

**Legitimacy, Illegitimacy and Sovereignty in
Shakespeare's British Plays**

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Katie Pritchard

School of Arts, Histories and Cultures

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List of Abbreviations

Abbreviations

ed., eds, editor, editors

edn. Edition

n. note

F Folio

Q Quarto

s.d. stage direction

MS Manuscript

ELH *English Literary History*

ELR *English Literary Renaissance*

OED *Oxford English Dictionary*

Oxford John Jowett, William Montgomery, Gary Taylor and Stanley Wells (eds), *The Oxford Shakespeare: The Complete Works* (2nd edn., Oxford; New York: Oxford University Press, 2006)

RQ *Renaissance Quarterly*

RSC *Royal Shakespeare Company*

SEL *Studies in English Literature, 1500-1900*

SS *Shakespeare Survey*

SQ *Shakespeare Quarterly*

TLS *Times Literary Supplement*

Biblical quotations are taken from the King James Authorized Version, 1611

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'Legitimacy, Illegitimacy and Sovereignty in Shakespeare's British Plays': Abstract

'Legitimacy, Illegitimacy and Sovereignty in Shakespeare's British Plays', presented to the University of Manchester in 2011 for the degree of Doctor of Philosophy by Katie Pritchard, demonstrates how Shakespeare participates in an early modern 'discourse of legitimacy' as described by Robert Zaller. This thesis, however, proposes an interrelated discourse of illegitimacy that is of equal importance to the discourse of legitimacy. A continuum or spectrum of legitimacy values is hypothesised, and seventeenth century optical illusions known as the curious perspective are used as a visual model that defines the inseparable nature of illegitimacy and legitimacy. Illegitimacy was a state traditionally defined as restrictive, and stereotyped as stigmatised by historians. Examination of the situation of early modern illegitimacy in England, however, suggests a more inclusive attitude to illegitimacy than has been previously acknowledged.

The plays under discussion are under studied as a group; the thesis examines the British-set history and romance plays, defining them as 'British plays'. This is because one of the central implications of the discourse of (il)legitimacy is that it forms an evaluation of nationhood in early modern England and Britain. Using recent reconsiderations of national identity during the sixteenth and seventeenth centuries, this thesis identifies a strong national sentiment in Shakespeare's drama. The change from an Elizabethan English monarchy to a Jacobean British one instigated a reconsideration of what national identity might entail, using the discourse of legitimacies and illegitimacies to evaluate this developing concept. 'Legitimacy, Illegitimacy and Sovereignty in Shakespeare's British Plays' identifies how these discourses also link to other related themes in the British plays.

The concept of sovereignty, as the thesis title suggests, is strongly linked to ideas of legitimacy and illegitimacy, with examples of the discourse used in this context drawn from Shakespeare's works and a wider range of texts. Identification of the sovereign with national allegiance, to a certain degree, links these themes, yet Shakespeare also dramatises an independent national sentiment in the British plays, revealing developing nationhood onstage. National sentiment also infuses another area in which the discourse of (il)legitimacy is used by Shakespeare; the legal debates of the era are reflected in the British plays; a contemporary conflict between common and civil law, and the aim of many lawyers to rediscover an ancient constitution of Britain, especially in the area of patrilinear inheritance, is acknowledged throughout in Shakespeare's use of legitimacy images and metaphors.

As 'metaphors' suggests, illegitimacy is an increasingly conceptual issue in the thesis. Shakespeare uses ideas of illegitimacy to inform many areas; in particular a kind of validity or truth. A chapter on metaphorical illegitimacy demonstrates how illegitimacy and legitimacy language is suggestive of other issues. The invalidity of a usurped kingdom, a false kingship, is negotiated through illegitimacy discourses in *Richard II*, as the attempt to validate leadership in the second tetralogy is articulated with a discourse of totalising masculine legitimacy. 'Legitimacy, Illegitimacy and Sovereignty in Shakespeare's British Plays' works within a contextual framework to locate the language and concepts Shakespeare dramatises in a wider environment, reflecting the issues of law, sovereignty and nation that existed in early modern English and British society.

No portion of the work referred to in the thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

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Legitimacy, Illegitimacy and Sovereignty in Shakespeare's British Plays

In Shakespeare's British plays, the interrelated concepts of legitimacy and illegitimacy form a medium through which issues of sovereignty and nationhood are viewed. Legitimacy was a highly nuanced concept in early modern England, with a range of associations and meanings that are often unacknowledged by modern critics. This thesis locates interpretations of illegitimacy and legitimacy in a wider context of sovereignty and national sentiment in Shakespeare's work. While issues of sovereignty have frequently been an area in which literature and history coincide, the traditionally accepted view that national sentiment began during the eighteenth and nineteenth centuries has recently been radically revised.¹ In Shakespeare's history plays, the development of an English nationhood can be identified, and tensions between Englishness and emergent Britishness under James I are reflected by Shakespeare's later work. The plays articulate current tensions, social milieu and major political topics of the era, frequently engaging with contemporary discourses of sovereignty and nationality. As the British play genre² evolves with the changing concepts of nation in early modern England and Britain, the motif of (il)legitimacy evolves with it. Initially, true legitimacy is unattainable, something performed by politically aware sovereigns. Increasingly however, the plays postulate a kind of legitimacy that is attainable, though it is continually under threat from external forces.

The following chapters identify Shakespeare's use of illegitimacy and legitimacy motifs, tracing links to themes of sovereignty and nation. Kingship and the methods of transfer of kingship are evaluated in terms of legitimacy and illegitimacy, something enabled by the fluidity of early modern definitions of (il)legitimacy. The link between the monarch and the nation is well-established,³ yet the discourses of legitimacy and illegitimacy provide a rarely

¹ See Ernst Kantorowicz, *The King's Two Bodies: a Study in Medieval Political Theology* (Princeton: Princeton University Press, 1957), Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), Liah Greenfeld, *Nationhood: Five Roads to Modernity* (Cambridge, Mass.: Harvard University Press, 1992), Krishnan Kumar, *The Making of English National Identity* (Cambridge: Cambridge University Press, 2003), Rees Davies, *The First English Empire: Power and Identities in the British Isles, 1093-1343* (Oxford: Oxford University Press, 1998).

² For further definition and discussion of the term, see pp.36-38.

³ Kantorowicz, *The King's Two Bodies*, 25-32, Claire McEachern, *The Poetics of English Nationhood* (Cambridge: Cambridge University Press, 1996), 31-34.

acknowledged bridging function between these two concepts: legitimacy language underpins inherited sovereignty, and the legal language of inheritance, coloured by the value placed on legitimacy, was a major source of definition for burgeoning English nationhood.⁴ There is a continuum of (il)legitimacy in the British plays, expressly linking that formation of nationhood with the complexity of sovereign inheritance. The (il)legitimacy continuum is a central concept in this discussion of sovereignty and nation: competition for the crown is played out within frameworks of (il)legitimacy, and as the plays focus on the dynastic struggles of history, they reflect upon the contemporary formation of a nation. The continuum, however, makes simplistic definitions of legitimacy or illegitimacy impossible.

Perceptions of legitimacy are more wide-ranging than simply defining a person's birth status; Chapter 1 establishes the basis that the rest of the thesis build on, defining 'British Plays', (il)legitimacy and the curious perspective, and the position of noble bastards in early modern England. Chapter 2 focuses on the two most famous illegitimate characters in the British plays: Edmund and Faulconbridge, of *King Lear* and *King John* respectively, exemplify the variations between types of illegitimacy, yet their plays simultaneously engage with discourses that construct an English, or British identity. Using the continuum of (il)legitimacy model, characters of legitimate birth are frequently associated with various aspects of illegitimacy. Therefore, Chapter 3 evaluates Richard III, Joan of Arc, Posthumus Leonatus and Regan and Goneril as 'metaphorical' illegimates—characters that are aligned with some of the features of illegitimacy, in which these alignments further reflect issues of sovereignty and/or nation. These issues particularly coalesce in Chapter 4—'Illegitimacy and the Law'—which argues that Shakespeare participates in a contemporary discourse that applies models of illegitimacy to civil law, denigrated in preference for English common law. The chapter thus traces another connection between conceptual use of the language of legitimacy in the foundation of an English identity. An historical, semi-mythic British constitution is created in opposition to continental threats in the form of civil law. This demonstrates a desire to retrospectively apply the national sentiment building in England/Britain during Shakespeare's lifetime to the past, and an attempt to identify a continuous existence of English/British nationhood.

⁴ Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago; London: Chicago University Press, 1992), 72-83.

Chapters 5 and 6 focus on the second tetralogy, applying a more abstract model of legitimacy and illegitimacy to the conflict between Richard II and Bolingbroke, and the reign of Henry V. Performativity and appearances, the veneer of legitimacies and illegitimacies used to consolidate the Lancastrian dynasty and delineate its opponents are the central themes, the tension between birth legitimacy and personal ability forming the crux of Chapter 5, while Chapter 6 focuses on Hal's attempts to create and pass on to his heir a kind of monarchic legitimacy defined by warfare. Ultimately the differences and similarities between the first and second tetralogies and the plays outside of the tetralogical structure are brought together, defining more precisely how the theme of legitimacy and illegitimacy reflects on sovereignty and nation over the course of Shakespeare's career.

Critical Contexts of Illegitimacy and Shakespeare's British Plays

No body of criticism on the British plays, as this thesis delineates the British-set history, tragedy and romance plays, exists. These plays are rarely grouped together, through crossovers between them are increasingly discussed by critics under the developing nationhood theme, and by critics dealing with genre. Danson identifies a fluid notion of genre in Shakespeare, arguing for crossover aspects in tragedy and history, and comedy and romances.⁵ Because themes of nation and sovereignty are mainly, but not exclusively, visible in the histories, this literature review discusses the history plays, primarily, incorporating relevant critical work on the tragedies and romances, in which less work had been completed on nation and sovereignty.

The history plays were once undervalued by critics: Sampson's 1941 *Concise Cambridge History of English Literature* briefly acknowledged the Shakespearean history play as 'what was needed to turn these formless agglomerations [Chronicles of the late sixteenth century] into real organisms, possessing life and beauty.'⁶ Despite this praise, Sampson only deemed the history plays worthy of a brief discussion mostly devoted to arguing that *Henry VI* was Shakespeare's. The tragedies, and the problem plays, in contrast, occupy ten pages of effusive praise. Like many critics in the first half of the twentieth century, Sampson displays a particular affection for the

⁵ Lawrence Danson, *Shakespeare's Dramatic Genres* (Oxford; New York: Oxford University Press, 2000), 110-13.

⁶ George Sampson, *The Concise Cambridge History of English Literature* (Cambridge: Cambridge University Press, 1941), 261.

‘stupendous...special virtues’ of Shakespeare’s tragedies.⁷ There is also emphasis on Shakespeare’s ‘transcendence’, a conviction that the plays identify a kind of universal humanity that ‘means’ to us what it meant to Shakespeare’s audience. This humanist critical movement, most famously exemplified by A.C. Bradley, treated characters on the stage or page as if they were real, revealing a universal human condition. In some ways, new criticism continued this conviction. The movement, featuring prominent theorists such as F.R. Leavis and T.S. Eliot, privileged close readings, investigation of structure and language to reveal the ‘truth’ within the play, and the history plays were somewhat neglected—though tragedies and Romances were popular with new criticism, the aspects of legitimacy and nation they dramatise were largely ignored. Though a strand of the new criticism continued until the 1960s, another way of reading Shakespeare, especially in the history plays, was gaining momentum.

E.M.W Tillyard’s *The Elizabethan World Picture* (1943) and *Shakespeare’s History Plays* (1944) altered the reception of the history plays considerably. The notion of a timeless, transcendent genius Shakespeare and the universal human condition lost ground to the basic premise of historicism: that the plays should be read with their specific historical context in mind. Tillyard saw Shakespeare, indeed all Elizabethans, as desperate to preserve and maintain the stability of a nation that was not so long ago embroiled in a destructive civil war. The history plays particularly he saw as dramatising the Tudor Myth—an active participation in ‘propaganda’ that maintained the rigid Elizabethan social structure.⁸ While Tillyard has been widely criticised in recent years for applying the same beliefs and motives to every Elizabethan citizen, his work, along with that of Lily B. Campbell, set the standard for appreciation of the history plays as drama worth watching along with the tragedies and comedies.

However, the effects of Tillyard’s work can be overstated. Aleksandr Smirnov and James T. Farrell, leading Marxist critics during the 30s and 40s, emphasised the importance of politics and society on literature, proving that, though Tillyard and Campbell’s historicism was cresting a wave of popularity, other critics were moving along a similar path that would eventually collide with ‘new’ historicism. There was a backlash against Tillyard’s theories in the 1960s, when A.P. Rossiter, among others, reinvigorated the study of the history plays by questioning the prevalent conception among disciples of Tillyard that Shakespeare was a kind of conservative preserver of

⁷ Ibid., 266.

⁸ E.M.W. Tillyard, *Shakespeare’s History Plays* (London: Chatto & Windus, 1969), 66-72.

the status quo.⁹ After critics such as Kott and Sanders ripped Tillyard's work to pieces,¹⁰ study of the history plays lapsed (insofar as any body of work by Shakespeare could ever be said to have lost readers). The ensuing formalist and structuralist critics had relatively little time for the histories, prioritising more traditionally structured comedies and tragedies.

The reaction against Tillyard's methodology began to cool with Siegel's suggestion that to disregard historical perspectives in Shakespeare studies would be to deliberately ignore an irrefutably important aspect of the production of any work of literature, as he felt had become the case at this time.¹¹ Siegel was part of the significant wave of Marxist criticism inspired by Farrell and Smirnov, and eventually such emphasis on interrelations between political milieu and literature paved the way for 'new' historicism. Dollimore and Sinfield continued this development when they argued that weaknesses in Tillyard and Campbell's ideology had detracted from the inherent value of the historicist perspective.¹² Despite the recoil against Tillyard of the 1960s and 1970s, it was Stephen Greenblatt's 'Invisible Bullets' that truly shot him down, so to speak, while simultaneously redirecting a new generation of readers towards his theories.

'Invisible Bullets' has become a Bible of new historicism, opening the floodgates for many critics to radically reposition Shakespeare's work in its historical context. Rather than the Tillyard model of perfect Elizabethan hierarchy maintained against the threat of disorder, Greenblatt's methodology defines the plays as representing the subversive elements of Elizabethan society to reinforce their subsequent containment, and hence the power structure of Elizabethan England. The drama almost has a Bakhtinian Carnavalesque function, acting as a safety valve for subversive thought, and representing the containment of that subversion by the dominant ideology. For Greenblatt though, the 'safety valve' notion is not the central feature of his argument, as it is in Bakhtin's work.¹³ Greenblatt sees the production of subversion as an

⁹ A.P. Rossiter, *Angel With Horns* ed. Graham Storey (London: Longmans, 1961), 45-62.

¹⁰ See Jan Kott, *Shakespeare Our Contemporary* (London: Methuen, 1967), and Wilbur Sanders, *The Dramatist and the Received Idea* (Cambridge: Cambridge University Press, 1968).

¹¹ Paul L. Siegel, 'Historicism Lives: Historicism in Shakespeare's Plays' *Clio* 91 (1979), 5-23.

¹² Jonathan Dollimore and Alan Sinfield, 'History and Ideology: the instance of *Henry V*' in John Drakakis (ed.), *Alternative Shakespeares* (London: Methuen, 1985), 206-08.

¹³ See Mikhail Bakhtin, *Rabelais and his World* trans. Hélène Iswolsky (Bloomington, IN: Indiana University Press, 1984), 50-102.

affirmation of the social order, of that power and authority: ‘actions that should have the effect of radically undermining authority turn out to be the props of that authority’.¹⁴

The real effect of new historicism for the history plays was that they once again had relevance to a popular strain of Shakespeare criticism. Critics like Northrop Frye or C.L. Barber, who placed emphasis on form and structure, made use of the tragic and comic forms more extensively.¹⁵ The discourse of power and resistance that underpins new historicism, however, is applicable to all genres, and resulted in more theorists to whom the history play was significant. The new historicists found the representation of subversive elements pertinent, and simultaneously, other modes of critical thought were developing that included the history plays as a central feature of Shakespeare’s work.

Despite the dominance of the new historicist clique, “‘The’ new historicism’, as Lynda Boose once scathingly referred to it,¹⁶ attracted doubters. Charges of political quietism were originally the strongest complaint directed at new historicism, Harold Bloom famously debunking politically- and historically-based criticism in favour of a more aesthetic approach.¹⁷ Some theorists, in a second wave of objection, saw the subversion/containment discipline as circular, static, and oversimplified, leaving no prospect for social change.¹⁸ Despite this, new historicism remained a dominant strand of critical theory. New historicism treats all texts, rather than traditionally defined ‘canonical’ ones, as centrally relevant to the literary record of their culture of production. Detractors often imply that this focuses critical attention on texts merely because they are obscure. While Shakespeare’s work in any genre has never been particularly overlooked, the new historicist critical wave effectively redirected attention to the history plays, sidelined as they frequently were in the preference for tragedy and comedy. The histories did not simply resurge in popularity, however, because of new historicist egalitarianism. Their representation of power structures within historical settings invites such a mode of contextual criticism; ‘Invisible Bullets’ focuses on the ‘subversive voices...produced by the affirmations of

¹⁴ Stephen Greenblatt, ‘Invisible Bullets: Renaissance Authority and its Subversion, *Henry IV* and *Henry V*’ in Jonathan Dollimore and Alan Sinfield (eds.), *Political Shakespeare: Essays in Cultural Materialism* (Manchester: Manchester University Press, 1985), 39-40.

¹⁵ Russ McDonald (ed.), *An Anthology of Shakespeare Criticism and Theory 1945-2000* (London: Blackwell, 2004), 91.

¹⁶ Linda E. Boose, ‘The Family in Shakespeare Studies;--or, Studies in the Family of Shakespeareans; or—the Politics of Politics’ *RQ* 40:4 (1987), 735.

¹⁷ Harold Bloom, *Shakespeare: The Invention of the Human* (New York: Riverhead Books, 1998), 22-34.

¹⁸ McDonald, *Anthology*, 441.

order' in the history plays,¹⁹ prompting a critical wave that, though it ostensibly aimed to prioritise all texts, inspired a critical rejuvenation of Shakespeare's histories.

Accusations of over-emphasis on politics, and a refusal to engage with a political agenda, may have temporarily injured the new historicists initially,²⁰ but the movement gained momentum quickly. However, new historicist 'quietism' also bears the cross of political opinion. A case in point is Hal, a character whose rousing war speeches drew admiration from critics following Tillyard's brand of historicism, yet for Greenblatt, Hal is 'a conniving hypocrite', an actor 'implicated in the oppressive order'.²¹ From a distance it is easy to disparage Tillyard as blinkered by the war he has lived through. Greenblatt is writing in the 1980s, post-Vietnam (the Falklands War may have had a similar effect on British critics), generating a different response to war. Hindsight makes it easy to disparage work like Tillyard's, but eventually the 'new' historicism may also be disparaged for allowing its political context to shape the opinions of its proponents. Rackin's incisive remark that 'the questions with which we approach the past—and therefore, the answers we seem to hear—are inevitably shaped by our own historically specific concerns'²² highlights the principal weak spot in new historicist methodology, but it also highlights why the history plays became of interest to critics in that school. If we ourselves approach the past in such a way, the history plays in turn may reflect the kind of 'answers' that Shakespeare and his contemporaries heard in their own history. Ironically this veers dangerously close to biography, which new historicists find so unappealing, and representations of political orthodoxy or unorthodoxy will always be undercut by the presence of the totalising discourse of power that new historicists perceive in literature.

The 1980s also saw the parallel emergence of new historicism's trans-Atlantic sister, cultural materialism. Again the emphasis of this methodology was a drastic contextual approach to literature and examination of the representation of subversion. Materialism had some 'ancestors' in common with the new historicists, such as Marx, Michel Foucault and Raymond Williams. While new historicism insisted on the eventual containment of subversion as an enforcement of authority, however, cultural materialists perceived a different effect. The representation of such subversion, proponents claimed, argues for a display of dissatisfaction

¹⁹ Greenblatt, 'Invisible Bullets', 38.

²⁰ McDonald, *Anthology*, 412.

²¹ Greenblatt, 'Invisible Bullets', 30.

²² Phyllis Rackin, *Stages of History: Shakespeare's English Chronicles* (New York: Routledge, 1990), 39.

with prevalent power structures. Rather than seeing the absorption of subversion into social structures at the end of a play as validating existing power structures, cultural materialists argue that subversion is maintained as a challenge to authority by its very depiction onstage. Initially, the materialist and new historicist camps threw in their lots together; *Political Shakespeare* features new historicist and cultural materialist readings of Shakespeare, and demonstrates the increasing prominence that the movements afforded the histories, with intense focus on the Henriad. Raymond Williams' afterword acknowledges the shared critical roots of both disciplines, yet as time progressed, the two groups grew more distinct and evolved separately. A mutual feature of the two disciplines, which is applicable to the history plays, however, is interest in power structures and discourses of marginalisation and subversion. Another group of critics that originated from the same expansion in critical theories in the 1970s is the feminists, and though some, such as Judith Newton and Carol Thomas Neely, doubted the value of new historicism, a large proportion of feminist writers acknowledge a debt to Greenblatt.²³ Despite Lennox's assertion that Greenblatt 'remains astonishingly unconcerned with gender and women',²⁴ Dollimore and Sinfield include a feminist reading of *King Lear* and *Measure for Measure* in *Political Shakespeare*, highlighting early connections between the disciplines. Feminism, like the power-based historicist and materialist theories, is applicable to all genres, and some new historicist critics engage with feminist readings of Shakespeare: Jean E. Howard uses both disciplines as a framework for studying the history plays. Feminist criticism has origins in psychoanalytic criticism too; Freud and Lacan provided a masculine framework for reading literature that psychoanalytic feminists such as Coppelia Kahn gleefully inverted in the 1980s and 1990s.²⁵

Proving that 'feminist criticism is almost invariably political',²⁶ there were two main camps within the movement. Some feminist critics held the view that Shakespeare was a proto-feminist, that his empathetic representations of women onstage transcend the misogynistic limitations of his time. The history plays frequently inflate the importance of female characters otherwise uninvolved in the sources, such as Margaret of Anjou in *Richard III*, and the wives of Hotspur and Richard II. These female characters feed feminist interpretations of Shakespeare, for

²³ Sarah Lennox, 'Feminism and the New Historicism' *Montashefte* 84:2 (1992), 159-60.

²⁴ *Ibid.*, 159.

²⁵ An example is Coppelia Kahn, *Man's Estate: Masculine Identity in Shakespeare* (Berkeley: University of California Press, 1981).

²⁶ McDonald (ed.), *Anthology*, 566.

example the marginalized voice of Katherine of Valois in *Henry V*. However, another movement within feminist criticism, which gained particular momentum in the 1990s, took the polemical view that Shakespeare wrote from, and within, the misogynistic boundaries of his culture. Phyllis Rackin cautioned feminists to consider ‘textual evidence...more critically’,²⁷ rather than becoming fixed in their own historical context.

This awareness of the critic’s own historical context marks a similarity between the new historicist and cultural materialist critics, and feminist analysis; cultural materialists and new historicists deem it impossible for critics to detach themselves from their own political ideologies, unlike postmodern theorists. Not all feminist theorists, though, could identify with the new historicist focus on male-dominated early modern power structures, which sometimes resulted in female characters being unconsidered. Dympna Callaghan asserted in 2000: ‘Feminist Shakespeareans no longer consider themselves as purely literary scholars but as cultural historians who are especially interested in women’s own representation of themselves’,²⁸ though such representations are relatively rare. Works such as Howard’s *Engendering a Nation* explore specifically the role of women—and the feminine—in the history plays. These provided a new, and refreshing, perspective on the history plays, opening new avenues of critical study. The histories’ strong masculine focus is an area that, paradoxically, suits these objective feminist and gender critics, where early modern gender roles are employed in the literary construct of an English nation.

Nation is a more recent strand of critical focus within the history plays; indeed, this is one area in which the history plays are prioritised over comedy and tragedy, though this thesis locates developing nationhood in tragedy and romance too. With historians now positing a developing national sentiment far earlier in history than previously acknowledged, literary angles on the topic, such as Helgerson’s *Forms of Nationhood* or McEachern’s *The Poetics of English Nationhood*, map literature onto the work of other nation theorists, such as Benedict Anderson and Liah Greenfeld.²⁹ Understandably the history play is of central importance to such literary analyses of early modern nationhood. Critics like McEachern and Helgerson use historical and

²⁷ Phyllis Rackin, ‘Misogyny is Everywhere’ in Dympna Callaghan (ed.), *A Feminist Companion to Shakespeare* (Oxford: Blackwell, 2000), 48.

²⁸ Dympna Callaghan (ed.), ‘Introduction’ *A Feminist Companion to Shakespeare*, xiv.

²⁹ Helgerson, *Forms of Nationhood*, McEachern, *The Poetics of English Nationhood* (Cambridge: Cambridge University Press). See also Anderson, *Imagined Communities*, and Greenfeld, *Nationhood: Five Roads to Modernity*.

political contexts to define a burgeoning sense of nation in early modern England, and form the critical backbone of this thesis.³⁰

Jonathan Goldberg, primarily a queer theorist, reads Hal as a transgression against the very binary oppositions of gender and sexuality that the *Henry IV* and *V* plays seem to be imposing. Goldberg's reading is evidence of the critical interpretations possible in the history plays, and demonstrates increasing overlap between critical frameworks.³¹ The emphasis of new historicism/cultural materialism on transgression, along with the recent work on 'anxiety' (something that the sexuality and gender critics have brought to the fore of Shakespeare studies) by theorists such as Bruce R. Smith, have created an area in which illegitimacy, as evidence of transgression, can be discussed as a cultural event that generated a certain amount of uncertainty.³² Despite this, work on illegitimacy is rare. In 1993 Michael Neill's 'In Everything Illegitimate'³³ discussed the negative connotations of bastardy in early modern England, focussing particularly on dramatic stereotypes. Alison Findlay's *Illegitimate Power* is wider ranging, discussing presentations of illegitimate characters across the drama of the period 1580-1620, and crucially for this thesis, acknowledges that representations of illegitimacy are not exclusively negative. Findlay specifically focuses on the forms of subversive power that these characters possess.³⁴ Subversion is a key idea for most critics working within recent critical methodologies: in this respect it is surprising that illegitimacy has not received more attention from critics. Peter Hyland, however, has effectively described Thersites' role in *Troilus and Cressida* as a 'bastard voice'³⁵ that undercuts and re-evaluates the norm. Robert Zaller's *The Discourse of Legitimacy in Early Modern England* comprises a comprehensive survey of more conceptual kinds of (il)legitimacy, in legal, historical and parliamentary discourses, yet the area

³⁰ Chapter 1 features a more precise discussion of the development of nationhood in England and how this influences Shakespeare's history plays.

³¹ Jonathan Goldberg, *Sodomities: Renaissance Texts, Modern Sexualities* (Stanford: Stanford University Press, 1992), 145-78.

³² Mark Breitenberg, *Anxious Masculinity in Early Modern England* (Cambridge: Cambridge University Press, 1996); Stephen Orgel, *Impersonations: The Performance of Gender in Shakespeare's England* (Cambridge: Cambridge University Press, 1996); Bruce R. Smith, *Shakespeare and Masculinity* (New York; Oxford: Oxford University Press, 2000).

³³ Michael Neill, "In Everything Illegitimate": Imagining the Bastard in Renaissance Drama' *The Yearbook of English Studies* 23 (1993), 270-92.

³⁴ Alison Findlay, *Illegitimate Power: Bastards in Renaissance Drama* (Manchester; New York: Manchester University Press, 1994). For information on early modern illegitimacy, see Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (London: Penguin, 1990), and Peter Laslett, Karla Oosterveen and Richard M. Smith (eds.), *Bastardy and its Comparative History* (London: Arnold, 1980).

³⁵ Peter Hyland, 'Legitimacy in Interpretation: The Bastard Voice in *Troilus and Cressida*' *Mosaic* 26:1 (1993), 10.

remains relatively unstudied in both Shakespearean and early modern literature as a whole. Zaller and Findlay constitute a critical framework for this study of Shakespearean (il)legitimacies: while *Illegitimate Power* effectively summarises the dramatic roles of illegitimates, this thesis builds on Zaller's survey of legitimacy discourses in other writing to suggest a Shakespearean take on this discourse that positions legitimacy and illegitimacy on a spectrum. Dollimore's assessment of cultural materialism and new historicism in *Political Shakespeare* frequently refers to 'legitimation' of authority, social hierarchy, or power structures.³⁶ The term 'legitimation' highlights the importance of the concept 'legitimate' not only in birth but in power structures too. The applications of Dollimore's various kinds of legitimacies form the basis for the latter chapters.

This thesis brings together these various ideas of illegitimacy and legitimacy, combining Zaller's and Hyland's work on discourses with the work by Findlay and Neill on illegitimate characters. Findlay and Neill discuss characters who are literally illegitimate; but this thesis builds on this work to develop a concept of metaphorical illegitimacy, and thus expands the implications of illegitimacy and legitimacy into a wide network of social constructs in early modern England. Specifically, the thesis develops Zaller's discourse of legitimacy to hypothesise a spectrum of (il)legitimacy used by Shakespeare to interrogate concepts of truth, nation and above all, sovereignty in the British plays. As the opening of this introduction implied, a critical framework prioritising historical context is also central to the discussion of nation and sovereignty. The following chapters aim to locate these contemporary political issues of nation and sovereignty within a discourse of legitimacy and illegitimacy. These interrelated issues of kingship and nationhood, it will be argued, are negotiated via this (il)legitimacy discourse; it is a discourse that permeates Shakespeare's British plays to an extent unique amongst early modern dramatists, yet the subject matter it articulates of nationhood and sovereignty are widespread cultural concerns. In Shakespeare, contemporary representations and interpretations of the concepts of legitimacy and illegitimacy map onto two of the most central cultural issues of early modern England, and Chapter 1 begins with an explanation of those representations and interpretations.

³⁶ Dollimore and Sinfield, *Political Shakespeare*, 2-18.

Chapter 1: Early Modern Illegitimacy and the Nation

Illegitimacy is usually considered by historians as a social problem with unquestionably negative effects on the bastard's life, irrespective of the circumstances of the individual. Consequently this assumption has been attached to literary bastards by Neill, who effectively enumerates the negative literary associations of illegitimacy in his article 'In Everything Illegitimate'.¹ However, this chapter will demonstrate that illegitimacy was not always a negative state in early modern England, forming a basis for the remainder of the thesis to trace a variety of representations of illegitimacy, and their effects, across the British plays. The chapter moves on to establish that ideas of national origins and (il)legitimacy are connected in contemporary historical writing. These two areas are the central focus for the thesis, because they form Shakespeare's link between sovereignty and (il)legitimacy; a link that demonstrates how sovereignty was viewed in early modern England.

The lives of royal and noble bastards during the medieval and early modern periods demonstrate that opportunities were still open to illegitimates. Before the enabling effect of illegitimacy in Shakespeare's plays is discussed in Chapter 2, some examples of bastards who did not find their parentage a disabling factor will be examined. These examples include both early modern and medieval illegitimates, and aim to demonstrate that the black-and-white perception of early modern illegitimacy, and its direct contrast to the more forgiving 'medieval' attitude, is incorrect. Through this discussion, the introduction will establish repeating themes and motifs of (il)legitimacy on which the rest of the thesis focuses.

Shakespeare is unique, not in his use of illegitimacy and legitimacy to highlight key issues, but because the plays refuse to acknowledge the existence of a stable and unproblematic legitimacy at all. Whether in relation to succession and inheritance, or historical verisimilitude, Shakespeare's plays never close with a triumphant, unequivocal conclusion that ratifies a particular interpretation of legitimacy. The Elizabethan history plays depict various representations of legitimacy and the conflict between these legitimacies, and although there is an increasing drive towards a tangible, definitive legitimacy in the Jacobean plays, this

¹ Neill, 'In Everything Illegitimate', 270-292.

legitimacy remains under threat from various kinds of illegitimacies. This thesis will demonstrate that the conflicts of the British plays reveal a struggle for legitimacy that goes beyond being born in wedlock. Legitimacy is also something that defines a sovereign and a nation. Though attempts to define and obtain legitimacy in sovereignty are irrevocably connected to patrilinear succession, there are other permutations too. Richard III aims for a historically validated legitimacy which the play undercuts; Bolingbroke tries to create legitimacy through performance and public approval; Hal aims for legitimacy in continuity of the male line and through military success. However, legitimacy is never fully unattainable for Shakespeare's kings. The interplay of legitimate and illegitimate sovereigns in Shakespeare taps into a wider cultural awareness of illegitimacy in early modern England, as the following sections establish.

Illegitimacy in Early Modern England

Perceptions of Illegitimacy in Early Modern England

This section establishes a wider range of responses to early modern illegitimacy than is usually acknowledged by historians, creating the foundations for the hypothesis of the (il)legitimacy spectrum. Illegitimacy was certainly a topical matter: Shakespeare's lifetime saw a sharp increase in illegitimacy rates. The evidence of parish records, though not all have survived, suggests that in England and Wales the average illegitimacy ratio of a parish rose from 1:309 in 1565-9 to 3:356 in 1600-1604, the highest rate it was to reach for another hundred and fifty years.² This rise was recognised by the authorities, as repeated revisions to the Poor Laws in 1563, 1576, 1579, and 1601 demonstrate. These revisions enabled the parish to collect 'poor rates' to cover the cost of illegitimates, who had become 'an economic problem'³ and were very often the financial responsibility of the parish. The 1576 Act for the Relief of the Poor expressed

² See Laslett, Oosterveen, and Smith, *Bastardy and its Comparative History*, 14-18. The illegitimacy ratio is averaged over all parishes with surviving records, in five year periods: however, as records during these early years of parish record are patchy, in some cases an inflated average has been used. Though this is not ideal for analysis, Laslett argues that if half of the 98 parishes tested overall are present in a particular five-year sample, then it can be regarded as reliable. As the only year groups with less than half the parish records were available occurred between 1540 and the 1560s, the larger part of ratios relevant to this thesis are regarded as reliable. The finer points of statistical accuracy may therefore be debated, but for the purpose of establishing that a rising illegitimacy ratio occurred between the years of 1570 and 1600, the illegitimacy curve (see Laslett, Oosterveen and Smith, 18) is adequate.

³ Alan Macfarlane, 'Illegitimacy and Illegitimates in English History' in Laslett, Oosterveen and Smith, 74.

panic at the large number of illegitimates being ‘left to be kept at the charge of the parish...to the great burden of the same parish’ and implemented a system whereby the parish could exact a fee from parents to maintain their child.⁴ Though it is clear that illegitimacy was a stigma in cases where there was a financial burden on the parish, this stigma was a relatively recent development. In medieval England illegitimacy was mostly a way of distinguishing children who were incapable of inheritance, but attitudes apparently underwent a change from tolerance to distrust in the sixteenth century.⁵ Illegitimates in Shakespeare’s lifetime had become an ‘extra’ that society struggled to accommodate. In early modern England illegitimacy was frequently related to financial concerns as well as moral; this thesis argues that a significant facet of the depiction of illegitimacy in the British plays is disruption of inheritance traditions, a theme that resonates both with contemporary customs and monetary issues.

Preachers were also concerned about the growing numbers of illegitimate births: a St Paul’s Cross preacher claimed that the authorities had to start punishing sexual incontinence before the problem escalated further.⁶ The use of illegitimacy-based language to denote something false, counterfeit and untrustworthy adds to the impression of illegitimates being regarded as deceitful and ungodly. Knox, for example, uses a discourse of illegitimacy in many of his works that balances Zaller’s discourse of legitimacy when he refers to the Catholic religion, its followers and clerics, as ‘bastard’; the language conveys a sense of counterfeiting and being created in sin that, for a man like Knox, is appropriate to Catholicism and conveys his meaning in a discourse of illegitimacy that pervades his writing on Catholicism.⁷ The discourse was widespread among religious writers of all kinds and demonstrates how varied the associations of illegitimacy could be: as this thesis will demonstrate, this discourse of

⁴ Ivy Pinchbeck and Margaret Hewitt, *Children in English Society* Vol. I: *From Tudor Times to the Eighteenth Century* (London: Routledge, 1969), 206-07.

⁵ Neill, ‘In Everything Illegitimate’, 273; for evidence of more tolerant attitudes towards illegitimacy in medieval England, see Chris Given-Wilson and Alice Curtis, *The Royal Bastards of Medieval England* (London: Routledge, 1984), 34-41, and Alan Macfarlane, ‘Illegitimacy and Illegitimates in English History’ in Laslett, Oosterveen and Smith, 71-85.

⁶ Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge: University Press, 1987), 371.

⁷ Robert Zaller, *The Discourse of Legitimacy in Early Modern England* (Stanford: Stanford University Press, 2007), 32-41. See also John Knox, *An answer to a great nomber of blasphemous cauillations written by an Anabaptist, and aduersarie to Gods eternal predestination; A faythfull admonition made by Iohn Knox, vnto the professours of Gods truthe in England whereby thou mayest learne howe God wyll haue his Church exercised with troubles, and how he defendeth it in the same; The first blast of the trumpet against the monstruous regiment of women*, where Knox repeatedly uses a discourse of illegitimacy against Catholics; also to undermine the sovereign power of Mary Tudor in *Regiment*, 35. All are reproduced in David Laing (ed.), *Works of John Knox* (Edinburgh: Johnstone and Hunter, 1856).

illegitimacy is not restricted to unfortunate base-born children. Rather the understanding of illegitimacy encompasses a kind of theoretical illegitimacy that is nothing to do with birth, referring to a kind of falseness or unsuitability that can be applied in many circumstances. This thesis will trace this discourse, and its counter-balanced discourse of legitimacy in relation to succession and inheritance in the British plays.

The most memorable Biblical passage relating to illegitimacy prohibits a bastard entering the congregation ('A bastard shall not enter into the congregation of the Lord; even to his tenth generation shall he not enter into the congregation of the Lord', *Deuteronomy* 23:2) and another suggests that illegitimates are not God's children: 'But if ye be without chastisement, whereof all are partakers, then are ye bastards, and not sons' (*Hebrews* 12:8). The combination of these moral and financial factors has led several writers to perceive a morality-based alarm about rising illegitimacy rates.⁸ Sermons may reflect a 'common phobia' of illegitimacy,⁹ yet it is not necessarily the case that the financial concern of the government and the moral (and financial) concerns of preachers denoted a large-scale fear of illegitimates. Most people would regularly interact with illegitimates; despite an overriding moral opprobrium, illegitimates were integrated in some way into the community and not exclusively viewed as spurious, ungodly monsters. The Bible also drew attention to the other extreme with stories such as that of Tamor, who rightfully conceived Pharez, a bastard ancestor to King David and Jesus (*Genesis* 38:6-30), and 'Jephthah the Gileadite...a mighty man of valour...the son of an harlot' (*Judges* 11:1), whose legitimate half-brothers cast him out. (Jephthah exemplifies the isolation from the family unit that Shakespeare associates with illegitimates—see Chapter 2). The polemical opposition of virtuous illegitimate and deviant bastard in drama inspires the fluidity of Shakespeare's illegitimates, and hence give any character whose presentation is informed by aspects of illegitimacy a wide-ranging potential for good or evil.

However, there was confusion when it came to defining what, in ecclesiastical and secular terms, actually constituted illegitimacy. The Church made a distinction between 'general bastards' and 'special bastards': general bastardy referred to children whose parents remained unmarried, while special bastards' parents did marry after the birth. Special bastards were often

⁸Findlay, *Illegitimate Power*, 48-51; Neill, 'In Everything Illegitimate', 275-76; Kingsley Davies, 'Illegitimacy and the Social Structure' in William J. Goode (ed.), *Readings on the family and Society* (New Jersey: Prentice Hall, 1964), 215-33.

⁹ Findlay, *Illegitimate Power*, 4.

called 'mantle children', referring to the practice of placing children under the same mantle as the parents during the marriage ceremony to symbolise their legitimacy in the Church.¹⁰

Considering that delayed marriages were common occurrences during the latter half of the sixteenth century,¹¹ special bastardy may have been quite common. The Church deemed special bastards legitimate, but the State did not, and this contradiction meant that these children were able to acquire Church dignities, but not inherit family property or titles.

To be regarded as legitimate, a child had to be born in wedlock, yet it was almost impossible to prove whether or not a woman's child was in fact her husband's. However, a husband was always legally regarded as financially responsible for his wife's child. If the child was born within marriage, even by a day, it was regarded as legitimate: if the husband was 'within the four seas, that is, within the jurisdiction of the King of England'¹² at the time of birth, the child would be legitimate. A court would not accept evidence towards a child's illegitimacy, unless the father could prove himself impotent.¹³ As Robert Burton observed in 1621, 'married women are all honest' by these laws,¹⁴ and it was easy for an elder bastard to usurp the property of legitimate siblings, because legally, he was legitimate. The potential disruption to inheritance traditions posed by illegitimates forms a major concern in the British plays, and these questionable legal definitions feed the variety of (il)legitimacies that are the centre of succession debates in the British plays.

Despite the biblical condemnation of illegitimacy, the Bible did not justify the execution of illegitimates (as it did witches, *Exodus 22:18*).¹⁵ As there was no biblical precedent for getting rid of illegitimates, they had to be maintained somehow, though they were expressly forbidden many aspects of ordinary life. Because the Bible justified illegitimates' exclusion from society, they could be viewed as excluded from social norms, free from convention. While exclusion from social convention seems a bad thing, it can also be perceived as liberating, something that Shakespeare picks up on throughout the British plays. The bastard character onstage is able to move more or less at will through various aspects and levels of society (outside of Shakespeare,

¹⁰ Given-Wilson and Curtis, 44.

¹¹ See David Levine and Keith Wrightson, 'The Social Context of Illegitimacy in Early Modern England' in Laslett, Oosterveen and Smith, 158-75.

¹² Edward Coke, *Certain Select Cases in Law Reported by Edward Coke* (London: np, 1659), 244.

¹³ Ibid.

¹⁴ Robert Burton, *The Anatomy of Melancholy* ed. Holbrook Jackson (London: Everyman's Library, 1964), 138.

¹⁵ Findlay, *Illegitimate Power*, 48.

Edricus in *Edmund Ironside* is an example) by the very stigma that excludes him.¹⁶ However, the ‘growing interest in bastardy as a cultural phenomenon’¹⁷ is suggested strongly by the literature of the period, which reflects a more diverse perception of illegitimacy than may be expected. It would be fatuous to argue that general preconceptions of illegitimacy were not negative in early modern England, but there is evidence that there was more of a continuum of thought on the matter than is often acknowledged. Joan of Acon, for example, a rare dramatic female illegitimate, provides a virtuous contrast to her mother in Peele’s *Edward I*, and plays featuring the heroic bastards Arthur and Merlin were popular, as Findlay demonstrates.¹⁸ Though it clearly prohibited bastards from entering the congregation, *Deuteronomy 23:2* must have been largely ignored (one wonders who was counting the ten generations of a bastard) because there are examples of bastards being baptised: for example, Agnes Trigs and Humfrey Tirrell had four bastard children baptised in Essex in the mid-1500s. On the other hand, there is a high incidence of illegitimate children occurring in parish burial registers, while the same children do not occur in baptism records; some bastards were denied entrance to the congregation while others were not.¹⁹ Presumably factors such as the personal convictions of the local religious authorities, and the power and wealth of the parents, played a part in such decisions. Shakespeare, as this thesis demonstrates, is overwhelmingly concerned with acknowledged bastards of wealth and nobility, who would have encountered more preferential treatment than their poor counterparts.

Indeed, it is clear that the way in which illegitimacy affected an individual varied in each case. A surprising number of noblemen and women were acknowledged bastards who, judging from the historical record, did not find illegitimacy a barrier to living as well as their legitimate siblings. Shakespeare’s bastards are almost always bastards of nobility, in direct contrast to the frequency of illegitimate births in early modern England. Levine and Wrightson, in a study of incidences of illegitimate births ranging across England between 1600 and 1699, and a more specific analysis of illegitimacy between 1590 and 1640 in Terling, Essex, which has particularly well documented parish records from this period, conclude

involvement in bastardy...was spread across the social scale. It was not, however, evenly spread...the poor and the obscure constituted a disproportionate number, almost three

¹⁶ Ibid., 118-119.

¹⁷ Ibid., 4.

¹⁸ Ibid., 195.

¹⁹ Richard Adair, *Courtship, Illegitimacy and Marriage in Early Modern England* (Manchester: Manchester University Press, 1996), 75.

quarters, of the persona involved in bastardy. Moreover, this disproportionate involvement was increasing over time.²⁰

Nowhere else in Elizabethan or Jacobean drama is it possible to identify such a particular emphasis as Shakespeare's on high social status and illegitimacy in the work of a single dramatist. Middleton, probably the early modern playwright who stages the most illegitimate characters, depicts bastards in both the middle classes (*A Chaste Maid in Cheapside*) and more elevated social standing (Francisca and Aberzanes' baby in *The Witch*).²¹ Shakespeare's emphasis on nobility of course stems from his sources in Chronicle history, but Shakespeare also takes the opportunity to interject illegitimacy into the source material, as Edmund and Faulconbridge (neither present in the historical record) testify.

Noble Bastards

Bastards of nobility, paradoxically, might be defined as 'well-born' bastards. Though Shakespeare's bastards are often fictional characters, they are inspired by relatively common examples of historical and more contemporary personages. An example of such a well-born bastard that Shakespeare would have been aware of is Thomas Neville, known as Fauconberg, son of William Neville, Earl of Kent. Fauconberg was, therefore, a cousin to Warwick the Kingmaker and a grandson of Joan Beaufort, John of Gaunt's legitimated daughter by Katherine Swynford. Fauconberg was a noted sailor, promoted to Vice-Admiral by Warwick the Kingmaker.²² He was also awarded the freedom of the City of London in 1454 for his efforts against piracy in the Channel and North Sea, and was therefore clearly respected in his lifetime: his actions in the Wars of the Roses feature in Holinshed and Hall. Before the Neville defection to the Lancastrian cause, Edward IV reportedly honoured Fauconberg as 'a friend and a father'.²³ Though it is impossible to ascertain how exactly Fauconberg was raised, his nautical success implies some form of the standard education of sons of the nobility. The Neville family

²⁰ Levine and Wrightson, 'The Social Context of Illegitimacy', 165.

²¹ Both plays can be found in Middleton, Thomas, *Collected Works* ed. Gary Taylor and John Lavagnino (Oxford: Oxford University Press, 2007).

²² W.G. Boswell-Stone, *Shakespeare's Holinshed: The Chronicle and the History Plays Compared* (New York: B. Blom, 1907), 294.

²³ W. and E.L.C.P. Hardy (eds.), *Recueil des croniques et anchiennes Histories de la Grant Bretagne* (London, 1864-91), 11:105-07; Edward Hall, *Hall's chronicle containing the history of England, during the reign of Henry the Fourth, and the succeeding monarchs, to the end of the reign of Henry the Eighth, in which are particularly described the manners and customs of those periods* (New York: AMS Press, 1965), 132-35.

obviously interacted with Fauconberg as a kinsman, because during the Wars of the Roses he maintained allegiance not to York or Lancaster but to Warwick. The archetypal image of the bastard as a benighted, unwanted surplus is called into question by stories such as Fauconberg's; and many noble bastards were treated with a similar level of acceptance even in the supposedly less tolerant sixteenth century.

Shakespeare had ample opportunity to recognise this kind of bastard lifestyle in royalty also, something that particularly informs his creation of what is termed 'metaphorical' bastards in Chapter 3. The Scottish royal bastard James Stewart, for example, earned the nickname 'the Good Regent' while acting as regent for his nephew James VI. James Stewart the Regent was the son of James V. His father had several bastards, all of whom, from the available evidence, he acknowledged and provided for. This particular James, also Earl of Moray, was the son of James V's favourite mistress, Lady Margaret Douglas, which may account for his being the most prominent of James' bastards. He certainly appears to have been a favourite: as a youth, James the Regent was made Prior of St Andrews, accounting for a large personal income, and referred to as Lord James. Though forbidden by scripture in the case of 'general' bastards, for a certain amount of palm-greasing, noble bastard sons were allowed to enter the Church: Cardinal Wolsey's bastard son rose as high as Dean of Wells.²⁴ The imperial ambassador Scheyfve, based in London during the 1550s, reported that James had been proposed as Regent by his stepmother, Mary of Guise. The fact that James Stewart could be seriously proposed for Regency (and he did of course become Regent in the fullness of time) indicates that James was a respected personage irrespective of his birth.

The political prominence of James means that a picture of his life can be produced. This picture is surprising in some ways considering the perception of illegitimacy as a debilitating state. James Stewart was the eldest of Lady Margaret's progeny, born after her wedding to Robert Douglas but before her legitimate children. He was clearly integrated into the Douglas family unit: in 1557, for example, James led a raiding party with his Douglas half-brother into Northumbria. His mother and half-brother William, Earl Morton, were responsible for guarding Mary Queen of Scots during her imprisonment at Lochleven, the Douglas family seat. This implies that a level of trust and familial cooperation existed between James and his Douglas family. Despite the stain of illegitimacy, James Stewart not only succeeded in a massive rise in

²⁴ Findlay, *Illegitimate Power*, 41.

social status but was integrated into his maternal family from youth. Illegitimacy, provided there was money and status enough, did not always result in being an unwanted outcast. One of the main points that this thesis develops in the following chapters is that this integration into and simultaneous segregation from the legitimate family is a defining feature of Shakespearean illegitimacy. Shakespeare's bastards are strongly marked by their duality and fluidity, the capability to belong to more than one group. Using this duality, Shakespeare plays with illegitimates' ability to influence and disrupt the succession pathways of early modern England. Chapter 3 specifically draws this link between royal bastardy and the problematic feminine element of the Tudor succession. In the lives of bastards such as James Stewart, this duality can be seen working in reality. In the English royal family, likewise, the case of Henry Fitzroy shows a similar level of integration.

In the interests of inheritance, illegitimates would be kept firmly outside the family in terms of naming. Henry Fitzroy, though, was given a name befitting his quasi-royal status; as an ordinary illegitimate child, he should have borne his mother's surname. Alternatively, acknowledged aristocratic bastards were often named after their place of birth—for example Thomas 'Fauconberg'. Henry Fitzroy is an unusual subject because of the political circumstances of his birth, which demonstrate that it was not automatically the case that an illegitimate was unwanted. Fitzroy was extremely welcome to Henry VIII, who had for ten years been unable to produce a son with Katherine of Aragon. Henry's desperation for an heir led to this particular bastard's being treated with extraordinary generosity—he was made Duke of Richmond and Somerset, Richmond being the earldom of Henry Tudor, the boy's grandfather and founder of the Tudor dynasty. This generosity and particular choice of title has led to speculation that Henry Fitzroy was being prepared to be his father's heir;²⁵ a highly unusual—and technically illegal—measure. In fact, Henry Fitzroy predeceased his father, but during his short life Henry VIII treated him with respect and affection. Because he fulfilled a need for his father, Henry Fitzroy reflected the level to which affectionate parents and wealth could make the blot of illegitimate birth irrelevant.

A half-member of the royal family, however, could be dangerous too. This threat informs Shakespeare's presentation of illegitimacy, particularly with regard to Richard III. Examples of this kind of suspicion were as prominent under Henry VIII as his exalted treatment of Henry

²⁵ Given-Wilson and Curteis, *Royal Bastards of Medieval England*, 173.

Fitzroy was. Arthur Plantagenet was one of Edward IV's bastards, probably by Elizabeth Lucy, born sometime in the early 1460s. He certainly spent his childhood in his father's court: records from 1472 indicate that the King's tailor was ordered to make robes for 'my lord the bastard'.²⁶ After this reference, though, Arthur disappears from the records until 1501, when he joined his half-sister Queen Elizabeth of York's household. (The fact that he was included in Elizabeth's entourage implies that his familial connection to her was being recognised.) Elizabeth was born in 1466, making them roughly contemporaneous: it is probable that they had known each other in childhood. After her death, he was transferred to the king's household, and duly became appointed one of Henry VIII's squires of the body. Proudly advertising his ancestry, he was known as Arthur Plantagenet, and was still trusted by Henry VIII, who made him Governor of Calais. When Arthur was implicated in a plot (of which most historians consider him innocent), however, Henry imprisoned him in the Tower of London, his health deteriorated dramatically and he died. Illegitimate or not, Arthur was a scion of the previous ruling dynasty and represented a threat to the Tudors.

Arthur probably had two full sisters: Elizabeth and Grace. Very little is known about either but Grace occupied a place on the funeral barge of Elizabeth Woodville in 1492. As Given-Wilson points out, this 'suggests, rather surprisingly, that she might have been brought up in Elizabeth Woodville's household'.²⁷ A certain amount of inclusion was clearly standard practice for bastard children amongst medieval nobility, and this semi-privileged state of aristocratic and royal bastards, with their capability to influence succession and policy, is central to the thesis. The integrated-segregated motif is vital to the plays' representation of illegitimates: the following chapters will demonstrate how such familial duality motivates illegitimates and provides a driving force for Shakespeare's depiction of succession, sovereignty and British history. This thesis proposes that illegitimacy was a more acceptable state in early modern England than it at first appears: while the language of illegitimacy does frequently connote negativity, this language appears in such a wide variety of contexts that applying it solely to base-born children is reductive. Many illegitimates, as this section will describe, lived apparently happy lives. They were by and large integrated into communities in some fashion, often into their families.

²⁶Ibid, 162.

²⁷ Ibid, 161.

However, illegitimates were distinguished from legitimate children, because they were excluded from inheriting property by right in English law, and (excepting bastards of nobility or those below the trade class) mostly entered trades. Exclusion from inheritance, however, meant male illegitimates could not inherit their father's guild membership. Illegitimates could not be members of a trade guild regardless of parental occupation, or hold municipal office, as entry to municipal offices invariably began at guild level.²⁸ Ecclesiastical law allowed illegitimate children to inherit enough money for dowries or maintenance, and parents were allowed to make provision for bastards in their wills as suited them: illegitimates were only unable to inherit property as of right.²⁹ For noble bastards, this meant exclusion from a significant amount of wealth and prestige. This exclusion initiates much of the drama in the British plays: illegitimates fracture inheritance customs, intentionally and unintentionally, and continually undercut the dominant discourse of legitimacy.

Though historians tend to stereotype illegitimates, it was recognised by Shakespeare's contemporaries that the effects of illegitimacy were not always negative. While Swinburne argues that illegitimate children are correctly excluded from inheritance due to their 'leprosy of the sire's disease',³⁰ Milles' *Defence of Bastardie* and, implicitly, Clerke's *Triall of Bastardie* both defend illegitimates as deserving to inherit.³¹ Additionally, because of the idea that extra-marital sex was often furtively accomplished, there was 'widespread acceptance' of the notion that this surreptitious behaviour was transmitted to the foetus.³² As Findlay shows, in drama these attitudes were evident as well: Webster's *The Devil's Law Case* suggests that despite illegitimates' obvious disadvantages, 'nature many times prefers them' (*The Devil's Law Case*, 4.2.244),³³ and Donne also utilised a contemporary argument that illegitimates have 'better wits and abilities' than their legitimate counterparts to 'defend' bastardy in his *Paradoxes*.³⁴ The 1624 Act of Parliament passed to 'prevent the murdering of bastard children' (21 Jac. I c. 27) suggests that although they were victimised, illegitimates were not wholly regarded as lost causes; the Act

²⁸ Illegitimates were also unable to 'plead a case at law or be guardians or tutors.' Findlay, *Illegitimate Power*, 32.

²⁹ Given-Wilson and Curtis, *Royal Bastards of Medieval England*, 42, 45.

³⁰ Henry Swinburne, *A Brief Treatise of Testaments and Last Willes* (London: William Stansby and Thomas Snodham, 1590), 200.

³¹ Findlay, *Illegitimate Power*, 130-31, citing Thomas Milles, *Paradoxe, in the defence of Bastardie* in his *Treasury of True Nobility* (London: William Jaggard, 1613), 465.

³² Findlay, *Illegitimate Power*, 49.

³³ Findlay, *Illegitimate Power*, 170-212.

³⁴ John Donne, *Problems and Paradoxes* ed. Helen Peters (Oxford: Clarendon, 1980), 32.

demonstrates that, however common, the disposal of bastards also attracted disapproval. Infanticide had become such an issue that bastard-bearing parents went to extraordinary lengths to dispose of unwanted babies, like sending them to a ‘nurse’ who would undertake to kill the child by neglect.³⁵ Though this appears to have been common only in areas with a high incidence of bastard births such as the North West and London,³⁶ the Act to ‘prevent the murdering of bastard children’ suggests that it was common enough to warrant governmental intervention. Infanticide was also far more common amongst parents who were without the financial means to maintain a child: wealth and class status were often the determining factors in the treatment of illegitimates.

Stories of untrustworthy illegitimates abounded. For example, the infamous Borgia bastards Cesare and Lucrezia, widely known and dramatised in *The Devil’s Charter* (Barnaby Barnes, 1606), were believed—in some cases accurately—to have been involved in all manner of illicit activity.³⁷ In fact, illegitimacy and evil seem to have been linked more with foreign bastards than English and/or British. The dramatic illegitimate is very often a focus for representing ‘subversive energies’ onstage.³⁸ Neill identifies a dramatic trend of presenting the bastard extremely negatively, particularly identifying bastards with the counterfeit, the hybrid and the polluted.³⁹ The association of illegitimates and the counterfeit was indeed prevalent: there was a widespread view that bastards were born duplicitous.⁴⁰ As Findlay and Neill’s surveys demonstrate, characters such as Spurio (*The Revenger’s Tragedy*) and Edricus (*Edmund Ironside*) exemplify the character type.⁴¹ An example from Shakespeare is Edmund (*King Lear*). As Chapters 2 and 3 demonstrate, however, the Shakespearean concept of illegitimacy is far more complex than Neill allows for. The potential of the illegitimate character is a key issue for Shakespeare, particularly in the area of social mobility.

With the circumstances of illegitimacy being so varied, early modern England surely had a dual perspective on the matter. With an illegitimacy ratio the highest it was to be until the second great illegitimacy peak in the eighteen-hundreds, it was likely that most people knew an

³⁵ Keith Wrightson, ‘Infanticide in Earlier Seventeenth-Century England’ *Local Population Studies* 15 (1975), 17-18.

³⁶ Laslett, Oosterveen and Smith, *Bastardy and its Comparative History*, 17.

³⁷ Findlay, 76-78.

³⁸ *Ibid.*, 50. For a comprehensive review of evil illegitimate characters in plays, see 45-84.

³⁹ Neill, ‘In Everything Illegitimate’, 270-92.

⁴⁰ *Ibid.*, 281.

⁴¹ *Ibid.*, 280-281, and Findlay, 45-84.

illegitimate: Shakespeare's brother Edmund had an illegitimate son named Edward in 1607; he almost certainly was aware that not all illegitimates were as his Edmund appeared onstage. Despite the nexus of evil associations around illegitimacy, most people would interact with illegitimate members of society every day. Bastard villains onstage were for entertainment purposes, and there is no reason to suppose that they particularly affected or reflected the illegitimates of everyday life. Illegitimates were fluid characters, represented as evil dissemblers, as victims of their parents' sin, as marginalized outsiders. However, this contrasted with the famous bastards of history such as John of Gaunt's illegitimate children, from whom the Tudor dynasty descended. The myriad representations of illegitimacy make any discussion of early modern bastardy complex and nuanced: as this thesis demonstrates, succession and inheritance, nation and sovereignty are all linked facets of early modern depictions of illegitimacy.

The Curious Perspective of (Il)legitimacy

This fluidity and variation of perspectives forms the basis of the model of illegitimacy and legitimacy that Shakespeare uses throughout the British plays. Crucially, illegitimacy and legitimacy are interrelated throughout. It is proposed that Shakespeare actually does not distinguish legitimacy and illegitimacy as a simple binary opposition but rather creates a sliding scale or spectrum of (il)legitimacy which resists simplistic definitions. To create this effect, Shakespeare uses the visual model of the curious perspective in his depiction of the legitimacies and illegitimacies of sovereign inheritance. Frequently in the British plays, perspective alters so that viewing a character in a different way can reverse apparent legitimacy or illegitimacy. Gilman argues that in *Richard II*, Shakespeare uses pictorial perspective as 'a conceptual model for seeing the chronicle of English history', and that the play depicts an event in history that was 'a contrariety...that contains two opposed points of view'.⁴² Shakespeare's purpose is not to represent history accurately so much as to use illegitimacy conceptually to create balances, contradictions and tensions in historical narratives. These contradictions and tensions test the resilience of historical narrative in relation to sovereign succession in ways that resonate with the political circumstances of Shakespeare's own lifetime. In *Richard III* the technique is being used

⁴² Ernest B. Gilman, *The Curious Perspective: Literary and Pictorial Wit in the Seventeenth Century* (London; New Haven: Yale University Press, 1978), 97.

to depict a pivotal moment in English history, as Chapter 3 discusses. (Il)legitimacy as a fluid state, a continuum of (il)legitimacy rather than being either legitimate or illegitimate is central to the curious perspective model in the British plays, and to the idea that illegitimacy can have both positive and negative effects.

The curious perspective is best explained with examples, but is basically the manipulation of images so that a picture of, for example, a rabbit, is also, when viewed from a different perspective, a duck. Gilman demonstrates the popularity of the genre mainly in the seventeenth century, yet also notes that Shakespeare uses a literary slant on the technique in *Richard II*: the infamous counterbalance between Richard and Bolingbroke as ‘two buckets, filling one another’ (*Richard II* 4.1.185).⁴³ It is proposed that this technique is actually used as a motif throughout the British plays on the theme of (il)legitimacy in inheritance and succession.

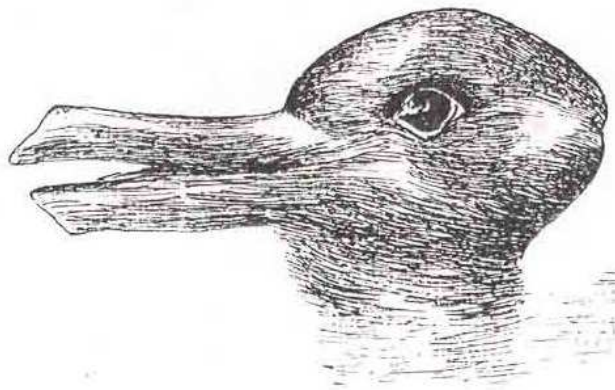


Figure 1. Rabbit and Duck



Figure 2. Old Lady or Young Woman: the young woman looks backwards, the old lady in profile

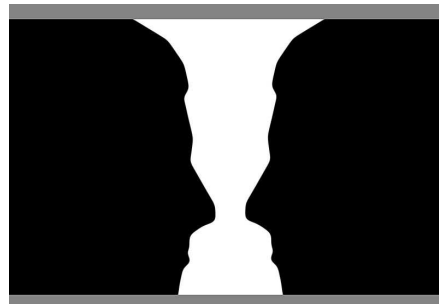


Figure 3. Two Faces or a Vase⁴⁴

The curious perspective works with the (il)legitimacy spectrum in Shakespeare's British plays, creating oppositions between characters. While the spectrum theory posits a continuous range of positions between legitimate and illegitimate, positions that are occupied by individuals, the curious perspective model enables viewers to focus on, and compare, the (il)legitimacy of two characters or, more often, two claimants to the throne. While all the characters of the British plays occupy different places on the spectrum, the curious perspective places pairs of characters

⁴⁴ From 'Optical Illusions', <http://www.optillusions.com/> accessed 9th August 2009.

in either/or comparative situations which allow the audience to balance the relative (il)legitimacies of each character against the other. As Chapter 5 discusses, Richard II and Bolingbroke are one example of this perspective. The perspective causes the audience to continually reassess the legitimacy of each character, by contrasting Richard and Bolingbroke at various points in *Richard II*. Chapters 3 and 5 also particularly discuss the motif in relation to succession and a less easily definable kind of historical veracity or ‘truth’. Zaller has discussed early modern history in relation to a ‘discourse of legitimacy’ in early modern England,⁴⁵ demonstrating that the concepts of truth and legitimacy were clearly interrelated for many writers of the period. Zaller argues that historical writing, especially in relation to national origins, frequently reveals an attempt to make something legitimate; to establish a true story of the formation of England. This apparent depiction of origins is often a method by which authors attempt to justify their own political or religious agendas. (Il)legitimacy was in fact a medium that could be used by anyone to denounce a viewpoint that opposed their own, as the examples from Knox demonstrated on page 20.⁴⁶ The following section further discusses how the curious perspective of (il)legitimacy is manipulated in these origin myths.

Legitimate Nations: History and the ‘British’ Play

Historians differ as to the extent that concepts like nationhood can be applied to early modern societies. For the purposes of this discussion, the national feeling developing during the 1590s is ‘English’; this was altered by the accession of James VI and I in 1603, creating a new ‘British’ identity beset by territorial tensions between the constituent nations. This ‘British’ identity will be referred to throughout the thesis, and for clarity it should be defined now: it is not intended that Britishness in this context should be understood as a nationhood that began to exist with the accession of James, encompassing all geographically British people. Instead the new state of Britain is nebulous in definition and problematic for the populace, who represented a mixed and continually changing set of attitudes to James’ Union policy. This discussion has been detailed elsewhere, notably in Marshall’s *Theatre and Empire*, which describes the various attitudes to Union, effectively representing the political permutations of national allegiance in drama during

⁴⁵ Zaller, *The Discourse of Legitimacy*, 230.

⁴⁶ See for example, John Knox’s *Answer to a great number of cauillations* in Laing (ed.), *Works of John Knox*, 277.

James' reign.⁴⁷ It is unnecessary, therefore, to repeat Marshall's findings in detail. This thesis instead builds on work that has identified the varying opinions of the early modern populace about 'British' nation, acknowledging the different attitudes present, and demonstrating that the way in which Shakespeare engages with these ideas of nation is through the motif of (il)legitimacy. As with issues of sovereign inheritance and legitimacy, (il)legitimacy negotiates the multi-faceted discourse of nationhood, using the wide-ranging associations of illegitimacy and legitimacy to highlight the key issues of contemporary England/Britain.

Defining the Nation in Early Modern 'England'

If a nation is defined as either 'an imagined political community' or a 'named and self-defined community of shared history and destiny, whose members cultivate common myths, symbols and traditions, occupy a common homeland, possess a distinctive public culture, and share common laws and customs',⁴⁸ Elizabethan England easily constituted a nation—Jacobean Britain is a different matter. Many early modern historians attempted to create this national identity for Britain, or, conversely, undermine it by reinforcing English nationhood. The Jacobean desire for a tradition of British nationhood demonstrates how important history is when legitimating a construct, especially the new nation. Chapter 4 particularly shows how Shakespeare participates in the discourse of ancient Britishness to comment on the contemporary politics of nationhood. For Shakespeare, the construct of 'Britain' is, in the early stages of James' reign, nebulous and uncertain, while later the plays support James' Britain as four nations reunited, a continuation of an earlier, pre-Christian Britain that was divided. The historical record is used to legitimate James' Britain by other writers, as will be discussed on pp.38-43, to verify its customs by creating a supposedly historically ratified origin story of the amalgamated nation; however Shakespeare's British plays dramatise the development of the contemporary British nation in an historical setting. Shakespeare's participation in the early seventeenth-century nation debate is discussed in Chapters 3 and 4 particularly. However, some background to that discourse is provided in this chapter. The developing national sentiment of England and Britain, along with

⁴⁷ Tristan Marshall, *Theatre and Empire: Great Britain on the London Stage under James VI and I* (Manchester: Manchester University Press, 2000).

⁴⁸ Anderson, *Imagined Communities*, 6; Anthony D. Smith, "'Set in a Silver Sea": English National Identity and European Integration' *Nations and Nationalism* 12:3 (2006), 434.

popular approaches to the history of these nations, is discussed here, to support the assertions made later with specific reference to Shakespeare.

Until fairly recently it had been accepted among historians that a shared English nationalism during Shakespeare's lifetime was 'anachronistic'.⁴⁹ Newman's careful distinction between patriotism and nationalism clarifies the issue: patriotism is 'a mere primitive feeling of loyalty...primarily attachment to the country's prestige in a context of foreign relations'.⁵⁰ Nationalism invokes 'an ideology of social unity', of the type that surfaced in France during the Revolution.⁵¹ However historians now argue that a kind of nationhood, if not full-blown nationalism, existed in late medieval England, as early as the eleventh century;⁵² Greenfeld has argued for the formation of English nationalism as early as 1500, shortly before the Henrician Reformation.⁵³ By literary analysis, Helgerson and McEachern persuasively disprove the suggestion that a crude patriotism was the only constituent of a shared English identity during Shakespeare's lifetime.⁵⁴ These ideas of England as a nation and the formation of Britain are central to Shakespeare's history plays because the historical genre was frequently an area in which the nation was created, defined or idealised. In the history of Britain and England national allegiances are legitimated or illegitimised using history.

Shakespeare's 'British' Plays

This section details how Shakespeare developed his own historical genre, the British plays, to interrogate these methods of legitimation. Paradoxically, as the thesis demonstrates, Shakespeare's British plays only emphasise the impossibility of this legitimation. This thesis treats the British plays as an independent genre; the term 'British plays' refers to a cohesive group of British-set plays, not an amalgamation of histories and romances. Undoubtedly, however, the majority of these plays form part of the chronicle play genre popular in the 1590s.

⁴⁹ Ibid., 7.

⁵⁰ Gerald Newman, *The Rise of English Nationalism: A Cultural History 1740-1830* (New York: Weidenfeld and Nicholson, 1987), 53.

⁵¹ McEachern, *Poetics*, 7.

⁵² For a detailed summary, see Davies, *The First English Empire: Power and Identities in the British Isles*, 32-45.

⁵³ Greenfeld, *Nationhood: Five Roads to Modernity*, 6.

⁵⁴ See Helgerson, *Forms of Nationhood* and McEachern, *Poetics*, 8-12.

Despite its short-lived popularity, the history play genre was not merely a response to the Armada.⁵⁵ Examples such as Essex's use of *Richard II* and Talbot's death (discussed in chapters six and three respectively) demonstrate that there are more complexities within the genre than international one-upmanship. The historical genre did not die out after 1600, but, while the theatrical fashions moved on, the history play evolved with them. The common assertion that the genre waned and all but died out in the 1590s is challenged when the romance genre is considered in terms of thematic concerns and source material. Elements of the history play appear in Shakespeare's romances; there is the same interest in kingship, legitimacy and nation in *Cymbeline* that is also a theme of the history plays—likewise the *Winter's Tale*, which demonstrates many concurrent themes with the later British plays, though the Bohemian setting means it is not extensively discussed here. The romance genre frequently uses the motif of a lost child, usually of a king, which replicates the interest in patrilinear inheritance identifiable in the histories. Holderness and Turner have also made connections between the history play and the Chronicle-sourced romances,⁵⁶ and so *Cymbeline* is regarded as a kind of history play based on its quasi-historical source material, along with *King Lear*, which likewise blends history and tragedy.⁵⁷ In terms of sources, both kings were included in *Holinshed's Chronicle*, certainly a prominent source for Shakespeare's histories. *Cymbeline*, like *Richard III*, is described as a tragedy in F, indicating generic overlap in the minds of the compositors: Q *Richard II* was also titled a tragedy. Q *King Lear* was *The True Chronicle History of King Lear*, and based on an earlier, anonymous play called *The True Chronicle History of King Leir and His Three Daughters Gonerill Ragan and Cordella* (c.1590), and for this reason Q is used in this thesis. The pre-Roman setting of both plays categorically shows that the historical genre was being appropriated and adapted on the seventeenth-century stage: far from fading away after a short-lived trend, the major features of the history play—historical sources, an English/British setting, an interest in kingship, personal worth or integrity and patrilinear inheritance—became a part of two popular genres, romance and tragedy. In this thesis, 'British plays' will refer to Shakespeare's English histories and his British-set Romances.⁵⁸

⁵⁵ Sampson, *Concise History*, 262.

⁵⁶ Graham Holderness, Nick Potter, and John Turner (eds.), *Shakespeare: The Play of History* (Basingstoke: Macmillan, 1988), 23.

⁵⁷ Also *Henry VIII*, which is often grouped with the romances, is regarded as a history play in the same way.

⁵⁸ Because of the elective nature of monarchy in medieval Scotland, which, being in Holinshed, Shakespeare was well aware of, *Macbeth*, though clearly a British play, does not feature prominently in this thesis. The themes of the

When Shakespeare returned to historical sources for *Lear* and *Cymbeline*, however, he dramatised British (mythical) history, not English history. The logical inference is that James I had made ‘Britain’ a concept worth dramatising.⁵⁹ Shakespeare’s history plays mainly feature English history and English locations during the reign of Elizabeth. However, the concept of a united Britain appears onstage in Shakespeare—roughly parallel with the succession of James—in the mid-1600s, with the exception of *Henry V*, which can be definitely dated to 1599, and presents a composite ‘British’ army in France. Generally there is also a marked increase in plays with a British setting after Elizabeth’s death. A British setting meant that the subject matter was inevitably ancient, or even mythical, as in *Lear* or *Cymbeline*: the British nations had been divided for so long that factually correct, recorded history of any king of an entire Britain was virtually non-existent. Like many of his contemporaries, Shakespeare switched his focus from Englishness to Britishness, indicating that the continuous theme of (il)legitimacy in these plays is more than coincidental: (il)legitimacy specifically negotiates issues of nation and patrilinear sovereign inheritance, the overriding themes of the British plays.

Shakespeare does not dramatisate the reigns of kings following the Norman Conquest, preferring to focus on either recent or mythical history. This seems a strange omission, yet the early medieval kings of England did not necessarily offer the range of source material that Shakespeare was interested in, especially in terms of illegitimacy. Though the early English kings Henry I and Henry II had at least twenty-three bastards between them, Shakespeare does not show the same concern about the begetting of bastards as some other playwrights. *The Miseries of Enforced Marriage* and *The Birth of Hercules* focus on the conception of bastards,⁶⁰ and Middleton is particularly preoccupied with the concept among the Jacobean.⁶¹ The bastards

play do fit with much of the British play’s focus on sovereignty and illegitimacy and some of these issues are mentioned when relevant; however, the thesis focus is on sovereignty as applied to the primogeniture-based English throne, and *Macbeth* is hence not discussed with the same level of prominence as other plays.

⁵⁹ Though earlier in Elizabeth’s reign, a mythical/historical British nation was dramatised in *Gorboduc* (1561) and the tragicomedy *King Leir*, and *Henry V* may look towards the succession of James in its presentation of Hal’s four-nation army, the incidence of British plays was comparatively low before the accession of James I. The situation of *Henry V* is very different from that of *Lear* and *Cymbeline*, though, in that the play is set in recorded, more recent, history, not ancient Britain. Whether or not *Henry V* anticipates the Union it was written under Elizabeth I and so is influenced by a very different set of circumstances.

⁶⁰ See George Wilkins, *The Miseries of Enforced Marriage* (Malone Society Reprints, Oxford: Oxford University Press, 1963), particularly 2.479-80, where Scarborough believes that his own children are legally bastards. Also, the anonymous *The Birth of Hercules* (Malone Society Reprints, Oxford: Oxford University Press, 1911) focuses on Alcmena’s conception of Hercules.

⁶¹ See Thomas Middleton, *Collected Works* ed., Gary Taylor and John Lavagnino (Oxford: Oxford University Press), particularly *The Witch*, 1124-64 and *A Chaste Maid in Cheapside*, 907-59.

of Henry I and II were children during the reigns of their fathers and had very little impact on politics in their adulthood. Rare exceptions are Robert of Gloucester (almost certainly inspiration for Faulconbridge in *King John*) and Geoffrey Plantagenet, son of Henry II. The post-Norman conquest era became increasingly popular ground for dramatic adaptation in the Jacobean era, but Shakespeare chooses not to use it. Instead, he worked with ancient ‘history’ that focuses on the united Britain lost in the mists of time, participating in the trend for tales of mythic origins. While Elizabethan England’s foundations were recorded in more definite recent histories that dramatised the Wars of the Roses and establishment of the Tudor dynasty, the accession of James and the creation of Britain caused reconsideration of what the nation now was, and its historical origins. The transition from Elizabeth to James marks the shift in Shakespeare’s choice of sources, and his altering use of history to examine nation and sovereignty.

During Elizabeth’s reign, *Gorboduc* and *Leir*, Arthur and the characters of *Lochrine*, a play that makes use of the Brutus myth, are the main British kings represented onstage. With James’ rule, Arthur and Lear remain, as well as *Cymbeline*, *Elidure*, *Brute* (and sons), *Bonduca*, *Vortigern*, *Hengist* (Celtic and Saxon figures who ruled parts of Britain, not the entire archipelago) and Beaumont’s lost play about Madon, were produced.⁶² Marshall has linked the proliferation of British plays after James’ accession with popular English support for the Union, which he argues has often been overlooked as a result of the Parliamentary opposition.⁶³ Even though *Macbeth*, ‘the Scottish play’ centres on a Scottish king, the play also features a quite different view of British monarchy from Elizabethan British plays. An honourable relationship between England and Scotland is for the first time made explicit when England helps the rightful Scottish heir Malcolm in *Macbeth*:⁶⁴ Scotland is no longer the ‘giddy neighbour’, the ‘weasel Scot’ (*Henry V* 1.1.145 & 170) that Shakespeare conceived it as in the 1590s.

The Britannia myth was popular in the years around James’s accession, despite what developed into a widespread distaste for the Union with Scotland.⁶⁵ Shakespeare’s association of national origins and (il)legitimacy discourses gathers strength with the focus on Britain’s early history. Much as the Tudors had claimed descent from Arthur and Cadwallader to reinforce their

⁶² See Gordon McMullan’s Appendix to his ‘The Colonisation of Early Britain on the Jacobean Stage’ in David Matthews and Gordon McMullan (eds.), *Reading the Medieval in Early Modern England* (Cambridge: Cambridge University Press, 2007), 138-40.

⁶³ Marshall, *Theatre and Empire*, 20.

⁶⁴ See Shakespeare’s *Macbeth* ed. Nicholas Brooke (Oxford: Oxford University Press, 1990), particularly Acts 4 and 5.

⁶⁵ Tristan Marshall, *Theatre and Empire*, 74-7.

claim to the throne, and later to create the impression of a 'golden age' revisited, James used 'genealogy' to emphasise his credentials for the English throne. He accentuated his 'British' heritage, claiming descent from Brutus, and hence participating in the Protestant origin myth.⁶⁶ A bout of similar themed works appeared to please James in the first five years of his reign: Thomas Milles' *A Catalogue of the Kings of Scotland* and *The Catalogue of Honour or Treasury of True Nobility* (both 1610) replicated James's lineage from Brutus. Anthony Munday's 1605 pageant *The Triumphs of Re-united Britannia* conceived James's 'happy coming to the Crown' as a healing process to the nation originally 'severed and divided' by Brutus.⁶⁷ Interest seemed to be increasing in terms of dramatic representations of Britain. Between 1561, with *Gorboduc*, and 1604, the available records show that some 26 plays with an ancient British setting were produced in public over the forty-two years. The following nineteen years saw at least fifteen such productions in less than half the time.⁶⁸ The origins of the nation were clearly of topical interest, and Tudor and Stuart rulers alike used semi-mythical history to validate their lineage; in effect, to legitimate their status as sovereigns. National history, however, was more than topical. As the following section discusses, origin myths were frequently utilised in attempts to legitimate political arguments.

History, Nation and Legitimacy

The defining aspect of the English history play, as Howard and Rackin point out, is the subject matter.⁶⁹ Though this seems obvious in the extreme, it is in fact difficult to itemise the genre further stylistically or in terms of form and structure.⁷⁰ The historical genre of Shakespeare is an amalgamation of other genres and, as such, is itself something of a bastard. However, one common thread throughout the British plays is the aspect of originations and foundations that identifies history writing of all kinds — a key issue that the (il)legitimacy theme links with ideas of sovereignty and legitimate succession. Though the reign of an individual king must always form part of the continuing story of the nation, looking back at past events in isolation links those

⁶⁶ Highley, *Catholics Writing the Nation*, 110.

⁶⁷ David M. Bergeron (ed.), *Pageants and Entertainments of Anthony Munday* (London: Garland, 1985), 7.

⁶⁸ McMullan, 'The Colonisation of Early Britain on the Jacobean Stage', 138-40.

⁶⁹ Howard and Rackin, *Engendering A Nation*, 11.

⁷⁰ Paulina Kewes, 'The Elizabethan History Play: A True Genre?' in Richard Dutton, Jean Elizabeth Howard (eds.) *A Companion to Shakespeare's Works: The Histories* (Oxford: Blackwell, 2003), 172.

events with the present; historical representations onstage effectively showcase the foundations of the nation. As Zaller has argued, this kind of historical writing forms an important part of early modern England's 'discourse of legitimacy':

the chronicler himself was the faithful mirror of all the events he recorded, and whatever dialogic or dramatic tension was involved in their telling, the true significance emerged in the end...the chronicle was the manifest of triumph of truth, but a truth that could only manifest itself in the hearing of all voices and the final, chorus-like assent of the community.⁷¹

The replication of events in historical writing is itself a kind of legitimation; the public reiteration of stories that become, in time, perceived as fact. As Zaller continues, this makes the chronicler 'a medium of transmission', while 'the last word...was the contemporary community's'.⁷² This model of legitimated history is essential to the idea of performative legitimacy which forms a major part of Chapters 5 and 6. While there are some fundamental problems in assuming that members of a contemporary community would all react to historical material in the same way, Zaller's model effectively sums up a kind of legitimacy that can be created through retelling of stories for, at the very least, a significant body of the populace. However, it is the attempt at legitimation through historical writing that is important in this thesis, not the mechanics of whether such legitimation can be achieved. It is proposed that such legitimacy cannot be created; Shakespeare uses the historical genre to expose the contradictions within the historical narrative of England. (II) legitimacy is the motif that highlights these tensions, and Shakespeare continually depicts a variety of interpretations and 'multivocality'⁷³ in the historical record. Depictions of performance-based legitimacy, that is, attempts to appear legitimate by acting so, are flawed and impossible to maintain. Shakespeare's use of the historical genre in fact undercuts the idea of accurate historical representation: as legitimacy is impossible to create for his sovereigns, truth is impossible to locate within his depiction of England.

This lack of historical truth is partly inspired by Shakespeare's source material. Early modern historical writing was a mix of fact, fiction and hearsay inherited from previous 'historians' and commentators who felt varying degrees of responsibility to make faithful records. Geoffrey of Monmouth, for example, was a major source for early modern historians,

⁷¹ Zaller, 250-51.

⁷² Ibid., 251.

⁷³ Ibid., 250.

yet his *Historia Regum Britanniae* was far from reliable. He drew mainly on Bede, Gildas and Nennius to compile his list of the supposed Celtic Kings of the Britons from Brutus to Cadwallader—but made additions from his own imagination and unverifiable Welsh legends. Though many of these kings appear in historical records, Geoffrey often alters their circumstances in his narrative. A misunderstanding also meant that Geoffrey's record was improperly relayed by early modern writers: 'Britons' to Geoffrey meant the ancient inhabitants of Wales and Cornwall, but the term implied something different to writers like Holinshed, who reproduced some of Geoffrey's material. Sixteenth-century historians like Bale and Holinshed, and later works like Heywood's 1609 *Troia Britannica*, interpreted the term 'King of the Britons' not as the leader of a Celtic people called 'Britons' but as the ruler of a nation/state called Britain.⁷⁴

Holinshed repeats this misunderstanding, merging Geoffrey of Monmouth with recorded history. He calls Lear and Cymbeline Kings of Britain, and the post-1563 editions of *The Mirror for Magistrates* (which Shakespeare also used as source material) also reproduced most of Geoffrey's *Historia Regum Britanniae*. Protestant historians like Bale especially used the Galfridian myth that Brutus was the founder of Britain—despite 'widespread scepticism' in the veracity of the story—to associate 'Protestants with a narrative of national origins that connected the arrival of "civilisation" in Britain not with the glories of Catholic Rome but with the failed empire of Troy.'⁷⁵ Likewise, Catholic writers, distrusting Protestant James I, used Bede's history of England to claim that Augustine's seventh-century mission to England was the beginning of civilisation on the British archipelago—hence implying that the Catholic Church founded England. This myth conveniently opposed James's Protestantism and his new united 'Britain', as it divided England from its Protestant Scottish neighbours.⁷⁶ The appropriation of British and English origin myths by historians and political writers in the debate about the British archipelago indicates that these myths and legends, and the sometimes-historical characters contained in them, had a certain power to legitimate an argument. The debate about national origins exemplifies the method of sovereign legitimation that Chapters 5 and 6 discuss. However, it also has a bearing on the British plays in another way. Utilising such source

⁷⁴ Crick, Julia C. (ed), *The Historia Regum of Geoffrey of Monmouth* (Cambridge: Brewer, 1989), 31-35.

⁷⁵ Christopher Highley, *Catholics Writing the Nation in Early Modern England and Ireland* (Oxford: Oxford University Press, 2008), 2.

⁷⁶ *Ibid.*, 89.

material, the plays inevitably participate in the 'discourse of the realm' that was current, using (il)legitimacy as a defining feature both of sovereignty and the nation itself.

The scant available evidence of audience reception of the history genre onstage reveals the formation of English national sentiment. Nashe's description of the reception of *1 Henry VI* is particularly illustrative:

How would it have joyed brave Talbot, the terror of the French, to think that after he had lain two hundred years in his tomb, he should have his triumph again on the stage and have his bones new embalmed with tears of ten thousand at least (at several times) who, in the tragedian who represents his person, imagine they see him fresh bleeding.⁷⁷

Danson points out that Nashe's brief endorsement of *1 Henry VI* tells us a significant amount about the style of play Shakespeare's audience was accustomed to: the casting of a 'tragedian' in the role of Talbot indicates how this developing genre of history play was designed and received; that it was a serious piece with a closer affinity to tragedy than comedy.

Most interesting in Nashe's account is the conflation of pride in country and pride in theatrical achievement. The living Talbot once struck terror into the enemy French; now the revived Talbot, 'fresh bleeding' on stage, draws a new army of English, ten thousand strong, into a communal experience, almost religious in nature, where the piteous spectacle of the hero's death converts the tears of grief into the preserving fluid of patriotic pride.⁷⁸

Danson describes the history play experience in terms of the 'shared consciousness' of a nation; he associates that consciousness specifically with 'patriotic pride'. He also goes on to argue that, despite the historical fate of Talbot, who was ignominiously led to death by the political infighting of the English lords who failed to reinforce his army, a kingdom 'supposedly united under Queen Elizabeth and united in the theatre by its playwright and actors...now gives Talbot new life, and finds in his represented death, not the spectacle of shameful power politics, but the redemptive image of English achievement.'⁷⁹ Danson's interpretation emphasises the 'communal experience' of theatrical performance, defining a group consciousness and identity that constitutes a national identity, and awareness of that identity, experienced in the theatre. The

⁷⁷ Thomas Nashe, *Pierce Penniless his Supplication to the Devil* ed. Stanley Wells (London: Arnold, 1969), I.212.

⁷⁸ Lawrence Danson, *Shakespeare's Dramatic Genres* (Oxford; New York: Oxford University Press), 93.

⁷⁹ *Ibid.*, 93-94.

repeat of Talbot's 'triumph' onstage celebrates the nation's military achievement while simultaneously celebrating the theatrical achievement that allows the moment to be revived.⁸⁰

This doubling of the function obliquely indicates the kind of 'unity' of national feeling within the minds of the spectators. Beyond being involved in basic patriotism, the spectators are also engaging with the idea of being similarly accomplished in the theatrical field. The dual function that Danson assigns to the history play represents more than 'a mere primitive feeling of loyalty... primarily attachment to the country's prestige in a context of foreign relations';⁸¹ it shows a national pride, of far more significance than loyalty. Reiteration of these historical set pieces creates the kind of legitimacy that Zaller describes: when playwrights display an event repeatedly to a crowd that, in the majority, accepts it as a representation of fact, the story is legitimated in the sense that it is accepted. Shakespeare, however, prevents this simple legitimation by using the curious perspective and the (il)legitimacy spectrum to continually undercut the dominant narrative. One clear attempt to legitimate through historical performances can be seen at work in Elizabethan England when Essex infamously staged *Richard II* before his attempted coup. Elizabeth I could certainly see the intended effect of the staging, demanding of her council, 'I am Richard II, know ye not that?';⁸² Though *Richard II* failed to rouse a pro-Essex rebellion, the fact that Essex chose to show an incompetent monarch being deposed by a popular commoner indicated that he was trying to use history to legitimate his actions. Ironically, Essex's appropriation of *Richard II* resisted the multifaceted conception of history that the play itself exhibits (see Chapter 5). Essex attempted to use the play to legitimate usurpation, while the play refuses to legitimate either personal or sovereign legitimacy. This is one of the overriding themes of the British plays, and rather like the uncertain legitimacies of English politics, the origins of the historical genre from which Shakespeare developed the British plays reflects a mass of uncertainties and hybrid narratives. Legitimate history is as impossible to achieve as legitimate sovereignty. This is a theme that is particularly relevant to Chapters 3, 5 and 6.

The proposed Union of Scotland and England generated an interesting innovation in English historical writing. For English subjects, the archipelago states like Scotland were foreign nations.⁸³ Quasi-historical accounts of national origins were employed to define Englishness in

⁸⁰ Ibid., 94.

⁸¹ Newman, *The Rise of English Nationalism: A Cultural History 1740-1830*, 53.

⁸² Charles R. Forker (ed.), *Richard II* (London; Arden Shakespeare, 2002), 72-73.

⁸³ Marshall, *Theatre and Empire*, 32.

opposition to Scottishness. Protestant opponents to Union with Scotland feared Scottish barbarism, and attempted to create historical ‘proof’ of this barbarism. Sir Henry Spelman compares the Scots and the English: ‘though in part [they] often resemble us, yet the greatest part concurs with the natural Irish, embracing their marriages and customes in that respect and the unfitter also to be united.’⁸⁴ Several English writers not only combined the Scots and Irish as part of the same ethnic group, but attributed ancient ‘antipathy’ towards the English to this group. This was a prominent English-Catholic argument against Union,⁸⁵ and certainly it was used by the Catholic writer Richard Verstegan, who argues that the Scots and Irish are part of a vague Celtic race of ancient Britain originally from Scythia, while the English have Saxon and Danish Germanic ancestry.⁸⁶ Verstegan uses the ancient pseudo-history of Britain to legitimate the racial differentiation that was an obstacle to Union, manipulating origination myths to suit political purposes. Verstegan tries to define a true independent Englishness, aiming to legitimate this identity by his ‘historical’ evidence. This concept of legitimation is particularly relevant to Chapter 6, where Hal uses a similar concept of historical legitimation in *Henry V*. *Henry V*’s composition under Elizabeth I anticipates many of these issues, which are of course relevant to *Lear* and *Cymbeline* as well. *Henry VIII* similarly uses recent history to legitimate the transition from Elizabeth to James, as Chapter 4 discusses.

Conclusions

Rising illegitimacy rates indicate that the position of illegitimates in society was a topical issue during Shakespeare’s lifetime, as other writers have established.⁸⁷ Unlike other discussions of early modern illegitimacy, which polarise legitimacy and illegitimacy as two opposing states, this thesis maintains that illegitimacy and legitimacy were far more fluid states than is often acknowledged. This may in part originate in the complex and contradictory laws governing definitions of illegitimacy and legitimacy. This thesis will develop the notion of (il)legitimacy, where legitimacy and illegitimacy are understood as opposing ends of a continuum rather than

⁸⁴ Sir Henry Spelman, *Of the Union*, in Galloway and Levack, *The Jacobean Union: Six Tracts of 1603*, 180-01. Cited by Highley, *Catholics Writing the Nation*, 115.

⁸⁵ Highley, *Catholics Writing the Nation*, 118.

⁸⁶ Richard Verstegan, *A restitution of decayed intelligence: in antiquities. Concerning the most noble and renowned English nation*. (Antwerp: np, 1605), 114.

⁸⁷ Findlay, *Illegitimate Power*, Neill, ‘In Everything Illegitimate’, Laslett, Oosterveen and Smith, *Bastardy and its Comparative History*, 14-18.

mutually exclusive opposites. This is applied to Shakespeare's depiction of sovereign inheritance in the British plays in the following chapters. The concept is demonstrated in this chapter and elsewhere by the curious perspective, an idea that is developed across the British plays as a group and runs throughout the thesis. (Il)legitimacy underpins notions of legality, truth and inheritance in Shakespeare's British plays. The following chapter demonstrate that when these issues are related to sovereignty, the effect is often to direct the audience (or reader) to the definition of the nation articulated in these plays.

Contrary to many assumptions that illegitimates were ostracised by society in early modern England, the examples described in this chapter demonstrates that when in the right circumstances, illegitimacy was not always a limitation. In richer families, and royalty, with which Shakespeare is nearly entirely concerned, illegitimates frequently occupy a place within the family, and as the examples of Thomas Neville particularly demonstrates, an illegitimate belonging to such a powerful family could find that his birth was not a bar to success and renown. This duality of illegitimacy, both a part of and not a part of a family, is important in Shakespeare's depiction of (il)legitimacy and, while motifs of this duality resonate throughout the British plays, the following two chapters discuss this theme in detail. Mythical history and origin myths are central to the Jacobean plays and their depiction of contemporary 'Britain'; and the connection between historical veracity and legitimation drawn above will be returned to in Chapters 3, 5, and 6. The thesis as a whole will demonstrate further how history and (il)legitimacy are linked by Shakespeare to reflect on the contemporary nation and the succession. The link between the sovereign and the nation in early modern drama has already been sufficiently discussed elsewhere;⁸⁸ in the following chapters further connections between sovereign inheritance, (il)legitimacy and nation are drawn amongst Shakespeare's representation of British history. From these connections a depiction of England's development into Britain emerges, mapping the tensions between sovereign and populace in early modern England.

⁸⁸ Kewes, *The Elizabethan History Play*, 175.

Chapter 2: Shakespearean Illegitimacy

This chapter compares Edmund of *King Lear* and *King John's* Faulconbridge, the two most prominent illegitimate characters in Shakespeare's British plays, arguing that Shakespeare associates illegitimacy with social movement and inheritance in a way that reflects upon the succession crisis of Elizabethan England, and the effect of this crisis, and the ensuing transition to Jacobean 'Britain', upon the nation. Surprisingly, these two characters are rarely discussed together, despite the resonating similarities between them. Areas in which they are different, as this chapter suggests, reveal significant variances in Shakespeare's portrayal of illegitimacy and emphasise that the theme of illegitimacy is not monolithic in the British plays; illegitimacy has wide implications within Shakespeare's texts, as in early modern society itself, and resists stereotypical definitions that have been applied to early modern representations of illegitimates. Legitimacy and illegitimacy themselves resist definition in Shakespeare, as the curious perspective model of (il)legitimacy that the previous chapter identified demonstrates. In *King Lear* and *King John*, this (il)legitimacy highlights a vulnerable and changing nation. The presence of Edmund and Faulconbridge as illegitimates in close proximity to the crown underpins the connection between (il)legitimacies and sovereignty that is continually present in the British plays. It is proposed here that despite depicting different 'historical' narratives in different styles, *King John* and *King Lear* have some thematic interests in common. Anxieties about impending changes to the English and/or British nation during the 1590s and the 1600s are reflected in the actions of these illegitimate characters.

As a 'living symbol of social irregularity',¹ an illegitimate was problematic for the rigid early modern social structure, having no place in the 'sortes and degrees of people' in the commonwealth.² Edmund and Faulconbridge represent that partial exclusion from the family and society that the previous chapter discussed.³ Faulconbridge is a member of the royal family by virtue of his paternity; but his mother is Lady Faulconbridge, wife of a recently knighted 'soldier' (*King John*, 1.1.51-2). Likewise, he is only half-brother to Robert Faulconbridge, and half-nephew to John. Edmund too, is Gloucester's son, but has a different mother to his brother

¹ Davis, 'Illegitimacy and the Social Structure', 27.

² William Clerke, *The Triall of Bastardie that Part of the Second Part of Policie, or Maner of Gouvernement of the Realme of England: so Termed, Spirituall, or Ecclesiasticall*. (London, 1595), 5.

³ Pinchbeck and Hewitt, *Children in English Society*, 71-82, and Alan Macfarlane, 'Illegitimacy and Illegitimates in English History', 71-75.

Edgar.⁴ It was common practice to send boys to be educated in other households in early modern England, yet the reference to Edmund having been ‘out nine years’ (1.31) also emphasises his outsider status within the Gloucester family. The bastards in question are on the margins of their society; but of sufficiently high birth to be observers and participants in the political action. Edmund is wholly Shakespeare’s addition to the play (his plot is inspired by Sidney’s *Arcadia*), and Faulconbridge an altered version of the Bastard character from the anonymous tragicomic source play *The Troublesome Reign of King John* (c.1589),⁵ showing that illegitimacy was a theme that interested Shakespeare enough to include it deliberately in *Lear* and *King John*.

These bastards’ movement into the sphere of power creates tensions around sovereignty: they continually test the idea of legitimate inheritance and power. This chapter, therefore, discusses how illegitimacy is connected with social movement, and how illegitimacy affects inheritance of sovereignty and power. The final section discusses connections between the onstage nation and the changing politics of the actual English/British nation.

Illegitimacy and Social Movement

Commentary, Freedom and Exclusion

Falconbridge and Edmund use the same techniques to construct a special intimacy with the audience. Falconbridge speaks more soliloquies than John, the title character, and is therefore ‘the most interesting character’ in *King John*.⁶ Falconbridge also takes on the role of a commentator for the audience.⁷ Edmund too speaks more extended soliloquies than any other character, except Lear in his madness. However, extensive soliloquies are not the exclusive province of Shakespearean illegitimates. Iago and Shylock have similar levels of interaction with the audience, as does Aaron, father of an illegitimate, in *Titus Andronicus*. The suggestion is not that soliloquies and audience interaction are exclusively the realm of illegitimates, but that

⁴ The recent RSC production of *King Lear* (2010), directed by David Farr, represented this visually by casting a black Edmund (Tunji Kasim), with white actors as Gloucester and Edgar (Geoffrey Freshwater and Charles Aitken).

⁵ Anon, *The Troublesome Reign of King John* ed. Frederick James Furnivall and John James Munro (London: Chatto and Windus, 1913)

⁶ Julia C. Van de Water, ‘The Bastard in King John’ *SQ* 11:2 (1960), 137.

⁷ Edward Gieskes, ‘‘He is But a Bastard to the time’’: Status and Service in *The Troublesome Reign of John* and Shakespeare’s *King John*’ *ELH* 65:4 (1988), 779-98.

Shakespeare demonstrates a preoccupation with illegitimacy in the British plays by using the same attention-generating techniques that define prominent characters, frequently villains, in other genres to delineate illegitimates. Illegitimates, so often conceived as on the fringes of society and traditionally represented as counterfeiterers,⁸ are in a perfect position to act as commentators. Physically the placing of an actor can represent this: the illegitimate speaker stands at the fore of the stage, between the audience and the play, an intermediate between the two.⁹ Kernodle has argued that the bastard's lack of place would be emphasised by a downstage position,¹⁰ and this placing particularly apt in light of the often intimate tone Shakespeare's bastard-commentators adopt with the audience.¹¹ The bastards in *King Lear* and *King John* observe the action of the play, filling a role halfway between audience and play, and inviting intimacy with the audience.

Freedom becomes a defining characteristic of Faulconbridge and Edmund; because society has no place for illegitimates, they are outside the power structures, particularly patriarchal, that restrict legitimate members of society. The early representation of Faulconbridge particularly emphasises this lack of restrictions: he 'erupts into the play as a sourceless, unlocated character.'¹² This lack of restriction results in the frequent dramatic association of illegitimacy and lawlessness, another kind of freedom.¹³ Freedom is not necessarily a positive character trait; freedom from social structure and restriction can constitute a threat to the stability of society.¹⁴ Faulconbridge uses illegitimacy as a stepping stone to courtly power, cultivating the relationship with the royal family that his illegitimacy creates. Faulconbridge's movement into the royal sphere pressurises the concept of sovereign legitimacy. While Faulconbridge embraces his illegitimate status as a positive development, Edmund's actions indicate that he is not content with the life that his illegitimate birth has given him, and is trying to carve out a place in legitimate society. His movement threatens the stability of the

⁸ Neill, 'In Everything Illegitimate', 275-76.

⁹ Andrew Gurr, *The Shakespearean Stage, 1574-1642* (Cambridge: Cambridge University Press, 1992), 21-23; Richard Hillman, *Shakespearean Subversions: The Trickster and the Play-text* (London; New York: Routledge, 1992), 14.

¹⁰ George Kernodle, 'Open Stage: Elizabethan or Existentialist?' *SS* 12 (1959), 3.

¹¹ Findlay, *Illegitimate Power*, 221.

¹² A.R. Braunmuller (ed.), *King John* (Oxford: Oxford University Press, 1988), 68.

¹³ Findlay, *Illegitimate Power*, 133.

¹⁴ Greenblatt, 'Invisible Bullets', 21; Jonathan Dollimore, 'Subjectivity, Sexuality and Transgression: The Jacobean Connection' *Renaissance Drama* 17 (1986), 53-81.

social order in Lear's kingdom, undermining sovereign power, and ultimately damaging the nation.

Self-definition and social mobility

Edmund, unlike Faulconbridge, is born illegitimate, and acutely aware of his social position and its drawbacks. For Faulconbridge, illegitimacy is an enabling force, but for Edmund, acknowledged a bastard from birth, illegitimacy has defined and restricted him (he refers to 'the plague of custom' 2.3). This explains his intent to usurp his father and brother's position from the start. In his first soliloquy, Edmund shows himself to the audience an archetypal machiavellian villain, intent on personal gain, informing the audience of his 'invention' to steal his brother's land (1.19). In the soliloquy beforehand, though, Edmund defines himself effectively as an alternative Edgar, a base version of legitimate childhood. Self-fashioning takes place 'in relation to something perceived as alien, strange or hostile',¹⁵ and Edmund uses Edgar as a model to fashion himself in opposition to when he describes legitimate children as a 'tribe of fops' (2.14). 'Legitimate Edgar' is the focus of Edmund's desire to 'grow' and 'prosper' (1.21); his desire to rise is equated with a desire to triumph over and replace his brother.

Faulconbridge similarly uses hostile forces to define himself for the audience, but while Edmund creates the enmity between himself and his family, Faulconbridge uses the Duke of Austria, treasonous rebels, and the French nation to enact a persona of military capability and patriotism. Faulconbridge is mentioned briefly by Holinshed as 'Philip, bastard son to King Richard, to whom his father had given the castle and honour of Coinacke (Cognac)'.¹⁶ Roger of Howden recorded that he killed Limoges in vengeance for his father in 1199 as repeated by Holinshed, though no other contemporary sources corroborate this.¹⁷ His mother is not mentioned in any sources; it is possible that Shakespeare, developing a heroic bastard character, took inspiration from a more recent illegitimate, Thomas Fauconberg Neville, who, like Philip Faulconbridge, was recognised for military ability.

¹⁵ Ibid.

¹⁶ Raphael Holinshed, *Holinshed's Chronicle* ed. Allardyce & Josephine Nicoll (London; New York: J.M. Dent & Sons; E.P. Dutton & Co, 1927), 212.

¹⁷ Holinshed, *Holinshed's Chronicle*, 643; David Corner, 'The *Gesta Regis Henrici Secundi* and *Chronica* of Roger, Parson of Howden', *Bulletin of the Institute of Historical Research*, 56 (1983), 77-79.

Faulconbridge's first action in France is to threaten Austria to 'smoke your skin-coat an I catch you right' (2.1.139). The idea of revenging Richard I's death links him to his biological father. He is also setting himself against the enemies of England, creating an identity for himself as a warlike patriot. Faulconbridge creates a niche for himself in the English court, gaining a legitimate function as Edmund wishes to. Robert of Gloucester, bastard of Henry I, may have been an inspiration for Faulconbridge, who was, until Henry Fitzroy under his father Henry VIII, the last bastard to have risen to the English peerage.¹⁸ Robert was an excellent general and one of the few English noblemen willing to uphold Matilda's claim to England as his father requested. Robert became his sister's chief general and advisor during the Anarchy. The combination of these two figures to form an unhistorical illegitimate character indicates that Shakespeare is specifically developing motifs of illegitimacy in *King John*.

Becoming the bastard of Coeur-de-Lion elevates Faulconbridge's social status: he was previously only the (disputed) eldest son of a country knight. He now has a choice in how his life moves forward: 'Brother, take thou my land; I'll take my chance' (1.1.151). Faulconbridge chooses to bastardise himself and forsake his fortune in hopes of a better 'chance'. John and Eleanor, who claim Philip as part of the Royal family, knighting him 'Sir Richard Plantagenet', paradoxically make his bastardy a marker of social elitism. In essence, the sanction of the royal family legitimates Faulconbridge's illegitimacy, by confirming it and using it to create his role at court. Instead of being the Faulconbridge heir, with 'five hundred pound a year' (1.1.152) and slandered as a bastard, he has moved up the social ladder,

A foot of honour better than I was
But many a foot of land the worse.
1.1.182-183

Though by the 1590s Shakespeare would have been exposed to a 'moral opprobrium' surrounding illegitimacy that had developed since the medieval times in which being *filius nullius* was not the marker of disgrace it had become,¹⁹ Faulconbridge articulates this more relaxed, medieval attitude to his illegitimacy, an attitude which Shakespeare would certainly have been aware of simply by reading of the prominent bastards that featured in his sources.

¹⁸ Ibid., .93.

¹⁹ Ibid., 273.

A *filius nullius* (heraldic term for illegitimate) ‘was not so much the son of nobody, as the *heir* of nobody.’²⁰ In an apparently contradictory way, Faulconbridge sees being the ‘heir of nobody’ as gaining him a great paternal legacy. He can, as Eleanor points out

...be a Faulconbridge
And like thy brother to enjoy thy land
Or the reputed son of Coeur-de-Lion,
Lord of thy presence, and no land beside
1.1.134-137

Faulconbridge also perceives the further repercussions of his legitimated bastardy; being a knight, he is now able to ‘make any Joan a lady’ (1.183). He can exercise the right to raise people himself, and so he also has the ability to ‘free’ people, as his own elevation and bastardy freed him, and so he is able to create more dangerous ‘bastards’ with social mobility. When he claims ‘my father gave me honour’ (1.164), Faulconbridge implicitly challenges conventional conceptions of honour. His father has not left him royal or even noble birth status by acknowledging him, nor has he provided property or money. What Faulconbridge refers to as honour is a satisfaction in his parentage, implicitly a pride in his bastard origins; not a traditional point of honour at all. His social mobility constitutes a potentially menacing activity that undermines English convention.

Faulconbridge’s social movement is emphasised by his familiarity with James Gurney in Act One.²¹ Gurney calls Faulconbridge ‘Philip’, implying an informal relationship, and as this occurs immediately after Faulconbridge’s soliloquy about ‘new-made honour’ (1.187) the effect of social movement, even transgression, is heightened.²² Faulconbridge’s threat to social order is eventually contained; he is devotedly loyal to John and Henry III, even suggesting that he will follow John to the grave to ‘wait on thee to heaven’ (5.7.72), a line echoed by Kent at the end of *Lear*, a play with similar themes (though Kent is of course legitimate). Throughout the early scenes, however, Faulconbridge’s threat of destabilization to English order anticipates the hazard realised in Edmund’s bastard potential for subversion in *Lear*.

²⁰ Neill, ‘In Everything Illegitimate’, 273.

²¹ Braunmuller (ed.), *King John*, 133.

²² Donna B. Hamilton, *Shakespeare and the Politics of Protestant England* (Hemel Hempstead: Harvester Wheatsheaf, 1992), 32.

Faulconbridge evidently enjoys the new status he has chosen for himself, preferring to be 'Sir Richard Plantagenet' than 'Sir Nob' (1.1.147), and wickedly teasing his half-brother Robert that his protest has benefited Philip more than himself:

My father gave me honour, yours gave land,
Now blessed be the hour by night or day
When I was got, Sir Robert was away.
... Good fortune come to thee
For thou was got i'th' way of honesty
1.1.163-166, 181-182

He subverts preconceptions of illegitimacy, implying that he has benefited from bastardy. In 2.1, when John and King Philip are threatening war in convoluted terms of their courageous armies, Faulconbridge is a comedic leveller, interjecting 'bastards and else' and 'some bastards too' after John's description of his 'English breed' and Philip's 'valiant bloods' (II.275-279). He therefore reduces both the kings and their armies to his level as an illegitimate; as when he muses on the prospect of raising 'any Joan', Faulconbridge exercises a level of control over the social hierarchy. In *King John* Faulconbridge effectively demonstrates one of the core issues that this thesis raises; legitimacy is always subject to being undermined or redefined. Faulconbridge can alter his own status and the status of others using words, and true legitimacy remains impossible to locate in the texts.

His character is initially defined by this 'indifference to rank and other social conventions'.²³ However, Faulconbridge quickly abandons this role, becoming a defender of the *status quo* in his loyalty to John. Faulconbridge demonstrates a chameleon-like quality in illegitimacy that Shakespeare returns to throughout the British plays, using what is termed 'metaphorical illegitimacy' to develop the concept in *Richard II*, *Richard III* and *Henry V*. Faulconbridge is able to 'be' anything because he is unrestricted by the social laws binding 'proper' members of society: he is 'an old-young, legal-illegal, royal-common, male-female oxymoron'.²⁴ Van de Water has convincingly argued against the static depiction of Faulconbridge as 'a representation of type—the common, robust, patriotic Englishman who is a faithful follower and a good soldier',²⁵ or more extravagantly as 'Shakespeare's great version of

²³ Braunmuller (ed.), *King John*, 68.

²⁴ *Ibid*, 52.

²⁵ Van de Water, 'The Bastard in *King John*', 137.

the regal type',²⁶ an interpretation which was once very popular with critics, by noting the multiplicity of character types that Faulconbridge adopts in the early scenes.²⁷

Falconbridge demonstrates a similarly crafty character type in the early stages of *King John*. After his comic routine about being a 'new-made' man at 1.1.180-204, where he plans to forget names and sit over his dinner, Falconbridge quickly turns to an ominous musing on his 'mounting spirit' (1.206), and forthcoming actions. Planning

...to deliver
Sweet, sweet, sweet poison for the age's tooth,
II.212-213

Falconbridge begins to echo the typical language of Shakespeare's machiavellian villains. He makes the audience his co-conspirators, a technique that Richard III also uses (Chapter 3). Falconbridge's idea that

For he is but a bastard to the time
That doth not smack of observation.
II.208-209

draws the audience into the play-world. The viewers are drawn in because they are 'observing' the play, while Falconbridge, becoming part of John's court, is participating in another Elizabethan meaning of 'observation'—to pay attention to prominent people. Hence Falconbridge suggests that everyone is a 'bastard', engaged in 'observation' of one kind or another. Thus Falconbridge interrogates the meaning of 'illegitimacy': his own illegitimacy is no handicap if everyone is a bastard. In fact he creates a society of bastards, a technique that Posthumus employs in *Cymbeline* when he suggests that 'we are all bastards' (2.5.1); Richard III also reduces those around him to the level of illegitimates (Chapter 3). When Falconbridge quibbles over the word 'deceit' at II.214-216, the audience is left uncertain about how this character will progress. It is unclear whether these lines suggest that he will learn *about* deceit in order to avoid it, or whether he means to imply that he must learn *how to* deceive so that he will not be harmed by the deceit of others:

²⁶ Van de Water, 'The Bastard in *King John*', 138. For an extensive list of critics who see Falconbridge as a potential king, see 138-9.

²⁷ *Ibid.*, 137-46.

...though I will not practise to deceive
Yet to avoid deceit I mean to learn,
For it shall strew the footsteps of my rising.
ll.214-216

The overall impression is of Faulconbridge as possessing a self-serving, potentially threatening outlook, dismissive of social custom and order. Faulconbridge even argues that the adultery of his parents was not a sin, moving from social mobility to a more subversive repudiation of the religious and secular convention of matrimony when he tells his mother 'who says it was [sin], he lies; I say 'twas not' (l.276). In his affirmation of adultery, Faulconbridge articulates a very real threat to the dominant religious and legal hegemony:

And they shall say when Richard me begot,
If thou hadst said him nay, it had been sin.
ll.274-75.

The overturning of normality in this way also bears a certain similarity with the principles of carnival, something that is picked up again in the character of Richard III (Chapter 3).²⁸

Though in *King John* the threat of social change from the bastard is never realised, in *King Lear* Edmund's movement through the social hierarchy shows the dangerous implications of 'unlocated'²⁹ bastards. Edmund usurps the place of his brother, by duplicity becoming 'capable'—the heir—of his father's land and title (6.85). So he is no longer the *filius nullius* of the play, but a son and heir. So much is made of Faulconbridge's parentage that, though his mother is present, themes of fatherhood are central in *King John*. Inheriting from the father is also central to *Lear's* depiction of (il)legitimacy: Edmund overturns tradition by inheriting from his father, but the inheritance theme is also investigated in different ways. Inheritance of parental (particularly paternal) characteristics undercuts ideas of legal illegitimacy in *King John* and *King Lear*. The common assumption that bastards were mothers' children is undercut by the fact that Gloucester's one-time mistress, and Lear's wife, are absent from *Lear*; however, critics have discovered a maternal subtext in the play that is further discussed on pp. 102-105.³⁰ Though *Lear* lacks male heirs, and inheritance via the female line is inevitable in the royal family, *King Lear* also articulates a masculine patrilinear model of succession in relation to illegitimacy. Edmund's

²⁸ Bakhtin, *Rabelais*, 32-45.

²⁹ Ibid.

³⁰ Kahn, *Man's Estate*, 101-03.

drive to usurp the Gloucester inheritance indicates his desire for acceptance and recognition as Gloucester's son. His behaviour, however, so typical of early modern illegitimacy stereotypes, marks him as a 'natural' child of Gloucester from the start: Edmund inherits more from his father than land, as this chapter demonstrates.

While Faulconbridge jokes about making 'any Joan a lady' (1.1.184), Edmund's alteration in status actually occasions other social disturbances in Lear's kingdom. The inclusion of Oswald, for example, is an effective indicator of the disorder generated by Edmund. Kent's altercation with Oswald in Scene 7 hints that Oswald, like Edmund, is rising through the social scale—immediately after we have heard Gloucester promise to make Edmund 'capable' at 6.84. Kent 'seems to veer between accusing Oswald of behaving like a despised menial, and, on the other hand, a pampered favourite.'³¹ Kent describes Oswald's rise from 'an eater of broken meats, a base, proud, shallow, beggarly, three suited...filthy worsted-stocking knave' (7.13-14) to Goneril's steward. Kent calls him a 'hundred-pound' (1.14), referring to the new-made knights James I would create in return for a fee of a hundred pounds. These men purchased social status rather than inheriting their titles, and were the epitome of seventeenth-century social climbing. Oswald is associated with this type of social movement, and called 'the son and heir of a mongrel bitch' (1.20).³² These allusions effectively suggest ideas of illegitimacy to the audience, and Oswald represents the threat of illegitimate social movement that Edmund embodies working elsewhere in the kingdom.

As illegitimates were *filius nullius*, they were often associated with the maternal parent. Oswald is the heir of a 'bitch', unquestionably a feminine term, and that bitch, as a 'mongrel', is also associated with illegitimacy, implying impure or unknown pedigree. One definition of the term 'bastard' referred specifically to being mixed or adulterated in some way, being applied to sweetened wine, mixed breeds of animals, and cloth made from mixed fibres. Oswald's mongrel hybridity is connected to early modern ideas of illegitimacy. Kent hints that Oswald is illegitimate for his position, as in of unsuitable birth, and the interjection of this otherwise unnecessary assault on Oswald immediately after Edmund's social movement is confirmed at 6.84 implies Shakespeare was linking the rise of 'beggarly' and 'mongrel' (with a sense of illegitimate) men like Oswald with Edmund's interference in the social structure. This threat to

³¹ Stanley Wells (ed.), *King Lear* (Oxford: Oxford University Press, 2000), 153.

³² *Ibid.*

social order recalls the idea that illegitimates are troublesome surplus members of society, who, born outside of the laws of that society, can infiltrate and interrupt it.³³

The threat posed by illegitimacy in *King Lear* is much stronger than in *King John*, because Edmund is a malcontent and a machiavel. While Faulconbridge embraces illegitimacy and utilises it to raise himself, Edmund's social movement is part of a drive for recognition that stems from feelings of exclusion and resentment:

...my dimensions are as compact,
My mind as generous, and my shape as true
As honest madam's issue...

2.7-9

He is equal to Edgar in essentials, so 'Why "bastard", wherefore "base"?' (1.6). Faulconbridge questions the treatment of illegitimates less obviously by making us all bastards with him, by 'observing'. Edmund argues from a different perspective, claiming that he is as good as legitimate people: he tries to force himself into legitimate society while Faulconbridge draws his audience away from it. Edmund solidifies the negative connotations of illegitimacy around himself, while Faulconbridge can develop and change. Soon after Edmund's first soliloquy, Gloucester reports that Lear has been 'confined to exhibition' (1.24)—reduced to receiving a pension. This news immediately follows Edmund's threat to take Edgar's place, driving home the association between Edmund and the current disorder in the state.

Falconbridge is unique among contemporary dramatic illegitimates because he changes to accommodate his own 'subversive energies':³⁴ other heroic bastards, such as the title character in *Tom a Lincoln* (1611) or Massinger's Bertoldo (*The Maid of Honour*, 1621) are unable to subdue their supposed natural inclination towards disruption. Tom causes the death of his foster-father, and his lover Caelia, while Bertoldo is unable to avoid becoming an archetypal villainous bastard.³⁵ Shakespeare plays with preconceived notions of illegitimacy in *King John*, Falconbridge becoming a character of sense and courage, and providing a focus for issues of national allegiance that John cannot. This is because Falconbridge embraces the potential of illegitimacy, even disregards his status, implying that we are all in some way 'bastards to the time', rather than railing at his position as Edmund does. Falconbridge does not lay claim to

³³ Findlay, *Illegitimate Power*, 5.

³⁴ *Ibid.*, 6.

³⁵ *Ibid.*, 190-94.

anyone else's land after being formally bastardised, and he is not restricted by the stereotype of bastardy as Edmund is: Edmund's desperation to usurp his brother's place drives part of the tragedy in *Lear*. Despite this, Faulconbridge's eagerness to follow John in death ('my soul shall wait on thee to heaven', 5.7.72) shows his subversive potential being contained by the play; a rival claimant for the throne is removed to end on a successful patrilinear succession.³⁶

Social movement and transgression, therefore, is part of the Shakespearean illegitimate type. The following chapters further identify this movement in other illegitimate characters. In terms of Faulconbridge and Edmund, however, social movement reflects vulnerabilities in the nation onstage, as this chapter will suggest. Issues of paternal inheritance and illegitimacy are likewise linked in the British plays in a way that interrogates concepts of early modern sovereign power and in turn reflects on the security of the contemporary nation. The following section discusses these connections further.

Illegitimacy and Inheritance

Paternal Inheritance

Inheritance, as Chapter 1 proposed, is thematically linked to illegitimacy throughout the British plays. This works in two ways: the legal inheritance of property, and inheritance of physical or character traits from parents, especially fathers. Though Shakespeare uses inheritance and illegitimacy to reflect on the problematic succession of Elizabethan England, ideas of inheritance specific to bastards were current in other areas too. 'Illegitimates were supposedly endowed with "superior intelligence...accompanied by physical strengths and a natural vigour",³⁷ because they were conceived in 'agreeable conformity of wills'.³⁸ Donne's *Paradoxes* suggested that illegitimates might have 'better wits and abilities' than their legitimate counterparts,³⁹ and in drama, these attitudes were evident as well: Webster's *The Devil's Law Case* suggests that despite illegitimates' disadvantages, 'nature many times prefers them' (4.2.244). *King John* and

³⁶ Van de Water, 'The Bastard in *King John*', 139.

³⁷ Findlay, *Illegitimate Power*, 130-1, citing Milles, *Paradoxe, in the defence of Bastardie*, 465.

³⁸ Findlay, *Illegitimate Power*, 131.

³⁹ Donne, *Problems and Paradoxes*, 32.

King Lear reveal a particular pattern of illegitimate inheritance that is applicable throughout the British plays, as the following Chapters, particularly 3 and 5, demonstrate.

The parent normally connected to illegitimates is the mother, who bears the ‘evidence’ of the crime.⁴⁰ Though mothers are important in the models of illegitimacy that Shakespeare develops (see pp. 158-162 particularly) Shakespeare also, unusually, links illegitimates with fathers. Illegitimates, who cannot inherit property, are depicted as inheriting and even intensifying paternal characteristics. John asks Faulconbridge to command the army against Louis (‘Cousin, go draw our puissance together’ [3.1.339], ‘Have thou the ordering of the present time’ [5.1.77]), indicating military capability and linking him with Coeur-de-Lion. In his role as John’s helpmeet, bringing in reports of the battle (4.2.161, 5.1.30), and approaching the French/Rebel army to speak for John in 5.2, Faulconbridge becomes the English military leader. Danby may overstate the case when he argues that Coeur-de-Lion is presented as ‘completely without flaw...the perfect Englishman’⁴¹—after all, he has been engaged in an adulterous relationship with one of his knights’ wives. However, he has a great personal legacy in *King John* as a ‘legendary warrior-hero’, and ‘England’s last undoubtedly legitimate king’.⁴² This, however, does not make Faulconbridge ‘the legitimate King of England’;⁴³ Richard is an almost fabled English legend, even for his mother and brother who speak of him in elevated terms, contrary to their historical relationships.⁴⁴ His son descends from this fabled past, reflecting a lost glory indicated by his ‘old-fashioned’ values of chivalry, avenging his father and following his master literally to the death: he is a relic rather than a progressive leader; indeed, he is a fiction born of poetic tradition even more than he is a relic.⁴⁵ It is true that Faulconbridge has become a moral authority, a representative of commonsense, bravery, and patriotism,⁴⁶ but this does not necessarily make him a candidate for kingship. Faulconbridge’s presence as a shadowy background figure to the legitimate succession from John to Henry is clear in 5.2, when he assures Louis that John’s royalty ‘doth speak in me’ (l.129). Faulconbridge complicates the

⁴⁰ Julie Crawford, *Marvellous Protestantism: Monstrous Births in Post-Reformation England* (Baltimore and London: Johns Hopkins University Press, 2005), 64-6.

⁴¹ John Danby, *Shakespeare's Doctrine of Nature: A Study of King Lear* (London: Faber & Faber, 1964), 77.

⁴² Braunmuller (ed.), *King John*, 66.

⁴³ Van de Water, ‘The Bastard in *King John*’, 139.

⁴⁴ Peter Saccio, *Shakespeare's English Kings: History, Chronicle and Drama* (New York: Oxford University Press, 1977), 134.

⁴⁵ See also the discussion of John of Gaunt’s ‘scepter’d isle’ speech in Chapter 5.

⁴⁶ Gieskes, ‘Status and Service in Shakespeare’s *King John*’, 779.

succession debate, testing preconceived notions of illegitimacy by subverting expectations, yet he also complies with another popular stereotype of bastardy when he exhibits such a clear inheritance of his father's military excellence:

Shall we upon the footing of our land
Send fair-play orders and make compromise,
Insinuation, parley, and base truce
To arms invasive? ...
...Let us, my liege to arms!

5.1.66-73

The problematic reference to 'our land' above may simultaneously articulate national allegiance and Faulconbridge's royal heritage: he could be using the royal plural. Shakespeare draws attention to the positive attributes of his bastard, suggestively endowing him with Coeur-de-Lion's famous qualities. The differences between Faulconbridge and his counterpart in *The Troublesome Reign* demonstrate that Shakespeare has deliberately altered his sources to problematise the succession issue using the motif of (il)legitimacy.⁴⁷

Edmund's paternal inheritance is his association with transgressive sexuality. Even in the opening scene, where Edmund is an unknown quantity of little apparent significance, Gloucester's description of his conception resonates with later events. Edmund was adulterously begotten; Gloucester jokes about the 'sport at his making' and rather jovially calls him a 'whoreson' and a 'knave', whilst comparing him to his brother Edgar, born 'by order of law' (1.19-22). Negative illegitimacy stereotypes are invoked around the silent Edmund: verbally he is removed from the exchange, yet it creates significant opportunity for physical reaction, especially because he later picks up on the conversation, calling Gloucester a 'whoremaster' at 2.118. Shakespeare associates Gloucester with adultery: during the mock trial Lear assures him he 'shalt not die for adultery' (20.108), and Edmund's sinful conception is thus never dropped from the audience's attention—he himself refers to it at 2.15.

Following his father's example, Edmund engages in adulterous liaisons himself with Goneril and her sister. Though Regan is a widow, the prospect of Edmund's having a physical relationship with both sisters is disconcerting; the issue of affinity had been rigidly defined in the Church of England after the divorce of Henry VIII and Catherine of Aragon,⁴⁸ and Edmund

⁴⁷ For a discussion of these differences, see Van de Water, 'The Bastard in *King John*', 142-3.

⁴⁸ Richard A. McCabe, *Incest, Drama and Nature's Law* (Cambridge: Cambridge University Press, 1993), 54-5.

fundamentally violates what that Church defined as God's (and hence nature's) law.⁴⁹ Of course, as a bastard, Edmund's own 'affinities' to Gloucester's family are unlawful ones too. The transgressive sexuality in *Lear* centres around the illegitimate, something not uncommon—Spurio in *The Revenger's Tragedy* is similarly associated with what was technically 'incestuous' adultery with his stepmother.⁵⁰

This focus on sexuality in *King Lear* begins, before the division, with Gloucester's adulterous liaison with Edmund's mother. Edmund is preoccupied with transgressive sex in *Lear*, and he is indeed the 'centre of subversive [sexual] energies',⁵¹ because of his relationships with Regan and Goneril. In scene 2, he focuses he parodies his father's gullibility (and mankind's more generally) in terms of sexuality:

My father compounded with my mother under the Dragon's Tail and my nativity
was under Ursa Major, so that it follows I am rough and lecherous...
ll.120-123

Gloucester is certainly a central focus of Edmund's bitterness.⁵² He describes his father as a 'goatish' (i.e. lecherous) 'whoremaster man' (l.118). Gloucester's adultery eventually has serious repercussions, as his adulterously-begotten bastard son wreaks havoc in the domestic sphere. Like Faulconbridge, Edmund acts out a definite intensification of his father Gloucester's transgressions; the usurpation of Edgar's place in the primogeniture system brings Edmund to the notice of Regan and Goneril, and their relationships with him end in murder. Though characters frequently attempt to claim legitimacy by emphasising their patrilinear descent, this theme of inherited paternal characteristics is connected in various ways to ideas of illegitimate descent throughout the British plays, as the following chapters demonstrate.

Mothers and Inheritance

Despite the link between inheritance of paternal qualities and illegitimates, the association of illegitimates with mothers has an important bearing on inheritance and illegitimacy in *King John*

⁴⁹ Quentin Skinner, *The Foundations of Modern Political Thought Vol II: The Age of Reformation* (Cambridge: University Press, 1978), 89-91.

⁵⁰ See Middleton, *The Revenger's Tragedy* in Thomas Middleton, *Collected Works* ed. Gary Taylor and John Lavagnino, 543-593.

⁵¹ Findlay, *Illegitimate Power*, 6.

⁵² Wells (ed.), *King Lear*, 121, n.120.

and *King Lear*. Clerke describes bastardy, when not a result of accidental consanguinity, as the mother's fault. Bastards are:

issue of a colourable wife, an adulteresse, a wife *de facto*, and not *de iure*, to him that is lawfully wedded to another, or haply to none: in our vulgar speech, and after the plainest fashion, a whore: more ciuilly after custome and common curtisie, a concubine, a leman, or such as was the woman of Samaria, *i.* A wife without a husband.⁵³

Interestingly, the passage begins by defining bastardy but ends on another note entirely, putting the blame of illegitimate conception firmly on the woman. Such female stereotypes impact on the impression of the mothers of bastards as much as on the bastards themselves. Constance uses the image of John as a bastard to falsify his claim—a popular method of attack in inheritance issues, one particularly developed in *King John*.⁵⁴ Again the play asserts the impossibility of discovering an unassailable form of legitimacy. Legitimacy is always under question in the British plays.

The domesticity of Constance and Eleanor's argument highlights the importance of women in primogeniture: though excluded from inheritance by the system, women are responsible for producing indisputable legal heirs. Women, traditionally considered a powerless presence in politics, have a paradoxical power within the primogeniture land transfer system. This issue is raised in Act One, when Lady Faulconbridge will only admit her eldest son is a bastard after he has chosen to be one (1.1.253). Until then she is prepared to let Faulconbridge inherit his half-brother's land, and so disinherit her legitimate son. In such circumstances, inheritance of land and property depended largely on the will of women. When Eleanor claims to have Richard I's will, which excludes Arthur from the succession, Constance calls it a 'wicked will... a woman's will' (ll.193), emphasising again the importance of women in succession, and recalling the negative early modern connotations of femininity. This female power is further discussed in Chapter 3, where it is linked in *Richard III* with female self-slander. Similarly, these two issues are connected in *King John*. When Constance asserts that 'My bed was ever to thy son as true / As thine was to thy husband' (2.1.124-125) to Eleanor, she inadvertently condemns herself; Eleanor of Aquitaine's first marriage to Louis VII was annulled because she was

⁵³ Clerke, *Triall of Bastardie*, 25.

⁵⁴ Neill, 'In Everything Illegitimate', 273.

adulterous. Using the popular image of the ‘devil and his dam’ (l.128), Constance depicts Eleanor as the mother of a brood of usurping illegitimates ‘plagued for her sin’ (l.184):

God hath made her sin and her the plague
Of this removéd issue...

ll.185-186

Constance attaints her own son, the ‘removéd issue’ of Eleanor’s womb, with the smears she aims at John. In trying to assert Arthur’s right to the Kingdom, Constance paradoxically cannot separate him from his uncle and grandmother, from whom the ‘illegitimacy’ that should act as a bar to the Crown originates. The smear of illegitimacy affects more than one person; such accusations leave the accuser on equally thin ice. This connection is a particular focus of the British plays, though the wider triangle of illegitimacy, maternity and sovereignty can also be seen in the work of other dramatists (for example Beaumont and Fletcher’s *A King and No King*).⁵⁵ The paradoxical importance of mothers to patrilinearity is one of the contributory factors to the sense of there being no actual legitimacy in the succession debates of the British plays.

Another significant mother is Edmund’s mother, the ‘fair’ girl who, as she produced a ‘whoreson’, must be regarded as a ‘whore’, according to Gloucester (l.21-22). Edmund, as mentioned above, later rails at his father’s lechery and calls him ‘whoremaster’: it may be that Edmund resents his father’s way of talking about himself and his mother. ‘I never got him’ (l.679), Gloucester says about Edgar, implying not only that he has rejected his son, but that Edgar is not his son; Edgar cannot be Gloucester’s issue as he is unlike Gloucester. Convincing himself of his lack of culpability, Gloucester quickly adopts the ‘loyal’ and ‘natural’ Edmund as his heir (ll.83-85), trying to reassure himself that he has produced a proper minded child. Edmund is, ironically, a devious, cunning child, and is indeed a ‘whoremaster’s’ son. Maternity and the illegitimate is a central concern of the first tetralogy; *Richard III*, *1 Henry VI*, and *Richard II* develop the concept (Chapters 3 and 5), while in the second tetralogy, the focus is considerably shifted onto paternal links and legitimacy.⁵⁶ Though the focus of *Lear* is outwardly on paternity, the maternal is also an important subtextual presence; however, maternity is never empowered to influence succession as it is in the earliest histories.⁵⁷

⁵⁵ Francis Beaumont and John Fletcher, *A King and No King* (Manchester: Manchester University Press, 2004).

⁵⁶ Howard and Rackin, *Engendering a Nation*, 24.

⁵⁷ Kahn, *Man’s Estate*, 119-20, Howard and Rackin, *Engendering a Nation*, 132.

(Il)legitimacy, Natural Law and Inheritance

Inheritance is linked to another common set of associations. The link between nature and illegitimacy—‘the natural child’—has been well-documented and does not need further explanation.⁵⁸ However, the nuances of words like ‘natural’ and ‘nature’ are used in the British plays in a way that requires further exploration. There are connections between the concepts of inheritance and nature in Shakespeare’s depiction of (il)legitimacy which demonstrate how closely interrelated legitimacy and illegitimacy can be. The definitions of ‘legitimacy’ and ‘natural’ shift similarly in *King Lear*’s depiction of parent-child inheritance and relationships, reflecting the constantly shifting definitions of (il)legitimacy in the British plays. These shifting definitions of (il)legitimacy evaluate the concept of inheritance, a concept that ideally features a legitimate patrilinear transfer of property. ‘Natural’ inheritance of characteristics and attributes from parents form an interesting counterpart to the more material inheritance of goods and property; the illegitimates’ different effects on inheritance and sovereignty in *King John* and *King Lear* is highlighted by the differing ways in which Shakespeare uses the associations of ‘natural’ in their characterisations.

In *King Lear*, Shakespeare plays on several early modern meanings of the word ‘natural’. Natural refers most obviously to nature itself, but also to the innate, or inborn tendencies, talents or qualities of a person, their ‘nature’. Other contemporary meanings include being unspoiled by society, culture or religion. This is a sense in which John Stubbes uses the term in *A Gaping Gulf*, a text that may well have influenced Shakespeare in *King John*, as discussed in the following section.⁵⁹ There is also a definition of ‘natural’ as being correctly formed, appropriate in appearance. Conversely, in theology, associations of ‘natural’ also connoted the state of nature, as opposed to grace, a decidedly negative usage.⁶⁰ There was a widespread stereotype of ‘natural’ (innate) depravity in illegitimates, strengthened by their delineation as natural (outside of the law) children. Through the verbal association with these concepts of nature, illegitimacy is intrinsically associated with being at odds with society.

⁵⁸ See Findlay, *Illegitimate Power*, 85-169; Neill, ‘In Everything Illegitimate’, 275-77.

⁵⁹ John Stubbes, *The Discoverie of a Gaping Gulf, whereinto England is Like to be Swallowed by another French Mariage* (London: np, 1579).

⁶⁰ Skinner, *Reformation*, 84-85.

Early modern thought supposedly dictated that the family was an ordered 'state' with a paternal head to whom loyalty and allegiance was owed by the rest.⁶¹ Edmund's disruption of parent-child relationships is against what was conceived as the natural order.⁶² In this case, the 'natural' order means proper, true, possibly even legitimate, 'natural' here implying something deeper than the man-made laws of society. Edmund is the very antithesis of this nature: despite being a natural child, governed by natural impulses, his behaviour is unnatural because it contradicts this natural law. Greenblatt has discussed the perception of children as owing what early modern writers called a 'natural duty' of love and protection to their parents, with natural meaning proper, or correct.⁶³ Edgar is Gloucester's true natural (as in proper, and without artifice) child because he maintains a natural duty to his father, while Edmund, supposedly the 'natural child', is motivated by an abnormal, unnatural ambition and vendetta against his father. Like the continuum of (il)legitimacy, ideas of naturalness and unnaturalness cannot always be clearly delineated as opposites. Edmund argues that as a bastard, it is in his nature to be deviant. When Edmund plots that he 'must have [Edgar's] land' (2.16), the word 'must', rather than 'shall', or 'will' implies an inevitability outside of Edmund's control; he 'must' usurp the earldom on natural impulse. He asserts that 'Thou, nature, art my goddess' (2.1). Being 'bound' to Nature, Edmund believes, will allow him to overturn the 'plague of custom' and 'curiosity of nations' (11.3-4). He therefore eschews the law of society, refusing to acknowledge the reflection of divinity in society's structures. Edmund becoming Earl of Gloucester—supposedly an act motivated by his natural child status—is an unnatural movement into legitimate society that the play eventually contains with Edmund's death.

Edmund, unusually, is not linked with the natural setting of the heath in *Lear*. Illegitimacy is frequently associated with natural surroundings in early modern drama, but here the natural-unnatural child is excluded while the lawful-natural child retreats to nature.⁶⁴ Slights argues that the healing effect of the heath in *Lear* associates the setting with the pastoral in other Shakespeare plays: here the pastoral 'cuts across generic lines',⁶⁵ and, in contrast to the idyllic

⁶¹ McCabe, *Incest, Drama and Nature's Law*, 16; Stephen Greenblatt, 'The Cultivation of Anxiety: King Lear and his Heirs' in Kieran Ryan (ed.) *King Lear*, 160-79.

⁶² Greenblatt, 'The Cultivation of Anxiety', 160-65. Also Robert B. Pierce, *Shakespeare's History Plays: The Family and the State* (Ohio: University Press, 1971), 71-74.

⁶³ Stephen Greenblatt, 'The Cultivation of Anxiety', 160-76.

⁶⁴ Findlay, *Illegitimate Power*, 133.

⁶⁵ William W.E. Slights, 'Nature's Originals: Value in Shakespearean Pastoral' *SS* 39 (1984), 69-74.

pastoral in *The Winter's Tale* or *Cymbeline*, it is threatening.⁶⁶ The danger of the heath is offset by the good that comes from living on it; though 'bleak', the natural world in *Lear* has similarities with those more tranquil pastoral scenes in Shakespeare, where 'strategic withdrawals in Shakespeare's plays [to nature] nearly always are movements *towards* something immensely invigorating' involving 'characters retrieving or reinventing their origins in a natural setting.'⁶⁷ This is a fairly common dichotomy: for example, the forest scenes in *The Birth of Merlin* are a place of trial and danger for Joan, where she is beaten by Uther and delivers Merlin attended by devils, but eventually finds solace in her son.⁶⁸ Similarly Lear and Gloucester recover a kind of clarity through their ordeals on the heath. Lear's trials in the natural world are a kind of regression into childhood,⁶⁹ reinforcing the recurrent images of parent-child relationships and hence inheritance: a model of inheritance that the bastard child is excluded from.

In *King John* the natural element of Faulconbridge is his honesty, and freedom from artificial conventions: Faulconbridge is an unspoiled natural while Edmund is dangerous and untrustworthy. Unaffected by social distinctions and even customs, Faulconbridge's 'authenticity' is associated with his natural child status. His reaction to Arthur's death is suitably sad, but he maintains common sense:

It is a damnéd and a bloody work
The graceless action of a heavy hand,
If that it be the work of any hand.
4.3.57-58

Because the audience knows that Arthur's death was accidental, Faulconbridge's rational stance is impressive, contrasting him with those who instantly assume John has had Arthur murdered. Faulconbridge's 'summary speeches...frequently mark stages in the action';⁷⁰ he takes on a summing-up responsibility for the audience to rely on. He takes on a kind of moral authority, a 'paradoxical quality of authenticity' for the audience associated with his natural, unaffected rationality.⁷¹

⁶⁶ Nancy R. Lindheim, 'King Lear as Pastoral Tragedy', in Rosalie L. Cole and F. T. Flahiff (eds.), *Some Facets of King Lear: Essays in Prismatic Criticism* (Toronto: University of Toronto Press, 1974), 169-84.

⁶⁷ Slights, 'Nature's Originals', 69.

⁶⁸ William Rowley, *The Birth of Merlin* (Shaftesbury: Element, 1989).

⁶⁹ Kahn, 'The Shadow of the Male', 74. Also Slights, 'Nature's Originals', 69.

⁷⁰ Braummüller (ed.), *King John*, 72.

⁷¹ Neill, 'In Everything Illegitimate', 288.

As in *The Troublesome Reign*, the bastard character sees through the Dauphin's false rhetoric of love for Blanche. Because he only reveals this to the audience, however, his position as an outsider, engaged in a commentator role, is cemented. *Troublesome Reign's* Bastard appears to be speaking out of badly-hidden attraction to Blanche,⁷² but *King John's* Faulconbridge uses the proposed engagement as an opportunity to build his rapport with the audience. Mocking Louis's courtly love speech

... 'Tis pity now,
That hanged, and drawn, and quartered, there should be
In such a love so vile a lout as he
2.1.508-510

engages the audience's sense of fun and establishes that Faulconbridge is a wise observer: he sees that the marriage will not hold the French-English alliance. Faulconbridge is not simply poking fun at courtly discourse, he is revealing distaste for artifice and affectation—the 'foppery' Edmund also dislikes—that recalls his 'natural' origins. This distaste is at odds with the performative element of his character that is so prominent in the early scenes, however, and indicates the beginning of Faulconbridge's move away from the various roles he adopts initially, into the solid English patriot that he becomes. In France, Faulconbridge settles into 'the patriotic Englishman' role,⁷³ creating a purpose for himself, and using the French threat to solidify his patriotic persona.

Edmund also showcases an ironic rational mindset, yet instead of criticising human artifice, he also mocks the natural world, doubting the influence of 'nature' in the form of the stars, when Gloucester blames 'these late eclipses in the sun and moon' (2.101) for his misfortunes. This could be simply a topical reference to actual eclipses that occurred in 1605, and may date the play;⁷⁴ yet Duthie and Muir identify extensive interest in the relatively frequent eclipses of the late sixteenth- and early seventeenth-centuries.⁷⁵ Edmund is mocking a widespread belief, calling those people that blame their misfortunes 'on the sun, the moon and the stars'—nature itself—'excellent foppery' (ll.110-114). As he defines himself in opposition to Edgar (see p.52), Edmund makes an enemy of Gloucester, associating him with the 'foppery' of

⁷² Gieskes, 'Status and Service in *King John*, 782.

⁷³ Van de Water, 'The Bastard in *King John*', 137.

⁷⁴ W.W. Greg, 'The Date of *King Lear* and Shakespeare's Use of Earlier Versions of the Story' *The Library* 20 (1940), 377-99.

⁷⁵ Duthie, Introduction to Cambridge edition (1960), xiv, and Muir, Arden edition (1952), xxix; both cited by Wells (ed.), *Lear*, 12-14. See also John Harvey, *Discursive Probleme Concerning Prophecies* (London: np, 1588), Himbert de Billy, *Certaines Wonderful Predictions* (London: np, 1604).

those who believe in ‘planetary influence’, all of whom are ‘villains...fools...knaves, thieves, treacherers...drunkards liars and adulterers’ (l.114-116). Edmund feigns fear about the eclipses, predicting

unnaturalness between the child and the parent, death, dearth, dissolutions of ancient amities, divisions in the state, menaces and maledictions against king and nobles, needless diffidences, banishment of friends, dissipation of cohorts, nuptial breaches and I know not what.

ll.134-140

Edmund has already informed the audience in soliloquy that he intends to be the agent who initiates some of these events himself (the ‘unnaturalness between the child and the parent’, l. 134, for example): Edmund’s satirical humour is subverted because, in *Lear*, the events he mockingly describes come to pass, and he himself is the unwitting agent, causing ‘nuptial breaches’ and ‘dissolution’ of the amity between siblings. Gloucester is vindicated in his faith in prophecy, while Edmund’s rationality lets him down: the nature which drives him to usurp his half-brother’s position is indeed responsible for the natural portents seen by those less rational, less self-consciously ‘self sufficient’ than Edmund. He is not in control, as he thinks, planning ‘if not by birth, to have lands by wit’ (l.165), but acting upon the natural impulse of bastards to be wicked: he is indeed ‘bound’ to nature, as he remarked earlier (ll.1-2).

King John features a far more providential outlook than *Lear*: John has a son to inherit and Faulconbridge to support him. While nature is a defining aspect of Edmund’s character in *King Lear*, Faulconbridge has the most significant effect on the problem of inheritance in *King John*, where his very existence as a problematic candidate for the throne reflects some of the issues around the Elizabethan succession. The various implications of the wide-ranging perceptions of illegitimate births in early modern England are explored in these two characters: throughout *King John*, Faulconbridge chooses his own destiny, using illegitimacy as an enabling force, yet never becoming the archetypal overreacher. Edmund, in contrast, aware of his illegitimacy from the start, is trapped by his own nature.

As Faulconbridge’s rationality demonstrates, association with the natural is not always negative. *King John* thus undercuts the idea of a legitimate patrilinear succession; inheritance in the play is beset by accusations of illegitimacy and demonstrations that illegitimates can be as capable, as personable, in a way, as legitimate heirs. *King Lear*, conversely, showcases the worst conception of illegitimacy, playing with the term ‘natural’ in Edmund’s unnatural disruptive

behaviour. Both plays, however, explore the issue of inheritance and succession through the 'natural' impulses and inclinations of Edmund and Faulconbridge. The following section places these two plays contextually in the national changes occurring around the time of their productions, identifying Faulconbridge and Edmund as central figures in Shakespeare's depiction of national history and its contemporary resonances.

Illegitimacy and the Nation

Succession Anxiety in Elizabethan England

There is a discourse of (il)legitimacy in succession debates that underpins Shakespeare's core themes in the British plays, particularly *King John*. The latter part of Elizabeth I's reign occasioned a great anxiety among the English people. Having repeatedly refused to marry, and too old to bear children if she did, Elizabeth was without linear heirs. She also refused to name a successor, due to a (not unfounded) conviction that an acknowledged heir might become a rival claimant.⁷⁶ Faulconbridge's story invites scrutiny of the inheritance transfer, highlighting the anxiety of succession that pervaded Elizabethan England. Edmund, created under a much more stable succession, strangely has a stronger effect on inheritance and succession. He fractures the inheritance customs of his Britain, demonstrating that even after the succession crisis appeared to have abated, Shakespeare still depicts a relationship between illegitimacy and succession.

A great number of pamphlets on the succession issue were published during the years from 1580-1600, debating the issue in increasingly hysterical ways. Shakespeare's bastard characters are important in relation to this anxiety not simply because they are connected with inheritance issues, but because the central issue of these pamphlets is the concept of validity, linear descent and legality. The idea of validity or truth is connected to the bastards in several ways; 'true' and 'legal' were both meanings of 'legitimate' in early modern English. John Stubbes uses these various connotations of legitimacy in *The Discovery of A Gaping Gulf*. Stubbes feared that the nation would suffer if Elizabeth married the French Catholic Duke of Alençon, and made reference to her being too old to bear an heir. Stubbes argued that a pregnancy for a woman Elizabeth's age would mean death, and leave England with more of a

⁷⁶ Lacey Baldwin Smith, *Elizabeth Tudor: Portrait of a Queen* (London: Hutchinson, 1976), 235.

succession crisis than it already faced. Another concern was that if the Duke's brother, Henry III, were to die childless, Elizabeth would be forced to follow him to France, leaving England.⁷⁷ These fears about losing Elizabeth feed into a wider anxiety about the future of England.⁷⁸ The severity of Stubbes' punishment (losing his right hand) indicates the serious level of his pamphlet; it drew attention to the instability at the heart of the English government. The fact that Elizabeth reportedly wished Stubbes, otherwise her prominent supporter, to suffer the death penalty reveals how dangerous his opinion was considered to be.⁷⁹

Similarly, Peter Wentworth's *Pithie Exhortation* addressed to Elizabeth begged her to name a successor: 'After your death, there is nothing to be looked for, but extreme confusion and subversion of the estate of this your noble land.'⁸⁰ Wentworth exploits the family/state metaphor, calling Elizabeth 'Mistress, head and householder appointed of the Lord, to this honourable family'. Significantly, Wentworth attacks Elizabeth's behaviour in terms of 'natural' family relationships: 'your duty to [your subjects] is, to be as gods and natural fathers and mothers'.⁸¹ Wentworth intends to remind Elizabeth that, expecting her subjects to maintain a natural duty to her, as children to parents, she must maintain her own duty, acting as a parent to her children/subjects.

Family relationships mapped onto a state crisis are a key feature of *Lear*, as the discussion of natural children in the previous section demonstrated. Though the succession crisis had abated in 1605, the concept of familial duty was still evocative in the discourse of state, prerogative and duty. Edmund's natural/unnatural filial behaviour represents the disorder of Lear's state and threatened position of the nation. Gloucester and Lear are the kind of undutiful patriarchs that Wentworth is hinting Elizabeth I could become; they both abandon their right-thinking children, however unintentionally. The consequences of this behaviour in *Lear* demonstrate just how closely family and state could be linked in early modern England. Edmund, Goneril and Regan, placed in power by their parents, are an aberration of the natural, overturning social norms (for more discussion of Goneril and Regan's unnatural behaviour, see Chapter 3). Britain, already divided by Lear, becomes threatened by foreign influence, with Cordelia

⁷⁷ Stubbes, *Gaping Gulf*, 148.

⁷⁸ Iona Bell, "'Sovereign Lord of Lordly Lady this Land": Elizabeth, Stubbes and the *Gaping Gulf*" in Julia M. Walker (ed.), *Dissing Elizabeth: Negative Representations of Gloriana* (Duke: University Press, 1998), 101.

⁷⁹ Katherine A. Rowe, 'Dismembering and Forgetting in *Titus Andronicus*' *SS* 45:3 (1994), 283.

⁸⁰ Wentworth, *Pithie Exhortation*, 7-8.

⁸¹ *Ibid.*, 6. See also Greenblatt, 'The Cultivation of Anxiety', 165-67.

invading with a French army. However well-intentioned Cordelia may be, the presence of a French army in Britain, with France traditionally the enemy of England, is problematic.

Wentworth also demonstrates how potent a metaphor illegitimacy could be in another way. He asks Elizabeth ‘to prove his [Henry VIII’s] natural child herein’,⁸² suggesting that she can prove her descent from Henry VIII by deeds. This is a recurrent theme in connection to paternity and illegitimacy, with obvious relevance to Faulconbridge’s descent from Richard I and Edmund’s imitation of his father’s lecherous behaviour. The term ‘natural’ also plays on the various concepts of nature that have been identified in *Lear*—Wentworth plays on the idea of natural as true, where Elizabeth, like Cordelia, would prove herself an honest daughter; ‘natural’ also evokes ideas of inheritance, inviting Elizabeth to prove her descent from her father by emulating him. The word also perilously alludes to her birth status. Elizabeth’s illegitimacy, never revoked by Parliament, was one of her enemies’ most effective weapons against her. In 1570 Pius V issued a Papal Bull against Elizabeth allowing her Catholic subjects to depose her, making reference to her father’s divorce, a circumstance which, in Catholic beliefs, highlighted her illegitimacy. The Bull also links the danger of this illegitimacy with social movement, as in *Lear* and *King John*, claiming that Elizabeth has ‘filled [England] with obscure men’.⁸³ Wentworth’s reference to her as a ‘natural’ child is dangerously loaded as a reminder of what could be used against her if she does not maintain her ‘parental’ duties: Wentworth’s concern about succession and national stability is therefore negotiated in terms of illegitimacy, which Shakespeare reflects in *King Lear*’s discourse of nature.

The Jesuit Robert Persons also published his *Conference about the Next Succession* in 1594, arguing that the Spanish, Catholic descendants of the house of Lancaster were the true heirs to England. Having to bend the facts to make his case, Persons goes to great genealogical lengths to bolster Isabella, Infanta of Spain’s claim: ‘a body civil may have diverse heads, by succession, and is not bound ever to one, as a body natural is’.⁸⁴ Persons separates the political from the natural in a surprising rejection of the doctrine of natural law imitating divine. Mayer finds echoes of Persons’ *Conference* in *Henry VI*,⁸⁵ and there are even stronger resonances with *King John*. Shakespeare’s focus on inheritance in *King John* has a clear basis in Persons’

⁸² Wentworth, *Pithie Exhortation*, 19.

⁸³ Pius V, *Regnans in Excelsis* (London: William Howe, 1570), 1.

⁸⁴ Robert Persons, *A Conference about the Next Succession of England* (Antwerp: np, 1594), 195.

⁸⁵ Jean-Christophe Mayer, ‘The Papist and the Poet’, in Richard Dutton, Alison Findlay and Richard Wilson (eds.), *Theatre and Religion: Lancastrian Shakespeare* (Manchester: Manchester University Press, 2003), 117-29.

inheritance model, with several heirs, or 'divers heads' both to the Crown and to Faulconbridge's land. The recurrence of such issues in *King Lear*, where the succession issue is never solved satisfactorily, suggests that this anxiety had not fully abated, despite the transition from Elizabeth to James being relatively smooth. In *King John* Faulconbridge is one of the heads in Persons' 'succession hydra' model. His position is simultaneously a strong and an invalid one; he is the eldest son of the previous king, but as an illegitimate incapable of inheriting. His clear resemblance of his father, however, undercuts the legal precedents that render his claim invalid. Arthur's age, deliberately altered to make him younger than he actually was at this time, sheds doubt on his ability to rule, regardless of the legitimacy of his claim. His very childishness constitutes a threat: he is young enough to disguise himself as a 'ship-boy' (4.3.4) and is full of 'love' and 'innocent prate' (4.1.25) which Hubert does not apparently consider 'crafty love' (4.1.53) but genuine. His boyishness does not make him appear a desirable candidate for the throne. Prince Henry, despite being twenty years younger than Arthur historically, is presented as a man. He appears briefly at the end of the play, perhaps to avoid comparison between his character and Arthur's.⁸⁶ John forms another head of the hydra, and his age is his strong point, as is the will of Richard I. However, it was debateable whether a king could will England away from the direct line of primogeniture. All the candidates in *King John* have flawed claims in some way.

Faulconbridge's function is to fracture the succession debate, making it a far more involved question than a case of either/or. Each candidate is carefully represented as having both legal rights and flaws that detract from his suitability. Faulconbridge's 'natural' qualities for leadership make him a 'personally legitimate'⁸⁷ candidate who outshines his legitimate-born rivals. Arthur possesses royal legitimacy in the sense that he is the heir by primogeniture. John, though legitimate-born and a part of the succession, is not a primogeniture heir; his 'strong possession' outweighs his birthright, as Eleanor points out (1.1.39-40). Illegitimacy and legitimacy counterbalance, with the personally legitimate Faulconbridge lacking the birth legitimacy that Arthur possesses, while both Arthur and John lack Faulconbridge's personal legitimacy, as a result of their incapability to rule. The presence of the bastard in *King John* creates this continuum of (il)legitimacy, and skews the perspective of the audience repeatedly.

⁸⁶ Saccio, *Shakespeare's English Kings*, 101.

⁸⁷ Howard and Rackin, *Engendering a Nation*, 45-46.

This comprises an early representation of Shakespeare's dramatic curious perspective.⁸⁸

Legitimacy in *King John* is indefinable, and unattainable, and so the true heir is elusive. This elusiveness reflects the situation of the contemporary nation: England in the 1590s struggled to define itself, threatened from abroad with an aging monarch and a hydra succession. The eventual triumph of Henry III as an undisputed heir (with his age altered to convey this impression) in *King John* reflects the necessary solution to anxieties about England: an undisputed heir. Henry refers to himself as the 'cygnet' to John's 'faint swan' (5.7.21), emphasising the continuation of the patrilinear dynasty in the transition from John to himself. Shakespeare's Henry is an impressive character whose speeches lack the weakness of Arthur's 'innocent prate' (4.1.25). His first action in the play is to ask his father to pardon the rebels: he thus appears a unifying force in England, able to correct John's troubled land. As in *Henry VI*, masculinity and patrilinearity are associated with successful England.

Though Faulconbridge as a bastard initially appears to complicate the patrilinear element of the play, he actually facilitates the transfer from John to Henry. As the audience has become accustomed to Faulconbridge as a rational commentator associated with truth, he lends this transfer authority. Other illegitimates in the British plays pose a threat to patrilinearity; Faulconbridge, however, uses his illegitimate potential to create a place for himself outside of the inheritance model, preventing him becoming a danger to inheritance custom. The only other 'illegitimate' that does this is Posthumus in *Cymbeline* (Chapter 3). With Arthur dead, Henry was the undisputed Plantagenet heir by birth and ability—he is kept out of the action of the play because his obvious 'legitimacy' would render the hydra metaphor that Shakespeare plays with useless. Yet it is Faulconbridge that speaks the final triumphant lines, conveying unity and a national integrity linked to the accession of Henry:

...Naught shall make us rue,
If England to itself do but rest true.
5.7.117-18

However Faulconbridge also refers to 'these her [England's] princes' (1.115). He does not clarify who these princes are; Henry III clearly is one, presumably he is another. This line interjects a reminder into the play's conclusion that the succession debate is not actually over, nor is it truly

⁸⁸ This is a metaphor that will also be discussed in relation to *Richard III* and *Richard II*, where the metaphor is most fully developed.

settled. By declaring himself a prince, Faulconbridge reiterates his royalty and his place as one head of the hydra. With this one speech, the play refuses to support the apparently simple conclusion. Legitimacy is unattainable for both the heirs and the nation; Faulconbridge's bravado about how England 'never shall / lie at the proud foot of a conqueror' (1.113-14) in fact reinforces how vulnerable the throne, and hence the nation, is.

However, it is an oversimplification to condemn John as a weak king representing a weakened state.⁸⁹ Certainly John is one of Shakespeare's less admirable rulers, yet Shakespeare depicts John as struggling to retain English individuality, even insularity, in legal matters against France and Rome (Chapter 4). This angle probably originates in the source material for *King John*, where Bale's *King Johan* and many of the Protestant Chroniclers depict John as a proto-Protestant himself.⁹⁰ John reveals a pride in an England that 'alone do ... oppose' the interference of the Catholic Church (3.1.170), where 'no Italian priest / Shall tithe and toll' (11.153-54). Resonances with the Reformation and questions of Shakespeare's own religious convictions inevitably shape the depiction of John. However, Englishness and Catholicism, if indeed Shakespeare had such affiliations, were not always incompatible: John's refusal to concede to a foreign authority may even attract support from English Catholics, who did not necessarily equate spiritual authority with temporal.⁹¹ Historically John refused to promote Langton because his own man, John de Gray, would allow him to wield greater influence in the Church.⁹² Shakespeare, though, follows Holinshed in making John a victim of treacherous subjects and foreign interference rather than incompetent, something that chroniclers such as Foxe imply.⁹³ Shakespeare's ambivalent portrayal of John, neither a strong villain nor a hero, while in part descending from this mixed historical tradition, also has an important function on the presentation of English nationhood, because it makes Faulconbridge, who fills the void created by John, the focus of national sentiment.

Faulconbridge takes on John's authority and becomes the voice of England, the epitome of a united national feeling.

⁸⁹ Michael Manheim, *The Weak King Dilemma in the Shakespearean History Play* (New York: Syracuse University Press, 1973), 42.

⁹⁰ John Bale 'King John' in William A. Armstrong (ed.) *Elizabethan History Plays* (Oxford: Oxford University Press) Holinshed, *Holinshed's Chronicle*, 435-37.

⁹¹ Arnold Pritchard, *Catholic Loyalty in Elizabethan England* (London: Scolar, 1979), 62-65, 81-84.

⁹² Saccio, *Shakespeare's English Kings*, 105.

⁹³ Roy Battenhouse, 'King John: Shakespeare's Perspective and Others' *Notre Dame English Journal* 14:3 (1982), 195-215.

...Now hear our English King,
For thus his royalty doth speak in me
5.2.128.

He refuses to let Pandulph speak at ll.163 and instead uses his pre-battle speeches to inspire the troops and define a kind of English identity in the play. This identity may be founded in ‘primitive’ patriotism,⁹⁴ yet there is a significant movement in Faulconbridge’s speeches towards a collective identity of Englishness that defines England against its foreign aggressors. To create this identity, Faulconbridge figures invasion as a rape of female England by the masculine military French and Roman army. England is a ‘mother’; Faulconbridge counters by suggesting that Salisbury *et al* are

...ripping up the womb
Of your dear mother, England...
ll.152-153.

John is the focus of the speech, certainly; Faulconbridge defines England as ‘his territories’ (l.136), defended by ‘the gallant monarch’ (l.148), ‘warlike John’ (l.176). This is the ‘identification of king with nation’ supposedly indicating a lack of national identity in England pre-1800.⁹⁵ Yet faced with an aggressive masculine military threat, Faulconbridge relies not on John, but on female power—the kind frequently associated with subversive illegitimates. While the French territories of *Henry VI* are feminine in contrast to the masculine English invaders (see Chapter 3), the external threat to England in *King John* requires England to be envisioned as the threatened female: and, as a bastard, Faulconbridge can harness the alternative power of femininity. He threatens

...ladies and pale-visaged maids
Like Amazons come tripping after drums,
Their thimbles into arméd gauntlets change,
Their needles into lances and their gentle hearts
To fierce and bloody inclination.
ll.154-58.

What Faulconbridge creates here is both a suggestion of emasculation to the rebel/French/Roman army, being defeated by women, and in some ways, simply standard battle rhetoric—there are

⁹⁴ Hobsbawm, *Nations and Nationalism Since 1789*, 79.

⁹⁵ Newman, *The Rise of English Nationalism: A Cultural History 1740-1830*, 53.

several similar threats in writings of the late 1500s⁹⁶—but also a collective English sentiment that would cause ‘pale-visaged maids’ to take arms. In Faulconbridge’s model, the rebel English barons are not only betraying John, but their people, their nation, which suffers so severely that women must go to battle. Similarly, the mixed army that rises against Richard in *Richard II* indicates a collective English opinion that indicates a deeper sense of shared identity (Chapter 5).

The promise of female power, harnessed and directed by a bastard, defeating a foreign masculine aggressor, is distinctly evocative of Elizabeth I’s Tilbury speech, where she promised that the ‘weak and feeble’ female body could ‘have the heart and stomach of a king, and of a king of England too’.⁹⁷ Elizabeth was frequently imagined as a mother of the English people, and allusions to the ‘mother-land’ were sometimes altered to fit her gender, making England masculine—as for example, in her assertion that she was married to England. Because Elizabeth bothered to manipulate this image to fit herself into the monarchic role, it is evident that the king/nation/marriage paradigm was an important one; and Elizabeth’s faith in the ‘loyal hearts and goodwill’⁹⁸ of her subjects implies a fellowship of nation that overrides the religious disputes that in reality plagued her reign. The prioritising of nation over religion that Elizabeth imputes to her subjects implies the development of an independent national identity among them, something that Shakespeare echoes in Faulconbridge’s faith in the strength of England.

Faulconbridge’s closing line, if ‘England to itself do rest but true’ (1.1.18), emphasises the importance of English insularity, echoing a Protestant conception of England as a chosen nation.⁹⁹ John of Gaunt’s Anglocentric conception of the British nations indicates the kind of mindset Faulconbridge is drawing upon. Gaunt is an idealist, or perhaps a nostalgist, hankering after an England that is gone or never was. The intrusion of Ireland in English politics at the time of *Richard II*’s composition—which is mirrored by Richard’s own Irish expedition in the play—prevents Gaunt’s insular conception of England from being seen as a viable nation-state. The dating of *King John* is notoriously difficult,¹⁰⁰ yet the Irish question continued throughout Shakespeare’s lifetime, and such English insularity, while popular, may always have been idealised wishful thinking. While Gaunt’s description of English insularity is at the beginning of

⁹⁶ Braunmuller (ed.), *King John*, 252.

⁹⁷ Elizabeth I, ‘Speech to the Troops at Tilbury’ in M.H. Abrams and Stephen Greenblatt (eds.), *The Norton Anthology of English Literature Vol I* (New York; London: W.W. Norton, 2000), 597.

⁹⁸ Ibid.

⁹⁹ Highley, *Catholics Writing the Nation*, 72-5.

¹⁰⁰ Van de Water, ‘The Bastard in *King John*’, 140.

the play, Faulconbridge's faith in English independence rises out of crisis, ending the play positively. An example of this insularity working within the play is Arthur. Arthur is from Brittany, which, though it was an independent Duchy during John's reign, was incorporated into the French Crown in 1532: for Shakespeare's audience, Brittany was French, and the Bretons defined as 'bastard Bretons' by Shakespeare's Richard III (*Richard III* 5.5.62, Chapter 3). Though harmless and relatively childlike in the play, Arthur represents the threat of foreign influence, a threat that is considered serious by Shakespeare's contemporaries.¹⁰¹

Succession Crisis in 'King Lear'

Emphasising the polemical differences between Faulconbridge and Edmund, Edmund's relationship to Britain is very different from Faulconbridge's to England. Faulconbridge, the unfettered, new-made illegitimate is a defender of an England under foreign threat. Edmund, however, is trapped by his identity as an illegitimate in a way Faulconbridge is not. Faulconbridge can rise to the challenge of a foreign invasion—his allusion to Elizabeth I's Tilbury speech deliberately hearkens back to the recent Armada threat. However Edmund can only snatch power after the division of the kingdom. He is a product of the nation-state's disorder, not a preserver of the status quo as Faulconbridge is. Edmund reflects the usurpation of Lear's kingdom in his own usurpation of his father and brother, and is involved in the destruction of Britain. The usurpation is discussed in terms of legal resonances in Chapter 4, where legal connections to nation and history are drawn in detail. Edmund's disruption of primogeniture is discussed in that Chapter as it is a violation of traditional English laws. Shakespeare's attitude to nation in the British plays, and its connections to (il)legitimacy metaphors, then, alters over time.

Lear's Britain is unstable and, unlike the England of *King John*, the threat comes from within. Moreover, this threat is actually realised, whereas in *King John* the English rally together and unite under Henry III. It is Lear who destroys Britain, though unintentionally, not, as Chapter 4 will emphasise, by dividing the kingdom but by excluding Cordelia. *Lear* leaves us with less closure on events. The final lines, surprisingly resonant of the seemingly finished succession crisis that was recently a danger in England, make it unclear exactly how Britain will be governed after Lear's death. The death of Lear's daughters creates a situation with no

¹⁰¹ Stubbes, *Discoverie of a Gaping Gulf*, 42.

discernable heir. Albany, who as the highest-ranking nobleman, and husband of Lear's eldest daughter, should probably be considered King, restores Edgar and Kent to their rights, but after Lear dies he tells them

...you twain
Rule in this Kingdom, and the gored state sustain.
24.314-315

Kent has already said 'I have a journey, sir, shortly to go' (l.316) (c.f. Faulconbridge's pledge to 'wait on [John] to heaven', (*KJ* 5.7.71). Edgar is effectively head of state, yet in Q he makes no speech: resolution is definitely absent. Though other Shakespearean plays may have hurriedly tidied up loose ends,¹⁰² *King Lear* is the one play that stands out as leaving no clear resolution. This reflects the turbulent times of its initial production; the accession of James had, while settling the succession crisis, caused a reconsideration of what 'England' meant and what Englishness entailed.¹⁰³ The illegitimacy motif of the play is one that resonates with the national concerns in *Lear*. As the previous chapter argued, there is a link between (il)legitimacy and nation throughout the British plays; the differences between *Lear* and *King John* exemplify this because they both clearly reflect their contemporary national politics, the medium of (il)legitimacy metaphors effectively demonstrating the changes and developments in Shakespeare's presentation of nation in the British plays.

The division scene highlights contemporary uncertainty about national allegiance, and indeed, boundaries. Rather than identifying the particular divisions of the kingdom he is to split, Lear's divisions are vague: he refers to an area on a map 'from this line to this' (l.57) for Goneril, and an 'ample third' for Regan (l.74). Compare *I Henry IV*, where Mortimer precisely describes the prospected division of England and Wales amongst the Hotspur faction 'into three limits very equally' (3.1.70):

England, from Trent and Severn hitherto,
By south and east is to my part assigned;
All westward, Wales beyond the Severn shore,
To Owen Glendower; and, dear coz, to you
The remnant northward, lying off from Trent.
ll.71-6.

¹⁰² Barbara Hodgdon, *The End Crowns All* (Princeton: Princeton University Press, 1991), 25-32.

¹⁰³ Marshall, *Theatre and Empire*, 18-20.

The use of place names makes this a division that the audience would certainly understand. *Lear*'s vagueness exemplifies the uncertainty about Britain in 1605; it cannot be defined or delineated, Shakespeare, at least, does not know what exactly Britain is. It is this uncertainty, this lack of British identity that makes *Lear* such an interesting contrast with the strident, certain Englishness Faulconbridge defines in *King John*. In *Lear* the French invasion aids (or tries to) the 'good' characters: the French are fighting the usurpers of Lear's royalty in Goneril, Regan and Edmund, while in the earlier histories, English identity is constructed in opposition to, and triumph over, a French threat. Chapter 3 demonstrates this happening specifically in terms of the language of (il)legitimacy in *1 Henry VI*, but *Lear* also uses the illegitimacy motif in Edgar, and as Chapter 3 discusses, Regan and Goneril, to expose how vulnerable the vague 'Britain' is, with obvious resonances with the recent accession of James I.

King Lear is written with a different kind of nation in mind: the confused and indistinct Britain is markedly different to the England of *King John*. Britain, divided as it is by Lear, has no head of state, and the shifting boundaries of the divisions within Britain prevent a cogent sense of locality or unity. Goneril and Regan think of the land in terms of their own property, a continuation of the debate that was a major feature of *Richard II*; Richard rents out England and is accused of treating the kingdom as ordinary land like a 'pelting farm' (2.1.60). Though kingdoms and nations are not necessarily the same, the idea that a country is more than simply a landmass runs in various ways throughout the British plays. *King Lear* articulates the alteration from England to Britain, the uncertainty about what being British under James I might entail. The potential for disaster in this uncertain, mangled nation-state is personified in Edmund, who acts therefore as a focus for the anxieties of nation that *Lear* stages.

This attitude of uncertainty can be traced in the new Jacobean populace. The Union debate caused James much consternation, with Parliament resolutely set against Union. This situation led to the Union often being considered as unpopular with the English.¹⁰⁴ Marshall, however, cites several literary sources that suggest, in contrast to the overwhelming opposition James faced from Parliament, the Union plan was more popular among the general populace than is often allowed for.¹⁰⁵ It is unlikely that *Lear* casts a doubtful shade on James' Union. Whether or not Shakespeare was a part of the strong English group inclined towards Union is almost

¹⁰⁴ Zaller, *Discourse of Legitimacy*, 320.

¹⁰⁵ Marshall, *Theatre and Empire*, 54.

irrelevant when we consider the royal audience for which *Q Lear* was performed. James was surely flattered by the substance of the main plot, which purportedly shows the ‘historical’ moment in which Britain was divided into separate kingdoms. The ensuing disaster reflects on the Union proposal positively, suggesting that the British archipelago should be united. However, the play simultaneously reflects a contemporary uncertainty in issues of nation, the unclear representation of Lear’s Britain echoing contemporary insecurity in matters of national allegiance. Britain is a victim of its king, who creates the vacuum of power that Edmund fills. Edmund is a representative of the danger in sovereignty, the ‘illegitimate power’ that he wields an extension only of Lear’s calamitous decision. In *Lear*, illegitimacy functions as a reflection of how the monarch and the state function. Though it is the division (and exclusion of Cordelia) that damages the nation, Edmund, in his illegitimate behaviour, is the agent of that exclusion. Illegitimacy enacts potential dangers in *Lear*, while in *King John* it functioned as defence. Britain does not have the vociferous resistance to foreign interference (personified by the illegitimate Faulconbridge) that England showed in *King John*. Instead Britain in *Lear* is beset with calamity and unable even to define itself. This calamity is identified in the illegitimate Edmund, and shows how Shakespeare has manipulated the polarised perception of illegitimacy to foreground issues of nation and sovereign responsibility in these two plays.

Conclusion

In the characters of Faulconbridge and Edmund we can see the wide-ranging variance in Shakespeare’s presentation of illegitimates. The ultimately very different characters of Edmund and Faulconbridge and their functions defy the notion that bastards were stock characters for Shakespeare.¹⁰⁶ While Faulconbridge helps to articulate the prevalent matter of the succession in Elizabethan England, Edmund has a very different function in *Lear*. *King Lear* is a far more pessimistic play that lacks resolution, and the illegitimate character is a malevolent, disruptive force. Likewise the national emphasis that both plays reveal is very different, reflecting the contemporary politics of nation. This is exemplified by the changing role of the French army. Whereas Faulconbridge fights the French to assert a victorious English nationhood, the French

¹⁰⁶ Neill, ‘In Everything Illegitimate’, 293.

are aligned with Cordelia against the illegitimate reign of Regan, Goneril and Edmund to defend Britain. Britain as represented under James is struggling for definition and independence, while Elizabethan Englishness is strident and assured. Moreover it is the illegitimate characters in each play that exemplify this difference, with Faulconbridge's illegitimacy making him a perfect focal point for national allegiances and representations of nation. Edmund, on the other hand, is a reflection of a more cynical portrayal of nation. Edmund is both agent and reflection of the disorder in Britain. As James' Britain struggled for recognition in early modern politics, the Britain of *King Lear* cannot define itself, nor resist the negative influence of Lear's poor decisions and Edmund's plots. This thematic strand is developed more positively in *Cymbeline*, as the following Chapter discusses, with an 'illegitimate' acting as an agent for change which allows Britain to take a central role in the 'European' politics of the historical/mythical setting. The contrast between *Lear* and *Cymbeline*, and how each play uses (il)legitimacy themes, reveals the different political contexts of their composition dates; *Lear* is written in a time of change and uncertainty, while *Cymbeline* is composed in a more settled 'Britain' which, if not at harmony within, was a strong presence in international politics.

Shakespeare is by no means the only early modern writer to recognise the potential of illegitimacy, and the allusions to bastardy in the works of Stubbes and Wentworth in relation to the succession issue suggest that there was a kind of national awareness of illegitimacy during this period, that gave it a variety of associations for people. Shakespeare uniquely ties his bastards into themes of nation, however, linking the succession issue with the developing national identity in England. The difference in the times of production of *King John* and *King Lear* also highlights an altering attitude to sovereign legitimacy. In *King John* true legitimacy is unattainable, and illegitimacy, in the form of Faulconbridge, is a defender and even a definer, of the nation. *Lear*, however, suggests that legitimacy and illegitimacy can be separated, though malevolent illegitimacy (Edmund) still attacks the stability of the nation. In both cases, these effects of bastards are depicted through inheritance issues, strengthening the connection between illegitimacy and sovereign succession that this thesis highlights.

The differences between the Elizabethan and Jacobean British plays pinpoint the function of the (il)legitimacy theme throughout, as it tracks changing conceptions of nation and sovereignty in the British plays. The following chapters discuss the wider range of illegitimacy in Shakespeare's British plays, with the implications of legitimacy and illegitimacy issues on the

interrelated themes of sovereignty and nation. Faulconbridge and Edmund provide a basis for the discussion of the more conceptual kinds of illegitimacy that permeate the history and mythical history of England and Britain in Shakespeare's work.

Chapter 3: Metaphorical Illegitimacy

Faulconbridge and Edmund demonstrate a significant ability to advance their social status. This mobility is a particularly Shakespearean feature of illegitimacy, and this chapter discusses how this attribute, among others, can define a character as ‘metaphorically illegitimate’. Richard III, Posthumus Leonatus, Joan of Arc, and Goneril and Regan fit into this category in similar ways. The chapter argues that these metaphorical illegitimates, like their actually illegitimate counterparts, are directly linked by Shakespeare to concepts of patrilinear sovereign succession.

The presence of metaphorical illegitimates in and around the line of succession interrogates the succession of the English crown as Edmund’s and Faulconbridge’s does. The metaphorical bastards particularly undercut the patrilinear element of succession, while Edmund and Faulconbridge highlight concepts of true ‘inheritance’. In theory, early modern England relied on a primogeniture transition from one sovereign to the next. In practice, sovereign inheritance in the sixteenth century worked very differently, and this is what the metaphorical illegitimates in this chapter effectively draw attention to (Posthumus is an exception). Three queens reigned over England during the 1500’s: Elizabeth and Mary Tudor, and their cousin Jane Grey. Further emphasising this ‘matriarchy’, the woman-to-woman succession was continuous over this fifty-year period. The reason for this was, put simply, a lack of Tudor boys. Necessity had driven the succession away from primogeniture to female inheritance.

In a society created around the system of paternal authority, with the king conceived as a father to the nation,¹ this female line was a problematic reflection on England itself. These successive female sovereigns undercut the traditional perception of power and hierarchy in England. There was an awareness of this contradiction within the state, as the succession anxiety discussed in Chapter 2 demonstrates. Though Elizabeth manipulated the image of herself as a mother to England into a positive depiction of her power, her critics clearly feared the implications of a fatherless state.² Women, supposedly too weak to rule, had been the dominant feature of the English succession for half of the century—especially considering Mary Stuart, Queen of Scots, was the logical option for the heir during much of Elizabeth’s reign. England was enacting an antithesis to its supposed ideal state, with ‘false’ sovereigns reigning. To

¹ Robert B. Pierce, *Shakespeare’s History Plays: The Family and the State* (Ohio: Ohio University Press, 1971), 71.

² Stubbes, *The Discoverie of a Gaping Gulf*, 42; Bell, ‘Elizabeth, Stubbes and the *Gaping Gulf*’, 99-101.

complicate matters, Mary and Elizabeth Tudor were both bastardised by their father. They reigned not only as women but as illegitimates, violating the sacred patrilinearity of the English throne. As Chapter 1 demonstrated using historical early modern illegitimates, the idea of a forlorn, marginalised illegitimate rejected by society is not necessarily accurate. Two legally illegitimate women ruled England, and their very presence at the apex of England's chain of being questioned the fundamental ordering of the kingdom, the assumptions about power, gender and (il)legitimacy that the nation operated by. The issue of gender that, in the rhetoric of their enemies, illegitimised the power of Mary and Elizabeth Tudor was strengthened by another aspect of inheritance: the Tudor family tree was less exalted than many of their rival claimants. Descending from a bastard line of John of Gaunt and Katherine Swynford, the Beauforts, the Tudors had been barred from the succession by Henry IV. The gender and debateable legitimacy of Mary and Elizabeth only strengthened the dynastic arguments that proposed alternative dynasties such as the Courtenays and the Poles.

This chapter discusses how Shakespeare highlights the frailty of the patrilinear succession and inheritance models of the English/British nation, using metaphorically illegitimate characters to expose contradictions and weaknesses in the patrilinear successions of the British plays. The theme of illegitimacy is expanded to include what are referred to as 'metaphorical illegitimates': characters created with various nuances and characteristics of literal illegitimates. These metaphorical illegitimates are implicated in the transition of sovereignty and property; further to this, they are responsible for defining the nation in many cases. Somewhat paradoxically, metaphorical illegitimates highlight a link between nation and patrilinear sovereign succession that runs throughout the British plays. This chapter also demonstrates an evolution in depictions of nation over the course of the British plays as in the previous chapter. Elizabethan England is an illegitimate child without a father in *Henry VI* and *Richard III*, but under James, *King Lear* and *Cymbeline* depict a newborn 'Britain' struggling to achieve legitimate status as a nation. Metaphorical illegitimacy is an evolving discourse that Shakespeare uses to interrogate assumptions about sovereign inheritance. As the illegitimates Edmund and Faulconbridge act as agents for exposing the pitfalls of supposedly legitimate patrilinearity, Shakespeare uses Richard III to demonstrate the weaknesses inherent in patrilinear succession and the discourse of legitimacy and truth. Richard circumvents the traditional transition of power in England. Though Posthumus seems very different from Richard III, his 'illegitimacy' in

Cymbeline likewise threatens the stability of patrilinearity. The conclusion of *Cymbeline*, however, has a different emphasis to the Elizabethan plays, as the final section of this chapter highlights. Joan of Arc, Regan and Goneril, as women, also destabilise the power structure of England and Britain, something that has especially interesting implications considering the female-dominated Tudor dynasty. The destabilising presence of all these metaphorical bastards has a similar effect to the social mobility of Faulconbridge and Edmund.

Defining Metaphorical Bastards

The term ‘metaphorical illegitimate’ delineates characters who, despite being legitimately born, display similar characteristics and features to the illegitimates discussed in the previous chapter. These metaphorical illegitimates are an exclusively Shakespearean creation. This chapter builds on the idea of the curious perspective of (il)legitimacy that was discussed in Chapter 1. It takes a cross-section of early history and later Jacobean plays featuring metaphorical illegitimates to demonstrate the flexibility of (il)legitimacy, and how Shakespeare creates illegitimacy to interrogate the methods of sovereign inheritance and the status of the nation in early modern England or Britain.

Social mobility has already been identified as a key aspect of metaphorical and literal illegitimacy, and this will be demonstrated further. Parental rejection is another area in which bastardising language is applied to legitimates, making them at once legitimate and bastardised, occupying a state of figurative bastardy. Similarly, as Chapter 1 explained, a state of simultaneous familial inclusion and exclusion characterises the historical and contemporary figures that might well have informed Shakespeare’s conception of illegitimacy (see pp.26-29). This kind of differentiation from the rest of the family group causes characters to be identified with aspects of illegitimacy, as Richard III and Posthumus demonstrate.

Shakespeare also shows an interest in creating nuances of illegitimacy in female characters, and yet these do not share the same profile as the masculine ones. At the beginning of Shakespeare’s writing career, female illegitimates onstage were rare; indeed the numbers never matched those of their male counterparts. In 1591, Peele’s *Edward I* features Joan of Acon (unhistorically) discovering that her father was not Edward I but his brother, and promptly dying of shock; *Lochrine* (1594, also sometimes attributed to Peele) features Lochrine’s virtuous and

illegitimate daughter Sabren.³ Sabren and Joan are the only female illegitimates onstage before Barnes' Lucretia Borgia in *The Devil's Charter* (1606).⁴ However, if Shakespeare's metaphorical bastards are included in the count, the number doubles. Joan of Arc, Regan, Goneril and Cordelia are depicted in ways resonant of illegitimacy, creating a variety of illegitimacy types in Shakespeare's British plays. Female metaphorical illegitimates also have a particular bearing on the theme of nation—a bearing that is different from males'. While Richard III and Posthumus broadly speaking articulate the contemporary political anxieties of the British or English nation, Joan of Arc, Regan and Goneril participate in a representation of nation in which their gender is central. This chapter compares the 'early' metaphorical bastards of the first tetralogy with those in *King Lear* and *Cymbeline*, taking account of their influence on themes of sovereignty and nation.

Metaphorical Illegitimates in the First Tetralogy

Richard III: 'Son' of York

The first chapter established some examples of illegitimates being integrated into the family. Yet even when living amongst their siblings, illegitimates are different from their legitimate siblings. Such segregation is a vital feature of the dramatisation of Richard III's position in the Yorkist family. When combined with other facets of Richard's character, the idea of Richard as a character aligned with illegitimacy stereotypes is very strong.

Though he has little involvement in *2 Henry VI*, Richard is an integrated member of the family, proud of his 'noble father' and a friend to Salisbury (5.3.6). When he kills Somerset, he acts very much as a member of the Yorkist faction/family. In *3 Henry VI* Richard is still grouped with his family, possibly due to the military setting of the play, where the characters fall into two distinct camps, yet he is also markedly alone. Richard becomes more isolated after the death of his father, telling the audience 'I have no brother' and 'I am myself alone' (5.6.80 & 83). As he withdraws from his family he creates an intimacy with the audience: his speech is marked by

³ See Anon, *The Lamentable Tragedy of Lochrine: A Critical Edition* ed. Jane Lytton Gooch (New York: Garland, 1981), and Peele, *Edward I* ed. E.L.G. Stones (Oxford: Oxford University Press, 1968).

⁴ Barnabe Barnes, *The Devil's Charter* ed. Victor A. Doyno (Charleston: Nabu Press, 2010).

asides, creating the familiarity and commentary role which develops in *Richard III*. This commentary role is also occupied by Faulconbridge, and initially by Edmund.

Richard's familial isolation is evident in the opening scenes of *Richard III*, because his entrances onstage alone contrast with the rest of his family. While they arrive in groups, Richard consistently enters alone. (There is a possible exception in 1.3, where Hastings is given no entrance in either Q or F, but he is onstage and may enter with Richard). Richard enters 'with others' only in 2.2, when Edward has died, Clarence has been disposed of and the balance of power has clearly swayed toward Richard. Early on, he appears alone, and any 'political' action he takes (such as the murder of Clarence) is secret, between himself and the audience. In addition to being solitary, there is now an element of discord in Richard's entrances. He frequently makes a late, jarring entrance to a group in conversation, developing the isolation theme further. These entrances are discordant with the smooth dialogue of the play—for example, he enters the Woodvilles' quiet conversation about the King's improving health in 1.3 crying 'They do me wrong and I will not endure it.' (1.42). He is an extraneous member of the royal family, an outsider with no affiliations or 'faction'. The impression of Richard's isolation at court is emphasised by visual representation, as when he interrupts the funeral of Henry VI to woo his daughter-in-law, sharply ordering 'you that bear the corpse' to 'set it down' (1.2.31). Anne continually describes Richard as a demonic entity, recalling the popular link between the bastard and the devil.⁵ She calls him a 'devilish slave', a 'minister of hell' (ll.44 & 88) and links his 'heinous deeds' with his appearance as a 'foul lump of deformity' (ll.51 & 55), a 'hell-governed' creature of 'ugly and unnatural aspect' (ll.23 & 65). The birth of early modern 'monsters', deformed babies, was frequently blamed on the sins of their parents in contemporary broadsheets, which also made particular reference to the pre-marital sex that resulted in bastard births.⁶ Richard's deformity is indicative of more than his malevolent nature, feeding into a wide range of cultural assumptions about evil and illegitimates, and dramatically there was precedent for deformity indicating bastard origin: Robert the Devyl was a deformed demonic bastard, and, like Richard, had an excessively long gestation. Merlin was likewise often represented as being born with teeth and hair despite his being a heroic figure in adulthood.⁷

⁵ Findlay, *Illegitimate Power*, 45-60; Neill, 'In Everything Illegitimate', 275-280.

⁶ Crawford, *Marvellous Protestantism*, 91-101, 62-87.

⁷ Findlay, *Illegitimate Power*, 49.

It is Richard's mother, the Duchess of York, who concretely creates the allusion to bastardy in Richard's characterisation. Her vehemence against Richard increases the sense of his being isolated within his family group until she has completely rejected him in 4.4. However, her language towards Richard from the beginning of the play suggests rejection. In her first appearance, 2.2, the Duchess distances herself from Richard, claiming, 'from my dugs he drew not this deceit' (1.29). The ironically maternal image of breast-feeding enforces the implication of her words—that Richard is not a 'true' son of hers as Edward and Clarence are (she refers to them as 'mirrors' of her husband's 'princely semblance' [2.2.50]). When the Duchess says 'He is my son; yea, and therein my shame' (1.28), her language echoes that of the popular broadsheets that '[drew] correspondences between monstrosity and specific women's behaviours', like sexual misdemeanours that supposedly resulted in illegitimate births.⁸

Calling Richard a 'false glass' in which she sees her disgrace (1.51), the Duchess recalls the notion of an ignoble illegitimate child reflecting her own sins. In her last appearance, 4.4, she calls him her 'damnèd son' (1.128), recalling the idea that illegitimates were not the 'children of God'.⁹ The Duchess alludes to the practice of infanticide, often a solution for bastard bearers, saying she should have strangled Richard in her 'accursèd womb' (1.132) rather than unleash him on the world. As Chapter 1 established, infanticide was linked to illegitimate births (pp.28-29), especially in circumstances of deformed children.¹⁰ This language shows the influence of the illegitimacy slanders that Margaret of Anjou directs at Richard, which are discussed in Chapter 5. Though Richard barely responds to his mother's curses, his reply to her question 'art thou my son?' indicates he has perceived these taunts of illegitimacy. He replies, 'Ay, I thank God, my father, and yourself' (1.149), emphasising his paternity, grasping at the legitimate status his siblings—'two mirrors' of their father's 'princely semblance' (2.2.50)—already have, while he is considered the 'false glass'. The idea of Richard being a *false* glass also recalls the popular association of illegitimates and the counterfeit.¹¹

The popular link between the bastard and the overreacher is also alluded to in *Richard III*.¹² One reason that illegitimacy is so important in Richard's characterisation is that the subversive illegitimate potential Faulconbridge has is utilised by Richard to usurp England.

⁸ Crawford, *Marvelous Protestantism*, 64.

⁹ 'But if ye be without chastisement...then are ye bastards, and not sons.' Hebrews 12: 5-8.

¹⁰ Wrightson, 'Infanticide in Earlier Seventeenth-Century England', 11; Crawford, *Marvelous Protestantism*, 62-75.

¹¹ Neill, 'In Everything Illegitimate', 295.

¹² Hyland, 'Legitimacy in Interpretation', 10.

Richard is 'freed' by his metaphorical bastardy—as Faulconbridge and Edmund found their illegitimacy in different ways empowering—to be a stereotypical villain-bastard, and pursue his ambition to become king. Swinburne's condemnation of illegitimate children—that 'they are not onley prone to follow their [parents'] sinfull steppes, but do sometimes exceede both them and others in all kinde of wickednesse'¹³—exemplifies both the idea of bastards inheriting parental characteristics, and the idea of overreaching. In Richard III we can see a continuation of his father Richard of York's ambitious personality, aligning him again with a common stereotype of illegitimacy.

Richard of York has a reasonably large number of soliloquies and asides in *Henry VI*, something that is central to the characterisation of his son; while Richard's ability to 'monopolize audience attention' and 'transcend the frame of historical representation' was something 'we glimpsed in his father's soliloquies as early as *2 Henry VI*',¹⁴ the resemblance between father and son only takes on that quality of excessive ambition after York's death. Richard of York's language in *2 Henry VI*, 3.1, where he details his plan to 'stir up in England some black storm' (3.1.349), can be linked to the kind of soliloquies Richard uses to develop his plots in *Richard III*. Though this may seem to indicate a legitimate succession from father to son, it actually strengthens the allusions to metaphorical bastardy around Richard—as Chapter 2 argued, such intensification of paternal traits was specifically associated with illegitimacy. What apparently made him a true 'son of York' in *Henry VI* can also be used to emphasise his 'illegitimacy', highlighting the polemical views of illegitimacy in early modern culture, the curious perspective that continually resists definitions of (il)legitimacy in the British plays.

Alternative Groups

In response to his isolation within the family, Richard creates an alternative, carnivalesque world in which he is the centre. Carnival 'mimics serious rituals' of the society it mocks;¹⁵ yet the 'scandalous inversion' of a society simultaneously internalises the 'structures and values of the dominant culture'.¹⁶ Because Richard usurps his kingdom, he cannot make it his own: instead he apes the structure of legitimate society; his is a counterfeit ('illegitimate') version of a true reign.

¹³ Swinburne, *A Brief Treatise of Testaments and Last Willes*, 200.

¹⁴ Howard and Rackin, *Engendering a Nation*, 110.

¹⁵ Bakhtin, *Rabelais*, 5.

¹⁶ Dollimore, 'Subjectivity, Sexuality and Transgression', 61.

Hyland has described the presence of Thersites in *Troilus and Cressida* as a ‘bastard voice’ that distorts the notion of truth in the play, creating a multiplicity of perspectives and undermining what has been considered as the central discourse of Elizabethan social hierarchy.¹⁷ Richard’s rule similarly provides a ‘bastard voice’ that reorganises and evaluates the norm from outside the dominant early modern hegemony.

The manifestation of Richard’s bastard voice is unlike Thersites’ in that he does not merely rail at society; he takes action to change it, exemplifying the potential for change that Faulconbridge and Edmund display. In Richard’s case the bastard voice pushes the limits of its power further than in any other Shakespeare play, creating an alternative reality when Richard usurps England. Richard utilises his bastard voice to create a continuous current of words that undermines his brother’s reign by disruption. He interrupts the council at 3.4 to accuse Elizabeth Woodville and ‘that harlot strumpet Shore’ of witchcraft (3.4.76). Likewise his revelation that Clarence is dead despite the order being ‘reversed’ undermines Edward’s ability as a king (2.1.78). The propaganda that runs as an illegitimate alternative to the truth throughout his usurpation is another incarnation of this voice, as is the soliloquy, where the bastard voice maintains an undercurrent of unnaturalness, an illegitimate alternative to normality.

Richard III maintains a central speaking role in which the bastard voice is revealed. In *Richard III*, ‘the flexibility of private speech...is almost entirely confined to Richard’,¹⁸ creating that intimacy with the audience that Faulconbridge and Edmund also possess. Richard’s intimacy with the audience reflects his outsider status in the play-world as Edmund’s and Faulconbridge’s does.

Grim-visaged war hath smoothed his wrinkled front
And now...
He capers nimbly in a lady’s chamber
To the lascivious pleasing of a lute.
But I that am not shaped for sportive tricks
...since I cannot prove a lover
To entertain these fair well-spoken days
I am determined to prove a villain.

1.1.9-10, 12-14, 28-30

¹⁷ Hyland, ‘Legitimacy in Interpretation’, 7.

¹⁸ Nicholas Brooke, ‘Reflecting Gems and Dead Bones: Tragedy versus History in *Richard III*’, in C.B. Cox and D.J. Palmer (eds.), *Shakespeare’s Wide and Universal Stage* (Manchester: Manchester University Press, 1984), 108.

Richard's appropriation of stage terminology such as 'villain' (1.30), and later 'Vice' (3.1.82), recalls the variety of Faulconbridge's performances. The very theatricality of Richard's presentation through soliloquy, theatrical allusion and even deformity 'exude the theatrical energy that serves to monopolize audience attention'.¹⁹ Buckingham adopts a similar style of speech later, 'counterfeit[ing] the deep tragedian' (3.5.6). The fact that Buckingham adopts Richard's style of speech shows the expansion of Richard's power—Richard now has a court faction solidified by similar use of language. In his soliloquies, Richard acts as an interpreter (he explains why Clarence is arrested, and that, contrary to the belief of the other characters involved, he has occasioned the arrest), adopting a similar commentary role to Faulconbridge's. Richard therefore gives himself a function which he lacks within his family. Like Edmund, Richard is driven to raise his social status—something that in *Lear* is directly linked to Edmund's illegitimacy. The fact that Shakespeare creates a similar role for Richard III strongly suggests that concepts of illegitimacy informed or influenced his presentation of Richard.

Once Buckingham aligns himself with Richard, Richard draws away from the audience, forming a familial alliance with Buckingham:

My other self, my counsel's consistory,
My oracle, my dear cousin!

2.2.120-121

Buckingham and Richard are related, as both men are descended from the sons of Edward III. Richard grasps at the connection as a route to power, setting up an alternative royal family. This new royal 'family' is shown through Richard's and his supporters' repeated use of family and child images. Richard is certain he can bring things to a 'happy issue' (3.7.49), and calls Tyrell a 'just inheritor' (4.3.34), touching again on the idea of primogeniture and legitimate sons. Buckingham emphasises the lineal progression of the Crown 'blood to blood', Richard's 'right of birth' (3.7.129-130), and their co-conspirator Catesby's presence completes the impression of a new 'family' taking control. Richard's social movement, like that of Faulconbridge and Edmund, prefigures his drawing away from the audience and the use of extensive soliloquy.

Illegitimate Truth and the Discourse of History

¹⁹ Howard and Rackin, *Engendering a Nation*, 111.

The characterisation of Richard as an illegitimate king and son is partly Shakespeare's invention. Using Thomas More's scurrilous *Life of Richard III*, Shakespeare depicts Richard as a malevolent, freakish hunchback, yet this is contrary to other source material.²⁰ If *Richard III* is examined in light of the illegitimacy spectrum and its 'curious perspective', the function of Richard's metaphorical illegitimacy is clear. When the play's subject matter is considered in its historical context, his illegitimacy invites viewers to evaluate the meaning of legitimate sovereignty in Elizabethan England.

As Chapter 1 established, illegitimacy in Shakespeare takes on an interpretational duality like Gilman's 'curious perspective'.²¹ This is a major feature of *Richard III* and the play's depiction of the illegitimate origins of the Tudor dynasty. This is not to suggest that the play constitutes a challenge to the ruling hegemony, but it balances the concepts of truth, history and legitimacy delicately throughout, providing a duality of perspectives on Richard and his counterpart Richmond. Zaller suggests that historical writing was an opportunity for writers to express a national identity. As Chapter 1 discussed, by depicting foundations of the English and/or British nation, historians could create foundations for the nation which strengthened their own conception of Englishness or Britishness, whether religious or political. Shakespeare uses the curious perspective and Hyland's concept of the bastard voice undercut the received narrative of Richard III's reign. Hence Shakespeare also interrogates the legitimacy of the historical record and the English nation it purports to depict.

Henry Tudor's claim to the throne was famously weak—he descended from the illegitimate Beaufort line of John of Gaunt and Katherine Swynford, which, despite being legally legitimated by Richard II, was barred from succession to the throne.²² In Henry Tudor's case, his descent from the sons of Edward III was also via his mother Margaret. His paternal line was a mix of low Tudor (though Owain Tudor claimed descent from a Prince of Wales) and French royal blood, his grandmother being Katherine of Valois. Descent from French (female) royalty and a Welsh commoner meant that the Beaufort connection was all Henry Tudor had to base his claim on. Shakespeare was hence dealing with history that could be severely embarrassing to the current Queen, Henry Tudor's granddaughter. Therefore, rather than expose the shaky

²⁰ Saccio, *Shakespeare's English Kings*, 52-5; Sir Thomas More, *The History of King Richard the Third* ed. George M. Logan (Bloomington, Ind.: Indiana University Press; Chesham, 2005), 64-79; Holinshed, *Holinshed's Chronicle*, 432-48.

²¹ Gilman, *Curious Perspective*, 69-84.

²² Saccio, *Shakespeare's English Kings*, 52.

foundations of the reigning dynasty onstage, Shakespeare shields the illegitimate foundations of their bloodline by making their predecessor a conceptually illegitimate king, diverting audience attention from Richmond's illegitimate roots. Competing claims are a concern of the preceding *Henry VI* plays and the historical sources, so it would be difficult for Shakespeare to stop dramatising them abruptly without drawing even more attention to the issue of the Tudor claim. However, the emphasis on the illegitimacy of Richard III makes the issue immaterial, as he is so unsuitable for kingship that the technicalities of Richmond's claim become irrelevant. The only other Yorkist claimants, the De La Pole family, are excluded, making Richmond the only alternative to Richard. The fact that Richmond is supported by a multinational Breton and English army, which hints at popular support, skill in global politics and military strength, contrasts with Richard's insular reliance on a few allies. It is probably safe to assume that an actor who provided a good physical contrast with the deformed Richard would have played Richmond, because Shakespeare creates an almost visual opposition between the two characters. One of the most obvious instances is the way that they share stage-space in the final act (Chapter 5). This opposition is not as simple as it appears, though; it creates the basis for a curious perspective in *Richard III*, opposing characters representing both ends of the (il)legitimacy spectrum. The opposition of these characters invites comparison and evaluation of their (il)legitimacies, and as will be demonstrated below, this perspective on the two characters continually alters, interrogating the concepts of truth, legitimacy and history.

Time imagery also questions the roots of the Tudor dynasty. Shakespeare includes the passage about the Tower being built by Julius Caesar, which, having no narrative function, must be intended to highlight the discrepancies between report and truth. Buckingham tells the Prince that it is recorded Caesar built the Tower. Caesar did not build the tower; the idea was first recorded by William Dunbar in 1509, but doubted by others after him.²³ It seems that Shakespeare knew the debate, because he uses the Tower to question historical veracity. Prince Edward goes on to say that even if it were not on record that Caesar built the Tower (even though it was not):

Methinks the truth should live from age to age
As 'twere retailed to all prosperity...
3.1.76-77

²³ Elizabeth Jenkins, *The Princes in the Tower*, (London: H. Hamilton, 1978), 77.

Shakespeare may have been recalling his source material; More wrote nearly his entire *History of Richard III* based on what he had been told by men ‘alive at the time’.²⁴ The doubtful veracity of oral report is highlighted by Young York’s banter with his grandmother in 2.4. He argues that Richard’s nurse told him of his uncle’s speedy growth, so it must be true. The Duchess replies that she was dead before he was born. ‘If ’twere not she, I cannot tell who told me’ (2.4.34), York replies, demonstrating the doubt that must always be attached to report. The debate is about Richard, and whether he was ‘long a-growing and ...leisurely’ (1.19) or

...grew so fast
he could gnaw a crust at two hours old.
ll.27-28

Though Thomas More reports that Richard grew unnaturally fast ‘as the fame runneth’,²⁵ Shakespeare shows the Duchess denying it. By questioning More’s version of events about Richard’s growth, Shakespeare is questioning a major source of Tudor propaganda, the very foundation of the ruling dynasty. The presentation of Richard as an illegitimate king deflects from the dangerous assessment of the Tudor myth, making Richard a super-villain that Henry Tudor delivered England from. Yet Shakespeare’s larger-than-life presentation of Richard has another dimension. Saccio suggests Shakespeare presumed prior knowledge of English history from at least some members of his audience,²⁶ and so it is possible that the super-villain Richard is intended to be recognised as false; hence the metatheatrical presentation of the character and his repeated use of theatre imagery. The presence of Margaret of Anjou, historically dead but given an important role in *Richard III*, also suggests that there is a self-conscious aspect of historical inaccuracy in the play. *Richard III* continually refuses to remain historical, self-consciously fictionalising events. The prominent commentary role that Richard occupies, like Faulconbridge and Edmund, gives him the opportunity to develop this fictionalising role; Chapter 5 further discusses this aspect of Richard’s metaphorical illegitimacy in terms of his illegitimacy slanders—Richard fictionalises illegitimacies to deflect attention from his own.

The creation of a super-false villain casts a shadow on the integrity of the hero. In another model of the curious perspective, the metaphorical illegitimacy of Richard diverts

²⁴ More, *History of King Richard the Third*, 55.

²⁵ *Ibid.*, 43.

²⁶ Saccio, *Shakespeare’s English Kings*, 50.

attention away from the actual illegitimacy of Henry Tudor's descent and claim. However, another effect is that Richard is by far the more interesting of the two. While Richard is the protagonist, endowed with humorous qualities, Richmond is a two-dimensional character, mostly absent and inspiring little of the interest and enthusiasm that Richard does.²⁷ The action of the play has been solely fixed upon Richard, which, while preventing us from evaluating Richmond's weak claim, does little to negate the dominance of Richard onstage. Whichever way the pair is considered, they are opposites: if Richmond is idealised, Richard is demonised, and vice versa. If Richard's conceptual illegitimacy and monstrosity are fictional, Richmond must be viewed as being protected from scrutiny over such matters himself—so, paradoxically, Richmond's birth illegitimacy becomes more obvious. Shakespeare again uses the curious perspective technique to force an audience to reconsider apparently simplistic conclusions. Just as (il)legitimacy is continually under interrogation, as Shakespeare intentionally draws attention to the falsity of his Richard, he also draws attention to the falsity of Henry Tudor. Weighing up Richard and Richmond as the curious perspective encourages, the audience is invited to consider another possible course of history, and, through the (il)legitimate heirs of England, the legitimacy of the historical narrative.²⁸ While the play outwardly celebrates the foundation of the Tudor dynasty, Richard's 'bastard voice' undercuts simplistic interpretations.²⁹ There is a cacophony of interpretations in the play, with the Duke of York's questions about his uncle's freakish growth and the building of the Tower, the slander about both Edward IV and his sons being illegitimate (see Chapter 5), Edward's misinterpretation of the 'letter G' prophecy and the conflicting views of Richard displayed by his brothers Clarence and Edward, in contrast to their mother's. Richard's discordant bastard voice adds to and, as the most obvious 'source' of the confusion, epitomises the general maelstrom of uncertainty about the foundations of the Tudor dynasty.

When we consider these various historical 'voices' and the curious perspective balanced between Richard and Richmond, the multiplicity and fluidity of definitions of legitimacy and illegitimacy in the period is evoked. It is easy to regard (il)legitimacy as a palpable way of pinning down the many headed, hydra-like succession issue of the 1590s, to borrow Persons'

²⁷ William Shakespeare, *Richard III* ed. John Jowett (Oxford: Oxford University Press, 2000), 21.

²⁸ Zaller, *Discourse of Legitimacy*, 320.

²⁹ Hyland, 'Legitimacy in Interpretation', 7.

metaphor.³⁰ Yet the polemical preconceptions of illegitimates—virtue or vice—also articulate the literary curious perspective of Richard and Richmond, which test the very nature of historical narrative onstage, and in turn the link between expressions of national identity and history writing.

Joan of Arc and the Creation of Nation

Critics have been undecided about how to define and ‘read’ Joan, the curious exchange with her father at the end of *1 Henry VI* leaving considerable doubt as to whether she is in fact a bastard. Howard interprets the scene as depicting Joan ‘revealed as a bastard’, linking it to her ‘transgressive’ nature and close association with the Bastard of Orléans, while Taylor argues that ‘It is not very likely that the Shepherd, however simple and silly, would be bragging about Joan as his illegitimate child’.³¹ In fact the scene does not truly reveal Joan as a bastard; the Shepherd comically bastardises Joan by mistake, not intention. Yet the Shepherd’s brief comic turn creates allusions of illegitimacy around her. Shakespeare’s intention is not to bastardise Joan, but to make suggestions of illegitimacy a defining feature around her, and by extension around France as a nation, because Joan’s illegitimised female body represents France in *1 Henry VI*.

Joan’s ‘Bastardisation’

Just as Joan is never realised as a ‘substantive realist character, a unified subject with a coherent single identity’,³² her illegitimacy is uncertain and indefinable. The main proof of illegitimacy is her father’s calling her ‘the first fruit of my bachelorship’ (5.5.13). However, ‘bachelor’ at this time had a range of meanings, of which ‘unmarried man’ was only one.³³ Other meanings include the lowest rank of knighthood or university students, a junior member of a trade-guild, and ‘an inexperienced person, a novice’. The Shepherd, therefore, could intend to refer to Joan as the ‘first fruit’ of his youth—but the variety of meanings surrounding ‘bachelorship’ implies

³⁰ Persons, Conference, 22.

³¹ Howard and Rackin, *Engendering a Nation*, 61; Michael Taylor (ed.), *Henry VI Part 1* (Oxford: Oxford University Press, 2003), 236.

³² Edward Burns (ed.), *Henry VI Part 1* (London: Thomson Learning [Arden Shakespeare], 2000), 26-7.

³³ Taylor (ed.), *Henry VI Part 1*, 236.

something else. So Joan's father does not 'reveal' her as a bastard.³⁴ However, he inadvertently describes Joan's birth in a way suggestive of illegitimacy when he innocently remarks that he

...gave a noble to the priest
The morn that I was wedded to her mother
5.5.23-4

He says this in response to Joan's claim that he is trying 'to obscure [her] noble birth' (1.22). The word 'noble'—both a coin and a status—links the two statements, and the events they describe; Joan's birth, and her parents' wedding. There is thus a suggestion that the birth and the marriage are associated in her father's mind, that perhaps the noble (a 'large sum of money for the Shepherd',³⁵) was payment for marrying a couple already pregnant. The Shepherd certainly associates Joan's birth with his wedding day; the confusing speech makes it impossible to define Joan's status accurately. Likewise her class status is unclear; she describes herself as 'by birth a shepherd's daughter' with a 'base vocation' (1.2.72 & 80), yet later claims to be of 'noble birth' (5.5.22). She also adopts masculine attire, masking her gender. This repeated transgression of social limitations is a character trait that Shakespeare identifies with Edmund and Faulconbridge and can also be identified in the presentation of Regan and Goneril later.

Joan is eventually cast off by her father, a plot point that aligns her with the other metaphorical bastards in this chapter. Though the Shepherd's language when he rejects her does not recall legitimacy issues in the way that Lear's does, his rejection of an ungrateful daughter is a prototype of the pattern of repudiation that Shakespeare uses in *Richard III* and *King Lear*:

Dost thou deny thy father, cursed drab?
O burn her, burn her! Hanging is too good.
5.5.32-3

He also refers to her 'nativity' as 'curséd' (11.26-7); Joan becomes a devil-child, much as Lear characterises Goneril and Regan as bastards associated with 'darkness and devils' (4.2.43), something frequently associated with bastard births.³⁶

Shakespeare's female metaphorical bastards make an attempt to seize power in a field generally considered masculine. Regan and Goneril aim to rule Britain, and Joan particularly is an expert in warfare. Though Joan is not bastardised until after her military endeavours, the

³⁴ Howard and Rackin, *Engendering a Nation*, 61-63.

³⁵ Taylor (ed.), *Henry VI Part 1*, 237.

³⁶ Findlay, *Illegitimate Power*, 45-81.

Bastard of Orléans introduces her to the Dauphin, and that method of introduction is suggestive in itself. Joan, illegitimate in all ways for a career in military leadership, relies on another socially mobile bastard to instigate her mission. Though Faulconbridge assumes leadership in spite of bastardy, his power is granted by John; the Bastard of Orléans' introduction of Joan strongly implies that her leadership is founded in an illegitimate power base. That this partnership was Shakespeare's invention certainly strengthens the impression that Shakespeare was utilising ideas of illegitimacy in his depiction of Joan.³⁷

Joan's adoption of masculine attire, while seen as eminently wicked and subversive theoretically, may also recall Queen Elizabeth's armour worn at Tilbury,³⁸ as the language of Faulconbridge, another nation-defining bastard, echoes Elizabeth I's speech at Tilbury (p.79). This may have been problematic for an Elizabethan audience: the parallel between Joan and Elizabeth I drew attention to how unnatural—how French—their ruling order was. The Talbots, however, exemplify an idealised English nobility and bravery. In fact Shakespeare alters Talbot's circumstances specifically to further a comparison with Joan,³⁹ and further still between England and France. Talbot in *1 Henry VI* has one son, a youth who exemplifies the crux of masculinity in the history plays: he can die in battle, or survive having deserted the field in order to continue the line of patrilinear succession. In actuality, the comparable son of the historical Talbot was not the only son: he was not even the only son of Talbot's to die in that particular battle. He was in his twenties and had children,⁴⁰ so Talbot's concern about his son would certainly not have been expressed as it is in the play:

In thee thy mother dies, our household's name,
My death's revenge, thy youth and England's fame...
...All these are saved if thou wilt fly away.
4.6.38-41

Talbot historically had a bastard son himself, who died at the Battle of Castillon, and six legitimate sons; eliding these extraneous sons provides a more effective foil to Joan's French female illegitimacy in the pairing of Talbot and John. The Talbots are obsessed with paternity

³⁷ Taylor (ed.), *Henry VI Part 1*, 211.

³⁸ Gabriele Bernhard Jackson, 'Topical Ideology: Witches, Amazons, and Shakespeare's Joan of Arc' *ELR* 42 (1988), 40-65.

³⁹ Howard and Rackin, *Engendering a Nation*, 62.

⁴⁰ Saccio, *Shakespeare's English Kings*, 89.

and legitimacy; they both reiterate their family relationship throughout the battle scenes.⁴¹

Referring to his father's rescue of him, young Talbot says 'twice my father, twice am I thy son' (4.6.6). Joan's rejection of her own peasant father and association with the 'contaminated, base, / and misbegotten blood' (11.21-22) of the Bastard of Orléans has the opposite effect: she is the epitome of illegitimacy and Frenchness.

While Shakespeare's portrayal of Joan has often been criticised as 'disjunct',⁴² her fractured character (especially in light of her military success) is reminiscent of Faulconbridge's ability to occupy many roles (commentator, knight, plebeian), and therefore the disjunction has a particular purpose. Like Faulconbridge, Joan displays a variety of character types, showing the fluidity of interpretation associated with illegitimacy; she performs as holy virgin, military leader, pregnant mother, and conjuror of spirits. In another parallel with Faulconbridge, Joan bastardises herself; as Faulconbridge chose to be acknowledged as Richard I's bastard, Joan denies that the Shepherd is her father by her own volition:

First let me tell you whom you have condemn'd
Not me begotten of a shepherd swain,
But issued from a progeny of kings...

5.5.36-8

The Shepherd unwittingly, comically bastardises his daughter, while Joan herself is proud of the illegitimacy that is implied when she calls herself 'progeny of kings': presumably, as she is not a member of the royal family, she claims has been born outside of marriage. Joan uses illegitimacy to claim greatness; as Chapters 1 and 2 have demonstrated, being a royal or even noble bastard was not an obstruction to social advancement. The curious perspective is being manipulated by Joan, who, while appearing to debase herself, is actually claiming both exalted lineage and the potential to choose her own destiny, to rise and achieve greatness in the way that Faulconbridge does. As Faulconbridge's final performance as John's loyal servant correlates with the expression of English nation in *King John*, Joan's performances, exposed as lies by the English in 5.5, represent the disjunct, oppositional nature of France to England in *Henry VI*, epitomised in the contrast that Shakespeare sets up between Joan and the Talbots.

⁴¹ Alexander Leggatt 'The Death of John Talbot', in J.W.L. Velz (ed.), *Shakespeare's English Histories: A Quest for Form and Genre* (New York: Medieval & Renaissance Texts & Studies, 1996), 18.

⁴² Jackson, 'Topical Ideology', 40.

French Illegitimacy and Anxious English Legitimacy

The Talbots' discussion of blood and paternity in 4.6 repeats their conversation of the previous scene, where John Talbot argues that if his father makes him fly from battle, it will be 'To make a bastard...of me' and 'dishonour' the 'honourable name' of his mother (4.5.13-15). The repetition of sentiment is obvious; the continual use of words such as 'honour', 'son', 'father', 'base', 'shame' and 'stain' all recall the discourse of legitimacy: in fact the Talbots are obsessed with it. John particularly insists on proving his bravery. 'If I bow, they'll say it was for fear' (1.29) he claims. He believes that showing fear will imply that he is not Talbot's son, that he is some sort of bastard changeling. Because John argues that such behaviour would 'shame [his] mother's womb' (1.35), the implication is that she may be considered adulterous (or possibly defective), if John does not act like his father. Though Talbot argues that to preserve the Talbot line, his son's flight would be justified, he displayed a contrary attitude toward Fastolf at 4.1, calling him 'base knight' (1.14) and tearing the garter from his leg. Young Talbot's desperation to prove legitimacy via deeds carries a shadow of illegitimacy too, as bastards were frequently figured as intensifying such paternal characteristics. Talbot and his son strive to prove legitimacy; the patrilinear Englishness they represent is no more secure than the unstable French illegitimacy. Howard and Rackin argue that the over-riding object of the history plays is indeed to establish legitimate patrilinear succession; this is certainly the object of most of the characters, as Talbot and son demonstrate.⁴³ However, the over-riding aim of the history plays is actually to undercut the myth that there is such a thing as a legitimate succession, or even a true legitimacy. Talbot and his son's desire to ratify their legitimacy exposes the instability of the legitimacy structures, such as sovereignty and inheritance, that underpin the key structures of Elizabethan England. The Talbots demonstrate an anxiety of legitimacy that is echoed by characters such as Edmund, Richard III and Faulconbridge's brother Robert. Their struggle to prove patrilinear legitimacy reflects the struggle to validate England in the French conflict, to define and legitimate a conception of why Englishness is different from Frenchness. Despite the negative associations of Henry VI's reign, Shakespeare uses the loss of France to purify the English nation. French illegitimacy is removed from the paternal legitimacy that defines England,

⁴³ Howard and Rackin, *Engendering a Nation*, 106.

creating the beginnings of the struggle for legitimate paternal succession that, however unattainable, provides the ‘overarching structure’ of the history plays.⁴⁴

Joan functions as a foil for the Talbots, and vice versa, but the implications of this are often described in gender terms; though the contrast between a son and a daughter is evident, the comparison of illegitimacy versus anxious legitimacy is more important to the development of ideas of nation.⁴⁵ Gutierrez argues that Joan ‘demonstrates the cultural use of gender as a value-laden metaphor descriptive of both political and moral issues: biological difference becomes the site for cultural conflict.’⁴⁶ Her illegitimacy is as defining a feature as her gender, however; she becomes a metaphor for ‘political and moral issues’⁴⁷ in her embodiment of feminine, illegitimate power. Though gender is an important aspect of the conflict in *1 Henry VI*, it is not the only way in which Joan comes to embody a corrupted and counterfeit power—she is a sorcerer, a cross-dresser, and a false prophet. Joan’s illegitimate power defines the French nation while Talbot’s anxious legitimacy defines the English: illegitimacy is the site for ‘cultural conflict’ in *1 Henry VI*.⁴⁸ Though there is much debate about specific order of composition, the *Henry VI* plays were certainly a product of the early 1590s. Many historians have argued that they tap into a jubilant national mood after the defeat of the Armada in 1588,⁴⁹ yet this seems unlikely when the subject matter of *Henry VI* is considered: the loss of France and the Wars of the Roses. The history plays are ‘an important component of the cultural project of imagining an English nation’.⁵⁰ Joan’s French illegitimacy is balanced by the English anxiety of legitimacy that feeds into the developing discourse of nationhood.

It is surprising to remember, then, that most of *1 Henry VI* takes place in France, and the play showcases some famous French victories. France as a state or nation is a complex concept, exposing the confusion around ideas of nation in Shakespeare’s early histories. It is true that ‘there is very little sense of “France” as either a nation or a kingdom in this play’,⁵¹ yet in the illegitimacy of Joan, a coherent, feminised and corrupt picture of France emerges. Joan is

⁴⁴ Ibid.

⁴⁵ Nancy A. Gutierrez, ‘Gender and Value in *1 Henry VI*: The role of Joan de Pucelle’ *Theatre Journal* 42:2 (1990), 183-90; Howard and Rackin, *Engendering a Nation*, 60-1.

⁴⁶ Gutierrez, ‘Gender and Value’, 183.

⁴⁷ Howard and Rackin, *Engendering a Nation*, 108.

⁴⁸ Gutierrez, ‘Gender and Value’, 183-93.

⁴⁹ For example, see Hobsbawm, *Nations and Nationalism Since 1789*, 74.

⁵⁰ Howard and Rackin, *Engendering a Nation*, 14.

⁵¹ Howard and Rackin, *Engendering a Nation*, 55.

throughout identified as French, despite historically being from the Duchy of Bar; she is referred to as French, calls herself French, speaks for 'France' and speaks in French at 3.2.13-14. Yet Joan does not embody a coherent set of values; she is 'partially continuous and partially disjunct' and embodies a 'varied ideological potential' that Shakespeare exploits in his creation of a feminised, 'bastard' France to oppose and validate legitimate, masculine England.⁵² Joan is a 'holy maid' who conjures demons; she is a virgin who slanders herself a whore to escape death, a woman in men's clothes and a female military leader. Unlike the English, the 'French' have no monolithic structures of patrilinear inheritance and legitimacy to define them, and Joan is a product of this France. Like Joan herself, France is 'disjunct'—Charles refers to 'our provinces' rather than 'our country' at 3.3.24—and firmly associated with illegitimacy. The legitimacy of Charles VII had been called into question many times as a result of his mother's adultery, even once by his own parents.⁵³ Various connotations of illegitimacy are in circulation around the French camp; Charles, Joan, and the Bastard of Orléans are the leaders. England, though, has the anxious legitimacy of Talbot and son, and only the Bishop of Winchester (one of John of Gaunt's illegitimate children, who were, legally, legitimated by Richard II), has questionable legitimacy.

The maintenance of France as an English territory is part of the English obsession with succession and legitimacy: the Dauphin is to be 'quell[ed]...utterly' or 'in obedience to your yoke' (1.1.163-4). While the English nobles are at variance in England, in France Talbot and his son present a unified 'national' thought—and, though it leads to civil war eventually in England, Richard Plantagenet's continual campaign to be 'restorèd to my blood' (*I Henry VI* 3.1.128) indicates the same kind of thinking about patrilinear inheritance on English soil. The territorial struggles in France are passed over to showcase the English desire for linear inheritance in the rest of the tetralogy. Joan (who rejects her paternal lineage) articulates French national sentiment and interrupts the English patrilinear inheritance of France from Henry V to VI. Interruption of proper inheritance is something that correlates with ideas of illegitimacy in Shakespeare.

Joan also articulates a French national identity that corresponds to Faulconbridge's English patriot role in *King John*. Charles sees France as a collection of his 'provinces', but Joan conceives it as a nation-state.

⁵² Jackson, 'Topical Ideology', 40, 44-65.

⁵³ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 46.

Look on thy country, look on fertile France
 As looks the mother on her lowly babe...
 ...Behold the wounds, the most unnatural wounds,
 Which thou thyself hast given her woeful breast...
 ...One drop of blood drawn from thy country's bosom
 Should grieve thee more than streams of foreign gore.
 3.3.44-55

Coming at the centre of the play, this speech identifies the difference between France and England. It is clear why Joan has often been regarded as a gendered metaphor for cultural conflict: she feminises France, making it both weak and maternal.⁵⁴ Interestingly, both of these things are *not* associated with female characters elsewhere in *Henry VI*—Margaret of Anjou's ferociousness is famous. England is described in a similar way by Faulconbridge, the illegitimate 'heir' of Richard I in *King John*. This gendered depiction of France is a rhetorical device that Joan uses to manipulate Burgundy. She calls France 'your country' three times, tempting him with the promise of power in that possessive term, and evoking national allegiance, and the nation's weakness and vulnerability.

To be French is a matter of geography, as Burgundy, who changes allegiance every time he crosses the channel, demonstrates perfectly; to be English is to participate in a complex system of patrilinear dynastic and paternal allegiances such as those between the Talbots, or Richard III and his father. As Howard points out, the play exemplifies two models of 'history':

Chronological history constructs its readers as hereditary subjects of the...kings whose narrative of dynastic succession it recounts... Chorography, by contrast, constructs its readers as inhabitants of the geographical place...In Shakespeare's time the two models of national identity coexisted. Often, in fact, they were combined...⁵⁵

What *I Henry VI* does is oppose these two models of national identities. The French as we see them are French by virtue of geography, while the English participate in the more dynastic interpretation of national identity. Both depict the emergence of a shared culture (or 'imagined community'⁵⁶) in different ways. Joan's conception of France is based on geography, and she describes France topographically as a woman, a female body subject to physical hurt.

Faulconbridge used a similar personification of England as a mother in *King John* (see p.74) The

⁵⁴ Howard and Rackin, *Engendering a Nation*, 50; Gutierrez, 'Gender and Value', 183.

⁵⁵ Howard and Rackin, *Engendering a Nation*, 49.

⁵⁶ Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 21-3.

English concept of nation relies heavily on father-son relationships, dynastic succession, and the person of the king.

The first tetralogy treats the association between father and son as the model for English national identity. *1 Henry VI* focuses on nationhood defined by legitimate patrilinear succession in the opposition of the Talbots and Joan, and the effect of Richard of York's death on his son Richard III suggests a corresponding importance attached to father-son legitimate inheritance. *Richard III* also widens to include the importance of the mother to legitimacy and succession. In terms of composition, *Richard III* was probably preceded by *1 Henry VI*, and as a result there is a close association of ideas on patrilinear succession and legitimacy in the two plays which is not so prominent in *2* and *3 Henry VI*—though, as Howard suggests, the history plays all have the 'overarching goal' of 'the maintenance of a legitimate royal succession'.⁵⁷ The central way of expressing that is the characters' emphasis on both (il)legitimacy and patrilinear inheritance. The focus on family relationships in these plays is partly informed by the dynastic rule in medieval and early modern England, yet (especially in the plots of Joan and her father and Talbot and his son, who are not royalty) the severing of familial bonds motif allows the audience to explore and evaluate the nature of succession and inheritance. This has an obvious correlation with Elizabeth I's lack of a legitimate heir, and anxiety about the future of England may well be articulated through the interest in the succession of the past.

Metaphorical Illegitimates in the Jacobean 'Histories'

Regan and Goneril

Because they were produced in such very different contexts, and deal with extremely different aspects of British 'history', *King Lear* and *1 Henry VI* must be considered in their respective socio-political situations. The *Henry VI* plays reflect the situation of England in the early 1590s, the post-Armada triumph shadowed by the impending death of the heir-less sovereign. *Henry VI*'s England struggles for definition, attempts to legitimate itself through patrilinearity. In contrast, the post-Elizabethan time of Union proposals and legal debate specifically inspires the creation of *Lear*. Themes of nation are now focussed on the new Britishness that James I created

⁵⁷ Howard and Rackin, *Engendering a Nation*, 106.

when he became King of England as well as Scotland, and the tensions and contradictions that this Britishness generated as it co-existed with English national identity. Chapter 2 has already discussed the relationship Edmund has to the destabilization of the British state, and the fact that geographically Britain is undefined because, at this point in the Union developments, a sense of British identity was nebulous and undeveloped in the inhabitants of both England and Scotland. England specifically had exchanged the illegitimate sovereignty of Elizabeth I for a different, equally uncertain British identity. James' sons and his gender failed to counter-balance the dangerous implications that his reign had for an English identity.⁵⁸ This is particularly discussed in relation to law in the following Chapter; this section focuses on the representation of Britain as a (problematically) united nation, not four separate nations under the same ruler.

In addition to Edmund's role, as discussed in the previous chapter, the focus on the royal family unit in *King Lear* is also informed by contemporary (il)legitimacy issues. Chapter 4 discusses in detail how Lear's rejection and bastardisation of Cordelia reflects contemporary legal issues of legitimacy and illegitimacy, and this section demonstrates how Regan and Goneril, both similarly repudiated by their father, utilise the social mobility of the illegitimate, and their resultant leadership of Britain further complicates the definition of a British nation, their gender reflecting on their nation in a similar way to Joan's personification of France in *I Henry VI*. Lear's rejection of Cordelia is carried out in terms of bastardisation:

Here I disclaim all my paternal care,
Propinquity, and property of blood
1.105-6

Lear's refusal to acknowledge Cordelia as his child makes her illegitimate, and hence excludes her from his inheritance scheme. Cordelia now has that complex status which defined Mary and Elizabeth Tudor; as Lear makes himself a parent, yet not a parent, he makes Cordelia a simultaneously illegitimate and legitimate child. This rejection is the basis of all other parental rejection in the play, the model for Goneril, Regan and Edgar's bastardisation. Lear is the foundation of the crisis in Britain not because he divides the kingdom, nor because he destabilizes the feudal structure of master-servant relationships,⁵⁹ but because when he disowns his elder daughters he enables their malevolent natures. By bastardising his daughters he grants

⁵⁸ Marshall, *Theatre and Empire*, 72-74.

⁵⁹ Paul Delaney, 'King Lear and the Decline of Feudalism', in Ivo Kamps (ed.), *Materialist Shakespeare: A History* (London; New York: Verso, 1995), 20-36.

then the freedom to move outside of social roles and structures, to disrupt and reorder the nation as Richard III does. It is not division that threatens the nation, but unchecked bastard mobility enabled by a foolish King. Lear unleashes his daughters' malevolence—as 1.280-290 shows, they have been waiting for their father's 'poor judgement' to make a mistake for some time. Being bastardised frees Regan and Goneril to be the monstrous children that illegitimacy was often associated with; Lear himself breaks the bonds of obedience and duty between parent and child that Elizabeth I was reminded of by Wentworth's *Pithie Exhortation* (Chapter 2). Regan and Goneril become illegitimate leaders of the British nation.

When Goneril challenges Lear about the behaviour of his retinue, he uses illegitimacy language to reject her, asking, 'Are you our daughter?' (4.210, cf. the Duchess of York to Richard III: 'Are you my son?' [*Richard III*, 4.4.148]). The language of rejection is repeated across the British plays, highlighting the thematic centrality of illegitimacy. When Lear's children act in any way that he considers inappropriate, he reassesses their paternity. He claims he was 'false persuaded I had daughters', (1.225), and goes on to call Goneril a 'degenerate bastard' (1.245). When Regan refuses to see Lear, he stops calling her 'daughter' (7.226), and starts referring to her and Albany as 'the Duke and 's wife' (1.277). This begins the process of dissociation that led to Cordelia's and Goneril's being bastardised. He tells Regan

If thou shouldst not be glad [to see him]
I would divorce me from thy mother's shrine
Sepulchring an adulteress.

11.291-293

To dissociate himself from his daughter, he suggests that she is the child of his wife. Gloucester displays a similar frame of mind when he falls for Edmund's plotting, saying of Edgar 'I never got him' (6.78). The illegitimised daughter is blamed in gendered terms of her maternal inheritance: if Regan does not act as Lear wishes her to, he renounces any responsibility for her actions by claiming that he had no part in her conception, that she has inherited her bad nature from her mother. Even the hypothetical lover implied in the word 'adulteress' is referred to obliquely; these 'bastards', rejected for failing to please their fathers, are the offspring of mothers.

The association of metaphorical bastard women and nation is also continued in *King Lear*. While Joan of Arc created France, and so aided the definition of England in *1 Henry VI*, in

King Lear the metaphorical bastard women, regardless of intention, have a destructive effect on Britain. Regan and Goneril, freed by bastardisation, preside over the same kind of carnivalesque Britain as Richard III's disordered England. Like their male counterparts, bastardised female characters experience a rise in social status that transgresses the standard social hierarchy.⁶⁰ Joan, Faulconbridge and Richard III personify their invaded nation as a female; in *Lear*, a similar description of Britain hints at the danger inherent in Lear's abdication. Lear describes Goneril's section as 'shady forests and wide-skirted meads' (1.58), 'skirted' recalling the feminine associations of a threatened nation. Though Wells assumes that Lear intends to divide the land into what become England, Wales, and Scotland,⁶¹ and Marcus suggests that the alteration of Cambria in the sources to Cornwall is a topical reference to James' sons, new Dukes of Albany and Cornwall,⁶² it seems that the precise definition of Britain is intentionally 'vague and dark'.⁶³ The confusion and imminent danger to the nation reflects contemporary uncertainty about the implications of James' British nation. In fact James never managed to create Great Britain during his reign, with resistance on both sides of the border. The vaguely defined Britain in *Lear* is a 'snapshot' of this uncertainty at the beginning of James' reign, and the power structures of this vague nation are threatened by an illegitimate succession in the form of Regan and Goneril.

The creation of bastardy in Lear's elder daughters exposes Britain to French invasion (an interesting reversal of the nation/feminine paradigm in *1 Henry VI*), but the effects of the invasion and the disorder that preceded it are mainly personal. The characters react to the widespread disorder of the state (severing of parent-child bonds, excessive social mobility) on a personal level; Lear calls himself a father with 'thankless child[ren]' (4.280), not a King with greedy heirs. The concerns of nationhood are subsumed by personal crisis. Female 'bastards' cannot use their 'illegitimacy' in a positive way as Faulconbridge does, they may only transgress, like Joan, Regan and Goneril, or submit, as Cordelia does. Transgressive female bastards are explicitly linked to national disorder. Such a nation-based function of metaphorical female illegimates, rare anyway in early modern drama, is specifically Shakespearean, arguing a particularly significant link between the concept of nation and legitimacy issues in Shakespeare's work.

⁶⁰Howard and Rackin, *Engendering a Nation*, 62; Gutierrez, 'Gender and Value', 183-93.

⁶¹Wells (ed.), *Lear*, 102.

⁶²Marcus, 'Retrospective', 115.

⁶³Harriet Dye, 'The Appearance-Reality Theme in *King Lear*' *College English* 25:7, 514.

Posthumus Leonatus

Posthumus' metaphorical illegitimacy displays a subversive potential that is contained in the play by his eventual legitimation, in a similar way to Faulconbridge, who is legitimated when accepted by a new family group. As with other illegitimates, the containment of Posthumus' bastard potential is necessary for dramatic resolution, and reflects on the central theme of nation in the British plays. In *Cymbeline*, as in the other British plays, the focus of the nation theme is connected to the 'illegitimate' character (Posthumus); yet in *Cymbeline*, one of Shakespeare's later plays, written under a more established Britain than *King Lear*, the national themes are more concerned with international politics than domestic disturbance. Accordingly, the character of Posthumus is presented slightly differently to other metaphorical illegitimates.

Resemblances between *King Lear* and *Cymbeline* are fairly clear; in both plays a king disrupts relationships (in *Lear* familial and feudal, while in *Cymbeline* lovers and families are separated, and international relations strained) to initiate the action.⁶⁴ An overlooked similarity between the two plays is the use of illegitimacy constructs to highlight thematic connections. *Lear* uses models of illegitimacy to articulate the damaged state of the nation, with Lear's bastardised daughters and Edmund in charge of a divided Britain. Likewise the metaphorical illegitimacy of Posthumus provides an arena for consideration of the wider issues of English nationhood in the international politics of the Jacobean era. The familial isolation of Posthumus initially establishes the conceptual illegitimacy of his character, yet, like other illegitimates, his metaphorical bastardy has an impact that moves beyond the family and into the developing conception of nation.

At the opening of the play, the exchange about Innogen's marriage, her husband's worth and his birth indicates the importance these matters bear on the rest of the play. Posthumus is a loner figure, despite the admiration that most of the court have for him—the courtier describing his marriage to Innogen calls him 'a worthy gentleman' and reports that the courtiers, while mimicking Cymbeline's anger, are 'glad of the thing they scowl at' (1.1.14). When questioned about Posthumus' birth, the First Gentleman replies:

I cannot delve him to the root. His father

⁶⁴ David Scott Kastan, *Shakespeare and the Shapes of Time* (London; Basingstoke: Macmillan, 1982), 146-47; Robert Hunter, *Shakespeare and the Comedy of Forgiveness* (New York: Columbia University Press, 1965), 145.

He is the epitome of a new-made man, a Tudor *novus homo*. Like Shakespeare's other virtuous (male) illegitimate, Faulconbridge, Posthumus is a composite character that plays various roles onstage: he is a poor noble, a jealous lover, an Italian and a Briton, an agent of destruction and reconciliation. Posthumus' subversive potential for mobility and change is played with throughout *Cymbeline*, as he vacillates between sides. He remains a possible threat to Britain until the closing stages when he is legitimated into the British hierarchy. The threat that Posthumus poses to Cymbeline's Britain is articulated via his association with Filario's group.

Like Richard III, Posthumus creates an alternative society to the British one he has been exiled from. He seeks out a friend of his father's in Rome, the paternal connection echoing the association between his father and Cymbeline's court. This motif of the illegitimate carving out a valid position for him or herself is repeated in *Richard III*, *King John*, and *King Lear*. However, just as Shakespeare's depiction of female illegitimates gaining power is unusual, the depiction of illegitimates Faulconbridge and Posthumus successfully legitimating themselves, rather than disrupting society when they claim power, is highly unusual.

Posthumus' 'close ancestral ties with the Continent', his 'latinate name' and 'birth under a "Jovial star"' also identify him with the foreign invaders.⁶⁵ His readiness to believe the worst of Innogen aligns him with the 'foreign' in a theatrical context, as so many passionately jealous Italians and Spaniards were depicted on the Jacobean stage, such as Ferdinand in *The Duchess of Malfi*, or in Shakespeare, *The Winter's Tale*'s Leontes.⁶⁶ Filario's group consists of foreigners, both to Britain and Rome—aside from Posthumus, Giacomo and Filario, there is a Frenchman, a Dutchman and a Spaniard. The Frenchman has seen Posthumus before, in Orléans (1.4.34), implying that Posthumus is travelled. Particularly, his familiarity with Filario and Giacomo associates him with Italians who are in conflict with Cymbeline. *Cymbeline* creates two groups of 'Italians'; the first, exemplified by Filario and Giacomo, plays on populist conceptions of Italians as degenerate,⁶⁷ while the second, the force that invades Britain, is 'Roman'—traditional and military. Though the Italians are cosmopolitan and debauched, the conflict with Britain is Roman in origin. One of the two areas of conflict that the play mentions is that the laws of Mulmutius

⁶⁵ Leah S. Marcus, 'King Lear and the Unease of Topicality', in Kieran Ryan (ed.), *King Lear* (Basingstoke: Macmillan, 1993), 114.

⁶⁶ See Webster, *The Duchess of Malfi in Three Plays*, 167-292.

⁶⁷ Ronald J. Boling, 'Anglo-Welsh Relations in *Cymbeline*' *SQ* 34:1 (1983), 35; Jodi Mikalachki, 'The Masculine Romance of Roman Britain: Cymbeline and Early Modern English Nationalism' *SQ* 46:3 (1995), 301-22.

...the sword of Caesar
Hath too much mangled, whose repair and franchise
Shall by the power we hold be our good deed.
3.1.55-57

Cymbeline resists Roman influence on British law—presumably the mythical ancient constitution of Britain that some lawyers were endeavouring to identify within English common law during the sixteenth and seventeenth centuries.⁶⁸ The practice of civil, or (significantly) Roman, law and English common law was reaching a kind of jurisdictional crisis at this point, a crisis which other British plays comment on more (Chapter 4). Posthumus' association with Rome, therefore, alludes to a contemporary source of conflict with that state. Giacomo's invasion of Innogen's bedchamber prefigures the Roman invasion of Cymbeline's Britain; in this scene, Innogen 'is' Britain.⁶⁹ Because she is Cymbeline's heir, Innogen's body represents the future of Britain. Posthumus's actions in Rome, therefore, have wider implications than the death of a supposedly unfaithful wife. He is threatening the very nation with his demand that Innogen is murdered. The romance genre, however, requires a happy ending and he is reunited with Innogen; like Faulconbridge, Posthumus plays villain and hero.

Though Union with Scotland had floundered by this time, James' European peacemaker business was thriving with the marriage of his daughter Elizabeth being arranged to the Elector Palatine. James's peaceful intentions were clear; but the national outrage that the Spanish Match negotiations attracted in 1614 suggests that a significant portion of the populace was less than enthusiastic about his diplomatic stance.⁷⁰ That many Protestants were seriously considering the fiercely anti-Spanish Prince Henry as an alternative to James at this time further suggests that there was a strongly xenophobic element in the 'British' populace in the 1610's.⁷¹ Posthumus has been described flatteringly by the courtiers, Innogen has called him 'a lustre' to her father's throne (1.1.144), and yet through Posthumus a threat of foreign interference is articulated in the Roman scenes. When Innogen meets her brothers disguised as Fidele, Posthumus's far-reaching bastard challenge to dominant ideologies is evident. Innogen is disguised as a boy because of Posthumus' plan to murder her, and in addition to the transgression of gender boundaries, her

⁶⁸ Paul Christianson, 'Royal and Parliamentary Voices on the Ancient Constitution c.1604-1621' in Linda Levy Peck (ed.), *The Mental World of the Jacobean Court* (Cambridge: Cambridge University Press, 1991), 74-94.

⁶⁹ Mikalachki, 'Masculine Romance', 311.

⁷⁰ Glyn Redworth, *The Prince and the Infanta: The Cultural Politics of the Spanish Match* (New Haven, Conn.; London: Yale University Press, 2003), 32.

⁷¹ Crawford, *Marvelous Protestantism*, 110, Redworth, *The Prince and the Infanta*, 67.

association with her *novus homo* husband results in articulation of some sentiments that were problematically egalitarian in a society which privileged a monarch and aristocracy above others. She asserts that ‘poor folks lie’ and likewise ‘rich ones scarce tell true’ (3.6.9 & 12), and that

...clay and clay differs in dignity
Whose dust is both alike.

4.2.4-5

Her language shows a preoccupation with social movement or subversion. Weimann and Bruster link these concepts to her boy’s costume.⁷² The root of these sentiments, however, is the threat that Innogen now perceives from Posthumus; he pressures the standard structure of society, pushing Innogen to reassess Britain itself.

When Posthumus returns to Britain at 5.1—the first time we have seen him onstage since 2.5, when he railed at women and fully acted the jealous Mediterranean stereotype—Posthumus is part of the Roman invasion. For a dangerous moment, he appears to be fighting against his country, but decides

‘Tis enough
That, Britain, I have killed thy mistress-piece;
I’ll give no wound to thee.

5.1.19-21

He changes his clothes from ‘Italian weeds’ to those of a ‘Briton peasant’ (11.24-24), outwardly indicating national allegiance and the departure from the Italian/foreign group he has been with in Rome. Yet when the British lord he meets turns out to be a coward, he rejects his British nationality, telling the British captain that he is ‘A Roman’. As he puts it, ‘On either side I come to spend my breath’ (5.5.81); he is an adversary to both Romans and British, and a compatriot to both, exemplifying the use of a curious perspective in issues connected to metaphorical illegitimacy.⁷³ Posthumus’s illegitimate freedom to ‘be’ either Briton or Roman makes him a dangerously free character, yet also anticipates the later compatriotism between Rome and Britain.

Posthumus’ soliloquies also create a special intimacy with the audience, as we saw in Edmund, Faulconbridge and Richard III. Again the metaphorical illegitimate is surrounded with self-aware dramatic conventions: ‘In *Cymbeline*, Shakespeare uses presentational conventions,

⁷² Robert Weimann and Douglas Bruster, *Shakespeare and the Power of Performance: Stage and Page in the Elizabethan Theatre* (Cambridge: Cambridge University Press, 2008), 131-32.

⁷³ Gilman, *Curious Perspective*, 64.

deliberately made artificial, in order to provide just that distancing needed for his Romance history'.⁷⁴ These conventions and artificialities, however, are focussed on the theme of legitimate inheritance. Jove descends to prophesy the 'stately cedar...jointed to the old stock, and freshly grow' (5.6.440-442), using plant grafting imageries loaded with associations of royalty and legitimacy respectively. The increase in soliloquies and asides that is notable in the play compared to its immediate predecessors also creates the metatheatricality in Posthumus that is used effectively in *Richard III* around the illegitimate character, leadership and faction of Richard III.⁷⁵ Though not all of these self-conscious theatrical conventions are confined to Posthumus, as they are to Richard III, he is clearly the character with the largest number of soliloquies, particularly long soliloquies which reveal more psyche than plot. Cloten, who is in some ways a 'double' to Posthumus (illegitimates, metaphorical or otherwise, frequently have a double in Shakespeare, for example Richard III and Richmond, Richard II and Bolingbroke, Edmund and Edgar, Faulconbridge and John) also gets a share of private speech; but his speeches serve more to develop the plot than create that special intimacy with the audience which Posthumus has. In fact Cloten's death pinpoints the beginning of Posthumus' integration into 'British' society. Cloten, fatherless like Posthumus, is aligned with the maternal and the associated transgressive nature. His death removes that dangerous maternal energy from Britain, as Posthumus begins his journey back. Posthumus will now be integrated into the Leonati—his paternal line—and fully settled into a British identity. In a soliloquy that is, in terms of language if not in sentiment, strikingly similar to Faulconbridge's 'we are all bastards to the time' (*King John* 1.1.207), Posthumus tells the audience

...We are bastards all,
And that venerable man which I
Did call my father was I know not where
When I was stamped. Some coiner with his tools
Made me a counterfeit...

2.5.2-6

The 'we' aligns an audience with the illegitimate speaker, much as Faulconbridge manages to do in *King John*, and the image of the 'counterfeit' was a popular one associated with illegitimacy:⁷⁶ a bastard is a 'false coin' with 'no name' (*The Devil's Law Case*, 4.2.129-130). Posthumus

⁷⁴ Barbara Mowat, 'Cymbeline: Crude Dramaturgy and Aesthetic Distance', *Renaissance Papers* (1966), 39-47.

⁷⁵ Hallet Smith, *Shakespeare's Romances* (San Marino: The Huntington Library, 1972), 162-63.

⁷⁶ Neill, 'In Everything Illegitimate', 293.

further elaborates the image with the ‘coiner’ (father) who ‘stamped’ him. Illegitimacy is again figured as being of female origin, which, despite the paternal emphasis of illegitimate inheritance in Shakespeare, continues a theme throughout the British plays.

Posthumus’ addresses to the audience are also significant because they touch on the central issue of ‘Britishness’ in *Cymbeline*, drawing attention to recent political changes, namely the Union project. Marcus has argued that Posthumus is designed to remind the audience of James’ Scottish lords, a contentious group during the early 1600s, because of his post as a ‘groom of the bedchamber’ (1.1.42) to Cymbeline, his confused national allegiance, and impoverished situation.⁷⁷ For Marcus, the surname Leonatus is also a reference to ‘James’ well-known device of the Stuart lion’.⁷⁸ This may certainly be a dimension of Posthumus’ characterisation, but overall Posthumus’ national identity has far more import than a simple analogue to a contemporary British group. The Roman affiliations Posthumus has, coupled with the fact that he has travelled in France, associate him with a wider geographical identification than Scotland. Posthumus represents a kind of pan-Europeanism that has specific ramifications for the play. While *Cymbeline* is not an allegory of James’ reign, the British connotations around Posthumus certainly provide the audience with an aural connection to the British ‘nation’ in 1611. James was particularly fond of emphasising his descent from Brutus,⁷⁹ by then a much questioned myth (Chapter 1). Brute supposedly fled to Britain because he feared his grandfather’s retribution for the accidental killing of his son, Brute’s father. The significant fact is the grandfather was called Silvius Posthumus, and Brute’s wife Innogen (hence, as in the Oxford Shakespeare, Innogen is preferred to the later alteration Imogen here—Simon Forman also records her name as Innogen in his 1611 account of the play).⁸⁰

The myth of Brute was related in Holinshed’s *Chronicle*, as were the plots of *Cymbeline*, *Lear* and the other Shakespearean histories. The recycling of names into *Cymbeline* is more significant than simply padding the story of Cunobelinus’s reign. Innogen was the first mythic queen of ‘Britain’; Silvius Posthumus the patriarch of its founding father Brute. The joining of two characters named from the ancient foundation of Britain flatteringly alludes to the contemporary ‘re-union’ of Britain under James I. *Cymbeline* can be read as a compliment to

⁷⁷ Marcus, ‘*Cymbeline* and the Unease of Topicality’, 144.

⁷⁸ Ibid.

⁷⁹ Marshall, *Theatre and Empire*, 52.

⁸⁰ John Jowett *et al.* (eds.), *The Oxford Shakespeare: The Complete Works* (2nd edn., Oxford; New York: Oxford University Press, 2006) 1185.

James I's rule, particularly in terms of foreign policy, and Posthumus' soliloquies are the main vehicle for allusions to the British topic. When he says 'Britain, I have killed thy mistress-piece' (5.2.20), he is addressing the modern day (newly-defined) British citizens of James I's 'Great Britain', just as he is addressing the Britain in which *Cymbeline* is set. Like Richard III, Posthumus exposes and uses the layers of reality in the theatre to centre audience attention on himself. He is, unlike many of the other characters in the play, solely Shakespeare's invention, which argues his importance in itself.⁸¹

The dream sequence of 5.5 serves to legitimate Posthumus, though attention is most frequently given to the descent of Jupiter. Faulconbridge's absorption into the royal family in *King John* negates his subversive presence as a bastard; likewise in *Cymbeline* the threat that Posthumus has posed to Britain is nullified by the introduction of his family in the dream. Being reunited with his missing family metaphorically legitimates Posthumus; he can now be identified as part of a continuing lineage, a legitimate family line. His father describes him as blessed by 'Great nature like his ancestry', proving himself 'As great Sicilius' heir' (5.5.1 142 & 145). His mother affirms that Posthumus was 'ripped' from her as she died, that he is indeed part of the Leonati (1.139). His brothers complete the family circle, all praising the 'nobler heart and brain' and 'dignity' of Posthumus (11.151 & 159), claiming him as their kin. The familial isolation and lack of heritage, a major source of the images of illegitimacy that surround Posthumus in this play are mitigated. In Britain, Posthumus recovers the familial link he was trying to recreate in Rome; he is legitimated both in terms of family and nation, his subversive potential negated. A legitimate son of Britain, he is not only reunited happily with Innogen, but able to integrate into the royal family.

The reintroduction of Guiderius and Arviragus also levels the disparity between Innogen and Posthumus: she 'has lost by this a kingdom' (5.6.374) but this reduction in her social status allows them to marry. Posthumus' social rise is checked before he severely stretches the boundaries of social hierarchy. Had Posthumus married Cymbeline's heir, he would, in Cymbeline's words, 'have made my throne / A seat for *baseness*' (1.1.142, emphasis added). 'Base' was frequently used as a synonym for illegitimate, and Innogen's answer that Posthumus 'rather added / A lustre to it' (11.143-144) refutes her father's assertion that Posthumus is inferior by birth to the royal family. In *Cymbeline* Shakespeare does not specifically endorse either

⁸¹ Marcus, 'Cymbeline and the Unease of Topicality', 124; Holinshed, *Holinshed's Chronicle*, 166.

Posthumus' rise or Cymbeline's anger. The importance of Innogen's marriage is conveniently reduced by the discovery of two legitimate male heirs. Posthumus' 'bastardy' is a potentially destabilising presence in Britain, yet his legitimation in 5.5 allows him to follow the model of a Faulconbridge rather than the stereotypical perception of an illegitimate. Via the fanciful dream sequence, Cymbeline's united Britain safely deflects the threat of illegitimate leadership.

The British archipelago is divided in *Richard III*, with Scotland a separate kingdom and Wales receiving the pretender to the throne; *Cymbeline* features no such internal conflicts. Cloten's more jingoistic political style, the marauding spirit of Hal and the Talbots, is outdated. Specifically we are invited to compare Cloten's idea that

...Britain's a world
By itself, and we will nothing pay
3.1.12-13

With Innogen's questioning view:

Hath Britain all the sun that shines? Day, night,
Are they not but in Britain? I'th'world's volume
Our Britain seems as of it but not in't...
There's livers out of Britain.
3.4.137-141

Cloten's bravado, which will clearly result in a war with Rome, is hardly intended to evoke the 'primitive' patriotism of the English history play.⁸² Cloten has been established from his introduction as a dolt, and his function as a double to Posthumus is significant. While Posthumus embodies the cosmopolitanism of being multinational, Cloten represents a backward-looking, insular style of leadership that, in the context of Jacobean international politics, seems hopelessly inadequate. (There is a parallel between *Cymbeline* and *Richard III*, with the thoroughly English villain Richard III opposed to the French/Welsh/English hybrid saviour Henry Tudor, and Cloten and Posthumus' attitudes to foreign nations held in opposition.) Though Cloten somewhat exemplifies the patriotic spirit of the English histories—for example, John of Gaunt's Anglocentric 'sceptred isle' speech—the change from England to Britain initiates a change in perception of other nations. The idea that Britain is 'a world by itself' (3.1.12), a 'fortress...set in

⁸² Newman, *The Rise of English Nationalism: A Cultural History 1740-1830*, 53.

a silver sea' (*Richard II* 2.1.43-46) is voiced by a dolt, not a respected patriarch. No longer is England the 'precious stone' or 'little world' that remains a 'fortress built by nature' (ll.43-46); the new Britain is involved in European politics: 'A Roman and a British ensign wave / Friendly together' (*Cymbeline* 5.6.481-482). Though some critics suggest the marriage of Posthumus and Innogen is representative of the Union project,⁸³ their marriage more importantly demonstrates the creation of the new international Britain. The hybridised, composite traveller (emphasised by language evocative of illegitimacy), marries Innogen, representative of insular Britain, who also seems willing to look beyond the 'silver sea' (*Richard II* 2.1.46). This does not change the fact that Posthumus' multinational associations were problematic at the outset, reflecting the confusion, the rapid change in political thinking that James I's leadership style had occasioned.

The illegitimacy allusions surrounding Posthumus may cast a shadow over the apparently happy union. Yet the hallmark of Shakespearean illegitimacy is variety. Ideas used in *The Winter's Tale* make Posthumus' 'illegitimacy' a positive influence on the royal line. 'Bastard' hybrids are praised because they

...Marry
 A gentler scion to the wildest stock
 And make conceive a bark of baser kind
 By bud of nobler race...
The Winter's Tale 4.4.92-95

Perdita still rejects the bastard flowers, but the argument for enriching 'wildest stock' with a 'gentler scion' has been stated effectively. Interference with nature to a certain extent, then, is justified, and the 'grafting' image of new stock onto old, as we may read Posthumus and Innogen's marriage, is not as demeaning as it may seem. Posthumus, with all the qualities he has demonstrated during the play, is the 'gentler scion' married to the royal stock, here described as 'wildest'. Perdita implies that the new scions can have value, even more so than old stock. Innogen's apparently 'baser kind' of marriage, then, will result in 'bud of nobler race', having a rejuvenating effect on the royal line. The marriage is a merger (a hybrid, or 'bastard' in early modern language) of new stock and an old established line. If Perdita's description is applied to Posthumus and Innogen, it suggests that hybridising, even bastardising, the established genetic base can ultimately create a greater line.

⁸³ For example, see Marcus, 'Cymbeline and the Unease of Topicality', 126.

Conclusions

This chapter demonstrates how Shakespeare uses the (il)legitimacy spectrum that was hypothesised in Chapter 1. Metaphorical illegitimacy is used to consider issues of sovereignty and ‘legitimate’ history using the curious perspective. In *Richard III* Richard’s metaphorical illegitimacy is both a tool to make Henry Tudor’s illegitimate descent less visible and, paradoxically, a revelation of that illegitimate descent, because the super-visibility of ‘illegitimate’ Richard increases awareness of Richmond’s elision from the text while apparently shielding the illegitimacies of Richmond’s claim. Shakespeare uses the curious perspective to balance and oppose Richmond and Richard, manipulating nuances of illegitimacy to reconsider the nature of recorded history, and hence the foundations of the England that the audience knew. Likewise Joan of Arc’s particular style of illegitimate leadership is opposed by the Talbots’ masculine legitimate England, bringing both styles into juxtaposition. *1 Henry VI* examines the idea of nation as a verbal construct: the Talbots’ England is constructed in opposition to France and Joan, and the France constructed by Joan is rooted in her own feminine illegitimate power, a power that directly opposes the patrilinear masculine authority that the Talbots try to create. The English are driven by a desire to certify their legitimacy according to masculine patrilinearity in the history plays. However, the continual destabilising presence of ‘illegitimate’ Joan and France in *1 Henry VI*, and the effects of malignant English illegitimacy in *Richard III*, prevent this legitimacy from ever being created.

Though *King Lear* was written shortly after the succession crisis had been resolved, the attitude to sovereign inheritance reveals a lingering preoccupation with succession issues. Though James was male and his sons Henry and Charles provided a definite line of succession, James’ accession also destabilised English nationhood by incorporating England and Scotland into a new British state.⁸⁴ The setting of *Lear* in a disordered, semi-mythical Britain may well be inspired by these new national boundaries. However, In *King Lear*, Shakespeare also links feminine power and illegitimacy as he did in *1 Henry VI*, and, as the introduction to the chapter suggests, the inspiration for this was the recently-concluded feminine succession of sixteenth-century England. Redefining the geographical boundaries of the nation only exacerbates the crisis of a feminine succession in *Lear*, and this echoes the contemporary political climate.

⁸⁴ Marshall, *Theatre and Empire*; see particularly Chapter 1.

England had been passed from woman to woman, and regardless of the successes or failures of these women rulers, the very transition from one to another undermines the traditional transitions of power in England. Hence in *Lear*, the heirs of Britain are bastardised and unworthy, there is an unsteady state ripe for Edmund's malicious interference in inheritance custom which is mirrored by Lear's exclusion of Cordelia. The play ends without resolution on the question of proper succession and a pessimistic mood pervades. *Cymbeline*, written some years later shows a more relaxed view of Britain the nation, anxiety instead being directed at international relations. It is the metaphorical illegitimacy that Posthumus is loaded with that articulates this anxiety. *Cymbeline* resolves by finding perfect heirs in the wilderness, with both patrilinear descent from the reigning monarch and courageous nobility suitable for leadership. Rather than settle for an illegitimate-by-descent Posthumus over an illegitimate-by-quality Cloten, the British nation in *Cymbeline* fortuitously finds two perfect heirs. Britain is an idealised nation in *Cymbeline*, in contrast to the earlier plays, which focussed on England being under threat. Still, however, tension is evident between the popular dislike of stereotypical foreigners and the new European political peace keeping of James I: Rome is a centre both for degenerates such as Giacomo and nobility such as Lucius. Though *Cymbeline* engages with similar issues to *King Lear*, however, there is a marked contrast between the representations of British identity in the two plays. While Britain in *Lear* is geographically divided and undefined, ruled by illegitimised, non-patrilinear sovereigns, *Cymbeline* is more sanguine about British identity, depicting the nation instead as threatened by foreign influence. In this play, the patrilinear line is not disturbed but recovered, and legitimacy is not lost but achieved, indicating a more relaxed attitude to the internal issues that the previous Jacobean British play dramatised.

Though a central premise of this thesis is that Shakespeare ultimately depicts definite unquestionable legitimacy as impossible to achieve, *Cymbeline* comes close to idealising a legitimate sovereign, succession and nation. Posthumus' dangerous (il)legitimacies are negated along with the threat from Europe, demonstrating the generic shift from history, historical tragedy to romance that occurs over the course of the British plays. Illegitimacy has not been truly eradicated from Britain, but amalgamated into the exiting structures: there is a political accord between Britain and Rome and 'illegitimate' Posthumus is grafted onto the 'legitimate' sovereign line. When the uncertain ending of *King Lear* is considered, the happy ending of *Cymbeline* is a new development in the British plays indeed. The stand-alone nature of this play,

without the sequels and prequels of the tetralogies may in part be responsible for the sense of closure. However, the fact that these issues have been raised at all argues for their continuing importance in early modern England/Britain under James VI and I.

Chapter 4: Illegitimacy and the Law

Though the expressions of sixteenth- and seventeenth-century English identity that have been discussed in the previous chapters focused on aspects of sovereign succession, national identity can be identified in other contexts. Another area in which Shakespeare links sovereignty, nation and legitimacy themes is that of the law. The British plays tap into a contemporary debate about the conflict between common law and civil law in England and Britain, a conflict that feeds directly into the creation of nationhood.¹ The (il)legitimacy theme of these plays exposes the inconsistencies and inadequacies in civil law, whilst using common law to signify a representation of ancient British custom. The British plays focus on inheritance as a representation of British custom, and therefore the transition of the crown is a central feature of the legal discourse that these plays engage with.

The main difference between the two legal systems in early modern England is that common law draws rules from specific cases, whereas civil law starts with abstract rules, which judges must then apply to the various cases before them.² Therefore precedent is not as important to civil law systems, which sometimes made civil law appear unjust and arbitrary, affording excessive power to the judges. Helgerson identifies a trend of pride in common law in sixteenth-century English legal writing, opposing it to the civil law system that (many English writers believed) had been formally adopted in most European countries.³ Conversely, many civil lawyers also appealed to such national identity when advocating conversion to civil law: to these men, English use of a unique legal system was a marker of primitiveness, and adopting civil law would raise England to the same level as continental Europe. Shakespeare's participation in the civil/common law debate therefore participates in a discourse that helped to define a model of English nationhood. In the British plays, issues of legitimacy dramatise the variance between common law and civil law. Shakespeare uses illegitimacy as a motif to expose the pitfalls in common law.

¹ Helgerson, *Forms of Nationhood*, 65-104.

² Brian P. Levack, *The Civil Lawyers in England 1603-1641: A Political Study* (Oxford: Clarendon Press, 1973), 3-5.

³ Helgerson, *Forms of Nationhood*, 67.

The Civil Law vs. The Common Law

A clash between civil and common lawyers which had been simmering throughout Elizabeth I's reign reached new heights under James I, and falling numbers of suitable employment positions for 'civilians' exacerbated the confrontation between civilian and common lawyers. Attempts to standardise legal fees resulted in many civilians pleading poverty, and common lawyers began what appeared to be a systematic challenge to the civil law by placing prohibitions on civil law cases 'with greater intensity than ever before.'⁴ A prohibition allowed a common lawyer to challenge the right of a civilian to work a particular case if common law jurisdiction could be proved. In practice, this resulted in unscrupulous common lawyers twisting cases to fit their jurisdiction, and impoverishing the civilian trade.⁵ Understandably, civilians resented their treatment and complained frequently to the sovereign.

The conflict was well publicised, because the arguments were often relevant in other areas—for example, the debate about monarchic absolutism, which the accession of James I brought into the English public domain, was linked with civil law. The civilians, whether accurately or not, were believed to be allied with monarchic absolutism and defence of the royal prerogative. Likewise, the common lawyers were seen as defending basic rights of the people against excessive use of royal prerogative. Fortescue had previously defined the civil law as being centred on the maxim *quod principi placuit legis habet vigorem* ('what pleases the prince has the force of law'), because 'the governing authority derived its powers solely from God and not from the people'.⁶ Those who opposed limitless royal prerogative argued that the people vested power in the governing authority, that there was an ancient bond between ruler and people, allowing them certain rights and liberties, and the ruler certain prerogatives based only on his/her continuing dedication to government for the benefit of the people. Common law had become inseparable from this notion of an ancient constitution.⁷ Several prominent men aligned with the common law, including Coke, now argued that a pre-historical British constitution could be drawn out of historical record with careful research.⁸ Though there were many ideas

⁴ See Levack, *Civil Lawyers*, 60-71, 72-75.

⁵ Donald R. Kelley, 'History, English Law and the Renaissance' *Past and Present* 65 (1974), 26.

⁶ J.P. Somerville, 'James I and the Divine Right of Kings: English Politics and Continental Theory' in Levy Peck (ed.) *The Mental World of the Jacobean Court*, 61.

⁷ Zaller, *Discourse of Legitimacy*, 321.

⁸ *Ibid.*

circulating about what this constitution might actually entail, many did not doubt the existence of a constitution—and most conceptions of it featured the ancient ‘liberties’ of the people and the limits of sovereign power.⁹ Bracton’s maxim that the king is above every man ‘except God and the law’ also defined the common law perspective.¹⁰ In this formulation, law, not the monarch, was the centre of justice and it is on this distinction that the major Parliamentary disputes of the Stuart dynasty hinged. James had ruled Scotland under civil law, and was strongly inclined towards absolute royal prerogative: despite his claims that he held common law in high regard, ‘there was little question whose cause he was defending’.¹¹ Common law required Parliament to pass laws, and so common lawyers saw MPs as a defence against tyrannical monarchs. The civilians, and James, preferred to see Parliament as a kind of counsel for the monarch, where the final decision rested with the King.¹²

However, the civilians’ political affiliation with the King did not mean that they had the legal system all their own way. The strange decision of James to overturn the Elizabethan system of appointing a majority of civilians (three out of four posts) to the Masterships of the Court of Requests intensified the civilians’ plight and the common law’s dominance. Elizabeth had raised the number of Masterships from two to four to create posts for the flagging civilian trade; but for James to appoint only common lawyers to this position was against his personal inclinations. Ogilvie has suggested that the common lawyers were so consistently attacking the jurisdiction of the Court of Requests that James was trying to appease them.¹³ However the affiliation of James (and Charles I) with the civilians is sometimes oversimplified, as is the suggestion that civilians were entirely in support of the King’s prerogative, and common lawyers entirely against. The general arrangement of lawyers on the civil war ‘sides’, common lawyers being Parliamentarians, and civilians most often Royalists, may be one reason for this perception; yet though by and large civilians were supporting James’ inclinations toward absolutism, a small fringe of civilians was entirely opposed to the assertion that the king was above the law.¹⁴ Likewise, a few anomalous common lawyers retained firmly Royalist convictions in the face of

⁹ Christianson, ‘Ancient Constitution’, 80-81.

¹⁰ Henry de Bracton, *Select Passages from the Works of Bracton and Azo*, ed. Frederic William Maitland (Volume II; London: Selden Society, 1894), 41.

¹¹ Levack, *Civil Lawyers*, 34-5.

¹² Somerville, ‘James I and the Divine Right of Kings’, 67.

¹³ Charles Ogilvie, *The King’s Government and the Common Law, 1471-1641* (Oxford Clarendon, 1958), 88.

¹⁴ Levack, *Civil Lawyers*, 104-08.

their profession. It is, however, the *perception* of polarisation between the civilian and common lawyers that is relevant to Shakespeare's depiction of English and British law.

This perception of polarity arose because the conflict was portrayed in the majority of literature relating to contemporary legal issues as a polemical debate about the extent of monarchic power. Sir John Fortescue's *De Laudibus Legum Angliae* (1470), which defended the common law of England in contrast to the civil law of France, was translated into English in 1567 and experienced a surge in popularity during the 1590s.¹⁵ The widely-circulated libel poem *The Censure of the Parliament Fart* (c.1607), referencing many individual MPs and lawyers of high standing, mocked their particular areas of expertise or unpopular policies.¹⁶ In the poem, Coke is seen discussing whether the fart can be regarded as Post-Nati 'by our law' (1.89), and civil lawyer Sir Daniel Dun suggests 'This fart shall be bought into the court of requests' (1.57). The common/civil law confrontation is further alluded to by the discussion of 'precedent' (1.35) and the attempt of William Paddy to 'draw / This fart within the compass of the civil law' (ll.145-46). *The Parliament Fart* indicates that these issues were of contemporary interest, especially as the poem exists in several editions extending into the 1620s, continuously added to and revised to maintain topicality. One of the necessary events that a move to civil law would occasion was the creation of an English *Corpus Juris*, in the style of the Roman *Corpus Juris Civilis*, as civil law was based on a written book of law, while common law was based on oral precedent. Despite Morison and Starkey's attempts in during the reign of Henry VIII,¹⁷ it was not until Shakespeare's lifetime that this work was created.

Ironically, the man who, in his *Reports* of 1600-15, his 1614 *Book of Entries* and *Institutes* (1628-44) 'produced something of a *Corpus Juris* for England', was Sir Edward Coke, the notorious common lawyer who frequently clashed with James. This proves that early modern English law was a complex structure, a mass of 'personal, political and professional disputes'¹⁸ that extended beyond legal categories. National allegiance had also become a defining aspect of the dispute. Civil law was attacked for being foreign, and endorsing a foreign style of rule upon England, where the king had always been *dominium politicum et regale* (ruled by both king and

¹⁵ Andrew Hadfield, *Shakespeare and Renaissance Politics* (London: Arden Shakespeare, 2004), 7.

¹⁶ Anon, *The Censure of the Parliament Fart* (c.1607) [electronic resource] www.earlystuartlibels.net/htdocs/parliament_fart.../C1i.html, accessed 26/05/2011

¹⁷ See Thomas Starkey, *A Dialogue Between Pole and Lupset*, ed. Kathleen M. Burton (London: Chatto and Windus, 1948), Morison's 1535 MS, *Discourse Touching the Reformation of the Lawes of England* cited in Helgerson, *Forms of Nationhood*, 70.

¹⁸ Helgerson, *Forms of Nationhood*, 71.

parliament) rather than *dominium regale* (ruled by king alone), as in France. Partisans of civil law were unable to deny this; they instead based their platform on the idea that England's common law was an undesirable differentiation from other political and national forces in Europe. Because it was believed that 'civil law kings might easily degenerate into tyranny', the common law of England was seen by some as 'a barrier against such degeneration... a legitimate source of national pride.'¹⁹ The desperation of the civilians to raise England to the level of their counterpart nations, however, also reveals a sense of English identity in legal areas. To recognise a marker of inferiority in one's own nation, and wish to adopt a different system to raise the nation's international standing, suggests a sense of community, of shared English identity among civilians, which mimics the pride common lawyers felt in the insularity of common law.

The common lawyers were so concerned about the civilians' encroachment into their practice that in 1547 they appealed to Protector Somerset to limit civilian jurisdiction. Though this indicates that the civilians were making ground in the 1540s, the decline of the civil law under both Elizabeth and James shows that, as Pocock claims,

Between 1550 and 1600 there appeared a great hardening and consolidation of common-law thought, whether this arose as the common law sought to defend itself against aggressive conciliar rivals, or whether the effect of Tudor centralization was to deliver it from more rivals than it created and actually make it easier for it to regard itself as the sole and supreme system of law in England.²⁰

Maitland's description of the common law under attack is also thrown into doubt because 'a lawyer of the 1550s would 'have been far more aware of the civil law as a part of the English fabric'.²¹ The notion of civil law threatening the status of English common law is suspicious, as the two codes of law had co-existed for hundreds of years before the Tudor-Stuart dynasty saw the jurisdictional conflict. In actuality the civil law never appears to have truly threatened the dominance of common law in England.²² Neither was it truly the dominant legal system in France, but was used only when common law was felt to be lacking (much the same as in England, as common law was basically land law and totally irrelevant to some cases). Though inaccurate, the perceived threat from civil law was, thanks to a long line of misinterpretation

¹⁹ Richard Helgerson, *Forms of Nationhood*, 69.

²⁰ J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge: University Press, 1987), 31.

²¹ *Ibid.*, 32.

²² Kelley, 'History, English Law and the Renaissance', 24-51; J.H. Baker, 'The English Law and the Renaissance' *Cambridge Law Journal* 44 (1985), 46-61.

starting with Fortescue, the prevailing conception of both the French state and the civil law.²³ Maitland's once influential argument that English common law was severely under threat from the civilians in the sixteenth century has since been disputed by many legal historians,²⁴ but it is clear that there was a conflict between the two legal forms, however based on misinterpretation it may be.

Due to lawyers like Coke and Bacon, this was not how the non-legal members of society perceived the conflict. In 1603 Anthony Wood reported a 'general rumour going about the nation that the civil law should be put down and quite exterminated'.²⁵ There was evidently strong pro-common law feeling amongst the general public. Taking his cue from Fortescue, the remarkably 'insular' Coke emphasised the idea of a continuous English law originating well before the Norman Conquest and passed down through history. Coke, along with Henry Jenkins, first emphasised the importance of the Magna Carta in the early seventeenth century, using it as an example of the ancient rights which, he believed, had always existed in England but were first written down in the Charter.²⁶ Coke's certainty on the matter is remarkable, 'and the assumption seems to be made no less instinctively by the other lawyers of his generation'.²⁷ The idea of an ancient British (or English) constitution, a set of timeless laws that the 'British' states should now attempt to restore and live by, had gripped many writers, although what this constitution actually entailed varied widely from lawyer to lawyer.²⁸ The common law, according to Harrison, 'fetched even from the course of most ancient laws made far before the Conquest, and thereto the deepest reach and foundations of reason.'²⁹ Harrison demonstrates the constitutional common law sentiment crossing over into popular history writing, and hence indicates that interest in the issue was not restricted to legal circles. Harrison's vision of the English commonwealth is of rule within the parameters of a traditional system of law, where 'Rulers, even conquerors, who strayed from this tradition were apt to find great hindrance if not danger, as the Normans did... The law, then, gave security to king and subject alike. Like a gyroscope, it

²³ Baker, 'English Law', 46-50.

²⁴ See Frederic William Maitland, *English Law and the Renaissance* (Cambridge: Cambridge University Press, 1901); Baker, 'English Law', 46-61.

²⁵ Anthony Wood, *The History and Antiquities of the Colleges and Halls in the University of Oxford* Vol.II (Oxford: John Gutch, 1786-1790), 281.

²⁶ J.C.Holt, *Magna Carta* (Cambridge: Cambridge University Press, 1965), 4.

²⁷ Pocock, *Ancient Constitution*, 34.

²⁸ Christianson, 'Ancient Constitution', 71-95.

²⁹ William Harrison, *Chronologie*, cited by Zaller, *Discourse of Legitimacy*, 171.

always returned the commonwealth to first principles, no matter how pushed.’³⁰ What Zaller calls ‘the law’ refers to the ‘ancient’ common law. European civil law was perceived as a threat, because as it did not safeguard these traditional English practices. It is significant that the idea of an ancient constitution only becomes current in the seventeenth century, when James’ enthusiasm for absolutism threatened the English Parliament.³¹

The idea of central importance to Shakespeare’s British plays is not the factual accuracy of lawyers such as Coke, but their impact on perception of common and civil law at this time. However right or wrong his convictions may be, Coke was immensely influential both in legal circles and a wider audience, and influenced how his readers perceived legal structures. Shakespeare may never have read Coke, but Coke is the most famous legal writer of the time, and Shakespeare has often been identified as having more than average legal knowledge.³² That Coke’s *Reports* were produced in the same political climate as the Jacobean British plays indicates that the significant legal events of the late sixteenth and early seventeenth centuries are a vital context for understanding Shakespeare’s British plays. This chapter identifies legal and political issues such as those mentioned above—absolutism, common and civil law, the British constitution—in the British plays, suggesting that as James took over from Elizabeth, the simmering conflict between legal practitioners took on new, important connotations of monarchic rule. Hence, *King John* is examined with Elizabethan English independence in mind, the confusion about legitimate succession being merged with the desire for political and religious autonomy. As Chapter 2 argued, there is a noteworthy shift in perspective between *King John* and *King Lear*; while addressing similar issues, the advent of James and ‘Britain’ makes the later play a very different representation of national politics. Shakespeare uses *Lear* to explore the new developments in legal politics, with absolutism, James’s desire for Union and the supposed ancient constitution now paramount. The chapter closes with *Henry VIII*, where Shakespeare considers English segregation from Europe and monarchic absolutism, using legal debates of legitimacy to do so.

³⁰ Zaller, *Discourse of Legitimacy*, 242.

³¹ Christianson, ‘Ancient Constitution’, 80, J.C.Holt, *Magna Carta*, 3.

³² Franklin Fiske Heard, *Shakespeare as a Lawyer* (New York: Haskell, 1977).

English Authority and Legal Individuality in 'King John'

Shakespeare's John is not depicted as favourably as Bale's anti-Papal hero in *King Johan*, but neither is he as inept and indecisive as the John of *The Troublesome Reign*. The ambivalent depiction of John, whom critics have found 'in no sense a true protagonist',³³ emphasises the ambiguous nature of law and rule in this play. It is evident that John is a weak king.³⁴ His incomplete rebellion against Papal power, though, is far more than an example of weakness. It depicts the conflict between English common law authority and continental civil law authority. The attitude that we have seen originating in Fortescue's *Learned Commendation* representing English common law as superior to continental (French) civil law is present in John's resistance. The French are allied with the Pope in *King John* and threaten the autonomy of England, providing a relatively conventional representation of malicious foreign powers in post-Reformation England. The overtones of legitimacy and legality, however, are Shakespeare's addition.

Despite widespread uncertainty over the date of composition *King John* was certainly written pre-1600, and embodies a different set of national concerns from those in the Jacobean plays. The representation of the Pope and a foreign power trying to control English affairs is strongly reminiscent of many events of Elizabeth I's reign, when Catholicism, affiliated with Spain, was probably the greatest threat to English stability. Chapter 2 has already established the danger that continental powers could pose to the uncertain English succession in the 1590s; likewise the international threat of foreign civil law to common law is prominent in the British plays. Religious and political affiliations become superseded by national identity, and in *King John* common law is set above foreign Papal authority.

Though the omission of the Magna Carta may make it appear that *King John* was unconcerned by the issue of common law (as Magna Carta is a legal document that grants 'certain rights and freedoms' to free men³⁵), Holt argues that this perception of Magna Carta as representing a continuity of ancient English law is a relatively recent occurrence, and that in

³³ Van de Water, 'The Bastard in *King John*', 137.

³⁴ See Manheim, *Weak King Dilemma*, 129-61.

³⁵ J.C.Holt, *Magna Carta*, 25.

Shakespeare's lifetime, the Charter was not regarded with such importance.³⁶ In the seventeenth century, when Coke first began to raise the significance of the Charter, he argued that Magna Carta was an assertion of existing laws and rights, not a new development,³⁷ emphasising the continuous, unique nature of English law. Though the civil/common law conflict was certainly an issue pre-1603, as *King John* demonstrates, the ancient constitution had not yet become a matter of debate in Parliament. So although a modern audience might expect Shakespeare, if he was drawing parallels with contemporary legal issues, to have made more of the Magna Carta episode, this is not necessarily the case. *King John* deals with the legal issues of the 1590s, a key one being English individuality. The issue of absolutism is not as central to *King John* as in *Lear*, though John's tentative attempts to gain control of his kingdom and break away from Rome are portrayed sympathetically.

John speaks with a strong Protestant ethos, calling the Pope a 'meddling priest' and asserting that

...No Italian priest
Shall tithe or toll in our dominions.
But as we, under God are supreme head,
So under Him, that great supremacy
Where we do reign, we will alone uphold
Without th' assistance of mortal hand.

3.1.153-159

The Pope's religious authority is clearly disputed in these lines, yet national allegiance is a subsidiary element of John's anger. Though the main impetus of this speech is on John's supremacy, the reference to an 'Italian' priest also creates a sense of national boundaries: in addition to the religious conflict, a sense of English identity is being articulated. Despite the fact that the post-Reformation Church of England also exacted tithes, John's words distinctly show distaste for the transfer of English money into Italian pockets. Following John's stress on the Italian 'nationality' of the Pope, he emphasises the financial presence of the Pope in his 'dominions', making it clear that the Church is a foreign entity to him, that the Pope is interfering in England's wealth and governance. John hence delineates secular national boundaries which religious authority should not cross; his idealised England is autonomous,

³⁶ Ibid., 27-29.

³⁷ Ibid., 3.

defined by borders that keep foreign interference out—the kind of boundaries John of Gaunt envisioned in *Richard II*.

The argument is legally significant: canon law asserted the supremacy of the Pope; presumably it is this supremacy that Pandulph refers to when he describes his ‘lawful power’ (l.172) to excommunicate John and canonise the murderer. The injustice of Pandulph’s foreign law is highlighted by the plight of Constance, who wants it to be ‘lawful’ that she ‘have room with Rome to curse awhile’ (l.180). Yet Pandulph’s reply, ‘there’s law and warrant, lady, for my curse’ (l.184), implies that she has no place in his law. Constance responds by furiously crying against the paradox of the law: ‘...he that holds [the] kingdom, holds the law’ (l.188), and therefore the law is ‘perfect wrong’ (l.189) because it allows no legal ruling against the king. In France (where Constance lives) such a statement would appear true, because it was believed that civil law had been wholly adopted there. The Pope similarly controlled Catholic ecclesiastical law, which Pandulph uses to silence her. Constance, who has been called a bastard-bearer by Eleanor (though there is no indication these insults should be believed) puts pressure on the ineffectual civil and ecclesiastical laws: again Shakespeare tests the structures of early modern England through connections to illegitimacy. Constance’s outcry highlights again the independent English system that was a ‘source of pride’, a system that is outside of the king’s control and that affords justice to all.³⁸ John’s refusal to concede his power to the authority of the Pope creates an atmosphere of national independence around his attempts to take control.

Further evidence of the variance between English and French legal ruling is shown during the opening scene, when John rules that Philip Faulconbridge is legitimate, because he was born in wedlock—though his father was not necessarily the man married to his mother. This exemplifies the difficult and occasionally contradictory rulings on illegitimacy that were a feature of English law,³⁹ and begins the connection between John’s common law ruling and illegitimacy that is developed in Faulconbridge. John likens the concept to having a cow in calf: ‘which fault lies on the hazards of all husbands’ (1.1.119). The cow and calf comparison reminds the audience that they are dealing with finance and property. Inheritance would have been

³⁸ Helgerson, *Forms of Nationhood*, 69.

³⁹ For a more detailed discussion, see the Introductory Chapter 1.

implicitly understood as an issue here, because if indeed Philip is ruled a bastard, he would have to forfeit his inheritance to his younger brother.⁴⁰

Despite property law, a kind of sentimentality supersedes the legal ruling of Faulconbridge as legitimate when Eleanor decides that the bastard has ‘a trick of Coeur-de-Lion’s face’ (1.1.85), and John changes his mind, ruling instead that Philip Faulconbridge is an illegitimate son of Coeur-de-Lion. John reconsiders a legal ruling, evidently not constrained by the convention of common law. Sir Robert Faulconbridge, though he was married to Lady Faulconbridge, was not within the bounds of the English king at the time, being on ‘an embassy / To Germany’ (1.1.100), and according to common sense, not the father. Coke’s definition of the common law ruling on illegitimacy, however, argued that the husband needed to be ‘within the four seas, that is, within the jurisdiction of the King of England’⁴¹ at the time of birth (not conception) for the child to be legitimate. According to common law, Faulconbridge is inescapably legitimate, as John rules initially. Despite the faith in the individuality of the English legal system that the play obviously espouses, we are left with the disconcerting doubt about this common law: John’s prioritising nature and commonsensical attitude (judging by Faulconbridge’s appearance) over the technicalities of English common law (the cow and calf analogy) has good consequences for the English nation, as he becomes an effective military commander and defines English nationhood. However, as a bastard in common law, he is excluded from inheriting land or property. If John classed him as legitimate, Faulconbridge would inherit Sir Robert’s land, an outcome that would be obviously unjust.

Flexibility is a feature of the common law that benefits the nation: Faulconbridge chooses to be a bastard under the imprecise definition of illegitimacy in common law, with obvious benefits to England. This Elizabethan articulation of English law changes with the accession of James; in *Lear* Shakespeare treats deviation from common law as a gross neglect of a king’s duty to his country. The debates over the constitution in Parliamentary and legal rhetoric infuse the Jacobean British plays; yet under Elizabeth, and while dealing with the reign of the King that signed Magna Carta, Shakespeare devotes little time to the idea of a constitution binding king

⁴⁰ Findlay, *Illegitimate Power*, 113.

⁴¹ Coke, ‘Certain Select Cases’, 244.

and subject. This may well be because James' famous absolutist tendencies made the issue more immediate than it had been under Elizabeth, who always maintained the common law.⁴²

It would be as obvious in Shakespeare's lifetime, as it is obvious now, that the common law stance on legitimacy is nonsensical; John's assay into absolutism in the Faulconbridge issue is understandable. Surprisingly, when compared to the pro-common law attitude of *Lear* and *Henry VIII*, common law is ineffectual in this area. Those plays, however, were written under a very different monarch, with a different attitude to the law. In the 1600s, under James I, common law became 'threatened' and also firmly associated with Englishness, and Shakespeare increases the importance of common law accordingly. While it is suggested here that the civil law maxim *quod principi placuit legis habet vigorem*—what pleases the prince has the force of law—is an alternative legal style, Shakespeare goes on to show us the danger inherent in such a system. John is irresolute, and cannot maintain his independence. As an absolutist ruler, he endangers the kingdom and cedes power to Rome, despite his rejection of canon law, allowing what is effectively an illegal foreign presence to take control of England. The play implicitly points out that if the sovereign is not strong, the absolutist freedom allowed by the civil law is dangerous. John compromises English independence because he has not the strength of character needed in an absolute king.

The Faulconbridge debate shows the beginnings of the link between illegitimacy and the law in Shakespeare's British plays. *King John* creates links between the illegitimate and the legal debate only to articulate the tension evident between the pride in common law and the encroachment of civil law upon English law. Despite this pride the play is unable to reconcile fully features of common law with the reality of illegitimacy, in the case of the law that clearly deems Faulconbridge legitimate. A relatively early play, *King John* begins the fascination with civil and common law that is so fully explored in *Lear*, and in *Henry VIII*, Shakespeare once more returns to 'Protestant' politics and Papal intrusion.

'King Lear', Inheritance and the Common Law

King Lear, written probably five or ten years after *King John*, reflects the different political implications of civil and common law at that time. *Lear* opens with the division of Britain, just

⁴² Kelley, 'History, English Law and the Renaissance', 29.

as James I was beginning his Union project with Scotland. This has prompted critics to draw links between the dramatic division and the actual Union, arguing that *Lear* is strongly reminiscent of the Union project and its surrounding political events.⁴³ The 1608 Q *Lear* was based on a court performance on December 26, 1606, though the play was probably performed publicly before then, possibly in the latter half of 1605.⁴⁴ *Lear*'s approximate time of composition, then, is within two years of the beginning of James' reign, when ideas of a Union between England and Scotland were current and the civil-common law conflict had escalated to include the now prickly issue of monarchic absolutism.⁴⁵

The Christmas period of 1606, when *Lear* was performed at Court, was notable because Parliament was in recess during the assembly that debated the Union most hotly before it became apparent that the plan was unlikely to come to fruition. Therefore, in the respect that in *Lear*, 'the world had fallen because the dignity of the monarch had done so' and the calamity is initiated by the dividing of the realm, 'the play was much less subversive than we might think.'⁴⁶ However, *Lear* is also a portrayal of a King who refuses to abide by common law, attempts to become an absolute sovereign not bound by the ancient constitution (which, with the accession of James Stuart, is suddenly a far more pressing issue than it was in the Elizabethan *King John*) and releases disaster on Britain, aided by the tenets of civil law. *Lear* was influenced by contemporary politics: but the prominence given to the law in *Lear* suggests that Shakespeare was also participating in the contemporary legal debate.

Though it is plausible to accept the suggestion that *Lear* was a 'local text' created for a specific time in English political history,⁴⁷ there is also room to interpret *Lear* as a 'local' text in terms of the law. The common-civil law clash was another Parliament-sovereign confrontation that was gaining vehemence as James' absolutist agenda clashed with the common lawyers. As the 'symbolic centre of society', the monarch in *Lear* is depicted as the focus of anxieties about seventeenth-century England.⁴⁸ Shakespeare specifically uses the character of Lear to dramatise the 'anxiety' generated around the law. James' well-known civilian sympathies were augmenting the legal conflicts of the early seventeenth century. There was now a widespread feeling in the

⁴³ Marcus, 'Retrospective', 118.

⁴⁴ Wells (ed.), *Lear*, 11.

⁴⁵ Somerville, 'James I and the Divine Right of Kings', 68.

⁴⁶ *Ibid.*, 59.

⁴⁷ Marcus, 'Retrospective', 118.

⁴⁸ Greenblatt, 'The Cultivation of Anxiety', 160-67; *Ibid.*, 116.

populace, documented by Anthony Wood, against civil law.⁴⁹ In the mock trial on the heath (Q only) Shakespeare exhibits the potential problems of civil law as pro-common law writers depicted it. Lear, having clearly lost his wits, tries to ‘arraign’ his daughters with a madman and a fool acting as ‘learnéd justicers’ and himself as witness providing the only evidence (13.17-8). Lack of a jury and emphasis on testimony indicates a civil law trial—presided over by a Fool and a madman. Though Edgar is feigning madness, the arbitrariness of such a system is still emphasised. Lear is in charge, choosing the justices and ordering proceedings: ‘sit thou here’, ‘bring in the evidence’, ‘arraign her first,’ (ll.19-42). The interference of the sovereign in the supposed exercising of justice taps into the wider legal debate about sovereign prerogative and the civil law. The fact that these lines were removed from the F version of *Lear* in 1623 strongly supports the notion that Q *Lear* was a topical creation that reflected political issues of 1604 and 1605.⁵⁰ Like the interest that the play depicts in the matter of the Union, the threat of absolutism and the civil law were topics that had a particular relevance to the early part of James’s reign, and in which, for the later composition of the text that appears in F, had declined in topicality.

Lear is a peculiar mix of contemporary allusion and historical narrative, resisting simple categorisation. Despite the fact that a ‘real’ Lear would have been untroubled by civil law, which was introduced with the Norman Conquest, the mythic early Britain under Lear owes a lot to the contemporary writings that described England as being besieged by civil law, advocating a return to an idealised pre-Norman common law. The pre-Norman common law corresponds to the mythic Britain under Lear: both were often perceived as belonging to a legendary past era of pure ‘Britishness’ before the Norman Conquest.⁵¹ Coke, the leading figure in the common law camp, often based his arguments on the ‘fiction of an immemorial constitution’.⁵² To negotiate the legal issues in *Lear* Shakespeare uses motifs of illegitimacy and parental rejection. Illegitimacy issues are presented particularly in the characters of children, particularly Cordelia and Edmund: in *Lear* Shakespeare explores various methods of property transfer and inheritance using the motif of illegitimate, and bastardised, children.

⁴⁹ Wood, *History and Antiquities*, 288.

⁵⁰ Marcus, ‘Retrospective’, 118-132.

⁵¹ Ibid.

⁵² Zaller, *Discourse of Legitimacy*, 326.

Cordelia and Gavelkind

The usual tradition of inheritance in Shakespeare's England was primogeniture, where property transferred from father to eldest legitimate son. Land was often entailed onto the nearest male relation, especially in the upper classes.⁵³ Primogeniture was favoured because it preserved the entirety of the land, and was the legal default method in England when instructions were not left to the contrary.⁵⁴ Lear's Britain obviously operates a primogeniture style inheritance system, as Edmund's machinations to steal his brother's inheritance show.

As an elderly king with no male heir, Lear is in a problematic position. He therefore reorganises the succession, splitting the kingdom between his daughters. British royalty had recently faced Lear's dilemma: Henry VIII nominated his daughters as heirs after the death of Edward VI, and Mary Queen of Scots had inherited Scotland upon the death of her father James V. Division had only once occurred before in English history; after the Norman Conquest, William divided his realms, giving Normandy to his eldest son, Robert, and England to William II. After this, both realms descended by primogeniture, participating in English tradition. As if to emphasise this, Shakespeare creates a sense of foreboding around the division: Lear himself refers to the love test as his 'darker purpose' (1.36); he is going to marry Cordelia to a foreign prince, with a section of Britain as her dowry, which will therefore be under foreign control, compromising the pre-Norman purity of Lear's Britain.

On a domestic scale, Lear's dilemma faced early modern society fairly regularly; men without sons frequently left their property to daughters or their daughters' husbands. Alternative methods of common law property transfer did exist in early modern England: in the event of there being legitimate female heirs, property was divided between them, and passed to their husbands upon marriage—such co-heiresses were not uncommon in aristocratic families.⁵⁵ An alternative inheritance system called gavelkind involved the property being divided amongst all the children.⁵⁶ Frequently fragmented properties led to diminished estates and poverty, so gavelkind was not widely practised.⁵⁷ Lear attempts to stay within the bounds of common law in his search for a solution to the succession, and gavelkind neatly permits the inheritance of

⁵³ William O. Scott, 'Landholding, Leasing and Inheritance in *Richard II*' *SEL* 42:2 (2002), 302.

⁵⁴ *Ibid.*

⁵⁵ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 72-4.

⁵⁶ Scott, 'Landholding, Leasing and Inheritance', 305.

⁵⁷ Findlay, *Illegitimate Power*, 30.

women. However, Lear breaks common law tradition by adopting gavelkind and then excluding Cordelia. Somner's *Treatise on Gavelkind* (1660) states that the gavelkind system works by dividing the inheritance amongst *all* the children:⁵⁸ to exclude a child in gavelkind is, roughly, analogous to a second son inheriting while his elder brother was still alive in a primogeniture system.

Though gavelkind was famously the Irish national system during Shakespeare's lifetime,⁵⁹ it also had the force of common law in Kent, where it was predominantly practised in England.⁶⁰ The presence of Kent, then, objecting to Lear's scheme is significant. Kent vocally opposes the exclusion of Cordelia in personal terms, saying she 'rightly thinks, and hast most justly said' (1.172). However, Kent represents the only English county that practised gavelkind, and his defence of Cordelia also becomes a defence of custom, of those ancient inheritance practices that form a cornerstone of British nationhood. This impression is strengthened by the fact that Shakespeare actually altered the source material to incorporate a 'Kent' at this point; Perillus, a correlating character appears in *King Leir*, has his own equally evocative name.⁶¹ However, Shakespeare's choice of the name 'Kent' evokes not the impending doom that 'Perillus' implies, but in this context, the ancient legal constitution of a British nation.

Lear's disregard of the common law traditions of his country instigates the disaster in his kingdom, because the loss of Cordelia enables her sisters to overthrow Lear and take control. This act is rooted in Lear's confusion of the two spheres, political and domestic, in which he moves.⁶² Lear cannot put aside his (domestic) anger at 'ungrateful' daughter Cordelia to include her in the (political) gavelkind system. Aware that he has violated inheritance custom, Lear attempts to justify his actions by creating an illusion of legality around Cordelia's exclusion. It has already been established that illegitimates were excluded from inheriting in English common law, and so Lear bastardises Cordelia, attempting to legalise her exclusion. After her 'incorrect' response to the love-test, Lear will

...disclaim all my paternal care,
Propinquity, and property of blood
And as a stranger to my heart and me

⁵⁸ William Somner, *A Treatise of Gavelkind* (London: R & W. Leybourn, 1660), 43.

⁵⁹ Ibid.

⁶⁰ Findlay, *Illegitimate Power*, 30.

⁶¹ Anon, *True Tragedy of King Leir*.

⁶² Greenblatt, 'The Cultivation of Anxiety', 163.

Hold thee forever...

1.105-108.

Cordelia is a castaway, a 'sometime daughter' (1.113), but this is also the language of bastardisation: Lear threatens to 'disclaim all my paternal care'. Lear creates a link between children and property that becomes central. He denies Cordelia the 'property of blood', traditionally defined as 'family attributes'.⁶³ This continues the bastardisation process, denying Cordelia's hereditary likenesses to Lear, and removing the certainty of his paternity. However, 'property of blood' is also allusive of inheritance: property that Cordelia's blood entitles her to keep. Lear is also emphasising her financial loss, building on his statement 'The truth shall be thy dower' (1.100).

Lear creates a link between bastardised children and property that disrupts the harmony of Britain. Cordelia's exclusion from her inheritance and Edmund's machinations to usurp his brother's both lead to the calamitous events in Britain. Lear's daughters usurp his position after receiving their inheritance, and Edmund usurps both Edgar's and Gloucester's property. Lear's imperfect fulfilment of gavelkind creates the disorder in his state. If Cordelia were in possession of her share of Britain, she would provide a balance to her sisters, preventing them from owning Britain entirely, and Lear would have refuge. Goneril and Regan's sly conversation after the love-test implicitly shows that the banishment of Cordelia is Lear's 'poor judgement', and allows them to 'hit together' (1.280 & 292).

Lear bastardises Cordelia to justify his rejection of her. Because of the mode of inheritance in gavelkind, however, Cordelia's exclusion is *not* justified. Gavelkind was unusual for including women, children, younger sons, and illegitimates, and was frequently referred to as originating from the phrase 'give-all-kind'.⁶⁴ Though Coke claimed that the system had been altered in England ('as to Bastards that custom was abolished'⁶⁵), gavelkind was known for including all, and this idea appears both in Somner's *Treatise* and Sir John Davies' *Discovery of the true Causes why Ireland was never entirely Subdued* (1612) in which he complains that

⁶³ Wells (ed.), *Lear*, 105.

⁶⁴ Findlay, 30-31.

⁶⁵ Coke, 'Certain Select Cases', 175.

that Irish Custom of Gavel-kinde, did breede another mischief; for thereby, every man being borne to Land, as well Bastard, as Legitimate, they all held themselves to be *Gentlemen*.⁶⁶

This demonstrates that gavelkind was renowned for including all, regardless of birth legitimacy. (It is interesting to identify a sense of disquieting social movement in Davies' words; he alludes to the same social movement Shakespeare applies to bastardy in the condemnation of gavelkind, where even bastards can call themselves 'gentlemen'). Lear's inability to separate his private emotions and political responsibility result in his violating common law, frequently perceived as being a continuous national tradition of legal justice. Common law was therefore a constituent of national identity. Kent predicts Lear's 'doom' (in the sense of judgement, and his fate, but also with interesting legal connotations during this period), and the scene becomes a prediction of coming disaster, caused by Lear's interference in the inheritance system. When Lear fails to follow the common law he, as the king, the 'head' of the state, sets a precedent for the common law rulings on primogeniture to be disrupted by Edmund, and the connection between illegitimacy and violation of inheritance laws becomes explicit.

Edmund and Primogeniture

Cordelia's bastardisation and the disregard of common law are mirrored in the domestic sphere, with the disruption being centred on Edmund. Primogeniture is presented as the usual form of inheritance practised in Lear's Britain, as it had been in England since the thirteenth century,⁶⁷ and Edmund is offended by this 'plague of custom' that prevents him inheriting (2.3). Wells reads this passage (2.1-21) as a railing against the 'custom' that prevented illegitimates being recognised by society, which undoubtedly is a primary meaning. However, Edmund is also preoccupied by the idea that he cannot inherit because he is

...some twelve or fourteen moonshines
Lag of a brother...

2.5-6

⁶⁶ Findlay, *Illegitimate Power*, 31, Quoting Sir John Davies, *Discovery of the True Causes by which Ireland was never entirely Subdued* (London, 1612), 171.

⁶⁷ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 42.

He resents society's attitude to his illegitimate status, and the fact that being the younger brother prevents him being his father's heir. The system that operates nationally, even internationally, as Edmund describes the system as 'the curiosity of nations' (2.4). Edmund hence opposes the traditional, national system of inheritance law in this mythical Britain, and by implication, the primogeniture-based law of Shakespeare's England. Edmund's hostility communicates a more threatening undercurrent to his usurpation than greed or ambition: he directs malevolence at the national custom, the very foundations of nationhood and the semi-mythical constitution that formed such an integral part of national pride in common law.⁶⁸

The 'pride' in English law identified by Helgerson and Kelley is clear when Edmund, the evil illegitimate, condemns it.⁶⁹ While English law often turned a blind eye to the inheritance of illegitimates, officially the common law maintained that illegitimates were excluded from the inheritance system, whereas in civil law illegitimates could inherit property. Fortescue's *Learned Commendation* particularly emphasises the 'cavalier treatment of family property...allowing bastards to succeed' as one of the main reasons that civil law was inferior to English common law.⁷⁰ Aligning Edmund against English common law specifically associates the alternative position, of civil law, with illegitimacy and the unnatural behaviour of Edmund. Fortescue's conviction that civil law was practised wholly on the continent leads to not only a pride in common law but a significant national pride—the common law of England was evidently superior to the civil law of France, which in Fortescue's representation is the chief nation employing civil law in early modern Europe. As well as displaying the national pride in the autonomous legal system, the association of Edmund with civil law also invites the audience to consider a legal system that would allow this man to become Earl of Gloucester. Fortescue's representation of civil law is evident in the interplay between Edmund and the law, and Edmund's illegitimacy is a key factor in the denigration of civil law.

Lear's actions in effect liberate Edmund to usurp his brother's place. When Lear abandons common law, a collapse in justice occurs in the state, and civil law is the recourse. Later, this is further in evidence when Lear organises and judges the civil law mock trial. Gloucester, reflecting Lear's actions when faced with what he believes is unnatural behaviour in his child, bastardises Edgar: 'I never got him' (6.78). Again the paternity of the child is denied:

⁶⁸ Christianson, 'Ancient Constitution', 82.

⁶⁹ See Helgerson, *Forms of Nationhood*, 75-86, and Kelley, 'History, English Law and the Renaissance', 24-51.

⁷⁰ *Ibid.*, 26; Sir John Fortescue, *A Learned Commendation of the Politique Laws of England* (London: np, 1573), 112.

as with Cordelia, who had Lear's 'paternal care' denied her, Gloucester denies that Edgar is his 'property of blood'. This has the effect not only of bastardising Edgar but denying his claim to inherit Gloucester's property. Edmund engineers a situation that bastardises his legitimate brother, adding to an overall impression of the injustice of civil law.

So Gloucester makes his illegitimate son his heir, believing him 'loyal and natural' (6.84), in contrast to his description of Edgar as an 'unnatural, detested, brutish villain' (2.75). Gloucester tragically mimics Lear's inability to read his children correctly, but the eventual result of Gloucester's failure is in one way more significant. Shakespeare apparently envisions Gloucester having to go through a certain amount of legal trouble to make Edmund his heir. He promises to

...work the means
To make thee [Edmund] capable.
6.84-85

This must refer to some sort of civil law action, in confrontation with common law, because civil law allowed illegitimates to inherit. While Lear's bastardisation of Cordelia to justify her exclusion was a misreading of common law, which excluded illegitimates from primogeniture, but not necessarily gavelkind, Gloucester's plan is to adopt civil law instead of trying to circumvent common law. Because he is unable to maintain common law, Lear has initiated a chain of events that ends in the collapse of common law throughout the kingdom, and the corresponding rise of civil law to fill the power vacuum. Civil law, associated particularly with the evil illegitimate Edmund, is used here to usurp a legitimate son's inheritance. Though Chapter 1 established that although early modern England did occasionally have a cavalier attitude to the laws preventing illegitimates inheriting, the law ostensibly forbade them to inherit. *Lear*, then, brings the perceived threat from civil law sharply into focus. Edmund's behaviour constitutes a threat to English common law, the fantasy of the 'uninterrupted Englishness of English law,' the 'immemorial constitution' that was so popular amongst the common law supporters.⁷¹ By implication, the civil law was a threat because it was foreign. Specifically, civil law was characterised as French by Fortescue, though the origins of civil law in Rome (another name for civil law was Roman law) also add an association with papist religion and degeneracy. Cordelia eventually returns to help Lear from France, with a French army; despite the help that

⁷¹ Helgerson, *Forms of Nationhood*, 71; Zaller, *Discourse of Legitimacy*, 326.

France provide, the presence of a French army on British soil was surely not a pleasant prospect for British spectators (as in *King John*). Had they been successful, the French army must have been responsible for reinstating British order.

In *Lear* the link between illegitimacy and inheritance illuminates anxieties about law. The continental threat that was perceived against English law from civil law also brings into question the issue of nationhood. Despite being a particularly British play, the presence of France and Burgundy also interrupts the insular Britishness of *Lear*. Britain is surrounded by other potentially dangerous nations; the French are believed to be secretly taking advantage of British 'negligence' and 'are at point to show their open banner' (8.23-25). In the context of the legal debate, this is a play that reveals anxieties about 'British' nationhood. The British nation is embryonic in conception, *Lear* displaying a different national feeling from the surge of English history plays in the 1590s. The feature of *Lear*'s Britain that points to a growing notion of James's 'Britain' is that it is in danger from various continental forces: invasion from France and the threat of civil law, a recycling of the external foes England faced in the Elizabethan histories. A constituent nation of Britain, Scotland, had converted to civil law: in addition to the threat from outside Britain, English people were not entirely sure that a threat would not come from within Britain itself. The overall dramatisation of a British nation is far more complex and confused than an English one.

The civil law threat is the most striking expression of contemporary British issues in *Lear*'s Britain. The association with inheritance is clear throughout; Shakespeare uses inheritance and illegitimacies to expose the pitfalls of civil law, and emphasise the immemorial common law. The nuances of illegitimacy are much stronger than simply revealing that civil law is inferior to common: in *King Lear* a dialogic relationship emerges between illegitimacy and the law. While Shakespeare does indeed use illegitimacy to reveal civil law inferiority, the play also reveals the inadequate common legal system surrounding illegitimacy. It is easy for Lear and Gloucester to bastardise their children and circumvent custom; though the repercussions for both are severe, the law in England was ineffectual when it came to classifying all but the most obvious bastards as illegitimate, as discussion of *King John* emphasised. The obvious pride in common law demonstrated in *Lear* is also haunted slightly by the glib bastardisation of Cordelia and Edgar: such things were indeed possible in English law, and directly referred to by Shakespeare, as we will see in *Henry VIII*. An uneasy lack of true resolution marks the close of

the play, and so from the illegitimacy-centred civil/common law conflict at the heart of *Lear* emerges a far more complex view of developing Britain in the early seventeenth century than is first apparent.

'Henry VIII', Absolutism, and the Civil Law

Henry VIII explores similar implications of resistance to Papal authority as *King John*. The merging of public and domestic spheres that *Lear* develops is also a feature of *Henry VIII*. The Reformation becomes a personal matter, instigated partly by Henry's love for Anne, and his 'conscience' warning him that marriage to Katherine is invalid (Shakespeare dramatises this as a matter of fact, rather than an excuse to divorce Katharine).⁷² The apparent lack of interest in Reformation political detail has resulted in *Henry VIII* being dismissed as a stylised piece of court entertainment;⁷³ but the Reformation forms a background to the more immediate issue of the confrontation between civil law and common. Once again the theme of illegitimacy is bound to the legal debate, used to clarify and explore the wider issue of law in both the British plays and contemporary Britain—a topic with a huge amount of political relevance. *Henry VIII* is the culmination of Shakespeare's depiction of the 'British' legal conflict, and he returns to the 'Reformation' style ethos of the first British play to deal with law, *King John*. Legitimate children, or lack thereof, are inseparable from legality, as Henry must deal with the imperfections in English law to engage in the marriage that finally provides him with his legitimate child. Conversely, though association with Cardinal Wolsey discredits civil law, the triumphant end of the play, in which Henry leans toward absolutism, promotes civil law. *Henry VIII* does not authenticate an immemorial English common law, as *Lear* does, but endorses (wise) monarchic absolutism, something that *King John* hints at, though it is hampered by the vacillating historical representations of John himself.

⁷² Judith H. Anderson, *Biographical Truth: The Representation of Historical Persons in Tudor-Stuart Writing* (Yale: University Press, 1984), 133.

⁷³ Frances A. Shirley (ed.), *King John and Henry VIII: Critical Essays* (New York; London: Garland, 1988), xiii.

Critics have frequently dismissed *Henry VIII*'s difficulties by citing Fletcher's involvement.⁷⁴ The enthusiasm for monarchic absolutism is, indeed, a hallmark of Fletcher's work, but the contemporary legal debates of Jacobean 'Britain' highlighted the issue for Shakespeare too. James's own works *Basilikon Doron* and *The True Law of Free Monarchies*⁷⁵ left readers in no doubt about James's stance on absolutism. When *Henry VIII* was performed, James had been the self-styled 'King of Great Britain' for ten years, and the tensions around absolutism were building in the English government, where James found Parliament resistance to his absolutist preferences.⁷⁶ Those years saw the conflict between Coke and Dr. John Cowell, who was considered an extremist in the area of monarchic absolutism, so much so 'that some of his critics in the Parliament of 1610 allegedly wanted to hang him'.⁷⁷ It seems unlikely that a clash of this magnitude in Parliament failed to reach the English citizens, especially as Cowell's writings were 'widely circulated'.⁷⁸ It is, therefore, unfair to simply assign *Henry VIII* to Fletcher's interests. Indeed, *King John* and *King Lear* both anticipate *Henry VIII*'s interest in absolutism. *Henry VIII*'s positive depiction of absolutism may be intended to flatter James: whatever Fletcher's tendency towards flattery, Shakespeare was also a member of the King's Men, and unlikely to court the response that *Eastward Ho!* received. To dismiss the play because it apparently coincides with some of Fletcher's dramatic practice is reductive, especially in the context of the wider theme of legitimate law in the British plays.

Cardinal Wolsey and the Civil Law

Wolsey begins *Henry VIII* almost entirely in control of England: he is repeatedly described as 'ambitious', occupying a 'place next to the King' by Buckingham, (1.1.53, 66) while Norfolk matches his 'high hatred' only with his 'power' (11.107-108). The early descriptions of Wolsey

⁷⁴ James Spedding, 'On the Several Shares of Shakespeare and Fletcher in the Play of *Henry VIII*' in Frances A. Shirley (ed.), *King John and Henry VIII: Critical Essays* (New York; London: Garland, 1988), 255.

⁷⁵ Both were written c.1598, and are featured in Neil Rhodes and Jennifer Richards (eds.), *King James VI and I: Selected Writings* (Burlington; Aldershot: Ashgate, 2003).

⁷⁶ Somerville, 'James I and the Divine Right of Kings', 57.

⁷⁷ Brian P. Levack, 'Law and Ideology: The Civil Law Theories of Absolutism in Elizabethan and Jacobean England' in Heather Dubrow and Richard Striers (eds.), *The Historical Renaissance: New Essays on Tudor and Stuart Literature and Culture* (Chicago; London: Chicago University Press, 1988), 231.

⁷⁸ *Ibid.* 229.

by the nobility not only establish his ambition and importance at court, but create links between Wolsey, illegitimacy, and law. Norfolk describes Wolsey as

...being not propped by ancestry, whose grace
Chalks successors their way, nor called upon
For high feats done to th' crown, neither allied
To eminent assistants, but spider-like,
Out of his self-drawing web, a gives us note
The force of his own merit makes his way—
A gift that heaven gives for him, which buys
A place next to the King.

1.1.59-66

The imagery is suggestive of illegitimacy: Wolsey is 'not propped by ancestry', and is 'spider-like' (ll.59 & 62), recalling another Shakespeare 'illegitimate', the 'bottled spider' Richard III (*Richard III* 1.3.242), and, in a lack of ancestors, Posthumus. Wolsey's metaphorical illegitimacy functions on many levels. He is basely born, and illegitimate for his high governmental position. He is an avaricious Churchman, illegitimate in his hypocrisy. Ambition and social movement again are linked to illegitimacy; but most significantly, his association with the civil law is more pronounced than that of Edmund in *Lear*; he is associated with an ineffectual and corrupted legal system and the language of illegitimacy that Norfolk uses to characterise him effectively seals his negative disposition.

Wolsey, responsible for the meeting between Henry and Francis I of France at the Field of the Cloth of Gold, has obviously pursued an unpopular pro-French foreign policy:

The peace between the French and us not values
The cost that did conclude it.

11.88-89.

Already, however, 'France hath flawed the league' and attacked English merchants (1.95). France, it has been demonstrated, was the base of the civil law and the corresponding threat to English common law. Wolsey is represented as engineering a peace with France at the cost of England. It becomes apparent in scene 2 that Wolsey is also acting without Henry's knowledge or consent in the matter of taxation: Katherine says the 'hunger' and 'uproar' amongst the commons 'are devised by you' (1.2.35-37 & 52). New taxes were to be agreed in Parliament, so

taxes ‘devised’ by Wolsey alone are illegal.⁷⁹ Wolsey’s ‘potency’ (1.1.105) means that he is control of Buckingham’s trial, and of the Papal inquiry into the divorce. We see almost immediately that Norfolk’s warning to Buckingham to ‘read / The Cardinal’s malice and his potency / Together...’ (1.1.103-105) is a sound reading of Wolsey, as the next scene begins with a discussion of Buckingham’s forthcoming trial. From the start of *Henry VIII*, then, Wolsey’s stranglehold on legal proceedings is established.

The first indication that Henry sees Wolsey’s corruption is at the divorce hearing, when Henry believes the cardinals ‘trifle’ with him (2.4.233). Doubting Wolsey’s loyalty is, like loving Anne, a personal issue for Henry. Like the divorce, though, Wolsey’s disloyalty is also bound up with the wider political and national issues of the Reformation. He is a cardinal, and Papal legate, closely associated with the Papacy. He is a corrupt churchman and a corrupt royal/public servant, so his disloyalty has far-reaching ramifications for the nation (for example, his taxing the commons) and abroad (he acts as an ambassador to France, and represents Henry to the Pope). Wolsey also controls the legal system in England, using a civil law system that is corrupt and ineffectual. Henry eagerly awaits the ‘approach’ of Cranmer, who he puts his faith in to solve the divorce issue. Kamps has suggested that for Henry, Cranmer’s ‘return’ and his ‘approach’ (2.4.236) are two separate things, the term ‘approach’ referring obliquely to the new legal solution that Cranmer brings: opinions from foreign universities, and, as the audience were probably aware, the Protestant ‘route’ that allowed Henry to name himself Supreme Head of the Church of England, and rule on his own divorce.⁸⁰

The sections below discuss, first, how the law is presented in *Henry VIII*, to establish that Wolsey’s civil law, as the opening form of law in Buckingham’s trial, is unjust; and then showing how easily Katherine of Aragon can illegitimate civil law proceedings to avoid her own ‘trial’ at the divorce hearing. Exposure of the ineffectual nature of civil law necessitates Henry’s move towards absolutism.

Buckingham’s Trial

⁷⁹ Saccio, *Shakespeare’s English Kings* 29, Zaller, *Discourse of Legitimacy*, 322.

⁸⁰ Ivo Kamps, ‘Possible Pasts: Historiography and Legitimation in *Henry VIII*’ *College English* 58:2 (1996), 206.

Trials are a recurrent motif in *Henry VIII*, and frequently provide an arena for corruption and false justice to be enacted. Trials also mark the progression of Henry's leadership, from naivety and dependence on a corrupt justice system, to informed, intelligent, and idealised absolutism. Buckingham's trial occurs offstage, probably to direct audience attention to Katherine's trial during the same act.⁸¹ Henry sits in judgement:

I'll hear him his confessions justify
And point-by-point the treasons of his master
He shall again relate.

1.2.8

Henry stresses that he is acting within a legal system; though he takes an interest in proceedings, he promises that Buckingham will not be treated unfairly. Unlike Lear, Henry is not controlling justice personally. He emphasises there may be mercy for Buckingham in law:

Call him to present trial. If he may
Find mercy in law, 'tis his; if none
Let him not seek't of us...'

II.212-214.

However, Wolsey's malign influence on the law can be seen despite Henry's common law preferences. When he interviews the surveyor before the trial, Henry has already decided that Buckingham is a traitor 'to th' height' (I.215). Henry's personal depiction of the law seems to articulate a common law perspective. When he questions Wolsey about the taxation of the commons, he asks

...Have you a precedent
Of this commission? I believe not any.
We must not rend our subjects from our laws
And stick them in our will...

II.92-95.

This reliance on precedent is an important feature of common law, and the fact that Henry not only knows this but also knows the laws well enough to declare that there is 'not any' precedent implies that his personal convictions tend towards common law. The 'blame' for civil law injustice is assigned to Wolsey. Henry exercises his absolutist power—here stopping a particular

⁸¹ Jay L. Halio (ed.), *King Henry VIII* (Oxford: Oxford University Press, 2000), 24.

taxation without calling a Parliament, as the common law required⁸²—not in an arbitrary way but using the basic tenets of common law. James's absolutism was actually 'confined to the realm of theory...he was always careful to operate within the framework of common law'.⁸³ James may well have realised, as his son did not, that Parliament would only stand for so much, and though Shakespeare and Fletcher may present Henry in such a way to allude flatteringly to James, James was actually an indifferent scholar of common law, and warned Coke against using precedent as an argument before him.⁸⁴ The threat of absolutism depicted in *Lear* has changed; in *Henry VIII*, absolutism, when regulated by a sensible monarch, can be a more positive method of government than the chaos of Lear's political/domestic kingdom and John's weakness. The reliance of Henry on common law, however, remains a jarring difference between the idealised England of the 1520s and the reality of the 1610s.

Henry VIII, like *King John*, features a pre-Reformation conflict between English autonomy and Papal authority. In both plays, the monarchs feel it necessary to take control of their realm in defiance of the Pope: Papal forces interfere, with 'dilatatory sloth and tricks' (2.4.234). Where John is irresolute and weak, though, Henry fully refuses Papal authority; Shakespeare dramatises this English secession from Rome's religious authority in a parallel depiction of the rejection of civil law. This in turn comments on the contemporary controversy of law in England and Britain, an area in which the discourse of nationhood was articulated in seventeenth-century England. Reformation politics are in fact a feature of *Henry VIII*, but are articulated primarily through the theme of national and legal independence.

The rejection of civil law is accomplished by exposing the supposed frailties of that system in the 'trial' scenes. Buckingham's trial advocates a common law trial over a civil style reliance on witnesses alone. The next 'trial' is the divorce hearing—in a way, it is Katharine's personal trial—in which Cardinal Campeius cannot make a decision on Henry's 'great matter', and is later revealed to be in league with Wolsey; he also appears somewhat cowardly and ill-mannered when we are told that he

Is stol'n away to Rome—hath taken no leave,

⁸² Though, as the taxation had no precedent, it would be regarded as illegal, it had still been exacted and common law stated that the king should consult Parliament before any alterations were made to existing taxes; Saccio, *Shakespeare's English Kings*, 29.

⁸³ J.P. Kenyon, *The Stuart Constitution* (Cambridge: Cambridge University Press, 1969), 8-9.

⁸⁴ Somerville, 'James I and the Divine Right of Kings', 63-65.

Hath left the cause o' th' King unhandled, and
Is posted as the agent of our Cardinal...
3.2.57-59

The authority figures of the Papal legal system/representative of justice are given few endearing qualities, which has the effect of making Henry's break with Rome, his taking on absolute rule in England, seem desirable in contrast. With Wolsey controlling the state, the faith that Henry places in trials and justice is futile. Henry is sometimes regarded as a hypocrite in the matter of the divorce.⁸⁵ Yet deliberate care has been taken to make Henry the 'good guy'.⁸⁶ Because Wolsey is responsible for the high taxes, and the corrupt legal system, of which Henry is completely unaware, it is unlikely that Henry is intended to be viewed as a hypocrite—hence also the favourable treatment of Anne Boleyn in the play.

While enumerating the wide range of evidence against Buckingham gathered by Henry, Holinshed 'was clearly not convinced of Henry's justice in this matter',⁸⁷ telling the reader 'These were the special articles...laid to his charge: but how truly, or in what sort proved, I have not further to say', and adding that his only source material was Vergil and Hall.⁸⁸ Kamps assumes that Holinshed believed Wolsey the engineer of Buckingham's trial; but that is specifically Shakespearean in origin: Holinshed's account falls shy of accusing anyone in particular of setting up Buckingham, and the emphasis seems rather more on Henry himself as the principal agent in the plot—explaining why Holinshed falls short of actually naming names. So though the corrupt trial originates in Holinshed, Shakespeare makes the focus of this corruption Wolsey. Having only one witness with questionable motives emphasises this corruption, and also suggests that Wolsey operates on a civil law system, a system which is undesirable in the context of the British plays. Henry is kept separate from both the corruption and the civil law.

Shakespeare emphasises the lack of concrete evidence in the case against Buckingham,⁸⁹ but does so specifically in terms of civil law. Civil law used witnesses to establish fact, not a jury as English common law demanded, and Buckingham's trial rests on the testimony of one biased

⁸⁵ Hamilton, *Shakespeare and the Politics of Protestant England*, 183-84.

⁸⁶ Lisa Jardine, *Reading Shakespeare Historically* (London: Routledge, 1996), 154.

⁸⁷ Kamps, 'Possible Pasts', 200.

⁸⁸ Holinshed, *Holinshed's Chronicle*, 661.

⁸⁹ See Paul Dean, 'Dramatic Mode and Historical Vision in *Henry VIII*' *SQ* 37:2 (1986), 175-89; Anton Bosman, 'Seeing Tears: Truth and Sense in *All Is True*' *SQ* 50:4 (1999), 459-76.

witness. The surveyor was fired ‘On the complaint o’ th’ tenants’ (1.2.174), so his personal agenda is clear. Hopkins is described as ‘that devil-monk’ (2.1.22), picking up on the anti-Papist sentiment surrounding Wolsey, and casting possible doubt on his testimony. Buckingham’s trial leaves an overriding impression of futility and unjust methods. The trial is designed to reveal the cracks in Wolsey’s civil law system: though it seems incongruous, Buckingham says

...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.
2.1.61-64

He asserts his loyalty, accuses those ‘that sought’ the trial of being corrupt, yet concedes that the law has enacted justice—logically, if Buckingham insists on his innocence, then his death sentence cannot really be justice. The crux of the speech is the term ‘upon the premises’, the evidence. Buckingham concedes that, upon the evidence presented to the court, the sentence is just. The civil law practice of using witnesses rather than a jury to establish truth, and Buckingham’s ready admission that he, as an innocent man, has just been conclusively proven guilty, emphasises the shortcomings of that system. It is simple for Wolsey to eliminate Buckingham because he works within this unfair civil law system that allows him to control the trial with false witnesses. The Cardinal is linked with civil law, which was firmly associated, in the minds of many English people, with continental absolutism; and in the British plays, a discourse of illegitimacy.

The Divorce Hearing

As Henry grows in statecraft, secretly sending Cranmer to canvas opinion while he waits for the Papal inquiry to collapse, Wolsey moves closer to his fall. Katherine meanwhile reveals the inadequacies of Wolsey’s legal system in her ‘trial’, the divorce hearing.

Shakespeare (almost certainly the writer of this particular scene) shows us a flimsy court of law, easily confronted and even defeated by Katherine. In a civil law system, the king was above the law; yet Henry’s presence in the court, his slightly ridiculous compliance in the court, aligns him with the famous tenet of English law: Bracton’s claim that ‘no man is above the

law'.⁹⁰ The contrasting way that Katherine enters highlights her refusal to acknowledge the importance or authority of the court. Instead of answering the crier, as her husband did, Katherine directly addresses Henry, not the court officials, refusing to acknowledge their authority. As the court cannot move on without her acquiescence, she is emphasising Henry's continuing state as her husband, acquiring 'increased moral authority even while...being demoted and persecuted'.⁹¹ Katherine's resistance to civil law elevates her above the others in court; however, this resistance also seals her own doom by showing Henry the weaknesses in Wolsey's civil law. Katharine shows Henry that the alternative to Wolsey is absolutism, and the power to rule upon his own divorce.

Katherine refuses to speak Latin because she is an English woman: Latin was the language of civil law. She demands that English be spoken to invalidate the court: civil law cases were heard in Latin, and so if they are not speaking Latin, the case is not being heard. Katherine is not merely creating an arena for herself,⁹² appealing to the 'audience' (of both court and play), but systematically preventing the court from creating any authority over her. Katherine emphasises her adopted national allegiance, rejecting the foreign connotations attached to civil law by its detractors. Common law was most often disputed in legal French; but it was not unheard of for English to be used.⁹³ The only legal system that Katherine will countenance hearing her case is ecclesiastical; she demands the right to refer the case to Rome. Katherine is aligned with another ineffective legal system; her alternative to civil law is, by Shakespeare's lifetime, a dead law in England.⁹⁴ Though opposing the corruption of Wolsey and the civil law, Katharine is marginalized as another advocate of foreign law.

She further disregards the rules of the court by turning the interrogation to Wolsey. Before the Cardinals and other 'reverend fathers' (2.4.56) can question her, she has redirected audience attention to Wolsey, suggesting he is not fit to judge her, and accusing him as if he were on trial and not herself.

...I do believe
Induced by potent circumstances, that
You are mine enemy, and make my challenge
You shall not be my judge. For it is you

⁹⁰ Bracton, *Select Passages from the Works of Bracton and Azo*, 41.

⁹¹ Ruth Vanita, 'Mariological Memory in *The Winter's Tale* and *Henry VIII*' *SEL* 40:2 (2000), 311.

⁹² Vanita, 'Mariological Memory', 312.

⁹³ Levack, *Civil Lawyers*, 35.

⁹⁴ *Ibid.*, 17-19.

Have blown this coal betwixt my lord and me
Which God's dew quench.

ll.73-77.

Again the court is prevented from proceeding against her or her marriage. 'To make a challenge' was a legal term for making an objection.⁹⁵ Katherine rebuffs Wolsey in legal terminology, suiting the setting but also implying that she is a representative of the law. Most importantly, she has taken the power of hearing the trial from the assembled men and begun Wolsey's trial on her own terms. Katherine reiterates the sentiment by announcing

I utterly abhor, yea, from my soul
Refuse you for my judge...

ll.79-80.

'Abhor' is another legal term, this time from canon law.⁹⁶ Katherine attempts to lend religious or moral authority to her words using legal discourse.⁹⁷ Yet the demand to 'appeal...unto the Pope' (l.117) associates her with a foreign and outmoded system of justice. Such alien legal systems were illegitimate in the eyes of many English people;⁹⁸ they were false interpretations of divine law that corrupted the ancient laws of Britain and England. Katherine, though certainly invested with a moral authority over Wolsey, is appealing to a system that undermines the very basis of English nationhood. Despite the national and religious complications, Katherine's stand still exposes how flimsy and ineffectual the civil law was if resisted properly.

The root of this 'illegitimate' trial is the doubted legitimacy of Princess Mary. Historically, Henry claimed the Bishop of Bayonne had initiated his doubts by asking if Mary was legitimate during negotiations over her proposed marriage to the Duke of Orleans.⁹⁹ This is usually considered a rather transparent excuse to stage the trial: the fact that Mary was conceived in good faith, by parents unaware of the possibility that their marriage was invalid, rendered her legitimate in civil and ecclesiastical law, as did the subsequent marriage of her parents. However, in the subtle interplay of common law and civil in *Henry VIII*, Shakespeare uses this doubt to further the association of Henry with common law. While ecclesiastical and civil law would account Mary legitimate, in English common law nothing but the valid marriage of her parents

⁹⁵ Halio (ed.) *Henry VIII*, 132.

⁹⁶ Ibid.

⁹⁷ Vanita, 'Mariological Memory', 312.

⁹⁸ Kelley, 'History, English Law and the Renaissance', 25-28.

⁹⁹ David Starkey, *Six Wives: The Queens of Henry VIII* (London: Chatto & Windus, 2003), 128.

before the time of her birth could render her legitimate: being conceived in good faith, or by parents who were subsequently married still marked a child as illegitimate, though a special illegitimate. Throughout the play, Henry shows a personal leaning toward the common law: he inquires what 'precedent' Wolsey has to tax the commons, and he demonstrates a common law understanding of Mary's (il)legitimacy.

Mary's illegitimacy is not the only bastardisation that Henry uses to distance himself from civil and canon law. He also describes the several male children he and Katherine produced who

...died where they were made, or shortly after
This world had aired them...

II.189-190.

suggesting he may have been punished by God for the sin of marrying his brother's widow. Significantly, Henry refers to the children as '*her* male issue' (I.188, emphasis added), dissociating himself from these dead sin-babies, and from the sin. The language is evocative of Lear's bastardisation of his daughters, whom he associates with their mothers to deny their paternity. The lack of male heirs may be what inspires Vanita to suggest that Katherine is trying to create an 'all-female lineage'¹⁰⁰ in *Henry VIII*. This is noteworthy not for hidden indicators of Catholicism, but because of the popular association between mothers and bastards.¹⁰¹ Katherine's law and her political struggle are associated with aspects of illegitimacy. There is no place in *Henry VIII*, unlike *Lear* or *1 Henry VI*, for illegitimate female power. To counter Katherine's feminine power, Henry creates a sinister aura around her: he attempts to justify his desire for a 'patrilinear succession through the subordination of wives and daughters'.¹⁰² Henry's desire to leave a stable dynasty for the kingdom and generate a legitimate succession is an example of his 'moral awareness', albeit a political moral awareness.¹⁰³

Though Suffolk assumes that Henry's 'conscience has crept too close to another lady' (2.2.16), Shakespeare is careful to present another perspective of this split conscience, by having Henry mention his need for an heir during the trial.¹⁰⁴ Anne becomes one half of his conscience stimulated by national sentiment. She is English, Protestant, and potentially fertile, reminding

¹⁰⁰ Vanita, 'Mariological Memory', 312.

¹⁰¹ Findlay, *Illegitimate Power*, 42.

¹⁰² Vanita, 'Mariological Memory', 323.

¹⁰³ Anderson, *Biographical Truth*, 133.

¹⁰⁴ *Ibid.*, 129.

Henry of his duty in providing an heir, and a duty to maintain and protect his nation against foreign threats, whether literal threats of violence or the encroachment of foreign cultural systems—like civil law—on English identity. The divorce hence becomes a defensive action against foreign—and female—threats, and the foundation of an English justice system.

In *Henry VIII*, civil law is patently insufficient to distribute justice in England. The common law ideals that Henry leans toward in his early speeches support the hungry commoners, in contrast to the civil law that allows Wolsey and the other judges to tax them severely. Katherine manages to expose the frailty of the civil law, but ironically aids her own downfall in doing so. She helps Henry to move towards an alternative legal system in which Wolsey is not in control, a legal system in which her daughter is illegitimate and she is no longer Queen. Henry's transition to the common law is slightly complicated by his move towards absolutism after the fall of Wolsey, because absolutism was firmly associated with civil law. However, when we consider the circumstances under which *Henry VIII* was written, with the wedding of Princess Elizabeth, the prospective Spanish match, and James' firm belief in absolute monarchy, the pro-absolutism bias of the play is hardly surprising.

Conclusions

One thing that these plays do all seem to imply is that Shakespeare was, for a considerable part of his writing career, aware of the conflict between civilian and common lawyers, and, like many English people, placed his faith in the common law 'side'. This pro-English sentiment exemplifies the budding national identity that is a central feature of the British plays and their complex utilisation of ideas, language and structures related to illegitimacy. Illegitimate characters such as Edmund and Faulconbridge are portrayed in circumstances that point at particular aspects of the legal confrontations current in early modern England. In *Henry VIII*, the spectre of illegitimacy drives Henry through the decision to become an absolute monarch. Though this requires that he abandon the common law tenets, events in Jacobean politics—and the fact that *Henry VIII* was designed for a court performance—may have caused Shakespeare and Fletcher to put a more positive spin on this than Shakespeare had in *Lear*, where Lear's attempt at absolutism generates the tragedy. While *King John* and *Lear* both warn of the pitfalls

of absolutism, *Henry VIII* suggests what it could be with a capable representative: a source for impartial justice.

This chapter shows themes of legitimacy and illegitimacy working in a wider context than in the relative complexities of early modern birth legitimacy that have been identified in previous chapters. Linking law and themes of legitimacy to define an important aspect of early modern nationhood in England, Shakespeare clearly participates in the literary construction of an English identity that Helgerson and McEachern identify. This chapter's discussion of law demonstrates the strength of the link between nation, sovereignty and legitimacy, and yet reveals how the motif of illegitimacy and legitimacy reflects on a still wider range of issues in Shakespeare's work, articulating a British or English identity in opposition to a continental system of life associated strongly with ideas of illegitimacy.

Chapter 5: Political Legitimation

This chapter falls into two halves, the first dealing with the use of illegitimacy smears in the British plays, the second focussing on the performance of legitimacy. While Richard III makes slander a double-edged sword, using smears as weapons he paradoxically falls victim to, in *Richard II* the use of smears is linked to Bolingbroke's effective performance of legitimacy. The second tetralogy defines legitimacy—and illegitimacy—in two ways, dividing the concepts into what Howard and Rackin call 'personal' and 'royal'.¹ Personal legitimacy—or illegitimacy—refers to the personality, the likeability and capability of a sovereign candidate. Royal (il)legitimacy refers to patrilinearity, the descent, or lack of, from the previous king. The curious perspective of the (il)legitimacy spectrum is a central image in the doubling of Richard and Bolingbroke, and their respective (il)legitimacies.

Political Smears

In *Richard III* and *Richard II* the use of illegitimacy smears further reveals the fluidity of early modern legitimacy and illegitimacy definitions, and the wide-ranging implications of declaring someone illegitimate. Illegitimacy slanders create a ripple effect, eventually harming more people than the object of the smear. Richard III and Bolingbroke both use smears in an attempt to legitimate their usurpations. Monarchic legitimacy is not achieved by making the alternative heir illegitimate, however. The legitimacy slanders that cluster around these kings are strongly indicative of an interrogation of sovereign legitimacy and sovereign prerogative.

The utilisation of political smears of illegitimacy in *Richard III* is one of the play's most overlooked features. Illegitimacy slanders are linked to the prominent family tensions that make *Richard III* almost uniquely focussed on family, even among the family-dominated history plays. Richard slanders Hastings, Elizabeth Woodville and Mistress Shore, Richmond, his brother and, perhaps most significantly, his mother. This last slander has obvious repercussions for Richard's own legitimacy status. Most interestingly in a play that utilises the curious perspective and duality, however, the most effective illegitimacy smear of all is directed at Richard himself.

¹ Howard and Rackin, *Engendering a Nation*, 43.

Chapter 3 described how Richard could be viewed as a metaphorical bastard, arguing that the Duchess of York bastardises Richard. This is also paralleled macrocosmically by the refusal of ‘England’ to accept him as King, as indicated by the loss of his support network in Buckingham, and the last minute defection of Stanley. In this section, though, the roots of this ‘bastardisation’ are identified in Margaret of Anjou’s slander of Richard early in the play. Shakespeare creates an important role for Margaret,² although she was historically dead. She is the first character to use a legitimacy slander in *Richard III*. The Duchess of York uses Margaret’s curses to finally denounce her son in 4.4. In her own desire for vengeance, Margaret initiates an illegitimacy smear that Richard cannot combat; but her example also demonstrates the potential power that women have to affect and influence politics in a primogeniture succession model. Much of the female power that has been identified in the first tetralogy stems from illegitimacy (Chapter 3),³ with illegitimacy slanders the most effective way of damaging masculine patrilinearity.

Margaret creates an image of Richard as, an ‘abortive, rooting hog’ (1.3.225), an un-baby or changeling. Folkloric ideas of changelings frequently connected with accounts of bastard births in early modern England.⁴ Richard is the ‘slave of nature and the son of hell’ (1.3.226-7) in Margaret’s mind, demonstrating strong linguistic associations of illegitimacy as were discussed in relation to the unnatural/natural child Edmund. Margaret characterises Richard as a ‘monstrous’ bastard by directing the evil potential of the feminine on the Duchess of York’s womb. She dissociates both the womb and Richard from natural childbirth:

From forth the kennel of thy womb hath crept
A hell-hound that doth hunt us all to death.
4.4.44-45

The womb has ‘let loose’ Richard, with an individuality or agency independent of the Duchess herself, recalling the idea of the wandering womb and hinting at that instinctive, independent and threatening female creativity. The process of a ‘natural’ maternal creation is highlighted as with Edmund and Faulconbridge; but the descriptions of Richard’s birth are given demonic terminology: ‘damned’, ‘hell-hound’, ‘son of hell’, ‘accursed’. In Rowley’s *Birth of Merlin* or

² Saccio, *Shakespeare’s English Kings*, 103.

³ Howard and Rackin, *Engendering a Nation*, 29-34.

⁴ Crawford, *Marvellous Protestantism*, 91-101.

The Witch (Middleton, 1616) bastard births are linked to demonic intervention.⁵ However, Shakespeare's damned bastard is a king of living memory: the demonic bastard intrudes upon 'reality' as Richard interferes with the smooth transmission of the kingdom: the play presents a specifically Shakespearean spin on the demonic bastard, combining grotesque 'natural' bestialism with abortion, or birth mishap. These demonic allusions connote illegitimacy,⁶ as does the phrase 'slander of thy mother's heavy womb' (1.228).

Margaret uses illegitimacy slander to harness political power: similarly, in *I Henry VI* slander was a tool of the masculine English ruling classes used against Joan of Arc. Margaret's situation as a total outsider in Yorkist England motivates her acquisition of this power. Richard, marked by his deformity, has the same outsider status, and he also utilises illegitimacy smears as weapons. In some ways, both Margaret and Richard are illegitimised by this outsider status. This in turn inspires accusations of illegitimacy from them—bastardising others reduces everyone to outsider status. This, however, backfires on Richard, who finds himself a member of a family of bastards, and can no longer draw power from his 'illegitimacy'.

Richard's Legal Slanders

Richard utilises similar slander techniques to Margaret, in that they centre on illegitimacy, yet his slanders are based on legal technicalities, something that is also a feature of the male-generated slanders in *Richard II*, contrasting with the slanders generated by females in *Richard III*, which focus on demonic and unnatural childbirth. Richard III attempts to legitimate his kingship by bastardising his rivals, Edward IV, Edward V, and young York. Shakespeare emphasises the bastardisation of Edward and his sons as a major event of Richard's usurpation, quite possibly because the historical coup was bloodless and initially went smoothly—there was very little dramatic material. So, in addition to the (briefly staged) accusations against Elizabeth Woodville and Jane Shore, and the terror tactics used on the Mayor of London after the execution of Hastings, the scenes in which Richard plots to bastardise his brother and nephews and in which Buckingham reports on its success are those in which Shakespeare portrays the core of the usurpation occurring.

⁵ See William Rowley, *The Birth of Merlin* (Shaftesbury: Element, 1989), Act 3, and Thomas Middleton, *The Witch* in *Collected Works* ed. Gary Taylor and John Lavagnino (Oxford: Oxford University Press, 2007), 1124-2012.

⁶ *Ibid.*, 98-101.

Shakespeare actually goes into relatively little detail about the way in which Richard slandered his brother, mother and nephews. This reflects the contemporary difficulties in staging a play depicting such recent history: in addition to being legally declared a bastard herself, Elizabeth I was descended from one of Edward IV's bastardised children, her paternal grandmother being Edward's eldest daughter Elizabeth of York. To dramatise the 'precontract' story, which was historically used by Richard and his followers to bastardise Edward V and his younger brother Richard, would showcase the results of the *Titulus Regius* act that bastardised Edward's children, and was suppressed by Henry VII upon his accession.⁷ This 'precontract' was supposedly between Edward IV and a lady, most likely Eleanor Butler.⁸ If Edward was married to Eleanor, his marriage to Elizabeth Woodville was invalid, and his children by her bastards—including Elizabeth of York, mother of Henry VIII and grandmother to Elizabeth I. Historically Richard used this slander so successfully that it formed a large part of the Act of Parliament confirming him as King.⁹ For Shakespeare, however, this was dangerous. Elizabeth I was capable of reading contemporary politics into history plays, as her famous reaction to *Richard II* ('I am Richard II; know ye not that?') shows,¹⁰ and her legitimacy status was precarious already, without raking over the bastardisation of her grandmother. So the precise details of the bastardisation of the York heirs are glossed over, reduced simply to an order to Buckingham to 'infer the bastardy of Edward's children' (3.5.70). This alone suggests Shakespeare was aware of the implications of the precontract story, because he refers to 'children', not only the boys.

Richard III also briefly touches on the mix of legal and ecclesiastical definitions of illegitimacy that other British plays do. Richard uses the problematic definition of common law illegitimacy, when he tells Buckingham to emphasise Edward IV's birth 'in France', which by 'just computation' makes legitimate conception impossible (3.5.86-7).¹¹ This definition is patently nonsensical, as Shakespeare demonstrated in *King John*, where Faulconbridge is the 'calf' bred from Sir Robert Faulconbridge's 'cow' (1.1.124) and legally legitimate. Edward's birthplace was well known; he was often called Edward of Rouen, and *Titulus Regius* made reference to Edward's French birth as a reason to discount his sons and have Richard III as King. The Act declared:

⁷ Saccio, *Shakespeare's English Kings*, 179.

⁸ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 158.

⁹ Saccio, *Shakespeare's English Kings*, 180.

¹⁰ Forker (ed.), *Richard II*, 14.

¹¹ Coke, 'Certain Select Cases', 239.

‘there is noon other persoune lyvyng but Ye only, that by Right may clayme the said Coroune and Dignite Royall, by way of Enheritaunce, and howe that Ye be born withyn this Lande; by reason wherof, as we deme in oure myndes, Ye be more naturally enclnyed to the prosperite and comen wele of the [ame]’¹²

The *Titulus Regius* ignores the fact that Edward III had in fact previously passed a law declaring that in the case of princes, foreign birth was no bar to succeeding the throne, as it was for ordinary inheritance.¹³

Edward IV did face many illegitimacy smears during his reign; it is unlikely that Shakespeare was unaware of at least some of these. The earliest smears—probably the foundation of later rumours—were the work of Clarence and Warwick;¹⁴ Shakespeare ignores these, not only because making Edward IV, Elizabeth I’s grandfather, appear illegitimate was dangerous, but because in Shakespeare Clarence has been transformed into a victim to showcase the anti-hero’s villainy. To depict the historical foundation of the Tudor dynasty onstage safely, Shakespeare moved all the sedition, planning and malevolence onto Henry VII’s predecessor, making the Yorks victims. The historical basis of Richard III’s claim to the throne was the bastardisation of Edward’s children, not Edward himself. When Shakespeare dramatises this he shifts the emphasis onto Edward’s birth, thus drawing attention from the illegitimacy smears against Elizabeth I’s grandmother, which were validated by Parliament.

Shakespeare also negates the accusations against Edward to detract from the ‘illegitimacy’ in the Tudor antecedents by making Richard’s smear legally invalid. The common law definition of illegitimacy that the smear hinges upon is useless: birth within the ‘dominions’ of the Kingdom was necessary for legitimacy,¹⁵ and at the time of Edward IV’s birth, France was an English territory, something that *Henry VI* dramatises. Richard places emphasis also on assertion that Edward ‘looked nothing like the noble Duke’ (1.90). Historically, Edward did not resemble the Duke of York, but at six feet four it was unlikely he resembled many medieval men.¹⁶ Shakespeare’s contemporaries certainly connected physical resemblance to the affirmation of paternity: Tamburlaine criticises his sons for having ‘hair as white as milk and soft as down’ and a dainty feminine appearance that ‘would make me think them bastards, not my

¹² *Rotuli parliamentorum; ut et petitiones, et placita in parlamento*. 6 vols. folio, (1783), 231-33.

¹³ Kelley, ‘History, English Law and the Renaissance’, 26.

¹⁴ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 72.

¹⁵ Coke, ‘Certain Select Cases’, 244.

¹⁶ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 73.

sons' (*Tamburlaine* II 1.3.25 & 32). When Calyphas fails to be as 'martial as Tamburlaine's son', he calls him a 'bastardly boy spring from some coward's loins' (1.69).¹⁷ Likewise Faulconbridge is judged on his looks in *King John*, and the Duchess of York uses Aumerle's resemblance to his father to prove his legitimacy in *Richard II* (5.2.94). Elizabeth I's famous resemblance to her father Henry VIII, and the pride that she took in that resemblance, was commented upon by the Venetian ambassador Giovanni Michiel more than once;¹⁸ the physical appearance that marked her as Henry's daughter was a significant source of legitimation for her reign. Rumours of Edward IV's illegitimacy based on his appearance were in circulation as early as the 1400s,¹⁹ and this appearance, so dissimilar to his father, might have been a plausible argument for illegitimacy to Elizabethans; but having Richard III say so when he was being played as a hunchback so ugly that 'dogs bark at' his 'deformed, unfinished' appearance (1.1.20 & 23) emphasises a sense of falseness in the allegations—if Edward is bastardised by not resembling his father, so is Shakespeare's Richard. The accusations of illegitimacy against Edward are clearly political smear only, and the details of the actual precontract story that bastardised Elizabeth of York are suppressed by the exaggeration of the smear against Edward IV's legitimacy.

Such smears are an important part of Richard's powerbase, though they become less effective as his power is threatened by Richmond. Richard refers to 'A scum of Bretons and *base* lackey peasants' (5.5.46, emphasis added), and

...bastard Bretons whom our fathers
Have in their own land beaten, bobbed and thumped
And in record left them the heirs of shame.
5.5.62-24

They are the 'heirs of shame', another phrase allusive of illegitimacy. A misprint in Holinshed creates another allusion to the bastardised English royal family: following the misprint of 'mother' for 'brother',²⁰ Shakespeare has Richard describe Richmond as 'kept in Bretagne at our mother's cost' (1.53). The actual person keeping Richmond was the Duke of Burgundy,

¹⁷ Christopher Marlowe, *Tamburlaine in Doctor Faustus and Other Plays* ed. David Bevington and Eric Rasmussen (Oxford: Oxford University Press, 1995).

¹⁸ Rawden Brown (ed.), *Calender of State Papers, Venetian* (London: Longman, 1947), VI pt 2, 314.

¹⁹ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 56.

²⁰ Hodgdon, *The End Crowns All*, 115.

Richard's brother-in-law, but Shakespeare, 'accepting his source, made the association significant in its own right.'²¹ Richmond, kept 'at our mother's cost', becomes a 'renegade brother, presumably a bastard one'.²² The doubling of the two rivals is accentuated by this pseudo-familial link.

For Richard, political smears have only a temporary efficacy: though he successfully sinks his familial rival for the crown under protestations of illegitimacy, he cannot keep the crown, and his attempt at making Richmond a 'bastard Breton' is unsuccessful. Slander becomes a weapon against Richard: his mother reveals his own 'illegitimacy' when she rejects him in language strongly allusive of bastardisation. Margaret initially suggests the 'illegitimacy' of Richard (Chapter 3) and hers is the only accusation that has any lasting political effect, playing an important role in Richard's decline. Richard's accusations are short-term; he still has to have the Princes murdered despite their supposed illegitimacy. In the end, Richard cannot hide his own sovereign illegitimacy by creating illegitimacy in others. Effective slander in *Richard III* is a female weapon: Richard adopts a feminine, non-martial weapon to take the kingdom, despite his military prowess.

Slandering Women in Richard III

The mother of an early modern bastard had the potential to disrupt the male dominated social structure; something also explored in *King John* and *King Lear*. Elizabethan and Jacobean inheritance worked by primogeniture, so mothers have the disconcerting potential to thwart a traditional masculine system by announcing the illegitimacy of their sons or being discovered in adultery. Webster dramatises this in *The Devil's Law Case*: Leonora, desiring 'bloody unnatural revenge' on her son, claims he was conceived in adultery 'some forty years / After the sin committed' (*The Devil's Law Case*, 4.2.240-41 & 295) to deprive him of his father's property.

Elizabeth Woodville exercises this female power of revelation by threatening to 'slander myself as false to Edward's bed' (4.4.197) to prevent her daughter marrying Richard. For female characters like Elizabeth Woodville and Lady Faulconbridge the revelation that empowers them simultaneously condemns them as whores. Shakespeare may be drawing on the life of Joan of Kent, a story that demonstrates the outcomes of self-slander. Joan had been married to William

²¹ Jowett (ed.), *Richard III*, 351.

²² *Ibid.*

Montacute for nine years when she announced that she had previously married Thomas Holland at twelve years old. Historians have speculated that the Holland marriage was invented to break her marriage to Montacute; neither Joan nor Holland mentioned the first marriage (which took place before two conveniently dead witnesses and no priest), even though he had returned from the Crusades two years later to be steward to William Montacute.²³ Joan encapsulates the potential outcomes of self-slander for medieval women: she clearly made a choice to leave Montacute, and exercised the power of self-slander. Yet this meant that she had been knowingly committing adultery for nine years—a serious legal and ecclesiastical offence. Any children she had by Montacute would have been retrospectively bastardised. Self-slander, as the term implies, was a double-edged sword; whatever the desired outcome, a woman who slandered herself was damaging her reputation irrevocably. Though Joan herself was not negatively affected, going on to marry the Prince of Wales after Holland's death, her marital misadventures formed a cornerstone of the Lancastrian slanders against her son Richard II.

Historically, because Richard III had slandered her brothers as bastards, marrying Elizabeth of York would not have strengthened his position at all.²⁴ It is unlikely that Richard ever truly contemplated such a marriage; however, More recounts the story,²⁵ and Richard was forced to publicly deny rumours of the marriage in 1485.²⁶ Shakespeare adapts the report to demonstrate how women can harness illegitimacy to wield political power. Self-slander is a paradoxical example of female power coming from a surprisingly misogynist origin, the emphasis on female chastity. The loss of reputation that such slanders necessitate may seem a worthwhile sacrifice; but the repercussions of slandering a mother can reverberate with descendants, as in the case of Joan of Kent and Richard II. In *King John* Constance and Eleanor fully demonstrate the dangerous potential of slander when they accuse each other of being bastard-bearers—the accusations affect their other children, grandchildren, themselves and their dead husbands (Chapter 2).

When Richard tells Buckingham to 'infer the bastardy' (3.5.73) of his brothers and nephews, he charges him to remember 'my mother lives' (1.92), indicating an awareness of this power. Richard is motivated by a 'hateful maternity...[that] replaces a glorious paternity as the

²³ Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 34-5.

²⁴ Saccio, *Shakespeare's English Kings*, 182.

²⁵ More, *The History of King Richard the Third*, 72.

²⁶ Ibid. , Saccio, *Shakespeare's English Kings*, 185.

basis of Richard's self image.'²⁷ The importance of paternal resemblances was established earlier: Richard's illegitimacy is indicated by the driving ambition he inherits from his father.

Like Richard, Buckingham and Tyrell, the women form an alternative group as a powerbase. The York women defect to Margaret's faction, creating new bonds across the old (masculine) divide of Lancaster and York. Elizabeth Woodville grows stronger as the play progresses and the association between Margaret and the other women increases; Queen Elizabeth eventually asks Margaret to 'teach me how to curse' (4.4.111). Initially she cannot prevent Richard taking her sons, or gain access to them, asking Brakenbury 'I am their mother: who should keep me from them?' (4.1.17). Anne unsuccessfully claims she has a right to see the boys as she is 'in love their mother' (1.19). The Duchess of York is more forceful, appealing to images of paternity which should wield more authority than maternal love: 'I am their father's mother: I will see them' (1.18). Richard has ordered that Brakenbury 'may not suffer you to visit them' (4.1.11); such familial bonds have little strength once the Princes have been bastardised. This is reinforced by the women's futile references to their once powerful dynastic allegiances; parents lose their social position because of the transgression bastard children implied. Calling the boys illegitimate means that the mothers have been tainted with feminine transgression and so the women are reduced in status,²⁸ which Richard is obviously more aware of than they are. However, when the Duchess of York and Elizabeth Woodville self-slander (significantly during the same scene) the balance of power shifts in their favour and Richard's power declines. Elizabeth and the Duchess create a rival power through illegitimacy.

The relationship between Margaret and the Duchess of York is the most interesting instance of Margaret's alternative female group demonstrating its power, influencing the Duchess's attack against Richard in 4.4. Chapter 3 discussed briefly how the Duchess's language helps in the characterisation of Richard as a metaphorical illegitimate, but this Chapter locates the source of that language in Margaret's slanders. Margaret's harassment of Richard in 1.3 shows the Duchess of York how to oppose Richard: she adopts Margaret's language to challenge Richard, her antipathy reaching its climax with her final renunciation and bastardisation of him in 4.4, when her language most resembles Margaret's earlier curses.

²⁷ Hillman, *Shakespearian Subversions*, 54.

²⁸ Findlay, *Illegitimate Power*, 7-9.

The Duchess harnesses this feminine power of self-slander to reject Richard, echoing Margaret's curses and using her images of unnatural birth in 4.4 (see Chapter 3). Paradoxically the power that she generates to denounce Richard is derived from the fact that to 'bastardise' him, she accepts Margaret's insinuations of demonic creation against herself. She calls him her 'damned son', and describes his birth using strong connotations of monstrous childbirth:

Art thou so hasty? I have stayed for thee
God knows, in anguish, pain and misery—
...A grievous burden was thy birth to me...
4.4.155-16

Like Margaret, she characterises Richard as demonic; he 'camst on earth to make the earth my hell' (1.159). Disowned by his mother, Richard has been subjected to the very thing that he feared in his mother from the start—her power of revelation. She relates his inner monstrosity to his horrific birthing process, and rejects him—as many mothers did an illegitimate, especially the 'monsters' that suffered with birth defects,²⁹ a motif that Shakespeare repeatedly links with bastardisation in *Lear*, and *1 Henry VI*.

The paradoxical power of this slander is that it reintegrates Richard into the family group. He smeared his brother, nephews and nieces with the taint of bastardy, and his mother and sister-in-law with adultery (and Edward IV with bigamy) and therefore when the Duchess repudiates him using language evocative of the illegitimate, she reintegrates Richard into his bastardised family. Richard's familial isolation leads him to initiate a strong relationship with the audience (Chapter 3); making his brothers and nephews outsiders by bastardisation enables Richard to move into the centre of his society at their expense. The Duchess has both rejected and reclaimed Richard in the same action, and his isolated 'illegitimate' position has been taken from him. Significantly, it is after his mother 'bastardises' him that Richard begins to lose his usurped authority, and with the defection of Buckingham and Stanley, his supporters. Richard tries to remain 'himself' but interprets the visitation of the ghosts as his 'coward conscience' (1.158). The Machiavellian lack of morals or conscience enabled his rise to power; so when the Duchess reintegrates him into her family, he becomes subject to conscience and fear, contributing to his defeat at Bosworth. His altered attitude and increasing conscience is evident at 5.4.170-185, where he condemns himself as a 'villain', a murderer, and despairs.

²⁹ Findlay, *Illegitimate Power*, 23; Crawford, *Marvellous Protestantism*, 62-68.

My conscience hath a thousand several tongues,
And every tongue brings in a several tale,
And every tale condemns me for a villain.
5.4.172-174

Richard is no longer revelling in his outsider status as a motivation for social mobility. Previously, as Chapter 3 noted, Richard was hyper-aware of his malignant character. The contrast in Richard's characterisation between the early scenes and this late speech, where his self-awareness disintegrates, is heightened by the legal overtones of the soliloquy. Richard appears to be putting himself on trial much as Lear does:

Perjury, perjury, in the high'st degree!—
Murder, stern murder, in the dir'st degree.
All several sins, all used in each degree,
Throng to the bar, crying all, 'Guilty, guilty!'
II.175-78

Richard's momentary lapse of mental strength is a forerunner of Lear's madness. However, the motif of a mad king acting as his own judge also picks up on the civil/common law conflict that the previous Chapter described. Richard, who initially gained strength from his isolated 'illegitimacy', utilising that state to motivate his interference in the succession, is now subjecting himself to a kind of legal judgement. The insecure and illegitimate foundations of Richard's monarchy, rooted in his personal ability to deceive and manipulate, are highlighted by the civil-law-style trial, reliant on 'sins' as witnesses, that he now subjects himself to. His authority, even during self-condemnation, is illegitimate. Richard's power is both false and transient, both in terms of kingship and of legitimacy smears. Only Margaret makes her smears stick: Richard's slanders do not increase and become utilised by others as Margaret's do. Likewise Bolingbroke uses slanders to cement his usurpation, but the events of *Henry IV* suggest that his smears too have a limited effect.

Slander in 'Richard II'

Bolingbroke utilises illegitimacy smears to invalidate Richard's leadership. One of his most effective political techniques is to bring the private and personal illegitimacy of Richard into the public sphere via insinuation. Richard's abdication reveals an undercurrent of illegitimacy

smears designed to invalidate his perceived incapability for the role of King and facilitate Bolingbroke's coup.

Shakespeare evidently used Froissart (who was considerably 'anti' Richard) where the illegitimacy accusations against Richard are described in detail. Northumberland's refusal to address Richard by his title in 4.1 suggests Shakespeare was aware of the Lancastrian smear that Richard was the illegitimate son of a Bordeaux priest,³⁰ and Froissart records Bolingbroke directly telling Richard he is 'not the son of the Prince of Wales, but of a priest or canon' and this is evident because he 'acted so contrary...to the gallantry and prowess' of his ancestors, emphasising the importance of familial resemblance to perceptions of legitimacy.³¹ As Richard III found in the case of Edward IV, Richard's foreign birth is an effective weapon against him.³² Shakespeare makes the Lancastrian smear against Richard work by allusion. The suggestion of illegitimacy gains much more strength than a deniable accusation of it, and the hint of foreign birth works against Richard, possibly because birth far from home creates an opportunity for a woman to cover up indiscretions; also, the mention of Richard's foreign birthplace taps into the English national sentiment that the history plays demonstrate. Shakespeare makes the accusations a Lancastrian smear rather than as indisputable a fact as Froissart—himself writing under Henry IV—did. Depicting the illegitimacy of Richard in a similar way to Froissart was dangerous for Shakespeare because it may have been interpreted as a comment on Elizabeth's illegitimacy: parallels between Elizabeth I and Richard II were frequently drawn.³³

Literal illegitimacy would immediately make Richard ineligible for kingship; and so the Lancastrians subtly denigrate Richard's claim. After their smears, Richard has

...no name, no title—
No, not that name I was given at the font
4.1.255-256.

The Lancastrians claim Richard was baptised 'John', not Richard, in France.³⁴ 'At the font' suggests that Shakespeare knew this story, and the reference to it shows the Bolingbroke faction is intent on bastardising Richard and his reign. His sovereign name is a significant marker of

³⁰ See Forker (ed.), *Richard II*, 154; Samuel Weingarten, 'The name of King in *Richard II*' *College English* 27:7 (1966), 539.

³¹ Jean Froissart, *The Chronicle of Froissart*, trans. Geoffrey Brereton (Harmondsworth: Penguin Classics, 1978), 618.

³² Given-Wilson and Curtis, *The Royal Bastards of Medieval England*, 92.

³³ Forker (ed.), *Richard II*, 13.

³⁴ Weingarten, 'The Name of King in *Richard II*', 69.

power that Bolingbroke removes: the theme is picked up again in 5.2, when Aumerle enters, and York reminds his wife they must ‘call him Rutland now’ (1.43). York’s description of Richard’s sorry entrance into London, contrasted with the triumphant Bolingbroke’s, may also serve as another way of dramatising the deposition in a production which did not feature in 4.1. In 5.2, therefore, the main themes of the deposition scene are repeated, and the smear of illegitimacy most prominently in respect to true (legitimate) kingship.

Aumerle’s questioned legitimacy mirrors the issues raised in the deposition concerning Richard’s legitimacy, and may be intended to reiterate these themes when, for political reasons, the deposition scene was not staged.³⁵ Despite the relative lack of powerful female characters in the second tetralogy compared to the first,³⁶ Shakespeare creates more significant female roles in *Richard II* than there are in the historical record. Richard’s wife, for example, was a child when he was deposed, but Shakespeare ages her in order to suggest a genuine relationship between the two and add pathos to their separation. The Duchess of York’s role in *Richard II*, which has been dismissed as ‘farcical’,³⁷ actually highlights the crux of legitimacy issues in *Richard II*—bringing the idea of ‘legitimate’ leadership to the fore, with associated concepts like loyalty and treachery. There is a problem of definition in *Richard II* around treachery and loyalty which significantly reaches a climax in 5.2.

Aumerle was actually the stepson of the Duchess featured in *Richard II*. Though their step-relationship is evident in Holinshed,³⁸ Shakespeare deliberately alters their relationship to emphasise family connections. The Duchess is given a strange speech in which she claims that, keen to bring Aumerle to justice, York

...dost suspect
That I have been disloyal to thy bed
And that he is a bastard, and not thy son
5.2.105-107

There is no apparent reason for the outburst; the scene has been criticised by some critics as unnecessary,³⁹ while Howard suggests that the ‘ludicrous’ nature of the Duchess’ guess, and her subsequent behaviour, serves only to demonstrate the decreasing importance of female characters

³⁵ Forker (ed.) *Richard II*, 42.

³⁶ Howard and Rackin, *Engendering a Nation*, 137-38.

³⁷ Forker (ed.), *Richard II*, 42.

³⁸ Holinshed, *Holinshed’s Chronicle*, 43

³⁹ Ruth Nevo, *Tragic Form in Shakespeare* (Princeton, N.J.: Princeton University Press, 1972), 94.

in the second tetralogy.⁴⁰ Modern productions often follow Beerbohm Tree's 1903 production, which removed the Aumerle scene in order to focus on Richard's personal tragedy,⁴¹ subsuming the historical genre into a personal tragedy. Yet when this scene is considered in the context of sovereign (il)legitimacy, the Duchess' assumption has a massive thematic relevance. The comic element parodies the tone of the court scenes, undercutting the pompous convention of court and the history genre itself,⁴² yet though the Aumerle scenes have a definite element of the farcical, they also engage with some of the important thematic questions of the play, showing that the personal intrudes upon the public sphere, as in *Lear*.

In the Aumerle scenes the smear of illegitimacy is employed in an unusual way. The Duchess inadvertently creates the smear by incorrectly second-guessing York's motives, demonstrating the significant alteration in female power from *Richard III*,⁴³ where women deliberately use illegitimacy smears. She strives to convince her husband that Aumerle 'is as like thee as any man may be' (5.2.108). Rather than being reassuring, the Duchess' sudden insistence that Aumerle is legitimate implicitly suggests otherwise—especially in terms of the paternal likeness, which in Shakespeare frequently denotes illegitimacy. The Duchess of York picks up on her husband's tone of rejection when he plans to 'appeach the villain' and orders him to 'Never more come in my sight' (ll.79 & 86), interpreting this as the kind of bastardising parental rejection used by Lear and the Duchess in *Richard III*, and in defence protests his legitimacy. York's insistence on turning his son in does suggest a breaking of familial bonds so severe that Aumerle is being placed in a similar situation to a bastard son. Rather than distracting attention away from the important issues of legitimate monarchy and treachery, the intrusion of female hysteria and familial love shadows the larger questions of the play, with Aumerle's legitimacy status reflecting the vacillations of treachery and loyalty in the transition from Richard to Bolingbroke. The domestic disturbance microcosmically reflects the disorder of the English nation-state, and legitimacy debates are at the centre of both. Because York appears ready to reject Aumerle, his wife fears that legitimacy will become the basis of his rejection and that this will reflect badly upon her. She worries that he will claim Aumerle is the result of an adulterous liaison ('disloyal to thy bed...not thy son' [ll.105& 106]) because if Aumerle was a 'special

⁴⁰ Howard and Rackin, *Engendering a Nation*, 139.

⁴¹ Hodgdon, *The End Crowns All*, 130-31.

⁴² Sheldon P. Zitner, 'Aumerle's Conspiracy' *SEL* 14 (1974), 239-41.

⁴³ Howard and Rackin, *Engendering a Nation*, 137.

bastard', born before marriage, he would be legitimate in the eyes of the Church, and though legally bastardised, would still be York's acknowledged son.

However, the male and politically centred York is not considering legitimacy issues at all; yet, as in *Lear*, a child that disappointed his father could easily be rejected in terms of illegitimacy, whence comes the Duchess of York's conviction that York doubts her and his son. York barely acknowledges the Duchess' insinuations; in *Richard II*, with its emphatically reduced female strength, the female sphere of slander (even when accidental) is reduced. York is concerned with the state of the nation and his loyalty to Bolingbroke and says

...Were he twenty times my son
I would appeach him.

II.101-102

York is determined to act as he believes duty to his King dictates, and so is Aumerle; the legitimacy conflict between Bolingbroke and Richard, however, leaves the identity of that king uncertain. The emphasis in this play is on paternal bonds, between father and son, king and subject, not the subversive mother-child bond of *Richard III*. This returns to *Henry VI*, which, with the Talbots and the sons of Richard of York, was centred on father-son relationships. The breaking of paternal bonds in the York/Aumerle scene, however, indicates an important difference between the first and second tetralogies. In the second tetralogy bonds are broken, for example between Aumerle and York, Bolingbroke and Hal, Bolingbroke and Gaunt, even Richard and Gaunt, whereas in the first these bonds, even if under threat, are maintained and reinforced, even in death.

Bolingbroke also uses language evocative of bastardy in relation to Aumerle, severing the paternal link between them. He describes the pair as a

...sheer, immaculate and silver fountain
From whence this stream through muddy passages
Hath held his current and defiled himself!

5.3.60-63

Though this does not expressly define Aumerle as a bastard, the idea of corruption and impurity is a central feature of the conception of illegitimacy.⁴⁴ The father-son link is simultaneously reinforced and denied: Aumerle is 'muddy' while his father is 'immaculate', yet still a 'stream'

⁴⁴ Neill, 'In Everything Illegitimate', 274-76.

from his father's 'fountain'. Bolingbroke's speech carries these nuances of illegitimacy because it helps him to reconcile the different attitude between the father and son. His 'smear' marks Aumerle as flawed, corrupted by nature, and enables him to forgive; it is the difference between father and son, the inflections of illegitimacy, that 'shall excuse / This deadly blot in thy digressing son' (II.64-5). In Aumerle's case, being slandered as illegitimate throws his father's loyalty into greater relief and hence is responsible for his pardon: the idea that illegitimacy can in some ways be a saving grace (as when Elizabeth Woodville threatens to bastardise her daughter to save her from a marriage with Richard III) is a recurrent motif for Shakespeare in the historical genre, because Shakespeare's historical plays hinge on the fluidity of (il)legitimacy. Shakespeare continually reverses perceptions of illegitimacy, emphasising extremes of bastardy as both enabling and restrictive.

Though many regard the Aumerle scene as a discordant interjection to the serious matter,⁴⁵ it is far more cohesive with the main themes than this view acknowledges. Shakespeare draws attention to the issue of legitimate birth, bound in the person of Richard to the notion of legitimate kingship; and treachery also becomes an issue related to legitimacy. The seemingly needless interjection of the Duchess of York focuses attention on the theme of (il)legitimacy, and the placing of the Aumerle/York scene immediately after the deposition is significant. After reviewing the two 'options' for kingship, and debating their personal/royal legitimacy, Shakespeare goes on to explore the ideas of sovereign and subject 'legitimacy', linking these with birth legitimacy and the domestic conflict in the York family. Definitions of treachery in Bolingbroke's England centre on legitimacy definitions.

The problem hinges on the legality of the deposition: the definition of 'traitor' depends on who is in charge—traitors often believe they are serving their true monarch. Shakespeare raises this problem in Aumerle's suddenly doubted legitimacy. Prompting an audience to consider one kind of illegitimacy (by birth), Shakespeare again draws our attention to the other kind of legitimacy (by merit) that is fundamental to the play. Like Bolingbroke's 'personal legitimacy',⁴⁶ which he draws from good opinion, the legitimacy by birth of a person is also dependant on perception: is Aumerle legitimate by birth—and is he a legitimate subject of the legitimate king? The two things are co-dependent: if Bolingbroke is not the true king, York is a

⁴⁵ Nevo, *Tragic Form in Shakespeare*, 94.

⁴⁶ Howard and Rackin, *Engendering a Nation*, 139.

traitor with a loyal son, and vice-versa. Whichever way, the political distinction between father and son feeds the Duchess' unexpected use of the word 'bastard' at 5.2.106, and her loaded question 'is he not like thee?' (l.94). Aumerle is 'bastardised' not only by his actions, but by his father's. The father-son accord between Bolingbroke and Gaunt is now absent; instead, Bolingbroke divides York and Aumerle, damaging the masculine bonds that England relied on in *Henry VI*. The next section discusses this further, examining the way Bolingbroke uses performances of legitimacy to undermine Richard's power.

Legitimizing Appearances in 'Richard II'

As the prominence afforded to illegitimacy smears shows, appearance of legitimacy is paramount to sovereignty in the British plays. However, the definition of legitimacy was very fluid, incorporating ideas like truth, legality and birth. Howard and Rackin use the terms 'personal legitimacy' and 'royal legitimacy' to differentiate between two models of legitimacy exemplified in Bolingbroke and Richard II,⁴⁷ and the idea that a person could be legitimate for a role by birth and yet 'unsuitable' by his abilities is central to *Richard II*.

Bolingbroke is a consummate performer of legitimacy, manipulating images of political and cultural tradition, and conversely modernity, when necessary to appear personally legitimate. He deliberately projects a persona of legitimacy specifically designed to oppose the performance of sanctified and divine kingship upon which Richard II bases his own claim to monarchic legitimacy.⁴⁸ As in *Richard III*, the struggle for England is contained in a contest of legitimacies and performances, and through this, *Richard III* and *Richard II* repeatedly question the veracity, the very legitimacy, of English history. The following sections discuss how Bolingbroke and Richard perform legitimacies in *Richard II*, and particularly how Bolingbroke manipulates ideas of biological inheritance and legality (another feature of the legitimacy debate in *King Lear*) in his performance.

Public Persona and Appearances of Legitimacy

⁴⁷ Ibid.

⁴⁸ Weimann and Bruster, *Shakespeare and the Power of Performance*, 151.

This section discusses the significance of truth, report and public opinion in performances of legitimacy. The manipulation of his appearance and perception to others is central to Bolingbroke's performance of legitimacy, and it powers his coup, designed to contrast with Richard's performance of sovereign divinity. No single model of sovereignty is endorsed by the play, yet it reflects contemporary religious and political debate about sovereignty and rebellion, fracturing the historical narrative into various perspectives.

Bolingbroke's public persona, the performance before the common people and not nobility, is only ever described onstage. Though one reason for this is the shortage of actors and space for staging a large crowd, some plays—most relevantly, *Woodstock* (2.3) had dramatised rioting, and Shakespeare staged a similar uprising under Jack Cade in *2 Henry VI*. Financial and practical restrictions therefore, did not prevent crowd scenes; the unseen element of Bolingbroke's performance intentionally feeds the multiplicity of perspective that performances create in *Richard II*.⁴⁹ Bolingbroke's public persona is revealed in two major incidents of report: Richard's description of Bolingbroke's relationship with the populace, and York's retelling of Bolingbroke's entrance to London. The issue of veracity is woven throughout the historical genre: as we saw in *Richard III*, reports can cause a reconsideration of historical truth. The language of legitimacy that *Richard II* reveals in slander is connected to the issue of truth (Chapter 1), verbally carrying notions of absolute 'legitimate' truth;⁵⁰ and so the performance of legitimacy in this play articulates the desire to control history, to define the legitimate truth. Bolingbroke and Richard both struggle to define themselves and their reign as the legitimate, at that time and for posterity. The multiplicity of perspectives that these performances create undermines that goal; as in *Richard III*, legitimacy has a curious perspective that alters continually.⁵¹

The first retelling of unseen performance is 1.4, an instance of the 'two models of personal and royal legitimacy... personalized in the opposition between Richard and Bullingbrook'.⁵² Richard

...observed [Bolingbroke's] courtship to the common people,
How he did seem to dive into their hearts

⁴⁹ Ibid., 26-41.

⁵⁰ Zaller, *Discourse of Legitimacy*, 325-7.

⁵¹ Gilman, *Curious Perspective*, 64.

⁵² Howard and Rackin, *Engendering a Nation*, 139.

With humble and familiar courtesy,
What reverence he did throw away on slaves
1.4.24-27

He further describes Bolingbroke's interaction with 'poor craftsmen', 'draymen' and an 'oyster-wench' (ll.28-32). Shakespeare's Bolingbroke is not merely a popular feudal lord but a clever tactician: he attacks Richard at his weakest point, emphasising his aloofness and callousness to the people, simultaneously presenting himself as an alternative. Richard sees that Bolingbroke is cultivating an image

As were our England in reversion his
And he our subjects' next degree in hope.
ll.35-36

The line 'Off goes [Bolingbroke's] bonnet to an oyster wench' (1.4.31) had significant resonance to Elizabethans, because it was repeated in an anonymous poem of 1603 which contrasted the familiarity of Essex with Raleigh's aloof personality: Essex 'Would vail his bonnet to an oyster-wife / And...greet / The vulgar sort that did admire his life'.⁵³ In contrast Guilpin's *Skialetheia* attacks Essex because he 'Vayleth his cap to each one he doth meet'.⁵⁴ There were two extremes of opinion on Essex's personality, shown explicitly in two such different reactions to the same action of doffing one's cap; the contrasting legitimacies of Richard and Bolingbroke demonstrate similarities to actual political contests in Elizabethan England.

Despite linear legitimacy, Richard's performance of regality conveys frivolity rather than personal legitimacy.⁵⁵ Historically Richard was probably less incapable in times of crisis than in his dramatic presentation: for example, when aged only fourteen he played a significant part in the ending of the Peasant's Revolt. However, the latter part of his reign was a different matter and his reputation as an incompetent spendthrift with a fondness for flatterers was not entirely undeserved.⁵⁶ Richard II's kingship was widely contrasted with that of his predecessors

⁵³ The poem is printed in J.O. Halliwell-Phillipps, *Poetical miscellanies from a manuscript collection of the time of James I Vol II: Early English poetry, ballads, and popular literature of the Middle Ages* (London: Percy Society, 1845), 17.

⁵⁴ Cited in G.B. Harrison, 'Shakespeare, Essex and *Richard II*' *TLS*: 1550 (15/10, 1931).

⁵⁵ See Leggatt, *Political Drama*, 63-66; Robert S. Knapp, 'Shakespearean Authority', in Graham Holderness (ed.), *Shakespeare's History Plays* (London: Macmillan, 1992), 45-47.

⁵⁶ Saccio, *Shakespeare's English Kings*, 42-44.

Longshanks, Edward III, and the Black Prince, in works such as *Woodstock*.⁵⁷ For *Richard II* inspiration from predecessors is likely to have been drawn from the reign of Edward II, possibly Marlowe's *Edward II*, in which Richard's grandfather Edward II is presented as a flawed, emasculated king in contrast to his father and son.⁵⁸ Shakespeare repeats the historical pattern of a weak, effeminate king sandwiched between two strong military kings.

Contrasting with Bolingbroke's martial associations (he is associated with combat from the start, fighting a duel against Mowbray), Richard shows a 'feminine' aspect of his character when he returns from Ireland. Shakespeare shows both factions immediately after one another so that Bolingbroke's joviality is compared with Richard's misery: Northumberland says

Bolingbroke

...hath very much beguiled
The tediousness and process of my travel.
2.3.6

Richard's preparations for war are rooted in fear:

...the blood of twenty thousand men
Did triumph in my face, and they are fled;
And till so much blood thither come again
Have I not reason to look pale and dead?
3.2.87

Shakespeare's Richard is feminised by his tears⁵⁹ and his love of luxury, his passive and gentle character that dislikes conflict ('malice makes too deep incision', [1.1.155]). All these features create a 'gendered opposition' between himself and the quiet, strong and masculine Bolingbroke.⁶⁰ Throughout, Bolingbroke responds to Richard's flaws as a ruler with a performance of contrasts—in response to Richard's femininity, he surrounds himself with fathers and sons; when Gaunt is dead, he is shown in the company of another patriarchal pairing, Hotspur and Northumberland (though, significantly, after he takes the throne, the York/Aumerle incident, the dissidence of Hal and the discord between himself and the Percys makes his careful performance of masculine respect and camaraderie degenerate). Richard remains isolated, surrounded by favourites, especially when Bolingbroke wins over York, again in significant familial terms:

⁵⁷ Ibid. p.129; Manheim, *Weak King Dilemma*, 59-61.

⁵⁸ Manheim, *Weak King Dilemma*, 60-65.

⁵⁹ Howard and Rackin, *Engendering a Nation*, 143.

⁶⁰ Ibid.

You are my father, for methinks in you
I see old Gaunt alive.

2.3.117-118

He also claims that Aumerle, had York died first, 'should have found his uncle Gaunt a father' (1.127). Making York his father and Gaunt Aumerle's, Bolingbroke suggests that he is equally the heir of the Black Prince (another uncle) as Richard is. He suggests that being part of the royal family, having the all-important royal blood is enough to legitimate him as both son and King. Richard's defence against such insinuation remains to emphasise both his status as the only son of the eldest of Edward III's sons, and the sanctity of Kingship, reminding his followers that

Not all the balm in the rough rude sea
Can wash the balm off from an anointed king
3.2.54-55

These two competing models of legitimacy both occupy a side of the Elizabethan debate of legitimate succession. Bolingbroke exemplifies Persons' argument that a claimant with desirable abilities but non-linear descent was the more legitimate option for England's succession crisis than one with a stronger line of descent.⁶¹ Gilman, however, points out how effectively Richard swings the sympathies of the play towards a conception of inherent sovereign legitimacy in the second half of *Richard II*.⁶² The characters, like the play, resist simple definitions, and the conflict rests on performances of legitimacy, the play refusing to define which indicates 'true' monarchic legitimacy.

Initially, Richard fails to perform legitimate sovereignty convincingly; he cannot prevent Norfolk and Bolingbroke arranging a duel. This provides an interesting contrast with Bolingbroke's handling of a similar situation in 4.1, when the warring nobles threaten to ruin his first Parliament by repeatedly challenging each other to duels. Bolingbroke simply states that

Your differences shall all rest under gage
Till we assign you to your days of trial.
4.1.105-106

⁶¹ Persons, *Conference*, 23.

⁶² Gilman, *Curious Perspective*, 64-69.

Thus he effectively neutralises the threat that Richard could not in 1.1. Bolingbroke creates an appearance of straightforwardness, of effortless control. Both Mowbray and Bolingbroke use arguments of chivalry to refuse Richard's order—'mine honour is my life', and 'Shall I seem crest-fallen in my father's sight?' (1.3.182 & 188)—but in essence they both disobey the king. It is unclear whether Bolingbroke intends to defer the duels, or schedule a legal trial, something that would dissociate him even further from Richard's ineffectual control methods. Hodgdon believes Bolingbroke rules by 'the cultural conventions and the legal procedures associated with the chivalric code'⁶³ yet Bolingbroke specifically refuses to allow duelling nobles to compete in such traditions. The nobility is no longer allowed to duel to establish authority; the new instrument of power is the law, and Bolingbroke is a proficient.

Though Bolingbroke's performance is more effective in the context of the play than Richard's, his self-aware performance during the deposition scene attracts more critical attention.⁶⁴ It is not an isolated performance designed to create sympathy, but a continuing aspect of Richard's performance of kingship. Bolingbroke insists upon Richard's presence at the deposition, so he may be seen giving the crown up voluntarily, endorsing and hence legitimising his own deposition:

He shall surrender. So we shall proceed
Without suspicion...

4.1.157-157

Richard's 'voluntary' submission of the crown, where he places both their hands on the crown before resigning it, should authorise the usurpation. Richard wears the 'heavy weight' (1.204) initially, so he can be seen presenting it to Bolingbroke (which he does at 204, s.d.). However, he spoils the charade by telling Bolingbroke 'here, cousin, seize the crown' (1.182). Richard forces Bolingbroke to take the crown from him, undercutting the appearance of voluntary submission that Bolingbroke wished to convey. An heir in medieval law could only be authorised by the current monarch, before Parliament. Historically, Bolingbroke called a Parliament to confirm his ascension, but because he confirmed it and not Richard, he was never legally King.⁶⁵ Contrary to his sources, Shakespeare shows Bolingbroke accepting the crown

⁶³ Hodgdon, *The End Crowns All*, 129.

⁶⁴ Manheim, *Weak King Dilemma*, 58-66.

⁶⁵ Saccio, *Shakespeare's English Kings*, 52.

from Richard before Parliament, intensifying the effect of Bolingbroke's performance of legitimacy.⁶⁶ Bolingbroke repeatedly plays out ceremonies that legitimate his proceedings, such as the deposition, or the triumphant progress through London; his is a reign based on appearances. However, Richard spoils the effect with his own performance of legitimacy.⁶⁷ He performs a complete loss of identity, asking 'what must the King do now?' (3.3143). Though this performance has been interpreted as a measure of Richard's increasing self-awareness,⁶⁸ it also demonstrates an increasing awareness of the effectiveness of Bolingbroke's performance of personal legitimacy.⁶⁹ Richard tries to counter Bolingbroke's performance by exploiting the fact that, successful or unsuccessful, he cannot be anything but a King. Even his baptismal name, the most basic indicator of his identity, has been taken from him. He will not, in the deposition scene, allow Northumberland to call him 'lord', for, as he points out, he is left without identity or function by Bolingbroke:

...Alack the heavy day
That I have worn so many winters out
And know not what name to call myself.
4.1.257-59

A deposed king was 'like an "honest whore"...an oxymoron'.⁷⁰ Hence Richard plays on his 'royal legitimacy',⁷¹ emphasising that he is the linear descendant of the last King, the one area in which Richard can out-perform Bolingbroke. Shakespeare ignores Bolingbroke's failed historical attempt to claim right by succession in Parliament and the York heirs who claimed a right over Bolingbroke's,⁷² and considered alone, *Richard II* refuses to endorse this importance Richard attaches to patrilinear birth. Yet Bolingbroke's turbulent reign as depicted in *Henry IV* suggests otherwise: long term, Bolingbroke cannot maintain his power and performance of legitimacy.

Accordingly, Richard orchestrates a 'shift in sympathy toward [himself]',⁷³ which gains momentum. The evident agenda of the Bolingbroke faction causes a reconsideration of Richard's kingly divinity. He is finally linked to his noble ancestors: Fleischer notes a similarity between

⁶⁶ Holinshed, *Holinshed's Chronicle*, 601-2; Froissart, *The Chronicle of Froissart*, 221.

⁶⁷ Leggatt, *Political Drama*, 59; Manheim, *Weak King Dilemma*, 56; Maynard Mack, *Killing the King: Three Studies in Shakespeare's Tragic Structure* (New Haven and London: Yale University Press, 1973), 33.

⁶⁸ Manheim, *Weak King Dilemma*, 62.

⁶⁹ *Ibid.*, 66.

⁷⁰ *Ibid.*, 15.

⁷¹ Howard and Rackin, *Engendering a Nation*, 139.

⁷² Hodgdon, *The End Crowns All*, 138.

⁷³ Manheim, *Weak King Dilemma*, 55.

Richard and Woodstock in *Woodstock*: both refuse to resign their power straightforwardly, creating scenes intended to convey their legitimacy for the roles they are forced to resign.⁷⁴ As Woodstock breaks his staff, Richard asks for a mirror and refuses to sign the list of crimes.⁷⁵ As was argued of Richard III and Posthumus, this reintegration into family bonds has a legitimating effect that changes Richard. For the first time he displays a martial, masculine strength (shortly after referring to his soul as a ‘father’ at 5.5.7, the gender contrasting interestingly with his earlier description of himself as a ‘mother’ to England) when he kills Exton’s servants at 5.5.106-8.

Paradoxically, when Richard is deposed, his performance of sovereign legitimacy becomes more convincing. He has been temporarily overshadowed by Bolingbroke’s performance of personal legitimacy, and as the momentum of sympathy swings toward Richard, Bolingbroke’s personal legitimacy appears merely a façade created for political advancement. Reports of various characters in the play create various ‘perspectives’ of the historical events.⁷⁶ For example, Bolingbroke’s unseen ‘courtship of the common people’ (1.4.24), conveys to the audience Bolingbroke’s popularity, Richard’s pompousness, the idea that Bolingbroke is performing a role, and Richard’s personal dislike of his cousin. Rather like the Woodstock backstory, this story has gaps that the audience must fill, making the ‘truth’ of this play subjective, as the multiple narratives of truth did in *Richard III*. In the history plays, legitimacy and truth are always subjective.

For example, as Bolingbroke is accused of suing to the populace, he accuses the favourites of having

...in manner with your sinful hours
 Made a divorce betwixt his queen and him
 Broke the possession of a royal bed
 3.1.11-13.

Queen Isabel is supposedly grieved by the ‘foul wrongs’ (1.15) of Bushy and Green, which allude to homosexual relationships with Richard. Homosexuality, with the precedent of Edward II, was one reason for deposing a king. Bolingbroke actually creates the link between Richard and his famous ancestors that he tries to break at other times, reaffirming the patrilinearity that Richard’s legitimacy is drawn from. Yet this link is between Richard and his murdered, deposed and

⁷⁴ Martha Hester Fleischer, *The Iconography of the English History Play* (Salzburg: Salzburg University Press, 1974), 73.

⁷⁵ Holinshed, *Holinshed’s Chronicle*, 605.

⁷⁶ Gilman, *Curious Perspective*, 124.

incompetent grandfather Edward II. At 2.2 Isabel speaks with the favourites and Shakespeare gives no indication of any animosity between them (Bushy calls her ‘thrice-gracious Queen’ [2.2.24], which may explain why Shakespeare plays down Richard’s famously debauched court⁷⁷)—the parting between Richard and Isabel is key to reversing negative opinion of Richard.⁷⁸ The suggestion of homosexuality is another example of report and reality being separate in *Richard II*. Though Bolingbroke suggests there is ‘sinful’ connection, in light of the political ‘front’ that Shakespeare depicts, the lack of evidence makes the suggestion seem unlikely. Simultaneously, though, an audience may be aware of the historical ‘fact’ that Richard was at the centre of a corrupted court of favourites.⁷⁹ Marlowe’s *Edward II* had already covered this territory, and as Edward was Richard’s grandfather, what marked Richard as personally illegitimate earlier now ironically appears to strengthen his inherited royal legitimacy. In fact, Raleigh was convinced in 1616 from a providential model of history that the sins of the grandfather were visited on the grandson, using Edward and Richard as an example.⁸⁰ When the comparisons with Edward II begin, Richard’s guilt—and his legitimacy—is placed in a different context again.

We see the effect of report again when York describes Bolingbroke’s entrance into London. Bolingbroke conveys the image that he is approved of, both by commoners and nobles. He stresses the importance of the deposition being ‘in common view’ (4.1.156), showing an awareness of the power of spectacle in displays of sovereign power and legitimacy.⁸¹ Certainly the public deposition is Shakespeare’s addition to the sources,⁸² indicating a specific purpose for the change. The ride through London (that York describes to his wife, 5.2) emphasises to Richard the strength of Bolingbroke’s power and cements his leadership before the common people. Bolingbroke shows Richard that ‘no joyful tongue gave him his welcome home’ (1.29), ‘Whilst all tongues cried ‘God save thee, Bolingbroke!’’ (1.11) and the people threw ‘dust upon his [Richard’s] sacred head’ (5.2.30). The approval of these people helps to legitimate

⁷⁷ Paola Pugliatti, *Shakespeare the Historian* (London: Macmillan, 1996), 108.

⁷⁸ Leggatt, *Political Drama*, 87.

⁷⁹ As recounted in Lily B. Campbell (ed.), *the Mirror for Magistrates* (New York: Barnes and Noble, 1960), 73-5; Anon, *Woodstock*, in William A. Armstrong (ed.), *Elizabethan History Plays* (Oxford: Oxford University Press, 1965), 70-82, and by Holinshed, *Holinshed’s Chronicle*, 604-05.

⁸⁰ Walter Raleigh, *The History of The World*, reproduced in *The Norton Anthology*, Vol I, 878-888.

⁸¹ Christopher Pye, *The Regal Phantasm: Shakespeare and the Politics of Spectacle* (London; New York: Routledge, 1990), 188.

⁸² Pugliatti, *Historian*, 110.

Bolingbroke's coup, especially as some radical thinkers of the sixteenth century were arguing that the common people had rights to choose, depose, and even execute their sovereigns.⁸³ Buchanan's *De Jure Regni Apud Scotos* (1579) placed government in the hands of the people, even justifying regicide.⁸⁴ Likewise Christopher Goodman argued that deposition of a 'wicked and ungodly' monarch is 'lawful' and 'natural' in 1588.⁸⁵ Using the curious perspective model, the play resists simplistic interpretation as the balance swings again to examine the alternative view that any rebellion violated God's law. Biblical precedent was present in *Romans*—'Whosoever resisteth the power, resisteth the ordinance of God', 13:2—and thinkers such as Thomas More and Luther had argued the point. Richard's continued performance of legitimacy after the deposition shifts the balance of sympathies towards him as patrilineally legitimate once again.

However, York describes these scenes, and so the truth of the situation as the audience hears it is dependent on York's perspective. He gives Richard a voice, countering Bolingbroke's show of legitimate kingship. Richard describes those who allow his deposition as 'Pilates':

...Yet you Pilates
Have here delivered me to my sour cross
And water cannot wash away your sins.
4.1.239-41

This, again, is dependent on interpretation. Richard is either an anointed, sanctified king, or a tyrant who blasphemously sees himself as Christ-like. York's description of Richard's forbearance relays a version of events coloured by his personal sympathy toward Richard.

...with such gentle sorrow he shook off
His face still combating with tears and smiles...
The hearts of men they must perforce have melted
And barbarism itself have pitied him.
5.2.31-32, 35-36

⁸³ For an extreme interpretation of the people's rights, see H. R. Trevor-Roper, *George Buchanan and the Ancient Scottish Constitution* (London: Longman's, 1966), 73-79; Greenfeld, *Nationhood: Five Roads to Modernity*, 11-12.

⁸⁴ Trevor-Roper, *George Buchanan and the Ancient Scottish Constitution*, 34.

⁸⁵ Christopher Goodman, *How superior powers ought to be obeyed of their subjects and wherein they may lawfully by Gods Worde be disobeyed and resisted* (Geneva: John Crispin, 1588), 115 & 45.

In this performance of Christ-like divinity, Richard tries to suggest that the power to re-sanctify the relationship between England and sovereign (which had, with the infamous leasing of the kingdom, become degraded to the level of England-landlord) is with him, not Bolingbroke. This again shows a new interpretation of the legitimacy theme in this play, with Richard's performance of divinity intended to indicate another kind of supposedly ordained legitimacy. York's apparent sympathy compared to the picture of the English people is another example of Gilman's 'perspective',⁸⁶ for in this case, Richard's attempt to convey legitimacy to the people feeds their rejection of him, and further invalidates his power in contrast to Bolingbroke's. In *Richard II*, power is mediated through the subjective legitimacy battle of Richard and Bolingbroke.

Yet Richard's deposition appears to have been far less significant to his own subjects than to the Elizabethans almost two hundred years later.⁸⁷ In the sixteenth century, Richard's deposition was frequently described as causing the Wars of the Roses.⁸⁸ Holinshed and Froissart describe the medieval commons as desiring Bolingbroke's leadership, implying that the majority of the historical populace felt no qualms about replacing the just inheritor of the throne with someone more capable yet of lesser birth.⁸⁹ Clearly the confrontation between sovereign and personal legitimacy is an early modern concern, as the attitude to illegitimate children also changed during this period.⁹⁰ This impression is strengthened by the tracing of contemporary legitimacy performances such as Essex's and Raleigh's in the background of the play. Yet Bolingbroke's public persona is not the only element of his performance of personal legitimacy.

Inheriting Legitimacy

Both genetic inheritance and more legal concepts of inheritance form the cornerstone of Bolingbroke's legitimacy performance, providing a persuasive impression of legitimacy for rule in terms of birth and legality. From the first scene Shakespeare's preoccupation with lineal legitimacy is evident, shown by the use of language centring on blood and birth.

⁸⁶ Gilman, *Curious Perspective*, 90-129.

⁸⁷ Saccio, *Shakespeare's English Kings*, 23.

⁸⁸ Robin Headlam Wells, *Shakespeare, Politics and the State* (London; Basingstoke: Macmillan, 1986), 106.

⁸⁹ Holinshed, *Holinshed's Chronicle*, 512.

⁹⁰ Neill, 'In Everything Illegitimate', 297.

'Blood' has many meanings, being an indicator of linear descent and worth, personal harm and emotion. Bolingbroke uses the idea of royal blood, a biologically inherited marker of royal legitimacy, to begin his performance as a legitimate alternative to Richard. When Mowbray issues Bolingbroke with a challenge, he attempts to reduce the effect of Bolingbroke's royal status:

Setting aside his high blood's royalty,
And let him be no kinsman to my liege.
1.1.59-60

Bolingbroke in turn emphasises his own royal descent by echoing Mowbray:

Disclaiming here the kindred of the King,
And lay aside my high blood's royalty,
Which fear, not resonance, makes thee to except.
11.70-72

Disclaiming the 'kindred of the King' and yet asserting Mowbray fears his 'high blood' ('high' meaning both angry and high in social status), Bolingbroke manipulates Mowbray's insult to exult his own 'glorious worth of my descent' (11.107). In response, Mowbray attempts to block Bolingbroke's access to that potent symbol; he separates Bolingbroke from Richard's bloodline, as at 11.59-60 (quoted above). He uses the same technique at 1.113 when he calls Bolingbroke a 'slander of [Richard's] blood', echoing language that Margaret uses to Richard III when she calls him a 'slander' of his mother's womb (*Richard III* 1.3.228).

Mowbray also intends to prove himself a 'loyal *gentleman*' (1.148, emphasis added) by shedding 'the best blood chambered in his [Bolingbroke's] bosom.' (1.149). 'Proving' status obliquely refers to proving paternity: fulfilling the actions required for his status as a gentleman cements the notion that he was born a gentleman, and therefore fathered by one.⁹¹ Mowbray focuses on maintaining the position he has been afforded by his birth, and simultaneously reaffirms his paternity. For Mowbray, the proof that he is a true 'gentleman' rests on shedding Bolingbroke's 'best blood'. The blood of combat is only one meaning: 'best blood', taken by Forker to refer to the 'blood near the heart',⁹² also carries connotations of the royal blood that

⁹¹ Scott, 'Landholding Leasing and Inheritance', 275-92.

⁹² Forker (ed.), *Richard II*, 193.

Mowbray tried to deny Bolingbroke earlier. The emphasis on royal blood and combat forebodes the danger that Bolingbroke and his 'neighbour nearness', his own royal blood, (l.119) pose to Richard.

Richard also uses blood imagery as a display of strength, though ineffectively compared to Bolingbroke. His statement 'Let's purge this choler without letting blood...Our doctors say this is no month to bleed' (l.153 & 157) is an unsuccessful attempt to control Mowbray and Bolingbroke in similarly blood-related terminology.⁹³ Richard emphasises his 'sacred blood' (l.119) and (in 'our doctors' especially) his royalty. The emphasis on royal blood links to a common language of birth and succession, meaning the drama instigated here originates in birth and birthright issues, becoming more apparent when Bolingbroke is denied his birthright. Bolingbroke also claims that his conversation with Mowbray is 'base' (l.192), a word with connotations of illegitimacy. Mowbray vows to fight for his 'succeeding issue' at l.3.20, suggesting dishonour is inherited, and picking up the Talbots' emphasis on birth from *I Henry VI*. Conversely, Bolingbroke alludes to the inheritance of honour when emphasising his royal descent, reminding people that potentially he can inherit the strengths of Edward III as much as Richard.

Bolingbroke has an advantage over Richard in his performance of legitimacy because of this notion of inheritance and legitimacy. John of Gaunt, Bolingbroke's father, is present in the play while Richard is isolated from family connections, frequently in conflict with his uncles. The early death of the Black Prince distances Richard from the elder generation of males, and the connotations of legitimacy that come from being an integrated member of a family, and from patrilinearity (see Chapters 1 and 2). Shakespeare depicts Gaunt as an iconic patriarch figure:

This royal throne of kings, this sceptred isle,
This earth of majesty, this seat of Mars,
This other Eden, demi-paradise,
This fortress built by nature for herself
Against infection and the hand of war,
This happy breed of men, this little world,
This precious stone set in a silver sea...
...This blessed plot, this earth, this realm, this England
This nurse, this teeming womb of royal kings,
Feared by their breed and famous by their birth,

⁹³ Leggatt, *Political Drama*, 64.

Renowned for their deeds as far from home,
For Christian service and true chivalry
2.1.40-46, 50-54

Gaunt looks back at an age of 'true chivalry' in England, an age that Richard is ruining. The sentiment is more important than the fact, though critics have debated whether the speech is nostalgic or whimsical in tone.⁹⁴ What Gaunt's England 'does' is create a foundation for Bolingbroke's presentation of himself as a scion of true nobility, comparing favourably with Richard's performance of divinely-awarded absolutism, a performance that treats the land and the nation as personal possessions:

His rash fierce blaze of riot cannot last.
For violent fires soon burn out themselves...
...With eager feeding food doth choke the feeder.
Light vanity, insatiate cormorant,
Consuming means, soon preys upon itself.
Il.33-34, 37-39

Shakespeare has Gaunt complain that the nation 'Is now leased out...Like to a tenement or pelted farm' (Il.59-60, cf. *Woodstock* 4.1.148). Gaunt is therefore established as a representative of tradition and respect in this speech, and Bolingbroke is able to use his father's impeccable (unhistorical)⁹⁵ reputation to improve his own public image and legitimate his claim to the throne. Gaunt's England is an imagined ideal, not a remembrance; as Chapter 1 pointed out, Gaunt's England depends on the disappearance of Scotland, Wales and Ireland. Interpreting Gaunt's words as a fond recall of the pre-Richard era creates the impression that Gaunt represents the traditional 'old' values of chivalry,⁹⁶ and this characterisation lends him authority. The criticism may be a motif borrowed from *Woodstock*, where Woodstock, York and Gaunt are highly critical of Richard.⁹⁷ One important aspect of Bolingbroke's successful performance of personal legitimacy plays on his association with the men of this lost era of chivalry and nobility, contrasting with Richard's relative isolation from these men and their values.

As Gaunt considers England a 'precious stone' (l.46), he calls Bolingbroke's return to England a 'precious jewel' at l.3.267, verbally linking Gaunt's nostalgia/fantasy image of

⁹⁴ Ibid., 55-56; Mack, *Killing the King*, 19.

⁹⁵ Saccio, *Shakespeare's English Kings*, 19-20.

⁹⁶ Mack, *Killing the King*, 18-20, refers to the speech as describing 'the England...that he [Gaunt] remembers'. An argument for the speech to be interpreted as 'visionary' is detailed in Leggatt, *Political Drama*, 55.

⁹⁷ cf. *Woodstock* 1.1, 2.1.2.2.

England to Bolingbroke. However, Bolingbroke also becomes connected with modern leadership; merely reading Gaunt's speech and Bolingbroke's coup as reaffirming traditional masculine sovereignty oversimplifies the complexity of Bolingbroke's legitimacy performance. While he does trade upon his link with the 'ancient landmark'⁹⁸ Gaunt, Bolingbroke also depicts himself as a leader capable of new methods of rule, as when he ambiguously orders a 'trial' at 4.1.105. This comparison has frequently been interpreted as the crux of the play: the 'new' politically-aware Bolingbroke who creates personal loyalties and political authority opposed to the 'old' Richard, dependent on feudal loyalty and sovereign prerogative.⁹⁹ Another perspective, based upon the Gaunt/Bolingbroke bond, describes Bolingbroke as the defender of traditional feudal kingship while Richard's insistence on sovereign prerogative appears a new phenomenon of kingship.¹⁰⁰ Yet neither of these models completely describes the conflict. There is always a dual perspective in *Richard II*; legitimate truth, like legitimate kingship, is a paradox.

When Bolingbroke appears in England at 2.3 he is associated with the image of traditional masculine virtue that his father exemplified, because of the circumstances of his banishment, where he insisted on solving the conflict by a chivalric duel ('Shall I seem crest-fallen in my father's sight?' 1.1.188).¹⁰¹ He refers to their separation as 'an enforced pilgrimage' (1.264) and a 'long apprenticeship' (1.271), making himself both a martyr and a lost boy. Hodgdon claims that Bolingbroke turns 'history into a clash between political stereotypes or personalities',¹⁰² and though he does generate a conflict of personalities, the idea that he is a model of new political leadership contrasted with Richard's traditional kingship is too simplistic. Historically, Richard II indulged in a 'theory of kingly dignity and power more exalted than that of his predecessors',¹⁰³ and this 'theory of kingly dignity and power' forms the basis for the monarchic absolutism that Shakespeare's Richard espouses. The fact that Richard's deposition seems to have been far more problematic to later generations than to his contemporaries suggests that the ideas about the sanctity of kingship were on the rise post-Reformation, as indeed was the

⁹⁸ Mack, *Killing the King*, 19.

⁹⁹ Manheim, *Weak King Dilemma*, 53-65; Moody E. Prior, *The Drama of Power* (Evanston: Northwestern University Press, 1973), 139-82, Leggatt, *Political Drama*, 64-65.

¹⁰⁰ Hodgdon, *The End Crowns All*, 130.

¹⁰¹ Pierce, *Family and State*, 152.

¹⁰² Hodgdon, *The End Crowns All*, 130.

¹⁰³ Saccio, *Shakespeare's English Kings*, 23.

concept of monarchic absolutism.¹⁰⁴ So while Bolingbroke's leadership may appear to herald a new system,¹⁰⁵ he is actually linked to the chivalric tradition of his father's England. It is Richard who halts the duel in Act 1, interrupting the chivalric contest,¹⁰⁶ who farms the land and seizes the Lancaster Duchy, while Bolingbroke insists on reaffirming the traditional inheritance law in England. Richard, therefore, instigates innovations in kingship, relying on sovereign prerogative. It is Richard who appears to be pushing his authority to new limits, while Bolingbroke is conscious of maintaining his image of traditional patrilineal masculinity.

Gaunt's death signals an end to the traditional values he epitomises,¹⁰⁷ and indeed, when he dies, both Richard and Bolingbroke are freed from tradition. York's vacillation and eventual transfer to Bolingbroke's faction show the decline of feudal loyalty and honour. Richard and Bolingbroke make changes to the system of government, beginning with the seizure of Lancaster and Bolingbroke's return to England. The Lancaster duchy was a semi-autonomous county palatine, and Gaunt had an almost regal power there, generating huge political and financial support.¹⁰⁸ Richard's seizure historically 'alarmed every other magnate in England' because he was stretching the privileges of royal prerogative to new limits.¹⁰⁹ He indulges in a new style of kingship through his interpretation of divine right, while Bolingbroke creates a political front as a defender of traditional rights of English free men.

Richard's eagerness that God will 'help [Gaunt] to his grave' to fund 'our Irish wars' (1.2.60 & 62) suggests Gaunt's death is also connected to his autonomy as King: without Gaunt's death, he cannot do as he wishes. Only the death of the loyalties and chivalries, the traditions like primogeniture exemplified in Gaunt, can enable Richard's move into absolutism. (This indicates again that Shakespeare may be building on *Woodstock*, where Thomas of Woodstock keeps Richard's true age secret from him to prevent his claiming autonomy from his uncles 'a twelvemonth since' [*Woodstock* 2.1.100-115]). Bloom argues that Richard puts an end to chivalry when he throws down his gage at the Bolingbroke/Norfolk duel,¹¹⁰ but it is the death of Gaunt that finally finishes the old ways of Britain: it is only after his death that Richard abuses

¹⁰⁴Headlam Wells, *Shakespeare, Politics and the State*, 34. See also Saccio, *Shakespeare's English Kings*, 23, and Skinner, *Reformation*, 113.

¹⁰⁵Hodgdon, *The End Crowns All*, 131; Manheim, *Weak King Dilemma*, 53-64.

¹⁰⁶Allan Bloom, *Shakespeare as a Political Thinker* (Durham, NC: Carolina Academic Press, 1981), 53.

¹⁰⁷Mack, *Killing the King*, 21.

¹⁰⁸Saccio, *Shakespeare's English Kings*, 20.

¹⁰⁹*Ibid.*, 27.

¹¹⁰Bloom, *Shakespeare as a Political Thinker*, 53.

the ancient feudal understandings, and by seizing Lancaster, disrupts the centuries-old traditions of primogeniture that he is beholden to for his own status.

Richard's opposition to his uncles Gaunt and Woodstock shows the familial patrilinear link between himself, the Black Prince, and Edward III being broken. Separating himself from his predecessors, exercising royal prerogative to its furthest boundaries, Richard is an isolated king, in contrast to Bolingbroke, who relies on a support network. As in *Richard III*, Richard II's familial isolation means that he lacks the support that Bolingbroke uses as a positive feature of his claim to kingship. Isolation from the family unit and illegitimacy are linked throughout the British plays. The second tetralogy features emphasis on patrilinear inheritance and almost exclusive focus on masculine bonds in its presentation of sovereignty; legitimacy is now not dependent on female creativity as in *Richard III*; rather, the transition from male generation to male generation is the medium through which ideas of (il)legitimacy are transferred. Bolingbroke's performance of legitimacy centres on being at the centre of familial ties, drawing his strength from association with old heroes such as 'time-honoured' Gaunt (1.1.1) and 'gracious regent' York (2.3.78), whereas Richard's separation from these uncles instead marks him as an incompetent outsider. Because he is an outsider, Richard is an easy target for Bolingbroke. York feels the pull of familial loyalty towards Bolingbroke despite his equal relationship to Richard:

The one is my sovereign, whom both my oath
And duty bids defend; th'other again
Is my kinsman, whom the King hath wronged
Whom conscience and my kindred bids to right.
2.2.112-115

Despite their both being his nephews, the pull of 'kindred' is stronger towards Bolingbroke. 'Kindred' suggests that it is not just Bolingbroke's status as his nephew but also others—like Gaunt—who make it impossible for York to refuse Bolingbroke. Because Richard has no similar link to his own dead father, he is cut off from this potent source of power that Bolingbroke can harness.

Not only does Bolingbroke present himself as linked to York by stronger bonds than Richard (he said to York 'You are my father' at 2.3.117, while Richard always calls him 'uncle'), but the father and son motif is applied to his followers too, with Northumberland and his son Henry Percy continually present, creating the impression of linear descent that gives the

Bolingbroke faction a veneer of legitimacy. The eventual repercussions of the Percy-Bolingbroke association are played out in *Henry IV* and the knowledge of this may suggest that Bolingbroke's performance of legitimate royal inheritance will not be enough long-term. During *Richard II*, in contrast, Richard's favourites are given no familial links, except Aumerle, whose father 'is joined with Bolingbroke', leading Richard to refuse to discuss a course of action with Aumerle (3.2.200 & 204). Reaffirming family bonds emphasises Bolingbroke's place in his family line and hence in the royal dynasty, creating royal legitimacy for himself he does not legally possess.

When Gaunt dies, Bolingbroke too tests the limits of his freedom from chivalry by becoming a usurper. Bolingbroke has hitherto been characterised as resembling his father, but as the death of Gaunt allowed Richard to put his new style of absolutist kingship into action, it allows Bolingbroke to break with his father's ideals of feudal loyalty. Bolingbroke creates an opportunity to present himself as a leader who will reintroduce order and custom. In reclaiming his inheritance, Bolingbroke defends the 'old ways', appearing traditional. As Bolingbroke points out, according to English law,

If that my cousin King be King in England
It must be granted I am Duke of Lancaster
2.3.122-123

Bolingbroke both reaffirms primogeniture and suggests that if he is denied his right to be Lancaster, so Richard can be denied his right to be King. *Richard II* is a play 'where patrilinear inheritance is no longer sufficient to guarantee patriarchal authority'¹¹¹ and Bolingbroke's cunning use of common inheritance law demonstrates that perfectly. When Ross describes Bolingbroke as 'gelded of his patrimony' (2.1.237), the importance of Bolingbroke's masculine character type and manipulation of inheritance law is compacted into a single line. To have lost his rightful inheritance, Bolingbroke has been emasculated—'gelded'—because in primogeniture, if a father dies, his male heir must receive his property. Yet he has also been deprived of his *patrimony*: he has not inherited his father's property, and so he has been deprived of his father in legal terms, a state which has interesting connotations of illegitimacy (Chapter 1). Richard has implemented a system of inheritance where the monarch takes what he wants.

¹¹¹ Howard and Rackin, *Engendering a Nation*, 138.

Primogeniture had long been the English system, a part of the fabled ‘ancient constitution’,¹¹² and so Bolingbroke appears the more English, traditional, candidate.

The deposition scene is arranged almost as if it were an ‘ordinary’ trial, Richard ordered to read, or ‘confess’ his crimes before witnesses. The impression is created that Bolingbroke *et al* are the representatives of law and justice. By making Richard appear subject to laws, they can exercise a power over him; and again, refuse to authorise his superior position. The appearance of legality lends credibility to the usurpation that legitimates their political agenda. John of Gaunt alludes to the issue:

Landlord of England art thou now, not king.
Thy state of law is bondslave to the law.
2.1.113-114

Though a king could be seen as a kind of landlord, it is a sanctified relationship between king and land.¹¹³ Richard has reduced this to a mercenary connection. Gaunt also recognises the importance of legality and authorisation in ruling, when he tells Richard he is a ‘bondslave’ (1.114). Earlier Gaunt refuses to act against Richard because he is ‘God’s substitute’ (1.2.37). When Richard appears subject to law, he creates an opportunity for a rebellion with the appearance of legality. York also warns Richard of the danger, using legal language:

Like his brother Gaunt, York understands the implications of the seizure. The older generation shows an insight that Richard lacks, and initially Bolingbroke is strongly associated with this elder generation.

Take Hereford’s rights away, and take from Time
His *charters* and his *customary rights*...
...how art thou a king
But by fair sequence and succession?...
...If you do wrongfully seize Hereford’s rights,
Call in the *letters patents* that he hath
By his *attorneys-general* to sue
His *livery* [legal term for ‘delivery’], and deny his offered homage,
You pluck a thousand dangers on your head.
2.1.195-96, 198-99, 201-205, emphasis added

¹¹² Christianson, ‘Ancient Constitution’, 84-90.

¹¹³ Manheim, *Weak King Dilemma*, 14.

Echoing Gaunt's,¹¹⁴ Bolingbroke's language is a political façade, emphasising his link to the patriarchy and thus suggesting legitimacy. Bolingbroke describes England as 'my mother and my nurse' (1.3.107), as his father describes England as a 'nurse, a teeming womb of royal kings' (2.1.51). Both men feminise England, using the discourse of a threatened mother-nation that Faulconbridge, Joan and Richard III all use. This, veiled in language of national pride, also implies that a woman requires a male partner. Elizabeth I described herself as married to England ('I have already joined myself in marriage to a husband, namely the kingdom of England')¹¹⁵ and James referred to himself as a father to his people, and husband to Britain.¹¹⁶ Bolingbroke's affectionate description of England as his mother threatens Richard's authority, suggesting that as England's child, Bolingbroke is the natural heir to England and that the kingdom requires a strong male counterpart in the sense that Elizabeth and James exploited. Richard is contrastingly feminised by his 'womanish tears and effeminate behaviour',¹¹⁷ making Bolingbroke's rhetoric stronger. Richard also treats England as a possession or subject that can be commanded, shown by his 'farming' out the land, and telling the earth to

... let thy spiders that suck up thy venom
And heavy gaited toads lie in their way.
3.2.14-15

Where Gaunt and Bolingbroke suggest England is the mother of royal sons, Richard sees himself as the mother, and England as his child. Gaunt ties 'England's Kings to a long-standing natural and religious tradition' in which England creates kings but is 'not dependant on them'.¹¹⁸ In effect, Gaunt and Bolingbroke articulate that developing concept of nationhood—however Anglocentric—in asserting a pride in England that is not 'focussed on the king'.¹¹⁹ Richard, however, wants to be the maternal force in control, describing himself

As a long-parted mother with her child
Plays fondly with her tears and smiles in meeting
So weeping, smiling, greet I thee, my earth

¹¹⁴ Leggatt, *Political Drama*, 56-57.

¹¹⁵ Reproduced by Baldwin Smith, *Elizabeth Tudor*, 176.

¹¹⁶ James Travers, *James I: The Masque of Monarchy* (London: The National Archives, 2003), 14.

¹¹⁷ Howard and Rackin, *Engendering a Nation*, 141-42.

¹¹⁸ Mack, *Killing the King*, 18; Leggatt, *Political Drama*, 57.

¹¹⁹ Newman, *The Rise of English Nationalism: A Cultural History 1740-1830*, 53.

And do thee favours with my royal hands.
3.2.8-11

In claiming this role, he feminises himself, weakening his leadership in contrast to Bolingbroke's careful presentation of traditional masculinity; for example, Bolingbroke participates in a duel in 1.3, and Bolingbroke's relative silence (Richard calls him 'silent King' at 4.1.290) in the face of Richard's more loquacious style creates a gendered contrast between the two men.¹²⁰ Richard aligns himself with an alternative powerbase to Bolingbroke's boys' club, trying to harness the female power and creativity that were prominent in the first tetralogy. However, in the second, Richard weakens himself by association with femininity.

The play does not endorse the personally legitimate Bolingbroke over Richard; neither does it condone Richard's frivolous and greedy absolutism. Rather it shows how manipulation of legitimacy images is central to the 'clash of personalities'.¹²¹ The performance of legitimacy (which draws attention to Richard's flaws as a king) is key to Bolingbroke's strategy, as the only way to counter a personally illegitimate monarch. As *Regnans in Excelsis*, the Papal Bull issued against Elizabeth in 1588, demonstrates, illegitimacy was a circumstance in which a monarch could be deposed.¹²² For the first time, Shakespeare also shows nationhood as a concept that can be manipulated; Bolingbroke appeals to ideas of English tradition and community deliberately, while previously English identity is something that is created or defined in the play—for example in *1 Henry VI*. In *Richard II*, Bolingbroke successfully taps into a national identity that is already present.

Conclusions

In *Richard III* and *Richard II* Shakespeare emphasises the subjective nature of illegitimacy and legitimacy definitions. The fluidity of legitimacy definitions described in Chapter 1 becomes more based around subjectivity; in these plays of slander and narrative it is the character who describes events who dictates the definitions of legitimacy and illegitimacy. In Richard III's version of history, for example, the Princes are bastards. When Bolingbroke retells the story of Richard II's birth, Richard becomes illegitimate. *King John* bridges the two tetralogies with a

¹²⁰ Howard and Rackin, *Engendering a Nation*, 147-48.

¹²¹ Hodgdon, *The End Crowns All*, 130.

¹²² Pius V, *Regnans in Excelsis* (London: William Howe, 1570), 1.

similar emphasis on truth and report (John supposedly murdering Arthur), and slander (Constance and Eleanor) to *Richard III* and *Richard II*. Persons' text *Conference About the Next Succession of England* exemplifies how definitions of legitimacy can be twisted to suit different agendas in succession when he suggests that the Spanish Infanta is the legitimate successor to England.¹²³ Bolingbroke is utilising a similar discourse of legitimacy to Persons, to present himself as legitimate in a way Richard is not.

Birth legitimacy can be attacked effectively with slander, and, as *Richard III* demonstrates, this attack is not necessarily maliciously motivated. Elizabeth Woodville acts out of compassion for her child when she threatens to slander her daughter Elizabeth as a bastard, and her mother-in-law the Duchess of York slanders Richard as illegitimate to defend her other children and grandchildren, and ultimately, the nation. Traditionally a negative association, illegitimacy can be directed in a positive way. This surprising paradox is indicative of the general depiction of legitimacy definitions in these plays. In *Richard II*, Bolingbroke and Richard's performance of various styles of political legitimacy effectively creates numerous perceptions of legitimacy and illegitimacy in their struggle for leadership.

Richard III initiates the themes of truth and history in its depiction of Richard's propaganda style of rule and the self-conscious nature in which it conforms to the Tudor myth. Picking up on the historical themes of *Richard III*, *Richard II* more fully explores this idea in relation to the concept of historical truth. Bolingbroke's slanders against Richard, his political façade of control and display of Richard's 'voluntary' abdication all point to the underlying prize in the contest between himself and Richard. In addition to controlling the kingdom, the struggle is for the best historical representation. The continual emphasis on telling of stories, the unseen action that we rely on various characters to relate in *Richard II*, demonstrates that historical truth is a central concern in the play. There is no certainty about historical veracity in *Richard III* or *Richard II*; these plays insist that there is no legitimate truth, that history is above all subjective. Even the cliché that history is written by the winners fails to define legitimate truth in Shakespeare's history, because the continual reassessing of illegitimacy and legitimacy, the emphasis on narrative, perspective and performance ultimately doubts the veracity of any historical records.

¹²³ Persons, *Conference*, 195-96. See also Chapter 2, 68-70.

Chapter 6: Performing Legitimacies in the Henriad

This chapter focuses further on the aspect of legitimation and performance in the Henriad, where authorisation and approval become central to concepts of legitimacy. Though ‘legitimation’ of this type is essentially a modern word, Zaller argues that a sense of legitimation, if defined as an authorisation of a person, dynasty, monarch or ideology, was a functioning concept in early modern England.¹ Bolingbroke’s seizure of the throne ultimately cannot be validated by the assent of the people, as the problematic state of England at the start of *Henry IV* shows; though Hal acknowledges the power of public opinion when he states that kings are ‘subject to the breath / Of every fool’ (*Henry V* 4.1.222-3), his reign is characterised by an anxiety of legitimacy and a need to create an appearance of that legitimacy.

Hal performs various styles of illegitimacy in his madcap youth of *Henry IV*, yet attempts to make his reign and dynasty legitimate in *Henry V* with continual performances of legitimacy. To fortify his sovereign legitimacy, Hal establishes the Lancastrian dynasty, ending English civil war and chasing military success in France. Chapter 3 discussed how an English identity was created in opposition to French in *1 Henry VI*, and *Henry V* extends this idea when success in France solidifies Hal’s English reign; the reassertion of legitimacy is likewise another key theme, as it was for the Talbots in *1 Henry VI*. By the Epilogue of *Henry V*, England has changed from the garden ‘full of weeds, her flowers all choked up’ (*Richard II* 3.4.44) to the ‘world’s best garden’ ‘achieved’ by Hal (*Henry V* Epilogue 1.7). The conquest of France is thus the pinnacle of Hal’s performance of legitimacy. The following sections discuss Hal’s performance of monarchic legitimacy, demonstrating how Hal creates a veneer of legitimate kingship over his leadership in an attempt to solidify his reign. This is done in two ways: Hal performs various roles designed to make him attractive to the populace (personally legitimate) in *Henry IV*. In *Henry V* he performs a different kind of legitimacy, using the conquest of France to define himself and ‘his’ England. The finale of the play, referring to Henry VI, ‘in infant bands crowned king’ (V.Epilogue.9), and the ensuing Wars of the Roses, obviously undercuts Hal’s attempt to create legitimacy and renders his performances futile; however, this chapter

¹ See Zaller, *Discourse of Legitimacy*, 227; Dollimore and Sinfield, ‘History and Ideology’, 206-27.

demonstrates that Hal's failure to legitimate his reign and his dynasty is clear before the closure of *Henry V*.

Performing Legitimacies in 'Henry IV'

As *Richard II* brings Bolingbroke's personal legitimacy into conflict with Richard's sovereign legitimacy (Chapter 5), the *Henry IV* and *Henry V* plays depict the tensions between Hal's dynastic past and his future as King. The overarching theme of the second tetralogy is the legitimation, and affirmation past, present and future of the Lancastrian dynasty, which founded the Tudors. Howard and Rackin's analysis of the history plays as depicting a continuing struggle for patrilinear succession² fails to account for the dynastic agenda of the two tetralogies, which narrate the rise of the Tudor dynasty, a dynasty that frequently utilised alternative sources of legitimation, from the inheritance of daughters to Henry VII's right by conquest.

As the previous chapters acknowledged, patrilinearity has an important influence on the presentation of sovereign and birth legitimacy. However, focussing only on male succession ignores the obvious contradiction inherent in an Elizabethan depiction of patrilinear sovereignty, something that the Introduction of Chapter 3 discussed. Elizabeth inherited her crown from her sister; Mary Tudor followed her brother, not her father. Even Elizabeth's marriage would not have provided a monarch with true patrilinear authority; and so over the fifty years prior to the composition of Shakespeare's history plays, patrilinearity had become a far less dominant method of inheritance for English sovereigns. The history plays' focus on legitimate male succession is, on one level, dramatised simply as an aspect of the medieval history sources. Of course, patrilinearity is a dominant feature of the legitimacy theme but it is insecure; the first tetralogy reveals an anxiety about legitimate male succession, attempts to make paternity indubitable, and a struggle for linear legitimacy in the Talbots and in Richard III's slanderous attempts to make himself the only 'son of York' (*Richard III* 1.1.2). This is frequently expressed in opposition to a national, female gendered "other", France.³ Yet the second tetralogy is entirely different in its depiction of father-son relationships. Patrilinear legitimacy becomes less clear-cut, and the prominent female roles are lessened; there is no longer such emphasis on their ability to influence succession as in *Richard III*, as Hal's railroading courtship of Catherine and the

² Howard and Rackin, *Engendering a Nation*, 106.

³ *Ibid.*

Duchess of York in *Richard II* demonstrate. This is because the male characters of the second tetralogy effectively perform legitimacies so that patrilinear birth becomes less important. Hal uses performance to legitimate his royal authority; as the fall of Richard II implied at the start of this tetralogy, sanctified sovereignty succumbs to a more tangible public power.⁴

There is an almost elective quality about Bolingbroke's kingship in the sources,⁵ and this concept of legitimation by approval has been widely identified in early modern culture.⁶ In the second tetralogy, Shakespeare explores legitimation achieved by performance and public response, yet portrays such 'legitimacy' as impossible to truly achieve. This concept of legitimation does not mean that Shakespeare's England had endorsed a kind of meritocracy in sovereignty. Elizabeth and James both stressed the importance of sovereign legitimacy with 'genealogies' depicting their illustrious lineage. Much of the power of sovereignty, however, lay in performing an image of successful leadership to others, something that Elizabeth particularly utilised.⁷ When the abdication occurs in *Richard II*, Shakespearean succession becomes based upon personal ability rather than patrilinearity. Yet this ability-based inheritance was paradoxically patrilinearly legitimated when the crown passed to Hal.

Inheritance is not enough, however. As previous chapters have demonstrated, patrilinearity is far from secure. In the *Henry IV* plays, Hal learns to perform legitimacy—both sovereign and personal—and applies these performances to legitimate the Lancastrian dynasty in *Henry V*. Hal begins his performative education in the taverns of Eastcheap, and though his antics are reliant on the popular tradition that inspired the popular play *The Famous Victories of Henry V*,⁸ in Shakespeare they are also a practice ground for assuming different characters, a technique that Hal will use effectively as king. As he says in *I Henry IV*, 'I am so good a proficient in one quarter of an hour that I can drink with any tinker in his own language during my life' (2.4.18-18). Though this has been interpreted as a facet of Hal's moral development, teaching him 'insight, humour and sympathy',⁹ there is another element: he has secured a loyalty from his drinking companions that he transfers blithely into the rest of their class: 'when I am

⁴ Claire McEachern, 'Henry V and the Paradox of the Body Politic' in Ivo Kamps (ed.), *Materialist Shakespeare: a History* (London: Verso, 1995), 305.

⁵ Froissart, *The Chronicle of Froissart*, 547-8; Holinshed, *Holinshed's Chronicle*, 662.

⁶ Zaller, *Discourse of Legitimacy*, 326.

⁷ Bevington, *Tudor Drama and Politics*, 64.

⁸ Douglas Sedge and Peter Corbin (eds) *The Oldcastle Controversy: Sir John Oldcastle, Part 1 and The Famous Victories of Henry V* (Manchester: Manchester University Press, 1991).

⁹ Kahn, *Man's Estate*, 81.

king in England I shall command all the good lads in Eastcheap' (II.13-14). Pistol's evaluation of Hal before Agincourt suggests that the plan was successful:

The King's a bawcock and a heart-of-gold,
A lad of life, an imp of fame...
I love the lovely bully...
Henry V, 4.1.45-49

Familiar terms like 'bawcock', 'lad', and 'bully' imply that Pistol's regard stems from Hal's 'Corinthian, a lad of mettle' (*1 Henry IV* 2.4.10-11) reputation that he cultivated in Eastcheap.

Hal's performance as a 'lad of mettle' is intended to intensify the effect of the performance of sovereignty that he will make as king:

Yet herein I will imitate the sun,
Who doth permit the base contagious clouds
To smother up his beauty from the world,
That, when he please again to be himself,
Being wanted he may be more wondered at
By breaking through the foul and ugly mists
1 Henry IV, 1.2.183-90.

The riotous, fun-loving and irresponsible Hal is a performance designed to make King Hal appear better, generating accusations of hypocrisy from some critics.¹⁰ The sun imagery has also been interpreted as revealing Hal's subconscious reluctance to put aside his companions and accept responsibilities.¹¹ The image has implications over the course of the Henriad, however, indicating that Hal's performances are not motivated by subconscious desires, they are specifically chosen to further his quest for legitimacy—personally, as a sovereign and dynastically. They are not motivated by double-dealing or an interior 'self' that is revealed in soliloquy; rather Hal embodies performance; he is motivated only by his desire to become king and legitimate his reign. The performance of riotous youth has another practical application to Hal's statecraft, as he convinces the Mortimer faction he is no threat to their campaign:

But that I think his father loves him not,
And would be glad he met with some mischance,
I would have him poisoned with a pot of ale.

¹⁰ Greenblatt, 'Invisible Bullets', 38. Also Knapp, 'Shakespearean Authority', 131-32; John Roe, *Shakespeare and Machiavelli* (Cambridge: D.S. Brewer, 2002), 63-93.

¹¹ Leggatt, *Political Drama*, 64.

1 Henry IV, 1.3.230-32.

Assuming the guise of a 'madcap', a prince illegitimate for his role, provides Hal with security. Hal inherits the political intelligence of his father, described in *1 Henry IV* as a 'subtle king' and a 'politician' (1.3.169 & 240). Though Hal's performance takes in even Bolingbroke, who reprimands him for indulging in 'barren pleasures and rude society' (3.2.14), the performative aspect of Hal's character actually forms a link between himself and Bolingbroke. It is a variation on the technique that Bolingbroke used, a technique that Richard II describes as 'courtship to the common people' (*Richard II* 1.4.24). Though Bolingbroke now maintains that he was not 'common-hackneyed' or 'stale and cheap to vulgar company', he acknowledges that he 'dressed myself in...humility' (*1 Henry IV* 3.2.40-41 & 51) to win public affection. 'Dressed' distinctly implies that this was an assumed pose, a performance just as deliberate and shrewd as Hal's, though Bolingbroke's performance of regality also involves an assumption of aloofness. Hal reverses this, making himself appear as 'common' as he can: after all, though he succeeded in deposing Richard, Bolingbroke's performances have not created a lasting foundation for his leadership (*1 Henry IV* 1.1.1-18). Hal inspires the loyalty of the Eastcheap 'type'; while performing illegitimacy effectively to Bolingbroke, he conversely performs personal legitimacy to a significant proportion of the public: the 'curious perspective' of legitimacy is not restricted to *Richard II*.¹² The link between the two performers is verbal too, for Hal refers to performance as a kind of garment that hides the true man throughout the tetralogy, as Bolingbroke 'dressed...in humility' (3.2.51). In *1 Henry IV* at 1.2 he talks of his 'loose behaviour' being something he can 'throw off' like an item of clothing (1.196), and at 3.2 promises to prove himself by wearing 'a garment all of blood' and blood-stained 'favours' (1.135-36). In *2 Henry IV*, majesty is described as 'rich armour worn in the heat of day' (4.3.161) and a 'new and gorgeous garment' (5.2.44). The motif is most effectively used in *Henry V*, however, when Hal asks 'lend me thy cloak, Sir Thomas' (4.1.24) and goes about the camp disguised as 'Harry Le Roi'. Under this cloak, Hal evaluates the nature of kingship, exposing it as 'general ceremony' (1.227), a series of performances maintained by 'place, degree and form' (1.234).

The action before Agincourt is a key point in the interpretation of Hal and his motives, and a longstanding area of critical debate. Leggatt suggests that 'we need to look for the private

¹² Gilman, *Curious Perspective*, 90-129.

Henry, assuming there is one, on the eve of Agincourt',¹³ yet even there Hal never presents a unified sense of 'self' beneath the veneer of performances. This lack of selfhood is problematic for critics who wish for a 'key' to Hal, a hidden personality with the emotional responses that audiences feel he *should* have, but remain textually absent: 'we feel like shouting at him, "Dammit, it's *Bardolph!*"'.¹⁴ However, Shakespeare's texts do not indicate that Hal even marks his one-time companion's death. The actors that have created a silent reaction here demonstrate effectively how much the desire for selfhood in Hal rests with modern audiences, not Shakespeare.¹⁵ Rabkin suggests that audience response to the expression of state power in *Henry V* is directed by the reaction to Hal's 'character', a 'longing that authority figures can be like us and our suspicion that they must have traded away their inwardness for the sake of power.'¹⁶ This projection of character onto Hal is understandable yet antithetical to the performance theme. Shakespeare's focus is performance itself: the performances that Hal moves through are styles of kingship that explore the nature of the role. Even the associations with lowborn companions in Eastcheap reflect Richard II's (or Edward II's) famous fondness for lowborn favourites, and show Hal performing, even practicing, an aspect of Kingship. Hal's self, if there is one, is rooted in kingship. He considers the only difference between 'private men' and kings to be 'general ceremony' (4.1.227), the series of performances designed for 'creating awe and fear in other men' (1.235) that Tennenhouse refers to as 'symbols and signs legitimising authority'.¹⁷ These symbols are where power lies, and Hal asserts that it is only this performance that separates kings from men: the symbols of state power—like ceremony—are in fact imbued with power by successful performance of kingship. Hal's performances, then, are not pretences but practices: instead of hiding his 'true self' with these performances, he is paradoxically revealing the truth about his lack of interiority, exposing his need for legitimisation. The fact that Hal tells the audience that he is performing, that he intends to 'throw off' his 'loose behaviour' and adopt

¹³ Leggatt, *Political Drama*, 132.

¹⁴ *Ibid.*, 131.

¹⁵ Kenneth Branagh showed discomfort as he watched Bardolph's execution in the 1984 Royal Shakespeare Company production, likewise in their 1975 production Alan Howard suggested regret for Bardolph's death in the speech made to Mountjoy immediately after. See Sally Beauman (ed.), *The Royal Shakespeare Company's Production of Henry V for the Centenary Season at the Royal Shakespeare Theatre* (Oxford: Pergamon Press, 1976), 57.

¹⁶ Norman Rabkin, *Shakespeare and the Problem of Meaning* (Chicago; London: University of Chicago Press, 1981), 296.

¹⁷ Leonard Tennenhouse, *Power on Display: the Politics of Shakespeare's Genres* (New York; London: Methuen, 1986), 83.

another, ‘more goodly’ performance (1.2.186 & 192), indicates that his performances are not designed to deceive as much as they are designed to examine different projections of (il)legitimacy: the audience are colluding with Hal to project these performances of sovereign (il)legitimacy before the other characters. Hal’s performances, being projections rather than deceptions, are decidedly different to that of deceptive tricksters like Richard III or Edmund. Though Richard and Edmund, in the manner of stage villains, keep the audience informed of their intentions, they use performances specifically to deceive other characters, and using these deceptions, engineer a change in the play-world. Counterfeiting profits the counterfeiter, something that is demonstrated when Edmund causes Edgar to be disowned by Gloucester, or when Richard III causes the death of Clarence. In contrast, Hal’s performances simply allow him to explore the meaning of legitimate sovereignty.

Like Bolingbroke, Falstaff has an important effect on the way Hal’s performativity develops. He is as responsible for Hal’s adept performances in *Henry V* as Hal’s observance of his ‘politician’ father. Bolingbroke chastens Hal, advising him,

By being seldom seen, I could not stir
 But like a comet I was wondered at.
1 Henry IV 3.2.46-47

Falstaff provides an alternative mode of performance. In his method, Hal is in plain view, being sent to prison by the Lord Chief Justice (a matter of popular legend, and seen in *The Famous Victories*,¹⁸ which Shakespeare clearly intends to be well-known in the play: Warwick, Gloucester, Clarence and Prince John all know of it in *2 Henry IV 5.2*), and Hal is widely described as a ‘madcap’ by other characters [*1 Henry IV 4.1.95*]). While Bolingbroke shows Hal what can be gained by performing regality, Falstaff shows him what can be gained by a different kind of performance, creating a reputation as illegitimate for kingship as Bolingbroke’s is legitimate. Falstaff has a similar kind of fame for knavery himself (the Lord Chief Justice tells him ‘I am well acquainted with your manner of wrenching the true cause the false way’, *2 Henry IV 2.1.108-09*), and Hal’s fame as a ‘mad wag’ (*1 Henry IV 1.2.42*), created by his association with Falstaff, endears him to many, for example the drawers of Eastcheap.

Hal uses Falstaff, and the other Eastcheap characters, to experiment with different roles. Despite his apparent eagerness to ‘take a purse’ earlier (1.94), Hal stubbornly determines to ‘tarry

¹⁸ See *Famous Victories*, 9.44-45.

at home' (1.136) during the robbery until Poins reveals his plan to humiliate Falstaff. Hal reminds Poins 'but 'tis like they will know us by our horses, by our habits, and by every other appointment, to be ourselves' (1.2.163-65). Poins, however, has 'cases of buckram' disguises they will adopt (1.178), and so the brief episode on Gad's Hill, where Hal demands 'Your money' disguised in buckram (2.2.96) is the first time he perceives the power of performance, and the motif of his performance of sovereignty as removable clothing (just as buckram made him a robber), runs throughout the *Henriad*. By 2.4 Hal is in charge of Poins' performances, enlisting him to participate in the joke against Francis the drawer, and leads the interrogation of Falstaff after Gad's Hill. He is now focussed on the concept of performance, planning to 'play Percy, [while] that damn brawn [Falstaff] shall play Dame Mortimer his wife' (ll.106-07) when he is occupied with thoughts about Hotspur. Later, he proposes that Falstaff shall be 'my father and examine me upon the particulars of my life' (ll.362-63), and then 'Do thou stand for me, and I'll play my father' (ll.417-18). These 'instructive games' allow Hal to consider his roles in advance,¹⁹ as Falstaff puts it, 'practise an answer' (1.361). Hal's main concern in this 'practice', however, is not to escape trouble, as Falstaff suggests, but to view the conflict between himself and his father from another perspective.²⁰

Hence Hal practises both the role of contrite son and the role of remonstrative father, allowing him to successfully accept Bolingbroke's remonstrance at 3.2, appearing to apologise with 'true submission' and promising to 'redeem all this on Percy's head' (3.2.28 & 132). Hal drops the prose language he uses with Falstaff, speaking in verse appropriate to his status. Hal also makes a promise to be 'more myself' (1.93)—a loaded term, as Hal rarely reveals any of 'himself'. He will

Be bold to tell you that I am your son
 When I will wear a garment all of blood
 And stain my favours in a bloody mask.
 ll.134-36

The promises are rendered hollow (though Hal does make good on his promise to kill Hotspur) by the references to clothing, something Hal associates with performing; after Shrewsbury, Hal returns to his companions at Eastcheap. The idea of Hal's contrite transformation in this scene is, however, maintained. Despite being with his drinking companions again, he claims to feel 'much

¹⁹ David Bevington (ed.), *1 Henry IV* (Oxford: Oxford University Press, 1998), 51.

²⁰ *Ibid.*, 183 n.6.

to blame' for 'idly' wasting time when he should attend to the 'tempest of commotion' (2 *Henry IV* 2.4.356-57). His desire to conquer France in *Henry V* reveals a similar need to prove himself²¹ as he proved himself Bolingbroke's son at Shrewsbury. Succeeding in France is central to Hal's legitimacy status.

The concept of proving patrilinear descent by actions intended to emulate the father's has been discussed frequently; as *Richard III* demonstrated, emulation of the father can paradoxically be an indicator of illegitimacy, stemming from the belief that illegitimates 'are not only prone to follow their [parents'] sinful steps, but do sometimes exceed them both in all kind of wickedness'.²² When emulating less 'sinful' achievements, however, the effect is a legitimating one, as Hal demonstrates in his fervour to perform well at Shrewsbury to prove 'I am your son' (2 *Henry IV* 3.2.143). In one way, Hal indeed proves he is the heir apparent by demonstrating military achievement and removing his rival.²³ However, the technicalities of emulating Bolingbroke create another of the murky representations of father-son relationships that were discussed between Richard III and his father, and the Duke of York and his son Aumerle in *Richard II*, where, paradoxically, paternal inheritance frequently figures as an indicator of various illegitimacies.

At Shrewsbury, Bolingbroke 'hath many marching in his coats' (5.3.25)—a phrase that, is highly suggestive in view of Hal's later description of kingship as a series of performances, and the link between clothing imagery and performance in *Henry V*: Bolingbroke has allowed his kingship to be 'diluted' with other men performing his role. This lack of performative awareness accounts for the way in which Bolingbroke has lost control of the kingdom he originally won by performance: exploiting the notion that kingship is only a performance, Bolingbroke has allowed that performance to become 'common-hackneyed', something he warned Hal against (1 *Henry IV* 3.2.40), by permitting others to perform it. His plan also fails to exemplify the kind of martial excellence that Hal relies on to prove himself.²⁴ Bolingbroke deposed or usurped Richard II; if Hal were truly to prove his father's son, he would imitate this action, a prospect that Shakespeare plays with in 2 *Henry IV* 4.3 when Hal anticipates Bolingbroke's death and takes the crown. He twice refers to the crown as his 'due' (with moral and legal overtones) from his father, and

²¹ Derek Cohen, 'Henry IV Part I: Rituals of Violence' in Graham Holderness (ed.) *Shakespeare's History Plays* (London: Macmillan, 1992), 136-50.

²² Swinburne, *A Brief Treatise of Testaments and Last Wills*, 200.

²³ Cohen, 'Rituals of Violence', 140.

²⁴ James Black, 'Counterfeits of Soldiership in *Henry IV*' *SQ* 24 (1973), 372-82.

stresses the 'lineal honour' 'immediate from thy place and blood' (ll.173 & 177) in accepting his inheritance. Taking inheritance before death, however, is stealing, and in the removal of his father's crown Hal enacts the deposition that his father forced upon his own predecessor. Doubting Hal's 'filial tenderness' (l.170), Bolingbroke refers to the incident as a revolt against nature (l.196), invoking a popular contemporary conception of parent-child relationships, which as Chapter 4 argued in relation to *Lear*, were characterised by duty on the part of the child.²⁵ If Hal is to become a 'true inheritor' (l.298), of the kingdom and a true successor to his father, (who admits that he achieved the crown by 'bypaths and indirect crook'd ways' [l.314]), it is essential that he 'depose' his father, by taking the crown, rather than inherit in the normal fashion.

As Chapter 1 described, the word 'legitimate' had strong connotations with truth in early modern English. When Hal uses the phrase 'true inheritor' then, he is conglomerating ideas of inheritance (in terms of genetic inheritance, patrilinearity and legal inheritance rights), legitimacy, and a more difficult-to-define concept of 'appropriateness' for the role of king, taking 'true' in one of its contemporary meanings as something that is as it should be, correct for its function, and according to a designated pattern. A 'true inheritor' is a son that resembles his father, the next link in the patrilinear inheritance chain, a legitimate child and a deserving one. Hal's performances have been directed at becoming a tangible 'true inheritor', both to his father and to England. In this way Hal personally defines a Lancastrian brand of legitimacy, recalling the *Richard II* tensions between personal and sovereign legitimacy. In his loaded term 'true inheritor' Hal claims to be uniting both.

However, the *Henry IV* plays do not endorse Hal's claim to patrilinear and sovereign legitimacy; the figure of Falstaff, contrasted with the paternal role of Bolingbroke, provides more than comic bad influences on Hal's development. The importance of Falstaff to Hal's performative development was noted earlier, but Falstaff is also depicted as a kind of alternative father figure, who, though Hal ultimately rejects him, leaves a shadow over the supposedly neat conclusion to *2 Henry IV*.²⁶ Falstaff's influence, the performance of the 'sweet wag' (*1 Henry IV* 1.2.15) that strikes a chord with Hal's 'base' subjects, is a relic of the time he spent not merely in Eastcheap (as Kahn suggests) but under the tutelage of Falstaff. Falstaff, as Kahn has argued,

²⁵Greenblatt, 'Cultivation of Anxiety', 160-69.

²⁶Hodgdon, *The End Crowns All*, 131-35.

represents a freedom from restrictions for Hal; he personifies personal indulgence by encouraging lawlessness and discouraging Hal from 'growing up' and accepting the responsibility of being heir apparent.²⁷ He simultaneously offers Hal an alternative to his responsibilities, however, encouraging Hal to shirk his filial 'duty' to emulate his father by offering himself as a quasi-paternal figure: Hal can also emulate Falstaff's actions. The very name 'fall/staff' suggests resistance to, even conquering of paternal authority, with 'staff' invoking a traditional staff as a marker of authority and the suggestion of another symbol of patriarchal authority, the penis. The name also carries implications of illegitimacy, in 'false/staff'—the illegitimate father of Hal wielding illegitimate authority. Falstaff's riotous behaviour and influence on Hal has the potential not only to undermine, but to topple the patriarchal and patrilinear system of authority in *Henry IV* (as the illegitimates Faulconbridge and Edmund displayed such potential in chapter 2). Hal's eventual rejection of Falstaff demonstrates the structures of authority effectively reducing that opposition.²⁸

Hal is aware of Falstaff's failings from the start; he knows that he is 'fat-witted with drinking' (*1 Henry IV* 1.2.2), a 'reverend Vice' (2.4.437) and a 'misleader of youth' (1.447). The 'reverend Vice' jibe may be a relic of the Oldcastle character, yet it also carries the connotations of illegitimacy that Richard III's Vice-like performances demonstrated (Chapter 3). The morality play Vice aims to distract men from the true path; he is tricky and highly performative. Despite Hal being aware of this he continues to indulge in 'the unyoked humour of your [the Eastcheap group's] idleness' (1.2.184) to make a greater contrast with the good behaviour he plans. Hal profits from Falstaff's example; he learns the art of performance from him, yet there is also an undercurrent of religious hypocrisy about Falstaff,²⁹ which Hal gains from: in *Henry V* he refers to the chantries he has founded in Richard II's memory; effective as a demonstrable sign of remorse, and augmenting his performance of personal legitimacy. Though Hal refers to Falstaff *et al* as 'base contagious clouds' (1.186) that cover his 'sun' (1.185), he later refers to Poins as 'one it pleases me, for fault of a better, to call my friend' (*2 Henry IV* 2.2.39), and in his 'comparative, rascalliest' jests with Falstaff (*1 Henry IV* 1.2.76) there is an affection for his companions. They are an alternative family, and Hal's plan to use them affects them no more adversely than it affects his biological family. As princes achieve kingship by metaphorically

²⁷ Kahn, *Man's Estate*, 78.

²⁸ Greenblatt, 'Invisible Bullets', 55.

²⁹ Bevington (ed.), *Henry IV Part 1*, 185.

‘deposing’ their father, taking his crown from him, Hal must reject his common companions to ‘imitate the sun’ (1.185).

The phrase ‘imitate the sun’ has a similarly layered meaning to Hal’s use of the phrase ‘true inheritor’. The sun/royalty likeness was a common one during the period,³⁰ but ‘sun’ also puns on ‘son’; and Hal’s plan to ‘imitate the sun’ has ominous connotations, implying not only that Hal’s character as heir apparent is performed but also, if he is imitating the son, that he is *not* the son. Presumably this refers to being the son of Bolingbroke (or not); but as Hal’s language is complex, he may also be playing on the idea of taking on the role of Falstaff’s ‘son’ as his protégé in Eastcheap. He is playing on three possible meanings: he is imitating the actual sun, shining brighter after clouds by planning to change his behaviour in the future, and he is also the ‘son’ of Bolingbroke and heir apparent. Yet Hal is currently playing the reckless, lawless, and threatening child of Falstaff. If Hal is Falstaff’s child, the wayward father indulging a reckless child constitutes a genuine threat to social order.³¹ At this early stage in the play Hal bears a strong likeness to the Shakespearean illegitimate, embodying the subversive potential to represent a variety of characters, with a disregard for morality, law, and convention that threatens to disrupt the ordinary workings of society.

The paternity triangle that is set up in *Henry IV* further intensifies this slight connection between Hal and notions of illegitimacy, particularly in the conceptual sense that was discussed in Chapter 3. If Bolingbroke and Falstaff both fulfil an educational type of fatherhood to Hal, being role models, and providing Hal with the opportunity to hone his performance skills, the childhood that Falstaff offers is illegitimate. He is neither Hal’s father, nor a personally legitimate role model for heir apparent, and hence their relationship is a bastardised one. However, before Shrewsbury, he is the father figure most associated with Hal. His language is evocative of their illegitimate association: in their most significant scene together, *1 Henry IV* 2.4, where Falstaff plays father to Hal, he jokes that he has ‘thy mother’s word’ Hal is his (Bolingbroke’s) son. He later refers to Hal as ‘a bastard son of the King’s’ (*2 Henry IV* 2.4.281). Most significantly, picking up a central image of the *Henry IV* plays, he calls him ‘cuckoo’ at 1.342, ostensibly referring to Hal’s imitation of his previous sentence, yet the well-known breeding habits of ‘the cuckoo in the nest’ make the insult far more important than such a

³⁰ Ibid., 144.

³¹ Kahn, *Man’s Estate*, 82.

simplistic interpretation allows.³² Cuckoos lay their eggs in the nests of other birds, leaving the unsuspecting parents to raise the chick, clearly paralleling the family situation of many illegitimates. The chicks also attack their foster family when they reach maturity. Shakespeare used the word in this sense in *Antony and Cleopatra*, 2.6.28, where ‘the cuckoo builds not for itself’, and in *King Lear*, where the Fool tells Lear ‘the hedge-sparrow fed the cuckoo so long / That it had it head bit off’ (4.207-08). In *The Rape of Lucrece* the ‘hateful cuckoos hatch in sparrows’ nests’ (1.900). The distinctive song of the cuckoo as a metaphor for repetition occurs elsewhere in Shakespeare (such as in *Midsummer Night’s Dream* 3.1), yet in the case of Hal, a secondary allusion would apparently be to his status as an intruder, whether in the royal family (he being the ‘son’ of Falstaff) or in a disreputable Eastcheap set (he being heir apparent). References to cuckoos occur more in *1 Henry IV* than anywhere else in Shakespeare, and the other incidences are significant. Richard II was a ‘cuckoo...in June’ (3.2.75), and Worcester refers to Bolingbroke as treating his supporters as ‘the cuckoo’s bird / Useth the sparrow’ (5.1.60). When Falstaff applies the term to Hal, he emphasizes the complexity of the layered relationships in *1 Henry IV*. Hal is a cuckoo in the Eastcheap nest, an intruder who will eventually turn on his old companions. His rejection of Falstaff at *2 Henry IV* 5.5 is supposed to ‘run bad humours’ that cause Falstaff’s ill health (*Henry V* 2.1.116), and the death of Bardolph (*Henry V* 3.6) is Hal’s responsibility. Likewise he is a cuckoo in the royal nest, an undutiful son who will replace his father as king. In terms of succession, of course, a son will always replace the father, but the characterisation of Hal as an undutiful son, more interested in ‘vile participation’ than his ‘place at Council’ (3.2.32 & 87) means his particular replacement of the father (exemplified in his too-early taking of the crown in *2 Henry IV*) has a resonance with the parasitic cuckoo, and the image of filial ingratitude, which Chapters 3 and 4 particularly identified as being associated with illegitimates and bastardised children.³³

Despite the shades of illegitimacy that characterise Hal’s early appearances, the overall focus of the Henriad is Hal’s struggle to legitimate himself. His conceptual illegitimacy, demonstrated in his almost filial association with Falstaff, is matched by sovereign illegitimacy. Bolingbroke emphasised his royal blood in *Richard II* (see Chapter 5), and continues to do so in *1 Henry IV*, referring to the ‘greatness’ of Hal’s blood and so replicating the language he used in

³² Bevington (ed.), *1 Henry IV*, 169.

³³ Greenblatt, ‘Cultivation of Anxiety’, 162-23.

his challenge to Richard II. However, his line is not the legitimate patrilinear one. The Mortimer debate that Shakespeare excluded from *Richard II* in order to focus on the personal conflict between Richard and Bolingbroke is raised now to provide Hal's own performance of legitimacy with a rival force, when Worcester reminds his brother and nephew that Richard proclaimed Mortimer 'the next of blood' (*1 Henry IV* 1.3.147). Despite this, the plan is to divide England and Wales 'into three limits very equally' between Mortimer, Glendower and Hotspur 3.1.70) rather than replacing Bolingbroke entirely with Mortimer. Though this is taken from Holinshed,³⁴ Hotspur's aim to take at least part of the realm for himself intensifies the rivalry between him and Hal, allowing Shakespeare to repeat the pattern of personal rivalry that he created between Bolingbroke and Richard in *Richard II*. Shakespeare has also altered Hotspur's age, making him contemporaneous with Hal to intensify the comparison.³⁵ This comparison was set up as early as *Richard II*, when the absent Hal was described as a 'young wanton and effeminate boy' (5.3.10) and implicitly compared to the ever-helpful presence of young Hotspur in the Bolingbroke camp. In *1 Henry IV*, Bolingbroke goes so far as to wish

...that it could be proved
That some night-tripping fairy had exchanged
In cradle-cloths our children where they lay
1.1.85-87

The changeling idea contributes again to the notion of Hal as an illegitimate child, in the sense of his being an unsuitable, or false son to a king.³⁶ The early establishment of this comparison between Hotspur and Hal suggests that Shakespeare was certainly thinking ahead to *Henry IV* during the composition of *Richard II*,³⁷ and more so that the entire tetralogy was conceived as a continuous narrative, making Hal's conversion the epicentre of the tetralogy. Hence the themes of performing legitimacy and legitimating the dynasty are central not just to the Henriad, but to Shakespeare's representation of English history.

Hal's transformation, though it has little basis in fact, was widely depicted in Shakespeare's lifetime, being reported in Holinshed, Stow, Hall and Fabyan, and depicted

³⁴ Holinshed, *Holinshed's Chronicle*, 185.

³⁵ Cohen, 'Rituals of Violence' 141.

³⁶ Crawford, *Marvellous Protestantism*, 67-9, Greenblatt, 'Cultivation of Anxiety', 167-70.

³⁷ Forker (ed.), *Richard II*, 42.

onstage in the apparently popular *Famous Victories of King Henry The Fifth*.³⁸ Shakespeare adapts the popular transformation story to augment his own representation of monarchic legitimacy. Though the narrative of a ‘transformation in the character of Henry, from a personable prince...to an unfeeling embodiment of state power’ holds as much interest for audiences today as it apparently did in the 1590s, Hal is textually a paradoxical personification of selflessness.³⁹ Shakespeare marks that this transformation is in Hal’s performance (not in his ‘self’) by the continuing yet altered use of sun imagery. When Hal moves from performing the role of ‘riot and dishonour’ (1.1.84) to prodigal son, Shakespeare alters his use of sun imagery. Early in *1 Henry IV*, puns on the word ‘sun’ belong mainly to Falstaff, who twice makes a pun on Hal as ‘the sun of heaven’ and the ‘sun of England’ (2.4.393-395). Hal’s complex ‘imitate the sun’ speech puns in a similar way (see above, pp.200-201). The words ‘son’ and ‘sun’ are frequently used between Hal and Falstaff, even when not punning, making the filial aspect of their relationship obvious. However, as the battle begins, Bolingbroke says

How bloodily the sun begins to peer
Above yon dusky hill! The day looks pale
At his distemp’rature.

1 Henry IV 5.1.1-3

The ‘sun’ in this speech, ostensibly about the weather, also refers to Hal’s promising performance as a legitimate ‘son’: the sun/son appearing over the hill, casting the rest into paleness, represents the appearance, finally, of a Hal that fulfils his duties as Bolingbroke perceives them. Vernon also describes Hal’s appearance after his conciliatory meeting with Bolingbroke as ‘gorgeous as the sun at midsummer’ (4.1.103). Hal’s new performance as a legitimate son of Bolingbroke and a personally legitimate heir apparent transfers the sun/son motif from his Eastcheap companions to his ‘new’ family.

National and Dynastic Legitimation in ‘Henry V’

As the ‘troublesome’ reign of Bolingbroke demonstrates (*2 Henry IV* 4.3.316), a performance of personal legitimacy does not maintain peace. His reign is marked by ‘civil butchery’ (*1 Henry IV*

³⁸ Saccio, *Shakespeare’s English Kings*, 95-6

³⁹ McEachern, ‘*Henry V* and the Paradox of the Body Politic’, 304.

1.1.14), something that he associates with the ‘bypaths and indirect crook’d ways’ used to depose Richard (2 *Henry IV* 4.3.314). Though Shakespeare alters Holinshed’s account of the final meeting of Bolingbroke and Hal from a terse confrontation to a tender reconciliation,⁴⁰ much of the tension remains present, if unarticulated, in the moment of succession, making for a more complex transition than Zaller acknowledges, claiming Shakespeare ‘turned this grim encounter into a reconciliation scene’.⁴¹ Bolingbroke’s belief that the ‘soil of the achievement’ in his usurpation dies with him, that Hal has ‘better quiet / better opinion, better confirmation’ (ll.317-18) is begrudging; he reminds Hal that the kingship which ‘falls upon thee in a more fairer sort’ is a result of ‘what in me was purchased’ (ll.229-330). He sneers at Hal, who ‘the garland wear’st successively’ (l.331). The ‘garland’ wears Hal; while Bolingbroke took the crown, Hal has had it handed to him. The performance is essential for Bolingbroke, as the successful transition from father to son casts a favourable light on the end of his reign, acting as a legitimating force; he legitimizes his usurpation by handing the crown on, creating a patrilinear Lancastrian line. However, it is impossible to ignore the underlying resentment between father and son. Hal’s challenging response that Bolingbroke

...won it, wore it, kept it, gave it me,
Then plain and right must my possession be
ll.351-352

asserts that Bolingbroke’s possession can never be ‘plain and right’; Hal reminds his father that he was only ever a usurper, while Hal is an inheritor.

The exclusion of Hal from the events of the usurpation in *Richard II* makes him ethically (and legally) entitled to inherit England; yet the claim will always be questionable—being absent during the usurpation means *mens rea*, that is, intent to steal, cannot be proved against Hal.⁴² *Henry V* centres on Hal’s mission to legitimate both his kingship and his dynasty, by waging war on France. As Bolingbroke understood in *Richard II*, public approval is key to creating an appearance of legitimacy and validation. Hal likewise manipulates his public persona to engage popular opinion—he had been doing so in *Henry IV*, and as King his persona takes on a different

⁴⁰ Holinshed, *Holinshed’s Chronicle*, 695.

⁴¹ Zaller, *Discourse of Legitimacy*, 252-53.

⁴² See Mordred’s case in H. Davis and W. Carless, *Regesta Regum Anglo-Normannorum, 1066-1154*, 4 vols. (II; Oxford: Oxford University Press, 1969), 331.

appearance of legitimacy, in which the appearance of justice rather than lawlessness is central.⁴³ The slippery nature of the legal debate of 1.2.33-95 exemplifies the importance of legitimate descent in monarchy, where the French royal family tree is manipulated to validate Hal's military agenda. The speech is reproduced almost verbatim from Holinshed, but the exact tone of the passage as it was intended in the theatre is more debatable;⁴⁴ however it is interpreted in performance, the speech is the 'crux of interpretation' in *Henry V*, our response to it directing our response to Hal and his war.⁴⁵

The interpretation of the speech is often inadequate because the emphasis should not be on the speech itself but on Hal's responses. It is already evident that Canterbury and Ely are not disinterested observers: Canterbury has offered the King a large sum of money to sway him 'more upon our part' (1.1.74) and promised more in matters 'touching France' (1.80). There are no textual indications that Hal responds in any way, as Leggatt asserts in his interpretation of Hal's behaviour during Bardolph's execution.⁴⁶ Hal is a void at key moments of legal or judicial policy, revealing his lack of interiority. He places the decision on his council, certainly aware that the Bishops of Ely and Canterbury will encourage him. His question 'May I with right and conscience make this claim?' (1.2.96) invites Exeter and Westmorland's responses in the presence of the Bishops, who have already persuasively advocated the war. It is left for them to simply assent in eight lines between them (ll.122-129), compared to the Bishops' thirty-one lines of encouragement (ll.97-121). The legal discussion does not validate the invasion, but confirms that there is legal excuse enough to create an appearance of legitimacy for it.

As Hal was advised to seek 'foreign quarrels' by his father (2 *Henry IV* 4.3.344), the Bishops' language emphasises potential legitimisation of his reign. Canterbury references his 'mighty ancestors', Edward III and the Black Prince, 'who on the French ground played a tragedy' (*Henry V* 1.2.102-106). Theatrical imagery recalls ideas of performance, through which Hal creates his own monarchic legitimacy: Canterbury thus reminds Hal of the potential for legitimisation in France, and Ely adds:

You are their heir, you sit upon their throne,

⁴³ Alexander Leggatt, *Shakespeare's Political Drama: The History Plays and the Roman Plays* (London and New York: Routledge, 1988) 131-33.

⁴⁴ Holinshed, *Holinshed's Chronicle*, 697-98.

⁴⁵ Gary Taylor (ed.), *Henry V* (Oxford: University Press, 1998) 34.

⁴⁶ Leggatt, *Political Drama*, 131.

The blood and courage that renowned them
Runs in your veins...

1.2.117-19

In language evocative of the legitimacy language that was employed during the Bolingbroke-Mowbray challenges of *Richard II*, Ely makes France an opportunity for Hal. Bolingbroke relies on the influential associations of this language when he tries to shame Hal for sullyng 'the greatness of thy blood' (*1 Henry IV* 3.2.16). Likewise Hal demonstrates his contrition with a promise to 'wear a garment all of blood' and 'a bloody mask' at Shrewsbury (II.135-36). This language is used throughout the tetralogy to evoke concepts of legitimacy and proving oneself, not simply in birth but in masculinity and achievement. Now this language again induces Hal to prove himself in combat; reopening his ancestors' argument in France is deliberately designed to associate him with their heroism, to bridge the gap in the broken line of patrilinearity that Bolingbroke interrupted.

The polished performances and intelligence that Hal displays throughout the *Henriad* suggest Hal is unlikely to be tricked: he is already 'well resolved' to declare war (*Henry V* 1.2.222) before the tennis balls incident (1.258). Shakespeare alters the sequence of events in the sources, in which the tennis balls are sent before the Salic Law discussion.⁴⁷ Thus Shakespeare makes Hal's motives suspect; historically the Dauphin's insult plays a part in Hal's decision, while in the play Hal seeks confirmation for a decision already made. While Bolingbroke's advice is a motivating factor in this decision, Hal also reveals a preoccupation with patrilinearity in these scenes. As with Hotspur, Hal and Bolingbroke in *Henry IV*, Shakespeare creates a father-son triangle in *Henry V* juxtaposing two sons—Hal and the Dauphin—competing for the paternal inheritance of the king-father.⁴⁸ In *Henry IV* Hal was the defender of that inheritance, England, while he is now the alien aggressor-son in France. His performance throughout is of a kind of straightforward aggressive warrior like Hotspur; Hal adapts personae to his own legitimacy performances, replicating a persona he associates with a challenge to royal authority. Killing Hotspur legitimates Hal in the sense that he removes the rival 'heir' and claims his place as Bolingbroke's son through a 'ritualistic' murder.⁴⁹

⁴⁷ Holinshed, *Holinshed's Chronicle*, 680.

⁴⁸ The patterns of paternity in the second tetralogy differ from those in the first by way of their complexity and exploitation of non-biological, 'illegitimate' son and father figures, indicating a notable development in the use and significance of the illegitimacy motif over time. Compare the Talbots in *1 Henry VI*.

⁴⁹ Cohen, 'Rituals of Violence', 155-56.

Now Hal focuses on triumph over the Dauphin to legitimate himself, again becoming the heir to a sovereign father. His threat to ‘dazzle all the eyes of France’ is directed at the Dauphin; he only once refers to King Charles when he says ‘his father’s crown’ (1.2.263). The idea that Hal will ‘dazzle’ France and the Dauphin indicates Hal sees his competition with the Dauphin as similar to his competition with Hotspur, because it recalls the sun imagery of *Henry IV*. Dazzlingly bright, Hal will be the sun/son of France, as he became England’s sun/son when he first enacted his performance of legitimacy at Shrewsbury. In *Henry V* Hal deposes the Dauphin as legitimate heir to France, as he promised to ‘chide this Dauphin *at his father’s door*’ (1.308, emphasis added).⁵⁰ His victory is effectively demonstrated in his becoming ‘*Héritier de France*’ or ‘*Haeres Franciae*’ (5.2.325-26)—that is, heir to France (meaning both the nation and King Charles himself)—and marrying Catherine. Charles significantly refers to Hal as his ‘fair son’ (1.333), cementing Hal’s French legitimation. French sovereign legitimacy, won in battle, augments Hal’s performance of English royal legitimacy, basing his authority on strength and military success, reinforcing his capabilities and neutralising potential threats.

Hal sees legitimate paternal relationships as an important facet of legitimate sovereign leadership, and creates paternal relationships that augment his performance of royal legitimacy. Falstaff is a quasi-paternal inspiration in his early performances: he defeats Hotspur to be Bolingbroke’s undisputed son and heir and replaces the Dauphin as Charles VI’s heir, removing the rival in terms of paternity and sovereignty. He imitates the military achievements of Edward III, one of the great sovereigns of his bloodline. At Harfleur he encourages his soldiers by asserting that:

...[their] blood is fet from fathers of war-proof,
 Fathers that like so many Alexanders
 Have in these parts from morn to even fought.
 3.1.18-20

Kahn identifies connections between masculinity and war in Hal’s speeches,⁵¹ yet, because blood and courage are linked to legitimacy in the second tetralogy, military triumph becomes a legitimacy indicator. Hal claims courageous fighting will ‘dishonour not your mothers’, proving

⁵⁰ Though his parents later repudiated Charles VII as a product of one of his mother’s infamous affairs, Shakespeare elides the historical dubious legitimacy of the Dauphin to further intensify the repetition of the Hotspur conflict. The focus is hence kept on Hal’s personal struggle to attain legitimacy, not the illegitimacy of the French; see Saccio, *Shakespeare’s English Kings*, 48.

⁵¹ Kahn, *Man’s Estate*, 84.

‘that those whom you called fathers did beget you’ (3.1.22-23). Like Bolingbroke in *Richard II*, Hal links blood, action and legitimacy.

Interestingly, Hal’s performance of another, piety-based, legitimacy is a direct response to another challenge to his sovereign power in the form of Bates and Williams, with whom he has been discussing the responsibility of a king to his soldiers. As Hal’s grim determination to be ‘No king of England, if not king of France’ (2.2.190) is a direct response to the civil turmoil in England that causes Grey, Cambridge and Scrope to rebel against his authority, his performance of piety is designed to directly counter the accusations that Bates and Williams make against him. Williams deems Hal a liar, suggesting that ‘when our throats are cut he may be ransomed’ after all (4.1.183). Bates, though he is less hostile than Williams, is equally cynical about the value of war, blaming the king for the deaths incurred, and clearing the soldiers’ conscience (ll.124-26). Hal, now dressed as ‘Harry le roi’, is not currently performing monarchy. Instead he is counterfeiting, deceiving rather than performing. Paradoxically, during this pretence Hal reveals the ‘truth’ of monarchy to his subjects: ‘the King is but a man...His ceremonies laid by, in his nakedness he appears but a man’ (ll.99-103). Hal convinces Bates, at least, that ‘every subject’s soul’s his own’ (ll.169-70), that a king cannot be held responsible for the sins his soldiers have committed, if he can be for their deaths in battle. Williams maintains his ‘quarrel’, however (l.196).

After Williams’ attack on the King’s motives and culpability, Hal is left alone onstage, and he explores another performance in response to the debate. He is no longer pretending to be Harry Le Roi, but performing another aspect of sovereignty in the form of piety and conscience. Responding to Williams’ and Bates’ arguments, Hal performs the principles of responsibility that they attributed to the king. He prays God will

...think not upon the fault
My father made in compassing the crown.
4.1.281-82

This ostensibly refers to the expected divine punishment for Bolingbroke’s ambition; the idea of providence working out punishment over two or three successive generations was common in Tudor historiography, with Henry VI’s failure to hold France and prevent the Wars of the Roses

attributed to divine punishment of his grandfather.⁵² However, Hal also alludes to patrilinear inheritance, being continually at pains to solidify the link between himself and previous sovereigns: he has not just inherited England from his father, he has inherited the guilt of Richard's murder. He has 'interrèd new' Richard's body and shed 'contrite tears'; he has 'five hundred poor' paid to pray that God will 'pardon blood', along with 'two chantries' of priests singing 'for Richard's soul' (ll.283-290). This insistence on atoning for Richard's death validates the link between himself and his father by taking on his father's sin; yet Hal also creates an association between himself and Richard, the previous king, by taking responsibility for Richard's soul. He intimates a familial, affectionate link between himself and Richard that is not evident in the plays, despite being a possible interpretation of the historical sources.⁵³ In claiming this responsibility for others, Hal performs that aspect of kingship that Bates and Williams discussed with him; he develops another performance that chimes with contemporary conceptions of legitimate sovereignty.

Hal's final action is to plan a marriage with Catherine, from which he intends 'a boy, half-French half-English, that shall go to Constantinople and take the Turk by the beard' (5.2.201-202). Hal's mind runs on the continuation of patrilinearity: a son that compounds the blood of England and France will cement his acquisition of France, by passing it on. Turks are a political rather than religious enemy for Hal; he wants to wage war on Constantinople, not Jerusalem, and against Turks rather than Muslims.⁵⁴ When France has been defeated, the Turks become the focus of Hal's 'redirecting [of] the energies and emotional allegiances'⁵⁵ of the troublesome English, a continuation of Bolingbroke's advice to seek 'foreign quarrels' (2 *Henry IV* 4.3.344). Hal requires a successful son as King, creating a legitimate dynasty. To legitimate himself as King (and retrospectively, his father) Hal must pass on his kingdom, creating a place for himself within the patrilinear line. A crusading half-French, half-English son would be the epitome of Hal's legitimisation: compounding France and England, the achievement of Hal's forebears, the successful son will pick up the fond wish of his grandfather Bolingbroke 'to lead out many to the Holy Land' (2 *Henry IV* 4.3.340). Hal's choice of the city of Constantinople, the

⁵² Raleigh, *The History of the World*, 888. See also Kastan, *Shakespeare and the Shapes of Time*, 37-55, H.A. Kelly, *Divine Providence in the England of Shakespeare's Histories* (Cambridge; Mass.: Harvard University Press, 1970), 74, and Wells, *Shakespeare, Politics and the State*, 124-28.

⁵³ Holinshed, *Holinshed's Chronicle*, 672.

⁵⁴ Benedict S. Robinson, 'Harry and Amurath' *SQ* 60:4 (2009), 339-42.

⁵⁵ *Ibid.*, 401.

‘seat of the [Islamic] empire’, as the setting for his son’s military achievement (rather than the Holy Land itself) marks a transfer ‘from the politics of Christendom to the politics of nation.’⁵⁶ Hal’s vision of dynastic success does not, like his father’s, hinge on unification of English people under a Christian cause,⁵⁷ but on a nationalistic expansionist ethos, a primarily political conflict that will be passed from generation to generation. In this, Hal reflects Elizabethan concerns, the power of the Islamic empire constituting not only a threat to Christendom but a source of massive interest in drama, as Peele’s *Battle of Alcazar* and Hal’s topical references to Amurath at *2 Henry IV* 5.2.48 testify.⁵⁸ Of course, the disastrous reign of Henry VI resulted in the loss of France; retrospectively, Hal’s desperation for his French legitimacy to be cemented in his marriage to Catherine creates the half-French son of adulterated blood (in early modern definitions, the word ‘bastardised’ is applicable) who loses France, the conquering of which is Hal’s greatest demonstration of legitimacy.

The presentation of France in *Henry V* contrasts interestingly with legitimacy themes in *Henry VI*. As Chapter 3 discussed, the French nation is a gendered “other” which England is defined in opposition to. The topography of France is feminine and a source of power for Joan in *1 Henry VI* (3.3.44-57). English characters (Faulconbridge, Gaunt, Bolingbroke and Richard III) frequently personify England as an emotive, wounded mother to rally their troops in Shakespeare’s depiction of civil wars. However, in Hal’s conquest of France, masculinity is the issue. The excessive military virility with which Hal endows the English implicitly feminises France:⁵⁹ Harfleur is ‘she’, filled with ‘fair virgins’ and ‘pure maidens’ (3.3.89-100). Elizabeth I claimed she failed to ‘advance my territories, and enlarge my dominions...I acknowledge my weakness and my womanhood in that respect.’⁶⁰ McEachern links this claim to the English insularity represented in gendered depictions of Elizabeth’s virginity, with the nation again featured as a vulnerable female body.⁶¹ Hal reverses contemporary representations of nation: he and his army are personified as England, a powerful masculine unity. Under Hal, the nation

⁵⁶ Ibid., 400.

⁵⁷ James Black, ‘Henry IV’s Pilgrimage’ *SQ* 34:1 (1983), 19-20.

⁵⁸ Richard Hillman, “‘Not Amurath an Amurath Succeeds’: Playing Doubles in Shakespeare’s *Henriad*’ *ELR* 21:2 (1991), 162; see also George Peele, *The Battle of Alcazar* ed. Charles Edelman (Manchester: Manchester University Press, 2005).

⁵⁹ See also Kahn, *Man’s Estate*, 68-70.

⁶⁰ Elizabeth I, *A Speech Made by Queen Elizabeth (of Famous Memory) In Parliament, Concerning the Spanish Invasion* reproduced in *The Norton Anthology*, 321-2.

⁶¹ McEachern, ‘*Henry V* and the Paradox of the Body Politic’, 310.

performs too, adopting his persona of military strength and legitimate masculinity in a way that the Talbots, for all their anxiety of male legitimacy, could not inspire. The ‘men of Harfleur’ Hal addresses (I.107) are held within this citadel of femininity, powerless and ineffective protectors of the female. Tapping into popular enthusiasm for colonial expansion and military achievement,⁶² the rival feminine illegitimacy of France is demolished; the triumph of Hal’s masculine legitimacy-obsessed England is demonstrated both in his military victory and in his wooing of Catherine.

Catherine represents the last of French femininity, and, conversely, Hal’s desire to marry her indicates his impulse to obliterate that ‘Frenchness’ in his legitimation of his reign and his nation. She is ‘our capital demand’ (5.2.97), Hal claiming he ‘cannot see many a fair French city for one fair French maid’ (II.305-6). However, even Hal, the consummate performer, is unlikely to suddenly reveal a hidden selfhood or genuine love for the daughter of a political rival. His description of Catherine as a ‘capital demand’ is a more accurate assessment: she represents the French femininity that opposes Hal’s masculine takeover; she is more important than disputed French cities because she solidifies his place within the French succession. With Catherine as his wife, he can enforce his brand of masculine patrilinear legitimation over the French succession, making France, like England, a piece of a patrilinear inheritance. This is almost certainly why Shakespeare elides the dubious family history of the House of Valois in *Henry V*, glossing over both Charles’ madness and his wife’s infidelity.⁶³ Instead they appear as wise yet defeated monarchs, allowing Hal’s personal quest for legitimation to occupy the focus of the play. The wooing itself also demonstrates the anxiety that characterises Hal’s desire to legitimate his reign: having conquered France martially, he imposes Englishness on the nation, forcing Catherine to speak English to him.⁶⁴ She is drawn out and away from the French language by his performance of bluntness; but his pretence of candour, however impressive, is not credible. Hal’s performance of untutored soldierly straightforwardness is designed to make France, figured in Catherine, acquiesce. Catherine realises this; though she has been speaking English, she notices that Hal has ‘*fausse* French enough to deceive de most sage *demoiselle* dat is *en France*’ (II.210-11), and she

⁶² Neil Cuddy, ‘The Conflicting Loyalties of a “Vulgar Counsellor”: The Third Earl of Southampton, 1597-1624’ in John Morril, Paul Slack and Daniel Woolf (eds.), *Public Duty and Private Conscience in Seventeenth-Century England* (Oxford: Clarendon Press, 1993), 127.

⁶³ Saccio, *Shakespeare’s English Kings*, 89.

⁶⁴ Howard and Rackin, *Engendering a Nation*, 139-40, Karen Newman, *Fashioning Femininity and English Renaissance Drama* (Chicago; London: Chicago University Press, 1991), 104.

ineffectually attempts to hold on to French custom, reverting to French to tell Hal '*les dames et demoiselles pour être baisées devant leurs noces, il n'est pas la coutume de France*' (11.249-5). Hal's performance of bluntness allows him to pretend an incapacity for elegant speech, meaning he can woo Catherine in terms of political power,⁶⁵ referring to monarchs as the 'makers of manners' at 'liberty' to side-step national customs (11.262-63). Of course it is Hal who chooses to ignore French custom, not Catherine, who is contained by his performance, finding that he 'stops [her] mouth' regardless (1.263-4). She finds herself anglicised as 'Kate' and the 'better Englishwoman' that Hal wishes France to become (1.122). Hal's performances always further his attempt to legitimate himself, his reign and his dynasty.

Despite the apparent success of Hal's colonial expansion, the boundaries of the English nation are blurred. Layers of interpretation beset Hal's British army, the various nations at once at odds with each other and united against France; as Bates tells Hal and Williams, they all 'have French quarrels enough' (4.1.213), yet the play interrupts the narrative of France's defeat to dramatise insurrection within Hal's British army.⁶⁶ Hal's plan to neutralise intranational conflicts via warfare in France, creating a unified nation from the turbulent state, is a failure, as *Henry VI* shows. Though Dollimore and Sinfield describe Hal's army, simplistically, as an 'ideal subservience of margin to centre',⁶⁷ Shakespeare's depiction of the Irish is a source of 'dramatic complexity' rather than 'colonial stereotyping'.⁶⁸ The Irish references reflect an instability at the heart of English expansionism in Shakespeare's lifetime, the Irish resistance to English rule; hence *Henry V* is far less triumphant than it might first appear, directing attention back to the loss of France. Nationhood associated with expansionism (Chapter 1) is more anxious than it might appear.

Though Hal thinks in terms of legitimating his England, his army of Irish, Scottish, Welsh and English is the first scenario in which Shakespeare explores the idea of a 'British' nation. Previously, the history plays' representation of nation had been focussed on an English, even Anglocentric conception of nationality—for example, Gaunt's 'sceptred isle' speech in *Richard II* 2.1. The archipelagic nations play a less central role, usually in warfare: for example,

⁶⁵ McEachern, '*Henry V* and the Paradox of the Body Politic', 305.

⁶⁶ Dollimore and Sinfield, 'History and Ideology', 216.

⁶⁷ *Ibid.* 217.

⁶⁸ Christopher Highley, *Shakespeare, Spenser, and the Crisis in Ireland* (Cambridge: Cambridge University Press, 1997), 86-109; Willy Maley, 'The Irish Text and Subtext of Shakespeare's English Histories' in Richard Dutton and Jean E. Howard (eds.), *A Companion to Shakespeare's Works Volume Two: The Histories* (Malde, Mass; Oxford: Blackwell, 2003), 72-103.

the Welsh and Scottish soldiers in *Henry IV* and the Welsh landing of Richmond in *Richard III*. Such insular depictions of England and Englishness reflect a secular version of the Protestant ‘elect’ nation concept.⁶⁹ England is elevated over its rivals, made special by its very insularity, which Gaunt invokes geographically as a ‘fortress built by nature’, the ‘silver sea’ that ‘serves in it the office of a wall’ or ‘moat defensive...against the envy of less happier lands’ (*Richard II* 2.1.43-49). McEachern likewise links representations of Elizabeth’s inviolable (yet always under threat) chastity as a corollary of English insularity.⁷⁰ However, in *Henry V* the boundaries of this English nation are broken, forming instead an unhappy ‘British’ coalition. Highley identifies a negative preoccupation with ‘empire building’ in Shakespeare’s representation of Ireland and Wales in *1 Henry IV*, regarding Shakespeare as sceptical about English expansion. However, Maley reads Shakespeare’s depiction of the Irish rebellion as a source of ‘dramatic complexity’ rather than ‘colonial stereotyping’. Despite differing reactions to the play, however, Highley and Maley both identify Essex’s Irish expedition of 1599 as an inspiration for a theme of imperial expansion in *Henry V*.⁷¹

The confrontation between Jamy, Fluellen and MacMorris in 3.3 shows a definite internal resistance to Hal’s imperialist expansionism—a resistance that reflects the confrontation between Ireland and England during the months that *Henry V* was first performed. The impetus of the play is towards neutralising internal British conflicts via warfare in France, creating a nation from the turbulent state. Dollimore and Sinfield read MacMorris’s question ‘What ish my nation?’ (3.3.62) as a confirmation that the Irish nation is ‘barbarous and inferior’; the implication being that Ireland needs subjugation to the superior English nation.⁷² The presence of Fluellen, described as an example of a member of a ‘tractable’ nation that had been annexed to England since 1536,⁷³ is also too simply dismissed. Fluellen is not at the ‘centre’, subjugating the marginal MacMorris; rather, he demonstrates, as a Welshman, that the archipelago is divided in many more ways than England-Ireland. The quarrel is brief but the ‘What ish my nation?’ exchange is highly significant. ‘Ish a villain and a bastard and a knave and a rascal’ (ll.63-64) shows that MacMorris has heard condemnation of the Irish many times, and that he is sick of it. He has bridled at Fluellen’s half-finished sentence ‘there is not many of your nation—’ (l.62):

⁶⁹ Robinson, ‘Harry and Amurath’, 338.

⁷⁰ McEachern, ‘*Henry V* and the Paradox of the Body Politic’, 308-10.

⁷¹ Highley, *Shakespeare, Spenser, and the Crisis in Ireland*, 89-93; Maley, ‘Irish Subtext’, 78.

⁷² *Ibid.*, 225; Edwards, *Threshold of a Nation*, 75-8.

⁷³ Dollimore and Sinfield, ‘History and Ideology’, 224.

the fact that MacMorris is weary of such insinuations clearly depicts ongoing tension within Hal's ranks, just as there was political insurrection earlier among the aristocracy with the Cambridge plot (2.2). The friction between the British archipelagic nations is an undercurrent to the main action of the play, which nevertheless makes Hal's failure to truly unite the British nations implicit. His expansionist outlook ('no king of England if not king of France', *Henry V* 2.2.190) reflects the enthusiastic colonial ethos of Elizabethan England, yet however successful the army is against the French, British nationhood (like true legitimacy) remains elusive, with the various nations within the army each defined by others and themselves as separate entities. Tensions circulate mainly around the Irish officer, MacMorris, whose race and nation bore the brunt of English warfaring at the time.

MacMorris describes the Irish as frequently called 'bastard' (3.3.64) among other things: Ireland is presumably bastard in the sense of inferior, polluted and mongrel.⁷⁴ Of course, this was a common idea in England, yet Bourbon calls the English 'bastard Normans' (3.5.10). If Ireland is a mongrel half-breed nation, so is the British army that Hal creates, comprised of various nations and marred by in-fighting; moreover, so is England, with French roots in the aristocracy.⁷⁵ Bourbon rightly argues that the English are corrupted, impure scions of a French dynasty, undercutting any idea of unsophisticated patriotism in the histories. The French pick up on the plant imagery that has been associated with bastardy throughout the British plays, referring to the English as

... a few sprays of us,
The emptying of our father's luxury,
Our scions, put in wild and savage stock
3.5.5-7

and to themselves as the 'grafters' of that stock (1.9). The image of grafting, as in *Cymbeline* and *The Winter's Tale*, feeds into ideas of hybridisation and illegitimacy, yet here it is unequivocally negative in intent. The English are the 'emptying' of the French fathers' 'luxury', implying adulterous, spurious children. The English are spurious French hybrid bastards; Hal's invasion is only another civil war. Expansionism, then, is ultimately futile. England is a bastardised nation pushing its boundaries further and encompassing yet more Irish and French mongrels; the danger inherent in such expansion is demonstrated by the final news of Doll, dead 'of a malady of

⁷⁴ The OED defines one contemporary meaning of 'Bastard' as a variety of mixed wine, and often referred to a mongrel breed of dog or horse, a distinctly different set of associations from its modern connotations. The sense of bastardy as being hybrid, as in *The Winter's Tale*, is common.

⁷⁵ Taylor, *Henry V*, 180.

France' (5.1.75). French corruption infiltrates England, and the reminder that his French spoils will be lost in the Epilogue undercuts Hal's driving ambition to legitimate his reign and his nation. However masculine expansionism is reflected in *Henry V*, the lack of insular, legitimate nationhood that Gaunt describes in *Richard II*, and that was a feature of Elizabeth I's construct of nation,⁷⁶ is also expressed in the fears of expanding national boundaries.

This anxiety, however, is only one feature of a play which otherwise endorses military endeavour. The doubts about the validity and legitimacy of an ever-expanding English nation are half-articulated, possibly subconscious fears. Despite their conflicts, the members of Hal's army unite to defeat the French, something that cannot be interpreted as anything other than a successful resolution to the play, tapping into the optimistic mood that Essex, supposedly returning from Ireland with 'rebellion broachéd on his sword', generates (5.0.32).⁷⁷

The (il)legitimacy theme has more implications in *Henry V*, however, with regard to succession anxiety and the presence of Essex. The most obvious factor that created succession anxiety was Elizabeth's increasing age, which had of course been noticeable for some time. The popular support for Essex in the late 1590s turned this anxiety, in some quarters, into speculation, as Hayward's February 1599 dedication of his *Life and Reign of King Henry IV* to Essex attests.⁷⁸ The dedication shows that speculation over the succession was not as limited as it might be supposed (see Chapter 2). The Essex rebellion was also a symptom of the climate that, stimulated by the lack of linear heirs and a historical example in the deposition of Richard II, prompted consideration of the crown not as a linear inheritance but one determined by personal legitimacy. Succession anxiety was a long-running influence on Shakespeare; many examples of writing on the succession also effectively indicate that 'the matter of succession was the single most important concern amongst the literate classes.'⁷⁹

⁷⁶ McEachern, 'Henry V and the Paradox of the Body Politic', 309-11.

⁷⁷ Essex's military exploits were well reported in the 1590s, exciting public interest; for example, see George Peele, *To the right honorable, and renowned shepheard of Albions Arcadia: Robert earle of Exsex and Ewe for his vvelcome into England from Portugall*. (Early English Books, 1475-1640 / 1526:12; London: [J. Windet for] Richard Jones, 1589); Fabian Johnson, *True intelligence sent from a gentleman of account Concerning, the estate of the English forces now in Fraunce* (Early English Books, 1475-1640 / 1687:21; London: J. Wolfe for Thomas Nelson, 1591); Thomas Churchyard, *The fortunate farevvel to the most forward and noble Earle of Essex* (Early English Books, 1475-1640 / 192:10; London: Edm. Bollifant, for William Wood, 1599). See also Bevington, *Tudor Drama and Politics*, 289-96.

⁷⁸ See Forker (ed.), *Richard II*, 12-14.

⁷⁹ Ibid., 87. See also Chapter 2, Persons' *Conference*; Thomas Wilson, *The State of England, Anno Dom. 1600.*, and Joel Hurstfield, *Freedom, Corruption and Government in Elizabethan England* (Cambridge, Mass.: Harvard University Press, 1973).

Essex's inclusion in *Henry V* three (or four) times,⁸⁰ and the allusive likeness that many have noted between him and Bolingbroke in *Richard II* (discussed in Chapter 5), suggest that the play-going public was interested in Essex. What Essex offered the English public, perhaps with premeditated deliberation, was an image of an alternative leader—the two were 'locked in a competition for public visibility'.⁸¹ An aging Queen is contrasted in the public eye with Essex's gender, his youth and martial ability. Essex's faction, apparently engaged in secret communications with the most likely heir, James VI, in the months before the failed coup, may have been aiming to put Essex not on the throne but merely in a position of governmental control;⁸² as Tennenhouse argues, the coup was a clear attempt to 'determine the line of power' in Elizabethan England.⁸³ The public popularity of Essex led himself, if nobody else, to believe he could usurp Elizabeth's authority; in his coup, he put into action the kind of concepts that *Henry V* explores. Essex, like Hal, aimed to create sovereign legitimacy, at the very least a legitimate governmental power, for himself through performance. Essex shows the theories of legitimacy that Shakespeare engages with in *Henry V*, and the second tetralogy as a whole, as a part of the actual world of Elizabethan politics, and anchors the play in its contemporary setting.

Foreknowledge of the Wars of the Roses that established the Tudors hangs over the triumphs of Hal in the second tetralogy; indeed, the threat that the sons of Edward III pose to each other is a recurrent theme throughout the cycle. While the failure of Hal to legitimate his line reflects on the Elizabethan concept of providential history, the facts of Shakespeare's own lifetime presented a different picture. Though eventually the Lancastrian line is re-established with Henry Tudor, he very deliberately married the York heiress, Elizabeth, and marketed their children as a new Tudor dynasty compounding the blood of York and Lancaster, thus ending all conflicts. His descendants, however, were still troubled by pretenders in the form of their distant cousins, all with the royal blood of the sons of Edward III, spurred on by the illegitimate roots of the Tudor family tree. Despite this, for the first time in over a hundred years, Henry VII was able to establish a secure ruling dynasty in England. It was possible to perform legitimacy in Shakespeare's lifetime; despite Elizabeth being dogged with accusations of illegitimacy, she

⁸⁰ At 3.6.79, 5.0.30, 5.2.202. For the possible fourth allusion, see Lily B. Campbell, *Shakespeare's 'Histories': Mirrors of Elizabethan Policy* (London: Methuen 1964), 287. Campbell argues the Hal's clemency at Harfleur is intended to reflect similar behaviour of Essex at Cadiz in 1596.

⁸¹ Annabel Patterson, 'Henry V: Text and History' in Holderness (ed.) *Shakespeare's History Plays*, 174.

⁸² Tennenhouse, *Power on Display*, 85, also Cuddy, 'Conflicting Loyalties'.

⁸³ Tennenhouse, *Power on Display*, 86.

performed in various other ways an image of legitimacy that was fiercely popular among her followers. Spenser's allegorical depiction of her as Gloriana, among others, in *The Faerie Queen* shows this performance to some extent had permeated the minds of her supporters;⁸⁴ Elizabeth was actually performing legitimacy before her subjects as effectively as Bolingbroke or Hal, and is as likely an inspiration for these characters as Essex.

Conclusions

In *Henry IV* Shakespeare explores the implications of Bolingbroke's personal legitimacy in his disturbed reign. Hal's accession ironically legitimates the Lancastrians short-term, being a successful patrilinear transfer. Yet before this Shakespeare uses associations of illegitimacy to characterise Hal. His performances make him subversive and potentially dangerous in *Henry IV*; only in his own reign does he contain that subversion.

Like that of the other illegitimates discussed, Hal's illegitimate potential is negated in the resolution of *Henry IV*, when he becomes King. Hal apparently reveals a true self underneath his performances, providing closure. However, *Henry V* only serves to further his lack of interiority. Hal as king is more of a void than as a prince; he is an agent of containment now, suppressing Falstaff's jocularly in causing his death and Bardolph's thieving. The invasion of France contains a feminine Frenchness that rivals the power of Hal's masculine Englishness, as the wooing of Catherine demonstrates. Hal moves from a force of subversion, then, to a representative of the totalising discourse of masculine power. His legitimacy is cemented by defeating rival male heirs: killing Hotspur and overcoming the Dauphin are attempts to make himself the undisputed heir to the 'father figure' in both cases. As an heir, Hal conveys legitimacy in his assumption of power.

A reminder of Henry VI and his disastrous reign, however, troubles the resolution to the tetralogy. Hal cannot create long-term legitimacy. Though he learns performativity from Bolingbroke, his son does not carry on these impressive performances, instead conveying the kind of royal legitimacy that in *Richard II* is the counter-balance of personal illegitimacy. Hal contains subversion in his plays, yet the cyclic structure of the histories refuses to endorse this containment, the conceptual uses of legitimacy and illegitimacy continually testing the boundaries of sovereign power.

⁸⁴ Julia M. Walker (ed.), Introduction, *Dissing Elizabeth*, 7.

Conclusion: Legitimacy, Illegitimacy and Sovereignty in Shakespeare's British Plays

There are several connections between illegitimacy and legitimacy, nation and sovereignty in the British plays. These connections, however, are not simplistic. There are overlapping, resonant meanings applicable to words like “legitimacy” and “illegitimacy” in early modern England. The British plays form a web of meanings around (il)legitimacy, the concept reflecting various interrelated issues of governance and nation. Though there is no simple unity of themes linked by (il)legitimacy language, the changing portrayal of these themes can be tracked across the plays, revealing how (il)legitimacy forms a medium in which these concepts are considered in Shakespeare.

Illegitimacy and legitimacy form an interesting duality around monarchs in Shakespeare. Hal, Richard II and Bolingbroke—as a pair but also individually—personify the tensions between simultaneous legitimacies and illegitimacies, with Gilman’s discussion of the curious perspective acting as a model for this spectrum. Both are excessively endowed with one type of legitimacy, Richard sovereign, Bolingbroke personal; but the counter-balance of this is that they are also hampered with the corresponding form of illegitimacy. A monarch may well be illegitimised in the eyes of some for a political stance, birth, gender, or religion, yet conversely, the opponents of that group perceive the opposite. A case in point is the confrontation between Catholicism and Protestantism in early modern England, with James and Elizabeth’s Protestantism held both as a feature that was either legitimating, or emphasised the illegitimacy of his or her reign by various groups. Chapter 2 discussed the ways in which Elizabeth’s Catholic and Protestant subjects used legitimacy language to challenge her authority. Illegitimacy was a particularly important metaphor for vulnerability in these cases, with Stubbes and Wentworth shading their writing with reminders of Elizabeth’s legal illegitimacy to remind her that the source of her sovereignty was her subjects, to whom she owed a parental duty. Though Pius V’s Bull *Regnans in Excelsis* bastardised Elizabeth in quite simple terms as illegitimate and hence unable to inherit, Persons uses models of conceptual illegitimacy and legitimacy to make the Spanish Infanta’s claim, suggesting that birth legitimacy may be far less important than personal. These ideas are not confined to *King John*, but feature recurrently in the

British plays, as the opposition between Bolingbroke and Richard and the parent-child relationships of *King Lear* demonstrate.

While the language of the legitimacy spectrum is used as a dramatic tool by Shakespeare to qualify the personal debate between rival heirs, the plays also reflect on how these concepts function in the formation of national identity, something that Shakespeare picks up on in the legal aspects of some plays, and the international politics of *Cymbeline*. As early as *Henry VI*, the formation of national identity is a Shakespearean theme, and invariably it centres around the illegitimate characters, who frequently voice this nationhood: Joan, Faulconbridge and Richard III are illegitimates who define and use nationhood to marshal troops. Later, nationhood is a feature of Bolingbroke's and Hal's legitimacy performances, a tool that emphasises their political power. For Hal especially, the expanding boundaries of England legitimate his reign; yet the (il)legitimacy spectrum simultaneously swings the focus onto the illegitimacy of Hal's mixed army. The later plays negotiate English identity within 'Britain', articulating the complexity of attitudes to James' international politics. While Britain in *Lear* is problematic, marred by internal, familial conflicts, Britain under *Cymbeline* is a developed state that ultimately reinforces familial bonds, reflecting the more settled English nation of its production time.

The reflection of the legal debate between civil law and common law in Shakespeare's lifetime reveals how the language of legitimacy can be widely appropriated. In legal debates, 'legitimacy' carried connotations of truth. Some theorists presented common law as a 'truth', an immemorial progression from the laws of the semi-mythical early British kings to early modern common law. Civil law was presented frequently as a product of disruptive foreign influence, an illegitimate system precisely because it did not stretch back along the historical English path constructed by common law theorists. Related concepts such as absolutism feature strongly in plays with this legal influence, the web of meanings around (il)legitimacy expanding to encompass national insularity in Henry VIII's and John's stance against Rome, and yet resolutely support mythical British common law against absolutism in *King Lear* and *Richard II*. Two very different presentations of absolutism are present in the plays, the common factor linking two radically different perceptions being the threat to, or preservation of, 'England'. Via (il)legitimacy language, Shakespeare negotiates the changing conception of sovereignty which James I brought to England. Therefore it is no coincidence that these plays' themes also coincide

with the legal issue: as James' infamous debates with lawyers like Coke demonstrated, the issue of sovereign rule and law were irrevocably linked, and Shakespeare's British plays participate in this discourse, with legitimacy used as a conceptual way of evaluating kingship and interrogating the two kinds of early modern law.

The connection between legitimacy and sovereignty could appear simplistic. However, the second tetralogy reveals yet more levels of meaning clustered around sovereignty and legitimacy. The scope of sovereign legitimacy expands beyond what it is in *Richard III*, where associations with birth illegitimacy are used as a motif for Richard's usurpation. In the second tetralogy, legitimacy can be performed, presented and used for advancement. Bolingbroke and Richard II initially present the confrontation between inherited legitimacy and performances of legitimacy, but the ensuing *Henriad* plays reveal a more conceptual style of legitimacy performances designed not to prevail over others but to validate success. Hal is Shakespeare's ultimate in legitimacy performance; picking up from Faulconbridge, Edmund and Bolingbroke. Examination of Hal's character reveals, paradoxically, a lack of character. He is a veneer of performances designed to convey the impression of sovereign legitimacy. Tellingly, these performances are tailored to his audience; he is a bluff lad of Eastcheap, a soldier, a regal monarch and a statesman. Exemplifying the concept of an illegitimacy spectrum, Hal's performance as a dissolute drinker in Eastcheap simultaneously conveys illegitimacy to his father, incapability to his enemy Hotspur, and makes him a desirable heir in the eyes of his drinking companions.

The second tetralogy culminates in *Henry V*, where Hal is driven by an anxiety of legitimacy, a desire to create a dynasty legitimated by successful transfer from father to son. Primogeniture, a central concept in legitimacy, was discussed in Chapter 4 as a fragile system; Hal's attempt to legitimate himself and his father's usurpation of the Crown fails when he dies, leaving his weak and young heir Henry VI. Henry VI has not learned from observing his father's performances as Hal did, and loses France. This is an area in which Shakespeare, in one of his earliest plays, begins the exploration of national identity that recurs throughout the British plays. He shows us not the creation of a national identity in England, but a simultaneous definition of nation from both England and occupied France, through the figures of the Talbots and Joan of Arc. *1 Henry VI* does not so much create an English identity as show how such identity might be created; it is never certain whether the Talbots' linear, masculine English legitimacy is a

response to Joan's bastard feminine Frenchness, or an independent English identity. What the play effectively does in the context of this thesis is cement the connection between legitimacy and nation. The rather more clear-cut link between sovereignty and legitimacy is therefore amalgamated with the national theme in the British plays.

The national and dynastic issues of the tetralogy plays are complemented by the similar themes of the remaining British plays: *King John*, *King Lear*, *Cymbeline* and *Henry VIII* fall outside the history cycle, yet are still thematically related. When these plays are considered, it is easier to perceive an overall trend in the development of the (il)legitimacy motif. *King John*, written under Elizabeth I, uses illegitimacy to tap into contemporary issues such as the succession anxiety, and Chapter 4 has demonstrated that *King Lear* is strongly affected by its historical context, being written early in James I's reign, when English anxieties over the still potentially valid union plan were at a height. *King Lear* is coloured by this topicality, bringing in themes of inheritance, law and sovereign prerogative—all underscored with the importance of legitimacy in these areas—in a way that evaluates the potential implications of a disordered British state. In *Cymbeline* and *Henry VIII*, however, such anxieties are less apparent, quite possibly because James, the patron of Shakespeare's company and susceptible to flattery, preferred it that way. However, the collapse of union talks and the established dynasty that James had brought with him to the English throne (though the eldest son, Henry, had died, James had what Henry VIII sought after so desperately, a second son) eased fears of any radical upheavals to England, and the final British plays echo these themes.

Henry VIII and *Cymbeline* have optimistic endings, something that hitherto has not been a feature of the British plays. The tetralogy cycle, by virtue of its cyclic reminder that Hal's success in France was followed by Henry VI's loss of it, inevitably fails to hit a positive note. Of the plays outside the cycle, *King John* ends with the death of the protagonist, and *King Lear*'s irresolute ending has already been discussed in Chapter 2. The last two plays, in contrast, are deliberately uplifting, looking forward to the reign of Elizabeth in *Henry VIII* and with the discovery of legitimate heirs in *Cymbeline*. There is a more providentialist outlook on illegitimacy and succession; if Henry's marriage is invalid, his bastard daughter will reign over a golden age. In *Cymbeline* the dynastically unsuitable marriage that Innogen has made to Posthumus hardly matters because the lost heirs are reunited with their family. When compared

with the ending of *Lear*, which rewrites the tragicomic source to prevent Lear and Cordelia reuniting, *Cymbeline* is evocative of a more sanguine perspective on the future succession.

While Hal found he could not create dynastic legitimacy with his dedicated performance of personal legitimacy, the two final British plays, *Cymbeline* and *Henry VIII*, suggest a more relaxed view. In both cases, the problems and legitimacy debates of individuals, kings though they may be, are negated when events eventually reassert order. Cranmer's prediction of Elizabeth's golden age provides the closure, the happy ending for *Henry VIII*, and in making his prediction, Cranmer legitimates the main action of the play; the divorce is justified for the sake of England, as is the Tudor dynasty. To adopt the Tillyardian model of the history plays endorsing the Tudor myth is too simplistic; the overriding discourse of contention between forms of legitimacy and illegitimacy throughout highlights areas where the supposed precisely-ordered Tudor universe—specifically dynastic instability through personal or birth illegitimacy—becomes uncertain and chaotic. In *Richard II* the drama cannot resolve the issue of who should be king and becomes a tangle of interpretations, a conflict between two different types of legitimacy. Likewise the juxtaposition between Richard III and Richmond aims to present an illegitimate usurper and legitimate heir, yet the illegitimate origins of the Tudor dynasty cannot be papered over; *King John* similarly doubles John and Faulconbridge. The plays dramatise the conflicts and tensions of sovereignty, whether in the form of succession, personal legitimacy, or legal prerogatives without advocating a consistent orthodox—or unorthodox—interpretation. Though all the plays—except *King Lear*—end with a resolution of the tensions of illegitimacy, as critics like Greenblatt and Hodgdon have pointed out, the cyclic structure of the histories prevents a simple resolution: though Hal appears to have neutralised threats and established a totalising discourse of patrilinear and personal legitimacy in *Henry V*, the reminder of his son's disastrous reign in the closing lines indicates that, despite the overall movement towards patrilinear succession that Howard and Rackin define as the main objective of the tetralogies, the illegitimacies that undermine sovereign power in the play cannot be contained long term.

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