



Open Research Online

The Open University's repository of research publications and other research outputs

Book review: Andrew Zurcher, Spenser's Legal Language: Law and Poetry in Early Modern England

Journal Item

How to cite:

Brown, Richard Danson (2009). Book review: Andrew Zurcher, Spenser's Legal Language: Law and Poetry in Early Modern England. *The Modern Language Review*, 104(2) pp. 546–548.

For guidance on citations see [FAQs](#).

© 2009 The Modern Language Review

Version: Not Set

Copyright and Moral Rights for the articles on this site are retained by the individual authors and/or other copyright owners. For more information on Open Research Online's [data policy](#) on reuse of materials please consult the policies page.

oro.open.ac.uk

MLR, 104.2, 2009

Spenser's Legal Language: Law and Poetry in Early Modern England. By ANDREW ZURCHER. Cambridge: Brewer. 2007. xi+293 pp. £55. ISBN 978-1-84384-133-3. R03067

The Faerie Queene makes even casual readers conscious of its legal vocabulary. When, in Book VI, Cupid brings the professional heartbreaker Mirabella to book, Spenser's idiom becomes increasingly technical:

All which when *Cupid* heard, he by and by
In great displeasure, wild a *Capias*
Should issue forth, t'attach that scornfull lasse.
(VI. 7. 35. 3-5)

Hamilton provides a terse paraphrase: 'He issued a warrant of arrest (**Capias**: 'thou mayst take') to require her appearance at court' (Spenser, *The Faerie Queene*, ed. by A. C. Hamilton, rev. 2nd edn (Harlow: Longman, 2007), p. 649). Yet as Andrew Zurcher's subtle and provocative study indicates, in using terms such as '*Capias*' Spenser was doing more than recycling a technical argot. In this view, legal diction and the semantic repercussions of that diction are central not only to Spenser's poetry, but to the 'oppositional' work of contemporaries such as the Shakespeare of the Sonnets, and the Donne of Songs and Sonets (pp. 203-31). The pervasive legalese of the Mirabella episode identifies her as a misuser of prerogative; Zurcher reads it as a satirical comment on Elizabeth's exercise of power, especially in relation to Ireland: 'That Mirabella receives her comeuppance from Cupid's legal system could only have been a calculated attempt on Spenser's part to remind Elizabeth of her own legal constraints' (p. 173). The 'Glossary of Selected Legal Diction in *The Faerie Queene*' comprehensively supplements Hamilton—a *capias* is a writ 'issued to a sheriff [. . .] authorizing him to arrest or seize the person named in the writ; esp. *capias ad respondendum*, a writ issued to enforce the named person's attendance at court' (p. 246).

As this example indicates, Zurcher adroitly considers the interplay between diction and literary politics. The opening chapters offset a complex sense of the aesthetic value of Spenser's poem with an intentionalist approach to contemporaneous hermeneutics. The 'Letter to Raleigh' is connected with the '*sensus germanus*' of Renaissance lawyers: 'The *sensus germanus*, or 'the Authors whole intention of this work', lies vanishingly within the act of analysis itself, and as readers of the poem we are given the responsibility to confront every word, every narrative episode and visual-verbal icon [. . .] with the single most important analytical tool offered by the humanists and lawyers alike: a faith in [. . .] the existence of this recoverable intention' (p. 49). Yet as Zurcher concedes, a faith in such an intention does not necessarily assuage the feelings of 'desperation' a reader of *The Faerie Queene* may legitimately feel in trying to make sense of the poem locally or universally (p. 49). Judging Spenser's intentions on the basis of the 'Letter to Raleigh' remains contentious, given its well-rehearsed problems and the fact that *The Faerie Queene* was never finished according to the Letter's plan. Zurcher's tendency is to stress the coherence of Spenser's legal and political thinking (p. 125), yet the unfinished state of the text undermines any watertight sense of coherence.

Reviews

Nevertheless, this rewarding study is essential reading for Spensersians and anyone concerned with the intersections between law, politics, and poetry. In the major analytical chapters on Books III–VII Zurcher shows a deft appreciation of the ways in which Spenser’s diction inflects the poem’s allegorical representations of Irish contexts. This is a book, moreover, which is anxious to debate the still problematic relationship between literary pleasure, instrumentalism, and political reading (pp. 5, 232–37). In this light, it is a shame that the reappraisal of critical priorities inherent in a study of poetic diction did not consider the ways in which another unfashionable term—tone—modifies and adapts meaning. Consider again that ‘*Capias*’. Though Zurcher’s political reading is plausible, my suspicion remains that by rhyming his legalese with the flippantly derogatory ‘*lasse*’, Spenser deflates the potential political offence of the episode by emphasizing the story’s comedic elements. Diction never exists in isolation, and it would have been a foolhardy poet who would have unequivocally described Elizabeth as a ‘*scornefull lasse*’, however oppositional his impulses.

THE OPEN UNIVERSITY

RICHARD DANSON BROWN

Below you should find the contact details (postal and email addresses) that are on file. If the information is not there, please write it in if you are sending the proof back to the editor, or else email it to the assistant editor John Waś (john.was@ntlworld.com). The details should be correct and valid for April 2009, since they will be used to generate the address labels for offprints. (Note. Occasionally an item may have to be postponed to a later issue if the volume in preparation proves to be over-long; please advise of any change of contact details up till the actual publication of your contribution.)

Prof. Richard Danson Brown
English Department
Faculty of Arts
Open University
Walton Hall
Milton Keynes
MK7 6AA
email address: R.D.Brown@open.ac.uk