> Friedman notes that a religious divide was not always evident in execution spectacles. She writes that "[f]or the majority, the loyalty to their Queen and their Englishness prevailed over dramatic action taken in the name of faith." Executed for his part in the Essex rebellion, Sir Christopher Blount, for instance, made mention of his Catholic faith on the scaffold, but also upheld and celebrated the power of Elizabeth and his service to her realm. See Friedman 82-83.

of the queen and state, a Spanish merchant watching the execution reported that “the officers of the justice forced Northumberland to desist in his tirade” (Friedman 81).

The execution of Henry Howard, Earl of Surrey met with varying interpretations of its nobleness by his contemporaries. Charged with trying “to cause scandal, peril, derogation and contempt” towards Henry VIII by using the royal arms as his own device, the famous poet and courtier met his end at Tower Hill on January 19, 1547 (Childs 291, 311). Two sources survive recounting Surrey’s scaffold confession. Anthony Anthony, the Officer of the Ordnance of the Tower, wrote that Surrey’s actions “subscribed to the formulaic ending taken by so many of the King’s victims” (Childs 311). According to Anthony, Surrey “submit[ed] himself to the law, saying that he was justly condemned by the law and was come to die under the law and humbly desired God to Forgive him his offences and also requiring of the King’s Majesty to forgive him his trespasses . . .” The Spanish Chronicle, however, recorded that Howard “spoke a great deal” in his defense and the guards had to quiet him down before his execution (Childs 311-312). Tudor society considered speaking at length in self-defense irreverent towards the king. In addition, condemned traitors were expected to keep their speeches relatively short. Thus, Surrey’s end remains ambiguous, denoting neither the “good” end nobles hoped to perform nor the ignoble end ascribed to Northumberland.

The 1601 execution of Robert Devereux, Earl of Essex, unlike those of both Northumberland and Surrey, became the standardized representation of a noble death. Nearly all who witnessed his behavior on the scaffold applauded his performance. Essex dressed for his final act with care and chose his words wisely. According to historian Beach Langston, Essex’s final speech followed the tradition of the *Ars Moriendi*. Langston’s article surmises that “the Earl of Essex followed the convention . . . during the last few days of his life and . . . illustrate[d] the power of that convention by showing with what dignity and courage he bowed his head to the block” (109). Malka Friedman also praises Essex’s fortitude before the

executioner, contending that Essex performed “an iconic death on the scaffold that pays tribute to the traditional protocol expected of a Tudor noble” (48).

Yet, what exactly made Essex’s death noble? What behavior did he exhibit that caused his fellow nobles and successive generations to celebrate his final moments? Eyewitness accounts agree that Essex presented himself with confidence and humility during the days leading up to his execution. He met with a number of divines the week prior to his death who spoke with him at length about his condition and extolled the death of Christian martyrs. Yet, Essex worried that while the holy martyrs “had died in a good cause . . . he was to die in a bad one” (Langston 126). Yet, the ministers assured him “that though Essex died not for Christ, yet he could die in Christ” (126). Essex apparently took their advice, focusing on the manner of his death as well as matters of repentance. He asked forgiveness of his enemies, even having them sent to the Tower so that he could personally converse with them (Friedman 127). Essex also showed marked inwardness in his final days. Langston notes that he fixated on heavenly matters and “was so oblivious of the world . . . that he did not make his will or even ask to see his wife and children” (126-127). This inner focus later exhibited itself at the block.

Essex’s execution was “an unusually private affair” as it took place within the Tower green (Friedman 3).<sup>27</sup> Few witnesses saw his death, in direct contrast to most of the executions during the Tudor period involving male aristocrats.<sup>28</sup> Essex also remained unaware of the time of his death until the last moments. The Lieutenant of the Tower told Essex he would be executed the following morning at 1:00 a.m. while Essex was still in bed (Friedman 239). Although allowed little time to prepare himself for the scaffold, Essex

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<sup>27</sup> Some accounts state that Essex himself requested a private execution. Other accounts stress that the popularity of Essex necessitated a private venue as Elizabeth feared an uprising. See Friedman 235-236.

<sup>28</sup> Around 100 people viewed his decapitation, while over 10,000 came to see John Dudley, the First Duke of Northumberland executed in 1553. See Carlton 69 and Friedman 246.

seemed ready to embrace his death and present himself nobly. In one account, Essex told his guard “I shall leave an example behind me that you all shall remember” (Friedman 240).

After spending three hours in prayer, Essex donned his final garments for the early morning walk to the block. He selected “a gown of wrought velvet, a satin suit, [and] a felt hat of black, with a ruff about his neck” (Carlton 70). The Lieutenant of the Tower escorted Essex to the scaffold with more than twelve guards accompanying them. Three ministers also attended the party and walked up the steps of the scaffold with the condemned noble (Friedman 245). Both the costume and the attendants signified Essex’s status as an aristocrat to all gathered to witness his beheading. The blackness of his clothing also denoted humility of spirit and acceptance of death.

Essex, as prescribed by tradition, addressed the crowd gathered to watch him die. Yet, instead of gazing towards the audience, he kept his eyes “fixed more earnestly towards heaven” showing his renunciation of worldly affairs and reliance on God (Friedman 249). Overall, his speech followed the formulaic pattern most nobles used on the scaffold. Essex confessed himself to be “a most wretched sinner” and lamented his youth spent in “pride, lust, uncleanness, vainglory and divers other sins” (Smith 272). He once again forgave his enemies, including those who supposedly and very likely did plot against him, and asked God to grant them forgiveness for “they bear the image of God as well as myself” (Friedman 254). Essex also upheld the law of the land and the power of Elizabeth I. According to Langston:

He prayed for Her Majesty, the Council, and the state, besought from the witnesses a charitable report of his death to the world, and acknowledged the justice of his trial and sentence. He defended himself as neither atheist nor papist, but as a true English Christian brought up in the belief that justification came through God's grace and not man's merit, and said that in that belief he was now ready to die. (110)

After removing his outer garments and forgiving his executioner, Essex offered up a final supplication to God. In this prayer, Essex evoked military themes, reminding the audience of his earlier service to the realm.<sup>29</sup> He also begged the deity “to lift up my heart from all worldly thoughts and let thy mercies in Christ Jesus be the only object of the eyes of my mind, perfect by thy grace.” He ended with these poignant lines: “Let thy spirit seal up my soul in the assurance of thy mercies and lift it up above all earthly cogitations that in this dissolution of mine I may have thee only before mine eyes even to the last breath” (Quoted in Friedman 268).

Even at the end Essex maintained his composure:

Lying flat along one of the boards, his hands stretched out, he said, 'Lord, have mercy upon me, thy prostrate servant,' and therewithal fitting his head to the block, he was willed by one of the doctors to say the beginning of the 51st Psalm . . . whereof when he had said two verses, the executioner being prepared, he uttered these words, 'Executioner, strike home. Come, Lord Jesus, come Lord Jesus, and receive my soul; O Lord, into thy hands I commend my spirit.' In the midst of which sentence his head was severed by the axe from the corpse at three blows, but the first deadly, and depriving absolutely all sense and motion. (*The Calendar of State Papers: Domestic, 1598-1601* 592-596 Quoted in Langston 110-111)

For his contemporaries and future generations, Essex's death remained an example of a good end. His actions moved the crowd and readers with its pathos and nobility. According to eye witness reports, many in the audience cried—“shedding abundant [sic] of tears, casting out loud sobs” (Friedman 271). Unlike the carnivalesque atmosphere Laqueur argues suffused the

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<sup>29</sup> Essex specifically asked God “to assist me in this my last combat.” See Friedman 268.

execution drama, Essex's scaffold drama centered on the condemned man and elicited the viewers' sympathy.

In comparing these good and bad execution dramas, it becomes evident that a good end entailed the correct formulaic speech and actions expected by the condemned. Northumberland refused to utter the usual phrases in praise of the monarch and law. He also exhibited overt defiance which his contemporaries viewed as reprehensible. Surrey's death remained ambiguous because he spoke at length in his own defense and needed to be quieted. Essex used the expected conventions of the scaffold confession while maintaining his individuality and dignity. Condemned Tudor nobles needed to perform expertly, fulfilling the requirements of the scaffold confession that essentially stripped individuals of their distinctiveness. At the same time, a number of traitors utilized skillful rhetoric that personalized the formulaic genre, managing to "die well" with flair.

The three examples discussed above concern male aristocrats meeting their deaths at the block. Tudor men were expected to exhibit bravery and stoicism when preparing for decapitation. In fact, witnesses subtly ridiculed condemned men who openly cried or expressed fears (Friedman 128). Depicted as weaklings for not upholding a manly standard of execution behavior, these men displayed traits deemed female. Walter Hungerford, the First Baron Hungerford of Heytesbury, executed for sodomy and treason in 1540, reportedly behaved in a typically feminine way on the scaffold. *Holinshed's Chronicle* reports that "many judged him rather in a frenzy than otherwise" (1587 Volume 6 952). Likewise, some accounts show young Guildford Dudley, husband of Lady Jane Grey, crying on his way to the scaffold (Stow 1052; Friedman 128).

Their contemporaries, however, expected condemned women to behave in typically female ways when making their final appearances on the scaffold. Fewer women, of course, met their ends at the block in Tudor England and nearly all of the females executed were

royalty—queen consorts and queens in their own right. Accounts of these women usually stressed their frailty and emotional states.<sup>30</sup> Both of Henry VIII’s queens condemned to die, for instance, exhibited wildly emotional states while awaiting their executions. Catherine Howard displayed distressing behavior in the Tower. Friedman notes her “fevered and panicked state of mind.” Contemporary accounts relate that her jailers feared she would commit suicide, relating that “[a]t times she refused to eat or drink, wept ‘like a madwoman’ and put her keeper to such concern for her wellbeing that all potentially dangerous items were removed from her presence” (Friedman 144). Likewise, Anne Boleyn behaved in an almost maniacal fashion in the weeks prior to her death. According to her biographer:

[Anne] called for supper far too soon after dinner, built great castles of imagination—that it would not rain until she was released, that the evangelical bishops would intervene on her behalf, that most English people were praying for her and a disaster from heaven would follow her execution. Sometimes her hope ran high—the king was doing it all to test her, she would be sent to a nunnery—or again she would be determined to die, and would discuss the technical details with Kingston [the constable] as if it was the most amusing subject in the world. (Ives 403-404)

Yet, despite their early emotional instability, both of these women met their deaths bravely in the end.

The treatment of female traitors differed in few but significant ways from that of the males executed under the Tudors. One major difference involved the staging of the event itself. While the majority of men were beheaded on Tower Hill, all of the condemned females died in private settings—either within the grounds of the Tower or—in the case of Mary, Queen of Scots—indoors. This privacy allowed female traitors protection from the gaze of

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<sup>30</sup> One notable exception is the death of Lady Jane Grey. Depictions of her beheading tend to stress her nearly superhuman strength of will and mastery of death. See Friedman 130.



the common people, spoke to the monarch's fears of irrational female behavior on the public scaffold, and finally (in the case of Henry VIII's wives) downplayed the role of the monarch in the deaths of his wives. Blackstone's *Commentaries on the English Law* explains that women were punished differently from men because of the "decency due to the sex," which "forbids the exposing and publicly mangling their bodies" (Friedman 117).

Watching her death from the Tower of London where he was held on suspicion of sexual involvement with the doomed queen, the poet Thomas Wyatt commented on Anne Boleyn's execution in a poem:

The bell tower showed me such sight  
That in my head sticks day and night.  
There did I learn out of a grate,  
For all favour, glory, or might,  
That yet *circa Regna tonat*.

By proof, I say, there did I learn:  
Wit helpeth not defence too yearned,  
Of innocency to plead or prate.  
Bear low, therefore, give God the stern,  
For sure, *circa Regna tonat*. (Wyatt CXXIII 155)

While the image of Anne's decapitation "in [his] head sticks day and night," Wyatt remains unable to act on her behalf. He implies that neither her protestations of innocence nor her wit helped the queen to escape death. Instead, Anne, like all those accused of treachery, can only "give God the stern" while the king thunders round the throne (*circa Regna tonat*).

Unlike her cousin Anne Boleyn, Henry VIII's fifth wife, Catherine Howard, offered no words of defiance at the scaffold, but she did attempt to die nobly. Despite her earlier

suicidal reactions to her impending execution, as the time for her death neared Catherine began to accept and prepare for her execution. The night before her appointment with the headsman, according to the Spanish Ambassador Eustace Chapuys, Catherine “asked to see the block, pretending that she wanted to know how she was to place her head on it.” The block was brought to her chamber and Catherine “tried and placed her head on it by way of experiment” (Starkey 683).

Accounts differ about Catherine’s execution. According to a Frenchman at the court Catherine was “so weak that she could hardly speak,” but Ottwell Johnson, an actual witness, interpreted the execution of the queen as “the most godly and Christian end.” In Johnson’s account, Catherine “uttered lively faith in the blood of Christ only” and “desired all Christian people to take regard unto [her] worthy and just punishment.” The queen confessed she had offended “God heinously from youth upward, in breaking all his commandments” and affronted “against the King’s royal Majesty very dangerously.” Finally, Catherine admitted being “justly condemned by the Laws of the realm and Parliament to die” (Starkey 684). Perhaps her last minute dress rehearsal stilled her fears and allowed Catherine Howard to present herself nobly at her execution.

### **Terror at the Block—the Subjective Deaths of Tudor Nobles**

Although Tudor society expected condemned noblemen and women to perform certain rituals on the scaffold, individuals experienced their deaths in unique and subjective ways. As the condemned confronted public death, they encountered their own mortality and the possibility of extreme suffering. Each execution, however, offered the individual opportunities for self-fashioning through a number of avenues, including gallows humor, martyrdom tradition, and stoicism.

Facing death elicits basic human emotions. The nobles facing execution under the Tudors and Stuarts are no exception. Accounts of scaffold behavior often describe personal

moments of fear, revealing the personalities of the condemned nobles. These fleeting moments attest to the individuality of the executed and offer the modern reader a glimpse of the raw humanity exposed on the scaffold. Gillian Kendall notes that “bodies, under the stress of execution, engage in uncontrolled natural functions—physical reactions that belie any willing acquiescence to punishment suggested by scaffold confessions” (174). These uncontrollable actions of the body—flinching and trembling—give the lie to the acceptance of death individuals would vocally express on the scaffold. Even Essex prayed that his body would not “tremble” and that he would not “resist” the stroke of the axe (Friedman 271).

Lady Jane Grey, celebrated for her bravery, still exhibited fear on the scaffold. While disrobing, the executioner attempted to help Jane but she recoiled from him and asked him to step away from her and allow her female attendants to assist her, revealing her discomfort with and fear of the executioner. When pardoning the executioner for the act that would take place, Jane also asked him if he would “take it [her head] off before I lay me down” (Nichols 58-59), implying her fear of decapitation before she was fully prepared to die. Later, after Jane had covered her eyes with the handkerchief she found that she could not find the block and cried out, “What shall I do? Where is it?” A stranger jumped up on the scaffold and led Jane to the block (Nichols 58-59). This poignant story expresses the horrible terror that beheading triggered. Obviously fear was the most typical reaction to facing execution, no matter how bravely or nobly an individual performed.

Sometimes executioners botched beheadings through ineptitude. Essex, for instance, suffered three strokes of the axe at his execution (Friedman 275). One account of Thomas Cromwell’s execution notes that the condemned man “patiently suffered the stroke of the axe, by a ragged and butcherly miser, which very ungodly performed the office” (Foxe 1214). Even the Scottish monarch, Mary Stuart, suffered more than two blows of the axe (Friedman 202).

Perhaps the worst execution on record, however, involved the elderly Margaret Pole, Countess of Salisbury and cousin to Henry VIII, executed for treason in 1541. Two separate sources recount the horrific violence of the scaffold drama. According to Edward Lord Herbert, writing in the nineteenth century from sources no longer extant, the 67 year old woman

being brought to the scaffold (set up in the Tower) was commanded to lay her head on the block; but she (as a person of great quality assured me) refused, saying, ' So should traitors do, and I am none: neither did it serve that the executioner told her, it was the fashion; so turning her grey head every way, she bid him if he would have her head, to get it as he could : ' so that he was constrained to fetch it off slovenly. (Herbert 650)<sup>31</sup>

Eustache Chapuys, the Spanish ambassador, gave a different account no less horrific. He wrote that the Countess, learning of her upcoming death, expressed astonishment and disbelief, stating she did not know what crimes she had committed. According to Chapuys, she went quietly to the block and repeated the formulaic speech expected of all noble traitors. However, “as the ordinary executioner of justice was absent, doing his work in the North, a wretched and blundering youth was chosen, who literally hacked her head and shoulders to pieces in the most pitiful manner” (*Lisle Letters* VI 171). Both of these accounts show the terrifying possibilities of botched scaffold executions. The prospect of an inexperienced or reckless executioner must have caused panic among those nobles waiting their turn at the block.

Yet, despite the possible horrors of the scaffold, a number of individuals used their final moments to refashion themselves. Some condemned traitors skillfully managed to promote their individuality while others present themselves as religious martyrs, dying for

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<sup>31</sup> By “fetching it slovenly,” I assume the executioner hacked away at the Countess, in all likelihood missing her neck and striking her on her back or shoulders.

their faith and upholding their personal convictions. History remembers Lady Jane Grey as a Protestant martyr—a young woman who refused to deny her Reformed beliefs and bravely encountered death with dignity.<sup>32</sup> Likewise, Mary Queen of Scots remains an example of Catholic fortitude and martyrdom, even overtly expressing that she died a martyr to her faith.<sup>33</sup> Mary defied her jailers at the scaffold by rebuffing all attempts to change her religious convictions. While the Protestant minister offered prayers in English, Mary prayed over the top of him in Latin, “her beads at her girdle and a crucifix in her hand” (Friedman 199). Both women made certain the audience knew where they stood on religious matters and both seemed aware of their martyrdoms.

Certain ritualistic behavior beyond the scope of the normal secular execution existed within the martyrdom tradition.<sup>34</sup> As martyrs, condemned individuals looked to the examples of Christ and the saints to inform their actions on the scaffold. By imitating the fortitude and patience of Christ, early modern martyrs hoped to embrace and conquer their physical pain, which Seymour Byman argues “was the culmination of the ritualistic act of imitation” (639). Some of the Marian martyrs even kissed the stake they were tied to as a sign of their acceptance and rejoicing in death.<sup>35</sup> According to Byman, “[b]y embracing the symbol of their destruction, which was transformed into the symbol of immortality, the martyrs would merge themselves with Christ, overcome death, and gain salvation” (638). Martyrdom also

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<sup>32</sup> John Edwards notes that “Upon Jane’s execution in the first months of Mary’s reign, evangelical reformers quickly claimed her as a martyr to the anti-Roman cause, and she was famously numbered among the Marian martyrs in John Foxe’s *Actes and Monuments* (1563).” See Edwards 86. In Foxe’s work Jane is valorized as a paragon of virtue and spirituality. See Owens 133.

<sup>33</sup> On the day of her execution Mary wrote to her brother-in-law Henri III of France, lamenting that the English “do not want to permit me to say that I am dying for the Catholic religion.” See Staines 138.

<sup>34</sup> Plays during the medieval and early modern period often featured the lives and deaths of Christian saints. These dramas valorized not only the lives of the martyrs, but also their violent ends. See Owens 28. During the sixteenth century, a number of textual accounts of contemporary martyrs (both Protestant and Catholic “heretics”) gained popularity. John Foxe’s *Acts and Monuments*, for example, lauded the deaths of numerous Protestants who died for their faith during and prior to the reign of Mary I and equated martyrdom with “truth and virtue.” See Lake and Questier 69. Charles I also consciously appropriated the martyrdom tradition in the days before his execution, referring to his impending death as “a kind of martyrdom” and commissioning the writing of the *Eikon Basilikon*, which portrayed the doomed king as a spiritual figurehead dying to redeem the English people. See Carlton 75-76.

<sup>35</sup> Sir Walter Raleigh also kissed the axe prior to his execution, which one scholar interprets as an exploitation of “dramatic potential,” but could also be viewed as adherence to the martyrdom tradition. See Beer 25.

involved an important element of choice as the condemned could recant their religious beliefs and thus save their mortal lives. Thus, even more than traitors, martyrs needed to make a “good end” because they needed to justify the self-sacrifice implicit in the choice to remain true to their faith (Carlton 75). Although the deaths of Mary Queen of Scots and Lady Jane Grey were not specifically caused by their religious convictions but instead by the threat they posed to the reigning monarch, both women viewed themselves as part of the martyrdom tradition and each sought to perform her death in a manner befitting her role as religious martyr.

Mary Queen of Scots utilized words at her 1587 execution that confirmed her status as a queen and a Catholic martyr. She told the Protestant minister sent to pray with her, “trouble me not, I am settled and persuaded in the Catholic Roman faith, and mind to spend my blood in defense of it.” Master Deane begged her to give up her religious beliefs and “settle your faith only in Jesus Christ by him to be saved.” Mary remained unmoved by his pleas. The ministers present, realizing she would not change her mind, simply stated “we will pray for your Grace that if it stand with God’s will, you may have your heart lightened even at the last hour with true knowledge of God and so die therein.” Mary answered, “if you pray for me, my lords, I will thank you, but to join with you in prayer I will not: your prayer will do me no good, for that you and I are not of one religion” (Friedman 153).

In addition to her words at the scaffold, Mary requested the presence of her servants at the execution, begging her jailers to “suffer my poor servants to be present about me at my death that they may report . . . how I died a true woman to my religion” (Friedman 195). Mary desired her servants to spread the story of her martyrdom throughout Britain and to do so they needed to be present to participate in her “good” and Catholic end. Mary’s ideas of a proper death, therefore, included not just fulfilling the expectations of Tudor society, but showing her own religious convictions. By fashioning herself as a Catholic martyr, Mary

substituted her own conception of a “good” end for the more generic expectations of the state. In their study of early modern executions for religious treason, Peter Lake and Michael Questier argue that “[t]he aura of spiritual power and personal charisma that attended the last dying speech and the gallows conversion, together with the complexities and contradictions inherent in the ascribed identity of the Catholic ‘traitor’, opened spaces for Catholic agency and speech at the very centre of the persecutory state which was supposedly crushing Catholic treachery into silence and oblivion” (66). Through her adherence to the martyrdom tradition, the Scottish queen-- maintained her spiritual and personal individuality, despite the attempts of Elizabeth’s ministers to persuade Mary otherwise.

Lady Jane Grey also rebuffed numerous efforts to convert her to a different faith. During the final week of her life, Mary I sent the Catholic minister John Feckenham to encourage the young woman to deny her Protestant theology and accept the doctrines of the Catholic Church, even promising that her life would be spared if she acquiesced (Edwards 118). Although Jane and Feckenham spent days arguing the central tenets of their respective faiths, she remained steadfast.

On the scaffold, Jane continued to uphold her faith, utilizing language placing her firmly in the Protestant tradition. She asked the crowd, “to pray with me, and for me, while I am now alive,” thus denying the existence of Purgatory and the effectiveness of prayers for the dead (Harleain 373). Jane spoke of the Protestant doctrine of salvation through grace, reminding the audience “that I trust to be saved by the blood of Jesus Christ, and by none other means” (Harleain 373).

Both Lady Jane Grey and Mary Queen of Scots maintained their religious beliefs, despite the crown’s attempts to convert them. Through the adherence to their faith, especially at the scaffold, Mary and Jane earned the respect of their contemporaries. Individuals who renounced their beliefs and converted at the last moment, however, were deemed suspicious.

John Dudley, the Duke of Northumberland and the man who set up his daughter-in-law Jane Grey as queen, recanted his Protestant faith on the eve of his execution. This last minute change troubled many Tudor nobles who viewed such action with skepticism (Friedman 87-89). Maintaining one's religious convictions, despite divergence from the monarch's own spiritual doctrine, seemed to encourage the respect of eyewitnesses and denoted a praiseworthy end.<sup>36</sup>

Sometimes individuals expressed open defiance at the block not related to religious convictions. Thomas Seymour's scaffold performance met with criticism both for his uncooperative spirit and for his last minute deviance from traditional death rituals. Beheaded on Tower Hill in 1549, only two years after Henry VIII's death, Thomas Seymour, Lord Admiral and 1st Baron Seymour of Sudeley, was convicted of treason, charged with attempting to kidnap his nephew, overthrow his brother, the Lord Protector, and elope with the Princess Elizabeth (Smith *Treason* 24-29). When the guards arrested Thomas on January 17, 1549, he refused to answer the charges against him (Seymour 237). The Lord Protector, Edward Seymour, and the council questioned numerous individuals, including the Princess Elizabeth, about the behavior of Thomas. Rumors regarding the actions of the Lord Admiral before his arrest flourished. Some accounts state that Thomas attempted to break into Edward's rooms and kidnap the young king. Other witnesses recount that he shot and killed one of Edward's dogs before he was arrested by a guard as he was about to enter the bedchamber (Seymour 240). Later, Thomas requested an open trial, but his request was denied (Seymour 242).

On March 20, 1549, Thomas met his end on Tower Hill. He "refused to confess his sins before God and man as a dutiful and repentant subject of the Crown was expected to do" (Smith *Treason* 30) and before he laid his head upon the block he told his servant to "speed

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<sup>36</sup> Some spectacles of execution were, however, appropriated after the events in the service of specific religious agendas. The work of John Foxe, while historically accurate in many instances, propagated veneration for Protestant martyrs.



the thing that he wots of.” Due to his cryptic last words, Seymour’s body was searched following his decapitation. The guards found two letters cunningly sewn in the soles of his shoes. Addressed to the princesses Mary and Elizabeth, the documents urged them to beware of the Protector and his aims (Seymour 245).

Under strict instructions from the Lord Protector, Bishop Latimer spoke out against Thomas Seymour in a sermon delivered shortly after the execution. Latimer announced to his parishioners that Thomas “died very dangerously, irksomely, horribly. God had left him to himself. He had clean forsaken him. . . But surely he was a wicked man; the realm is well rid of him: it hath a treasure that he is gone” (Seymour 245-246). Contemporary accounts note that upon hearing of his ignoble end, Princess Elizabeth remarked “This day died a man with much wit, and very little judgement” (Seymour 246).

Thomas Seymour died ignobly, refusing to adhere to the scaffold traditions. Yet, not all Tudor traitors who “died well” gave simple formulaic speeches and kowtowed to the monarch. Some condemned traitors used skillful rhetoric and humor when speaking to the audience. Some even criticized the king or queen or questioned the justness of their sentence. Within these subtle moments of defiance and witticism, doomed individuals fashioned themselves as unique and memorable characters. Dying at the scaffold was the performance of a lifetime and some of the condemned utilized their acting skills to fashion their individuality.

Scholars note the use of humor in early modern depictions of executions. Susannah Brietz Monta, in a recent article about sixteenth-century portrayals of Thomas More, states that “contemporary Protestant and Catholic martyrologists . . . use joyfulness, wit, and gallows humor to reveal what is in each martyr’s conscience and what motivates each martyr to endure suffering” (107). Gallows humor sometimes functions as a form of defiance in the face of defeat. According to sociologist Antonin Obrdlik, joking when facing death “works

two ways: it bolsters the resistance of the victims and, at the same time, it undermines the morale of the oppressors” (713). The humor displayed by condemned Tudor nobles, therefore, denotes the defiance of the victim.

Perhaps the most famous account of scaffold humor, Thomas More’s quips at the block reveal his disregard for execution conventions and his boldness in the face of death. More’s witticisms began following his arrest. A contemporary chronicle states that when More came to the Tower “one of the officers demanded his upper garment for his fee, meaning his gown; and he [More] answered, he should have it, and took him his cap, saying it was the uppermost garment that he had” (Holinshed 793). More’s humorous approach continued even on the day of his demise. On the morning of July 6, 1535, as More went up the steps of the scaffold, he asked one of the officers for assistance, saying “I pray you, Master Lieutenant, see me safe up, and for my coming down, let me shift for myself” (Roper 58). Even at the final moments, More sustained his joking. Laying his head on the block, More stroked out his “great grey beard” and said to the hangman “I pray you let me lay my beard over the block, lest you should cut it” (Holinshed 794).

Stephen Greenblatt, in *Renaissance Self-Fashioning From More to Shakespeare* rightly argues that More is remembered “for his remarkable ironic humor in the face of horror, for the insistent infusion of his distinctive personality into apparently impersonal procedures of state, [and] for the innumerable ways he contrived to signal the ongoing process of his adaptation to the role thrust upon him” (71). More’s humor, according to Greenblatt, is both “a spontaneous expression of his personality” and an “expression of an oblique resistance to authority” (71).

Anne Boleyn, like More before her, displayed wit and bravado when contemplating her execution. When the constable told her that she would be beheaded by a sword and that the death would not be painful as the blow was “so subtle,” Anne responded, “I heard say the

executor was very good, and I have a little neck” and put her hands around her throat and laughed (Ives 408). Anne also continued to exhibit bravery and high spirits on her way to the block. Antonio de Guaras, who observed Anne’s execution first-hand and later reported his observations to Eustache Chapuys, believed Anne exhibited “a devilish spirit” when she walked from the Lieutenant’s Lodgings to the spot of execution and that she looked “as gay as if she was not going to die” (Fraser 256).

Other condemned individuals also utilized humor in their final hours. Sir Thomas Palmer, executed in 1553 for his part in the conspiracy to oust Mary I from the throne, commented “that the block was well met for his neck” (Friedman 91). Mary, Queen of Scots also joked while disrobing, remarking that she “never had such grooms before to make her unready nor ever put off her clothes before such a company” (Friedman 201). These executed nobles used laughter to alleviate the pain of the situation, to put the audience at ease, and assuage their own nervousness. Most importantly, these moments of humor reveal defiance subtly performed at the final moments of life.

A fear of females’ possibly subversive or overly emotional behavior at the scaffold further complicated the successful execution of a Tudor noblewoman and provided females with a chance to assert their selfhood. Henry VIII made sure that the first execution of a Tudor woman—that of his second queen, Anne Boleyn in 1536—took place within the Tower and he attempted “to downplay the very scandalous event along with its star performer” (Friedman 104). By limiting the audience and selecting a private venue, Henry hoped to mitigate the embarrassment of executing his queen and avoid large audiences hearing the possibly accusatory confession speech she might deliver.

The fear of providing females with the chance to speak publically seemed to scare Tudor monarchs. One scholar, for instance, argues that the chance to speak on the scaffold provided women—both nobles and commoners—with the agency denied them in life (Dolan

158-159). Charles Mitchell contends that Anne Boleyn presented herself a resistor “who made excellent use of submission to subvert the state narrative” during her dying speech (24). According to one eyewitness account of her execution, Anne Boleyn addressed the crowd as follows:

Good Christian people, I am come hither to die, for according to the law, and by the law I am judged to die, and therefore I will speak nothing against it. I am come hither to accuse no man, nor to speak anything of that whereof I am accused and condemned to die, but I pray God save the king and send him long to reign over you, for a gentler, nor a more merciful prince was there never, and to me he was ever a good, a gentle, and a sovereign lord. And if any person will meddle of my cause, I require them to judge the best. And thus I take my leave of the world, and of you all, and I heartily desire you all to pray for me, Oh Lord have mercy on me, to God I commend my soul, Jesu receive my soul: diverse times repeating those words, till that her head was stricken off with the sword. (Holinshed III 797)

Although “Anne shows herself to be a good subject, submitting to the King’s will,” she still presents herself as a woman wrongly blamed who refuses to name her accusers and thus proves her innocence and honor (Mitchell 24). Furthermore, by encouraging others to “meddle in her case,” Anne subtly challenges her witnesses to participate in her eventual revenge (Mitchell 24-25).

Sir Walter Raleigh, beheaded by order of James I in 1618, displayed in his final speech a “cool brilliance, a heroism more pagan than Christian, the subtle last stab at his enemies” (Greenblatt *Sir Walter Raleigh* 15-6). According to his contemporaries, Raleigh delivered a speech lasting up to three quarters of an hour, stressing his innocence in light of the charges

of treason against James I, asserting his religious beliefs, and even going so far as to question the ultimate power of the king:

But in this I speak now, what have I to do with kings? It is not for me to fear or flatter kings. I have nothing to do with them. I have now to do with God, I am the subject of Death, and the great God of Heaven is my sovereign before whose tribunal seat I am shortly to appear. (Trevelyan 549)

After his final speech to the crowd, Raleigh requested prayers from those gathered and asked to view the axe. Running his thumb along the blade, Raleigh commented, “[t]his is a sharp medicine but it is a physician for all diseases” (Trevelyan 552). Refusing to be blindfolded, Raleigh directed the executioner to strike as soon as he stretched forth his hands. When the headsman, however, failed to strike at the agreed upon signal, Raleigh yelled out, “strike man, strike!” (Trevelyan 552). Thus, Raleigh, at his death, presented himself as the individual character his poetry and life reveal. Many watching the execution marveled at his fortitude. The Spanish ambassador, Sanchez de Ulloa reported to Philip II that “Raleigh’s spirit never faltered, nor did his countenance change. On the contrary he was extremely brave throughout” (Trevelyan 552).

Even though Robert Devereux, Earl of Essex, utilized the conventional scaffold speech, hints of defiance and an affirmation of his own place in history echo throughout his confession. He maintained “upon his salvation” that he never “intended violence or harm to her majesty’s person or dignity” (Friedman 255). Perhaps more overtly, in his traditional blessing of the monarch, Essex wished “God to send her a prosperous and long reign and if it be the pleasure and holy writ I beseech God to grant her a wise and understanding heart” (Friedman 259). Yet, although Essex seemed to question the queen’s wisdom in executing him, the overall presentation remained spotless to those watching, due in part to Essex’s eloquent rhetoric.

Thus, while facing execution, many of the traitors condemned to die under the Tudors and early Stuarts followed the conventions of the scaffold performance while deliberately making their speeches become assertions of their individuality. The ability to perform well depended on an adherence to set rituals, yet at the same time, the staged nature of their executions provided condemned traitors an opportunity for self-fashioning in the face of certain and immediate death.

## Chapter Two: The Theater of Punishment

### On the Early Modern Stage

More are men's ends marked than their lives before.

The setting sun, and music at the close,

As the last taste of sweets, is sweetest last,

Writ in remembrance more than things long past.—Shakespeare, *Richard II*

(II.i.11-14)

In his important work on the social and conceptual place of the stage in early modern England, Steven Mullaney argues that clear differences existed between the scaffold of punishment and the scaffold of the play. Audiences attending an execution, he contends, needed to believe in the words of the condemned for the speech to maintain its effectiveness. The last dying speeches of the victims served as examples to the crowd, presenting a message of adherence to the law, religious devotion, proper etiquette, and sometimes subtle defiance within the accepted framework. Individuals attending a play, on the other hand, eavesdropped on the words and actions of the characters. A spectator of the theater became invested in the character's dialogues, functioning "in the position of a conspirator and accomplice to an action and dramatic discourse" (112). Mullaney writes:

Relying on an already inscribed structure of beliefs, the scaffold confession relies on belief in another sense as well: it must be perceived as real, a perception heightened, needless to say, by the subsequent execution. Theater relies not on belief but on a suspension of disbelief, an initial complicity and participation in the fiction before us that necessarily blurs or elides the boundary between the observing subject and the dramatic subject, the actual and the artificial person, the real and the imaginary. (112-113)

Some playwrights combined the two theaters, presenting the scaffold drama within the play. By using the execution ritual, writers could reimagine the conventional scene, utilizing the genre to create tragedies that united the notion of the theatergoer as a participant in the inner lives of characters and the idea of an audience confronting terror and pity as they observed the death first-hand.

With the combination of the suspension of disbelief inherent in the play and the possible didactic message of the scaffold speech, a sense of the self became central to the staging of the fictionalized ritual of execution. As the audience eavesdropped on private moments before death and became privy to the inward thoughts of the executed, their own confrontation with death became heightened. As Michael Neill argues, “tragedy . . . was among the principal instruments by which the culture of early modern England reinvented death” (3). The ability of individual characters to distinguish themselves in the moments leading up to an ignoble death, “offered to contain the fear of death by staging fantasies of ending in which the moment of dying was transformed, by the arts of performance, to a supreme demonstration of distinction” (Neill 32).

This study looks at the various treatments of the scaffold confession on the early modern English stage. At first glance, while many of Shakespeare’s plays feature public executions—most albeit offstage—these works often portray the characters as meekly heading for their deaths praising the monarch, confessing their sins, and following the accepted ritualistic forms laid out by tradition. *Henry V* and *Macbeth*, for instance, use the conventional execution narrative to uphold the power of the state. Other dramatic works, however, subtly question the genre of the scaffold confession. Both *Richard III* and *Measure for Measure* present audiences and readers with characters who question the rulers’ control over their physical bodies and minds, showing seeds of doubt as to the legitimacy of rule. Other playwrights, including Christopher Marlowe, subtly critique the execution ritual by



constructing narratives of punishment that reveal flaws in the system of legal justice and expose the tragedy of incorrectly staged executions that deny individuals the chance for a “good” death.

Finally, a number of playwrights developed characters who either subtly or overtly enacted their individuality at the block by staging a distinct self. In Shakespeare and Fletcher’s *Henry VIII*, for example, the Duke of Buckingham uses skillful rhetoric to position himself as a penitent man following the formulaic pattern of the execution speech while delicately criticizing both king and court. Finally, two plays delve into the primary means by which executed individuals displayed individual agency at the block—martyrdom and defiance. In Dekker’s *Thomas Wyatt*, the character of Lady Jane Grey epitomizes the innocent martyr persona whose severed head provides her husband with the strength to go to his own execution with dignity. Chapman’s *Byron*, on the other hand, presents Charles, Duke of Byron as a defiant and deviant victim. Byron not only condemns the “horrid rites” of his execution, he also attempts to orchestrate the entire proceeding and reframe the religious rhetoric of his last dying speech.

## **Edward II**

In *Edward II*, Christopher Marlowe problematizes state punishment by depicting the executions of homosexuals who transgress their societal roles. The play reveals the complex issues surrounding sexuality and politics, subverting the expected rhetoric of the execution narrative by displaying the king and his lover as victims of their own desires. The figure of Piers Gaveston, beloved of Edward II, and victim of a political plot, becomes the target for Edward’s lords due to his homoerotic relationship with the king as well as his rise to political prominence.

Although Marlowe bases his play on the works of Holinshed, he effectively condenses history throughout *Edward II*, covering the passage of over twenty years in what

appears to be a much shorter time span. Marlowe also takes considerable liberties in his representation of Piers Gaveston and his death. While Marlowe depicts Piers Gaveston as a commoner, the historical Gaveston was the son of a wealthy knight from Gascony (Comensoli 178). The execution of the real-life Gaveston, took place not in a ditch, as Marlowe's play represents, but rather atop a hill in Warwickshire called Blackelow and Gaveston's murder, according to the chronicler is "A just reward for so scornful and contemptuous a merchant" (Holinshed Vol. 6 321). By providing his Gaveston with a less well-to-do background, Marlowe creates greater social difference between Edward and his beloved, thus making the nobles' rejection of Gaveston more understandable and unavoidable. By representing Gaveston a commoner, Marlowe allows audiences to see Gaveston as a social-climber and masks the homophobia of Edward's ministers under a guise of class prejudice.<sup>37</sup> Marlowe's account of Gaveston's beheading in a ditch highlights the treachery of the nobles and presents them as thwarting the king's wishes and the rule of the land rather than upholding the good of the nation (as Holinshed seems to suggest). As Comensoli argues, "Whereas in the chronicles Edward's and Gaveston's punishments amount to a providential cleansing of the state, in *Edward II* they are heinous acts rooted in 'the paranoid instabilities' at the core of early modern culture" (200).

Recent critics interpret Marlowe's representation of sodomy in two distinct and mutually exclusive ways. As David Stymeist notes in a recent article, one group of scholars believes that Marlowe deliberately criticizes the scapegoating of the queer throughout the play while the other group contends that Marlowe's representation of sodomy is informed by and reflects the cultural biases of his society (235-236). Stymeist believes the play utilizes both positive and negative depictions of homosexuality, combining the dominant view of the queer individual as "unnatural" with an undercurrent of resistance to sexual norms (249). Yet,

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<sup>37</sup> For a more detailed account of Marlowe's restructuring of Gaveston's social status, see Comensoli 187-188.

these conflicts between the prevailing heteronormative ideology and the queer independence, no matter what Marlowe's intention, serve to point to a tragic end for the homosexual male.<sup>38</sup> In addition, the executions depicted within the play reveal the breakdown of a political system, for not one of the executions follows conventional ritual practice. Instead, Marlowe's play subverts the scaffold drama by placing the scenes of deadly punishment in secret and private spaces. By portraying the executions of Gaveston and Edward II in isolated and remote areas, Marlowe calls attention to the immense tragedy of their deaths which allow neither state nor individual power a chance for assertion.

The nobles' hatred of Gaveston finds its basis in Edward's promotion of Gaveston to the position of consort. Edward not only conducts a homosexual relationship with Gaveston, but wants their bond to be publically recognized by his nobles. To that end, Edward promotes Gaveston to a position of power, creating him "Lord High Chamberlain, Chief Secretary to the state and me, Earl of Cornwall, King and Lord of Man" (I.153-155). The nobles, threatened by the king's privileging of Gaveston and renunciation of his relationship with Isabella (seen by the court as his kingly duty), beg the king to expel Gaveston. Kent, defending the king, warns the courtiers against offending Edward, and suggests that the monarch "revenge it, and let these their heads preach upon poles for trespass of their tongues" (1.116-117)

Much of the dialogue throughout *Edward II* focuses on themes of headlessness and beheading. These motifs foreshadow the ultimate fate of Piers Gaveston, but also play with notions of political power, comparing the loss of Edward's kingly crown to the loss of the head. Both Warwick and Mortimer threaten to decapitate Gaveston. Edward also intimidates the nobles with the possibility of their own loss of heads, to which Mortimer responds

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<sup>38</sup> As Casey Charles argues in a recent study of the interplay between law, film, and fiction: "The quintessential queer narrative gains its tragic status, therefore, not necessarily because of the essentialized heroic actions of a single character . . . but because these LGBT histories dramatize 'pitiful and fearful incident.'" See Charles 12.

“Cousin, our hands, I hope, shall fence our heads and strike off his that makes you threaten us” (1.122-123). Lancaster has the final word, warning Edward:

Adieu, my lord, and either change your mind  
Or look to see the throne where you should sit  
To float in blood, and at thy wanton head  
The glozing head of thy base minion thrown. (1.129-132)

Lancaster’s words prophesy the eventual decapitation of Gaveston, which becomes a mockery of the conventional execution.

Although Stymiest argues that Gaveston’s execution “participates in the social convention of the fitting end” as “Marlowe joins in the concerted effort of professional playwrights to have their artistic activity classified as admonitory instruction rather than corrupting sexual influence” (244), the pathos of Gaveston’s end undermines the didactic purposes of the public scaffold. Marlowe depicts Gaveston’s execution as a mockery of justice. He is condemned by the nobles, not the king. There is no trial for the condemned man. Instead, the lords take his weapons and cart him off to prison. Warwick even considers hanging Gaveston rather than allowing him the honor of decapitation, but finally determines to behead Edward’s lover, telling him, “But, for thou wert the favourite of a king, Thou shalt have so much honour at our hands” (9.27-28). Gaveston’s subsequent retort reveals that he is beyond caring about his mode of death. He tells Warwick:

I thank you all, my lords. Then I perceive  
That heading is one, and hanging is the other,  
And death is all. (9.29-31).

For Gaveston, as his execution fails to hold the meaning and solemnity of ritual, the method becomes irrelevant.

Gaveston, as a victim of both political coup and homosexual panic, is deprived of even the means to prepare himself for a proper death. Denied a final visit with his beloved king, Gaveston encounters instead the mockery of the rebellious lords, who lead him to his execution saying, “Come, let thy shadow parley with King Edward” (10.16). Edward later learns that Gaveston’s execution contains no markers of the ceremonial ritual. Instead, Warwick and his men “bare [Gaveston] to his death, and in a trench strake off his head” (11.119-120). Gaveston offers no final words to a gathered crowd, begs no forgiveness of his fellow man, and has no chance to make his peace with God. The lack of a scaffold confession points to the inherent wrongness of Gaveston’s death. Kate Cunningham notes that “[d]uring real trials and executions, formulaic speech alienated the condemned and authenticated the verdict” while “unwarranted speech might threaten the ‘themes’ of such occasions” (217). By refusing to provide Gaveston with the chance to make amends or assert himself against his executioners, the tragedy of his beheading takes on somber and ominous tones.

The execution of Gaveston spurs Edward on to vow revenge against his lover’s killers. His proposed vengeance, fittingly, involves mass decapitations. Edward pledges he “will have heads and lives for him [Gaveston], as many as I have manors, castles, towns, and towers” (11.132-133). He imagines dragging his enemies’ “headless trunks” through “lakes of gore,” symbolizing “remembrance of revenge immortally on your accursed traitorous progeny, you villains that have slain my Gaveston” (11.135-142).

Although Warwick and Lancaster—the two main lords who plotted the death of Gaveston—lose their heads at the scaffold, Edward ultimately pays for his disregard of political and heteronormative law. Marlowe presents Edward’s execution, like that of Gaveston before him, as a miscarriage of justice, revealing a complete disregard for conventional execution rituals. Edward, like Gaveston, reveals his awareness of the mockery

of his execution through an observation that points to his unprivileged and ultimately “un-staged” end. At his arrest, Edward receives notice he will go to Berkeley Castle, and remarks:

Whither you will, all places are alike,  
And every earth is fit for burial. (21.145-146)

Edward’s words, as John F. McElroy points out, echo those of Gaveston at his capture (210) as each man notes the levelling nature of death. Marlowe’s repetition of language points to the importance of “the omnipresence and omnipotence of death” within the play (McElroy 210). Even more importantly, both the king and his beloved recognize the injustice of their ends and the mockery of the execution ritual. In *Edward II*, Marlowe reveals the breakdown of a kingdom, in which the execution of a noble and a king fail to follow the rules of ritual.

Edward II’s execution, as the play so eloquently depicts, occurs in a secret space. Prior to his death, Edward is housed in the bowels of the castle, which one jailer describes as filled with sewage “that were enough to poison any man” (25.5). Instead of decapitation before an audience of his peers, Edward’s execution/murder becomes a horrific and violent parody of his sodomite practices as the executioner thrusts a red hot spit up into his bowels. Yet, even within his private execution, Edward manages to display fortitude and uses rhetoric that suggests martyrdom.

Patrick Ryan convincingly argues that early modern audiences viewed the figure of the anguished and tortured Edward II as a symbol for the suffering Christ. He notes that Edward II as a suffering king becomes like Christ, who, according to medieval tradition “is covered with excrement, forced to drink from a channel, shaved, enclosed in a cesspool, and trodden underfoot” (Ryan 466).<sup>39</sup> Edward’s final words before death also echo the words of Christ. Like Jesus in the Garden of Gethsemane, Edward spends his final hours before death awake, desiring that his “mind may be more steadfast on my God” (25.78). In addition,

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<sup>39</sup> Stymeist also contends that Marlowe depicts Edward as “a wrongly accused martyr,” noting that as “due ceremony and decorum is not adhered to in his pre-execution treatment . . . the king’s death itself begins to function more as a murderous martyrdom than as an admonitory execution.” See Stymeist 246.

although his confession takes place within the confines of the dungeon, his last words echo the conventional scaffold genre—“Assist me, sweet God, and receive my soul!” (25.109).

Marlowe’s portrayals of a suffering Christ-like king and a sodomite beheaded in a ditch serve to show the deep tragedy inherent in executions denied ritualistic expression. Yet *Edward II* does not end with the fearful spectacle of a mangled king, but instead with the head of Mortimer placed upon the hearse of King Edward. According to Margaret Owens, “[t]he display of the head serves as a striking, unmistakable icon signifying not only the defeat and demise of the victim, but, more crucially, the transfer of political power that is often consolidated through the act of violence” (145). The placement of the head gives headship once again to the murdered king and legitimatizes the rule of his son, Edward III, who the audience may only hope, will uphold the execution traditions that provide opportunities for political power and individual expression played out upon the public stage.

### **Henry V**

Although William Shakespeare’s dramatic works never depict on-stage decapitations, a number of his plays include important references to beheadings and a few deliberately question the control of the state over the bodies and minds of condemned traitors. Throughout his history plays, Shakespeare describes the ritual of execution using rhetoric that reveals his knowledge of the conventional form and often forces audiences to confront their own fears of death and question the power of the state over the human body.

*Henry V* describes both the penitence of condemned men as well as their acceptance of their fates. In the second act, Henry V confronts three of his main advisors—Scroop, Cambridge, and Grey—with their treason. The three men have aligned themselves with the French and plotted to kill their king. Exeter, Henry’s right hand man, swiftly arrests the three lords, charging them with high treason. All three of the condemned men accept the discovery of their crimes as an act of God and none of them fight their arrest or offer arguments in their

defense. In relief, Scroop tells the king “Our purposes God justly hath discovered” (II.ii.151). As Karen Cunningham notes, the state attempted to control the trials and executions of individuals by utilizing ideas of divinely sanctioned punishments. She argues that Tudor monarchs governed both the interpretation of theatre and execution by making it clear that “God (not the monarch) saw the truth, brought it to light, preserved the innocent, and punished the guilty” (209). By using the rhetoric of the all-seeing God who discovered their crimes and brought their treasonous actions to light, Henry V’s advisors also uphold the king’s position as divinely appointed ruler of England.

Echoing real life representations of the execution ritual, each man requests forgiveness and pardon from the king, but accepts bodily punishment. Grey’s final words to his sovereign reflect his acceptance of death, but also reiterate his request for pardon:

Never did faithful subject more rejoice  
At the discovery of most dangerous treason  
Than I do at this hour joy o’er myself,  
Prevented from a damned enterprise,  
My fault, but not my body pardon, sovereign. (II. ii.161-165)

Requesting forgiveness of the monarch, as noted earlier, constituted a major part of the scaffold confession. By adhering to the genre of scaffold confessions, Shakespeare legitimatizes Henry V’s reign and presents an overview of accepted ideological views of treason and execution. Although the individuals accused of treason do not subvert the narrative framework, their performances provide a starting point for comparison with other dramas, most of which do subtly or overtly question the conventional scaffold speech.

## **Macbeth**

William Shakespeare’s *The Tragedy of Macbeth* employs the execution ritual to foreground the treachery and eventual self-destruction of its title character. In the first act,



Malcolm reports back to Duncan on the execution of the first Thane of Cawdor. As a number of scholars have noted, the thane's deportment and words at his execution closely follow the conventions of public execution.<sup>40</sup> Malcolm tells Duncan:

But I have spoke  
With one that saw him die: who did report  
That very frankly he confess'd his treasons,  
Implored your highness' pardon and set forth  
A deep repentance. Nothing in his life  
Became him like the leaving it; he died  
As one that had been studied in his death  
To throw away the dearest thing he owed,  
As 'twere a careless trifle. (I.iv.4-12)

As Malcolm's report reveals, Cawdor's speech includes all of the major themes required of dying traitors. He confesses his treason, asks for the monarch's forgiveness, and expresses repentance. "As one that had been studied in his death," Cawdor's behavior at the scaffold indicates Shakespeare's awareness of execution conventions. In addition, Malcolm judges his death as well performed, noting that "nothing became him like the leaving it" (I.iv.8-9). According to Gillian Murray Kendall, "the Thane of Cawdor meets his end in a way that both dignifies himself and legitimizes the authority that calls for his death" (178).

Although Malcolm deems Cawdor's death proper, the unfolding action in the play seems to point to a possible flaw in the ability of the monarch to utilize the scaffold confession as a way to legitimize his power. Accounts of scaffold speeches, according to Michel Foucault, "were expected to have the effect of an ideological control" (67-68). The last dying words of the traitor needed to serve a didactic purpose, showing the audience the

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<sup>40</sup> Both Rebecca Lemon and Gillian Murray Kendall argue that Cawdor's scaffold confession is typical of most real life execution speeches. See Lemon, "Scaffolds of Treason," and Kendall, "Overkill in Shakespeare."

power of the state over the body of the condemned and reminding them to uphold the laws of the land. Malcolm's report of Cawdor's execution fails to inform the behavior of the next Thane of Cawdor, Macbeth himself. Kendall argues that "[a]cts of treason survive the bodies that enact them, and political control of the individual body is largely an illusory artifact of ceremonies associated with execution" (179). Macbeth fails to heed the execution of his predecessor, and chooses to commit treason against Duncan. Cawdor's message of repentance and warning against offending the monarch becomes "a failure of didacticism," revealing the limits of state power even when upheld by exemplary execution behavior (Lemon 28). Although this particular execution demonstrates the possibility of misreading the spectacle of public punishment, the majority of Shakespeare's plays develop a more nuanced approach to the ritual. In fact, most characters in early modern drama who die at the scaffold continue to uphold the power of the state while subtly working within the specific genre of the last dying confession to stage their individuality. The political control exerted by the state remains an important factor in the ritual, but the victims maintain the ability to shape and control the meaning of the spectacle through their performances.

### **Richard III**

Both Shakespeare's *Richard III* and Marlowe's *Edward II* depict executions that fail to follow the conventional pattern and instead present audiences with punishments that seem to deny victims spiritual succor, the chance to have their voices publically heard and ultimately any opportunity for self-fashioning at the block. Despite the lack of proper ceremony and inclusion of a "public" venue that confirms the authority of the state and responds with fear and pity to the agony of the victim, these plays instead work to reveal the tragedy inherent in botched scaffold rituals.

Shakespeare's *Richard III*, drawn from Thomas More's famous characterization of the defeated king, is a misshapen tyrant who orchestrates the murders of his enemies, friends, and

nephews in his misguided attempt to rule England. Richard also parodies the rituals of kingship and power by beheading his supporters without trial, verdict, or public ceremony. By presenting the executions of Hastings and Buckingham as travesties of justice, Shakespeare marks these moments as extreme examples of the corruption of state power that testify to the fragmenting aspect of Richard's rise to power. Richard's usurpation of the English throne not only throws the nation into panic, dividing families against each other, but also fragments the human bodies of his subjects. The decapitated heads of a number of prominent individuals litter the dramatic landscape, signifying the fragmented state of the body politic.

Prohibited from making public statements in their defense and denied the chance to speak from the scaffold, the two men beheaded under Richard's orders speak to human fears of dying without distinction and divine pardon. Charles Mitchell, in his study of Shakespeare's treatment of executions, argues that allowing the death speech legitimizes the sovereign power, while not permitting public execution speeches casts the ruler in a dubious light (51). Language is linked closely to power and a government in control of its people can afford to publically display the actions and words of a traitor without fear of hostility or violence.

The nobles who support Richard III display extreme paranoia in regards to their leader. Not only do they express their fears to each other, but their dreams reflect their suspicions. Lord Stanley warns Hastings that "he dreamt the boar had rased off his [Hasting's] helm" (III.ii.10-11), an obvious reference to Richard, whose personal device was a white boar, and Hasting's own decapitation. Hastings initially refuses to heed Stanley's advice, believing the lord "simple to trust the mock'ry of unquiet slumbers" (III.ii.26-27) and arguing that fleeing from Richard would only provoke his suspicions and possible violence.

Shortly after Hastings receives Stanley's warning Richard accuses the lord of sheltering Jane Shore and allying with the Dowager Queen Elizabeth. When Hastings attempts to defend himself, Richard instantly pounces on Hastings, calling for his immediate death:

Thou art a traitor.

Off with his head! Now by Saint Paul I swear

I will not dine until I see the same.

Lovel and Ratcliff, look that it be done.

The rest that love me, rise and follow me. (III.iv.74-79)

Richard leaves Hastings with little time to prepare for his execution. Hastings requests the ministrations of a priest, but Richard's men deny him this usual accommodation. As further mockery of the usual scaffold proceedings, Ratcliff tells Hastings, "Come, come, dispatch; the Duke [Richard] would be at dinner./ Make a short shrift; he longs to see your head" (III.iv.94-95). Hastings can only lament his miserable end and accept the truth of Stanley's dream:

Woe, woe, for England! not a whit for me;

For I, too fond, might have prevented this.

Stanley did dream the boar did raze our helms,

And I did scorn it and disdain to fly

.....

O, now I need the priest that spake to me!

I now repent I told the pursuivant,

As too triumphing, how mine enemies

To-day at Pomfret bloodily were butcher'd,

And I myself secure in grace and favour. (III.iv.80-83, 87-91)

Hastings views his failure as a matter of misplaced trust in Richard—a fault of the courtier who relies on the power of the monarch to protect him from harm. Instead of “grace and favour” Hastings finds that the man “who builds his hope in air of your good looks lives like a drunken sailor on a mast, ready with every nod to tumble down into the fatal bowels of the deep” (III.iv.96-101).

As Richard denies Hastings a properly orchestrated execution, Hastings’ final words ring out as a condemnation of the usurper and his followers. Unable to fight his fate, Hastings accepts his death with bitterness, cursing Richard and his supporters:

O bloody Richard! Miserable England!

I prophesy the fearfull'st time to thee

That ever wretched age hath look'd upon.

Come, lead me to the block; bear him my head.

They smile at me who shortly shall be dead. (III.iv.96-107)<sup>41</sup>

Like Hastings, Buckingham also suffers an ignoble execution. Following the decapitation of Hastings and the murder of the two princes in the Tower of London, Buckingham defects from the ranks of Richard’s followers, angry when Richard refuses to provide him with promised grants of land. Buckingham flees “to Brecknock while [his] fearful head is on!”, but his arrest quickly follows (IV.ii.122). Similarly to his treatment of Hastings, Richard refuses to provide Buckingham with a trial, and the execution is conducted swiftly without conventional practices. Although Buckingham offers no speech at the

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<sup>41</sup> Hasting’s execution closely parallels Holinshed’s account, save that in the historical records Richard allowed Hastings to confess his sins to a priest. According to Holinshed:

“Then were they all quickly bestowed in diverse chambers, except the lord chamberlain, whom the protector bad speed and shrive him apace, for by Saint Paul (quoth he) I will not to dinner till I see thy head off. It booted him not to aske why, but heavily took a priest at adventure, and made a short shrift: for a longer would not be suffered, the protector made so much hast to dinner, which he might not go to, until this were done, for saving of his oath. So was he brought forth to the green beside the chapel within the Tower, and his head laid down upon a long log of timber, Lord Hastings lord chamberlain beheaded. And there stricken off, and afterward his body with the head interred at Windsor beside the body of King Edward, both whose souls our Lord pardon.”

See Holinshed Vol 6, 722.

scaffold, he speaks on his way to the block accepting his death as payment for his sins and his “false faith” in Richard:

This is the day wherein I wish'd to fall  
By the false faith of him whom most I trusted;  
This, this All-Souls' day to my fearful soul  
Is the determin'd respite of my wrongs . . .  
Come lead me, officers, to the block of shame;  
Wrong hath but wrong, and blame the due of blame. (V.i.16-19,  
28-29)

Buckingham justly condemns himself; he also judges Richard and finds the king an untrustworthy monarch. Such a move demonstrates Buckingham’s own refusal to participate in the expected rhetoric of the scaffold confession which demanded the victim uphold the power of the monarch (Carlton 72). Thus, although dying in a repentant frame of mind, Buckingham attests to his individual guilt and accuses the king of corruption.

In the end, Shakespeare’s *Richard III* reveals a land fractured and bloodied by a corrupt and Machiavellian king. As England’s unlawful ruler, Richard refuses to follow conventional execution protocol and leaves a number of headless corpses in his wake. Not only Buckingham and Hastings lose their heads; Grey and Rivers also suffer decapitation as victims of Richard’s rise to power. Audiences familiar with the usual execution ceremony most likely found Shakespeare’s play disturbing for its lack of ritual. Hastings and Buckingham, however, found ways to subvert the state power even while dying privately without the opportunities for public confession.

### **Henry VIII**

*The Famous History of the Life of King Henry the Eighth*, written by William Shakespeare, John Fletcher, and perhaps others was first performed around 1613. The play’s

opening centers around the fall of Edward Stafford, the Duke of Buckingham, executed for treason by Henry VIII in 1521. While Buckingham's arrest, trial, and final words follow accepted patterns, the play highlights Buckingham's humanity by poignantly outlining his loss of status and upcoming death. In addition, Buckingham works within the conventional framework of the scaffold confession genre to assert his individuality, making veiled charges against Henry VIII and calling for the audience to remember him as a maligned individual.

Buckingham's reactions to his arrest for treason, sentencing, and upcoming decapitation present audiences with a nuanced and human character. Even before his arrest, Buckingham suspects Wolsey of plotting against him and plans to present his case to the king. He tells his friend, Norfolk:

I read in 's looks  
Matter against me, and his eye revil'd  
Me as his abject object; at this instant  
He bores me with some trick. He's gone to th' King  
I'll follow and outstare him. (I.i.125-129)

Predictably, Buckingham is too late to convince Henry of his innocence. While discussing his suspicions with Norfolk, the Sergeant at Arms arrives to arrest him of high treason.

Buckingham's initial reaction to his arrest shows his understandable horror. He tells the sergeant, "Lo you, my lord,/ The net has fall'n upon me!/ I shall perish under device and practice" (I.i.202-204). Yet, as the gravity of his situation and the impossibility of escape sink in, Buckingham realizes that "[i]t will help me nothing to plead mine innocence; for the dye is on me which makes my whit'st part black" (I.i.207-208). As he is being led to the Tower of London, Buckingham contemplates his fate. Although he continues to bemoan the unjustness of his arrest—which he blames on the machinations of Cardinal Wolsey—Buckingham looks

critically at own situation, musing “I am the shadow of poor Buckingham, whose figure even this instant cloud puts on by dark’ning my clear sun” (I.i.223-226).

The loss of his status forces Buckingham to understand himself as more than the mere titles he once held. At his arrest the sergeant addresses him as “My lord the Duke of Buckingham and Earl of [Herford], Stafford, and Northampton” (I.i.199-200), while following his trial and sentencing, Buckingham says, “When I came hither, I was Lord High Constable and Duke of Buckingham; now poor Edward Bohun” (II.i.101-103). In light of these changes, Buckingham must reframe his identity and find an innate sense of himself without the trappings of nobility.

The play omits an actual depiction of Buckingham’s trial, instead providing a recap of the arraignment as seen through the eyes of two unnamed gentlemen. This device distances the audience from Buckingham and provides instead a commentary and judgment of the Duke’s behavior from anonymous individuals, giving an element of truthfulness to their statements. One gentleman tells the other that:

His knell rung out, his judgment, he was stirr’d  
With such an agony he sweat extremely,  
And something spoke in choler, ill, and hasty,  
But he fell to himself again, and sweetly  
In all the rest show’d a most noble patience. (II.i.32-36)

By their words, the gentlemen show the audience the human face of the traitor. Buckingham exhibits physical fear—he sweats, he speaks too quickly, and his choler suggests passion and aggression. Yet, even in the midst of his anger and terror, the Duke is able to “fell to himself again,” thus ennobling himself in the eyes of the people. Buckingham’s last words attest to his inner nobility and ability to fashion himself for posterity.



The doomed Duke, leaving the courtroom under guard with “the axe with the edge towards him,” which symbolized his guilt and upcoming decapitation, offers final words to the gathered crowd that serve as his dying speech. Although his last statement is not an actual scaffold confession, Buckingham’s words echo the ritual execution speech in numerous details. Like his real life counterparts, Buckingham upholds the justice of the law, despite his assertions of innocence:

I have this day received a traitor’s judgment,  
And by that name must die; yet heaven bear witness,  
And if I have a conscience, let it sink me,  
Even as the axe falls, if I be not faithful!  
The law I bear no malice for my death;  
‘T has done, upon the premises, but justice. (II.i.58-63)

He also offers prayers for the monarch, which was an important facet of the ritualized execution speech. Buckingham’s words echo those of his historical contemporaries, attesting to his reverence for the monarch’s position of power:

Commend me to his Grace;  
And if he speak of Buckingham, pray tell him  
You met him half in heaven. My vows and prayers  
Yet are the King’s and till my soul forsake,  
Shall cry for blessings on him. May he live  
Longer than I have time to tell his years;  
Ever belov’ and loving may his rule be;  
And when old Time shall lead him to his end,  
Goodness and he fill up one monument! (II.i.86-94)

Although Buckingham offers prayers for the king, he also subtly criticizes Henry VIII. As Stuart M. Kurland notes in his study of the play: “while forgiving the King, Buckingham indicates clearly his ultimate responsibility, contrasting him with Henry VII, who restored the family's honors after the death of Richard III” (247). Buckingham notes that the former king “like a most royal prince, / Restor'd me to my honors; and out of ruins / Made my name once more noble” (II.i.113- 15).

Admonishing the crowd, Buckingham again muses on the loss of his title and the fickleness of fortune. He bitterly advises his contemporaries to be careful in their dealings with others, equating his loss of support to his loss of rank:

Heaven has an end in all; yet, you that hear me,  
This from a dying man receive as certain:  
Where you are liberal of your loves and counsels,  
Be sure you be not loose; for those you make friends  
And give your hearts to, when they once perceive  
The least rub in your fortunes, fall away,  
Like water from ye, never found again  
But where they mean to sink ye. (II.i.124-131)

Buckingham's reproach expresses commonly evoked themes concerning the changeability of human beings in the court setting. Thomas Wyatt expressed similar apprehensions in Poem XLIX, bemoaning “the slipper top of court's estates.”

Finally, Buckingham ends with the typical words offered at executions, but with a caveat. He asks specifically for individual remembrance from the people—not just through their prayers but that each time they speak of a tragedy they will invoke his fall from grace:

All good people,  
Pray for me! I must forsake ye. The last hour

Of my long weary life is come upon me. Farewell!

And when you would say something that is sad,

Speak how I fell. I have done; and God forgive me!” (II.i.131-136)

Buckingham’s last words, while following the pattern of the ritualized speech and including upholding the law, praising the monarch, and requesting prayers for his soul, also reveal his bitterness against the king and court and his desire to be remembered. The loss of his title, meant to serve as a punishment, becomes instead a rhetorical device that Buckingham uses to call attention to the tragedy of his experience, and thus serves as a means to assert his individuality and personhood when facing death for treason.<sup>42</sup>

### **Measure for Measure**

Shakespeare’s 1604 dramatic work *Measure for Measure* plays with the limits of state power over the bodies of its subjects in matters pertaining to physical punishment while revealing the subtle mental control exerted by rulers through the threat of public execution. Many modern scholars view the play as a representation of Jacobean politics and draw comparisons between the character of the Duke and James I. Craig A. Bernthal and Sarah Redmond, for instance, believe the play is closely tied to the 1603 Main Plot which aimed to overthrow James and place his cousin, Arabella Stuart, on the throne. For Bernthal, the late 1603 trials and last minute pardons of Sir Walter Raleigh, Sir Griffin Markham, Lord Cobham, and Lord Grey “could have provided a fictional nexus that allowed audiences to interrogate and interpret these recent judicial events in a variety of ways” (247). Redmond echoes Bernthal’s assessment, contending that “Shakespeare is able to derive inspiration from

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<sup>42</sup> The real-life Buckingham, unlike the character represented in Shakespeare and Fletcher’s dramatic work, did not refashion himself as effectively as his fictional counterpart. According to Holinshed’s *Chronicle*, in his final speech the Duke of Buckingham used formulaic language that did not assert his individuality or subtly question the power of the monarch. Instead, Buckingham simply said “he had offended the kings grace through negligence and lack of grace, and desired all noble men to beware by him, and all men to pray for him, and that he trusted to die the kings true man.” See Holinshed Vol. 6 865. By creating a more subversive and autonomous character, the authors, I believe, reflect late Elizabethan and early Jacobean ideas about the last dying speech, rather than the historical realities of the early sixteenth century.

a recent political event and re-imagine it on a stage, and [allows] the audience to re-examine the event as spectators in a different sort of theater” (69).<sup>43</sup> In his examination of the play, Steven Mullaney argues that the purpose of *Measure for Measure* was not “merely to augment the image of the dominant culture of [Shakespeare’s] times or to supplement the system of exemplary power available to and endlessly manipulated by a monarch like James” (113). Instead, the dramatic work, according to Mullaney, constructs “a theater of apprehension,” which allows the audience to develop self-awareness that allows for “an expanded avenue of access for social and cultural control” (113-114). The pardons meted out by both James and the Duke create a culture of paranoia in which it became impossible to know when and if heads would fall.<sup>44</sup> Shakespeare acknowledges this neurosis but undermines the power of the state by creating the unrepentant figure Barnardine who denies the efficacy of the expected ritual by asserting his bodily desires in the face of death.

While the play may reflect the historical situation of the Main Plotters’ scaffold pardons, the Duke in *Measure for Measure* operates from a far different position than James I. While both rulers allow their subjects to suffer under the knowledge of upcoming death only to pardon them at the final minute, the Duke, as an incognito priest, becomes a participant in the drama on a more personal scale. The Duke not only visits Claudio in prison to prepare him for his imminent execution, he also orchestrates the substitution of Mariana

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<sup>43</sup> All of the Main Plotters, save Raleigh, were scheduled to be executed on December 10, 1603. On that day, Markham first walked to the scaffold and told the crowd he was not prepared to die, but still conducted himself as befitting a penitent subject and made ready for execution. At that moment, a messenger from the king arrived and the sheriff told Markham, “You say you are ill prepared to die; you shall have two hours respite.” Guards led Markham back to the Tower and brought Grey to the scaffold. Like Markham, Grey offered his scaffold confession and offered prayers for his soul. At the final moment, however, the sheriff told Grey that James had pardoned him and led him back to the Tower hall. Finally Cobham ascended the scaffold, and being unaware of the fact that Grey and Markham had not suffered decapitation, offered final words to the crowd and prepared to die. At that point, the guards brought forth Markham and Grey and the sheriff proclaimed the King’s pardon of all three, stating, “see the mercy of your Prince, who of himself hath sent hither a countermand, and hath given you your lives.” For these dramatic events, see Bernthal 250-252.

<sup>44</sup> Lacey Baldwin Smith argues in his study of treason in Tudor England that English monarchs and society deliberately instilled paranoia in its elite subjects. He contends that many individuals executed on treason charges “enacted a destiny, beset by paranoid delusions . . . [and] each traitor’s maladjusted response to the normal rhythm of politics was shaped and delineated by a concatenation of cultural, education, economic, and political impulses that gave to Tudor England its distinctive signature.” See Smith 276.

for Isabella in Angelo's bed, and plans to have Barnardine beheaded in place of Claudio. His investment in the lives of his subjects and knowledge of their individual situations places him in close proximity to the action in a way that James could never conceive or enact. Viewed through this lens, allowing his subjects to languish in prison and prepare for the scaffold seems a sick joke on the part of the Duke. Therefore, while Shakespeare may offer a critique of the Main Plotters' pardons, the Duke offers a more manipulative persona than the calculating theatrics of James I. In addition, the Duke's close involvement in the lives of his subjects, while making him privy to their inner thoughts and desires, lessens his control over them by providing them with personal knowledge of himself.

The Duke's abdication of his powers to Angelo creates a situation ripe for executions based on questionable legal proceedings. With the Duke gone, Angelo arrests Claudio for impregnating his betrothed, Juliet, basing his decision on a law not utilized in Vienna for the last fourteen years. Mistress Overdone offers an eyewitness report, telling Lucio that only did she observe Claudio's arrest, "and that which is more, within these three days his head to be chopp'd off" (I.ii.68-69). Manacled, Claudio is paraded through the streets and expresses the shame of his condition, asking the Provost, "Fellow, why dost thou show me thus to th' world?" (I.ii.115). Claudio's question indicates that the Provost removes the convict's signifiers of rank, possibly his noble clothing. The humiliation of Claudio, according to the Provost, stems "from Lord Angelo by special charge" (I.ii.118-119), thus indicating the power of the ruler over the nobility of the accused.

*Measure for Measure's* unique treatment of executions becomes evident over the course of the play as the audience follows Claudio through his preparation for execution. Although other plays—most notably Chapman's *Byron* and Dekker and Webster's *Thomas Wyatt*—provide insight into the tortured minds of individuals awaiting decapitation, Shakespeare's drama focuses on the personal and inward questions of an individual grappling

with a death sentence. In particular, Claudio must contend with two differing ways to view his upcoming state sanctioned death. His obvious confusion and inability to ultimately choose between the heavenly ordained end upheld by his sister and the annihilation of self proposed by the Duke creates a feeling of panic akin to the actions of many real life individuals awaiting their executions.<sup>45</sup>

The audience learns that the death of Claudio will take place swiftly, for Angelo instructs the Provost to “See that Claudio be executed by nine to-morrow morning. Bring him his confessor, let him be prepar’d for that’s the utmost of his pilgrimage” (II.i.33-36). While in prison awaiting his execution, Claudio receives two separate visitors who offer conflicting advice as to how he should view his upcoming death at the scaffold. The first visitor, the Duke disguised as a friar, tells the jailer:

I come to visit the afflicted spirits  
Here in the prison. Do me the common right  
To let me see them and to make me know  
The nature of their crimes, that I may minister  
To them accordingly. (II.iii.4-8)

When the Duke meets with Claudio, the condemned professes his readiness for death, but at the same time expresses his hope to live. The Duke advises Claudio to “be absolute for death,” reminding the young man of the brevity of life, its myriad afflictions, and the inevitability of his eventual demise. Rather than point Claudio towards the prospect of heaven, the Duke presents death as a sleep that will eventually level the playing field for all men who strive after worldly goods. In the end, the Duke instructs his protégé that death is ultimately an annihilation of the self: “Thy best of rest is sleep, / And that thou oft provokest; yet grossly fear'st/ Thy death, which is no more” (III.i.17-19). When discussing death later,

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<sup>45</sup> See, for example, the behavior of Anne Boleyn while awaiting her execution. She vacillated between hoping for a pardon and joyfully accepting her death. See Ives 403-404.

the Duke expounds on this ideology, telling the Provost that in death one man becomes indistinguishable from another:

O, death's a great disguiser; and you may add to it.

Shave the head, and tie the beard; and say it was

The desire of the penitent to be so bared before his

Death: you know the course is common. (IV.ii.174-177)

By accepting the Duke's view of death, Claudio becomes a sleeper, removed of earthly cares and burdens, yet unable to distinguish himself from others who pass into the realm of death. He must focus on death—a common medieval platitude—while still alive so that he appreciates his life as a means to the ultimate end. Claudio sums up the message he has learned succinctly, parroting the Duke:

I humbly thank you.

To sue to live, I find I seek to die;

And, seeking death, find life: let it come on. (III.i.42-45)

Claudio's sister, Isabella, in contrast to the Duke's representation of the futility of life, offers her brother the conventional spiritual version of a "good death," suggesting that "Lord Angelo, having affairs to heaven, intends you for his swift ambassador, where you shall be an everlasting leiger; therefore your best appointment make with speed, to-morrow you set on" (III.i.55-59). Isabella, according to Robert Watson, "interprets her brother's threatened execution as a sacrificial preparation for heaven" (121). While the Duke focuses on the body of the condemned man, she suggests the eternal significance of the soul.

Her words fail to comfort Claudio, who argues with his sister and seems to waver between the desire to live and the desire to die. He tells Isabella: "If I must die, I will encounter darkness as a bride, and hug it in mine arms" (III.i.82-84), eroticizing death as a replacement for his Juliet. Learning that Angelo promised Isabella his life if she agrees to

become his mistress, Claudio begs his sister to sleep with Angelo and thus save his life. For Isabella, such a suggestion is impossible:

Ignomy in ransom and free pardon  
Are of two houses: lawful mercy  
Is nothing kin to foul redemption. (III.i.111-113)

Without his sister's bodily redemption, Claudio must prepare for imminent death and decide how to fashion his final moments.

According to the disguised Duke, following Isabella's refusal to acquiesce to Angelo and thus save his life, Claudio makes his uneasy peace with his upcoming execution, "most willingly [humbling] himself to the determination of justice," and accepting the Duke's ideology of life as a husk devoid of meaning (III.ii.242-248). Claudio, the Duke believes, is "resolved to die" (III.ii.247-248), a statement echoed in many real life executions. Through his acceptance of death, Claudio, according to the Duke, positions himself within the traditional framework of the execution narrative, upholding the legality of his execution and preparing his mind for the next world, be it a restful sleep or the heaven Isabella promises.

Despite the Duke's reassurances that Claudio is mentally prepared to die, the condemned man vacillates between the two conflicting views of death. He tells his sister, "Death is a fearful thing" (III.i.115), and laments the end of his life. Claudio seems to buy into the Duke's conception of death as the ultimate extinction, which causes him to fear the loss of self and hold more dearly even the moments he has left. He shares these uncertainties with Isabella:

Ay, but to die, and go we know not where;  
To lie in cold obstruction and to rot;  
This sensible warm motion to become  
A kneaded clod; and the delighted spirit



To bathe in fiery floods, or to reside  
In thrilling region of thick-ribbed ice;  
To be imprison'd in the viewless winds,  
And blown with restless violence round about  
The pendent world; or to be worse than worst  
Of those that lawless and incertain thought  
Imagine howling: 'tis too horrible!  
The weariest and most loathed worldly life  
That age, ache, penury and imprisonment  
Can lay on nature is a paradise  
To what we fear of death. (III.i.117-131)

Claudio's mercurial reaction to his fate contrasts sharply with that of the other prisoner awaiting execution. Barnardine, who has been imprisoned and awaiting his beheading for nine long years, fails to show up when the Provost requests their attendance to learn the time of their upcoming executions. The Provost tells Claudio:

Look, here's the warrant, Claudio, for thy death:  
'Tis now dead midnight, and by eight to-morrow  
Thou must be made immortal. (IV.ii.64-65)

Barnardine receives no notice of his date with the scaffold, for, as Claudio relates to the jailers, Barnardine is "As fast lock'd up in sleep as guiltless labour when it lies starkly in the traveller's bones: He will not wake" (IV.ii.66-68). While Claudio accepts the judgment of the law, Barnardine defies convention by avoiding all discussion of the execution.<sup>46</sup>

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<sup>46</sup> While Shakespeare never fully reveals the class status of Barnardine, most likely he is of noble status. The Provost tells the Duke that Barnardine is "[a] Bohemian born; but here nurs'd up and bred" (IV.ii.130). At this point in time, Barnardine had resided in the prison for nine years, remaining alive due to the attempts of his friends to secure his pardon. These aspects point to the probable nobility of Barnardine. Many nobles during the Tudor era spent years of their lives in the Tower of London awaiting their eventual pardons or executions. Lady

Barnardine's resistance to execution marks him as a defiant individual who chooses his bodily pleasures over the spiritual worry that plagues Claudio. Through the character of Barnardine, Shakespeare clearly shows the limits of the state's power; Barnardine, by expressing his utter indifference to the government's methods of control, symbolizes the power of the human body to resist authority. The Provost tells the Duke that during his imprisonment, Barnardine behaved as

A man that apprehends death no more dreadfully but  
as a drunken sleep; careless, reckless, and fearless  
of what's past, present, or to come; insensible of  
mortality, and desperately mortal. (IV.ii.142-145)

Barnardine spends his days not in contemplation of his mortality, but in a drunken haze, feeding his bodily appetite. When one of the executioners attempts to rouse him from his sleep on the morning of his execution, Barnardine protests, yelling, "Away, you rogue, away! I am sleepy" (IV.iii.28). He resists all physical control over his body, and instead adopts an attitude similar to many illustrious individuals hanged in the eighteenth century. According to V.A. C. Gatrell, condemned victims during that era "could spend their last days in Newgate in dissipation" (36).<sup>47</sup> When Barnardine finally appears on the scaffold, he again asserts his independence and refuses to cooperate with the ritual, telling the executioner, "You rogue, I have been drinking all night. I am not fitted for't" (IV.iii.43-44). When the Duke tries to

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Jane Grey, for example, residing in the Tower for nearly a year before Mary ordered her execution. See Greentree, 730.

<sup>47</sup> This attitude towards death also found its way into popular culture. Macheath, in *The Beggar's Opera*, sings:

But now again my spirits sink;  
I'll raise them high with wine.  
But valor the stronger grows,  
The stronger liquor we're drinking.  
And how can we feel our woes,  
When we've left the trouble of thinking?  
If this, --a man can die.  
Much bolder with brandy.  
So I drink off this bumper.  
--And now I can stand the test.  
And my comrades shall see that I die as brave as the best.

See John Gay, *The Beggar's Opera*, 54 and Gatrell, 37-38.

persuade Barnardine to allow the execution to proceed and offers to “comfort you and pray with you (IV.iii.53), Barnardine refuses point-blank, declaring “I will not consent to die this day, that’s certain” (IV.iii.56-57). Unable to force Barnardine into submission, the guards allow him to leave the theater of punishment and return to the prison unharmed; the Duke deems him “a creature unprepar’d, unmeet for death” (67). Pardoned at the end of the play, Barnardine makes no comment concerning his good fortune. The Duke admonishes him: “Sirrah, thou art said to have a stubborn soul that apprehends no further than this world, and squar’st thy life according” (V.i.480-482). After nine years in prison, Barnardine’s change of behavior seems doubtful, especially considering his lack of concern for the state of his soul. Barnardine remains exempt from state control because he “apprehends no further than this world” (V.i.481).

A number of critics celebrate the individualism of Barnardine. For Peter Holbrook:

A moral perspective on Barnardine is an irrelevance—his ‘stubborn soul’ is the most glorious thing about him. He lives his own life . . . Barnardine is stubbornly, unswervingly, unapologetically himself. His story suggests Shakespeare’s deep attachment to freedom – even freedom of an unreasoning, unedifying, animalistic kind. (28-29)

For Mullaney, Barnardine “represents the limits of even the Duke’s power to control or contain, to induce and subvert the desires of his subject” (115). Barnardine’s failure to conform to expected rituals results not in defiant death but in a pardoned life. By undermining the power of the state, Barnardine proclaims the power of the individual body over the government edifice.

In the final scene of Shakespeare’s play, the Duke, removing his disguise, swiftly pardons and condemns his subjects. Claudio receives the Duke’s mercy without a word. The

Duke first sentences Angelo “to the very block where Claudio stoop'd to death, and with like haste” (V.i.414-415), only to spare him moments later and command him to marry Mariana as penance. Audiences become aware of the Duke’s orchestration of a theater of mercy rather than a scaffold of punishment, a move that problematizes their perception of the Duke. By pardoning his subjects, the Duke either becomes celebrated as a god-like dispenser of clemency or suffers the crowd’s disfavor as he creates a mockery of his position and the ceremonies by which he is constructed.<sup>48</sup> Both views remain unsettling reminders of real state power; the Duke, like James I, could save or take away life according to his whim.

The ending of *Measure for Measure* presents audiences with ambiguities and discomfort on two levels. First, the Duke’s illusion of mercy appears as a manipulative maneuver meant to instill his subject’s obedience. In effect, the Duke hands over the reins of the government to an individual he knows will institute the full (and probably unjust) letter of the law, spends his days surreptitiously watching the disheartening aspects of his abandonment, and finally returns to redeem his people, thus reinventing the rule of the land and reinstating his position as the “good” Duke. By disguising himself, the Duke maintains power over his subjects, becoming the all-seeing, all knowing yet unseen ruler, a sort of human panopticon. Michel Foucault describes the panopticon as “a machine for disassociating the see/being dyad: in the periphic ring, one is totally seen, without ever seeing; in the central tower, one sees everything without being seen” (201-2). The Duke’s power, however, crumbles before the figure of Barnardine, whose refusal to participate in the ritual of execution imposed by both Angelo and the Duke reveals a breakdown of the systems of power and ultimately upholds the possibility of resistance for the audience.

Secondly, within the play Shakespeare seems to privilege the body over the soul, providing an ending that reframes human conceptions of death. Claudio’s arrest and sentence

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<sup>48</sup> According to Redmond, the reactions to the pardons of the Main Plotters were also mixed. While some audience members cheered and cried “God save the King!” others appeared disturbed by the strange turn of events. See Redmond 72.

stem from his bodily actions—i.e. carnal knowledge of Juliet. Likewise, the payment for his sins, according to Angelo’s judgment, must involve the destruction of his sinful body. Claudio receives conflicting advice regarding how he should view upcoming execution—one focuses on the body, the other on the soul. Claudio seems to accept the advice of the Duke, who presents the concept of death as a sleep, instead of Isabella’s suggestion that he view death as a journey to heaven. While Claudio accepts the state power over his physical body, Barnardine uses his body to resist, ultimately undermining the Duke’s power through his unrepentant focus on earthly matters such as sleep and drink. The Duke cannot kill the raw humanity of Barnardine, which is reflected in his pardoning of the sinners, each of whom is charged with a return to the bodily concerns of procreation and marriage. In the end, *Measure for Measure* presents the theater of execution as a spectacle that privileges the spiritual over the biological, while simultaneously undermining this hierarchy. The threat of death, and the removal of such threat, places the characters within the sphere of earthly concerns. The soul becomes elusive—a construct only, trumped by the Duke’s commandeering of the spiritually concerned Isabella, who must turn from her chosen path of monastic life and embrace the bodily in her marriage with the Duke. The orthodox meaning of death as loss of soul becomes lost in the manipulations of the play and its focus on the physical.

While Barnardine’s blatant disregard for ritual marks him as a subversive character focused solely on bodily concerns, and Buckingham’s assertions of individuality remain subtle, following the patterns often employed by real life traitors during the reigns of the late Tudors and early Stuarts, more overt means of resisting state power existed. Philip Smith argues that two main patterns of resistance are evident in executions during the seventeenth and eighteenth centuries. First, some individuals showed an “attachment to positive societal norms” by enacting a pious performance that the state desired which often subverted the power of the government (241). According to Smith, “when well played they were able to

deconstruct the orthodox execution-text and realign symbols and emotions in such a way that the victim became the object of pity, veneration and respect” (241). The behavior exhibited by Lady Jane Grey and Guildford Dudley in Dekker’s play *Thomas Wyatt*, show the use of penitence and piety as a means of subverting the state’s punishment of the body. By adhering to Christian principles of humility and asserting their status as martyrs, these characters become venerated figures in the eyes of the audience, upholding their religious beliefs as a form of resistance.

Secondly, Smith notes that other individuals facing execution used deviant behavior, including farce and “heroic resistance” (241). Such resistance involved the performance of an identity based on bravery, boldness, and overt defiance.<sup>49</sup> Chapman’s Byron, whose final actions and words on the scaffold attest to his individuality and insolence, seeks not the pity of this audience, but rather their admiration. His words downplay and criticize the ritual of execution, creating a moment of triumph for the dishonored Duke. According to Margaret Owens, “[t]he impact of this scaffold scene derives not from the hero’s exemplary adherence to received values but from the audacity with which he repudiates the pious, submissive formulas that governed real-life executions” (135). These two themes of resistance—overtly pious behavior inspiring pity and deviant defiance rousing the crowd’s admiration—are displayed in two starkly different dramatic works—*The Famous History of Sir Thomas Wyatt* by Dekker and Webster and George Chapman’s *The Tragedy of Charles, Duke of Byron*.

### **The Famous Historie of Sir Thomas Wyatt**

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<sup>49</sup> Philip Smith notes that during the eighteenth century highwaymen “were particularly adept at deconstructing their executions through a piety to the outrageous, profane and devil-may-care behavior.” He relates narratives of convicts who held rowdy parties, drank, dressed exquisitely, and joked on the way to the scaffold. Many of these individuals did not exhibit signs of fear, but instead expressed themselves with bravado. Smith believes that these behaviors often found their basis in popular narrative forms, including the picaresque. See Smith 245-246. It is possible that the portrayal of Byron’s death in Chapman’s play informed the later behavior of those condemned to die in the manner Smith describes. Margaret Owens notes that Byron’s execution influenced the composition of many death scenes that echoed his overt defiance. It is possible that Byron’s final words echo throughout later representations of executions in English literary texts. See Owens 134.

The 1607 play, *The Famous History of Sir Thomas Wyatt*, although named after the well-known leader of the failed rebellion to oust Mary I from the throne, actually focuses on the fates of Lady Jane Grey and her husband, Guildford Dudley. Authored by Thomas Dekker and John Webster, the drama reveals the tragedy of wrongful execution and the conscious agency of the two main characters as they face condemnation as traitors and death by decapitation. By presenting themselves as Protestant martyrs, Jane and Guildford deliberately reframe their deaths.

*Thomas Wyatt* is unique not only for its treatment of the executed nobles as individuals able to assert their selfhood at the block; the play also addresses the very human concerns of convicted felons for their family members and household servants. When arrested for treason for his part in the conspiracy to place Lady Jane on the throne, Dudley's father, the Duke of Northumberland, learns that his three sons will also be taken to the Tower. Concerned for the welfare of his sons and aware of his own role in their imprisonment, Northumberland expresses his willingness to die if that means the pardon of his children:

O my Children! My soul weeps endless tears for you.

O at the general Sessions, when all souls

Stand at the bar of Justice, and hold up

Their new immortalized hands, O then

Let the remembrance of their tragic ends

Be [erased] out of the bed-rowle of my sins:

When ere the black book of my crime's unclasped,

Let not these scarlet Letters be found there:

Of all the rest, only that page be clear.

But come: to my arraignment, then to death,

The Queen and you have long aim'd at this head,  
If to my Children, she sweet grace extend,  
My soul hath peace, and I embrace my end. (II. ii. 111-123)

Likewise, the Duke of Suffolk, Jane's father, expresses concern for members of his household. Upon his arrest for treason Suffolk agrees to submit to the state authority, yet begs "this kindness, you would be good unto my Servant Homes" (II. iii. 43-44). Their concern for each other evident at their arraignment, Jane and Guildford each offer their own lives as forfeit if the other will be spared. Guildford begs his accusers "Yet save my Jane, although my blood you spill" (V.i.117), while Jane tells the court "If I must die, save Princely Guildford's life" (V.i.118). In these scenes, Dekker and Webster use notions of family affection to heighten the drama of impending execution and personalize the emotions of the condemned, thus compelling the sympathy of the audience.<sup>50</sup>

While familial concerns are present in the real-life executions of Jane and Guildford, the authors deliberately highlight the relationships of fathers and children as well as the romantic love between the two main characters while in fact such depictions are ahistorical.<sup>51</sup> According to the scholar Roger Ascham, who visited the child Jane Grey in 1550, her parents treated her with extreme cruelty. Ascham reported that when he asked Jane why she preferred to remain inside reading rather than playing outside, she told him:

One of the greatest benefits, that ever God gave me, is, that he sent me so sharp and severe Parents, and so gentle a schoolmaster. For when I am in presence either of father or mother, whether I speak, keep silence, sit, stand, or

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<sup>50</sup> Although few real life scaffold speeches include mention of family members, Rebecca Lemon mentions a few instances of individuals who asked for the monarch to be kind to their families. Gunpowder plotter Ambrose Ruckwood, for example, ended his scaffold confession "beseeching the King to be good to his wife and children." See Lemon 32.

<sup>51</sup> Lady Jane Grey did show concern for her family members in the hours before her death. On that fateful day, she penned a letter to her father. Jane also gave a Greek New Testament to her sister, Katherine Grey, and addressed her within its pages, urging Katherine to put her trust in God and learn from the mistakes of the Grey family. See Edwards 79-81, 225-226.



go . . . be sowing, playing, dancing, or doing anything else, I must do it, as it were, in such weight, measure, and number, even so perfectly, as God made the world, or else I am so sharply taunted, so cruelly threatened, yea presently some times, with pinches, nips, and bobs . . . so with- out measure misordered, that I think myself in hell. (Ascham, *The Scholemaster* 201-202, quoted in Thomas Greene 611)

Likewise, the loving relationship between Jane and Guildford that Dekker and Webster develop in their play was most likely a complete fiction. Made for purely political reasons, the marriage of the young couple was often fraught with tension. Following her accession as queen, Jane and Guildford bickered and for a time Guildford refused to sleep with his wife on the advice of his mother (Edwards 166). Queen Jane also refused to name Guildford as her co-ruler, despite the expectations of her consort, his family, and foreign ambassadors (Edwards 208-209). Thus, the authors of *Thomas Wyatt* rely on emotional rhetoric rather than historical fact to drive the plot of their play.

*Thomas Wyatt* explicitly illustrates the tragedy of the numerous executions by evoking sorrow and compassion for the condemned. In contrast to the carnivalesque atmosphere Laqueur argues permeated public executions, the crowds congregated to watch the execution of the Duke of Northumberland cry and drop their eyes. Unaware he is observing his own father's execution, Guildford watches the gathering throng from his tower window with a sense of wonder:

And see you how the people stand in heaps,  
Each man sad, looking on his apposed object,  
As if a general passion possesses them  
Their eyes doe seem, as dropping as the Moon,  
As if prepared for a Tragedie.

For never swarms of people there do tread,  
But to rob life, and to enrich the dead  
And shew they wept. (III.ii.23-30)

The impending executions of the young couple also arouse the sympathies of Mary's advisors. A number of nobles argue against the death penalty. Thomas Wyatt reminds the queen of her close familial relationship to Lady Jane Grey and begs for the sovereign's mercy:

The Lady Jane most mighty Sovereign,  
Allied to you in blood:  
For she's the Daughter of your Fathers Sister,  
Mary the Queen of France: Charles Brandon's Wife.  
Your Niece, your next of blood, except your sister,  
Deserves some pity, so doth youthful Guilford. (III. i.45-50)

Despite the protestations of many, the couple stands trial for treason following Wyatt's failed rebellion. From the arraignment on, the play represents Jane as a martyr, using rhetoric and actions to fashion herself as an innocent victim who sacrificially goes to her death, assured of a heavenly welcome and audience sympathy. As Jane holds up her hand at the barre, she tells those gathered it's "A hand as pure from Treasons Innocence, as the white livery,/ Worn by the Angels in their makers sight" (V.i.19-21), fashioning herself as an angelic being innocent of all wrongdoing. According to Margaret Owens, Jane becomes "a corporeal icon of purity" (133), an example of the popular virgin martyr iconography that captured the imagination of audiences and readers during the early modern era. Jane's position as a martyr within the play echoes her presentation in Foxe's *Book of Martyrs*, which valorizes chaste, virginal and faithful women as paragons of virtue and spirituality (Owens 133).

Awaiting death in the tower, Jane focuses on religious matters, reading prayer books and telling her husband that “[t]o a prepared mind death is a pleasure” (V.ii.49). As she is led away to her execution, Jane freely gives her pardon to the executioner, while Guildford protests that Jane should not be the first to die:

I am a man, men better brook the shock  
Of threatening death, your sex are ever weak.

The thoughts of death, a woman’s heart will break. (V.ii.98-100)

Although Guildford displays common cultural views of gender, Jane, playing the part of the martyr, reminds her husband, “But I am armed to die” (V.ii.101), showing strength of character and determination. While the real-life Lady Jane went to her execution after Guildford and sees his headless corpse on her way to the block, Dekker rewrites the story, making Jane the first to die. This artful rearrangement of history makes Jane “an exemplary figure who shows others how to die” (Owens 132).

Jane exemplifies the good death for the benefit of her husband, revealing through both words and actions her preparations for death. As Seymour Bynam notes, the rituals practiced by martyrs prepared them for death and informed the way they died (625). Jane’s final speech reveals even further her readiness for death. While taking off her outer garments, Jane speaks of the disrobing process, showing that by removing her clothing she is eradicating the trappings of her nobility and readying herself for her heavenly garments:

Good Mistress Ellen, lend me a helping hand  
To strip me of these worldly ornaments.  
Off with these robes, O tear them from my side,  
Such silken covers are the guilt of pride.  
Instead of gowns, my coverture be earth,  
My worldly death for new celestial breath. (V.ii.129-134)

Jane's final performance reveals her ability to transcend her body and the shame attached to the removal of her garments—a signifier of the removal of her noble status. In addition, Jane's behavior subverts the power of the state through her overtly devout actions. As Philip Smith argues in his study of seventeenth century executions,

Paradoxically, “pious” performances that were very much of the type that the authorities desired could have a similarly deleterious influence on the dominant semiosis. When well played they were able to deconstruct the orthodox execution-text and realign symbols and emotions in such a way that the victim became the object of pity, veneration and respect. Note that this deconstructive force came not from parody but from a perceived authenticity in performance which commended itself to the sentiments of the onlooker.

(241)

While Jane consciously represents herself as part of the martyrdom tradition, Guildford offers a mixture of defiance and inwardness as denoted by his thoughtful remarks in regards to his fate. Whereas Jane uses her words to fashion herself as a Protestant martyr, Guildford initially fights the unjustness of his sentence. At his arraignment, Guildford tells the court:

If we be guilty, 'tis no fault of ours;  
And shall we die for what's not in our power?  
We sought no kingdom, we desir'd no crown:  
It was imposed upon us by constraint . . . (V.i.67-70)

Guildford also accuses the attending lords of treachery, reminding them that they also upheld Jane's queenship before Mary seized the crown. In a possibly fatal show of emotion, Guildford threatens the court, telling his judges “look what sentence, on our heads you lay, upon your own, may light another day” (V.i.91-92). While Jane composes and readies herself

for death, Guildford continues to pronounce their innocence. In the moments leading up to his execution, Guildford verbally attacks the Lord Winchester and Lord Arundell, telling them:

An innocent to die, what is it less  
But to add angels to heaven's happiness?  
The guilty dying do applaud the law.  
But when the innocent creature stoops his neck  
To an unjust doom, upon the judge they check.  
Lives are, like souls, requir'd of their neglectors.  
Then ours of you that should be our protectors. (V.ii.70-76)

By asserting his guiltlessness in the face of death, Guildford seems to mock the execution ritual, calling into question the power of the state and the role of the nobles who fail to look critically at their part in an unjust execution. In direct contrast to the accepted tradition that demanded condemned individuals continue to uphold the justness of the law even when proclaiming their innocence, Guildford denies convention.<sup>52</sup> Dekker and Webster instead offer their audience a character that defies the tradition of the scaffold confession and presents an alternate way to die well.

As tragic hero of the play, Guildford remains poignantly aware of his position as an actor in a tragedy. Following their sentencing, Guildford consciously compares their lives to a drama, stating “Our dooms are known, our lives have played their part” (V.i.139). On the day of his death, Guildford greets the nobles who arrive to escort him to the block by asking “come you now to see the black conclusion of our Tragedie?” (V.ii.55-56). He muses on the prospect of his execution and his part in the drama:

Our office is to die, yours to look on:

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<sup>52</sup> Even those who protested their innocence usually expressed an acceptance of the legal sentence. See Carlton 68.

We are beholding unto such beholders,  
The time was Lords, when you did flock amaine  
To see her crowned, but now to kill my Jane,  
The world like to a sickle bends [itself],  
Men run their course of lives as in a maze:  
Our office is to die, yours but to gaze. (V.ii.59-65)

The construction of Guildford's role and importance in the execution ritual resonates with cultural changes in execution rituals that developed in the early modern era. Michael Neill notes that in the late Middle Ages "[t]he ritualized drama of confession and absolution by which the 'good end' contained the chaos of death reduced the dying person to a passive sufferer whose only role was willingly to surrender the last frail trappings of selfhood" (35). Yet, during the sixteenth and seventeenth century, executions became "an improvisational theatre of defiance in which the power of death was subordinated to self-display" (35). Guildford's defiance and recognition of his active role as a condemned but innocent traitor attest to these cultural changes. By comparing his active role in the scaffold ritual to the passive role of the audience, Guildford presents himself and Jane as the key players in this dance of death. Using rhetoric that places him as an active participant carrying out his office, Guildford subverts the passivity demanded of the condemned.

Despite his defiance, Guildford goes willingly to his death, due primarily to the otherworldly sight of his dead wife's head. When the executioner returns to Guildford's cell with the head of Jane, its manifestation moves Guildford towards the martyrdom exemplified by the doomed queen. For Guildford, the severed head's lifelike appearance attests to the innocence of Jane. He expresses surprise at the condition of her lifeless head:

Do malefactors look thus when they die?  
A ruddy lip, a clear reflecting eye.

Cheeks purer than the Maiden orient pearl,  
That sprinkles bashfulness through the clouds  
Her innocence, has given her this look:  
The like for me to show so well, being dead,  
How willingly, would Guildford lose his head. (V. ii.163-169)

The sign of Jane's head provides Guildford with the courage to face his own decapitation. According to Margaret Owens, in her death Jane becomes "an exemplary figure who shows others how to die" (132). Jane's example, in the play, lives on beyond her death, exerting its influence on Guildford and the audience.<sup>53</sup> Although Guildford never recants his protestations of innocence and his attacks on the lords who wronged him and his wife, his final words express hope in eternal life and romantic love: "Though on the earth we part, by adverse fate,/ Our souls shall knock together at heaven's gate" (V.ii.176-177).

### **The Tragedy of Charles, Duke of Byron**

George Chapman's c. 1608 dramatic work, *The Tragedy of Charles, Duke of Byron*, portrays a character guilty of treason, overtly defiant, and finally triumphant at the moment of his execution. In contrast to the pious deaths of Lady Jane and her consort, Byron's execution behavior serves as a model of a defiant end ultimately turned heroic. Chapman's work remains notable not only for its strikingly beautiful poetry, but for its treatment of the scaffold confession. No other play in early modern England depicts an execution in such detail, and the play ends not with an epilogue extolling the virtues of the condemned or the justness of the sentence, but with the valiant final words of the victim. Byron's execution speech, while failing to conform to the conventions of the ritualized confession, presents early modern audiences with a new mode of overt individuality in the very moments before death.

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<sup>53</sup> The authors, in contrast to the real life executions of Jane and Guildford, switch the order of the executions, making Jane die before her husband. The historical Lady Jane died after Guildford and was subjected to a view of his corpse before ascending the scaffold. See Owens 132.

Many critics view Byron's execution behavior and treasonous actions as a representation of those of Robert Devereux, the Earl of Essex. According to Julia Gasper, these parallels led to censorship of the play (48). Byron's own words attest to his affinity with the doomed earl. After Byron returns to the French court, the captain of the guard tells him that since his departure strange events have occurred, including the deaths of wild ducks and the madness of Byron's horses. According to the guard, Byron's favourite horse, "Pastrana, which the Archduke gave you at Brussels, in the very hour you left your strength, fell mad, and kill'd himself" (IV.i.123-125). For Byron, the death of his horse signifies his similarity to Essex as the earl's horse also died in a comparable fashion. Byron attests to their kinship, telling the captain:

All these together are indeed ostentful,  
Which, by another like, I can confirm:  
The matchless Earl of Essex, whom some make  
(In their most sure divinings of my death)  
A parallel with me in life and fortune,  
Had one horse, likewise, that the very hour  
He suffer'd death (being well the night before),  
Died in his pasture. (IV.i.131-138)

Similarly, while awaiting his execution in the Bastille, Byron draws parallels between his fate and that of Essex. He tells his jailer:

It is the King (most childish that he is,  
That takes what he hath given) that injures me:  
He gave grace in the first draught of my fault,  
And now restrains it: grace again I ask;  
Let him again vouchsafe it; send to him,



A post will soon return: the Queen of England  
Told me that if the wilful Earl of Essex  
Had us'd submission, and but ask'd her mercy,  
She would have given it past resumption.  
She like a gracious princess did desire  
To pardon him, even as she pray'd to God  
He would let down a pardon unto her;  
He yet was guilty, I am innocent;  
He still refus'd grace, I importune it. (V.iii.134-147)

Although Byron attempts to twist the comparison in his favour, making Essex culpable and himself blameless, Chapman constantly reminds his audience of Byron's guilt, making the association between the two men even more apparent. For Rees, the two executed lords signify "Achillean virtue." Both men display pride in their abilities and confidence in the love of their respective monarchs, becoming subject to the whims of fortune when their egotism takes center stage (Rees 79). Byron, though, unlike Essex, refuses to display a penitent spirit in his final days. Essex clearly followed the *Ars Moriendi* tradition, while Byron's behaviour from the moment of his arrest to the loss of his head is defiant and mocking.

Chapman's Byron refuses to go meekly to his death and instead often declines to comply with the ceremonies of punishment. Arrested while playing cards with the Queen and her courtiers, Byron initially refuses to go with the guards to prison and will not resign his sword. When Vitry, the captain of the guard, responds "we'll force you then," Byron becomes aggressive and accusatory, equating the removal of his sword with the theft of his soul and threatening to "trample out your execrable light" (IV.ii.278-286). According to Gilles Bertheau, Byron's sword signifies his identity. He argues "it is the visible sign not only of his status but also of his entire self, and . . . once he is deprived of it, he becomes nothing"

(385). The loss of the symbol of his self-worth and value becomes the impetus by which Byron must refashion his identity and assert his individuality as the play progresses.

Byron's co-conspirator D'Auvergne is also arrested, but his response to his fate is gracious. The Vidame tells his fellow guards "See how he [D'Auvergne] bears his cross with his small strength on easier shoulders than the other Atlas" (IV.ii.303-304). The differences between D'Auvergne and Byron's behavior in the Bastille continue to capture the attention of the court and king. While D'Auvergne, according to Vitry, "hath merry spirits, eats well and sleeps, and never can imagine that any place where he is, is a prison," Byron acts like a caged beast (V.i.102-108). He rejects food and sleep, and treats his guards with disdain. Vitry tells the king that Byron is like a bird that

Enter'd a closet, which unwares is made  
His desperate prison, being pursu'd, amaz'd  
And wrathful beats his breast from wall to wall,  
Assaults the light, strikes down himself, no out,  
And being taken, struggles, gasps, and bites,  
Takes all his taker's stroking to be strokes,  
Abhorreth food, and with a savage will  
Frets, pines, and dies for former liberty. (V.i.118-126)

By his animalistic actions, Byron defies the power of the state to cage him. Throughout the play Chapman attributes animal-like qualities to the Duke, equating him with a lion, a bird, and a falcon. These metaphors strive to free Byron from the categorization of mortal human concerns. As a bird, Byron finds a method to escape his human imprisonment. In his recent study of the uses of animals in early modern literature, Andreas Höfele posits that animal metaphors often become "not just poetical decoration but loopholes for magical escape" (224). Beastliness, although often signifying otherness or removal from civilization, also

points to the sublime escape from human concerns—a liminal position that provides the condemned with a means to shatter the categories that kept him or her bound to a conventional identity as victim of ritual.

Although Byron seems at times to escape his human identity and flee into a freer animal self, he still must contend with the real world of the court and king. At his trial, Byron shows a mercurial spirit, at times protesting his innocence and in other moments threatening the nobles. Judged guilty of treason against the king, Byron returns to the Bastille to await his execution. The men who visit him in prison express concerns about his ever-changing moods. The Chancellor remarks, “I fear his frenzy; never saw I man of such spirit so amaz’d at death” (V.iii.185-186). Another noble notes that Byron “alters every minute; what a vapour the strongest mind is to a storm of crosses” (V.iii.187-188). Those visiting the dishonoured Duke express hope that he will accept his death as befitting a Christian. Byron continues to rage against his fate. Janin, the minister of Henry IV, reports, “He doubts, storms, threatens, rues, complains, implores;/ Grief hath brought all his forces to his looks,/ and nought is left to strengthen him within/ nor lasts one habit of those griev’d aspects” (V.iii.217-221).

Despite his rage, Byron rouses himself at the end, displaying a brave defiance by refusing to kowtow to the conventions of the scaffold execution. Even before Byron enters the stage for his final scene, the executioners grapple with his insubordination, wondering whether or not he should be bound. Vitry argues against such an action, noting that by binding the Duke, they will only provide Byron with a chance to further construct his individuality. He tells the lord, “Will not your lordship have the Duke distinguish’d from other prisoners, where the order is to give up men condemn’d into the hands of th’ executioner?” (V.iv.1-4). By leaving Byron unfettered, Vitry seems to say, the Duke becomes just another executed body, while binding him symbolizes his unique personhood. Other lords, however, fear Byron’s rage and possibly violent reaction to the scaffold and believe he

needs restraints to perform his final act. In the end religious concerns trump the arguments for and against fettering Byron, because, according to one noble, the “offer of those bands would breed fresh furies in him and disturb the entry of his soul into her peace” (V.iv.12-14).

Therefore, the guards lead Byron to the scaffold unfettered and defiant. Byron shows none of the penitence expected of him as he refuses the assistance of the bishop, who pleads with the Duke to “resign your sensual powers entirely to your soul” (V.iv.24-25). In a speech of immense beauty, Byron returns to the escapist image of the bird,

Horror of death! Let me alone in peace,  
And leave my soul to me, whom it concerns;  
You have no charge of it; I feel her free,  
How she doth rouse, and like a falcon stretch  
Her silver wings; as threatening Death with death;  
At whom I joyfully will cast her off  
.....  
That life is but a dark and stormy night  
Of senseless dreams, terrors, and broken sleeps;  
A tyranny, devising pains to plague  
And make man long in dying, racks his death;  
And Death is nothing; what can you say more?  
I being a large globe, and a little earth,  
Am seated like earth, betwixt both the heavens,  
That if I rise, to heaven I rise; if fall,  
I likewise fall to heaven; what stronger faith  
Hath any of your souls? (V.iv.26-31, 40-49)

Byron's rhetoric suggests his own unique position in relation to death. His soul he likens to a falcon, a symbol, according to Albert I. Bagby, Jr. and William M. Carroll, of fate (310).

Equated with fortune,

This picturesque bird, its very name derived from the Latin *falx, falcis, falcem* (sickle, scythe), with curved beak, sharp talons, and long, pointed wings, streaks across the sky at a great height and swoops toward the prey, rarely missing, so as to evoke in an observer's imagination an amazing likeness to the inevitable operation of destiny. (310)

By using the image of the falcon, Byron escapes the cage of his humanity, becoming a spirit free from earthly concerns. He also redefines his faith, asserting his belief in a transcendent death outside of the confines of accepted religious practice. According to conventional thought, individuals facing execution needed to resign themselves to death, forsaking their own will and accepting God's overarching plan. Byron refuses to abandon his concept of self, and attests to a faith in his ultimate salvation whether he chooses to submit his will to God or continue to uphold his individuality.<sup>54</sup> Jane Melbourne Craig argues that "Byron's faith is non-Christian in that he assumes the soul is immortal because of its essence, not because of God's grace" (281). Byron ultimately chooses to resist the submission of his will, focusing instead on the eternal nature of his individual soul.

Byron continues to assert his individuality and identity during the execution rituals that transpire. He refuses the pious pattern of death, telling those gathered, "I will not die/ like to a clergyman; but like the captain/ that pray'd on horseback, and with sword in hand,/ threaten'd the sun, commanding it to stand" (V.iv.51-54). On the scaffold, Byron listens to the reading of his sentence (part of conventional practice), but continually interprets the reader. The sentence effectively strips Byron of his earthly status and possessions in typical

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<sup>54</sup> Schwartz also argues that Byron's rhetorical struggle in these lines involves two conflicting ideologies—the assertion of selfhood and the submission to God. See Elias Schwartz, "Chapman's Renaissance Man: Byron Reconsidered," 621-622.

fashion, “[depriving] him of all his estates, honours, and dignities, and [condemning] him to lose his head upon a scaffold at the Greve . . . Declaring all his goods, moveable and immoveable, whatsoever, to be confiscate to the King; the Seignury of Byron to lose the title of Duchy and Peer for ever” (110-113, 117-118). Byron responds to the sentence with anger, railing against the unfairness of his end and hurling insults at those who accused him.

When the hangman enters to receive forgiveness from Byron and instruct him in the process, Byron again defies convention by yelling, “Death, slave, down, or by the blood that moves me I’ll pluck thy throat out! Go, I’ll call you straight” (V.iv.164-165). Byron proclaims his control of the situation and denies the executioner the power of his position. Although Byron follows the ritual disrobing at the scaffold, he seems to treat the moment with levity, casting his handkerchief and doublet to a nearby boy and refusing to allow the hangman to cut his hair, threatening to strangle the executioner if he refuses to obey Byron’s commands. When Byron blindfolds his eyes, the bishop attempts to turn Byron’s attention to his soul, telling him, “My lord, you are blind to this world’s sight, look upward to a world of endless light” (V.iv.171-172). Byron rejects such ministrations; retorting, “You talk of upward still to others, and downwards look with headlong eyes yourselves” (V.iv.173-174) he calls into question the sincerity of religious belief.

Byron’s refusal to perform the expected scaffold behaviours finds its full expression when Vitry accuses him of putting too much stock in his physical body by rejecting the executioner’s assistance. Byron replies by upholding his control over the scaffold scene and denouncing those who mindlessly present themselves as victims for the slaughter:

I’ll take my death with all the horrid rites  
And representments of the dread it merits;  
Let tame nobility and numbed fools  
That apprehend not what they undergo,

Be such exemplary and formal sheep.

I will not have him touch me till I will. (192-197)

By asserting his own domination of the ceremony and reframing the process to his will, Byron creates an execution narrative that deviates from conventional practice.

In his final speech Byron offers a few conformist sentiments, sending love to his fellow nobles, and charging them “to keep their faiths that bind them to the King” (V.iv.232-233). At the last moment, though, he returns to form, directing the closing scene with the following words:

Strike, strike, O strike; fly, fly, commanding soul,

And on thy wings for this body's breath,

Bear the eternal victory of Death! (259-261)

The play ends with Byron's call for the headsman's stroke and assertion of his soul's power to transcend death. Chapman wrote no epilogue to present the audience with a moralising gloss on the execution of the Duke. With these ending lines Byron defies convention by proclaiming that his individual soul transcends bodily death, and thus, his unique being remains central in both this world and the world to come.

## Conclusion

During the sixteenth and early seventeenth centuries, numerous members of the nobility sentenced to death for treason publically suffered decapitation—an ignoble ritual that stripped them of their aristocratic identity and ritualized their final moments. Though these staged spectacles of punishment speak to the construction of state power and authority of the monarch, in some instances the victims subverted the didactic message of the ritual in subtle ways. While Foucault rightly views the scaffolds of punishment as a signifier of state power over the individual, many condemned nobles worked within the genre of the last dying speech to promote their own agendas. The execution ritual, with its reliance on medieval tradition and belief in the necessity of dying honorably before king and country, upheld the government's authority while allowing individuals a chance to reframe themselves. Although most individuals who met their ends at the block adhered to the traditional framework, many constructed their individuality, thus refashioning themselves through rhetoric. Some individuals reminded the crowds of their unique place in society, others subtly criticized the government, and still others employed gallows humor to undermine the horror of the drama and attest to their unique place in history.

Two main avenues of self-assertion informed real life performances at the scaffold—extreme penitence and overt defiance. Catholics and Protestants alike utilized the trope of martyrdom to subvert the state execution narrative. Lady Jane Grey and Mary, Queen of Scots both attested to their trust in God and used words evoking their respective faiths. Through their devout behavior, these women earned the veneration of the crowd and overturned the ignoble manner of their death by refashioning themselves as victims of religious martyrdom.

Other victims of Tudor executions expressed their individuality through subtle or even overt defiance. By dying bravely and refusing to remain passive victims, defiant



individuals elicited the admiration of their audiences. In order for the viewers to interpret these deaths as good and proper these subversive individuals needed to restrain their defiance and adhere closely to the acceptable last dying speech. Both Essex and Raleigh, although their actions remained loosely within the framework of normal execution behavior, used their bravery on the scaffold to shape their final minutes.

The dramatic works of the Tudor Era also comment on the staging of real life executions, employing various critiques of the ritual in relation to both the individual and the government. Some staged executions seem to mock accepted conventions of behavior. In a number of plays, the victim undergoes punishment at odds with the stylized presentations devised by sixteenth century elites. In *Richard III*, for instance, the beheadings of Buckingham and Hastings occur in private spaces without attendance of the typical audience. In addition, these executions fail to provide the individual victims with opportunities for full confessions and last dying speeches. Playwrights often used the failure of the execution ritual to call into question the government apparatus that sentenced men and women to death. These disastrous staged executions reveal flaws in government power by showing the breakdown of ritual and elimination or downplay of ceremony.

Some dramatic works represent subversive scaffold executions that allow characters autonomy in the face of death. In particular, early modern plays often portrayed characters that either use the tradition of martyrdom or boldly defy the intended didactic purposes of the execution ritual. The bold and heroic death, as exemplified by Chapman's Byron, involves the refusal to acquiesce to expected execution behavior. Through bravado and control of his final moments, Byron defies convention and controls his own death in direct opposition to the king's authority, asserting his individuality in his last acts. Other playwrights use their character's penitence and adherence to religious beliefs as a form of resistance. In Dekker's *Thomas Wyatt*, for example, the main protagonists—Lady Jane Grey and Guildford Dudley—

successfully subvert the state message by consciously depicting themselves as martyrs for their religious beliefs.

As revealed through both real life events and dramatic works, the execution dramas performed on the stages of Tudor England contained within their structure the opportunity for individuals to refashion their final moments. Not all victims took advantage of this element, but many did, creating further pathos within the tragic narrative.

As a genre, the last dying speech remained important for generations of English speaking peoples. During the seventeenth and eighteenth centuries, malefactors who met their ends at Tyburn's notorious "hanging trees" continued to employ the rhetoric used during the Tudor Era, but with marked differences. One primary difference was the vast literary and historical record of last dying speeches from which the condemned could draw. For an increasingly literate public, records of real life executions and staged depictions of these spectacles provided a wealth of examples on how to die well. Individual criminals facing death at the gallows could draw from a wide range of possible death speeches, outlined in a variety of texts, including Foxe's *Acts and Monuments* and the *Ordinary of Newgate's Accounts* (McKenzie 163).

While those individuals beheaded on Tower Hill or within the confines of Tower Green typically saw their offenses as crimes against God and the monarch, common and noble individuals executed during the later period emphasized their sins as crimes against their communities (McKenzie 158). Last dying speeches, as performed during the eighteenth century, also became more personal and individual as convicts alluded to their unique lives, recounted their sins, and said farewells to their friends and family members. In addition, the execution narrative became a facet of sensational and celebratory texts during the eighteenth century as novels like Daniel Defoe's *Moll Flanders* and plays such as John Gay's *The*

*Beggar's Opera* shaped the ways the public saw and responded to public hangings and criminal culture (Gatrell 147).

While the executions of noblemen and women dropped significantly following the execution of Charles I in 1649, the hangings of commoners increased during the seventeenth and eighteenth centuries. These executed individuals continued to use the conventions of a “good death” defined by early modern society but performed self-representation at a heightened level. Some seventeenth and eighteenth century individuals, like their sixteenth century counterparts, employed the martyrdom tradition to give their deaths meaning. These victims expressed their assurance of salvation, their charity towards the world, and their eagerness to die and often used the scaffold as a pulpit, outlining their sin and God’s forgiveness (McKenzie 160-161). Others, especially those protesting their innocence of all wrongdoing, invoked images of past martyrs and biblical characters or adopted Christ’s words on the cross: “Forgive them; for they know not what they do” (McKenzie 163). Thus, through penitence and the use of the martyrdom tradition, some victims maintained their dignity and subverted the didactic purpose of the spectacle by overt adherence to a Christian ethos.

While a number of individuals executed in the later period employed penitence and religious language, others fashioned themselves as bold and unrepentant heroes. Defiant behavior, as early exhibited by Chapman’s Byron, became acceptable and laudable, especially for highwaymen, who performed their final moments with bravado and bravery, refusing to be frightened of the hangman’s noose. According to one historian, by “[h]iding their true feelings, they refused to play to the intended solemnity of the ritual, knowing they would be defeated by it if they did” (Gatrell 110). The image of the “game” criminal—the fashionable highway man who dines and drinks on his way to the gallows, offers a rousing

speech, and refuses to tremble or flinch at the final moment—permeated literature during the late seventeenth and eighteenth centuries and remains a prevalent image in our own time.

Fashioning an individual identity on the scaffold—whether during the sixteenth century when nobles offered final words before the block or throughout the eighteenth when common felons stood beneath the gallows to deliver their last remarks to the crowd—became an integral part of English life, reflected in contemporary dramatic works. Tudor nobles performed their final rituals before their peers centuries ago, yet their words and actions on the scaffold remain a poignant picture for theatergoing crowds, literary scholars, and historians alike. These doomed aristocrats also served as the forerunners and developers of a genre that impacted and influenced last dying speeches given hundreds of years later.

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