

MASSINGER'S ENGLAND

POWER, AUTHORITY AND THE LAW

IN

MASSINGER'S ENGLAND

By

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ABSTRACT

The trial scene in Renaissance drama provides the modern reader with an ideal means for examining the implicit structure of power that is demonstrated in a play's conflict. Read against a background of the contemporary Renaissance concern for power and authority and how both are expressed in contemporary concepts of law, the plays are comprehensible as expressions of Renaissance ideology. The Old Law, The Bondman, Believe as You List and The Fatal Dowry offer a variety of trial situations in a variety of dramatic contexts. Analysis of these plays provides a consistent view of elements of contemporary philosophical debate on the nature of power. An awareness of the power structure of these plays sparks an interest in examining the forces at work in our day.

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INTRODUCTION

Conflict is the stuff drama is made on. The terms of the conflict vary infinitely in the particular. In general conflict is the struggle of one element for dominance over another. In this sense the conflict of power is inevitable in drama. This is especially true of the drama produced in Renaissance England, when the question of power entered into the daily lives of English subjects. In much of the drama the play for power is implicitly (often explicitly) political, although elements of conflicts also play against a background of legal, moral and social domination. Often all of these combine to offer us those complex conflicts that provide the richness of Renaissance drama.

I therefore will proceed with this assumption: the drama of the Renaissance either consciously or unconsciously explores the relationship of these elements that jockeyed for domination in the national ideology of contemporary England. My method will be to examine closely the power structure endorsed by the drama against a background of the contemporary political, legal, moral and social debate. As we shall see, the various arenas of debate are very much bound together. The position of the king as head of state, supreme judge and head of the church forced discussion to be

conducted simultaneously on all four grounds (political, legal, social and moral). I will argue that the drama dealt imaginatively with the very issues in conflict in Renaissance England. Not necessarily wanting to endorse a royalist position or to advocate a more democratic political structure, dramatists simply used the element of conflict to produce interesting and (for us) revealing theatre. In so doing they have given us a barometer of contemporary life that we are remiss in ignoring.

Because there is no more concentrated scene of conflict than a trial, where there is a necessary exercise of power as one party subjugates and judges another upon implicit authority, I will concentrate on trial scenes. When one judges another, one calls upon legal and moral claims to a certain position against the accused. In the Renaissance, law and politics were even more involved with the social structure than today. The debate centered on the source and extent of law. The king invariably saw himself as the source whom the law's long arm could, therefore, not reach. The debate becomes more complex when others begged to differ. This will be treated a bit later. It will suffice for the moment to maintain that the trial scene provides the ideal place to examine the structure of power that is dominant in the dramatic world.

It will be important to examine the trial scenes and how they influence action. The structure of power that

brings an individual before the court (the legal arm of the state) will be affected by the outcome. The court's authority is endorsed or challenged in several ways. So it will also be important to look at who is placed as judge and by what authority, who is tried and for what reason. Often, for instance, a trial takes place not to decide a strictly legal question, but an implicitly moral or political one. These are even more interesting for us because it is not a rigid corpus of statutes that will decide an issue, but a fairly arbitrary system of moral and political values. The structure of power in these cases is not only more dynamic, but tells us more about the values of the dramatic world. Perhaps, too, it provides a key to see how the values of the dramatic world relate to those of the real world and the author.

Before a structural view may be attempted, it is necessary to come to terms with the conventional nature of the trial scene. The conventionality of the drama as a whole is well documented. Books such as Forsythe's The Relations of Shirley's Plays to the Elizabethan Drama and T. J. King's Shakespearean Stagecraft 1599-1642 provide lists of sorts whereby one recognize the common usage of a character or incident. But beyond recognition of its popular use, what does the classification of a convention do for interpretation? That the foolish lover is a common character

is easy to see, but one must ask whether or not the Renaissance audience would recognize certain markers that would label him a foolish lover. If so, it might be assumed that the playwright uses these markers as a shorthand. If the author has two hours in which to develop and resolve a plot, it is a question of economy to signify a person as a type.

Stock incidents, one might assume, serve the playwright in a similar way. They allow him to dispose of tedious exposition in order to expedite the plot. In addition, an accepted incident, such as a maiden disguised as a page, does not so tax the credulity of the audience that accepts the common convention. If this analysis is just, then the audience would be able to identify certain markers that would swiftly define a scene with a predictable pattern.

The trial scene has very recognizable physical markers such as "a bar set out", or chairs, often a book. Sometimes, however, a trial is informal and not very satisfactorily set apart from the surrounding action. In fact, there are so many deviations, permutations and exceptions that it is even dangerous to classify it as a convention. We can, however, make a few generalizations with regard to genre.

If a trial occurs in a comedy, especially a tragicomedy, it is likely to occur in the final act and it will generally resolve a conflict. The rigour of the law is

usually tempered with mercy. Quite frequently in these scenes the dramatist will employ other conventions such as recognition, discovery and marriage. The play ends happily and all parties are reconciled. Trials that occur in tragedies, on the other hand, generally take place in the first or third acts and, predictably, either initiate or complicate a conflict rather than resolve it. Often the conflict arises from a misprision of justice, that is, an innocent person is found guilty or a guilty person is acquitted. In other words, in tragic plays the action is regularly motivated by frustrated justice. Trials in the final act of a tragedy are quite rare although they do occur.

Apart from these few observations, little else may be generalized. C. P. Boerner, in her unpublished thesis The Trial Convention in Renaissance Drama, painstakingly identifies common elements, but any real patterns are frustratingly ephemeral. The just but misguided judge, the corrupt lawyer, the innocent defendant found guilty are all common. But as soon as a pattern is drawn it may be altered by another example. So what makes the trial scene conventional? As I explore trial scenes, I hope to show that what marks the scenes as conventional has little to do with similarities between them. It has very much to do with an encapsulization of the play's conflict and the structure of power the conflict underscores. Like a stock character, the

trial scene offers the playwright a shorthand method of exploring conflict.

In this study I have concentrated on four plays by Philip Massinger that contain trial scenes. The Old Law (1618),¹ The Bondman (1623), Believe as You List (1631) and The Fatal Dowry (1619) offer a wide variety of trial scenes in a variety of contexts. The Old Law treats the position of law in society comically, while The Fatal Dowry deals very seriously with proper judicial procedure. The comedy sees law in relation to a monarch's will and the tragedy sees it as a body of autonomous statutes. The Bondman and Believe As You List are concerned primarily with the sovereign's position in relation to God and the law. In all of these plays the structure of power is an implicit concern. There are, of course, many other plays with trial scenes. Massinger himself wrote 6 others containing trials, as well as numerous collaborations with trials. The four plays selected here will however, serve well in demonstrating the structures of power in relation to elements of contemporary society.

CHAPTER ONE

In general, what I am concerned with in this study is the place or person in which power and authority lie. However, it will be useful first to distinguish the difference between power and authority; it is important that the distinction be kept in mind. Dictionary definitions are of little use, but it is interesting to note that the definition of both words contain the other. In brief, authority gives one the right to act, to use one's power. Power is the ability to act. One might exercise power without legitimate authority. In this case the use of power is unauthorized and perhaps illegal. On the other hand, if one has the authority to act, to use a certain power, the legality would not be questioned. Difficulty arises, and we see this consistently in Renaissance England, when the authority, and hence the legality is disputed. It is this key question that is the center of any play for power.

Authority is granted by many things but it primarily rests on the common acceptance, even suffrance of the majority. Renaissance society saw the supreme authority, of course, coming from God. (Other sources might include the law, social agreement [i.e. social position], money and age.) Earthly authority derived from God. As God's lieutenant on

earth the sovereign claimed the legal right to wield absolute power.² But vying for supreme earthly authority were the law and those who practiced or subsisted on it (M.P.'s, judges, lawyers, for example). These legitimated their claim to power by insisting that man's law reflects natural law and God's law. These laws permitted, they argued, the king to exercise power for the good of the commonwealth. He was, however, answerable to the people and the law.

No event more dramatically underscores this fundamental dispute than the trial in 1649 of Charles I, over forty years after James I asserted, upon Coke's suggestion that the King must leave the law to specialists, that "Then I shall be under the law, which is treason to affirm" (qtd. in Gardiner 2:39). Now Charles I is being tried for treason and high misdemeanors after the charge was read. In the seventeenth century it was required that the defendant plead guilty or not guilty before the trial could proceed. If no plea was made the trial was delayed. (Often if the defendant refused to plead he was pressed by heavy stones until he did.) The illegality of the proceeding is hinted at as the trial proceeded despite a refusal to plead. Charles was repeatedly, on three separate days, asked to answer the charge. Repeatedly he declined on the grounds that the court had no right to try him:

I would know by what power I am called hither, ...
Now I would know by what authority, I mean lawful;
there are many unlawful authorities in the world,

thieves and robbers by the highways; but I would know by what authority I was brought from thence, and carried from place to place, and I know not what; and when I know what lawful authority, I shall answer. Remember I am your King, your lawful King... (Stephen 80)

The Lord President John Bradshaw, on the other hand, repeatedly proclaimed, a little unconvincingly, by what authority the court acted:

If you had been pleased to have observed what was hinted to you by the Court, at your first coming hither, you would have known by what authority; which authority requires you, in the name of the people of England, of which you are elected King to answer them... [I]t is upon God's authority and the kingdom's. (Stephen 81-83)

The debate was settled, despite the disputed authority. The rump had the power to try and execute the King of England. The trial was the culmination of decades of contemporary debate and it underscores the fundamental elements in the play for power: the law, the prerogative absolute, the aristocracy and the commoners who asserted their power.

The Bondman by Massinger provides an illustrative example of the same principle. In this play the slaves are incited to revolt while the able-bodied men are at war. For a short time the bondmen retain the power in Syracuse and exercise it without circumspection. When the aristocracy returns, it finds the city gates shut against them. A battle follows, and it is this battle that provides the illustration. As the battle rages neither party can gain the upper hand. The slaves reportedly fight well (IV, ii, 106-

11). The nobility eventually rout the slaves not through force of arms but merely by showing them the whip. It is the symbol of their subjugation, and its symbolic authority sends them running. The distinction is made and is important to maintain between power and legitimate authority.

In drama the playwright attempts to provide in the final act an ordered world in which the conflict is eliminated and the power structure is sturdy. In the real world, however, the structure of authority was not nearly so well defined, as in Charles I's trial. Because it would be difficult to describe the England of the late sixteenth and early seventeenth centuries as very ordered, it will be more helpful to discuss the conflicts and change.

It was a world of change. Belsey argues in her article "Tragedy, Justice and the Subject" that the very concept of justice was changing. From a society whose idea of justice was defined by God through the temporal sovereign and his law, the people asserted themselves, and by making Charles I stand trial they made individuals rather than the monarch broadly responsible to the social body.

Law and order is now firmly grounded in human nature and guaranteed by civil society. The opposition is no longer between heavenly justice and earthly justice, nor between monarch and people, but between individual and society. (Belsey 1981, 181)

The concern here is not with her conclusion that the trial of Charles I heralded the liberal humanist concept of the

bourgeois subject, rather in her point that there were fundamental changes taking place in the seventeenth century. And though the changes themselves are not of concern here, they provide an arena to discuss the crisis of power.

The central actor in this crisis of power is, of course, the monarch -- styled the father of the people. There were various challenges to this patriarchal scheme in which the king was considered analogous to the father of a family, but it was a generally accepted ideology. It is repeatedly enunciated in the drama. One instance, again, is Massinger's The Bondman in which Pisander remarks nostalgically:

Happy, those times
When Lords were styl'd fathers of Families . . .
(IV, ii, 53-54)

Indeed the whole premise of The Old Law is based on a father's relation to his family and the Duke's to his country. The sense in the drama, generally, is that just rulers will be called fathers, unjust rulers are tyrants. In The Maid of Honor ([1621]) Roberto makes the distinction.

Let other Monarchs
Contend to be made glorious by proud warre
And with the blood of their poore subjects purchase
Increase of Empire . . .
Wee that would be knowne
The father of our people in our study,
And vigilance for their safety, must not change
Their plough-shares into swords, . . .
or for sport
Expose their lives to ruine. (I, i, 158-170)

Neither was patriarchalism merely a creative conceit. It

was a highly developed political and social philosophy that concentrated contemporary debate on power.

All the Obedience therefore, that Man can challenge from man, is, in part, Naturall: . . . And this, of right, may every Superiour exact of his Inferiour, as a due debt: And every Inferiour must yeeld unto his lawful Superiour, for the same reason. Children, to Parents, in discipline, and Domesticalls: . . . Subjects, to their lawfull Soveraignes,³ in the high Concernements, of State and Policie.

Hobbes states the principle a little more succinctly.

If we compare the Natural Rights of a Father with those of a King, we find them all one, without any difference at all but only in the Latitude or Extent of them . . . all the Duties of a King are summed up in an Universal Fatherly Care of his People.⁴

With such absolute authority it is easy to see why many theorists and lawyers feared the broad (illegal would imply that the king is subject to the law) use of such great power. It is absolute power that allows the Duke to commute the just sentence of the Younger Brother in The Revenger's Tragedy (I, ii, 84-86). The result, of course, is frustrated justice leading to bloodshed. When God's law is not upheld, tragedy is expected. It is so, too, in Massinger's The Roman Actor that "When power puts in its Plea the lawes are silenc'd" (I, ii, 44). Absolute power can make a mockery of the law.

Tyranny in the Renaissance plays is somewhat overstated in that contemporaries did not fear ruthless subjugation by a despotic king. There were enough safeguards

against such an occurrence. What was feared was a more or less arbitrary rule where the king controlled the application of the law. The fear was more or less grounded: as Butler says of Charles I, "All men were disturbed by the ambiguous legality of his fiscal schemes, and by his use of the prerogative courts, Star Chamber and church courts, to enforce political and religious conformity . . ." (16). So, again, though the situation is overstated, the drama explores the nuances of the struggle for power with amazing perception. The law of course, is the other side of the dominant conflict.

In that "Parliament" does not play much of a part in Renaissance drama, its real-world referent is not important here. Apart from its occurrence in the title of Massinger's The Parliament of Love (1624), the concept is quite rare. When it does occur, as in The Old Law, its function is ambiguous, for the authors cannot decide whether the Duke or Parliament is responsible for enacting laws. So while Parliament was a dominant force in contemporary political struggle, its influence was felt mainly through its members who did double-duty as justices of the peace.

Judges received their commission, hence their authority to judge from the king. This was universally conceded. The royalist Sir Francis Bacon in his essay "Of Judicature" expresses the dominant view:

Let judges also remember that Saloman's throne was

supported by lions on both sides: let them be lions, but yet lions under the throne; being circumspect that they do not check nor oppose any prints of sovereignty. (Bacon 369)

The language and position are ones of subjugation. It is a vertical system of justice. Even Sir Edward Coke in his comments of the derivation of a judge's authority concedes that it is:

. . . from the Imperial Maiestie of Great Brittaines Monarchie, our dread Lord, and Soueraigne, King James, the lawfull. Heyre Vnto our Kingdomes Throne . . . It is his Commission, by whose powerfull authoritie we are now and at all times commaunded to doe him service. (Coke N.)

Again this suggests a vertical order of justice. But Coke also maintained, as hinted earlier, that the king has no right to meddle in legal affairs.

When James I, in 1607, desired to curb the jurisdiction of the King's Bench in favour of the ecclesiastical courts, the judges of the King's Bench denied that the king had any such prerogative. James replied that "he thought that the law was founded on reason, and that he and others had reason as well as the judges." Coke's reported response is worth quoting in full for it encapsulizes much of the judicial debate:

True it was that God had endowed his Majesty with excellent science and great endowments of nature; but His Majesty was not learned in the laws of his realm of England; and causes which concern the life or inheritance, or goods, or fortunes, of his subjects are not to be decided by natural reason, but by the artificial reason and judgement of law, which law requires long study and experience before that a man can attain to the cognizance of it; and

that law was the golden mete-wand and means to try the causes of the subjects; and which protected His Majesty is safety and peace. (Gardiner 2:38)

Coke further added that the king should be subject to no man, but he ought to be under God and the law. This smacks of sophistry for it is doubtful that Coke would grant the king the disputed prerogative even if James I had been well versed in the common law.

However, seemingly inconsistently Coke elsewhere wrote:

No act can bind the King from any prerogative which is sole and inseparable to his person, but that he may dispense with it by a Non obstante, as a sovereign power to command any of his subjects to serve him for the public weal; . . . and this royal power cannot be restrained by any act of Parliament . . . but that the King by his royal prerogative may dispense with it. (Wormuth 58)

The inconsistency might be glaring if the contemporary distinction between ordinary and absolute prerogative which was universally accepted, is not understood.

The ordinary power was subject to laws of meum and tuum; (that is property), and it was delegable. It was this prerogative that allowed the judges their commissions. It was "the power to govern by rules of private law, and the ordinary prerogative consisted of the private rights of the living." The ordinary, for James, "had relation to his private interest, which mought bee, and was every day disputed in Westminster Hall" (Wormuth 55-56). The ordinary prerogative was separable, that is delegable, and

disputable.⁵

The absolute prerogative, on the other hand, is, as earlier hinted, not broadly subject to common law. The king could not delegate this power and it was non-disputable. Absolute power was generally considered to be applicable for reasons of state. Difficulty arose when defining the extent to which the king could claim reasons of state. Parliament had no power to curb these prerogatives that included the power to make war and peace, to pardon, impose taxes, coin money. But "the first regal prerogative is this, that containeth all the rest, that the king may give laws to his subjects: and this does not detract from him, when he doth it in parliament" (quoted in Wormuth 55, n. 16). So the doctrine of absolute prerogative gave the king broad powers whose limitations were ill-defined.

There was no substantive challenge to the royal prerogative until 1642. It was conceded by all that an absolute power existed in the person of the sovereign that should be used for the safety and peace of England. The Civil War, beginning in 1642 and ending with Charles I's execution, heralded the belief that the king should be responsible to the people of England as represented in Parliament; the vertical structure of power and justice fell down and became horizontal. The instruments that felled that structure were common and law and Parliament.

Before the closing of the theatres, the assumptions

made in the drama were largely royalist, but the plays dramatized these early threats to absolute power. It is interesting to note that even in the corpus of plays by a single playwright like Massinger there does not seem to be a consistent structure of power endorsed, even though many of the points of contemporary debate are implicitly discussed.

Before the discussion of the plays at hand, I wish to make it clear that my main concern is the struggle for power and my project is to see where the power lies and if, in the dramatic world, it is valorized by legitimate authority. Since it is often the case that the play's sovereign struggles not with Parliament or with the people whom it represents but with aspirants to the crown and other nobility, it might be worthwhile to dwell a moment on the composition of the aristocracy. To discuss the myriad of social changes, exemplified by the fundamental change in the concept of the individual discussed by Belsey, would require duplicating Laurence Stone's mighty tome The Crisis of the Aristocracy. I wish merely to point out here that the struggle for power among the barons in the feudal age continued into the Renaissance, albeit with a different complexion.

No longer at odds with the king, and their military might appropriated by the Tudor monarchs, the noble class nevertheless maintained an internal struggle for power whose marks included land, education, social position and

influence. With property being such an important mark of power, marriages became a commodity of power. Disputations over ownership of land, arising from the frequent sales, marriage contracts and crown gifts associated with a newly acquired title (often bought in Stuart times), required that the aristocracy be current in questions of law. One might say also that a knowledge of law became a commodity of power. Because of edicts like those of Henry VII which restricted the nobility from having armed retainers, litigation was explicitly a commodity of power. Stone says, too, that "A consequence of the decline of violence was an astonishing growth in litigation." And "the striking increase in the number of nobility and gentry who acquired a smattering of training in the law at the Inns of Court inevitably increased respect for this venerable weapon for bringing down an adversary" (Stone 240).

In The Spanish Curate such a use of the courts occurs. Don Jamie's elder brother, Don Henrique, uses the court of law to regain possession of his legitimate heir. He does so explicitly to deny Don Jamie the possibility of inheriting the family title and fortune.

Stone says, "All the pride, obstinacy and passion that hitherto had found expression in direct physical action was now transferred to the dusty processes of the law....For the man seeking revenge the law became as lethal a weapon as

direct violence . . ." (241). The rapid growth of litigation put a strain on the confusing realm of common and civil law. This sort of confusion inspired Bacon to write his The Elements of the Common Lawes of England, which attempts to codify the principles upon which the common law is based. The tract exemplifies the contemporary concern for and interest in (in the most personal sense) the law.

The confusion is personified in Bacon's learned rival Sir Edward Coke, whose actions might be deemed inconsistent, but whose championship of the common law against the King's interference did more to concentrate judicial dispute than any other. But if Coke was a champion of the common law against ecclesiastical jurisdiction and the king's prerogative, he was not its most judicious practitioner. He frequently misapplied precedents; he dealt harshly with those whose religious views differed from his own; (in his charge of 1607 he was particularly concerned that the judges to whom he was speaking deal harshly with Catholic recusants); he railroaded prisoners (his actions as persecutor in the trial of Sir Walter Raleigh deserves universal condemnation [Stephen 1-74]). In Gardiner's words:

Coke was accustomed upon every occasion to appeal to the law, as that which was to decide every question which could possibly arise; . . . what he meant by the law was neither the collection of written statutes, which would have been utterly insufficient to settle the complicated question which were continually arising; nor was it, on the other hand, the application of great principles to particular cases. He meant that where the statutes

failed him, he was to have recourse to those numerous precedents which he was able to quote in profusion out of his retentive memory, or even that when he was at a loss for a precedent, he should invent a principle to justify him in deciding as he pleased. (3:5-6)

The interest in the law, its importance in the political and social spheres and the implicit and explicit struggles for power in courts of law make the dramatic use of the trial scene all the more significant. There is no more concentrated arena for conflict than the trial. The dramatized trial holds interest even today. We have all either heard of or seen the popular television show The People's Court. In this program the authority of a very rigid, codified system of laws is called upon to decide issues primarily of property and recompense. Perry Mason and his courtroom savvy captured the imagination of millions during the sixties. Perhaps we are intrigued by these tests of our ability to judge moral issues, as legal ones are generally out of our cognizance, while the suspense in wondering if the party is innocent or guilty holds us.

In the seventeenth century, the trial, no less than today, had dramatic interest and suspense. Then, too, the audience was required to judge moral issues in relation to a system of law that was extremely complex. But more than today the dramatists were aware that trials present a conflict that underscored the contemporary struggle for power. The trials become an integral part, indeed, the

focus, of the power struggle implicit in the dramatic conflict.

In the remaining pages of this study I will look at plays whose trial scenes point to a specifiabile power structure. I will deal separately with comedy, tragicomedy and tragedy. Although there appears to be no thematic grounds for this arrangement, the structural variation of the trial scene within the different genre makes it appropriate.

CHAPTER TWO

A play is a comedy when it ends happily and the dramatic world that was for a time in conflict becomes again ordered. Most often, if a trial occurs in a comedy, as already noted, it takes place in the final act. As a symbol the trial does several things. It represents order; it exercises authority in its judgement; and through that authority, it enforces obedience to the political, legal and social order of the society it represents. Trials in these plays represent the order of a homogeneous fictive world.

It is not an arbitrary fictive order that is represented. Rather it necessarily must take as its referent a real world order, or an order that is possible or probable in the real world. I have no intention of denying the fictive prerogative of invention, but to make a play broadly comprehensible to an audience whose composition is extremely varied, it is necessary to utilize elements of contemporary society. I do not wish here to dispute Massinger's ability to construct a completely fictional social order, but even science fiction has a recognizable social order widely comprehensible to a broad reading public.

It is not surprising, then, that although the setting of Renaissance drama is very often foreign, it, nonetheless,

explores contemporary issues. In fact the exotic setting provides an opportunity for a playwright apparently to distance himself from contemporary England and its social order. The practice serves at least two purposes. Divorced from English society, the play can explore the relationships of elements of contemporary society without being weighed down by an audience's expectations, or its reaction to a social order that it does not endorse. The playwright thus has greater freedom to convey his meaning. Secondly, and it is a related purpose, the play would be less likely to be refused a license by the Office of the Revels if no overt connection could be made with state policies.

The playwright's concern was legitimate.

It is evident that in these last years the theatres were staging politically dangerous material with increasing frequency and freedom. Remarkably, within six years each company without exception ran into trouble with the royal authorities for touching on sensitive issues (Butler 136).

Shakespeare's Richard II was apparently censored. The analogies to contemporary politics were not so well hidden.

The fact that when the first Quarto was printed the deposition scene was omitted (and not restored until after Elizabeth's death) suggests that official sensitivity about representing the discrowning of a monarch might have been sharpened by the currency of this analogy (Ure 1).

The analogy consisted of parallels between Richard II's and Elizabeth's management of Irish affairs. Furor was so great at Middleton's A Game of Chess that Middleton and then

principal actors were imprisoned and the play was forbidden performance (Bentley, 4:870-79).

In The Old Law, Evander schemes to restore authority to the patriarchal order. To do this he creates a law that effectively reverses natural order. Power is given to the young courtiers when their fathers are required to be put to death at the age of eighty and mothers at the age of sixty. The courtiers make a mess of the society as they turn to lives of pleasure. They seek the soonest possible death for their parents. Only Cleanthes is faithful to his father. He hides old Leonides so the law cannot reach him. In so doing he obeys natural law while disobeying the Duke and his law. The end, however, sees Cleanthes reconciled to his Duke when he realizes the law was enacted for the good of the country. The Duke, Evander, through the use of the law, has been able to discover who supports the patriarchal order and who does not. He now knows how to enforce obedience to his order. Order is restored when the fathers, supposed to have been executed are brought forth.

Much of the comic tension in The Old Law derives not from the political but the social implications of a law that requires men at the age of eighty and women at the age of sixty be put to death as no longer useful to society. The argument carries to logical ends the common practice of marrying rich old people, receiving the inheritance and the

living a life of leisure. Indeed, marriage and wealth were commodities of power during the Renaissance. Judicious marrying could net the upwardly mobile lawyer, for instance, augmented wealth and a title to boot. Thus Sir Edward Coke, at the loss of his first wife, very quickly wedded Lady Hatton. Already wealthy, the marriage lent him a respectability he very much needed since his falling out of the royal favour.

The deaths of fathers, too, had the effect of augmenting power. Their titles and lands passed to the eldest sons. There might indeed have been a certain amount of anticipation in the death of one's father. In grossly exaggerating the abuse of the laws of inheritance, the playwrights derive much of the comic action in The Old Law. The comic subplot that sees the clown Gnotho change his wife's birthdate to expedite her death also parodies the practice.

But against this good-natured social commentary is a broader commentary on the social and political idea of patriarchalism. In this scheme, king is to country as father is to family. As the natural order, whose paradigm is God the father almighty, any challenge to the patriarchy is seen as a challenge to natural law. When Simonides has secured his father Creon's death and has offered to play pimp for his mother Antigona, his mother exclaims "Away, unnatural!" (II, i, 122). (The obvious classical allusion in the names serves

to highlight familial betrayal to the detriment of natural order). No less unnatural, however, is the aged Lisander's desire to out-youth the younger courtiers who are wooing his wife before he is dead. That his quest for lost youth takes him away from his prayers attests to its moral degeneracy (cf. esp. III, ii, 68-80).

So the law, which initiates a sort of social revolution that values youth and physical pleasure to the detriment of wisdom, holy pursuits and the patriarchal order, is seen as a challenge to that order. It may appear to be ironic that the absolute prerogative of a patriarchal monarch enacts the law that serves to undermine the political philosophy upon which his rule exists. But it must be remembered that in the ordered happy ending we discover that the Duke for the fatherly care of his people passed the law to test the wisdom and justice of his people and, in effect, to purge Epire of what is seen as the unnatural resistance to the patriarchal order.

In order to get a picture of the final order of power the play seems to endorse, the changes that take place must be considered. It may be assumed that the patriarchal order existed before Act one Scene one begins to fill the void of meaning that is the empty stage. Simonides begins, "Is the law firm, sir?" A lawyer replies,

The law! What more firm , sir,
More powerful, forcible, or more permanent. (I, i, 1-3)

These words take on an ironic meaning in the end when Evander repeals the act, but the principle the lawyer propounds states the assumptions of the dramatic world that will be revised to some extent during the course of the play. Act one continues as Simonides praises the "old" law. The lawyers sift through the edict to find a fault in its construction whereby his father might be saved from the rigour of the law. It is decided that there is no loop-hole in the law. Two perspectives of this rigorous law are given in Act one. One sees it as an extension of the will of the Duke, the other sees it as part of a body of laws that should not be confused with the Duke. Speaking of the law, the soon-to-be-condemned Creon says:

And so I must die by a tyrant's sword
 1 Lawyer: Oh, say not so, sir, it is by the law!
 Creon: And what's that, sir, but the sword of
 tyranny
 When it is brandished against innocent
 lives. (I, i, 263-66)

Although the lawyers have
 canvassed [the law] from top to toe,
 Turned it upside down, threw her on her side,
 Nay opened and dissected all her entrails,
 Yet can find [no loophole].
 There's nothing to be helped
 But the Duke's mercy. (I, i, 232-27)

So when in Act two Creon is brought before the bar, we are aware that the sentence will be a foregone conclusion. Since it is Evander's law it is useless to expect clemency. But it is still maintained, even by Simonides, that "He that's above the law may mitigate / The rigour of the law"

(I, i, 130-11).

The first trial scene becomes an emblem of the downfall of patriarchal order. The symbols of a healthy patriarchy, the Duke and the fathers, are deposed in the eyes of the audience as it sympathizes with the conventionally virtuous Cleanthes. The Duke is deposed by an unjust law that undermines his authority, and the fathers are by that law. The occurrence of the trial in Act two is structurally similar to those of many tragedies whose trials initiate a conflict. The audience which mark the play a comedy, because of the tone and the absurdity of its unjust law, would be reasonably sure that no real harm will be done. But the trial does concentrate the terms of the conflict which are the Duke's absolute prerogative and its relation to the law. Also implicit is the question of the extent to which a subject owes obedience to a monarch whose rule is unjust. Creon provides one opinion at his trial when he states

The law, my lord,
And that's the justest way. (II, i, 128-29)

The dramatic world seems to support this view to some extent. The middle of the play sees character after character attempt to take advantage of the law to rid themselves of unwanted parents and spouses.

Cleanthes, however, provides a counter example. His virtue and wisdom are proclaimed throughout the play. But, in his obedience to the Duke's law he fails. He contrives to

proclaim his father's death and then hide him in order to escape the grasp of the law. Most of the middle of the play is occupied with the social implications of the law, but the trial scene in the final act gathers the threads of dispute as Cleanthes is tried for refusing to obey the law. It is worthwhile to examine this scene minutely.

Evander, in deference to his ordinary prerogative, delegates the authority to judge first the aged Lisander and then Cleanthes to Simonides and the Courtiers. Throughout the play Simonides desires his father's death; he dismisses his father's household staff so that he might have more money with which to gallivant around; he woos Lisander's wife, Eugenia, while Lisander was yet living; he appears as a cowardly courtier whose only pursuit is earthly pleasures. The courtiers have been his companions in all these events. It is these individuals who are about to try the holy Lisander and virtuous Cleanthes. The kind of justice to be expected from these is made clear in the first ten lines of the scene.

1 Courtier: 'Tis committed
 All to our power, censure and pleasure, now
 The duke hath made us chief lords of this session;
 And we may speak by fits, or sleep by turns.

Simonides: Leave that to us, but, whatsoe'er we do,
 The prisoner shall be sure condemned.
 Sleeping or waking, are we resolved on that
 Before we set upon him? (V, i, 4-11)

So before the sessions are opened the two judgements are decided -- Lisander is found guilty of being eighty years

old. His patience in obeying the law equals Creon's. It is interesting to note that though Simonides, through Evander's suffrance, proclaims Lisander's guilt, it is Evander who declares "Guard! Away to death with him." It is thus very clear that the Duke retains all prerogative and that Simonides' authority is at his pleasure.

Subsequently, Cleanthes, "The grand offender! The most refractory / To all good order!" is brought to the bar. His attitude towards the bench again concentrates and reiterates the dispute between obedience to the law and obedience to the sovereign. He is to take the oath and 2 Courtier says

Hold up your hand, sir.
 Cleanthes: More reverence to the place than to the persons!
 To the one and offer up a [spreading] palm
 Of duty and obedience showed [th]us to heaven,
 Imploring justice . . .
 But unto you, my hand's contracted, thus! . . .
 [Clenches fist, threateningly]
 With pardon to your highness, too much passion
 Made me forget your presence and the place;
 I now am called too. (V, i, 182-92)

Despite the circumstance, Cleanthes still recognizes his sovereign's dignity and the bar that represents his authority. He does not question the correctness of his being called to the bar. Both he and his father regret breaking the law. He is not afraid, however, to question the morality of the law. He appears to maintain the distinction between the Duke and his law that the courtiers seem to deny.

Simonides' admonition as judge clearly states the patriarchal theory, unwittingly condemning himself.

Lo, then, Cleanthes, there's none can be
 A good son and a bad subject, for if princes,
 Becalled and people's fathers, then the subjects
 Are all his sons, and he that flouts the prince
 Doth disobey his father . . . (V, i, 239-243)

I say again, this act of thine expresses
 A double disobedience. As our princes
 Are fathers, so they are our sovereigns too,
 And he that do the rebel against sovereignty
 Doth commit treason in the height of degree.
 (V, i, 238-51)

This is an uncharacteristically (for Simonides) sober expression of contemporary doctrine of obedience. During the Tudor and Stuart reigns it was required that a Homily on Obedience be read in church.

The argument of the Homily on Obedience is that kings, rulers, and judges are set in authority over the people by God, that resistance to them is therefore resistance to God as well as to the sovereign . . . (Belsey 1985, 95)

Simonides, familiar with the doctrine, is quite right in censuring Cleanthes. However, the playwrights put these words in his mouth ironically. For if it is true that a good son cannot make a bad subject, so it is true that a bad son cannot make a good subject. What Simonides does not recognize are the ties, the laws of nature. Again to quote contemporary doctrine:

Therefore as the laws of nature, which the Schoolmen call Ius commune, and which is also Ius non scriptum, being written only in the heart of man, is better than all the written laws in the world to make men honest and happy in his life . . . So the customary law of England . . . doth far

excell our written laws, namely our Statutes or Acts of Parliament (quoted in Wormuth 64).

The dilemma must have been great for a contemporary audience. Is one's obedience compelled more by natural law and reason or by a sovereign will? Let us see how the question is resolved in this dramatic world.

Cleanthes explodes in a torrent of indignation, not after Simonides' speech with which doubtless Cleanthes holds some affinity, but after l Courtier's suggestion that Cleanthes "ought to be made an example for the fault" (V, i, 258). Cleanthes invokes the paradigm of all justice, the judgement seat, to turn the tables imaginatively and judge his judges. He declares, consistently with Davies' doctrine, that "The common laws of reason and of nature / Condemn you ipso facto!" (V, i, 276-77). So Cleanthes has explicitly espoused natural law against written law though he has still not castigated the originator of that law. At this point Simonides prepares to pass sentence.

Suddenly and rather unexpectedly Evander steps forward. His prerogative interposes itself between the degenerate courtiers and the virtuous Cleanthes. He disenfranchises the judges, brings Cleanthes down from the bar, and produces the old men, assumed dead, to the sound of music. The reunion produces mixed feelings among the characters -- elation from Cleanthes, disappointment from Simonides. This dramatic turnaround marks the beginning of a

return to natural order. When Evander places Cleanthes in the position of judge, he valorizes his challenge to the law.

You must change places, for 'tis so decreed
Such just pre-eminence hath thy goodness gained,
Thou art the judge now, they the men arraigned.
(V, i, 311-13)

But Cleanthes in a fit of guilt declines. It should be noted, however, that the guilt stems not from disobedience of an unjust law, but from his prior belief that Evander was a tyrant. His is

A fault not to be pardoned!
Unnaturalness is but sun's shadow to it . . .

That I should be so vile
As once to think you cruel. (V, i, 324-30)

Evander rightfully dismisses so petty a fault.

Now Cleanthes sits with the old men in a council of judges who sit in the authority of Evander. Until this moment it seems fairly clear that Evander is an absolute monarch. The edict that created the entire conflict was enacted "at our Palace Royal in Epire" "for the care and good of the commonwealth, for diverse necessary reasons that we shall urge" (I, i, 143-45). However, another law devised to punish the greed of the supposed parricides indicates that he shares power. The law is "decreed by the grave and learned council of Epire." And when the clown Gnotho arrives to celebrate his current wife's death and his future marriage, Evander informs him that:

The law that should take away your old wife from you,
The which I do perceive was your desire,

Is void and frustrate, so for the rest.
He adds almost apologetically:

There has been since another parliament
Has cut it off. (V, i, 529-33)

Yet, again, after protestation from Gnotho he says, in effect
confusing the source of power:

Your old wives cannot die to-day by any
Law of mine. For aught I can say to 'em
They may, by a new edict, bury you,
And then, perhaps, you pay a fine too.
(V, ii, 544-47)

To confuse matters further Evander leaves Gnotho's case to
the censure of the council of old men. After hearing the
particulars of his offense (which is nothing committed but
intended) and his half-hearted repentance, Lisander suggests
to Evander that he pardon all. He almost gratuitously
proclaims "Oh, most freely! Free pardon to all!" (V, i,
584).

Despite the various partners in power, the project of
The Old Law is patriarchal. For the good of his country
Evander appeared to be a tyrant, but he did so so that he may
see "the flowers and weeds that grow about our court" (V, i,
579). The action of the play has been, like that of Measure
for Measure, a test rather than a revolution. Evander, like
the Duke, abdicates his former position to view the actions
of his subjects from a distance. A son's obedience to his
father and a subject's obedience to his sovereign are
valorized. However, it must be added, obedience to natural
law (which incidentally gives authority to the sovereign's

position) takes precedence, when the sovereign acts against natural law.

I do not wish to belabour The Old Law but its patriarchal project is made even more strongly if we consider the playwright's alteration of the source material (cf. Shaw xxvii-xxxi). The one point I wish to make centers on the different reasons Evander and the monarch in the source have for passing the edict condemning to death people over sixty. In Jean de Hauteseille's translation of The Seven Sages, the monarch passes the law to ease the economic strain produced by a long seige; fewer people eat less. In The Old Law there is no reason that could justify the act. It therefore underscores the arbitrary nature of a king's will. His absolute power would be valorized or condemned by his intention, which is to test, as Shaw says, "the moral fibre of his nation." Furthermore, Evander acts unilaterally. He is a wise and benevolent ruler. The young courtiers merely benefit (at least initially) by the edict. In de Hauteseille's story the emphasis in The Old Law would switch from the Duke's supposed tyranny but actual benevolence to his being manipulated by counsellors. Thus the play becomes a play about the use of power for which the trials become emblematic.

The Old Law is a playful romp through contemporary beliefs in the natural order. Elements that come into play include the sovereign, the law and its relation to the

sovereign. Absolute and ordinary prerogatives are also discussed. The slightly more serious genre of tragicomedy will contain the same elements of contemporary political and social life. It treats them, however, with more force as the threats, the conflicts are more serious.

CHAPTER THREE

The Bondman is a brilliant play that combines a self-conscious awareness of the roots of its genre and mindful understanding of contemporary political forces. It is also sensible of language and how meaning is created. Massinger's play is a compact drama that successfully delineates a complete fictional world. A sense that fairness controls authority infuses the play with an anachronistic light. The Bondman is explicitly concerned with the struggle for power in the wake of social degeneracy. Even while exploring these heady issues Massinger is firmly establishing the play's debt to the tragicomic tradition.

The setting for this and most other tragicomedies is foreign. More specifically it is Italian. The preference for an exotic setting has a double motivation. Massinger was conscious of tragicomedy's debt to the Italian pastoral tragicomedy. The subject matter of this genre derived from the satyr plays which required a country setting. The country setting is analogous to a foreign one; it is outside of everyday experience. Massinger's debt to pastoral tragicomedy is neither in subject matter nor specific setting. The genre does, however, provide a precedent for all conflicts to be resolved in comic fashion at the end of

the play. Guarini's Pastor Fido might have offered Massinger the suggestion of a sub-plot. In Pastor Fido there is a wanton nymph named Corisca; the lascivious lady in The Bondman is so named. It would be ridiculous to suggest parallels in the plot. I merely want to indicate that in both plays the wanton villains repent of their ways and are reconciled to the rest of the dramatic community. The analogue, perhaps tenuous, is at least a reminder that the resolution of pastoral tragicomedy is reconciliation while, as Herrick says, giving "countenance to the mixture of tragic and comic matter."

The second motivation behind the contemporary preference for exotic settings has already been hinted at. The exotic setting allows a playwright more freely to explore contemporary issues. It has been suggested that The Bondman is a political allegory in which Sicily is England, "Carthage represents Spain, Corinth represents Holland and Timoleon represents Maurice of Nassau" (Edwards and Gibson 1:303). I agree with Philip Edwards who suggests that although this interpretation is highly problematic, if the plot does suggest contemporary issues, this only attests to its breadth. But I would also suggest that an Italian setting concentrates the issues of power and authority. The Italy described by Francesco Guicciardini in his The History of Italy is a group of states all struggling for dominance. The form of government was often scrutinized (cf. esp. Guicciardini 76-

83). The book was first published in 1578, in translation by Sir Geffray Fenton and would have been available to contemporary dramatists. Italy provides a paradigm of political struggle for power in which a playwright could explore political question with more or less impunity.

In a slight digression, I would like to explore another possible analogue. Again I will not insist on its application, but a consideration is helpful by way of conceit, to approach The Bondman. Another progenitor of English tragicomedy is a body of plays called the Christian Terence. In this primarily academic genre, the authors often borrowed biblical stories, and through them sought to teach students moral lessons and Christian precepts. Treating "comic action in a serious manner," they aimed at "the moral reform of classical comedy" (Herrick 22). One such play, Asotus, by Macropedius, suggests the analogue. In this play the young reprobate Asotus is corrupted and blows his fortune on fast living. His fortune spent he is reduced to eating with swine. His father pleads with him to return. Thoroughly repentant, Asotus does come back, and, as is common with these didactic dramas, the good are rewarded and the bad are punished; his corrupter is crucified and the bad servants are punished (Herrick 37-41). Such plays become examples of divine justice. Deus ex machina is often used to effect the resolution of these plays. The two-fold

conclusion that I draw here is, first, that The Bondman makes use of an allusion to the didactic Christian Terence and thereby calls on the audience's expectation that justice will be served. And second, that the character of Asotus, in The Bondman, represents an unrepentant prodigal. That he does not reform underscores the mercy of those in power to judge him. This highlights the structure of power in which Asotus is in the position of powerless noble.

Corisca and Asotus, two relatively minor characters, in Massinger's plan provide analogues whereby we may see the trial scene in the final act as 1) a reversal of fortune, and 2) an example of poetic justice. There is, however, mitigation of the rigours of the law, which, as indicated, is an element of the royal prerogative. In constructing this small conceit I have linked the genre of tragicomedy to poetic justice and to real justice. The means may be artificial, but the link is appropriate.

The action of The Bondman has two threads. The first is of major interest here and it deals with the renovation of Syracusan society. Timoleon is brought in from Corinth to lead Syracuse to war against Carthage and to cure the morally ill society. The other thread involves Pisander, who is a Theban noble. While the nobles of Syracuse are at war, he leads a slave revolt and completely overturns the power structure. His reasons for doing so are a bit obscure. He originally entered the city disguised as Marullo the slave to

study revenge on Leosthenes who had dishonored his sister. Overcome with love for Cleora, whom Leosthenes courts, he decides not to kill him. Instead he leads the revolt that will give him access to Cleora. The trial scene occurs in the final scene and it resolves both threads of the action. Pisander is tried for his love in a sort of Parliament of Love. Then he is tried for revolting.

The trial scene in The Bondman is one of the most interesting and clearly demonstrative of the power structure at work in plays with trial scenes, simply because it is so self-conscious about the structure of authority. The self-consciousness derives mainly from the use of language. If I may indulge briefly in some post-structuralist verbiage, language, that is discourse, contains ideology. When Timoleon is invited to become absolute ruler of the purportedly democratic Syracuse, he brings an imported discourse in which he invites the people of Syracuse to join. The success of his authority is measured by the acceptance of his ideology. As the play progresses, he recruits more and more people to join in his discourse until, in the final scene, the reconciliation is achieved through a combination of the exercise of power, justice and mercy. I will not insist in the following pages on a reading that focuses on the uses of language, but it is important to remember that speech, especially in drama, plays a vital role in the

delineation and delegation of authority. It defines the power structure as the various characters interact primarily thorough language. Study of this interaction reveals who commands whom and by what authority (legal, moral, political, social). By understanding who shares in the dominant discourse we may understand whence power derives and where it resides. But as plays are also composed of actions I will not dwell unnecessarily upon language.

To understand the structure of authority expressed in the trial scene in the final act, it is necessary to see the evolution of that structure. The judge in the trial is Timoleon who is imported by the people of Syracuse to act as general in the war against Carthage, and then to rule Syracuse as absolute monarch in order to right corrupt society.

That the society is diseased is clear. In the purportedly democratic society, the ruling class (senators and praetors) is unable to manage it. Private concerns among the ruling class result in the dissolution of any effective political structure. Archidamus, who seems to be the wisest, most perceptive Sicilian lord affirms it:

So carelesse we have beene, my noble Lords,
In the disposing of our owne affaires,
And ignorant in the Art of gouernment,
What now we need a stranger to instruct vs.
(I, iii, 1-5)

Aside from political impotence, social degeneracy is depicted in a quick succession of scenes in Act one in which we see

frustrated love, sexual impotence and lust (in the persons of Cleon and Corisca), as well as dishonesty and cruelty. In such a dissipated society, it is not surprising that law and justice seem inevitably to be hiding. Predictably, the tragicomic resolution brings about a rectification of the abuses of power thereby correcting the sickness of the state.

It is obvious that Syracuse is in need of repair. In this dramatic world it is also made clear that an absolute monarch is what is needed, but there is a danger that anyone, especially an outsider, would appropriate the absolute power for private ends. So Massinger takes pains to insist that Timoleon does not desire the power with which he is presented. He also makes sure that the audience knows Timoleon is worthy of the authority. Thus, before Timoleon's entrance, Archidamus praises "brave" Timoleon as a "man of men" while mourning Syracuse which "cannot produce / One fit to be our general" (I, ii, 17-18). The implication, of course, is that Timoleon is fit. So when he arrives in great pomp, and shouts "seconded with lowd Musique" (I, iii, 35), the audience rejoices with the people that so brave a man is offered the seat of state.

Initially, Timoleon's power derives from the aristocracy's desire that he should rule. The nobility of Syracuse make it quite clear that it is through their consent that he is given the authority to wield absolute power.

Archidamus says, "It is your seat". To which the more cautious Diphilus adds:

Which with a general suffrage,
As to the supreme Magistrate, Sicilie tenders,
And prayes Timoleon to accept. (I, iii, 82-84)

Timoleon, in his turn, makes two things equally clear. First, as I have just mentioned, he is not covetous of the position. He goes to great lengths, I think more for the audience's benefit than the court's, to insist that the honors do not turn his head:

for I have ever lou'd
an equall freedome: and proclaym'd all such
As would vsurpe on others liberties,
Rebels to nature, to whose bounteous blessings
All men lay clayme as true legitimate sonnes.
(I, iii, 89-93)

(It is interesting to note how he appropriates patriarchal philosophy to justify a democratic order.) He goes on to tell a story about his brother Timophanes, who proved to be a tyrant, just to show he has no intention of abusing his power. Timoleon still mourns his brother whose downfall he aided.

Timophanes my brother, for whose death
I am taynted in the world, and fouly taynted, . . .
Can witnesse for me, how much I detest
Tyrannous Vsurpation . . . I chose rather
To proue a pious and obedient sonne
To my country my best mother, then to lend
Assistance to Timophanes, though my brother,
That like a Tyrant stroue to set his foote
Vpon the Cities freedome. (I, iii, 123-37)

The distinction between tyrant and just ruler is one made repeatedly throughout Massinger's canon. An absolute ruler

for the public benefit is good, one for private gain is tyrannous.

The second issue that he makes clear is his request for absolute power. However, the prerequisite for the people's acceptance of the request is that he will not prove to be a tyrant.

ere I take
 This seat of Iustice, or ingage my selfe
 To fight for you abroad, or to reforme
 Your State at home, sweare all vpon my sword,
 And all the gods of Sicily to witnessse
 The oath you take; that whatsoeuer I shall
 Propound for safety of your Common-wealth,
 Not circumscrib'd or bound in, shall by you
 Be willingly obey'd. (I, iii, 149-57)

Timoleon requires the promise in order to carry out his program to protect and regenerate the impotent state of Syracuse. What he does, in effect, is to enforce compliance in the participation of an imported discourse. For the program to succeed, the majority of the citizens must share in the dominant discourse.

By way of preparing his new subjects for the rough course he is to take, Timoleon iterates the ideology by which they had previously lived and offers a picture of what his way of life would bring. Philip Edwards, in his introduction to the play, places a heavy emphasis on The Bondman as an "image of weakness and nobility in society and private conduct" (1:303). He thus dismisses "the high-minded Timoleon" as "necessary only as a kind of moral compass-bearing" (1:303). Although Timoleon's virtue does serve as a

gauge, it should not be dismissed. In order for the society to achieve the proper order it must first accept his ideas. So before making his first decree to appropriate private monies to fund the war against Carthage, he speaks to the ideological basis against which his action should be seen.

After the decree is made, there is, predictably, general resistance. It is the one action Timoleon might be censured for as it violates the contemporary principle of meum and tuum upon which Parliament and common lawyers, such as Coke, based their belief in the circumspection of the royal prerogative. Although he has the authority, it would seem Timoleon lacks the power to enforce the decree. The praetor Diphilus swears that "this rough course / Will neuer be allowd of" (I, iii, 227-28). We sympathize with Creon who argues that the property he earned is his and that the enemy could do no worse.

At this point the new balance of power is already put in crisis. Timoleon has been given absolute power by "general suffrage." Could the nobles of Syracuse decide to oust him? Or if not oust, resist him? Presumably, since he receives his power through the people, he is subject to their will. And as long as he acts for the benefit of Syracuse he receives their sanction. As soon as he acts against the good of his subjects, is he then to be led by them? The dramatic crisis focuses decades of contemporary debate. The question

was settled in the Renaissance by the execution of Charles I. In The Bondman, the question, never explicitly stated, is not really resolved. Timoleon convinces them that he is acting for their benefit so the question is defined.

Cleora, the seat of all feminine virtue in this dramatic world, then sues to be heard as nobody is yet convinced to turn over his or her wealth to the state. With Timoleon's suffrance ("Rise blest one, and speak boldly" [I, iii, 281]), Cleora joins him; their shared discourse, like two strands of thread, becomes stronger and more insistent. By the end of her speech, which praises courage and condemns covetousness, as she lays down her rich jewels for the war, the rest of the people join them. (It is interesting in light of my discussion on patriarchalism that the society must validate Cleora's example by appropriating her womanhood. Timoleon praises her "Braue masculine spirit!" (I, iii, 304). Her brother implies that she is somehow more than a woman: "Euer my deare Sister, / But now our Families glory" (I, iii, 309-310). Also in Massinger's The Maid of Honor (1621), Camiola's virtue forces reform in others. She is also seen as more than a woman when she pledges herself and her dowry to God.) Asotus is the exception and his words are particularly revealing. Unable to understand the ideology behind the discourse, therefore unable to lift his voice with the others, he simply states "I would say something, / But the truth is I know not what" (I, iii, 314-

15). Throughout the play, language mirrors the virtues of the mind.

The next item of business is to raise an army. Again, Timoleon's program meets with resistance. The ruling class suggests impressing labourers and slaves. This would be antithetical to Timoleon's project which requires the citizens to become responsible for their own governance. Already of a mind with her new monarch, Cleora again asks to speak. Knowing she will speak to his purpose he delegates his authority (in language) to her.

Most gladly,
I could not wish my thoughts a better organ,
Then your tongue, t'expresse them. (I, iii, 324-25)

After another very long castigation and charge by Cleora, Timoleon equates fair speech and virtue while simultaneously endorsing the ideology expressed in her speech as the cure for the diseased state.

Shee's inspir'd,
Or in her speaks the Genius of your Countrey
To fire your blood in her defence. (I, iii, 362-64)

Again, her fair example reforms them and they are all eager to sally forth to war and garner honour and victory. Noble and just actions demonstrate the way to follow. Cleora is the sole example of such actions in this society and she gains a voice only at the suffrance of Timoleon. Cleora has demonstrated a certain power; it is a power expressed in her language and it is Timoleon's authority by which and for

which she speaks.

In the next scene Cleora and her suitor Leosthenes are left alone before he goes off to war. It is very interesting in terms of language. A verbal minuet dances around Leosthenes' fear that she will not be faithful. At first not understanding his meaning, she slowly realizes that he doubts her ability to stay chaste. It is clear throughout this scene that Leosthenes has not quite assimilated the new ideology. He is, for instance, willing to stay home to be with Cleora, as he doubts the power of virtue to guard itself. His affront to her virtue calls for strong measures to enforce compliance. She says:

Obey mee,
Or from this minute you are a stranger to me:
And do it without reply. (II, i, 181-83)

She vows that she will not speak nor take off the blindfold that she asks Leosthenes to tie over her eyes until he returns to bid her do so. The mouthpiece of power has been stopped. Through language, entrusted to her by Timoleon, she assumed a certain power. The power has been taken away. The result is, as apparent in the scenes following, degeneracy and anarchy.

Thus far I have concentrated on Timoleon and whence his power and authority derives and how it is used. He is a relatively minor character appearing only in Acts one, briefly in four and in Act five. Since he is ruler and judge in the trial scene, however, he becomes the focus of this

study. I do not think this distorts the reading of the play, although the bondman Pisander warrants study since his position underscores each character's position in the hierarchy of power.

Pisander is a Theban noble who comes to Syracuse initially to study revenge on Leosthenes who broke a marriage contract with his sister. The need to revenge is deep-rooted not only in the drama of the Renaissance but in the real world. (The art of fencing that decimated the ranks of the French nobility was for a time popular in England where the slightest fault required a duel of honour.) In revenge tragedies, the revenge is initiated by the avenger's inability to attain satisfaction in the law. The Revenger's Tragedy (1606) is the archetypal example. The fact that Pisander is able to demand and receive justice despite his treasonable action attests to the justice of the new order. It is hardly likely that he could have trusted in justice had the old order been dominant.

For now, however, after the men have gone to war and Cleora has been (mercifully) silenced there is no guidance for Corisca, Asotus, Cleon and the other degenerates who have stayed behind. Pisander's treason, that I just mentioned, consists in inciting the slaves to revolt. Again the structure of power is put in crisis, in fact it is overturned. Pisander, disguised as Marullo the bondman,

attains to power. As the slaves revolt we are made aware that the decadence of this society reaches its very roots. In a well-ordered society each has a place and the slaves, as well as the nobles, must learn this lesson for the total regeneration of the society.

The central concern of the third act is how the slaves treat the masters who are now subjugated. The only thing worth noting in this connection is their reason for the uprising which in Act four is expressed by Pisander upon Timoleon's return. The soldiers returns expecting a celebration of their victory but instead they find the gates are locked against them and the slaves armed for battle. Instead of hell-bent pursuit, Timoleon reasonably asks the cause of the revolt:

Hold: you weare mens shapes,
 And if like men you have reason, shew a cause
 That leads you to this desparate course, which
 must end
 In your destruction. (IV, ii, 45-48)

Pisander responds:

Briefly thus then,
 Since I must speake for all; your tyranny
 Drew vs from our obedience. Happy those times,
 When Lords were styl'd fathers of Families,
 And not imperious Masters; when they numbred
 Their seruants almost equall to their Sonnes,
 Or one degree beneath them; . . .
 all things order'd
 With such decorum, as wise Law-makers,
 From each well-govern'd priuate house deriu'd
 The perfect modell of a Common-wealth . . .
 (IV, ii, 51-64)

That is a firm endorsement of the patriarchal order, and it

is confirmed in the final act.

For now, there is a battle to fight. It might be expected that the slaves are no match for those trained in arms. But the senators tell us that the slaves fight like beasts. The battle is not won by arms; the fight goes evenly. It is interesting that neither side is stronger. What wins the battle is the authority wielded by the ruling class. They brandish whips, the symbol of the slaves' subjugation.

O my heart!
Cimbrío what doe we see? The whippe! Our Masters!
 (IV, ii, 126-27)

Upon seeing the emblem of their bondage, the slaves cower and disperse as they are, to their chagrin, reminded of the proper order. Order is restored, yet crimes have been committed; justice must be served before the society may be whole.

So in the final scene, we expect justice and we get it. There are two phases of the trial. Although the slave revolt underscores the workings of the power structure, its use for Pisander was more personal. He wished to dominate Syracuse and win the love of Cleora. He at least earns her respect and gratitude because he protected her from molestation while the slaves controlled the city. So the first phase of the trial sees Pisander, believed to be the slave Marullo, at the bar. But it turns into a parliament of love as Leosthenes challenges Marullo's actions and his love.

The matter of the trial begins with a competition in virtue between Leosthenes and Pisander. Despite their supposed difference in rank it is important that they are equal in the eyes of justice. It is also important to note that Timoleon is judge even though the service for which he was recruited (to lead the army to victory) has been performed. He assures us that each will have equal hearing:

And though Leosthenes may challenge from me,
 For his late worthy service, credit to
 All things he can allege in his own cause,
Marullo (so I thinke you call his name)
 Shall finde, I doe reserue one eare for him,
 To let in mercy. (V, iii, 23-23)

The aural imagery is important. Simonides, in The Old Law, who is clearly a self-interested and unjust judge, declares that

Justice, indeed,
 Should ever be close-eared and open-mouthed
 That is, to hear little and speak much.
 (V, i, 236-38)

Timoleon's ideal is obviously preferable.

The importance of language in the expression and allocation of power is established in Act one and early Act two. It is quietly insisted upon throughout the play and becomes vital again in this final scene. That Timoleon keeps an open ear for Marullo seems to be the only overt power demonstrated in that he lets Marullo speak. (Historically, those who were tried for treason had very little opportunity to defend themselves. Sir Walter Raleigh was continually

silenced when he attempted to speak (cf. Stephen 13-61). In Shirley's The Traitor (1631) Depazzi's servant does not allow him to speak in a mock trial for treason (III, i.) On equal grounds, their authority equal, each man's particular virtues must be voiced. Leosthenes first speaks to his cause. His pride and ignoble challenge for Cleora elicits universal censure.

Pisander recognizes the authority for his challenge; when Timoleon commands him to speak. Pisander replies:

It is your authority giues me a tongue,
I should be dumbe else. (V, iii, 111-12)

He speaks evenly and reasonably, demonstrating the nobility of his mind, if not his station. His case made, which centers not around his desert, but around his love and Leosthenes' dishonour, Cleora's brother Timagoras and Leosthenes become angry and provoke Pisander to take off his disguise. Instantly he becomes the accuser as his next words proclaim his station:

when they know,
Whom they have iniur'd, they may faint with horror
Of my reuenge, which, wretched men, expect
As sure as fate to suffer. (V, iii, 155-58)

These words are less a promise and more for dramatic effect, since he had earlier denied his first impulse to revenge himself on Leosthenes. Furthermore, we are aware that revenge is not consistent with the new order, which, as we see, depends on blind justice.

This parliament of love, more serious in tone than

the courtly diversion would be, though unimportant as a matter of power, demonstrates the ideal perspective of justice that can be expected to extend to the censure of the bondmen. Pisander himself understands that he must still be tried for leading the revolt. It is as clear as ever that Timoleon retains the power to sentence or pardon the accused as Pisander addresses himself to him. Pisander admits inciting them because the nobles abused their power.

I found their natures apt to mutinie
 From your too cruell vsage; and made triall
 How farre they might be wrought on; to instruct you
 To looke with more preuention, and care
 To what they may hereafter vndertake
 Vpon the like occasions . . .
 in this I am guiltie
 Now as you please, you censure. (V, iii, 220-23)

He pleads still toward Timoleon who says that he alone has the power to judge, through the authority given him by the people.

Bring [the bondmen] in,
 And though you haue giu'n me power, I doe intreate
 Such as haue vndergone their insolence,
 It may not be offensiue though I studie
 Pity more then reuenge. (V, iii, 233-37)

That the renovation of the society is complete is attested to as Corisca and Cleon finally lift their voices with Timoleon. Corisca several times in Acts four and five advocates the position assumed by Timoleon and, in the final scene, Cleon hopes Timoleon will study pity rather than revenge. It is not surprising, then, that the slaves are pardoned. The final vision is of a well-ordered patriarchy, as the slaves

promise to serve well.

The question raised by the crises of power in the beginning of The Bondman is resolved to a certain extent. The ordered ending seems to valorize the means by which it was ordered, namely by absolute monarchy. The absoluteness of Timoleon's rule, however, is mitigated in several ways. Though it does not detract from his power, he does delegate his voice to others. This ensures that the ideology he represents is more effectively disseminated. But that ideology purportedly distrusts the monarchy. It will be remembered that Timoleon favours democracy over monarchy. The preference, if considered merely as a dramatic device to indicate the nobility of his mind might be dismissed. It may, however, be demonstrative of how an absolute monarch should act for the benefit of his people. A problem still exists that, perhaps, Massinger would like us to forget. The reformation complete, one can expect that Timoleon will return to Corinth; but there is no indication that he plans to leave. Will he then retain the power that he went to great lengths to say he did not want? In any case, perhaps it is unimportant. The fact that absolute monarchy was the cure for what ailed Syracuse valorizes that structure of power.

The Bondman is a play that is explicitly concerned with the distribution of power. The title itself implies a

structure. There are several endorsements of the patriarchal order in The Old Law and which are evident in innumerable plays of the period. The trial in the final scene focuses the order that has been worked out over the course of the play in relation to the sort of justice that can be expected in that order.

The play is not, however, solely occupied with these issues. Nor would I like to suggest they are its primary function. To do so, I think, would be to limit the scope of a very good play and to distort a judicious reading. I am suggesting that it is worth regarding the structure of power as an implicit expression of contemporary ideology. In it we become aware of elements of Renaissance England that, again, include a subject's relationship to the sovereign and that sovereign's power and law.

This approach is echoed also in Massinger's tragedies. Believe As You List and The Fatal Dowry are quite different, but they will serve to support the main argument of this paper.

CHAPTER FOUR

In The Bondman, Timoleon was given the powers of an absolute monarch without seeking them. In Believe As You List, a king, deprived of his kingdom and his power, travels from state to state to convince other powers to back him in his bid to regain his lost authority. These plays explore different sides of the same coin. The conflict in Massinger's tragedy, as in The Bondman, centers around the question of legitimate rule and the role of unauthorized power in relation to that rule. King Antiochus in Believe As You List is prevented from regaining his Asian kingdom by the Roman power whose authority derives from its military might. First the Carthaginian Senate, then the King of Bithynia are frightened by threats of Roman conquest, and they both deny support to Antiochus' claim, although neither denies his right. The King is eventually captured by the Romans and sent to the galleys where he is stripped of all markers of kingship. Despite his persecution he retains a regal attitude and the question is imaginatively asked, "When is a king not a king?" The assumption in the dramatic world is that a king is always a king and circumstances cannot change that fact. Deprived of his power, Antiochus, nevertheless, retains his native authority.

The conflict, then, is between power and authority, and it is expressed in a double manner. Not only is Antiochus striving against the power of Rome to regain his kingdom, but Carthage and Bithynia each must resolve a wish to exert native policy against the possibility of Roman usurpation. Each finds, however, that might is right as they abandon Antiochus in deference to Rome's military prowess. The trial scene in Act two focuses this double conflict. After the conflict is introduced, the rest of the play examines it more broadly.

In the trial, Antiochus is seeking justice at the hands of the Carthaginian senate. He wants them to valorize his authority. The Roman ambassador to Carthage, who represents Roman interests, does not want Antiochus to obtain his old authority because the power he would gain thereby would jeopardize Rome's holdings in rich Asia. But Flaminius, the ambassador, cannot dispute Antiochus' legal right to his throne, nor does he attempt to. Instead he insists that Antiochus is an impostor. Indeed, to recognize his identity would be to concede his authority. Flaminius recognizes, then, that the title of king partakes of an inherent authority. So the trial is held to decide less a legal question than a political and moral one. It is, thus, even more exemplary of the expression of power than the trials previously considered.

The senate is not ignorant of the issues at hand.
They are aware that

To steere a middle course twixt theis extreames
exacts our serious care. (II, ii, 1-2)

On the one hand, "not to shoue hym our compassion were / a
barbarous crueltie" (II, ii, 7-8). On the other:

wee are bound to waigh
not what we showld doe in poynt of honor,
swayde by our pittie, but what may be donne
with safetie to our state. (II, ii, 9-12)

The opposition between the exercise of power and moral duty
is consistently and consciously made. The use of power is
made explicit when Hanno reminds the senators that they "have
fear'd and felt the Roman power" (II, ii, 17). Yet they
recognize that, if Antiochus proves his identity, they have a
moral duty to offer him asylum. The action would give
credence to his claims and it would attach authority to his
person.

In The Bondman it is quite clear whence authority
derived and where it is directed. What we were primarily
concerned with was how power was exercised. In Believe As
You List there is little doubt concerning the seat of power,
but there is significant concern over authority. Carthage is
supposedly free from Roman rule; Flaminius is an ambassador
not a regent. It is not surprising that the Carthaginian
resent Flaminius' approach and imperious manner. They
complain that

Hee does approach vs as hee woulde commande
not argue his desires. (II, ii, 84-85)

Flaminius himself admits obliquely that he is trespassing
upon the senate's prerogatives.

in civill courtesie
as I am Titus flaminius I may thancke you.
but sitting here as Romes ambassador
in w^{ch} you are honor'd, to instruct you in
Her will, w^{ch} you are bounde to serue not argue
I must . . .
reprehende your slowe progression in
doeing her greatnesse right. (II, ii, 87-96)

The senate makes several shows of indignation and impotently
claims autonomy.

Hanno: nor though wee woulde
preserue Romes amitie, must not yeeld vp
the freedome of our wills, and iudgements, to
quit, or condemne, as wee shall bee appointed
by his imperious pleasure.

Carthalo: wee confesse not
nor ever will she hath a power aboue vs
Carthage is still her aequall.
(II, ii, 104-110)

So although the trial is not yet started, the opposition
between moral claims and political expediency has been
introduced in association with Rome's usurpation of power.

The tension of this scene is great as each side
assumes the posture of power. King Antiochus appears
"Habited like a kinge" (sd. II, ii 120) and he demands
imperiously that the proper respects be paid to his person.
He does allow Flaminius, in a sort of concession to his own
position as defendant, to keep his head covered, but reminds
him that his manners are lacking.

a bended Knee remembringe what wee are
 much better would become you . . .
 but fall from our own height to holde discourse
 with a thinge soe far beneath vs. (II, ii, 132-35)

His regal attitude elicits admiration in the senate (cf. II, ii, 135-39) but his distance from power is made more evident as the scene progresses and he must answer the charges made against him. It is a battle of power and authority. Flaminius represents the power of Rome and his word might send legions into Carthage. This is the senate's political consideration. On the other side, Antiochus may command as a king. This is its moral consideration. But, as this is a court, neither consideration could bear upon whether or not the defendant is, indeed, the King Antiochus. Both Flaminius and Antiochus argue their cases, but each also attempts to assert his position in his own favor.

Ultimately, though Antiochus receives a favorable judgement (he is believed to be a king), the senate cannot resolve its political/moral dilemma. Flaminius' parting threat of retribution ringing in its ears, the senate perches precariously on the fence.

wee wishe wee coulde
 receaue you as a kinge, since your relation
 hath wrought soe much vpon vs that wee doe
 incline to that believe. but since wee cannot
 as such protecte you but with certaine danger
 vntill you are by other potent nations
 proclaimde for such. our fittinge caution
 cannot bee censur'd though wee doe intreate
 you would elsewhere seeke iustice. (II, ii, 356-64)

Antiochus insightfully queries:

where? when 'tis
 frighted from you by power. (II, ii, 364-65)

The implication, of course, is that justice cannot be served when power puts in its plea. In tragedy, frustrated justice initiates the conflict. Antiochus is forced to seek elsewhere for the means to valorize his authority.

Throughout the trial, as indeed since the beginning of the play, we are made aware that this dramatic world does not distinguish between the public and private life of kings. To summarize briefly Antiochus' fall from power: he waged an ill-advised war against Greece which so weakened his army that the Romans were able to capture his kingdom. Believed dead, Antiochus roamed the desert to do penance for causing the suffering of his subjects and the deaths of his soldiers. The play opens with a conversation between the king and a stoic philosopher in which the stoic convinces him of his duty to relieve his subjects. One's kingdom may be usurped, but one's kingship and the duties the position exacts cannot be ignored. It is with this realization, that at the end of the first scene, Antiochus resolves:

I that was
 borne, and bred vp a kinge, whose frowne, or smile
 spake death, of life, my will a law; my person
 environde with an armie . . .

I will like a palme tree
 growe vnder my huge waight: nor shall the feare
 of death, or torture, that deiection bringe
 to make mee liue, or dye, lesse then a kinge.

(II, ii, 250-90)

So after twenty-two years he returns to claim his

birthright. His is an innate authority. Flaminius, too, recognizes this. Because he fears the obedience of the subjects he suppresses knowledge of Antiochus' true identity. He has the king's three followers put to death because they are the only ones who could corroborate their sovereign's story. And he tries to bully the Carthaginian senate into declaring the king an imposter. His power play works. The senate's refusal to validate Antiochus' claim to his throne disables his authority. So the senate acknowledges the inseparability of the king's person and his function. That a king is more than a man is reiterated by Antiochus after the court breaks up. He despairs of hope:

poore men though falne may rise, but kings like mee
 yf once by fortune slaude are nere set free.
 (II, ii, 375-76)

After leaving Carthage, Antiochus journeys to the kingdom of Bithynia, which, as one might expect, is more sympathetic towards a monarch than a democracy would be. Initially, Prusias, king of Bithynia, accepts Antiochus with "glorious entertainment," and he assures him of his intention to help him to his lost throne. The acceptance brings with it a certain sort of power as the queen wishes he should "suppose your selfe in your owne court," (the fragmented pronoun might be considered significant in that it silently acknowledges the "Kingness" of his person). Meanwhile, Prusias promises,

wee will at leasure
 consyder of the manner, and the meanes
 how to restore you to your owne. (III, ii, 68-70)

Things seem to be looking up for the deposed king. However, power challenges authority. Flaminius, having made his way also to Bithynia, demands that Prusias yield up Antiochus. Prusias balks on several moral points. First, he does not want to "infringe my princlye word." Neither does he wish to "breake the laws / of hospitalitie." Lastly, he does not want to "defeate my self / of the certain honor to restore a kinge vnto his owne" (III, iii, 106-9). His objections are all moral, and this fact begins to qualify what I mean by authority. Authority is a morally defensible position. Power, if at odds with legitimate authority, must assert itself from a morally indefensible position. Such was the case in The Bondman in which Timoleon and Cleora asserted their authority from a morally upright position. The position is similar in Believe As You List.

The moral validity of legitimate authority is hinted at in The Bondman where Timoleon and the virtuous Cleora defend and propogate a defensible moral stance. In this tragicomic world, authority and power work together to create an ordered world. In Believe As You List Flaminius is exercising power he really has no authority to use. So, when Flaminius, who is no simpleton, responds to Prusias' protestations against the Roman's threats, he does so with uncanny Machiavellian insight.

your inclination
 is honorable but your power deficient
 to put your purpose into act. (III, iii, 126-28)

Flaminius then urges further the destruction Prusias would call on his subjects if he does not yield up Antiochus. Justice is again frightened by power as Prusias relents.

The next few lines (III, iii, 175-247) see the repeated opposition between honor and the imposition of power. Antiochus fears, upon seeing Flaminius and Prusias together, that:

yf you heare hym
 there is noe touch of morall honestie
 though rampierd in your soule but will flie
 from you. (III, iii, 183-85)

This is exactly what has happened and Prusias delivers Antiochus. Antiochus then attempts to convince Prusias to change his mind and win back his honor as he reiterates Prusias' moral objections and links the moral position with the role of king.

exceede not hym in crueltie: remember
 I am a Kinge. your royall ghest your right hande
 and pawne, and pledge, that should defende mee from
 my bloodieemie . . .
 yf you dare not gieue mee harbor, set mee safe yet
 in any desert, where this serpents hisses
 may not bee heard, and to the gods Ile speak you
 a prince both wise, and honorable.
 (III, iii, 206-20)

Prusias correctly maintains he does not have the power.

The pattern of the trial scene is repeated in Bithynia. Both the Carthaginian senate and the Bithynian king assert that Rome is usurping their proper authority.

Although Prusias had granted Antiochus asylum, he reneged in detriment to his moral honesty. All this time Antiochus struggles to give his authority the voice of power. Falling into Flaminius' hands, his cause seems doomed.

In Act four he is in prison and various ploys are worked by Flaminius to somehow make Antiochus less than a king. He tries to make Antiochus, either by choice or by moral default, admit he is but a person. As he muses upon death, the once-king again asserts his kingness. He believes that since he is king death should be at his bidding. His eyes rest on a poniard and halter -- instruments of death -- laid out by Flaminius to tempt him to suicide.

my bodies death will not suffice, they aimde at
 my soulles perdition, and shall I to shun
 a few howers more of miserie betray her?
 (IV, ii, 58-60)

He does not. Nor does he refuse the poor means of bread and water to prolong his misery rather than stain his constancy. The last test of moral fibre is the strongest. A reportedly irresistible courtesan is recruited to tempt Antiochus from his royal claims. Posing as a virgin, she promises infinite variety of sexual pleasures if he would renounce his claims and authority. Not surprisingly he passes the test and retains his honor and his "kingness".

Even when his physical being is changed he still elicits an awe that attests to his innate authority. His head shaved, his clothes a slave's, he is paraded through the

city on an ass. Yet even Sempronius, a Roman centurion, remarks that "still there does appeare / a kind of maiestie in hym" (IV, iv, 33-34). The final scene in act four sees him sent to the gallies. Still he will not deny himself:

doe as you please.

I am in your power but still Antiochus
kinge of the lower Asia, noe impostor
that fower, and twenty yeares since lost a battaile
of challenge now mine owne w^{ch} tyrannous Rome
with violence keepes from mee. (IV, iv, 65-70)

The final act is again a sort of trial of identity. The galley upon which Antiochus rows has landed in Syracuse where his old friend Marcellus the proconsul rules. Marcellus and his wife wish to see the king to confirm that he is an impostor. Instead Antiochus with several proofs confirms more firmly he is the deposed king. Not only his proofs but his manners proclaim his identity. Cornelia, the proconsul's wife, prays that her husband sue the senate to "restore hym unto his owne." Flaminius all the while contends that Antiochus is an imposter. This last scene focuses the law's relation to power and authority that was introduced in the trial scene.

The proconsul and his wife are clearly just people who judge a case on its merits. Flaminius, on the other hand, uses his power to suppress truth. When truth is hidden, justice is forbidden. So when Cornelia declares that Antiochus is whom he claims, Flaminius declares it treason. Cornelia rejoins:

they are traytors
 traytors to innocence and oppressed iustice
 that dare affirme the contrarie. (V, ii, 171-73)

And when Flaminius persists in denying the king's identity and, worse, promising to press the punishment for the crime of imposture, Marcellus arrests Flaminius for crimes he committed in trying to suppress the truth. Law and authority are brothers -- law and power need not be. Power exercised without authority is unlawful. These principles are expressed by the Romans:

Flaminius: you dare not [arrest me] with authority.
 Marcellus: you shall finde I haue
 sufficient warrant for detayninge you
 to take this man in to my custodie
 though 'tis not in my power what ere you are
 [Antiochus]
 to doe you further favour. I thus free you
 out of this diuells pawes. (V, ii, 205-11)

Although justice is done (we expect appropriate action to be taken against Flaminius), political expediency is nonetheless called for. The expediency represents power supported by authority. Marcellus sentences his friend to an island prison, but he reminds him that

a Roman, not your constant freinde . . . tells you
 you are confinde vnto the Gyarae
 with a stronge garde vpon you. (V, ii, 234-35)

The play ends with the knowledge that Antiochus will not regain his kingdom. His authority is, then, ultimately questioned. Is he indeed a king even though he has no kingdom? The modern reader is left unsure. I have demonstrated that throughout the play the dramatic world sees

an innate authority in the king's person. It would have been easy for Flaminius simply to declare Antiochus a king, but one who no longer can claim to his kingdom. However, he does not; he does not because to do so would be to validate his claim.

The final position introduced consideration of a prerequisite to royal authority that is opposed to the stoic philosophy prescribed in the first act. The prerequisite is the endorsement of God. It seems that both justice and authority are controlled by heaven. When Flaminius is taken to prison he laments:

I proue to late
as heavn is mercifull, mans crueltie
never escapes vnpunnishde. (V, ii, 229-31)

Similarly, Antiochus comes to believe in heaven's power.

may my storie
teach potentates humilitie, and instructe
prowde monarchs, though they governe humane things
a greater power does rayse, or pull downe kinges.
(V, ii, 240-43)

His conclusion seems to be that if a king is on the throne God wills him to be there, hence his authority derives from God. A deposed king is deposed because he no longer has God's sanction. He, therefore, can make no claim to his throne. The tragedy is initiated at the moment he decides to try.

It is interesting, with this in mind, to note that in January of 1631, four month's before he licensed Believe As

You List, Herbert refused the license.

This day being the 11 of Janu. 1630, I did refuse to allow of a play of Massinger's because it did contain dangerous matter, as the deposing of Sebastian king of Portugal, by Philip the [Second], and ther being a peace sworn twixte the kings of England and Spayne. (Herbert 9)

There is little doubt, considering several transcriptional errors, that on May 6 Herbert licensed a rewriting of the play he refused license in January. (This revision underscores my previous point that Renaissance dramatists often used exotic settings to avoid censorship.) Herbert acknowledged a contemporary political event as the reason for refusing to license the play. Nothing could do more to emphasize Massinger's awareness that political plays, plays whose conflicts are struggles for power, make good drama.

S. R. Gardiner sees more political content, "a transparent commentary on the fortunes of Frederick, the dispossessed Elector Palatine and King of Bohemia."

Bithynia represents England, Carthage the Dutch States from which Frederick sought assistance, Rome is Spain; Antiochus stands for Frederick, Prusias for Charles I, his consort for Henrietta Maria, Philoxenas for Weston, the leader of the pro-Spanish faction at court, and Flaminius for the Spanish ambassador, Gondomar. (Edwards and Gibson 3:297)

The play becomes, then, an anti-Spanish allegory. The parallels are certainly striking and, if they are not consistent, at least they highlight Massinger's concern in and knowledge about political affairs.

It is, however, not particularly important that Massinger's knowledge of political intrigue be insisted upon. Allen Gross thinks it unlikely that Massinger had such access to court policy. We are more interested in the ideologies he explores. These, furthermore, need not be consciously explored but merely inherent in the real world. Massinger presents a monarch whose authority derived from the people whose willingness to obey gave him power as well as a king whose authority pretty clearly derived from God. Which view he would have endorsed is difficult to say, but it is possible to construct a view that the dramatic world endorses.

Thus far, although in The Old Law it was important and in The Bondman and Believe As You List it was implicitly involved, the law and the judicial response to it in a trial setting has not been a major consideration. To broaden the scope of the power play in drama with trial scenes it might be helpful to look at The Fatal Dowry which is very much concerned with the place of law in society.

Much recent criticism has focused on justice in the tragedies of revenge. It is universally conceded that the difficulty in these plays arises not from the fact that the guilty party suffers a revenge -- that is justice -- but from the fact that the avenger, though acting on the part of justice, must be punished for committing the crime. There is not an avenger in Renaissance drama who gets off scot free.

In fact, it seems his ultimate punishment is commensurate to his desire for revenge. Although our sympathies may lie with the avenger, because both parties are guilty of crimes, they must both be punished.

What makes it necessary for an individual to seek reprisal tout seul is the realization on his part that he cannot expect justice from the powers that have the authority to punish. In other words, if he does not have access to a system of justice for any reason, he must rely on his own resources. A diseased society, a corrupt magistrate, a despotic ruler, may cause a misguided avenger to by-pass the traditional seat of justice, the courts. Whatever the reason, the avenging action demonstrates a profound distrust of the courts as the defender of moral uprightness. Furthermore, the action appropriates a divine power. As it is said in Romans xii, 19, "Vengeance is mine; I will repay, saith the Lord."

Acting outside the legal institution and in defiance of legitimate authority, individuals have no right to arrogate to themselves the role of the state in the administration of justice: 'never private cause / Should take on it the part of public laws' (The Revenge of Bussy d'Ambois, III, ii, 115-116). (Belsey 1985, 112)

In classical tragedy, the furies or Erinyes pursue those guilty of crimes of blood; the society is assured that crimes will be punished (cf. Vellacot). In the Renaissance, God is the assurance. When God's domain is infringed upon,

retribution can be expected.

The Fatal Dowry is marginally a revenge play. The tragic action arises from a need felt by Charalois to revenge his wife's inconstancy. Several trials in the play focus the gap between the limitations of the law and the moral imperative of righting wrongs.

The play is as complex as any in Massinger's canon. As Edwards points out, the source for The Fatal Dowry is one of Seneca the Elder's controversiae. These "were imaginary problems of law devised for the training of rhetoricians" (Edward and Gibson 1:4). A transcription of the first controversia in the ninth book will serve as a synopsis better than any summary I could devise.

Militades, convicted of embezzlement, died in prison. [In Massinger's version Charalois' father was a bankrupt so there is no criminal stain in the family]. Cimon his son gave himself as a substitute for his father's body, so that it might receive burial. Callais, a rich man of humble origin, redeemed him from the state and paid the debt; he married his daughter to him, who taking her in adultery, killed her, against the entreaties of her father. He is charged with ingratitude. (quoted in Edwards and Gibson 1:4.)

Militades represents Charalois' father, Cimon represents Charolois, Callais represents Rochfort. Final legal distinctions are made finer by Massinger's additions. Rochfort, who parallels Callais, is a retired judge and presides over an impromptu trial of his daughter Beaumelle's adultery. The daughter's partner in adultery is the son of the president of the court of Dijon. All actions are weighed

morally, but the emphasis is on the legal response to various actions.

For instance, the first trial is convened to argue Charalois' moral right to bury his father against the creditors' legal right to demand either payment or the body. Charalois' lawyer Charmi argues that the father offered "great and faithfull service" and his past actions deserve consideration. He also argues that burial is a Christian right. In addition, he urges weakly that it is "a Maxime in our Lawes, / All suites dye with the person." Novall, sr., recently nominated and confirmed as the premier president of the court of Dijon, derides the lawyer saying

How dare you moue the Court,
To the dispensing of an Act confirmed
By Parliament, to the terror of all banquerouts?
Go home, and with more care peruse the Statutes.
(I, ii, 87-90)

Novall, sr., appeals to the law which cannot be altered unless it be to the detriment of order. Charmi's moral claims, seconded by Romont's vehement indignation (which provokes his imprisonment for contempt) cannot change the law. Sir Edward Coke would have been friendly with the likes of Novall. Indeed, when Charalois himself pleads the duty the state owes to his father's memory for the case's dismissal, Novall states "The president were ill." The question at hand is deferred as Charalois elects to take his father's place in prison.

Charalois and Romont are in prison, both on legal grounds. The laws are intact not misused. Novall is a strict advocate of the law's letter. However, the breach of that law sets in motion the tragic action. A breach occurs in strict adherence to statute when Rochfort, who traditionally receives a boon as the retiring premier president, asks that Romont be released. In addition, he pays Charalois' father's debts and releases him from prison. Although they are actions that we applaud, they effectually frustrate the power of the law. Novall's position and the law's authority have been undermined.

The subversion of proper judicial procedure continues throughout the play. Charalois marries Rochfort's daughter Beaumelle, who, after the marriage, consummates an affair with Novall, jr. By chance, Charalois catches them together. He then compels the younger Novall to fight a duel. As in France, in England the duel was a popular form of satisfaction of a wrong done, though by 1620 when the play is believed to have been written, the practice was strongly discouraged by measures taken by James I (Stone 242-50). In France, the setting for this play, the duello was so popular that it significantly thinned the ranks of the aristocracy. In any case, although it was employed as a sort of legal substitute to avoid notoriously slow legal practice, the duel had no legal sanction. Charalois' action in killing Novall, jr., might be considered a sort of revenge. As such it

demands recompense.

Now Beaumelle's moral infraction must be dealt with. In a curious scene (IV, iv) Charalois asks Rochfort, who is no longer empowered to judge, to grant a hearing. In a sense what follows is a mock trial in which Beaumelle is tried for adultery. The procedure, however, is meticulous. Charalois makes the accusation. Rochfort asks for proofs. When the proof is given Rochfort exclaims "O my heart!" Charalois contends that "A Iudge should feele no passions."

Rochfort: Yet remember
 He is a man, and cannot put off nature.
 What answer makes the prisoner?
 (IV, iv, 114-17)

Nor should he put off nature for it is nature's laws, in Renaissance England, that govern man. The distinction Rochfort offered becomes the central issue in the following lines.

Beaumelle confesses her guilt and Rochfort as a judge is about to sentence her. Charalois wonders if her crime is pardonable.

Stay, just Iudge, may not what's lost
 By her one fault, (for I am charitable,
 And charge her not with marry) be forgotten
 In her faire life hereafter?
 Rochfort: Never, Sir . . .
 Nay, euen those prayers, which with such humble
 She seems to send vs yonder, are beate backe,
 And all suites, which her penitence can proffer,
 As soone as made, are with contempt throwne down
 Off all the courts of mercy. (IV, iv, 131-48)

At this Charalois immediately becomes executioner and kills

his wife. Despite his sentence, Rochfort berates his son-in-law. The crime of ingratitude, the basis for controversia mentioned, comprises the dramatic action's debt to its source. This speech is worth quoting in full for it gives a sense of the dilemma that faces those who seek justice outside the courts of law.

But I pronounc'd it
 As a Iudge onely, and friend to iustice,
 And zealous in defence of your wron'd honour,
 Broke all the tyes of nature, and cast off
 The love and affection of a father.
 I in your cause, put on a Scarlet robe
 of red died cruelty, but in returne,
 You have aduanc'd for me no flag of mercy:
 I look'd on you, as a wrong'd husband, but
 You clos'd your eyes against me, as a father.
 O Beaumelle, my daughter. (IV, iv, 157-67)

Strangely Rochfort does not complain of the sentence, or the fact it was carried out. If the engines of law were allowed to grind out the sentence, justice would have been served. But Charalois does not have any authority. The crime of ingratitude is that of the controversia upon which The Fatal Dowry was based. As Edwards points out, "Massinger does not accept the [imaginary] statutes, but if ingratitude is not a crime, the play debates whether it is a sin" (Edwards and Gibson 1:4). The play pretty clearly condemns Charalois less for the fact of murder than for the unmerciful sureness with which he acted against one to whom he owed much. In other words, he acts from a morally weak position. At the act's end Novall, sr. arrives to find his son and Beaumelle dead. He asks Rochfort's assistance in getting revenge. Rochfort

responds from a moral position.

Call it a fitter name--
Iustice for innocent blood. (IV, iv, 190-91)

(That the victims were not innocent has escaped his memory).

So we proceed to the final scene, a trial scene. Our expectation is that we will finally see justice carried out properly. First, it is important that neither Novall, sr. nor Rochfort preside in the case. So all procedures are carried out carefully to ensure proper justice. It is a model court -- even Rochfort insists upon impartiality. Charalois admits to the charges brought against him and asks only that he might speak to them to show he was forced to act as he did. Indeed, he speaks with such effectiveness that he is not only acquitted but is given his wife's estate. Still the model of justice Rochfort abides by the decision.

[The estate is] Not mine
I am not of the world; if it can prosper
(And yet being iustly got, Ile not examine
Why it should be so fatall) do bestow it
On pious vses. (V, ii, 240-44)

Charalois also moves the wrongs done him by Novall, jr. to clear himself of guilt. Even the elder Novall as he leaves the court realizes that the justice done in the court, sanctioned by the laws of God and man, cannot be fought.

That I
Till now was neuer wretched, here's no place
To curse him or my stars. (V, ii, 319-21)

So we are not surprised when Charmi acquits Charalois:

Lord Charalois,

The iniuries you have sustain'd, appeare
 So worthy of the mercy of the Court,
 That notwithstanding you haue gone beyond
 The letter of the Law, they yet acquit you.

(V, ii, 321-25)

But trespasses against the court's prerogative have been made and must be punished. Charalois circumvents that prerogative. Revenge puts in his crabbed plea as Pontelier, a dependant of Novall's, kills Charalois saying "But in Nouall, I doe condemne him thus." Neither can this revenge go unpunished. Romont, in deference to his long friendship with Charalois, kills Pontelier. This might go on ad absurdum but a lesson has already been learned. Charalois proclaims that it is heaven's will that he die because he made himself "A Iudge in my owne cause without their warrant" (V, ii, 336).

The disposing figure of Charmi expresses the renewed awareness in the sanctity of a court's authority.

We are taught
 By this sad president, how iust soeuer
 Our reasons are to remedy our wrongs,
 We are yet to leaue them to their will and power,
 That to that purpose haue authority.
 For you, Romont, although in your excuse
 You may plead, what you did, was in reuenge
 Of the dishonour done vnto the Court:
 Yet since from vs you had not warrant for it,
 We banish you the State: for these, they shall,
 As they are found guilty or innocent
 Be set free, or suffer punishment. (V, ii, 338-49)

The lesson is quite clear. If one has been wronged, one's recourse is in the court whose authority derives from the laws of God and nature. To bypass the sanctioned course of

justice is to subvert the very authority of God. This is the lesson taught in every revenge tragedy.

The two tragedies that have here been dealt with are very different indeed. Believe As You List is primarily concerned with the interaction of power and authority. The law becomes important in that dramatic world when it is broken to support illegitimate power. The play's conclusion makes it clear that legitimate authority may only be exercised at the discretion of God. It seems also that power employed without that sanction must be contrary to the will of God expressed in his law. The Fatal Dowry, on the other hand, is primarily concerned with the position of law and justice in society. The problem posed in this play is this: given a certain inability (for whatever reason) on the part of the courts to deal properly with crimes committed, can one act outside of that jurisdiction and mete out justice? The answer, of course, is no. But we are, nonetheless, faced with frustrated justice. The project of The Fatal Dowry and other tragedies is to show us that we must have patience for God will repay.

I have drawn a circle that makes these two tragedies sister plays. Law and its administration is an extension of divine justice. If it fails because of the limitations of imperfect men, retribution will be God's. So God's authority speaks in law and it speaks in the governance of the affairs of man. I have no intention of turning Massinger into a

religious zealot. It does seem, however, that he shared the contemporary view of government that sees all authority deriving from God.

CONCLUSION

It has been my purpose throughout this thesis to demonstrate the possibility of regarding a play's trial scene as a distillation of conflicts that are explored throughout the play. In itself this is, perhaps, a mundane assertion. But as a trial concentrates conflicts, it has an inherent unconscious structure of power that asserts itself through the judging party onto the subject of the trial. This structure is rarely overt, but examination of the dynamics of interaction and the justification or authority by which judgements take place may yield a clear image of power that is used and for what reasons.

Neither are the structures of power and authority merely manipulations of a playwright's imagination. They have real world referents in contemporary political, legal and social debates. More so than in any other time, religion, justice and the government were intertwined in Renaissance England. Individuals of the Renaissance were highly conscious of the political, legal and ecclesiastical structures that controlled their lives. This consciousness provoked an unprecedented array of philosophical and artistic achievements that sprang from just this concern with what power they were subjected to and what right that power

claimed. I contend, then, that the dramatist, whether consciously or not, explores the very explicit contemporary debate about the power used and the authority for it.

I originally chose to explore plays by Philip Massinger simply because he employed the conventional trial scene frequently. I have discovered, however, that Massinger had a high degree of political consciousness. He was at least interested in the relation between subject and sovereign, subject and law, law and sovereign. It would be difficult, however to reconstruct his specific, definable political philosophy. In The Old Law, the project is quite explicitly patriarchal. The natural law that endorses a father's and a king's authority that is so much a part of this play does not even seem to be considered in Believe As You List. In this tragedy, natural law takes a back seat to divine authority. The Bondman seems to endorse a constitutional monarchy in which the sovereign derives his authority from the people. This was the claim of Parliament in the later years of Charles I and after the restoration. However, in The Old Law, again it is natural law and in Believe As You List it is God who lends authority to a certain rule.

Regarding law, The Old Law sees it, basically, as an extension of the Duke's will, although there are certain qualifications the play touches on. The Fatal Dowry makes no mention of any monarch and its emphasis on the strict

adherence to legal procedure indicates an approach to law that sees it as a well-defined corpus of statutes.

We see, then, not a consistent philosophical stance, but an examination of the interaction of elements of contemporary philosophical debate. This conclusion, while not insignificant in itself, would be impertinent if it did not have a broader scope. My purpose in this thesis has been to show that we can look at ideology in an historical context. Examination of trial scenes is only one method we can use. It would be helpful to develop more and more methods. What the project shows is that it is important and valuable to be aware of an ideological stance. The method can be extended. It demonstrates the importance of examining ideology (which is by definition the unconscious corpus of beliefs that comprises an individual's view of the world) in order to define who we are, as individuals and as a society, so we may more judiciously justify our positions. "An unexamined life is not worth living."

NOTES

¹The Old Law has been attributed to Middleton and Rowley. However, the title page of the earliest extant edition (1656) mentions Massinger as a collaborator. Massinger's hand is often seen in the final scene in which the trial occurs. As my interpretation does not hinge upon the attribution of the play I will insist upon neither view. Shaw, however, holds that Massinger's contribution is negligible.

²cf. James vi and I, The Trve Lawe of Free Monarchies or The Reciproock and Mvtval Dvtie Betwixt a free King, and his naturall Subjects in Minor Prose of King James vi, James Craigie, ed. (Edinburgh: Scottish Text Society, 1982), pp. 60-61.

³Robert Manwaring, Religion and Allegiance: Two Sermons Preached before the King's Majesty (London, 1710), qtd. in Wormuth 96.

⁴Thomas Hobbes, Patriarcha (1680), qtd. in ibid. 96.

⁵It is impossible to discuss the distinctions in much depth. The complicated relationship between the king's person and his public capacity is central to the theories of prerogative. It must simply be recognized that the distinction was important and universal.

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