States of Mourning:
Vacancies of Law in Shakespeare’s Tragedies

by

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ABSTRACT

STATES OF MOURNING: VACANCIES OF LAW
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This thesis is an investigation of various linguistic and thematic connections between Shakespeare’s tragedies and a popular religio-political undercurrent that emerged in England in the latter half of the sixteenth century. Shakespeare in his tragic mode mirrors his contemporaries in law, religion, and popular writing by blending vocabularies of Calvinist piety and mysteries of kingship into a focused concern with states in periods of mourning, so-called “vacancies of law” and a fundamental inadequacy at the core of human being. Contemporary continental philosophy uses the term “state of exception” to describe periods in which sovereign power suspends the law in whole or in part in the service of political order; various strains of literary, legal, and political thought in Shakespeare’s England conceived both the nation and individual as subject to a divine retribution echoing the Covenant Lawsuit of the Hebrew Bible, and in a Calvinist inflection this retribution takes the form of a state of permanent mourning, permanent exception. This study proceeds first through an elaboration of this sixteenth century system of signification that combines Calvinist understandings of Hebrew prophecy with the language of English law and government, and second with the most notable instance of this system in Shakespearean tragedy, biblical birds of warning. From there, this inquiry
examines three tragic plays in depth: Titus Andronicus, Julius Caesar, and Hamlet, in order to show their deep engagement with contemporary religious and political thought that posited scripture as a model for governments of all types, but through a Calvinist lens that saw both the inner turmoil of the tragic figure and the catastrophes befalling nations as the outcome of a fundamental human inadequacy; a condition in which the exception has become the rule.
Dedication and Acknowledgements

A writing process beset by at least a few desperate crises alongside numerous obstacles and minor setbacks can scarcely be described as a singular achievement. What is presented here sits upon a tightly woven fabric of institutional and personal support, the threads of which are far too numerous and this space far too narrow for me to detail them all. With this sense of incompleteness I would like to offer the following thanks. I wish to extend my gratitude to the Social Sciences and Humanities Research Council of Canada, the Province of Ontario, and the University of Guelph for generously funding my research and progress through this program of study. Thanks are also reserved for Alan Filewod, Chair of the School of English and Theatre Studies, for his open door and constant willingness to help. I would like to thank my advisory committee of Viviana Comensoli and Daniel Fischlin for their thoughtful challenges, encouragement, and advice throughout, and my internal examiner Michael Keefer, who introduced me to Nashe and Elizabethan Calvinism. My external examiner, Richard Weisberg, is to be thanked and praised for his insistence on argumentative precision and stimulating conversation during his visit. An extended kinship network that includes my parents, Gladys Marquez and Luis Martinez, and also Kim and Anna Larsen, has been instrumental to seeing this work come to completion, and I am ever grateful for their efforts.

Nothing assisted in the process of developing the text in front of you more than the many patient readings and intellectual guidance of Mark Fortier, a terrific advisor and a good man. All faults, of course, are my own.

This thesis is dedicated to my children, who carried me. We are tried and saved together.
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Introduction

This study examines the affective experience of mourning and its relationship to "vacancies of law" in Shakespeare's tragedies. Drawing upon a theme of divine retribution elaborated in legal and religious cultures of late sixteenth-century England, Shakespeare’s tragedies posit an inherent estrangement from divine law as the cause of inner turmoil and socio-political catastrophe, utilizing a Calvinist vocabulary of conscience and prophecy as well as the mystical language of sovereignty in English public law. Shakespeare works within and elaborates upon this system of signification, and in so doing absorbs its implications in tragic worlds where interior and exterior crisis continually suggest a universal human anomie framed in Calvinist terms: humanity's permanent outlaw status, or in the language of contemporary continental philosophy, humanity's state of permanent exception.

“How is it with you,” Gertrude asks Hamlet, “That you do bend your eye on vacancy, / And with the incorporeal air hold discourse” (3.4.116-18)? It is a loaded question. The vacancy to which Gertrude refers could mean an empty part of the wall, but the word is also a technical term referring to the vacancy of office. It remarks on Hamlet’s apparent hallucinatory conversation with emptiness just as it shows Hamlet’s willingness to believe an office—in the context of the play, the kingship—to be vacant, even when filled by his uncle. Hamlet is in mourning. He remains attached to the previous holder of that office and thus finds himself looking towards—literally—a ghostly body in order to ground a sense of order in the universe, of what should be in spite of what is. This study argues that political tragedies such as Titus Andronicus, Julius Caesar, and Hamlet show Shakespeare using periods of mourning and vacancies of office as prompts to explore the relationship between law and human existence through the intersection of politics and theology in ideas of European kingship.
This study analyzes early modern understandings of mourning and vacancy to explicate a tendency in Shakespeare’s political tragedies, wherein vacancies of office provoke a crisis in the ability of characters to navigate a common and transcendent moral law. In these tragedies, law is expressed in two forms: human-made law executed through corporeal bodies of kings and magistrates, and an incorporeal divine or mystical law that affirms itself by withdrawing, and grounded in the metaphor of God withdrawing himself (and order and reason in the process) from the natural world. I use the term “vacancy of law” to describe the separation of these two forms of law; the experience and practice of mourning identifies this separation and aims at reconciliation. States of mourning in these plays are characterized by a crisis in ontology and practice, and Shakespeare asserts that a seemingly arbitrary turn by which nature becomes malevolent—signaled through signs of ill omen, failures of ceremony, and ritual—presuppose a flaw in human essence incompatible with law, and incapable of being mitigated through human intention or action. Breakdowns of law and order combine with crises of subjective experience, and all of these are signified through language and ideas that refer to the Calvinist biblical interpretations, legal fictions, and the mysteries of sovereignty. Shakespeare, when writing in this specific tragic mode, echoes a strain within the culture of his time in proposing that legal order and political stability function not through law but through a grace beyond human agency, since when humans are left to their own devices they and their laws prove repeatedly inadequate. These plays mourn a disjuncture between human essence and the envisioned possibility of a just and harmonious existence.

To study vacancy in Shakespeare is not to study Shakespeare and the law strictly speaking, but rather Shakespeare and legal mysticism—the way in which some legal categories reference transcendent, theological or mythopoetic beliefs in order to make them workable. The
early modern legal mysticism Shakespeare’s plays engage with branches off into discourses of politics and theology that continually pose questions about the nature of reality, political rule, and the limits of human agency in the world. The argument in short: in certain of Shakespeare’s tragedies, vacancies of office provoke a sense of disorder in the entire sphere of creation, leaving characters to mourn the absence of a mystical element without which human community cannot function. No one has yet explored this pessimistic strain in Shakespearean tragedy, one that melds the language of Old Testament prophecy foretelling of the divine judgment of nations combined with the terminology of dignity and majesty ascribed to English kings in order to assert an intimate link between crisis, catastrophe, lawlessness, and an essential inability of humanity to live by the law. Shakespeare adapts to his own purposes a Calvinist line of thought that asserted an essential “vacancy of law” in humanity itself, backgrounding issues of agency and choice in his tragic narratives.

Vacancy of office posed a troubling problem for English law in the medieval and early modern periods, such that lawyers invented elaborate references to transcendent principles—dignity, majesty, incorporeal bodies such as the body politic of the king—in order to ensure the continuity of corporate entities in the absence of physical bodies to lead them. In 1562, Elizabeth I ordered the court to invalidate a lease made by her brother, Edward VI, on lands belonging to the Duchy of Lancaster, on the grounds that Edward had authorized the lease while still a minor. The court ruled in favor of the incorporeal body of her dead brother. A political body joined to the king at the time of coronation could and did issue a lease that persisted in force well past the death of a king who never reached the age of majority. According to Carl Schmitt, “sovereign is he who decides on the exception,” and this ability to suspend all or part of the law in service of
the law is considered the defining characteristic of executive power in the Western tradition.¹ In the 1562 *Duchy of Lancaster Case*, the exception to the rule of the age of majority lay in the incorporeal body politic of the late king, and its power went so far as to limit the agency of a living monarch in a constitutional system.

Shakespeare certainly conceived of political bodies in the manner of the English jurists, as a transcendental check on the immediate power of physical rulers. But no one has explored incorporeal power as a limit on human agency in general. Julia Lupton provocatively argues, “At the heart of Shakespeare’s dramas of state and society is the dramatic force of the exception.”² Jews and the Moors in Christian Venice, disguised Dukes, subhuman sons of witches—all present exceptional figures or exceptional situations that challenge the application of a norm. Carrying the point an extra step, we can see instances where Shakespeare grounds the exception in the very nature of reality, forcing communities to come to grips with unexpected and violent situations. The argument that early modern English writers were preoccupied with notions of “cosmic order” is well known,³ but Shakespeare’s persistent explorations of exceptional circumstances deserve further scrutiny. Lupton’s work is characteristic of the standpoint of recent scholarship on Shakespeare’s exceptions. Her concerns “are not historical in the sense of contextualization,” and she does not “try to resolve Shakespeare’s relation to the religious and


political controversies of his day.” The present study proposes a methodological innovation by contextualizing Shakespeare’s exceptions within the written culture of his time. This focus does rely on its own exclusions, as I am consciously avoiding critical modes that rely on more palpable epistemic breaks distancing Shakespeare’s time from our own. Historicizing the exception, however, offers fresh insights into the myriad ways early modern English writers evoke the concept, and fresh readings of the plays in relation to late-sixteenth century currents of religious, legal, and political thought. This argument breaks new ground by illustrating how Shakespeare perennially refers to a sovereign exception located outside of the realm of human affairs, and that this exception is articulated by means of a discourse that combines legal and monarchical mysticism with Protestant theologies of the nation and the self.

Elizabeth forbade the representation of contemporary politics and religion on stage. Yet, as Cyndia Clegg proposes, “we should not ignore ways in which Shakespeare may have engaged contemporary religious issues because we think he could not do so. We should look instead for the imaginative ways in which he did.” Jeffrey Knapp goes further, to argue that “a surprising number of writers throughout the English Renaissance depicted plays as godly enterprises, and…their views had a major impact on the theater.” Knapp’s mapping of the various

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programmatic and institutional links between church and theater is a decisive step forward in an inquiry into Shakespeare’s relationship with the religion of his time—one that has expended most of its energy in the recovery of religious imagery within what has long been considered secular drama. States of Mourning parallels works that seek to excavate the theological connotations within Shakespeare’s strategies of representation, but distinguishes itself through a focus on how Shakespeare evokes a specific intersection of the theological and the political within legal mysticism and how this latter discourse organizes a set of religious images and themes visible in literatures of the pulpit, the pamphlet, and the political treatise.

The study of Shakespeare’s tragedies in isolation from the rest of his plays has experienced a decline in recent scholarly inquiry. Contemporary work on Shakespeare and genre or on specific tragic plays tends to operate on different registers, focusing mostly on issues such as staging, or the sub-genre of domestic tragedy. The present focus on tragedy—and what separates this study from previous works on Shakespearean tragedy—lies foremost in the process of contextualizing the exception. Titus Andronicus, Julius Caesar, and Hamlet form a


representative sample singled out for their relationship to contextual artifacts of this broader discourse, namely prophecy as conveyed in the English Bible, sermon literature, legal reporting, and the monarchical treatise. Focusing on a specific mode of dramatic writing leaves the question of whether Shakespeare is an absolutist, republican, humanist or combination of these beyond the scope of this study. The purpose here is to isolate features of the drama that correlate with an understanding of catastrophe in late-sixteenth century and early seventeenth century England, and to show how, through a process of accumulation, Shakespeare proposes a running commentary on the limits of human agency in politics and the inherently unstable relationship between law and life.

I am looking at Shakespeare through a theoretical lens developed in the wake of the Weimar Republic, and which has drawn significant interest from contemporary Continental philosophers. Carl Schmitt, Walter Benjamin, and Ernst Kantorowicz are key figures in the formation of a field of inquiry known as “political theology” concerned with elucidating the “structural link,” as Jennifer Rust calls it, between the religious and political spheres. Schmitt argues that “all significant concepts of the modern theory of the state are secularized theological concepts,” and foremost among these is the concept of sovereignty. The sovereign, in Schmitt’s formulation, is a power capable of using extraordinary, non-legal means to resolve a crisis that threatens the very existence of the legal order. Sovereignty is none other than unlimited authority in the service of limited authority, and Schmitt sees the inspiration for this in a

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11 Schmitt, Political Theology, 5, 6-9.
theological understanding of God as the creator of the universe from a void.\textsuperscript{12} Theories of the state based on the social contract abandoned a theological analogy of sovereignty, and emerged concomitantly with the Enlightenment and deism, precisely the historical moment that featured a decline in the belief in miracles. The omnipotence with which God intervenes in the world was replaced, Schmitt concludes, with an executive power that could, on occasion, assume an omnipotent posture with respect to a valid body of law.

The work of Walter Benjamin at times draws inspiration from, and responds to, the ideas of Schmitt on sovereignty. And Schmitt cites Benjamin explicitly on a number of occasions.\textsuperscript{13} Two of Benjamin’s fragmentary responses to Schmitt’s theory of the exception concern me here. The first is a notion expressed in \textit{The Origin of German Tragic Drama} that in baroque tragedy the “supreme executive power” which is the hallmark of modern sovereignty (in Schmittian terms) is conceived of as merely a fantasy. Tragedy knows no miracles of making order from a void; instead, it is “haunted by the idea of catastrophe.”\textsuperscript{14} Baroque tragedies are filled, Benjamin argues, with tyrant-martyrs who cannot carry out a sovereign decision. They fail at the redemptive or at least restorative task of wielding emergency power. The drama is “taken up entirely with the hopelessness of the earthly condition”; it is “the very estate of man as creature which provides the reason for the catastrophe.”\textsuperscript{15} Whereas modern theories of sovereignty located the necessity of the exception in the furtherance of stability, at a crucial stage in the

\textsuperscript{12} Here I am following Lupton’s paraphrase of Schmitt in \textit{Citizen-Saints}, 6.

\textsuperscript{13} A detailed discussion of the “exoteric” conversation between Schmitt and Benjamin is found in Giorgio Agamben, \textit{State of Exception}, trans. Kevin Attell (Chicago: University of Chicago Press, 2008), 52-64.


\textsuperscript{15} Benjamin, \textit{Origin}, 81, 89.
genealogy of sovereignty baroque tragedy radically proposed that stability was a fiction, and wondered whether it was inherent in the human condition for states to be self-collapsing. Benjamin turns Schmitt on his head: baroque tragedy is skeptical of the extra-legal power of the sovereign just as it proposes an extra-legal quality in humanity itself.

A distillation of this problematic is found in Benjamin’s “Critique of Violence,” with a suggestion that humanity itself is inherently “guilty.” Benjamin makes the argument by pointing to two modes of violence drawn from the ancient world. The first is the Greek form of “mythical violence,” the gods’ check on human hubris. The gods punish challenges to “fate,” and in doing so they set boundaries on human behavior. This punishment is essentially lawmaking in nature; it sets “a boundary stone on the frontier between men and gods.”

Mythic violence, however, still offers humanity the promise of a guilt-free existence—it is only required that humans stay on their proper side of the boundary. Benjamin offers as a counterpoise an example drawn from Hebrew scripture. “Divine violence” is a form drawn from the Biblical story of Korah, who rebels against Moses and is consumed by heavenly fire along with 249 of his followers. “If mythical violence is lawmaking,” Benjamin argues, “divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroys them.” By killing without blood, divine violence “expiates” the inherent guilt for which blood is a symbol. It represents “mere life,” which is fundamentally incompatible with law. God’s punishment is a “retribution that ‘expiates’ the guilt of mere life—and doubtless also purifies the guilty, not of guilt, however, but of law.”

God’s violence is an extra-legal form of punishment that does not aim to sustain law; it highlights the irreconcilability between law and life. Divine justice, in Benjamin’s view, stands

outside of the law because human nature cannot abide by it. It is the reflective response to a mere life that is fundamentally antinomian. For Benjamin, the tyrants of baroque tragedy are just as incapable of upholding the law, as are humans of living according to the law. While Schmitt rightly suggests that even modern ideas of sovereignty depend on an unstated theological element to make sense of a legitimate power beyond law, Benjamin adds a thoughtful corrective by questioning whether law can ever be considered compatible with human experience.

In a study of the medieval foundations of so-called “mysteries of state,” the work of Ernst Kantorowicz concretizes some of the abstract questions of law and sovereignty explored by Schmitt and Benjamin. The King’s Two Bodies: A Study in Medieval Political Theology is a historical account of the Tudor legal fiction of the King’s Two Bodies and its roots in Medieval Canon Law. It makes continual references to a transcendent power in conceptions of sovereignty that are gradually emptied of religious content and incorporated into uncanny symbolic structures of royal iconography and ritual. Kantorowicz draws from the work of Percy Ernst Schramm on “the mutual exchange of rights of honor between sacerdotium and regnum,” focusing on how “the imitation imperii on the part of the spiritual power was balanced by an imitatio sacerdottii on the part of secular power.”

Kantorowicz’s paradigmatic example is the legal doctrine of the King’s Two Bodies, which separated the body of the Prince into a Body Natural and a Body Politic. As we have seen in the Duchy of Lancaster Case, Edward VI’s leases remained valid

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20 Numerous studies in a variety of disciplines have arisen in the wake of Kanorowicz’s study or owe some debt to this pioneering work, and are too numerous to mention here. Some landmarks include Marie Axton, The Queen’s Two Bodies: Drama and the Elizabethan Succession (London: Royal Historical Society, 1977); “Fifty Years of the King’s Two Bodies,” a special issue of Representations 106 (May 2009); Jennifer Woodward, The
because even though the king was, in body natural, unable to lease land, by virtue of being a monarch he was endowed with a special property, a body politic, that made his actions those of an incorporeal entity, the state.\textsuperscript{21} This separation of the body of the king refers back to a “royal Christology” in every way analogous to (and, in Kantorowicz’s view, ultimately inspired by) theological debate over Christ’s twin-fold nature as both human and divine.\textsuperscript{22} Such theologically inflected legal thinking appears repeatedly in English legal thought. Sir John Fortescue compares the power of kingship to that of “holy sprites and angels;” Bracton writes of the king as the “vicar of God” who is both “under and above the Law.”\textsuperscript{23} Another key insight of \textit{The King’s Two Bodies} is the importance of ritual to this theology of kingship. The symbolic accouterments of early modern rule are invested with deeply religious meaning. The funeral ritual in Medieval and early modern England is exemplary for concretizing royal Christology by placing the king’s natural body alongside a wax double—an effigy—during the ceremony of public mourning. The effigy constituted a “\textit{persona ficta}” of the king’s royal dignity, the storehouse of all the mystical powers associated with the office of the Prince.\textsuperscript{24} Kantorowicz begins the process of historicizing the exception by examining a kind of legal thought that explains the extra-legal power of the sovereign in mystical terms, in ritualistic, theological, pre-modern terms.

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\item [22] Kantorowicz, \textit{King’s Two Bodies}, 16.
\item [23] Kantorowicz, \textit{King’s Two Bodies}, 8, 156-159.
\item [24] Kantorowicz, \textit{King’s Two Bodies}, 420-1.
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The connection between notions of sacredness and political power remain a concern of contemporary political philosophy. Looking back to antiquity, and forward past Shakespeare’s time to the modern era, scholars continue to examine the relationship between transcendence and immanence to the making of political authority. Hannah Arendt observes how the Roman concept of authority (auctoritas) relates to the sacred nature of the city’s founding and its rituals of augury, noting the persistence of this Roman preoccupation with origins in the ideology of the American Revolution.25 Jacques Derrida re-reads Benjamin’s “Critique of Violence” through the observations of Michel de Montaigne on the “mystical foundation” of laws to argue that behind all law lies a pre-juridical coup de force that not only founds law but enables its functioning.26 Giorgio Agamben, in Homo Sacer and State of Exception, offers extensive glosses to the thought of Schmitt, Agamben, and Kantorowicz, and expands a historical account of the exception from antiquity to the present. Alongside baroque drama and Tudor legal fiction, Agamben finds correlates to the modern sovereign exception in the wargus, the “wolf-man” of archaic English law, and the iustitium of the Romans—a period designating either mourning or holiday, and one in which the law was “set aside” either for celebration or emergency.27 And while the work of Alain Badiou on the intersections of the theological and the political centers on the figure of St. Paul, his work on ontology, Being and Event, contains an analogue of Benjamin’s observation on the perpetual catastrophe of baroque political theology: “the State is not founded upon the social


bond, which it would express, but rather upon un-binding, which it prohibits.”

Badiou observes that both Aristotle and Marx considered the de facto impossibility of the congruence between political order—as a thought construct—and real social life; “politics does not suit the clarity of the political” because states include within them social forces that are contradictory and in perpetual flux. The state is a formal binding transposed over the real and perennial unbinding of the social. Schmitt’s act of defining sovereignty by the exception becomes an apt description of an essential function of state self-preservation. With Badiou’s observations in mind, we can see how sovereign power unbinds itself from constitutions when the unbounded processes of social life place the legitimacy of constitutions in periods of crisis.

Shakespearean tragedy does not present a social world so conflicted that it is incompatible with political form. Rather, it represents an incompatibility between life and moral law that exposes nations to perennial periods of unbinding and re-foundation. Insights from scholars working in the early modern period from a historical perspective serve to illustrate how this thought structure operates in early modern writing. Two observations by Richard McCoy on the ghost of Hamlet’s father are particularly relevant to this study. The first is McCoy’s comparison of the ghost to the representation of the king and queen in Velasquez’s Las Meninas, as cited in Michel Foucault’s The Order of Things. “In both works” (Hamlet and Las Meninas), McCoy argues, “the monarchs’ absence is keenly felt as a longing for their presence. Paradoxically, they acquire more importance by their ‘essential absence’ than they would by

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29 Badiou, Being and Event, 104-5.
greater prominence.”  

This “essential absence”—as Foucault describes it—is, I will argue, the essential structure of mourning in Shakespearean tragedy. Shakespeare’s brand of political mourning is the continuing, indeed unbreakable, attachment to something absent. The essential absence of law as ontological fact is the ground upon which the theme of mourning operates, and Shakespeare draws from the culture of his day in order to construct this ground. Here this inquiry departs from previous genealogies of the exception and moves into new territory, by locating exceptionalism within an entirely new set of historical and literary contexts. The key insight that results from this new contextualization is that a sovereign withdrawal along the lines of an “essential absence,” as opposed to the miracle, can constitute a key paradigm of the exception in pre-modern manifestations of the idea, a paradigm as central as the sovereign display representative of what Michel Foucault describes as pre-modern “judicial power.”

Pace Benjamin, while the tyrant-martyr of the baroque Trauerspiel cannot decide, the sovereign of Shakespeare’s political tragedies lies offstage and decides to withdraw, leaving creation at the mercy of its own fallibility.

“I suppose it shall not be amisse,” Thomas Nashe writes at the beginning of Christ’s Tears Over Jerusalem, “to write something of mourning.” The affective experience of mourning is a preoccupation of discrete threads of early modern English popular writing that converge in Nashe’s text. The undercurrent unifying them, and what Nashe brings to the forefront in his work, is the notion of a God intervening in history and the affective experience of

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the self by means of the sovereign exception. George Gascoigne, in surveying the damage done
to Antwerp after the Spanish siege of that city, wonders if “the wickednessse bred in the sayde
towne, doo seeme unto the well disposed Reader, a sufficient cause of God’s so just a scorge and
Plague,” musing on the devastation as an act of divine retribution. From Spanish cruelty in the
Netherlands to popular devotional and penitential pamphlets, God punishes a humanity that
cannot live by the law through a punishment derived from a power alluding to the mystical
properties of early modern kings. While Gascoigne interprets religious war in terms of God’s
punishment of the nation, Calvin describes the “revengement of God’s majestie” as a mental
torment inflicted on the mind of the sinner. Popular devotional works of the later sixteenth
century continually referred to divine judgment using the terminology of law and legal
mysticism. John Norden’s Pensive Man’s Practice describes Jesus as an “intercessor &
Advocate” interceding on behalf of the sinner in the face of God’s “heavenlie majestie.” Robert
Greene’s penitential writing evokes Calvinist notions of sin as a “witness” while adapting the
mysteries of divine sovereignty to the language of text and writing. And throughout, the affective
experience of sorrow, of mourning either the city or the self, expresses a condition of human
estrangement from the law, with God in his “majesty” commanding the law while remaining
outside of it. Nashe crystalizes this tendency to associate mourning with the mysteries of divine

33 George Gascoigne, The Spoyle of Antwerpe (1576), Sig. A3r; all references are to this edition.
34 Jean Calvin, The Institution of the Christian Religion Written in Latine by M. John Calvine, trans.
Thomas Norton ([London:] 1587), 1:3.2/1:fol. 4r; all references are to this edition. The 1587 reprint of Thomas
Norton’s 1561 translation is based on Calvin’s definitive Latin text of 1559. Calvin’s book, chapter and section
numbers are given first, preceding the volume and page number of the 1587 edition.
35 John Norden, Pensiue mans practise very profitable for all personnes (London: 1584), fols. 1v, 2v. All
references are to this edition.
sovereignty in his retelling of the sack of Jerusalem, which by his time had become a trope through which to understand the nation of England as bound to a divine covenant. The rib or covenant lawsuit serves as a grounding metaphor around which to organize this late-sixteenth century preoccupation with a divine state of exception. Through the mechanism of the rib as described in the Hebrew Bible, God shows his power by temporarily withdrawing the law from iniquitous peoples and the nation of Israel for the sin of idolatry; but to Elizabethan Calvinists the rib was a permanent condition of fundamental estrangement from the law. Through Nashe, we can derive a concise summary of how the exception was conceived of in this literature. In *Pierce Penniless*, Nashe describes a condition of human inadequacy in legalistic terms: “as when a man is faln is not the state of an out-law, the Law dispenseth with them that kill him, & the Prince excludes him from the protection of a subject, so, when a man is relaps from GOD and his Lawes, God withdrawes his providence from watching over him” (1:236). Through this mechanism of withdrawal, of providence or protection of the law, Nashe unites the notion of the rib to the legal mysteries of early modern sovereignty. Such a withdrawal, Nashe affirms, can occur on the scale of the city or nation, as in the siege of Jerusalem, where in the temple “the Arke wherein the Tables of covenant are layde shall have the Tables taken away, and instead of them, a blacke Register of they misdemeanures laid in it” (2:34), or on the scale of the individual self, as in the experience of night terror, where “the table of our hart is turned to an index of iniquities, and all our thoughts are nothing but texts to condemne us (1:345).”

Nashe and other popular texts of the late sixteenth century demonstrate how late sixteenth century writers understood the exception through an intermingling of the rib, Calvinist notions of subjective experience, and the legal mysticisms of European sovereignty. The “Israelite paradigm” of English nationhood, the idea that England’s national destiny paralleled that of the
Israelites (including the perennial rupture of the divine covenant), not only was a stock feature of Paul’s Cross sermons from the age of Elizabeth to Charles I, as Alexandra Walsham shows,\(^3\) but also made its way into popular writing and theatre, intertwined with legal mysteries and displays of mourning for society and self. Conducting an archeology of the exception in this manner illustrates how master signifiers of God, law, and exception are constructed and evoked through groupings of minor images and themes. It provides a lens through which we can see how Shakespeare’s exception operates through an appropriation of peripheral signifiers that allow the major terms to be recalled without being stated explicitly. This study reads contextually for central and peripheral indications of the exception in late sixteenth century interpretations of the Bible, other religious literature, and mysteries of the law and state. Shakespeare’s tragedies form another expression of a preoccupation with a certain category of mourning; by utilizing its signifiers, these plays ruminate on seemingly inevitable ruptures within the natural world and in human practice, symbolizing a withdrawal of the law from the world.

One of the key peripheral signifiers that, in Shakespearean tragedy, indicate the exception via allusion to the *rib* is that of biblical birds of warning. In Nashe’s *Christ’s Tears*, the destruction of the Jerusalem temple is accompanied by “whole flockes of Ravens” and “a hideous dismal Owle” who builds a nest in the most sacred part of the city (2:61). Norden instructs the devoted Christian in daily prayer to recognize “the birdes of the aire” as part of the “sundry signes and tokens” that indicate God’s “rode of vengeance, to be over our heads, ready to strike” (55r-v; 74v). Birds that allude to works of prophecy, apocalypse, and psalmic lament are evocative of the *rib* and its consequences: the destruction of nations and the inner experience

of estrangement from the protection of the law. The “nightly owl and fatal raven” of Tamora’s forest speech in Titus Andronicus (2.3.99), the “bird of night” that sits in the “noon-day” of Julius Caesar (1.3.26-8): Lady Macbeth calls these “compunctious visitings of nature” (1.5.45), and they recall prophetic oracles like those of Isaiah, sacrilegious warnings like those in Daniel or Matthew 24. In the plays, they signal points just preceding the dramatic overthrow of natural and human orders. Birds of psalmic lament, such as the owl and pelican, are in Hamlet invoked by Ophelia and Laertes. The relationship of birds to the penitence of David suggests that these characters experience a form of estrangement characteristic of the Israelite king and covenant theology. Lear figures himself as a bird indirectly, by noting how “this flesh begot / Those pelican daughters” (3.4.74-5); the effect is to pinpoint the family tragedy of King Lear in something more primordial than human being. Lear’s later appeal to Cordelia to “away to prison” to sing “like birds i’th’ cage…[and] take upon ‘s the mystery of things / As if we were God’s spies” (5.3.9, 16-7) identifies birds as pointing towards a mystical ante-catastrophe grounding human affairs, one that makes itself known in tragedy through a sovereign exception woven into the fabric of reality itself.

Shakespeare presents periods in which the withdrawal of law becomes a facet of ontology, and where human practices fail at maintaining a link between human law and the mystery integral to its functioning. Political crises in Titus Andronicus, Julius Caesar, and Hamlet draw special attention as they are provoked by the death of a sovereign, or in the case of Julius Caesar, a powerful figurehead. Such crises provoke ruptures in the natural world, in law, and in human subjectivity, all of which require a link to a mystical dimension beyond law and natural life. English preachers and writers drew from the example of the ancient Israelites the necessity of a link between God and prince, priest, and devout population in order to stay the
hand of God’s judicial wrath. These tragic plays show a period of mourning accompanied by
natural signs of ill omen, the breakdown of law and order, and crises of subjective experience,
signified through language drawn from the Bible, popular theology, and the mysteries of law and
sovereignty. The accumulation of peripheral signifiers drawn from late sixteenth century
understandings of the exception coalesces into a vision of a constitutional order, Israelite in form,
one marked by perennial displays of otherworldly majesty using God’s punishment of the
unfaithful nation as a template. This work places greatest emphasis on Titus Andronicus, Julius
Caesar, and Hamlet as representative of Shakespeare’s engagement with mystical discourses of
nationhood, law, and sovereignty in relation to specific contexts of sermons, legal reports, and
monarchical writing.

A premier example of Shakespeare’s engagement with the Israelite paradigm of English
nationhood as a model for the representation of political crisis is his first tragedy, Titus
Andronicus. Late sixteenth century preaching and exegesis on the work of the Minor Prophets
framed a constitution based on the Davidic Covenant, one in which the operations of law, state,
social reproduction, and creation itself were linked under the sovereignty of the Christian God.
Through staging, narrative form, and a series of biblical references, Shakespeare transposes this
English-Israelite covenant onto the Roman world of Titus Andronicus, reframing political and
legal crises as an existential problem—a fundamental inadequacy in human being and practice
that renders judicial wrath inevitable, regardless of intention. Shakespeare reflects biblical
discourses promoted by preachers such as John Stockwood, who described the heaviest of God’s
judgments, the designation—drawn from the prophet Hosea—of Lo-Ammi, “not of my people.”
Titus Andronicus presents in a new context English preoccupations with harlotry as representing
not only the moral failure of individual women, but also the inability of the nation to keep a
moral covenant with divine power. The play mixes pointless pleas to classical gods of justice with allusions to the biblical discourse of the *rib*, replete with vain sacrifices, flawed ceremonies, anxieties over harlot women and their foreign children, and the breakdown of worldly law and authority. The paradigm behind the crisis in *Titus Andronicus* illuminates passages in the play that meditate on the theme of justice with a previously unrecognized biblical referent. While the play through narrative emphasis evokes prophetic descriptions of the Day of Yahweh, in which “the Lord does not accept their sacrifices,” “daughters shalbe harlottes, and your spouses shalbe whores,” the Lord will “forget they children,” its displays of mourning evoke discourses of divine justice. Upon hearing of the death of his sons, Titus describes his grief “like Nilus, it disdaineth bounds” (3.1.71) in an extended conceit echoing the prophetic refrain that compares divine justice to the flowing of water. It is a standard trope of prophetic discourse to describe God’s wrath on the nation as propelling a land into mourning, a mourning that manifests itself in every dimension of creation. *Titus Andronicus* draws from prophecy to frame a Roman play in which mourning provokes a rupture between the world and some ordering power that is not of the world, provokes an absence in divine law revealing the inadequacy of that which is purely human.

Both *Titus Andronicus* and *Julius Caesar* explore the limits of human agency to reconcile a vacancy of law embedded in the ontology of tragedy. The mystery of law that remained external and inaccessible in *Titus Andronicus* reappears in *Julius Caesar* as more intimately tied to the body in the form of dignity, understood not in a Roman but in a Christian and English sense, as a mystical element tied to the body politic that enables exceptions to laws governing the

transfer of property. The split body of the king in early modern English law contains a mystical element that harkens back to the Holy Spirit, and is tied to certain forms of practice. Only the king can transfer property by writ and not by livery of seisin, a ceremony of conveyance. *Julius Caesar* displays split preoccupations. The first of these is with ceremonies, holiday, coronation, and funeral, that attempt to link Caesar with the mystical foundations of authority, the second with writs—the will of the dead Caesar and lists marking senators for death. As Brutus affirms, the aim of the conspiracy is to “stand up against the spirit of Caesar,” and laments that “Caesar must bleed for it” (2.1.167, 171). Through allusion to English legal mysticisms and direct comparisons of Caesar to Christ, this spirit, like that of the Holy Spirit, invests those who survive Caesar with a mystery—in this play a mystery of sovereignty, an authorizing force behind the “black sentence and proscription” and “bills of outlawry” through which the Triumvirs dispense with their enemies (4.1.17; 4.3.173). The appearance of Caesar’s ghost and Brutus’ reaction to it, “O Julius Caesar, thou art mighty yet! / Thy spirit walks abroad, and turns our swords / In our own proper entrails” (5.3.94), comes to conceptualize the political mourning Shakespeare develops in his tragic plays: the spirit of an absent sovereign exerts a mystical force limiting human agency to construct a functioning legal order based on human power alone.

A look at Shakespeare’s earliest political tragedies shows that appeals to models of Israelite nationhood and the mysticism of European kingship construct a period in which the mourning of a political leader leads to a general crisis of law. A form of law embedded in ontology and human practice recedes from reality itself, and it is only an eventual reconciliation with the mystical foundations of law that enables the restoration of political order. In *Titus Andronicus* and *Julius Caesar*, Shakespeare indicates vacancy on the ontological field through birds and other omens, and in the realm of human practice by means of flawed or contested
ceremonies. The Danish prince Hamlet provides a different kind of vehicle through which to explore tragedy as mourning the absence of law in the world and in human practice.

*Hamlet* develops the conceit of human inadequacy by using a rupture between life and the material structures that give it form, a form in keeping with the mysteries of law and sovereignty. In the play, human agency subverts the formal design of sovereign life as a liturgy of monarchy. The disjuncture between an assumed telos of sovereign life and actual human practice in the play appears and reappears in preoccupations with the material structures of sovereign liturgy—architecture and other features of the built environment—and the inner life as a final arbiter of the law and the principal mourner of its absence. *Hamlet* alludes to an idea of European sovereignty as a continuation of a biblical tradition based on a pact to keep the moral law, the significance of the conscience as a point of access this law even when absent in human affairs, and the intimate relationship between sovereignty and violent exceptions to the law. All of these are consistent with how European monarchs, especially King James, view their own monarchical lives.

As architectural historian Simon Thurley explains, “the monarch’s daily existence was shrouded in mystery, tradition, ceremony and etiquette, indeed a whole liturgy for life.”38 In his political writings, James gestures toward the idea of a liturgical life by grounding kingship in scripture, “the sum of the law” as it appears in “the ten commandments, more largely dilated in the books of Moses, interpreted and applied by the prophets, and by the histories.”39 Biblical precedent is to function as a “mirror” through which the king can place himself under constant

38 Thurley, *Royal Palaces*, 1.

39 James VI and I, *Basilikon Doron*, in *The True Law of Free Monarchies and Basilikon Doron*, ed. Daniel Fischlin and Mark Fortier (Toronto: Centre for Reformation and Renaissance Studies, 1996), 106. All citations to these two texts are to this edition.
self-examination and comparison. In addition to scriptural example, James places emphasis on the inner life, as kings “have within ourselves” a “count-book and inventory of all the crimes that we shall be accused of” (109). He figures the conscience as a secret repository of the law in ways that echo the discourses of protestant piety prevalent in post-Reformation England, and yet remain tied to the ancient example of the mystical exception in kingship, namely that of David slaying the Amalekite “without form of process or trial” for a guilt of his “tongue” in claiming to have killed Saul, the first Israelite king. *Hamlet* displays correspondences with the metaphysics of kingship advanced by James *inter alia*, a metaphysics that forms the core of the present study.

*Hamlet’s* correspondence with aspects of sacred kingship and the liturgy of monarchy suggests a concern with a rupture between human fallibility and formal design itself—of liturgical practices, political order, the built environment. The inner life of the mind, conceptualized in the play as the “mind’s eye,” a point of access and of reference through which “what is” and “what should be” offers a space of reflection and comparison. This last distinction is none other than that of mourning, a state in which a previous arrangement of power persists as a fiction, provoking crisis and affirming the dependence of human communities on fictions embedded in the mysteries of law and sovereignty. In *Hamlet*, “canonized” bones “burst” a resting place designed to accommodate the liturgical life of kingship, a prince laments that his uncle has “thrown out his angle” for his “proper life” (5.2.65-6), funeral rites are “maimed” and bodies buried without “formal ostentation” (4.6.216). Echoing the transformations of space indicated by birds in other tragedies, Hamlet observes a turn in the liturgical space of the palace in noting that “Denmark’s a prison” and describing his environs as a series of “confines, wards, and dungeons” (2.2.243, 245-6). Throughout the play, various characters refer to “the inward man” (2.1.6) the “mind’s eye” (1.1.112), and “the conscience of the king” (2.2.606). *Hamlet*
displays concerns over the distinction between how life should be lived and how it actually is lived, concerns mirrored in official church print like *Certaine prayers collected out of a forme of godly meditations* published in 1603. From the latter part of the sixteenth century to the beginning of the seventeenth, this cultural current and way of seeing the world—from prayer, to prose, to stage play—became official church policy.

The dissertation is divided into five parts, and contains three argumentative modes. The first two chapters consist of landscape surveys, one of literary context, the second of the repetition of a certain kind of imagery in Shakespeare’s tragic plays. A second proceeds by offering contextualized readings of individual plays, while a third seeks to think with the works of James VI and I and the critical tradition on *Hamlet*, foregrounding the work of Benjamin as a touchstone from which to ground a reading of the play sensitive to existing genealogies of sovereignty and mourning. The first chapter constitutes an exploration of exceptions in Elizabethan popular writing, through a selection of texts that structure the relationship between nation and history on the one hand, and conscience and God on the other, as a relationship of sovereignty and exception. A “literature of warning” that arose as a response to the Siege of Antwerp in 1576 constitutes a subset of late-sixteenth century English writing permeated by an episteme of divinely ordained catastrophe. In this literature, God functions as a transcendent sovereign over the scene of history, and the transgressions of a nation are ultimately responsible for a withdrawal of God’s protection that makes a nation vulnerable to catastrophe. The thematic character of a second selection is exemplified in John Norden’s popular prayer book *Pensive Man’s Practice*. Norden elaborates a form of everyday piety containing a Calvinist strain in which the human being is considered inherently estranged from the moral law, a notion that re-emerges in the repentance pamphlets of Robert Greene. Both subsets converge in Thomas
Nashe’s *Christ’s Tears Over Jerusalem*, which narrates the destruction of Jerusalem in highly dramatic prose with the purpose of warning London of impending judgment for the inability of its inhabitants to live by the law.

Chapter 2 clarifies how Shakespeare appropriates the language of the Elizabethan exception in his tragic plays through the demonstration of an obvious example. Birds like the owl and raven continually reappear in Shakespeare’s tragic drama, and have never before been properly identified and explicated as birds of prophetic warning. Building on and expanding the work of the previous chapter, we return to Norden’s *Pensive Man’s Practice* and Nashe’s *Christ’s Tears* before turning to biblical prophecy, apocalypse, the penitential psalms, and contemporary dramatic works to show how biblical birds function within a prophecy of everyday life and as a stock trope of tragic drama. By the time of the publication of *Titus Andronicus*, biblical birds have become a stock device in tragic plays, signifying a rupture in creation using language that references the oracles of the Hebrew prophets. Shakespeare continues to employ these birds in *Julius Caesar, Hamlet, Macbeth*, and *King Lear*, each play drawing from prophecy, apocalyptic passages in the Gospels, or the lamentations of the psalms. Shakespeare’s use of birds as tragic signifiers shows a deliberate engagement with a contemporary language of exception in his representations of tragic events.

From there we turn to specific readings of tragic plays, beginning with the third chapter’s exploration of prophetic themes in *Titus Andronicus*. This chapter presents a novel assertion, namely that Shakespeare’s first tragedy assumes the form of the Hosead. In the play, as in the biblical book of prophecy, the protection—and judgment—of a nation affect not only the political and legal orders but also the sphere of social reproduction. Shakespeare echoes the English Bible and contemporary sermon literature through the conceit that nations are bound in a
Covenant that structures the very nature of reality, and more specifically Calvinist piety through a suggestion that the rupture of such a covenant is permanent. Harlotry and the seductions of foreign women in Hosea function as a metaphor for the estrangement of the nation from the law, and these reappear in *Titus Andronicus* alongside other prophetic concerns that reappear in Shakespeare’s political tragedies—among these is the significance of ceremony as a barometer of the nation’s alignment with, or estrangement from, the moral law. By placing *Titus Andronicus* alongside other engagements with Hebrew prophecy in early modern English writing, we can read cries of mourning as despair over exposure to an otherworldly wrath, a wrath that manifests itself most compellingly in the breakdown of a functioning legal order.

In *Julius Caesar* we see a continuing concern with the nature of ceremony and its function in the linking of divine and temporal orders. Chapter 4 uses a hitherto unexplored lens for understanding the vicissitudes of power in this Roman play, namely the mystical dimensions of English property law. Royal Christology, as this chapter will show, embedded the relationship between worldly and supernatural forms of power within the sovereign body itself. As related in English legal reports, the king’s body politic contained a unique ability to transfer land via letters patent, bypassing traditional ceremonies of conveyance. The first half of *Julius Caesar* features a preoccupation with ceremonies of mourning and holiday that, upon the occasion of Caesar’s funeral, give way to ruthlessly expedient political acts of writing. Shakespeare’s reframing of Roman history through the language of passion narrative, and his placement of ceremony and writing in opposition to one another, dramatizes an *Ur*-moment of English sovereignty and royal Christology in such a way that Caesar’s spirit resembles both the Holy Spirit and the majesty of English kings. This incorporeal power later manifests in a ghost tied to the memory of Caesar.
that retains an ability to influence, as a reminder of an absence, the direction of the nation in the subsequent contest over power in Rome.

The fifth chapter narrows the dissertation’s focus on royalist ideologies of state, and it begins with an exploration of the biblical paradigm of kingship in the works of King James. James’ *Basilikon Doron* and *True Law of Free Monarchies* provide fitting contextual analogues to *Hamlet* in that all of these works are concerned with the nature of the princely life. James suggests that European kings model themselves on the kings of Israel as they appear in scripture. At a time in which the liturgy of monarchy was replacing the liturgy of the church, *Hamlet* struggles with the apparent gulf between the actions of human kings, like his uncle, and the formal design of monarchical life on a liturgical model. This chapter explores how Hamlet perceives a vacancy of office as a vacancy of law by resisting the inconsistencies between life and a liturgical model of sovereignty that would presumably inform everything from palace architecture to funeral ritual. And the play continually refers to an inner world with access to a transcendent law, one that renders such inconsistencies visible to human perception.

Vacancies of law in Shakespeare’s tragedies highlight a perspective on law that was common in Shakespeare’s time, namely through the assertion that humanity cannot live by the law. Combining the Israelite paradigm of nationhood and the Calvinist focus on inevitable estrangement proposes the sinful or pathological as an essential condition of human affairs. In the tragedies studied here, Shakespeare affirms ontology as a condition of politics. The possibility of benevolent political order transforms itself into a question on the nature of human existence.
Chapter 1

Elizabethan Exceptions

Titus’ lament in the play that bears his name, “Terras Astraea reliquit”—the goddess of justice has left the earth (4.3.4)—has a clear classical referent, but the idea of a world where justice has withdrawn itself to another place parallels a current in late-sixteenth century English literary culture that made the withdrawal of law from the world its central concern. A great deal of late-sixteenth century popular writing conceived of law in broader terms than that of the everyday dealings of lawyers and courts. Its concern was not only a common set of principles regulating human behavior, but also a link to divine power that structures outward reality and inward experience. When contemporary European nations suffered calamities of all kinds, this writing looked foremost to the sins of the nation as the cause. In other works, the darkest recesses of the inward self provide access to the secret knowledge that the individual, and by extension the whole of humanity, is always in a condition of estrangement from the law. The term “vacancy of law” used in this study refers to the absence of law as an ontological force, one that ensures divine protection from evil. Writings of vacancy figure the essential relationship between God and humanity as one of sovereignty and exception, as these texts ruminate on God’s sovereign withdrawal of the law from a humanity that cannot live by it. In Julius Caesar, Casca’s speculation “Either there is a civil strife in heaven, / Or else the world, too saucy with the gods, / Incenses them to send destruction” (1.3.3-13) contains a supplementary signification that points to the divine wrath of God leveled on the Israelites in biblical history. Even Horatio’s description of the ghost in the first scene of Hamlet, “A mote…to trouble the mind’s eye” (1.1.112), invokes an interior world often described in prodigal pamphlets as a privileged space in which to encounter God’s judicial wrath. So much is left unsaid in the text of these plays that a
survey of literature peripheral to the stage is necessary in order to complete the meaning of catastrophe in Shakespearean tragedy.

A passage from Nashe’s *Pierce Penniless* concretizes an idea of essential estrangement from the law through the legal language of outlawry. In an exchange between the title character and a Knight of the Post engaged to send Pierce’s “supplication to the devil,” Pierce asks the Knight to explain the problem of evil:

Since we have entered thus far into the divels commonwealth, I beseech you certifie me this much, whether have they power to hurt granted from God, or from themselves; can they hurt as much as they wil? Not so, quoth hee, for although that divels be most mightie spirites, yet can they not hurt but permissivelie, or by some speciall dispensation: as when a man is faln into the state of an out-law, the Law dispenseth with them that kill him, & the Prince excludes him from the protection of a subject, so, when a man is relaps from GOD and his Lawes, God withdrawes his providence from watching over him, and authoriseth the devil, as his instrument, to assault him and torment him, so that whatsoever he dooth, is *Limitata potestate*, as one saith; insomuche as a haiire cannot fall from our heades, without the will of our heavenlie Father. (1:236)

Both Pierce and the Knight are apt to express the relationship between God, the devil, and the human in the language of law and government. The devil and his servants, the Knight explains, are themselves excused of the sin of murder. Command responsibility, as it were, for their behavior ultimately resides in God. The knight makes a comparison to English law, namely the status of the outlaw in Bracton. Bracton writes:
The figure of the outlaw exemplifies an intersection of religious and English legal language that animates the Elizabethan exceptions explored in this chapter. The problem of evil presented in this exchange between the Knight of the Post and Pierce parallels that of Shakespearean tragedy in this respect: both linger on a fundamental estrangement from the law as essential to the human condition.

The rhetoric of *odium Dei* explored in this chapter manifests in Shakespearean tragedy as an estrangement from law as an ontological force, indicated through continual parallels to popular religious literature, prophecy and other works asserting the inevitable failure of the nation to escape its own inadequacy and divine punishment for its sins. Literature from the 1580s and 1590s explicitly identifies mourning as a state of outlawry, and in the process the theological, political, and legal bleed into one another to describe a vacancy of the moral law. In the above extract from *Pierce Penniless*, Nashe intertwines the language of God with the language of government. Devils are gathered in a “commonwealth,” the term “dispensation” recalls both a divine order (specifically that instituted by the good news of the New Testament) and exemption from the moral law. Nashe’s devil operates as a “limited power” characteristic of

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the Prince in early modern theories of the state.\(^2\) From George Gascoigne to Norden, from Robert Greene to Nashe, combining the imagery of mourning, outlawry, and divine vengeance expresses a condition of estrangement as both a generalized and internal condition. Their writings in turn theorize a relationship between law, the self and the place of the nation in history. These threads of Elizabethan literary culture intertwine in Nashe’s *Christ’s Tears Over Jerusalem*. Literature emerging in the wake the Siege of Antwerp in 1576, and literature of popular devotion centered on the experience of reprobation and repentance within the interior self are combined in pamphlets of warning and inward terror.

**“So Just a Scorge and Plague”: Antwerp**

Marie Axton asserts that the English literary imagination at the turn of the seventeenth century was “permeated by a sense of crisis,”\(^3\) and we can the seeds of that sensibility in the preceding decades. Small and large-scale foreign military commitments (in France, the Low Countries, Ireland, at sea), religious division, political maneuvering, and of course dynastic uncertainty point to an understanding of late-sixteenth century England as “a society at war.”\(^4\)

Spain and the larger Hapsburg Empire were feared for their riches, and the former for its role as the aggressive arm of Catholic Europe. English representations of Spain during this period are colored by emerging literary conventions meditating on Spain in a new global order. Such was

\(^2\) Kenneth Pennington notes the use of the term in relation to the operations of sovereignty within the bounds of “honesty” and “just cause” in the work of Albericus de Rosate. See *The Prince and the Law, 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley: University of California Press, 1993), 115.

\(^3\) Axton, *The Queen’s Two Bodies*, 116.

the development of the Spanish “Black Legend” begun with the works of Las Casas and stretching out into the eighteenth century and beyond. George Gascoigne’s 1576 *Spoyle of Antwerp* is a key document of English response to Spanish expansion, and is credited with inaugurating what is alternatively described as the “literature of warning” and “genre of alarm,” a popular print tradition that saw the destruction of Antwerp as a warning for England. More significantly for the purposes of this study, Gascoigne’s *Spoyle* lays the groundwork for a language of mourning and outlawry taken up by later writers, as it figures the massacre of a city as a just retribution for the moral transgressions of the city’s inhabitants.

Gascoigne asserts from the outset that he wishes to offer more than simple reportage in his account of the destruction of Antwerp—he wishes the narrative to be exemplary. A “true report” of his experiences in the Low Countries, Gascoigne writes, is “for profitable example unto all estates of sutche condicion as suffered in the same” (A2v). While presenting the siege as a profitable learning experience, the *Spoyle* offers nothing in the way of practical means for countering Spanish military strategy or tactics. Rather, the defeat of Antwerp is laid at the foot of the city itself, not for its military but for its moral deficiencies. Antwerp’s moral transgressions, transgressions that led to the divine judgment of its inhabitants, are weighed against the immoral cruelty of the invader. Gascoigne surmises “if the wickednessse bred in the sayde towne, doo seeme unto the well disposed Reader, a sufficient cause of God’s so just a scorge and Plague: and yet the furie of the vanquishers doo also seeme more barbarous and cruell, then may become

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a good Christian conquerour” (A3r). His sympathies vacillate in a balancing act that results in a condemnation of both parties for their violations of the moral law.

While the destruction of Antwerp is framed as the divine punishment of its citizens, it must also be in some sense, Gascoigne suggests, an indicator of the divine grace bestowed upon the Spaniards. But such a declaration remains tentative and ambiguous. He criticizes the Spanish assault while praising the troops for their military prowess. Their victory is divinely ordained but with that ordination comes a responsibility to behave, and Gascoigne is quick to point out when they fail to do so. He writes of the aftermath of the conquest:

a view of the dead bodies in the town being taken: it was esteemed at 17,000 men, women, and children. A pitifull massacre though God gave victory to the Spanuyerdes. And surely as they vallyaunce was to be much commended, so yet I can much discommende their barbarous cruelty, in many respectes: for me thinkes, that as when God geveth abundance of welth, the owner oughte yet to have regarde on whome he bestow it: evenso, when God geveth a great and myraculous victory, the conquerors ought to have great regard unto their execution. …a true Christian hearte should stand content with victory, and refrayne to provoke Gods wrath by the shedding of innocente blood. (B8r-v)

Gascoigne is said to maintain a “semblance” of a “detached persona” in the Spoyle, by modulating different registers of prose, moving “from neutrality to outrage at the Spanish forces.” Yet his rhetoric is consistently underpinned by his insistence of the historical reality of divine retribution. The tensions inherent in Gascoigne’s position of detachment lie in the contradiction whereby a “pitifull massacre” of a religious and political ally is nonetheless at the

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same time a God given miracle. Gascoigne’s restraint in his disdain for Spanish cruelty only reinforces the underlying theme of God as the just judge and executioner.

*The Spoyle* takes pains to reinforce the notion of God as the final arbiter of the fate of Antwerp’s people, with the massacre a feature of the inscrutable mystery of divine sovereignty. “Men wyll boast of the Spanierds that they were the best & most orderlye soouldiours in the world,” Gascoigne writes, but “neither must wee thinke (although it hath pleased God for some secrete cause only knowne to his diuine majestie, to yeelde Antwarpe and Meastrecht, thus into their hands) that he wyll spare to punish this theyr outrageous crueltie” (C3v-C4r). The passage preserves the legitimacy of the siege whilst condemning the way in which the Spanish made use of their secret gift. God’s “secret cause” and “divine Majestie” function as mechanisms for rationalizing violence against innocent people. The inclusion of Maastricht within the workings of divine majesty is particularly significant, as the innocence of its citizens is undisputed: the city “had never revolted, but stooode quiet under their garrisons as faithfull subjects to the kinge” (A8r). Divinely sanctioned violence on the part of the Spanish, however, contains within it the seeds of further violence; their excessive slaughter invites its own judgment. Gascoigne warns, “when [God’s] good wyl and pleasure shall be to doo the same,” God will punish the Spanish “for surely their boasting and bragging of iniquitie, is over great to escape long unskorged” (C4r). Through repetition, Gascoigne makes the divine scourge a central protagonist of this exemplary narrative; God’s scourge is always ready to punish whole populations in a time and manner that will remain eternally opaque and obscure. The massacres of Antwerp and Maastricht, Gascoigne asserts, test the very limits of human knowledge, “being miraculous and past man’s capacitie to comprehend how it should be possible” beyond “Gods just wrath powred upon the inhabitants for their iniquitie” (C7r). The secret cause of divine judgment becomes, in
the Spoyle, a cause for the reserving of human judgment. Gascoigne concludes, “I leave the skanning of theyr [Spanish] deedes unto God, who wyll bryddle their insolencie, when hee thinketh good and convenient” (C8v). Massacre in history is inseparable from the exercise of divine prerogative.

Gascoigne’s Antwerp account contains some key references to biblical prophecy. In recounting the mobilization of the Dutch before the impending siege, Gascoigne describes them as “moved with compassion, and doubtynge that the towne would shorly bee left desolate” (A6v), the last a powerful keyword indicating divine wrath of the nature of the destruction of the Hebrew temple. And later, while admonishing the Spanish for their “obstinate pride and arrogancie,” the Spoyle also admits that “if they might have their wyll” the forces “would altogether raze and destroy the Townes, until no one stone were left upon another” (C4r), explicitly referencing Jesus’ curse on the temple in the Gospels. These curses, from the first century onwards, were seen as predicting the destruction of the Jerusalem temple during the Roman re-occupation of 70 AD.8 The Spoyle makes an explicit link between Antwerp and Jerusalem, one that would be taken up in popular print from 1577 onward. The Stationer’s register records three ballads from 1577-1578 describing the fall of Antwerp with one called the “distruccion of Jerlm and Andwarp.”9 After 1578 comes a diverse record of literary works, including more ballads, a play, the histories of John Stow, and the writings of University Wits such as Robert Greene and Nashe. As S.M. Pratt observes, in the “genre of alarm,” Pratt’s term


of art for this body of work, the “fall of a city offered an opportunity for these writers to advance a moral message, to present a ‘God of swift and terrible justice’ and to condemn sin wherever it be found.” How this divine justice is structured as a relation of sovereign power demands specific attention. As we have seen at the beginning of this chapter, Nashe uses the outlaw as a way of rationalizing evil as the withdrawal of divine providence from the sinning subject, leaving them to the hands of punishers exempted from the law. We find Gascoigne alluding to this same relation between sovereign and outlaw in the *Spoyle*, as he details the behavior of the Spanish as an occupying force: “that ten (yea twenty dayes) after, whosoever were but pointed at, and named to bee a Wallon, was immediatelye massacred without furder audience or tryall” (C3r). God withdraws his protection from the Walloons and abandons them to arbitrary slaughter as if they were Bracton’s wolf-headed outlaws. Pratt outlines various works that follow *Spoyle* in ascribing the destruction of Antwerp to the judgment of its citizens, tracing two trajectories of writing: sincere efforts at reform by writers such as Gascoigne, the preacher John Stockwood, Stow, and some ballad writers, and market-driven “sophisticated writers” like Nashe who were “trying to capitalize on a popular subject.” Whereas explicitly reforming works narrowly focus on the Antwerp-Jerusalem narrative of destruction, the so-called sophisticates draw upon the theme of estrangement as a condition internal to the sinning self. This latter discourse is found in the popular devotional literature, which adapted a Calvinist theology of the conscience into an everyday experience of the self, a place where one confronts the judgment seat of God. This confrontation leaves the sinner wanting, and this feeling of inadequacy is perennially figured as one of outlawry and the perpetual fear of divine retribution.

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Gascoigne’s ambivalence when it comes to assigning blame for the callous murder of innocent civilians by the Spanish in the Low Countries and his reliance on the transcendental cause of divine “majesty” in order to explain it provide a lens from which to understand the moral ambivalence of Shakespeare’s tragic plays. What is characteristic of tragic figures like Titus, Brutus, and Hamlet, is that they all participate in some way in some kind of “massacre,” and their claims for justice are always weighed against the imperfections of their motives, or some kind of mistake. The perspective Gascoigne takes with respect to God’s intervention in history finds an analogue in the use of the word “scourge” in Hamlet. It appears twice. Hamlet uses the word as an expression of guilt when reflecting on the killing of Polonius as a sin: “I do repent; but heaven hath pleas’d it so / To punish me with this, and this with me, / That I must be their scourge and minister” (3.4.173-5). To Hamlet, his own repentance is a sideshow for a divinely mandated catastrophe of which he is an instrument. Between heaven and the divine scourge lies a circulation of punishment that implies a distribution of guilt. Claudius betrays the same sense of distributed culpability in his use of the word, as a politician who shrewdly employs mercy in the service of realpolitik:

Yet must not we put the strong law on him.

He’s loved of the distracted multitude,

Who like not in their judgment, but their eyes,

And where ‘tis so, th’ offender’s scourge is weigh’d,

But never the offense. (4.3.3-7)

Claudius distantly evokes Gascoigne’s admonishment of Spanish cruelty in his evasion of a moral imperative to seek justice in the wake of Polonius’ murder.
The Outlaw Subject of Popular Calvinist Piety

When writers such as Greene and Nashe put forward their own articulations of the sinning subject abandoned by providence, they incorporate a language of estrangement readily available in Calvin. Calvin’s conception of the reprobate mirrors that of the outlaw in a common condition of providential withdrawal figured in a legal relation as the withdrawal of sovereign protection. Calvin’s Institutes clearly presents God as a sovereign power, with a power of judgment appropriate to his ‘majesty.’ “For the bolder despiser of God that any man is,” Calvin writes,

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\text{the more is hee troubled by the verie noyse of the falling of a leafe. And whens commeth that, but from the revengement of Gods majestie, which doeth so much the more vehemently strike their consciences as they more labour to flie away from it? They doe in deede looke about for all the starting holes that may be, to hide themselves from the presence of the Lorde: but whether they will or no, they are still holden fast tied. (1:3.2/1:fol. 4r)}
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For Calvin, the sovereign bond that ties the sinner to God is fundamentally irreparable, and the mechanism of this tie is the conscience that keeps the sinner in terrible fear of “revengement.” Calvin consistently describes the conscience in the language of law and government, with the preeminent governmental power of God located in his “majesty.”

God’s retributive justice is limitlessness and intimately linked with the subject’s own inescapable reprobation. The structure of sovereign and subject posited here is one in which humanity’s natural condition renders it perpetually in breach of the law. Calvin explains this by narrating the relationship between sovereign, law and subject as one of original founding, perpetual outlawry and vengeance. God first takes upon himself:
due power to govern, he calleth us to the reverence of his divine majesty, and appointeth out unto us wherein it standeth and consisteth: and then publishing a rule of his righteousnesse, (against the righteousnesse whereof our nature as it is perverse & crokked, doeth always strive, and beneath the perfection whereof our power as of it self is weake & feeble to doe good, lieth a great way below) he reproveth us both of weaknes & unrighteousness. Moreover, that inward law which we have before said to be graven and as it were imprinted in the hearts of al men, doth after a certaine manner enforce us of the same things that are to be learned of the two tables. For our conscience…inwardly is a witnesse and admonisher of those things that wee owe to God, and so accuseth us when wee swarve from our duetie. But man being wrapped in such darkenesse of errours as he is, skarse even slendersly tasteth by that lawe of nature, what worship pleaseth God: but truly hee is verie farre distant from the right knowledge thereof. Beside that, he is so swollen with arrogancie & ambition, & so blinded with selfe love, that he cannot yet looke upon, and as it were, descend into himself to learne to submit and humble himselfe, and foresee his owne miserie. (2:8.1/fol. 113v)

God governs first through majesty, a governmental power that precedes the existence of law and operates through sheer reverence. The law itself reveals a fundamental inability of the subject to remain within this politico-legal order, and is instead constantly on the margins by virtue of a fundamental incompatibility between law and life. Here, the status of law as text is complex: it is both published and visible as an external force, yet also inscribed as an “inward law” within the heart. Expanding on the conscience, Calvin ascribes it a double nature, both witness and accuser. Divine presence is figured as a constellation that includes sovereign power, the perpetual outlaw
status of the reprobate, the conscience as a witness, accuser, and storehouse of the inward law—this is the theological core of a discourse of conscience that would be repeated and dramatized by popularizing English writers. Its rhetorical core is comprised of the language of textuality, of accusation, of financial debt, and of sense experience, particularly the sense of sight. The subject is presented as perennially distant from the law and indeed from God in spatial terms, and yet God’s power of judgment is always near; its mechanism is in the very heart itself. A pessimistic view of human nature positions the law as a circuitous route through which divine majesty engages with the field of life only to lead the subject back to majesty, God’s prerogative power to compel reverence, if not obedience.

We can trace a thread emerging from Calvin’s writings on the conscience towards a notion of the workings of presence within the interior self in popular print. Among these, John Norden’s Pensive Man’s Practice is saturated with the anxieties inherent in the Calvinist theology of the conscience and reworks, expands, and dramatizes its rhetoric. A work emblematic of popular devotional print and of popular print more generally, Pensive Man’s Practice

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12 In quantitative studies of the best and steady sellers of the early modern English print market, Calvinist treatises and popular devotional works predominate. Calvin himself was the most published author between 1548-1650, and was featured prominently in the university curriculum. But it was the works of everyday popular devotion—the prayer book and the Psalter—that stood out as the most widely printed. See John Stachniewski, The Persecutory Imagination: English Puritanism and the Literature of Religious Despair (Oxford: Clarendon Press, 1991), 17.

13 Mary Hampson Patterson observes that within the context of a print market whereby writers infrequently saw their works in second, third, and fourth editions, the 26 or more editions of Pensive Man’s Practice suggest its part of the “popular reading diet” of early modern England. See Domesticating the Reformation: Protestant Best Sellers, Private Devotion, and the Revolution of English Piety (Madison: Fairleigh Dickinson University Presses, 2007), 22.
Practice focuses on appeals to God’s protection, hinging on the question of knowing one’s own salvation or damnation. As John Stachniewski notes, for Calvin “mental torment provided a stimulating spectacle of [God’s] judgmental power”\(^\text{14}\) and Calvin found apparently little incentive to moderate his tone. Norden’s work popularizes Calvinist theologies of reprobation, but at the same time softens them by offering strategies of remediation that Calvin would never himself discuss. Norden’s inoculating gesture is a rigorous discipline of daily prayers that package reformist theology into a piety of everyday life. Simplicity and ordinariness of text easily read aloud suggest the broad scope of the book’s audience.\(^\text{15}\) Most importantly, the sense of inwardness in *Pensive Man’s Practice* is virtually inseparable from the affective experience of Calvinist anxiety, felt in the internal space of subjectivity.

The Calvinism in Norden’s *Practice* emerges through discussions of interiority and the framing of the relationship between God and the praying subject as a politico-juridical relation based in exclusion, abandonment, and essential absence.\(^\text{16}\) The key innovation of *Pensive Man’s Practice* lies in the dramatization of the affective dimensions of the withdrawal of providence. In Norden’s prayers, the perpetually “sorrowful” sinner seeks God out of fear and great despair. A sense of mourning permeates the work, and this sadness is a key to what is meant by devotion in this devotional manual. In the transition from learned theology to popular spiritual practice,


\(^{15}\) For Patterson, this offers “profound implications as to the incalculability of the size and education level of its audience.” See *Domesticating*, 158.

\(^{16}\) Norden’s only break from this framing device is his positioning of Jesus conspicuously between the sinning subject and God the Father, the latter representing divine authority and law. Jesus is an “intercessor & Advocate” interceding on behalf of the sinner in the face of God’s “heavenlie majestie;” Jesus is a “mediatour” who can mitigate the effects of a natural estrangement from the law (fols. 1v, 2v).
Norden subtly renders the image of the subject in terms evocative of an outlaw, but an outlaw who finds not freedom but despair in his condition. The apparent objective of the prayers is to mitigate what in Calvinist terms would amount to an inherent estrangement from the law through devotion as proper reverence for the threatening power of divine majesty, a power to disrupt the consciousness of the individual. Just as justice punishes transgressions of the law, the secrets of the inner soul perpetually transgress the law and push the subject into a condition of exclusion. The opening prayers plead with God to “hear my crye, and to consider the secrete groanes, sighs, and sorrowes of my sillye soule” (2r), inaugurating a theme of despair that runs through the book. In a similar plea asking for blessings of the Holy Spirit, the speaker abjects himself before God, denying any agency whatsoever to remain in his good standing: “thou knowest my weakenes, wickedness, and ignourance, to be such, as I am altogether unable to frame my requestes according to my will, or to seek, that is true for mine owne soules health, and am altogether ignoraunt of the right gate to knocke at” without the assistance of divine grace (2v). A fundamental inadequacy on the part of the speaker combines weakness and ignorance with wickedness, inadequacy of nature with moral failing. The soul cannot properly petition divine power in thought, lacking spatial-architectural sense of knowing where to demand entry into the enclosed space of the elect. The subject does not plead his innocence but pleads for mercy, as by secret means unbeknownst to the speaker he is already in a state of reprobation: “forgive me what soever I have committed, and doone against thy divine will, eyther sleeping or waking (secretlie or openlie) heretofore, by reason of the corruption which remaineth in me” (8r). Secret power and secret corruption are two sides of politico-juridical relationship that is in a state of permanent exception. It is God’s law, but God stands outside of it as his mechanisms of corporal or psychic punishment belong not to the law but to his majesty.
Norden’s prayers conceptualize this state of permanent exception and outlawry as foremost a permanent condition, being an outgrowth of the sin of Adam. Through Adam, existential despair and estrangement are rooted in the essential condition of humanity and its first parent. The condition of renegation and truancy is not only present in the here and now, but also an endlessly repeated event:

we [Adam’s] children, beeing by succession ingrossed in this detestable stocke of sinne, have heretherunto…continued therein, to our utter perdition, deserved death and destruction, confessing, and acknowledging our selves, rennegates, outcastes, and trewantes, of ourselves altogether unable to cast away and lay aside these workes of darknes, and to obteine againe the Lanterne of light. Yet for asmuch as I am most sorry from the very bottome of mine heart, that I have offended thee, willfully, and disobedientlie strayed from the wayes of thy Lawes.

(11r)

Later, Norden will compare the repentant sinner to the citizen of Nineveh—the individual becomes a synecdoche of the city. “At the preaching of Ionas” the Ninevites “repented their sinnes,” and so a prayer asks “forgive us grace, not only to repent, for a time, but earnestly to bewile our manifolde offences, and wholie cleave to fulfill the trueth of thy laws, to the salvation of our poore soules” (31r). Norden links this perpetual estrangement from the law with the affective experience of mourning in his prayer for the “sorrowful sinner.” The speaker is excluded from the law while remaining tied to it. The language of terror, dread, and despair is coupled with perennial references to criminality, imprisonment, and the anxiety of the fugitive. “Lord I bewayle mine heinous offences,” the prayer pleads, as he finds “the burden of them [is] so intollerable, that when I turne mine eyes but to the beholding of them a farre off, I am by and
by, stricken with so great a dreade” (24v). Norden reframes the Calvinist reprobate by dramatizing a mourning of the self and its inherent criminality. Estrangement is figured in spatial terms (crimes seen from far off) and a discomfort in the flesh of the speaker. The fear that accompanies the despair of the sinner leads to “heavie sighes, grievous groanes,” and forces the speaker to “thinke my life an enemie unto mee” (24v). Norden continues,

(moste sweete Lorde) when I note [my sins] perfectlie in my minde, & take as it were a straight account, what the deedes of my youth have beene…what a terror doo I suffer in minde? what a dungion of dollours, doth open it selfe (as it were) to swallowe mee up? what gryping greefes doo torment my poore conscience, in so much as I am at the pittes brincke, of dispayre, wavering in minde to and fro, seeking rest, but loe (Lorde) unquietnes of minde, oppresseth me so sore, that…a great matter vexeth me. But when I looke into the time to come, the time wherein all mine offences, and faults shall bee manifested and laid to my charge. Oh then whether shall I flye thinke I? whether shall I conveygh my selfe? who shall hide mee from thy presence? who shall save me from thy just judgment? (25r)

Norden’s *Practice* is a major elaboration of the Calvinist discourse of the conscience as a juridico-political relationship of power. The dramatic representations of imprisonment, of flight, of grief, and of futility will be mirrored in the works of later writers in the tradition of market-driven cony-catching pamphlets. One particular addition to the rhetoric of the conscience will acquire more prominence in these later writers, namely the language of textuality: sins are drawn up in a “straight account,” they are “manifested” before judgment is executed. While Norden is most explicit in framing estrangement from the law in terms of mourning an essential absence,
Gascoigne, Calvin and Norden all locate the power of divine judgment in God’s majesty, linking theology to a political mystery of sovereignty.

The mysteries of the interior self figure prominently in Shakespeare’s tragedies and do at times link with the theological currents discussed here. When Aaron in Titus Andronicus seeks to bind Lucius to an oath that would secure the protection of Aaron’s son with Tamora, he begins by observing “thou [Lucius] art religious, / And hast a thing within thee called conscience” (5.1.74-5). Aaron confidently leverages a force within Lucius that would apparently compel the Roman to protect the child even when the moor himself holds belief to be idiotic yet useful for its instrumental value. Lear’s enjoining of Cordelia at the end of King Lear, “Come let’s away to prison…And take upon ‘s the mystery of things” (5.3.8, 16) enacts Norden’s implicit recommendation that the sinner fully assume their guilt as an inoculation against material and mental suffering. Lear takes upon himself the full measure of guilt and chooses the prison as a privileged space from which to observe the vicissitudes of human fortune.

Mourning and Exception in Market-Driven Print

Tracing the pre-history of the exception in Shakespearean tragedy is in some sense an exercise in taxonomy as much as an inventory of tropes and themes. Literatures of warning and certain works of popular devotion can be regrouped under the heading of Elizabethan literatures of the exception, but others can conceptualize such trajectories of literary influence differently.17

17 Richard Helgerson observes “two poles of Elizabethan fiction and of much other Elizabethan literature as well, the didactic and the romantic,” which in turn are “clearly part of a single literary, and perhaps cultural phenomenon” centered on guilt and prodigality. Helgerson’s focus on prodigality rather than outlawry falls aslant of the relation of outlawry I aim to describe here, and he locates the root of this emphasis on Elizabethan schooling rather than, say, the domestic interpretation of historical events. Still, Helgerson’s analysis vitally points to the
Again to keep Pratt’s distinction between the sermonizers and the sophisticates at hand, it is well worth interrogating how so-called professional writers like Nashe and Greene\(^\text{18}\) appropriated the theology of warning and the conscience for their own literary ends through their choices of imagery and theme. Greene’s \textit{Groats-worth of Wit} is an exemplary work of prodigal literature from a popular writer of conny-catching pamphlets, and serves as a touchstone to examine the links between his writing and the theme of outlawry described above. It narrates a wealthy merchant’s advice to his sons, blending twin emphases on prodigality and the conscience. This blend begins satirically, with the wealthy father disavowing any necessity of listening to the conscience itself. The father asserts “thou shouldest not stand on conscience in causes of profit, but heape treasure upon treasure,” and describes the conscience as sheer hypocrisy, asking his sons to “looke but into the dealings of the world, and thou shalt see it is but idle words.”\(^\text{19}\) But much like Norden’s sorrowful sinner who flees from the law only to be rendered more aware of it, the merchant soon admits the persistence of the conscience in spite of his efforts to diminish its power. “I know not whats the reason,” he observes, “but some-what stinges mee inwardly when I speake of it;” at this point his son Roberto replies “it is the worme of conscience that relationship of final estrangement and exclusion characteristic of the outlaw. Helgerson writes, it is “not the parable of the Prodigal Son, with its benign vision of paternal forgiveness, but rather the paradigm of prodigal rebellion interested the Elizabethans. …the form of admonition was often the prodigal son story—but a prodigal son story that ended in punishment rather than in forgiveness” (\textit{The Elizabethan Prodigals} (Berkeley: U of California Press, 1976), 1, 3


\(^{19}\) Robert Greene, \textit{Greenes groats-worth of witte} (London: 1592), B3v. All references are to this edition.
urges you at the last houre to remember your life” (B4r). And after a winding tale of love, loss, and prodigality, Greene’s *Groats-worth* comes to the wit it has promised, the essence of which is a meditation on the conscience and its place in the pursuit of the virtuous life.

The end of the *Groats-worth* is indeed notable for its deployment of devotional language emblematic of Norden’s *Practice*. In turning back to the conscience at the end, Greene emphasizes the power of print by gradually associating the conscience with the scene of writing, sin as text. Repentance speeches are referred to by their speakers as “broken and confused lines,” and such confessions consist of a “deepe piercing wound to my heart; every idle houre spent by any in reading them, brings a million sorrowes to my soule” (E8r). Writing functions as the externalization and materialization of the conscience in textual form. Just as it bears witness in the mind of the sinner, writing “my last worke” serves as a “witness against them with mee, how I detest them [sins, confessions]” (E8r). Even the blackness of ink is compared to the blackness of sin: “Blacke is the remembrance of my blacke works, blacker than night, blacker than death, blacker than hell” (E8r). Greene’s *Groats-worth* becomes a conspicuously self-conscious document of repentance, highlighting the language of writing as central to the experience of reprobation and self-accounting made possible through the conscience.

Greene’s posthumous *Repentance* is considered partially his work and partially that of his “editor” Henry Chettle, and shows a conspicuous debt to the portrayal of sin in the deeply

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20 The commonalities between the two works reinforce the notion that Elizabethan writers sought to supply a demand for edifying works in a popular style. As Lori Newcomb argues, Greene’s works tap into a market of readership that wanted “not just to hear the promises of sermons or see the figures of ministers, but to read and write the marks of election that new theologies taught them to seek.” See “A Looking Glass for Readers: Cheap Print and the Senses of Repentance,” in Melnikoff and Gieskes (eds.), *Writing Robert Greene*: 133-156, 137.
personalized prayers of Norden’s Practice.\(^{21}\) In describing the carelessness with which he lived his former life, Greene’s prodigal language at times makes reference to a politico-juridical relation between subject and divine sovereign that references the condition of the outlaw. Greene describes himself in the work as a “mere reprobate, the child of Sathan, one wipt out of the booke of life, and as an outcast from the face and favor of God” (B2r). Greene uses the Calvinist language of predestination and intermingles it with that of scourge and plague. He considers himself the subject of divine punishment in periods of poor health, or “sundry times afflicted with many foule and grievous diseases, and thereby scourged with the rod of Gods wrath” (B2r). He then frames his declining health as the final defeat of his intransigence and the subsequent victory of the conscience as a mechanism of prodigality. Inspired by reading a theological treatise, Greene learns “what the worme of Conscience was,” and learns of hell, such that “there was nothing but feare, horror, vexation of mind” and other torments afflicting his inward self (B3r). Mirroring the sorrowful sinner of Norden’s Practice, Greene describes coming to the full knowledge of his reprobate status through the sense of sight. His sins “muster before my eies” as if they were “poore mens plaints” bringing his soul into damnation (B3v). The final prayers of the Repentance further echo the rhetoric of popular prayer, with pleading that could easily have been lifted from Norden’s Practice: “O Lord forgive me my manifold offences,” “O Lord forgive me my secret sins” (D2v). Greene’s professional style is built on the scaffold of popular devotional language of the conscience and its affective dimension of fear and terror. The

\(^{21}\) Newcomb notes the collaborative nature of the work, and describes it as “an idiosyncratic precursor to later brief, cheap, and highly affective spiritual texts that would roll off the presses” in the coming years (“Looking Glass,” 135). We can add to this, however, the continuing popularity of Norden into the 1620s. See Sandra Clark, The Elizabethan Pamphleteers: Popular Moralistic Pamphlets 1580-1640 (London: The Athlone Press, 1983), and Patterson, Domesticating Reformation, 22.
Repentance makes specific reference to the Old Testament notion of being stricken from the book of life as a metaphor for divine judgment. This is one way in which Greene persistently uses “pervasive images of textuality” in describing how in the fears of the sinning subject; “its author’s very soul approached being a textual creation.”\textsuperscript{22} Greene’s focus on textuality opens the door to a discourse in which language and difficulties with language express the juridico-political relation between God and the sinner. Greene’s protégé Thomas Nashe takes echoes notion as the literatures of warning and prodigality take a hybridized form in his own writing.

Three pamphlets written by Nashe in the wake of Greene’s death (1592-4) appropriate the discourses of warning, conscience, and textualized prodigality: Pierce Penniless, Christ’s Tears, and The Terrors of the Night. These works are intermittently in dialogue with the juridico-political relation of divine sovereign and outlaw subject as they elaborate a multi-scalar ontology of divine judgment, operating from the globus of the city and nation to the locus of the interior self. These pamphlets can be characterized as three parts of a unitary work that focuses on the admonition of sin within the multiple layers of the city and the self.\textsuperscript{23} In them, Nashe assumes postures similar to Gascoigne’s account of God’s intervention in history, the Calvinist language of popular devotion, and even Greene’s preoccupation with the scene of writing while still articulating a distinct voice as a satirical “lay preacher.”\textsuperscript{24} Nashe hints at an intention to keep the conscience and the community in constant dialogue in the verse of complaint that opens Pierce

\textsuperscript{22} Newcomb, “Looking Glass,” 134.

\textsuperscript{23} For a more elaborate discussion of these pamphlets as a complex meditation on the Calvinist discourse of the conscience as it relates to a multi-scalar universe of sin and judgment, see my article “Terrors of Conscience: Thomas Nashe and the Interiorization of Presence,” Renaissance and Reformation / Renaissance et Réforme (forthcoming).

\textsuperscript{24} Cox, “Voices of Prophecy,” 52.
Penniless. In a tract that details the vices of various strata of society and national groups, Nashe points to their impact in deeply personal terms: “Divines and dying men way talke of hell, / But in my heart, her several tormentes dwell” (1.157). The title character’s “supplication” to the devil is framed in terms of law and government. It is an appeal for the exclusion of sinners from the society of men. “It might seem good to your hellhood,” Pierce suggests, “to make extent upon the soules a number of uncharitable cormorants, who, having incurd the daunger of a Praemunire with medling with matters that properly concerne your owne person, deserve no longer to live (as men) amongst men, but to bee incorporated in the society of divels” (1:165). By citing the infraction of praemunire, Nashe figures the doctrine of predestination in legal-governmental terms, as a jurisdictional distinction between, at root, the elect and the damned. Nashe proceeds by constructing a literature of complaint around the Catholic doctrine of the Seven Deadly Sins, but in a highly satirical mode. In the background lies an undercurrent of popular Protestantism that is preoccupied with divine sovereigns and human outlaws that comes to a head in Christ’s Tears.

Nashe’s addition to the language of the Elizabethan exception consists of a sustained interest in the spaces of sin and judgment, approximating the elaboration of a divine order from heaven to the interior spaces of home and self. Illustrative of this is Nashe’s attempt to rework

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25 This generic move is not specifically Protestant in orientation. Bradin Cormack observes such a dialogic between “the claims of conscience” on one hand, and “public life,” or “the relation between public justice and conscientious action” in More’s Utopia. See Cormack, A Power to do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625 (Chicago: University of Chicago Press, 2007), 91.

26 Cormack notes that in “pre-Reformation England, the fourteenth-century statute of praemunire…became the principal expression of jurisdictional discourse pitting the temporal authority of the state against the felt intrusiveness of a transnational ecclesiastical authority,” i.e. the Papacy (Power to do Justice, 339n33).
the language of Calvinist predestination using the spatial terms. “It is,” Nashe writes in *Pierce Penniless*:

> a shame (senior Belzibub) that you should suffer your selfe to be tearmed a bastard, or not approve to your predestinate children, now only that they have a father, but that you are he that must owne them. These are but the suburbs of the sinne we have in hand: I must describe to you a large ctitie, wholly inhabited with this damnable enormitie. (1:172)

The idea of the devil owning his “predestinate children” figures reprobation through financial language. Earlier in the pamphlet, Nashe names “unfortunate gold” as a “predestinate slave to drudges and fools” (1:168), and we have already noted how Pierce appeals for the “incorporation” of sinners into a society of devils. The point is to describe sin in relation to money, and the city as financial center becomes a center for the traffic of sin. On the other hand, Pierce’s supplication also contains slight detours into a discourse of interiority that would also acquire a prominent place within the ontology he seeks to develop in subsequent works. In his anecdote about the French count of Molines, Nashe irreverently gestures to the workings of the conscience described in Norden and Greene. The count, Nashe writes, lived in “great pompe and delicacie” until he was one day driven to a “deepe melancholy by himself,” in which he reflected upon his life of excess until resolving “twixt God and his owne conscience, to forsake it and al his allurements, and betake time to the severest forme of life used in their state” (1:202). Nashe incorporates the themes of conscience, repentance, and the affective condition of melancholy while satirically observing that the count, being a “servant of Superstition” (a Catholic) misspent “his good workes on a wrong Faith” (1:203). These opening gestures, combined with the comparison of the sinner with the outlaw, place *Pierce Penniless* at the beginning of a venture
into the expression of sin as a juridico-political relation that is firmly embedded within the literatures of warning and popular devotion.

In the so-called “closet scene” of Hamlet, Gertrude hears Hamlet’s detailing of an “act” that makes him “thought-sick” (3.4.51). She asks, “what act, / That roars so loud and thunders in the index” (3.4.51-2)? More than a comment on Hamlet’s apparently clamorous way of speaking, Gertrude implicitly compares her son’s detailing of vices to the inscription of sin in the mind, and in text, in ways that resemble Calvinist discourses of the conscience and its manifestations in prodigal writing. Earlier in the play, Hamlet does precisely that in asserting that in obeying the command to avenge his dead father, he is engaging in an act of writing, or re-writing, in the form of the palimpsest:

Yea, from the table of my memory
I’ll wipe away all trivial fond records,
All saws of books, all forms, all pressures past
That youth and observation copied there,
And thy commandments all alone shall live
Within the book and volume of my brain,
Unmix’d with baser matter. (1.5.98-104)

Popular writing of the Elizabethan exception serves to charge the signifiers of writing, text, and printing with a moralistic, theological edge. Another echo occurs in Julius Caesar. When the Triumvirs draw up their lists of the political enemies they wish to assassinate, Antony exclaims, “their names are prick’,” for the whole, and for the singular, “with a spot I damn him” (4.1.1, 6).
As text serves to describe sin and sin an inherent estrangement from the law, in Shakespeare’s tragedies, these significations add to the description of a condition in which the very human condition is put on trial.

**Mourning a Vacancy of Law**

Nashe’s personalizes his authorial voice in *Christ’s Tears* in two ways: first by assuming the voice of Jesus narrating the destruction of the city, second by assuming his own as a lay sermonizer pleading to the citizens of London for their repentance. What has so far remained unexplored is a contextual account of how Nashe situates the work of writing *Christ’s Tears* as a work of mourning, mobilizing the language of judgment and prodigality prevalent in popular devotional print. In his dedicatory epistles opening *Christ’s Tears*, Nashe situates the very writing itself as an exercise in repentance, disowning his former self and his former writing, even if temporarily, in the service of this more serious matter. The first epistle, addressed to his patron Lady Elizabeth Carey, shows contrition for not living up sooner to his intentions to “adore” Carey, explaining that his “woe-infirmed witte conspired against me with my fortune;” while his “care-crazed stile” had recently been “revived,” it is “not so revived that it hath utterly shooke of his danke upper mourning garment” (2:11). The second epistle, to the reader, explicitly bids a “hundered unfortunate fearewels to fantastical Satirisme” where “heere-to-fore have I misspent my spirite, and prodigally conspired against good houres” (2:12). Initiating the narrative proper, Nashe further emphasizes mourning as the root condition *Christ’s Tears* aims to express:

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27 For a more detailed account of these rhetorical postures, see Cox, “Voices of Prophecy;” see also Christopher A. Hill, “Thomas Nashe’s Imitation of Christ,” *Prose Studies* 28.2 (2006): 211-221.

28 The rhetorical posture echoes Greene, who as Newcomb observes also “went on the record as regretting his previous publications.” Newcomb, “Looking Glass,” 151.
Since these be the dayes of dolor and heavinesse, wherein (as holy David saith)

*The Lord is knowne by executing judgment*, and the axe of his anger is put to the
roote of the Tree, and his Fan is in his hande to purge his Floore; I suppose it shal
not be amisse to write something of mourning, for *London* to harken counsaile of

As the marginal note to the passage indicates, Nashe blends together references to Psalm 9.16
and the third chapter of Matthew. But there are more contemporary traditions that are invoked in
*Christ’s Tears*. Like Antwerp in the *Spoyle*, the destruction of Jerusalem and its temple will be
figured as the manifestation of divine judgment. And as in Calvin, Norden, and Greene, the
interior self will emerge as a crucial site for the experience of that judgment, through the
persistent fear characteristic of the outlaw sinner intermittently located on the scene of text and
writing.

Nashe outlines the blend of underlying ideas that will inform *Christ’s Tears* and its
particular articulation of the exception. These include a dialectical arrangement of social and
interior space, the manifestations of sin and warning as texts to be visually apprehended, and the
cleavage in humanity that separates the elect from the damned, lawful from the outlaw. He writes
of how the bulk of the pamphlet consists of an expansion of Matthew 23-4, how Jesus “wepst
over *Jerusalem* and her Temple” (2:15). This reference to the city alongside its temple points to a
spatial dynamic that Nashe will return to again and again. Both will become sites for the
manifestations of divine presence. On the scale of the city, presence will manifest itself as a
vengeful God giving victory to the invader. Within the interior spaces of the city, the conscience
will torment the guilty with an inner terror paralleling the violence in the streets. In an appeal to
heaven for divine inspiration in writing the work, Nashe appeals for an experience of presence to
guide the act of writing itself. Nashe asks that the divine spirit “dew” “plentifully into my incke, and let some part of thy divine dreariment live againe in myne eyes” (2:15). Nashe, like Greene before him, understands the marking of sin on the physical page as something similar to its being marked in the soul through the conscience of Calvinist popular devotion. He asks God to “let my braines melt all into incke, and the floods of affliction drive out mine eyes before them, then I should be dull and leaden in describing the dollour of thy love” (2:15). He then describes how his motives lie aslant of “any ambitious hope of the vaine merite of Arte” and are rather guided by a “heaven-bred hatred of uncleannesse and corruption” (2:15). In a rhetorical gesture of predestinatory logic, Nashe underscores the distance he wishes to place between the writer and the citizens of Jerusalem, and the citizens of a city he clearly sees as in danger of being marked by reprobation: London.

Cities in Pierce Penniless and Christ’s Tears are figured as loose women, and their apparent inconstancy provokes a double-motion of exception: God excuses himself from the covenant and the citizen is excluded from the protection of the law. In Pierce Penniless Nashe asks “is there any place so lewde as this Ladie London” (1:216), and in Christ’s Tears inconstancy becomes a starting point for a meditation on the condition of catastrophe and its relationship to divine judgment. Referring to Jerusalem as a “gorgeous strumpet,” Nashe describes a city that too-to much presuming of the promises of old, went a whoring after her own inventions; She thought the Lord unseparately tyde to his Temple, & that he could never be divorced from the Arke of his Covenant; that, having bound himselfe with an oth to Abraham, he could not (though he would) remove the Lawe out of Juda, or his Judgement-seate from Mount Silo. They erred most temptingly and
contemptuously; for God even of stones (as Christ told them afterward) was able to raise up Children to Abraham. (2:16)

The passage invokes the Old Testament concept of the *rib* or Covenant lawsuit, in which God withdraws his protection from the nation of Israel for their lingering worship of idols. 

The significant part of the reference to the *rib* in *Christ’s Tears* is how it condenses the relationship between law and divine protection that would explain the city’s destruction. As Nashe narrates the scourge of Jerusalem he will continually refer back to the central relation of the *rib*: God does not enforce the covenant but breaks it; he does not announce the law but removes it. What *Christ’s Tears* best describes is the catastrophe of invasion as a politico-legal relation of exception with the *rib* as a paradigmatic model. Since the “law” to which the Covenant lawsuit refers not only regulates human behavior but also structures the very nature of reality, we can say that here, in *Christ’s Tears*, we have a premier example of a vacancy of law as it manifests itself in Shakespearean tragedy.

Nashe is not content to describe this relation of exception through the paraphrase of themes in ancient Israelite history as conveyed in the Old Testament. Nashe vernacularizes and indigenizes the *rib* using the language of the body politic and the wartime disregard of the bodies of civilians. Speaking of Jerusalem, Nashe writes how “no remedy” was “left in their Common-wealths sinne-surfetted body, the maladie of their incredulity over-maistred heavenly phisick;” and further, “to desperate diseases must desperate Medicines be applyde” (2:20). The desperate medicine of foreign invasion and massacre, applied to a political body that cannot actually be healed, is a useful metaphor for the sanctioned murder of entire populations. There is nothing

left, no political community to be reconstituted. Nashe lingers on the point with a conspicuous example from Christopher Marlowe’s *Tamburlaine*, illustrating how divine judgment on this magnitude can be framed in legal terms, namely, through the withdrawal of law altogether.

When neither the White-flag or the Red which *Tamburlaine* advaunced at the siedge of any Citty, would be accepted of, the Blacke-flag was sette up, which signified there was no mercy to be looked for; and that the miserie marching towards them was so great, that their enemy himselfe (which was to execute it) mournd for it. Christ, having offered the Jewes the White-flagge of forgiveness and remission, and the Red-flag of shedding his Blood for them, when these two might not take effect or work any yielding remorse in them, the Black-flagge of confusion and desolation was to succeede for the object of their obduration. (2:20)

This passage is heavily intertwined with the parable of the Wicked Husbandmen, the essence of which teaches that if the nation of Israel fails to gather the fruits of devotion and present them before God, the land of Israel shall be given to another. The notion of an invading enemy that mourns the catastrophic violence it will inflict adds a significant dimension to the narrative of destruction Nashe will soon elaborate. The invader’s exemption from the laws of war is analogous to the relationship of sovereign and outlaw subject in the Calvinist discourse of reprobation. In the latter, divine majesty and outlawry stand outside a law that remains between them as a referent, conditioning a relationship of judgment. In *Christ’s Tears*, an absent law exempts the Romans from punishment for their atrocities. The mourning of Jerusalem parallels the mourning of the Romans in inflicting divine punishment; both relate to an absent law structures a relationship of abandonment.
Nashe’s descriptions of divine judgment rely on a double withdrawal: the removal of law from the temple, and the clearing or excusing of the invader’s obligations toward mercy. And like Gascoigne, he summarizes this using the biblical language of desolation. In the voice of Jesus, Nashe explains the process whereby various Tamburlaine-like flags were raised towards the inhabitants of Jerusalem, but due to their intransigence only the black flag of desolation remains. “How often would I have revokt, reduced, & brought you into the right way,” Jesus contends, “But you would not? Therefore your habitation shall be left desolate;” and Nashe explains, “in these words most evidently you see, [God] cleereth himselfe, and leaveth [the citizens of Jerusalem] unexcusable” (2:21). Nashe then accounts for how this double exemption from the law is manifested in the violent actions of the Romans.

O Jerusalem, not the Infidell-Romaines, which shall invade thee, and make thy Citty (now cleped a Citty of peace) a shambles of dead bodies, teare down thy Temple, and sette up a brothel-house in thy Sanctuarie, not they (I say) shall have one droppe of thy blood layde to theyr charge; not one stone of thy Temple or Sanctuarie testifacatory against them: Thy blood shal be upon thine own head, whose transgressions violently thrust swords into theyr hands. Thy Temple and thy Sanctuarie shall both cry out against thy security for sacrilege. The Arke wherein the Tables of covenant are layde shall have the Tables taken away, and instead of them, a blacke Register of they misdemeanures laid in it: yea, my Father (if all witnesses should faile) would stand up and article against thee himselfe, how thou hast driven him (with thy detestable whoredomes) out of his consecrated dwelling place. (2:34-5)
Again we see Nashe developing his preoccupation with space in a multi-scalar sense from outer to inner: from city to temple to sanctuary, all along showing how God excuses the Romans from the destruction of each. This is a justice arising not from the law but from divine majesty. Further, the absence of the law underlying the catastrophe of Jerusalem is continually figured in terms of language and printing, reworking Greene’s notion of sin as document. The law is not only absent but replaced by a black register, and God would “article” or list the various sins that have caused him to visit his judgment upon the city. This amounts to a significant revision of Gascoigne’s ambiguity regarding Spanish cruelty. Nashe is far more assertive in stressing how the Romans are completely cleared of any wrongdoing in the destruction.

After introducing the concept of a register of transgression paralleling Greene’s “black book” of reprobation, Nashe travels an avenue of thought whereby sin and judgment wholly defy representation in written language. From Norden to Greene, the language of textuality introduces the sensual representation of sin as something that could be apprehended visually. In Christ’s Tears the ability of the hand to write, of the eye to see, and of ink to mark legibly reaches its limit in a state of mourning. Nashe repeatedly intimates this. He asks God to melt his brains into ink, but as he proceeds further into narrating the destruction of Jerusalem, he pauses to note “Now is the time that all Rivers must runne into the Sea, that whatsoever I have in witte or eloquence must be drayned to the delineament of wretchednesse” (2:63). The sea is an apt metaphor for a sin that can be described only in its expansiveness, and in describing desolation Nashe insists such a word overflows the very capacity for description. “I cannot in tearmes expresse,” he writes, “the one quarter this word Desolation containeth” (2:57). Nashe’s admission that desolation evades his own capacity for description summarizes an authorial
posture that implicitly demands reverence on the part of the reader with a display of exemplary humility.

While Calvin and Norden see divine majesty as operating in terms of an inescapable fear, Nashe mobilizes the language of writing and printing to conceptualize divine withdrawal as a disconnection affecting the ability to mark and to read legibly.

What should I over-black mine Incke, perplexe pale Paper; rumatize my Readers eyes, with the sadde tedious recital of all the prognosticating signes of theyr ruine? Stories have lost and tyred themselves in thys story. Should I but make an Index to any one Wryter of them, it would aske a Booke alone. Some few abbreviated alegments I will content my selfe with, and so passe onward to more necessary matter. (2:62-3)

The over-blackening of ink and the perplexing paleness of paper express the very incapacity of a writer to assume the proper task of signifying and making meaning, as passage is littered with an overwrought emphasis on superfluity and excess. Nashe narrates his own arrival at the limit of his abilities of descriptive writing as he seeks to account for desolation’s prognosticating signs. Nashe continues his emphasis on the excess of meaning in his description of hell:

Though all the men that ever God made were hundred handed like Briareus, and shoulde all at once take pennes in theyr hundred handes, and do nothing in a whole age together but sette downe in Figures & characters as many myllions or thousands as they could, so many millions or thousands could they never set down

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30 Here Pye’s argument that Othello’s blackness signifies a negation of the subject, its “reduction to a vanishing point,” which is simultaneously the subject’s entry into universalization (“Othello,” 431), finds its corollary in divine judgment, where presence manifests itself in a kind of depthless absence. Or, to put it another way, where sovereignty appears in the very mechanism of the exception.
as this word of three sillables, *Eternall*, includeth; an Ocean of yncke would it
draw dry to describe it. (2:169)

The ironic use of quantification underscores the unquantifiable nature of eternity, and here the
allusion to liquidity—rivers and seas—fits the author’s acknowledgment of his own inadequacy
in treating his subject. The black register placed in the Ark as a substitute for the law should be
seen in these terms: as a text that signals a superfluity of absence, an over-blackened document
that perpetually exceeds the limits of writing itself.

In *Christ's Tears*, the impossibility of writing devastation, from ink to book, conditions
the description even as Nashe seeks to itemize the account in multi-scalar, spatial terms. The
experience of judgment—of God’s intervention in history—is totalizing and can be mapped from
*globus to locus*, macrocosm to microcosm, but at the same time is overdetermined by an
unquantifiable scale of extremity. Nashe, again in the voice of Jesus, foretells the coming
invasion by noting that the citizens shall see “lightning and thunder in the mouthes of all the
foure Windes;” heaven itself “shall bee made an Artillerie-house of Hayle-stones, and no Plannet
revolve anything but prostitution and vastitie” (2:47). The transgressions of the city are mirrored
in the sky above it, and Nashe takes great pains to repeat the image. He writes that the “Sun &
Moone (perplexed with the spectacle) shall flye farther upward into Heaven” (2:49), and that the
moon will assume a “blacke inkie hood embayling her bright head” (2:61). The moon is as
perplexed as Nashe’s paper and alternately assumes the color of the ink used to write the
account. God, in other words, writes a document of the sins of the city in the sky as if it were a
*Mirror for Magistrates*. The spatial rhetoric periodically moves in and retreats outward again,
touching on various locations in which sin and judgment manifest to the sinner and the city.
First, Nashe zooms inward from the heavens to a “twelve myle compass of the Cittie” where
“Elizianlike gardens and flower-guilded fieldes” are devastated by the Romans (2:70); the “wrath of GOD is kindled in every corner of the Citty” (2:71). Second, Nashe moves outward from the inner realization on the part of the citizens that they are responsible for their destruction. Citizens understand that “Not they alone [the Romans] besiege us, but our sinnes also” (2:71), and later enjoins the citizens of London to recognize that “Externall daungers (such as these be) every one is circumspect and careful to avoide; Not any one ponders in his thought, howe to avoyde the death that growes inward” (2:83). This amounts to a significant innovation on the literature of warning from the Spoyle onward. Nashe parallels Greene’s focus on the relationship between sin and text within this account of a divinely ordained catastrophe in history, such that the world itself can be read as a text where sin and reprobation are made legible in both external world and internal experience.

Nashe indeed goes to equal or greater lengths in describing the manifestations of the exception within the interior self. As Jesus prophesies the immanent destruction of Jerusalem, he observes the ways in which he had “chydinglie communed with thy soule and conscience” (2:32) attempting to avert from within the destruction that will come from without. An association of the conscience with the night and with interior spaces of living echoes the rhetoric of popular devotion from Norden’s Practice. For “God hath therefore hydde all other objects from man’s sight in the night,” Nashe writes, so that the sinner might have “full leisure to looke into himselfe” (2:39). Jesus then hammers the point home with an injunction that the citizens of the city “Discende into the closet of thyne owne conscience, and enquire how oft I have come thither and cald upon to gather thee” (2:55), figuring the conscience as an architectural space within the mind, a private space of devotion and meditation. Nashe uses the trope of the interior space of the closet as a privileged space in which to encounter presence, further reinforcing the dialectical
relationship set up in *Christ’s Tears*, between the interiors and exteriors of the city under judgment.

Few passages come as close to such a detailed description of the dialectical relationship between conscience and catastrophe in *Christ’s Tears* as the description of hell at the end of the narrative. We move from the description of sin as writing to its figuring in financial language. The “whole summe” of “wickedess” is accumulated by the reprobate city in the form of wages; so the question is what could discourage the citizens of London from accruing divine wrath.

Could the lease and sencelessest of our sences into the quietest corner of hel be transported into a vision but of three minutes, it woulde breede in us such an agasting terror, and shivering mislike of it, that to make us more wary of sinne-meriting it, we would have it painted in our Gardens, our banqueting-houses, on our gates, in our Galleries, our Closets, our bed-chambers. (2:170)

Nashe again considers it necessary to itemize space in multi-scalar terms suggesting that each of these spaces, to the repentant, could be considered a space of warning. And he completes the description with an even more intimate space: “were there no hell but the accusing of mans owne conscience” (2:170). Nashe has by this point already suggested that Jerusalem’s gardens are a medial space outside the city but within its “compass,” and as we move steadily inward we have the completion of the dialectic of space in the interior self. The politico-juridical relation of divine judgment has been transformed into a totalizing force that ties the furthest reaches of heaven to the enclosed spaces of the private self; the black flag of the invader is mirrored in the blackness of sin and the blackness of ink used to record and externalize it. Desolation, in *Christ’s Tears*, becomes a depthless estrangement from the law felt through this totality.
Totalizing estrangement from law and grace seems an appropriate way to describe Nashe’s language of mourning, which permeates *Christ’s Tears* in narrative and theme. To speak of mourning in relation to Jerusalem is an attempt by Nashe to warn against and possibly mitigate the desolation of God’s judgment that is a perennial threat to his readers. The language of liquidity expresses the scope of estrangement and a depth of mourning that exceeds all bounds or efforts to contain it. Nashe writes in the voice of Jesus that “Moyses stroke the Rocke and water gusht out of it; I (that am greater then Moyses) have strooken you with threates, and you have not mourned” (2:23). Sin, sorrow, and prophecy (“threats”) intermingle as Moses, representing the law, forces the gushing of liquid that allegorizes the character of sin and mourning. Mourning does indeed become synonymous with prophecy in *Christ’s Tears*, as Jesus again uses the imagery of liquidity to emphasize attempts at warning the citizens of Jerusalem of their impending destruction. “I have sounded the utmost depth of dolour,” Nashe writes, “and wasted myne eye-bals well-neere to pinnes-heads with weeping...a further depth of dolour would I sound, mine eyes more would I wast, so I might waste and wash away thy wickendesse” (2:36). The maritime imagery of the sea expands an imagery that associates mourning with water, the tears of the sinner with the depths of the sea and with the practice of cleansing. Nashe also clarifies the inability to separate mourning from the violence and catastrophe engulfing the city, transforming an imagery of restlessness in the mind to a terror in the body. Jesus’ mourning over Jerusalem is described as never ending, like the suffering inflicted upon the bodies of the city’s inhabitants: “My body shall finde a Sepulcher, but my sorrow never any, for thou wouldst not. For ever I must mourne what thou for ever must suffer, for thou wouldst not” (2:45).

Adapting the Calvinist image of the sinning body unable to rest, Nashe compares the destruction of the temple to precisely this inability of the reprobate body to seek rest. “God,” Nashe writes,
“shall have nere a Tabernacle or retyring place in your Citty, which hee shall not be undermined and desolated out of” (2:49). After comparing the physical body to God’s “tabernacle” (2:26), the abandonment of the city represents the vacation of the spirit from the physical body. Underpinning this imagery of the body is a notion of the outlaw as fugitive, the restless figure of devotional writing that becomes a root metaphor for the inhabitant of the reprobate city.

In *The Terrors of the Night* Nashe develops the rhetoric of the Elizabethan exception by elaborating on the affective and physical dimensions of spiritual restlessness. The pamphlet is a glib take on the writing of popular devotion that seeks to debunk folklore in favor of a Calvinist vision of the suffering sinner. Nashe reframes popular concerns over spirits and dreams by explaining night terror as fear of divine judgment, of an outlaw state previously detailed in *Pierce Penniless* and *Christ’s Tears*. The blackness of night takes the form of an umbrella concept that links sin and the scene of writing, the interior spaces of the home and conscience, and the depthlessness of sin with the mourning of an estrangement from the law. Nashe clearly states his theological perspective on the night through the tautological statement that “the terrors of the night, they are as many as our sinnes” (1:344). The *Terrors* does not directly deny the existence of spirits and apparitions, but locates their functioning through sin and describes their limited power through the lens of the outlaw subject articulated in *Pierce Penniless*. “The night is the Divell’s Blacke booke,” Nashe exclaims, “wherein he recordeth all our transgressions” (1:345). Drawing on the Nordenesque language of popular devotion, *Terrors* proceeds to associate the night with sin and with imprisonment, condemnation and writing.

Even as when a condemned man is put into a darke dungeon, nothing but despairfully call to minde his gracelesse former life, and the brutish outrages and misdemeanours that have throwne him into that desolate horrour; so when Night
in her rustic dungeon hath imprisoned our eye-sight, and that we are shut separately
in our chambers from resort, the devil keepeth his audit in our sin-guilty
consciences, no sense but surrenders to our memorie a true bill of parcels of his
detestable impieties. The table of our hart is turned to an index of iniquities, and
all our thoughts are nothing but texts to condemme us. (1:345)

The passage is reminiscent of Norden’s devotional prayers and the prodigal writing of Greene
with its twin focuses on fearful reflection and the language of textuality. Nashe describes the fear
of the condemned sinner as a “desolate horror” incorporating his observations on night terror
into the rhetoric of warning. Here the conscience itself functions like the Ark in Christ’s Tears
in that judgment is figured as an exchange of written material similar to the replacement of the law
with a dark register in the very place that should house the law. An intermingling of the language
of writing and of finance serves to locate the prison of the conscience as a debtor’s prison,
evoking the wages of sin paid to the inhabitants of the condemned city.

Only if we keep the rhetoric of exception in mind do we understand the meaning of one
of the pamphlet’s most glaring inconsistencies. After ascribing spirits and apparitions as arising
from the sins of the reprobate subject, Nashe perplexingly writes, “When all is said, melancholy
is the mother of dreams, and of all terrors of the night whatsoever” (1:357). The statement only
makes sense if we connect melancholy with the mourning of an estrangement from the law.
Nashe makes the relationship between mourning and estrangement even more explicit by
bookending Terrors with references to similar themes developed in Christ’s Tears. Nashe begins
Terrors with a representation of the sinning subject as a prisoner, but is also quick to then
describe that prisoner as a fugitive. He compares the “rest we take in our beds” to that of the
“wearie traveller” who lies in the “coole soft grasse in summer” only to find himself actually
bedding down on a “loathsome nest of snakes” (1:345). All of this recalls the Calvinist notion of secret sins that are committed by the sinner in sleep and then recorded by the devil in his nightly audit. But this is also a world where, as Jesus suggests in *Christ’s Tears*, the sorrow of sin is never ending. Nashe’s innovation is to bring the judgment of a city into the realm of everyday experience, an experience of the night as perpetually fearful and sorrowful to the everyman outlaw of his contemporary England.

While *Terrors* displays fewer forays into judicial and governmental language compared to *Pierce Penniless* and *Christ’s Tears*, those that exist harken back to the question of limited power and of jurisdiction within the schema of Calvinist predestination. Nashe links a general statement on kingship to the role of the devil in tempting and tormenting sinners, linking this in turn to the melancholy that ostensibly provokes the sinner’s troubles in the night.

Such is the peace of the subjects as is the peace of the Prince under whom they are governed. As God is intitled the Father of light, so is the divell surnamed the Prince of darknesse, which is the night. The only peace of minde that the divell hath is dispaire, wherefore wee that live in his nightly kingdome of darknes, must needs taste some disquiet. (1:346)

The separation of day and night into separate kingdoms of God and the devil conforms to a predestinatory conception of multiple jurisdictions that Nashe has outlined in his previous work. What separates this mapping is the notion of “disquiet,” which suggests both affective instability and the outlaw inclination to defy heavenly authority. That the devil is “surnamed” repeats the hierarchical relationship whereby the devil functions as a subordinate to God’s ultimate power. Thus the devil rules the night because “our creator for our punishment hath allotted it him as his peculiar segnorie and kingdome” (1:346), and exercises his own authority as an instrument of
God’s sovereign power. Nashe ends *Terrors* with a description of the meaning of the night in relation to tragedy and abandonment. In this description, Nashe takes a curious turn that modifies the jurisdictional relationship between God and the devil. “When anie Poet would describe a horrible Tragicall accident,” Nashe explains, “to adde the more probabilitie and credence unto it, he dismally beginneth to tell, how it was darke night when it was done, and cheerfull daylight had quite abandoned the firmament” (1:386). Nashe does not say specifically that tragic events only happen in the night, rather, daylight remains tied to night in a relationship of abandonment. Nashe’s statement on tragedy appears as follows: it is not a condition in which things necessarily happen in the dark, but they happen in the absence of the light; the apprehension of this absence results in the mourning of a loss. The devil, Nashe insists, is never “so busie as then, and then he thinkes he may aswel undiscovered walke abroad, as homicides and outlawes” (1:386). Once again, the image of the outlaw occupies a prominent place in Nashe’s theodicy, and the night is not simply a daily experience, but like the siege of Antwerp or Jerusalem expresses the exception in concrete form. It is therefore illustrative that Nashe ends the pamphlet with the warning, “hee who in the daye doth not good workes inough to answere the objections of the night, will hardly aunswere at the daye of judgement” (1:386). The condition of the outlaw in the Elizabethan exception can be described as a permanent day of judgment, an exception that has become the rule. The sieges of Antwerp and Jerusalem, as we have seen, were figured as such, but more compelling is the atemporal workings of the conscience that afflict the sinner at night. Nashe’s pamphlets echo three literary trends: the literature of warning initiated by Gascoigne’s *Spoyle*, the Calvinist writing of the conscience in Norden’s *Practice*, and the repentance writing of Greene with its focus on the textuality of sin and judgment. Nashe’s voice protrudes through a workable blend of these traditions and substantial innovations: an adaptation of predestination
through the category of jurisdiction, the explicit figuring of the sinner as outlaw in a legalistic manner, a spatial rhetoric that links widest exterior to the deepest interiority in an ontological expression of the exception, a textuality of sin based in excess, and the gathering of all of these within the category of mourning.

Antony’s description of “a mourning Rome, a dangerous Rome” (3.1.287) in Julius Caesar serves to ground, in the play text of tragedy, the fundamental congruity between Shakespeare’s tragic worlds and the desolate landscapes of Antwerp and Jerusalem. Not just the name of mourning, but also the practice of mourning serves to indicate the tropes associated with the catastrophe visited upon the cities described in the literature we’ve been dealing with. In Titus Andronicus, after the execution of his sons, Titus finds himself in a state of mourning. But what is interesting about this state is how, in the depths of his sadness, he does not focus on his anger at the Roman judges for their harsh sentence, or even explicitly at the gods for allowing it to happen. Titus reflects on his own condition, narrating it through the imagery of an excess of water:

What fool hath added water to the sea?
Or brought a faggot to bright-burning Troy?
My grief was at the height before thou cam’st,
And now like Nilus it disdaineth bounds.

For now I stand as one upon a rock,
Environ’d with a wilderness of sea,
Who marks the waxing tide grow wave by wave,
Expecting ever when some envious surge
Will in his brinish bowels swallow him. (3.1.68-71, 93-7)

Signifiers of water and excess figure prominently in Nashe’s *Christ’s Tears*, and as later chapters will show, the imagery makes a strong allusion to biblical notions of divine judicial wrath, transforming Titus’ lament a lamentation on the condition of being judged by God.

“Vacancy of law” designates an ontological condition intimated in the writing studied above: the withdrawal of an otherworldly protection that leaves the nation vulnerable to catastrophe and that drives the inward soul to despair. These writings describe God’s divine power using the language of law and European kingship through the incorporeal “majesty” of the sovereign body politic, the limited power of kings, and the legal language of jurisdiction and outlawry. From here we will examine the various ways in which Shakespeare aligned his tragic plays with the discourse of divine withdrawal while introducing a number of his own innovations. The next chapter will show how biblical birds in Shakespeare’s tragedies signal tragic turns and tragic conditions by invoking prophecy, apocalypse, and psalmic lament. These birds, already a feature of the forms of writing just described, lend his tragic worlds the character of nations trapped in a *rib*, implying the withdrawal of a mystical element grounding human order that transforms states into states of mourning, lamenting the inability of human action to form, by itself, a benevolent government of the world.
Chapter 2

Shakespeare’s Biblical Birds

In various tragic plays Shakespeare uses biblical birds in order to signal and comment on vacancies of law. Birds of prophecy, apocalypse, and psalmic lament are potent signifiers indicating divine abandonment, both in the Bible and in the kind of late-sixteenth century popular writing examined in the previous chapter, and they figure into both discourses of national warning and of inner repentance. As indicators of God’s “judicial ire” visited upon sinners, these birds in tragic drama continue a tradition of representation in Christian penitential writing that dates from the time of Augustine.¹ Shakespeare’s use of these birds mobilizes elements of the prophetic books of the Hebrew Bible (particularly the Book of Isaiah), the Gospels, the penitential psalms, through a Cavinist lens reflecting literature of Shakespeare’s own time that presented theological understandings of nationhood and everyday life. This chapter proceeds by grouping the study of tragic plays based on the particular birds deployed within them and the mode of biblical writing to which they refer. By the time of the publication of Titus Andronicus in 1593, the owl and the raven are used as a stock tragic device signaling a tragic turn, an ontological rupture in which the very nature of creation assumes a malevolent character. The presence of the owl and raven in Titus Andronicus, Macbeth, and Julius Caesar alludes to the oracles of the Hebrew prophets and apocalyptic passages in the Bible and announces the emergence of a negative ontological force. In other plays, birds such as the

¹ Claire Costley King’oo discusses Augustinian notions of penance as “judicial ire” with specific reference to Catholic devotional writings of the early sixteenth century and in the writings of Augustine himself. See Misere Mei: The Penitential Psalms in Late Medieval and Early Modern England (Notre Dame: U of Notre Dame Press, 2012), esp. 70, 75-6.
pelican recall psalmic lament in order to frame feelings of distress within a discourse of biblical divine abandonment.

As we have seen, popular devotional literature of late-Elizabethan England perennially expressed the power of God as a juridico-political relation of sovereign exception. Underpinning this expression is the language of prophecy. Patrick Collinson observes that prophecy constituted the “authentic voice of protestant nationhood,” intimately tied to matters of state. “Prophesying with accents terrible” is how Lennox describes the ominous signs of warning he perceives on the night of Duncan’s murder (2.3.57). Such prognosticating signs, common to Macbeth, have led critics, most significantly A.C. Bradley, to recognize “supernatural alarm” as one of the defining features of the play. We can place these alongside the “nightly owl and fatal raven” that startle Tamora in the forest scene of Titus Andronicus (2.3.100), the “bird of night” that sits “howling and shrieking” in the “noon-day” of Julius Caesar (1.3.26-8), the “croaking raven that doth bellow for revenge” in Hamlet (3.2.233), and even the owl in the “wolf and owl” that Lear insists will be his comrades in the wasteland of King Lear (2.4.210). In biblical writings of prophecy and penance these birds are indicators of desolation, in which the whole of creation turns against the offending nation, or the offending individual slated for God’s divine wrath. These “compunctious visitings of nature” (1.5.45) as Lady Macbeth describes them can signal or comment on vacancies of law as they manifest in a space, a nation, city, or political community, or as conditions internal to the self.

Antecedents for the condition of ontological malevolence are found throughout the Hebrew Bible, especially in books concerning the history of the Israelite nation. The nation in


the historical and prophetic books exists as a subject of divine sovereignty, and the condition of 
its abandonment is summarized succinctly in Hosea 5:6: “they shal go…to seke the Lord: but 
they shal not finde him, for he hathe withdrawen him self from them” (366v). God’s withdrawal 
from the nation of Israel for its transgression of the law is the preeminent feature of the rib or 
Covenant Lawsuit. The effect of God’s withdrawal is wrath and the ravaging of the nation by 
war and famine—desolation—signaled by prognosticating animals such as the owl, raven, 
pelican, hedgehog, and others. Late-Elizabethan popular preaching consistently positioned 
England as an elect nation within an “Israelite paradigm,” and figured this election through the 
Cavinist notion of permanent excetion. England’s special covenant with God afforded it a special 
position in world affairs, while the perennial specter of divine wrath urged the nation to 
obedience. Unlike the Bible and the popular religious writing of Shakespeare’s time, however, 
there is no God of Israel in Shakespeare’s tragedies intervening in the dramatic action. There is 
only a rupture in the fabric of a dramatic world, a shattering of a sense of order.

Birds of Warning and Popular Devotion

Prophetic birds in the Bible signify desolation due to their designation as unclean animals 
that render the space they inhabit ritually impure. The owl, raven, pelican, and others are 
mentioned in this manner in Leviticus 11, and the Geneva version uses the word “abomination”

4 For the Israelite paradigm as a staple of popular preaching, particularly among Puritans but also among 
more moderate Elizabethan preachers, see Michael McGiffert, “God’s Controversy with Jacobean England,” 
American Historical Review 88.5 (December 1983): 1151-1174, and “Covenant, Crown, Commons in Elizabethan 
Theology and the ‘National Covenant:’ An Elizabethan Presbyterian Case Study,” Church History 61.4 (December 
in describing them.\(^5\) In the prophetic books, their role as birds of warning and desolation is emphasized most strongly in the Book of Isaiah, which in turn would influence their use in the apocalyptic writing of Daniel, the Gospels, and Revelation.\(^6\) Isaiah’s prophesying foretells of the Day of Yahweh, an unmitigated catastrophe awaiting the nation as punishment for idolatry and other transgressions of the law. It is permeated with the language of desolation and mourning. As God ruptures the covenant and metes out his wrath upon the nation, “the inhabitants thereof are desolate…all that were of mery heart, do mourne” (24:6-7; 291r). In the city “is left desolation, & the gate is smitten with destruction” (24:12; 291r). The city “shalbe desolate, & the habitacion shalbe forsaken, and left like a wilderness” (27:10; 292r)—all the heavens above and the earth below are mobilized against the Israelites, culminating in the destruction of the temple and its altar (27:9, 29:2; 292r-v). Isaiah’s oracle against Edom further elaborates on the phenomenon of desolation and its component parts, as God levels his wrath on enemy nations. Parallels between Edom and Judah are implied when Isaiah describes the Day of Yahweh as a time when “the indignation of the Lord is upon all nations…he hath desolated & delivered them to the

\(^5\) As in Leviticus 11:13-18; 50v: “These shal ye have also in abominacion among the foules, thei shal not be eaten, for thei are an abominacion…all the ravens after their kinde…The little owl also, and the cormorant, and the great owle…Also the…pelican.” The list of unclean animals and the inclusion of the owl, raven, and pelican within them is repeated in Deuteronomy 14.

\(^6\) Isaiah is arguably the most influential prophetic texts of Hebrew and Christian scripture, and is the most frequently cited prophet in the New Testament. His influence is felt in depictions of the birth and mission of Jesus and in the cult of the Virgin Mary, this apart from direct citations in the Gospels. Isaiah was one of Luther’s most frequently cited works of scripture, and Isaiah figured prominently in the famous sermon of John Knox before Lord Darnley in August 1565, after which Knox was temporarily banned from preaching. See John F. A. Sawyer, The Fifth Gospel: Isaiah in the History of Christianity (Cambridge: Cambridge University Press, 1996), 21-41, 126-131, 136. On Isaiah as providing a template for apocalyptic literature, see Hanson, Dawn of Apocalyptic, 150-160.
slaughter” (34:1-2; 294v). Again, the totality of divine abandonment is felt from heaven to earth, and manifests itself strikingly through the creaturely life of the land. God’s judicial wrath precipitates the slaughter of lambs, goats, rams, and other livestock, as the land “shal be desolate from generation to generation: none shall passe through it for ever,”

But the pelicane & the hedghog shal possesse it, and the greate owle, & the raven shal dwell in it, & he shal stretch out upon it the line of vanitie, and the stones of emptines. The nobles thereof shal call to the kingdome, and there shalbe none, and all the princes thereof shalbe as nothing. …There shal the owle make her nest, and lay, and hatche, and gather them under her shadowe: there shal ye vultures also be gathered, everie one with her make. (34:10-12, 15; 294v).

The desolation of the landscape is accompanied by the general destruction of political authority. The Genevan gloss to Isaiah 34:12 notes, the nobles “call to the kingdome, and there shalbe none,” and adds “there shalbe nether order nor policie, nor state of commune weale” (294v, nm). Desolation is none other than a rupture in the ontology of the nation, afflicting the natural and human worlds with equal fury; furthermore, the exclusion from divine protection leaves the flattening of political order in its wake.

The association of unclean animals with the desolation of nations reappears in Hebrew and Christian scriptures with regularity. In Zephaniah, God lays judgment on the nations of the North. He destroys Ashur, and “wil make Nineveh desolate, and waste like a wilderness. And flockes shal lie in the middes of her, and all the beastes of the nacions, and the pellicane, & the owle shal abide in the upper postes of it: the voice of birdes shal sing in the windowes, and desolations shalbe upon the postes” (2:13-4; 389r). In Revelation 18:2, an angel announces, “it is fallen, Babylon ye great citie, & is become the habitation of devils, and the holde of all fowle
spirites, and a cage of everie uncleane and hateful byrde” (121r). Apocalyptic writing, such as that of Daniel and the Gospels, innovates slightly on the relationship between unclean animals and desolation in what has come to be known as the “abomination of desolation.” This reformulation puts a finer point on God’s withdrawal of providence from the elect nation by placing the unclean directly inside the temple as a symbol of the disruption of boundaries between inside and out, spiritual and temporal realms, and a general overturning of established order. Such abominations are usually accompanied by the presence of a foreign invader at the gate. Daniel refers specifically to the desecration of the temple by an invading army through the placement of an abomination within the sanctuary, leading to a suspension of ritual sacrifice (9:27-12:11; 363v-365r). The Gospels in turn refer back to Daniel in Jesus’ prophecies of the impending destruction of Jerusalem. Matthew is quite direct in its appropriation: “ye therefore shal se the abomination of desolation spoken of by Daniel the Prophet, standing in the holie place, (let him that readeth consider it.) Then let them which be in Judea, flee into the mountains” (24:15-16; 14v). Other gospels modify the wording slightly, with Mark describing the abomination as “standing where it oght not” (13:14; 24v), stressing disruption of the proper demarcation between sacred and profane space. Luke’s account displays this marked emphasis.

7 While the Book of Daniel claims to have been written during the period of the Babylonian exile, historical scholarship is near unanimous in dating the work to the Maccabean period. From this perspective, Daniel 9.27 is generally read to refer to the actions of Seleucid emperor Antiochus IV, who suspended the temple sacrifices, dedicated the temple to Zeus, and sacrificed a pig on the altar. See The Oxford History of the biblical World, ed. Michael D. Coogan (Oxford: Oxford University Press, 2001), 329.

8 Second Temple Judaism developed a complex relationship between notions of the sacred and profane, pure and impure, two sets of categories that were at times congruent and at times overlapped with one another. For a
on invasion: “when ye se Jerusalem besieged with souldiers, then understand that the desolation thereof is nere” (11:20; 40v). A dislocation of the proper ordering of space that brings the profane into the dwelling of the sacred is coupled with an injunction that the people flee into the mountains, specifically linking the abomination of desolation with the destruction of war and a refugee or displaced status of the nation caught up in catastrophe.

A distinct and somewhat isolated tradition of birds in the Bible is the appearance of the owl, pelican, and sparrow in the penitential Psalms. In Psalm 102:6, a prayer of lamentation, affliction, and estrangement, the speaker despairs, “I am like a pelican of the wilderness: I am like an owl of the deserts” with the Genevan gloss to “pelican” adding “ever mourning, and solitarie, casting out feareful cries” (257r). A long-standing Catholic tradition interpreted the birds in this psalm (designated Psalm 101 in the Vulgate) allegorically. Augustine himself saw the pelican, owl, and sparrow as representing Christ—his isolation, his suffering, and his ascension respectively.9 This tradition was current in England to the sixteenth century, appearing in Catholic commentaries on the psalms in the early part of the century, and interest in these psalms continued well into the post-Reformation period.10 In the late sixteenth century, this interest dovetailed with evocations of biblical birds in a variety of contexts, particularly popular

9 See King’oo, Misere Mei, 76.

10 King’oo discusses the allegorical reading of birds in Psalm 101 (102) in the commentaries of Catholic John Fisher (See Misere Mei, 75), and traces the continuing importance of the penitential psalms to the last decades of the sixteenth century. For a more detailed study of the continuing relevance of the psalms in early modern culture more generally, see Hannibal Hamlin, Psalm Culture and Early Modern English Literature (Cambridge: Cambridge UP, 2004).
devotion and prophecy. Birds such as the owl, raven, and pelican became symbols of warning woven into the fabric of everyday understandings of nation and self.

Another foray into works encountered in the previous chapter is productive for explaining how these birds figured into a discourse of divine judgment framed in terms of an exception. As we’ve seen, Norden’s *Pensive Man’s Practice* presents the relationship between humanity and the divine as a politico-juridical relation of estrangement from the law. Norden’s prayer “in miserie and trouble” uses the owl in a way that exemplifies the function of biblical birds in Shakespeare’s tragedies; in both, birds signal a change in fortune. “I am like an Owle in the desert,” Norden writes, “that the birdes, of the aire gaze & wonder at, mine estate is altered, my store is turned into scarcity, and my wealth into want, my plenty into poverty, and joy into sorrowe & sadnes.”¹¹ This applies to an individual alteration of state, but creatures of warning reappear in Norden with reference to the collective well being of the nation. In a prayer addressing “plagues which we justly have deserved for our manifold iniquities” as Norden calls to them, he alludes to an apocalyptic passage in Matthew 24 and transforms it into a prophecy of daily devotion, of everyday life. Indirectly citing the disciples’ pleading to Jesus to tell us “when these things shalbe, and what signe *shalbe* of thy comming, and of the ende of the worlde” (24:3; 14r), Norden writes,

That as towards the Summer, trees and plantes of the earth doo budde, so before thy coming (to make us so much the more prepared) thou hast promised to sende us foreknowledge, by sundry signes and tokens, bothe in the earth belowe, which (hath by thy passing [as it were] by us) quaked already at thy presence, as also by

the Sunne and moone, & other thy creatures, apparently showing thy rodde of vengeaunce, to be over our heades, ready to strike.\textsuperscript{12}

This passage is important for two reasons. First, it shows the plasticity of scriptural material in late sixteenth-century popular writing, mixing Christian eschatology with the wrath emblematic of the Israelite covenant. Second, its universalizing, dramatizing thrust encourages the reader to compare himself or herself to a bird and look for “sundry signes and tokens” in everyday life as an indicator of divine intervention in history.

Thomas Nashe uses biblical birds in the same way, drawing from the psalms, prophecy, and apocalypse to describe the desolation of Jerusalem in Christ’s Tears. He cites, as Norden does, Psalm 102.6, further suggesting the importance of this psalm to how birds such as the owl and pelican were understood in early modern literary culture. “David,” Nashe writes, “in the depth of hys despayre of Gods mercy, sayd, Hee was left as Desolate as the Pellican in the wildernesse, or the Owle on the house top;” the destruction of Jerusalem, Nashe writes, “is the Desolation of the Pellican of the Wildernesse.”\textsuperscript{13} Both the pelican and the owl are read allegorically. The pelican that feeds its children with its blood becomes Jerusalem, while the owl

\textsuperscript{12} Norden, Pensive Man’s Practise, 74v. The notion that plague was God’s punishment for sin is later taken up by Thomas Lodge in his Treatise of the Plague (London: 1603), B3v, where he cites Leviticus and Deuteronomy in stating, “If you observe not my Commaundements saith our Lord, I will extinguish you by the Plague which shall consume you.”

is more directly figured as a sign of warning. The “mellancholy Owle” is “Deaths ordinary messenger,” it is “most solitarie and desolate,” and “the first Mourner that comes to any funeral” (2:58). The city marked for judgment is said to howl “like the Owle on thy hie places and house-tops, and tune nothing but layes of ill lucke and desolation, and funeral Elegies of thy forlorne overthrow” (2:58). While Christ’s Tears echoes Norden’s emphasis on signs and tokens preceding God’s “rode of vengeance,” Nashe also includes an instance of abomination of desolation, in writing that the owl and the raven occupy the Sanctum sanctorum. Nashe writes, “Whole flockes of Ravens (with a fearefull croking cry) beate, fluttered, and clasht against the windowes. A hideous dismal Owle (exceeding all her kind in deformity and quantity) in the Temple-porche built her nest” (2:61).

It is worthwhile to note how often the prophetic language of desolation reappears in various works of the period, in diverse genres of writing, and in ways that make scripture pliable to serve different needs. An Anti-Martinist tract attributed to Leonard Wright, A Summons for Sleepers, uses the prophetic mode to a polemic purpose. The narrator first compares himself to prophetic figures from Elijah and Jonah to John the Baptist, enjoining London preachers to themselves act like the prophets. “I thinke [if] the preachers,” he writes, “should go in sackcloth like Esay, or with yrons about their neckes like Jeremie, yet were there small hope of amendment.”14 He then colors his condemnation of sinners with the language of desolation, warning the greedy “the day is at hand…your welth and propertie shall be turned to scarcenesse and penurie, your joy and gladnesse, into sorrow and heavinesse: your mirth and pleasure into lamentation and mourning: your peace and securitie, into miserable calamitie,” specifically citing

14 Leonard Wright, A Summons for Sleepers...a patterne for pastors, deciphering briefly the dueties pertaining to that function (London: 1589), 2-3. All references are to this edition.
Isaiah 34.\textsuperscript{15} The tract further warns that “ravens ease not men till they be dead” in a refrain condemning a land “most wildly corrupted with intollerable pride, with such a confused mingle mangle,” recalling the ancient prophetic injunction against “vanitie.”\textsuperscript{16} Henry Smith asserts in a sermon that “so many of us…twentie or thirty years feeding, are as skregged and leane as we were before…as if wee were night black-ravens, which cannot bee washed with all the sope of the Gospel.”\textsuperscript{17} Again, these examples show the flexibility with which these writers employ the language of desolation and the imagery of biblical birds to adapt theology to popular discourse. This flexibility extends further into popular culture in the form of murder ballads and pamphlets. As Malcolm Gaskill notes, representations of murder in popular culture often included owls and ravens as “omens” before an act was committed, with “fowls of the air” situated among other biblical images reflecting their social currency as indicators of—above all—violence and tragedy,\textsuperscript{18} of acts committed outside the law or in violation of it.

\textsuperscript{15} Leonard Wright, \textit{A Summons for Sleepers...a patterne for pastors, deciphering briefly the dueties pertaining to that function} (London: 1589), 6.

\textsuperscript{16} Wright, \textit{Summons}, 31.

\textsuperscript{17} Henry Smith, \textit{The Sermons of Maister Henrie Smith gathered into one volume} (London: 1593), 1030.

While the invocation of the raven can be read, as Kim Hall suggests, as a trope of “blackness,” that is, within a racial dynamic that highlights the desirability of whiteness, this very racialized tropology which, as Hall intimates, is associated with “femaleness, foreignness, political upheaval, and chaos.” See \textit{Things of Darkness: Economies of Race and Gender in Early Modern England} (Ithaca: Cornell University Press), 1995, 22-3. In Smith, however, these very associations are given a particular power by the inclusion of the prophetic discourse of desolation that cannot help but be included in the raven’s invocation as a trope.

\textsuperscript{18} Malcolm Gaskill, “Reporting Murder: Fiction in the Archives in Early Modern England,” \textit{Social History} 23.1 (January 1998): 1-30, 6; Peter Lake and Michael Questier also note the significance of birds of warning in their
**Biblical Birds and Tragic Narrative**

1594 saw the publication of two plays that make use of the owl and the raven as a tragic device, conforming to the status of these birds as commonplace symbols of impending violence and mourning. In George Peele’s *Battle of Alcazar* and Shakespeare’s *Titus Andronicus*, the owl and raven become part of a narrative device, as both are included in a second-act soliloquy. In *Alcazar*, Muly Mahamet, the play’s villain, reflects on a premonition of change of fortune.

> O deadly wound that passeth by mine eye,  
> The fatal prison of my swelling heart!  
> O fortune constant in unconstancy!  
> Fight earthquakes in the entrails of the earth  
> And eastern whirlwinds in the hellish shades,  
> Some foul contagion of the infected heaven,  
> Blast all the trees, and in their cursèd tops  
> The dismal night raven and tragic owl  
> Breed, and become foretellers of my fall,  
> The fatal ruin of my name and me.19

Tamora of *Titus Andronicus* expresses similar thoughts in a forest outside of Rome.

> A barren detested vale you see it is;  
> The trees, though summer, yet forlorn and lean,  
> Overcome with moss and baleful mistletoe;

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Here never shines the sun, here nothing breeds,
Unless the nightly owl or fatal raven;
And when they show’d me this abhorred pit,
They told me here, at dead time of the night,
A thousand fiends, a thousand hissing snakes,
Then thousand swelling toads, as many urchins,
Would make such feareful and confused cries,
As any mortal body hearing it
Should straight fall mad, or else die suddenly. (96-104)

The passage from Peele conforms to a Nordenesque interweaving of prophecy and psalmic lament. In the first lines, visual apprehension of inadequacy and the feelings of imprisonment due to pride parallel the Calvinist language of the conscience in works of popular devotion. Here too we have various signs manifesting themselves on a vertical axis from heaven to earth, and in creaturely life—the birds “breed,” and this generative dimension evokes the language of desolation in Isaiah.

Shakespeare employs the owl and raven to create a narrative trajectory by signaling a change in the physical space Tamora inhabits. The speech occurs as Tamora instructs her sons to rape Lavinia, and after Aaron has revealed his intention to hide gold under a tree, which will later implicate Titus’ sons in the murder of Bassianus (2.3.1-9). When Tamora greets Aaron, she describes the forest setting in bucolic terms, as a place where “The birds chaunt melody on every bush, / The snake lies rolled in the cheerful sun,” and “The green leaves quiver with the cooling wind” (11-14). Aaron refuses Tamora’s invitation to romantic “pastimes” while simultaneously pointing to the “stratagem” he has in motion (30-50). When the pair is confronted with Lavinia
and Bassianus, a fatal exchange reaches its climax with the entry of Tamora’s sons. Telling Demetrius that Bassianus and Lavinia have “‘ticed me hither to this place,” Tamora goes on to describe the setting in decidedly un-bucolic terms. In contrast to Peele, Shakespeare inserts the language of affect into Tamora’s descriptions of nature. The vale is “detested,” the trees are “forlorn,” suggesting judgment and mourning alongside barrenness. But as in Alcazar, this passage explicitly ties the owl and raven to breeding, and goes further in adding toads, snakes, and “urchins” (hedgehogs) that litter the landscape in hyperbolic quantities. These creatures assume the character of abominations of desolation. Their habitation of space is figured as transgressive and serves the function of transforming bucolic space into desolate space.

Tamora’s speech also includes a more indirect gesture to the discourse of the suffering subject. As the queen indicates the pit that will soon house the body of Bassianus, she notes the “feareful and confused cries” that would cause the hearer to turn mad or die, alluding to a commonplace in the literature of warning, particularly Christ’s Tears, that combines the fear of external threat with terror in the interior self. These passages from Titus and Alcazar are marked by their similarity in featuring the owl and raven in the same poetic line, in grammatically congruent form. While this supports Brian Vickers’ notion that Peele likely contributed to the writing of Titus Andronicus, it also announces the arrival of biblical birds into Shakespearean tragedy at its very beginning.

That Shakespeare continues to employ the raven in Titus is telling for its reference to another use of the bird in Elizabethan culture, the continuation of the Catholic allegorical reading of biblical birds as people. Lavinia describes Aaron as Tamora’s “raven-coloured love” (2.3.83),

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which strengthens Aaron’s developing characterization throughout the play as what Danielle St. Hillaire calls the “antithesis of piety,” a characterization with contextual resonance in light of Smith’s description of the raven and its inability to be cleansed by the Gospel. Aaron becomes a personification, in one individual, of the abomination of desolation itself. Titus confirms this personification when he exclaims, “O gentle Aaron! / Did ever raven sing so like a lark” (3.1.157-8), implying an incongruity between an essential nature and the apparent gentleness of Aaron’s present speech. Lavinia’s exhortation to Chiron that “’Tis true, the raven doth not hatch a lark,” includes the suggestion, “Some say that ravens foster forlorn children / The whilst their own birds famish in their nests” (2.3.149-156). Like Titus’s comparison of the raven and the lark, the suggestion focuses on an essential incongruity, this time in the form of the ironic display of affection the raven feels for the forlorn, one that is deadly to its own offspring. But more significantly, the continued reading of Aaron as a raven opens up a retrospective reading of Tamora’s “detested vale” speech. The “nightly owl” and “fatal raven” can be retrospectively reread as allegorical descriptions of Tamora and Aaron themselves, providing a penetrating description of the essential nature of each of the play’s villains. Tamora is “nightly,” signaling the sin of adultery, while Aaron is “fatal,” signaling his propensity to murder, and these human-bird figures, as the play continues, will have been shown to breed. Through its invocation of abominable creatures, devotional interiority, and a hermeneutical tradition of personification, Tamora’s speech aligns the play’s tragic imagery with the representational structure of prophecy. While it does not explicitly name the prophetic Day of Judgment, the presence of signs and

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tokens from heaven to earth point to a rupture of a similar sort, an ontological break that will drive the action of the play into desolation and mourning.

It would be almost a decade before Shakespeare would return to the use of biblical birds with such intensity. Various birds in *Macbeth* have a scriptural coloring, and can also be read alongside Nashe’s prophetic birds. The parallels between the works of Nashe and the text of *Macbeth* are well known. Ann Pasternak Slater sees in the play numerous parallels to the *Terrors of the Night*, and J.J.M. Tobin goes so far as to assert the link between a Nashean Jerusalem and Shakespearean Scotland, in which the “maternal cruelty” of Miriam serves as “a basis for Lady Macbeth’s virulent masculine ferocity.”22 Shakespeare’s use of biblical birds in the play conforms to the broad outlines of their uses in late-sixteenth century literary culture, as indicators of impending catastrophe and inner strife, and as creatures to be read allegorically, as representing the essential nature of individuals.

Birds in *Macbeth* position creaturely life in dialogue with space, temporality, and dramatic action. The approach of Duncan and Banquo to Inverness at the beginning of the play focuses on the heraldic bird the martlet and its location within the castle as part of a meditation on order and well being reminiscent of the bucolic scene painted via Tamora’s speech in *Titus Andronicus*. The king remarks that the castle “hath a pleasant seat,” confirmed by Banquo’s description of the bird that inhabits it.

This guest of summer,

The temple-haunting marlet, does approve

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By his lov’d mansionry, that the heaven’s breath
Smells wooingly here; no jutty, frieze,
Buttress, nor coign of vantage, but this bird
Hath made his pendant bed and procreant cradle.
Where they most breed and haunt, I have observ’d
The air is delicate (1.6.1, 3-9)

The passage recalls Nashe’s description of the owl in the Sanctum Sanctorum in Christ’s Tears, but in inverse form.23 The martlet is associated with the temple and heaven. Its breeding and “haunting” appear to bless the castle. Architectural language supports the status of the martlet as a symbol of an order in keeping with a heavenly order, just as an unclean bird would signal an abomination of desolation: the very shattering of that order. Architecture is significant in the abomination of desolation in that transgression is architectural; it requires the disruptive entry of an unclean animal into a specific space. Macbeth’s murder of Duncan is similarly such a transgression. It relies on Macbeth’s transgressive entry into a space protected by a personal guard—as a specific act it is a transgression of architectural propriety. Thus the martlet is a multi-layered presentation of an inversion of an unclean bird of warning. It portrays the way things should be.

Banquo and Lady Macbeth appear in the play as polar opposites, not only in matters of ambition, but also in their interpretations of birds as signs. When it comes to unclean animals as symbols of warning, the Thane of Cawdor’s wife soon appears more than willing to draw upon their presence as inspiration for her regicidal purpose. Lady Macbeth sees birds like the raven as part of the “fate and metaphysical aid” (1.5.29) that assist in her ambition. Upon hearing that one

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of the king’s messengers had been “almost dead for breath” and could do little more than announce the arrival of Duncan, she asserts “The raven himself is hoarse / That croaks the fatal entrance of Duncan / Under my battlements” (38-40). Lady Macbeth reads the messenger allegorically as a raven in the popular sense, as the premonition of a coming murder. She also reads the bird as a biblical one, particularly as a bird of psalmic lament and contrition, even as she emphasizes her hermeneutical agency in reading these signs as she chooses. Lady Macbeth reads this allegorical raven in two ways: first, as a warning of impending action, and second, as a manifestation of presence that would stimulate contrition in the conscience. This latter reading is simultaneously acknowledged and ignored.

Macbeth’s biblical birds appear most prominently at the murder of Duncan. Here the raven gives way to the owl as a signal of tragic events. A shrieking owl alerts Lady Macbeth that the king has been murdered, and this owl is figured in a Nashean sense as a “fatal bellman” (2.2.3-4) announcing the deed even as it is done. Birds surround the death of Duncan even at the moment of discovery. As Macbeth, Lennox, and Macduff discuss the night’s events immediately before the news of Duncan’s death, Lennox describes how

The night has been unruly. Where we lay,
Our chimneys were blown down, and (as they say)
Lamentings heard i’ th’ air; strange screams of death,
And prophesying, with accents terrible,
Of dire combustion and confus’d events
New hatch’d to th’ woeful time. The obscure bird
Clamor’d the livelong night. Some say, the earth
Was feverous, and did shake. (2.3.54-61)
The passage mobilizes tropes of desolation reminiscent of Isaiah, Norden, and Nashe, from the winds above to the shaking earth and the “obscure bird” (the owl$^{24}$) clamoring and hatching. Lennox lists these signs and reads them as “unruly” indicators of a rupture in both nature and political order, immediately preceding the news of the murder of the king.

Later, when the Old Man and Rosse reflect on the killing of Duncan, the Old Man’s retrospective narration points to birds as prognosticating the play’s tragic events. “A Falcon,” the Old Man notes, “tow’ring in her pride of place, / Was by a mousing owl hawk’d and kill’d” (2.4.12-3). Lennox’s and the Old Man’s observations are part of a second act filled with signals of “supernatural alarm” that reference the language of prophecy. Biblical birds function as indicators of a “woeful time” on multiple spatial and temporal scales—high to low, past to present and future—that disrupt the natural and social orders. The spatial orientation of birds and the disruption of their “pride of place,” becomes a metaphor for an ordered state and its immanent political collapse. When the central event of that collapse occurs, Macduff’s description of the king’s murder mirrors the reverence of Duncan and Banquo in their approach to Inverness: “Confusion now hath made a masterpiece! / Most sacrilegious murther hath broke ope / The Lord’s anointed temple, and stole thence / The life o’ th’ building” (2.3.66-9). Tobin observes how the passage mirrors Nashe’s description of Jerusalem’s outlaw army in the temple in Christ’s Tears—slaying the high priest, sacrificing children, and “most sacrilegiously ravish[ing] theyr Mothers” (2:66).$^{25}$ This scene in Christ’s Tears includes the murder of children, as the outlaw army first suspends ritual sacrifice in order to replace it with the sacrifice of the city’s children. “Here begins the desolation Christ prophesied” (2:65), Nashe writes, and

$^{24}$ See the Riverside Shakespeare, 1369n59.

Shakespeare’s language of regicide resonates with this central theme of desolation. In *Macbeth*, the killing of a king becomes “sacilegious” in the temple of the state; Macduff announces a vacancy of law at the same time as we have a vacancy of office.

Another connection between *Macbeth* and *Titus Andronicus* is the allegorical interpretation of birds as representing individuals. In both Nashe’s *Christ’s Tears* and in Isaiah 34 the owl is feminized. In the Masoretic text, Isaiah 34:14 uses the word *lilit* for owl, the only appearance of the word anywhere in the Hebrew Bible. It is associated with the later Jewish mythology of Lilith, the first wife of Adam and emblem of demonized femininity.\(^26\) The *Geneva Bible* translates *lilit* as “shriche owle,” but the *Bishop’s Bible* preserves the Vulgate *lamia*, which associates the owl with both the demonic serpent-woman of Greek lore and the courtesan-lover of Demetrius Poliocretes.\(^27\) And even while modern scholars have traced allusions to Lilith in early modern writers from Spenser to Milton, particularly the invocation of the screech owl in

\(^{26}\) The mythology of Lilith originated in Rabbinic commentary on Genesis 1:27, on the creation of man and woman, implying a simultaneous creation of man and woman before explicit mention of the creation of Eve. This contradiction was resolved by reading Isaiah 34:14 back into the Genesis account, and the Rabbinic commentators tell how God created Lilith as the original companion for Adam, but as she refused the lie underneath him, she was cast out and became a demon. References to Lilith are found in the Talmud, an apocryphal text called *The Testament of Solomon*, and reaches its fullest development in the eleventh-century *Alphabet of Ben Sira*. Howard Schwartz, *Lilith’s Cave: Jewish Tales of the Supernatural* (Oxford: Oxford University Press, 1991), 5.

\(^{27}\) Richard W. Hibler, *Life and Learning in Ancient Athens* (Lanham: University Press of America, 1988), 52-3. From antiquity, the *lamia* as a demonic figure was associated with the murder of children. In Quattrocento Italy, *lamia*, due to its associations with harlotry, nocturnal birds, and child-murder, became basically synonymous with the figure of the witch, particularly in the writings of Silvestro Mazzolini. See Walter Stephens, *Demon Lovers: Sex, Witchcraft, and the Crisis of Belief* (Chicago: University of Chicago Press), 2003, 280.
Spenser’s *Epithalamion*, the reference to the figure of the *lamia* accomplishes as much, evoking the specter of demonized femininity. In an exchange immediately preceding Nashe’s invocation of the outlaw in *Pierce Penniless*, the Knight of the Post enumerates creatures that serve as spirits. He notes, “In *Essay,*” these creatures include “a Syren, a Lamia, a Scrich-oule, an Estridge” (1:236), referencing a book of scripture in which the word “siren” or any variant does not exist, and in which “Lamia” and “Scrich-oule” are simply two translations of the Hebrew *lilit*. This apparent carelessness with respect to scriptural specificity still nonetheless marks Isaiah as something of a bestiary detailing various incarnations of demonic femininity.

Immediately after the king’s murder, Lady Macbeth once again shows her sensitivity to birds of warning in the ensuing exchange with her husband. She notes the owl’s “scream” (2.2.14) and the sound of crickets, which Macbeth ascribes to human voices. Her attempt to allay the fears of her husband also reveals her duplicity. Earlier she had read birds allegorically, and now she reads them literally. But in the play, the allegorical reading continues, particularly in its penitential hermeneutic form, where the creature becomes a slippery category blending with the human. As Linda Bamber observes, Lady Macbeth’s role as collaborator and provocateur destabilizes traditional gender binaries by figuring women as “independent centers of self-

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interest” that can undercut the aspirations of their male counterparts. In the final acts, Lady Macduff serves as a foil for Lady Macbeth. As an exemplary representation of a feminine agency “hostile to the hero’s public role when it calls him away from her,” her metaphorical comparison of Lady Macbeth to the owl serves to refigure the conflict of the play as not only one between men, but also as a simultaneous conflict between women. While questioning her husband’s “wisdom” in deserting her and their children, she itemizes what Macduff has left behind: his wife, his “babes, / His mansion and his titles” (4.2.6-7). She compares herself to a bird:

the poor wren,

The most diminutive of birds…will fight,

Her young ones in her nest, against the owl.

All is the fear, and nothing is the love

As little is the wisdom, where the flight

So runs against all reason (9-14)

Lady Macduff’s wren is the feminine compliment of the martlet in the play’s first act. She compares herself to the wren and Lady Macbeth as the owl, reading the queen through a penitential hermeneutic as an embodiment of desolating femininity.

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31 Bamber, Comic Women, 93.
The birds of *Julius Caesar* certainly inhabit the framework of Roman augury, especially since the play is in such debt to Plutarch as a source. But they are also theologically inflected in such a way as to place them within a Christian framework of prophecy and desolation. In the lead up to Caesar’s death, Shakespeare blends the Roman tradition with Gospel warnings announcing the immanent death of Christ. Cicero admonishes Casca for the latter’s interpretation of natural events as prophetic signs, countering that “men may construe things after their fashion, / Clean from the purpose of the things themselves” (1.3.34-5). And yet, as we see in *Macbeth*, such signs can be contested even while their ontological power is reinforced. The second act of *Julius Caesar* features prodigious signs with prophetic force that color the later representation of Caesar’s death as a sacrifice with ontological implications. There is a noted parallel between Nashe’s descriptions of ambition in *Christ’s Tears* and Antony’s funeral speech in *Julius Caesar*. Resonances between the two texts abound, beginning with Antony’s soliloquy over the body of Caesar, assuming a voice that parallels that of Jesus in *Christ’s Tears*. His “Over thy wounds now I do prophesy” (3.1.259) foretells the destruction to be visited upon the city of Rome; it locates mothers as so many Miriams smiling “when they behold / Their infants quartered with the hands of war” (67-8). The invocation of “Havoc” recalls the destruction of the temple of Jerusalem by the outlaw army and the “desolate havock” Nashe.

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32 Augury, for instance, is seen as an important component of the prophetic ending of *Cymbeline*. See the introduction to *Identity, Otherness and Empire in Shakespeare’s Rome*, ed. Maria Del Sapio Garbero (Burlington, VT: Ashgate, 2009) 2-31.


34 Tobin, “Antony, Brutus, and *Christ’s Tears Over Jerusalem*,” *Notes and Queries*, 45.3 (September 1998), 325.
describes as wrought by the “internal civill sword” (2:65).35 Further, Antony’s description of the body of Caesar as an inventory of relics, in the form of hair “for memory” (3.2.134), and in the retrieval of Caesar’s sword (3.2.177) has a Christian inflection not found in Shakespeare’s Roman sources.36

The description of the signs that precede death are represented in sacrificial terms, and here Shakespeare departs from Plutarch. Of the “strange and wonderful signs” predicting the death of Caesar, North’s translation lists the following:

For, touching the fires in the element and spirits running up and down in the night, and also the solitary birds to be seen at noon-days sitting in the great market place…that divers men were seen going up and down in fire: and furthermore, that there was a slave of the soldiers, that did cast a marvelous burning flame out of his hand, insomuch as they saw it thought he had been burnt, but when the fire was out, it found he had no hurt.37

In Julius Caesar, Casca’s description of these signs emphasizes natural phenomena on a spatial axis from earth to heaven, recalling Isaiah, Norden, and Nashe. “Are you not moved,” Casca asks,

   when all the sway of earth
   Shakes like a thing unfirm? O Cicero,
   I have seen tempests when the scolding winds
   Have riv’d the knotty oaks, and I have seen
   Th’ ambitious ocean swell, and rage, and foam,

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To be exalted with the threat’ning clouds;
But never till to-night, never till now,
Did I go through a tempest dropping fire.
Either there is a civil strife in heaven,
Or else the world, too saucy with the gods,
Incenses them to send destruction. (1.3.3-13)

Casca’s listing of portentous signs bears less resemblance to Plutarch than to Alcazar, Titus Andronicus, and Macbeth, with imagery of storms and windswept trees dominating the scene. The last three lines of the passage appear to interpret these signs according to pagan tradition; however, the last two also evoke biblical narratives of desolation, where the prideful Israelites provoke Yahweh to visit destruction on the nation. Casca’s ensuing lines serve to reinforce that the prophetic images in Julius Caesar are based partly on Roman superstition, partly on biblical tradition. Plutarch’s “solitary birds” that inhabit the marketplace in the daytime become, in Shakespeare’s dramatization, a “bird of night” that sits in “noon-day” (26-8). That the editors of the Riverside Shakespeare gloss this bird as the screech owl (this is Tamora’s “nightly owl”) points to a larger echo of biblical themes. The diurnal displacement of the night and the noonday conforms to the symbolic structure of the abomination of desolation in the form of spatial-temporal dislocation. The screech owl is found precisely where it should not be.

At the end of Julius Caesar, Cassius tempers his Epicurean rationalism with his decision to “partly credit things that do presage” (5.1.76-8). Cassius is now willing to interpret birds as markers of a ruinous fate. Two eagles follow the conspirators’ army to Philippi, and this is noted in Plutarch, but not in the way that Shakespeare recounts it. In Plutarch, “there came two Eagles

38 See the Riverside Shakespeare, 1156n26.
that flying with a marvelous force lighted upon two of the foremost ensigns…until they came near to the city of Philippi: and there, one day only before the battle, they both flew away.”39

Shakespeare adds the following:

And in their steads do ravens, crows, and kites
Fly o’er our heads, and downward look on us
As we were sickly prey. Their shadows seem
A canopy most fatal, under which
Our army lies, ready to give up the ghost. (85-8)

The kite and the raven are both birds of prophecy and of abomination. The kite appears in scripture three times, in Leviticus 11:14, Deuteronomy 14:13 (both emphasizing uncleanliness), and in Isaiah 34:15. In the moment where Cassius turns from skepticism and begins to see birds as auguries of an unfortunate destiny, Shakespeare inserts the language of biblical prophecy. At the beginning of the play, Cassius chides Casca, calling Caesar “A man no mightier then thyself, or me, / In personal action, yet prodigious grown” (1.3.77). Noting the double meaning of the word, Caesar’s representation as a “prodigy” (extraordinary individual and portentous event) and his death as a sacrifice becomes, in retrospect, a desolating sacrifice. This in turn infuses the civil war in Rome with the language of divine retribution. In Macbeth and Julius Caesar, the killing of a political figure assumes the character of a desolating sacrifice through the borrowing of language from accounts of the Day of Yahweh. Vacancy of office becomes vacancy of law.

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39 Shakespeare’s Plutarch, 165.
Biblical Birds and Tragic Lamentations

In Hamlet, Horatio functions as a Danish Cassius questioning the veracity of prognosticating signs, even though he never explicitly shifts his perspective regarding their significance. These signs, however, form an explicit link between Hamlet and the Julius Caesar, as these signs recall the death of Caesar.

In the most high and palmy state of Rome,
A little ere the mightiest Julius fell,
The graves stood [tenantless] and the sheeted dead
Did squeak and gibber in the Roman streets.
As stars with trains of fire, and dews of blood,
Disasters in the sun; and the moist star
Upon whose influence Neptune’s empire stands
Was sick almost to doomsday with eclipse.
And even the like precurse of fear’d events,
As harbringers preceding still the fates
And prologue to the omen coming on,
Have heaven and earth together demonstrated
Unto our climatures and countrymen. (1.1.114-25)

Shakespeare’s self-paraphrase in Horatio’s account of prognosticating signs surrounding Caesar’s death lays significantly more emphasis on the opening of graves, which scholars have noticed occurs only in scripture.40 Hamlet marks a shift in Shakespeare’s use of biblical birds. In

40 See note 34 above. The “moist star / Upon whose influence Neptune’s empire stands / Was sick almost to doomsday with eclipse” (1.1.114-16) is another reference to Gospel prophecy, in the apocalyptic proclamation of
this play and in *King Lear*, these birds play a more subdued role: less as a theatrical device, and more in a mode of mourning a tragic event that has already taken place. In this sense, they function as attendants and witnesses to the desolate worlds of these plays.

In place of birds of warning, *Hamlet* give us the ghost of Hamlet’s father and Marcellus’ reassuring focus on the cock as a creature that chases away evil spirits (1.1.157-64). The raven, owl, and pelican, however, are intermittently invoked throughout *Hamlet* as they appear alongside each of the main characters of the play’s younger generation: Hamlet, Ophelia, and Laertes. In this way biblical birds function allegorically in an Augustinian mode of psalms lament. While these birds appear to mean little to the characters themselves, they nonetheless add to the portrayal of the desolation of Denmark’s youth as an ontological certainty. Hamlet’s exclamation during the staging of “The Murder of Gonzago,” “the croaking raven doth bellow for revenge” (3.2.233), is one instance. It continues the meta-theatrical vein of the previous scenes by its allusion to a now forgotten play, *The True Tragedy of Richard III*. By inserting a known device from *Titus Andronicus* into this play-within-a-play, Shakespeare displays self-consciousness in his use of the raven as a stock trope of tragic drama, suggesting an allegorical interpretation of the raven as Hamlet in his desire to avenge the death of his father. In the midst of her madness, Ophelia remarks, “They say the owl was a / baker’s daughter” (4.5.42-43), a perplexing statement that is seen both as an allusion to a legend in which a baker’s daughter was turned into an owl for denying Christ bread, and as a symbol of harlotry and prostitution.  

Both undercurrents register with a psalms, Augustinian allegory of suffering and penance, while

Jesus in Matthew 24-29 (*Riverside Shakespeare*, 1191n120); interestingly, this doubling of signs indicating Caesar’s impending death includes a doubling of reference to the signs preceding the death of Christ.

simultaneously invoking the image of the owl as an unnatural breeder inhabiting the desolate space of God’s judgments. Laertes’ comparison of himself to the pelican in the same scene, “To [Polonius’] good friends thus wide I’ll ope my arms, / And in like the kind life rend’ring pelican, / Repast them with my blood” (4.5.145-7), is a more direct allegory in the penitential vein. Laertes therefore indirectly compares himself to Christ and his sacrifice, alluding to its double-signification as both Christological and cannibalistic, representing divine Caritas and inhuman barbarity at the same time. The use of the pelican as a bird of desolation in Isaiah adds a further layer to Laertes’ willingness to feed his father’s friends with his blood. The spatial dislocation of Laertes’ return to Denmark from France shows a Laertes who inhabits Denmark as the pelican does the wasteland of Edom. Hamlet himself never doubts that birds serve an allegorical purpose. In the prelude to his fatal fencing match with Laertes, Hamlet observes, “There is a special providence in the fall of a sparrow. If it be now, ’tis not to come; if it be not to come, it will be now; if it be not now, yet it will come—the readiness is all. Since no man, of aught he leaves, knows what is’t to leave betimes, let be” (5.2.219-23). This exposition on the relationship between contingency and temporality provides a retrospective reconciliation with divine power in the aftermath of tragic events. It can also be read as the reentry of providence into tragic narrative, as the sparrow in an Augustinian allegorical hermeneutic represents the redemptive power of penance and Christ’s ascension—the fulfillment of the Incarnation and the end of God’s judicial wrath.

King Lear is a special case in which the owl and the pelican are linked to the tragic events that follow Lear’s abdication of sovereignty. As David Anderson notes, Lear is a “demystified


43 King’oo, Misere Mei, 76.
and disenchanted play” (indeed Shakespeare’s version declines to absorb the strong Christian overtones of its most immediate source, The True Chronicle History of King Lear⁴⁴) but remains nonetheless tied to its Christian context.⁴⁵ A shift in the use of bird imagery in King Lear relates to demystification, an attitude of skepticism with respect to prognosticating signs that colors the play’s opening acts. Gloucester observes how “These late eclipses in the sun and moon portend no good to us” (1.2.103-4), and tempers his prognosticating interpretation by asserting “Though the wisdom of nature can reason it thus and thus, yet nature finds itself scourg’d by the sequent effects” (104-5). Gloucester implies an incongruity between the reason of nature and that of human action. Edmund mirrors Gloucester’s attitude towards portentous signs but adds a tone of mockery, calling their interpretation “excellent foppery,” associating the reading of signs with femininity; he also notes “when we are sick in fortune, often the surfeit of our own behavior, we make guilty of our disasters in the sun, the moon, and the stars” (442-5). Edmund drives the point home with the exhortation, “An admirable evasion of whore-master man, to lay his goatish disposition to the charge of a star” (49-50). Both of these characters read disagreeable events through the lens of human (animalistic, “goatish”) impulses rather than the workings, much less wrath, of a divine power.

Birds in Lear do, however, work to suggest Christian threads of signification in the play. By invoking an unclean animal, for instance, King Lear links prophetic birds to devotional tropes of vagabondage and estrangement. When Regan asks Lear to reside with Goneril and dismiss half his retainers, Lear replies that he would rather commit to an outlaw state and “abjure all roofs, and choose / to wage against the enmity o’ th’ air, / to be comrade with the wolf and owl—

⁴⁴ Shaheen, biblical References, 604-5.

necessity’s sharp pinch” (2.4.207-11). The allusion Lear makes to the condition of the outlaw, evoked in the relinquishing of shelter and association with the wolf, suggests the owl as a corollary to a discourse of desolation through an emphasis on estrangement from the law. Lear associates the owl with self-banishment and the renouncing of authority He claims for himself a profane space outside of the city, outside of the “roofs” that imply sanctuary. The play also includes one of the most explicit allusions to Augustinian allegorical reading of birds within the context of psalmic lament. The notion of the pelican in the wilderness, conceived by Augustine as an allegory of Christ in solitude, is implied in Lear’s comment that his children are metaphorically feasting on his blood:

nothing could have subdu’d nature

To such lowness but his unkind daughters.

Is it the fashion, that discarded fathers

Should have thus little mercy on their flesh?

Judicious punishment! ‘twas this flesh begot

Those pelican daughters. (3.4.69-75)

By likening his daughters to pelicans, Lear likens himself to one as well. That this is the pelican of the psalms is reinforced by Lear’s wasteland surroundings in this scene and the allusion to judicial punishment and mercy. The figure of the pelican accomplishes similar functions in both King Lear and in popular devotional literature—the reinforcement of a link between the withdrawal of law as the benevolent structuring of reality and the inner privations of the suffering subject. Lear’s pelican is in part bird of desolation and in part bird of psalmic lament, incorporating the abominable breeding (here ascribed to Lear himself) of Isaiah and the personal suffering of David.
One indirect suggestion of birds at the end of Lear provides an insight into how they function as signifiers of an implied divine order working within his tragic drama. Lear addresses Cordelia:

Come let’s away to prison:

We two alone will sing like birds i’ th’ cage;

And take upon ‘s the mystery of things
As if we were God’s spies, and we’ll wear out,
In a wall’d prison, packs and sects of great ones,

That ebb and flow by the moon. (5.3.8-19)

The man who abjured shelter now greets his entry into interior space as a prisoner, inverting the skeptical attitude towards prognosticating signs displayed by other characters in the play’s first acts. Like Cassius and Hamlet, Lear views preternatural phenomena (in this case the moon) as part of the “mystery of things,” a mystery that has palpable effects on events in the creaturely world. The figure of the caged bird is central to this passage. As we have seen, the bird of desolation in Shakespeare and his biblical and popular-devotional antecedents links the significance of a bird to the space it inhabits, the places it is seen to dwell. Lear’s comparison of himself and Cordelia to birds colors their imprisonment with a notion of intrusion, of spatial transgression. He would liken himself and his daughter to “God’s spies,” indicating the link between creaturely life and divine power, and the ability of creatures to access the mysteries of the absolute. The presence of biblical birds in Lear, and in Shakespeare’s tragedies more generally, directs attention towards prophetic and lamentational modes in both scriptural and popular writing. In turn, Shakespeare’s use of these birds assimilates the politico-juridical
relation of divine sovereignty in scripture and popular Protestantism into an ontological framework of divine withdrawal, or vacancy of law. From here we will examine individual plays in greater depth, and as we will see in *Titus Andronicus*, Shakespeare’s engagement with a Calvinist understanding of permanent exception extends to this Roman play’s sophisticated undercurrent of vacancy, one that blends English reinterpretations of prophecy with the notion of an Anglo-Davidic constitution.
Chapter 3

Titus among the Prophets

Thus far, we have seen how Shakespeare incorporates Biblical birds in his tragic plays as powerful signals of an ontological rupture, one that transforms dramatic worlds into landscapes of desolation and despair. These images align his tragic drama with a discourse of divine sovereign withdrawal, and from here we sound the depths of this engagement within individual plays. Underpinning the tragedy of *Titus Andronicus* are numerous references to a stream of thought that links Biblical prophecy with contemporary constitutional thinking. Graham Hammill describes a Biblical template of nationhood in terms of a “Mosaic constitution,” a regime that combines violence and piety in the service of obedience, and in which a constitutional framework is firmly invested in the biological life of a people.\(^1\) A similar conception emerges in strands of thought closer to the religious controversies of Shakespeare’s time. Throughout the sixteenth and seventeenth centuries, preachers asserted that the Israelite Covenant was applicable to England. Many of these looked to the book of Hosea to argue that the entire sphere of social reproduction and the roles of prince, priest, wife, mother, and child, could either be mobilized in the service of maintaining that Covenant or could stray from the moral law and leave the nation vulnerable to divine wrath.

Various themes in *Titus Andronicus* relate to this controversy, mainly through parallels with the book of Hosea. The play’s Roman fantasy world stages a constitutional crisis in which the harlotry of wives and the questionable parentage of children figure prominently within a general crisis of practice in which ceremony and law no longer serve the purpose of guaranteeing

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the harmony of the old order. A law that would ensure the benevolent structuring of ontology and practice recedes from the world, highlighting human fallibility as a check on human power. Most tellingly, Titus’ mourning draws upon Biblical images of divine justice to suggest a mysterious human culpability as the secret motivator of unjust events. Moreover, Hosea frames the withdrawal of divine protection as the exclusion of the nation from itself, proposing that nationhood depends on a functioning link between divine and temporal orders. Alongside Hosea, prophetic concerns alluding to the Book of Amos also pervade *Titus*. Both books take as their focus the condemnation of empty piety, the inclusion of foreign women, harlotry, and ultimately what Michael McGiffert identifies as God’s “ultimate sanction,” the “doom of Lo-Ammi—not of my people.”² Lo-Ammi, the son of the prophet Hosea born to the harlot wife Gomer, is emblematic of an anxiety of exclusion in *Titus Andronicus*. The play uses three flawed rituals—a coronation, a sacrifice, and a marriage—as barometers of the disrupted relationship between the nation and an off-stage divine sovereignty, and displays the effects of this rupture on women, children, and the legal order—particularly in the proper relationship between *lex* and *jus*. The focus on restoration and reconciliation at the end of *Titus* further illustrates how the play ruminates on issues of transgression, punishment, and redemption central to the literature of warning, prophecy, and the Israelite paradigm of English nationhood.

From an iconographical perspective, the initial staging of *Titus Andronicus* offers a glimpse into the politico-theological mythos underpinning the play, which is not Roman but English in form. The stage direction at the beginning reads, “Enter the TRIBUNES…and SENATORS aloft, and then enter [below,] SATURNINUS and his followers at one door, and BASSIANUS and his followers [at the other].” Eighteen lines later, stage directions note that

Marcus Andronicus is holding the crown. As we have seen, late-Elizabethan discourses of judicial wrath are acutely sensitive to questions of space.\(^3\) That the crown is held above the two claimants, Saturninus and Bassianus, conforms to the representational cleavage in English political thought that understands the crown as distinct from the king. Francis Bacon, for instance, admits that the king and the crown remain conceptually distinct even if in practice functionally inseparable.\(^4\) For the crown, tribunes, and senators to be positioned parallel to one another “aloft” in the gallery\(^5\) conforms to an English conception of the nature of political power, with Parliament understood as a trinity comprising the commons, lords, and crown.\(^6\) The comparison of the political body of the commonwealth to the trinity was employed from the beginning of the fifteenth century to the end of the seventeenth, adding a theological inflection to the language of government. The analogy was used in parliamentary speeches, in which the king along with lords “spiritual and temporal” formed a trinity of “estates;” S.B. Chrimes summarizes a perennial attendant warning that “if there were any division among these estates, it would be in great desolation of all the realm—‘que dieu defende.’”\(^7\) By using the prophetic keyword of “desolation,” parliamentary discourse harkens back to the Israelite paradigm and its cycle of covenant, waywardness, and divine wrath, striking a consistent parallel between England and the

\(^{3}\) For further elaboration of this with respect to Nashe, see my “Terrors of Conscience: Thomas Nashe and the Interiorization of Presence,” Renaissance and Reformation / Renaissance et Réforme 36.2 (Spring 2013) 41-69.

\(^{4}\) Kantorowicz, *King’s Two Bodies*, 365.


\(^{7}\) S.B. Chrimes, *English Constitutional Ideas of the Fifteenth Century* (Cambridge: Cambridge University Press, 1936), 69
Israelite kingdoms. The analogy also appears in the homilies of Bishop John Russell, who found this Trinitarian schema to be compatible with pagan precedent. Parliament, to Russell, was “grettly correspondente to the same maner of the Romanes,” and he likened the lords to the senate and the commons to the tribunes. The Trinitarian form was central to England’s sense of its distinct national identity, distinguishing its government from the absolutism of the continent. Thus Fortescue describes England as a dominum regale et politicum, asserting, “England fell in with the hallowed models of Israel and Rome.” The horizontal orientation of the crown, senate and tribunate in Titus Andronicus reproduce a schema of England’s constitutional system, one that plays on the perception of a dual inheritance from Israel and Rome.

If staged at the Globe Theatre, the illustration of the “heavens” in the canopy over the stage would only deepen the iconographical impact of the play’s first scene. The staging of the first scene of Titus Andronicus would create a vertical arrangement of three horizontal segments: the heavens, the “parliament” or political body of Rome, and the physical bodies of the crown’s individual claimants, one of which is Titus himself. This vertical stacking further reinforces a sense of the play’s Englishness, particularly with respect to the sacramental nature of English coronation. Tudor coronations, and indeed those of many European monarchs, were sacramental occasions affirming the link between God and temporal power through an anointing based on the model of David and Samuel. This root ceremony of kingship provided a basis for a fifty-year

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8 Grants Etc. of the Crown During the Reign of Edward the Fifth (London: For the Camden Society, 1854), xlv. This speech is also discussed in Chrimes, English Constitutional Ideas, 70.

9 Kantorowicz, King’s Two Bodies, 227, emphasis mine.


11 Kantorowicz locates the beginnings of this model in the Carolingian dynasty (King’s Two Bodies, 77-83), while Alice Hunt notes that the Tudor coronation ceremony retained this essential feature of this ancient rite.
tradition of preaching beginning with John Aylmer in the 1580s and 90s that claimed a specific relationship between God and England paralleling that between God and the Israelite kingdoms. Preachers like John Stockwood, whose depiction of the destruction of Jerusalem influenced Nashe, would inveigh against the sins of England in the posture of Hebrew prophets, for as much as God “tied himself” to England as an elect nation, that nation was perpetually in danger of breaking that tie; thus the “great mercies” bestowed upon the English, “above many other nations make his judgments more heavy.” The theological and the political are intertwined in this conception of England bound by a Davidic covenant, and much of the play resonates with themes drawn from the trials of the Israelites. Titus was first performed at a time when the theatrical conventions of Roman plays had yet to be established, providing a flexible framework from which to employ anachronism as creative device. An inclusion of the “heavens” within a constitutional schema serves to implicitly reproduce preacherly ideas of English political form.

From this perspective, Titus Andronicus stages a vacancy of law through the negative effects of a disjuncture between written law—“imperial edict” or lex—and jus, the unwritten

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13 Quoted in McGiffert, “God’s Controversy,” 1152.

natural law that stands as final authority, even in the face of princes.\textsuperscript{15} As Paul Raffield observes, it is a “failure of natural law to redress the shortcomings of imperial law” that animates the tragedy of \textit{Titus}, shown not only through imperial violence, but also through ideas of musical harmony related to Platonic notions of order, English appropriations of antique republicanism, and the brutality leveled at the human body as “a potent metaphor for the sacrilegious destruction of unwritten, divinely-ordained law.”\textsuperscript{16} Viewed through a different genealogy, we can see how in Calvinist interpretations of ancient Israelite prophecy and history, the nation’s transgressions of the moral law lead to the withdrawal of that law, bringing about desolation and mourning. The withdrawal of the law from the nation of Israel does not adequately correspond to the Roman concept of \textit{jus}, because it does not belong strictly to the world. The law of Yahweh conceived in the prophetic books relates slightly better to the Divine Law of the medieval jurists. As Bracton understood it, for instance, the Divine Law that connected God to the Prince as God’s anointed representative combined with Positive Law and both were ambiguously included in the term \textit{lex}.\textsuperscript{17} The opposition between Divine and Positive Law located as a division within \textit{lex} itself, rather than an antagonism amidst Natural Law and imperial edict highlights the shared culpability of the actors in tragedy. In \textit{Titus}, Positive Law functions normally, and both Titus and Saturninus appeal to it—sacrifices and rituals are performed, legal procedures take place—but are ontologically inappropriate, with disastrous results. Divine Law conceived through the


\textsuperscript{16} Raffield, \textit{Imaginary Constitution}, 22.

\textsuperscript{17} “One difficulty with Bracton,” Kantorowicz observes, “and with so many another political theorists of the age is the equivocal usage of the word \textit{lex}. It may cover both the Divine or Natural Law and the Positive Law, written or unwritten.” See \textit{King’s Two Bodies}, 147-8.
Israelite paradigm contains within it an exception, in which ritual, language, law, political authority and social reproduction collapse. Shakespeare presents the flight of justice in *Titus Andronicus* as both a political and an existential problem.

*Titus* stages a world where Divine Law recedes while Positive Law remains in place, and where the characters interpret the resultant suffering through the prophetic language of God’s judicial wrath. Shakespeare’s first Roman play then presents us with a national allegory, Rome interpreted through English ways of political thinking, in which the history of Israel occupies a prominent place. As Richard Helgerson argues, “in sixteenth-century England there was very little to which religion was irrelevant,”

18 and religious thinking is central to *Titus Andronicus*. The relationship between Divine and Positive Law in the play becomes at its root the relationship between law and grace, where the efficacy of piety and language depends on a harmonious link between temporal and divine orders. Crises of politics, law, language and social reproduction are illustrated through metaphors of excess—the overflowing water of *Titus’* lamentations parallel Nashe’s over-blackened ink. But just as graceless acts motivate so much of the play’s tragic events, acts of grace serve to reestablish a link between political structures and an otherworldly sovereignty necessary to their survival. Helgerson suggests we read Shakespeare’s plays as “deeply entangled in the Elizabethan movement for religious reform”

19 and this in turn as an expression of national identity. A crucial indicator of the prophetic and national discourses at work in *Titus* consists of a focus on punishment and redemption, in the form of the Hosead where the foreign other is reclaimed after the nation has undergone a period of divine withdrawal.

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19 Helgerson, *Forms of Nationhood*, 249.
Hosea in Elizabethan England

An important key to understanding Hosea in *Titus Andronicus* lies in understanding its currency in discussions of England’s social constitution. English preachers in the sixteenth and seventeenth centuries often remarked, “where God loved, he chastised.” The book of Hosea would prove fruitful for illustrating the process of chastisement as it deals specifically with the covenant lawsuit. The *rib* Yahweh levels against the Israelites is summarized as follows, “for the Lord hathe a controversie with ye inhabitants of the land,” and therefore “shal the land mourne, and everie one that dwelleth therein, shal be cut of, with the beasts in the field, and with the foules of the heaven, and also the fishes of the sea shalbe taken away” (Hosea 4:1, 3; 366v). The *rib* functions as an unstated anchor to the language of warning and to the vacancies of law in Shakespearean tragedy, as the whole of creation and creaturely life is mobilized in this cutting off, the separation of the nation from the law. Hosea makes marriage the exemplary institution through which to understand the covenant, and adultery as the prototype of transgression. Marriage represents the bond between God and the House of David, and harlotry becomes a metaphor for the rupture of that covenant through the Israelite practice of idolatry. Hosea makes the metaphor explicit as he details God’s command that the prophet marry the harlot Gomer.

Then said the Lord to me, Go yet, *and* love a woman (beloved of *her* housband, and was an harlot) according to the love of the Lord toward the children of Israel: yet they loked to other gods, & loved the wine bottels. …And I said to her, Thou shalt abide with me manie dayes: thou shalt not play the harlot, and thou shalt be to none *other* man, and I wil be so unto thee. For the children of Israel shal

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remaine manie dayes without a King and without a prince, and without an offring, & without an image. (3:1-4; 366r)

The rupture of the covenant through adultery manifests a totalizing vacancy of authority affecting the office of prince, priest, and husband. Sovereign withdrawal becomes linked to sovereign display; God himself undermines the human performance of sacrificial ritual designed precisely to reinforce the link between the nation and divine mysteries of sovereignty.

Hosea presents the covenant as a paradigm of ordering that brings diverse institutions such as kingly power, priestly sacrifice, marriage and the raising of children together into a biopolitical Davidic constitution. The prophet so intimately links the bonds of law, priestly ritual, and family within the covenant that its rupture forces a collapse in all of these simultaneously. “My people are destroyed for lacke of knowledge,” Hosea writes, “because thou hast refused knowledge, I wil also refuse thee, that thou hast forgotten the Law of thy God, I wil also forget thy children” (4:6; 366v). The passage configures the rib as a process of mutual refusal and mutual forgetting. It severs a principle of ordering and ushers in a time of destruction and disordering. Hosea explains how this mutual abandonment occurs: Israelites sacrifice to other gods, and God’s abandonment is felt most profoundly in the unraveling of the family.

They sacrifice upon the toppes of the mountaines, and burne incense upon the hilles under the okes, and the poplar tre, and the elme, because the shadowe thereof is good: therefore your daughters shalbe harlottes, and your spouses shalbe whores. I wil not visite your daughters when they are harlots, nor your spouses when they are whores: for thei themselves are separated with harlots, and sacrifice with whores: therefore the people that doesth not understand, shall fall.
…thou, Israel, playe the harlot…For Israel is rebellious as an unrulie heifer. Now
the Lord wil fede them as a lambe in a large place. (4:13-16; 366v)

In Hosea, God perceives impious sacrifice to other gods as an adulterous act, a rupture of Divine Law. God’s punishment in turn is a mirror reflection of this perceived adultery. Divine Law ceases to be a structuring principle ordering the behavior of spouses and daughters. Less apparent in the above is how such a cutting off extends not only to daughters but sons. The names of Hosea’s children mark them as vessels of judicial wrath. With Gomer, Hosea conceives a daughter and God instructs the prophet to name her Lo-ruhamah, ‘not to be pitied,’ “for I wil no more have pitie upon the house of Israel, but I wil utterly take them away;” Gomer then bears a son, Lo-ammi, ‘not of my people,’ “for ye are not my people: therefore wil I not be yours (1:6, 9; 365v). Daughter and son become expressions of cold-blooded violence on the one hand, and exclusion on the other.

Later, Hosea describes the breakdown of temporal rule and the preconditions for desolation using the plural “children.” He describes the kings of Israel as herders, who “shal go with their shepe, and with their bullocks to seke the Lord: but they shal not finde him: for he hathe withdrawen him self from them. They have transgressed against the Lord: for they have begotten strange children: now shal a moneth devoure them with their porcions” (5:6-7; 366v). God punishes the Israelites through the withdrawal of his presence: the Israelites bring their livestock to God, but as a result of their transgressions, it is they who are devoured. The logic accompanies a focus on the biological life of beings—eating, reproducing, herding, and so on. God then forgives the people of Israel, and renews the covenant. The prophet forgives Gomer with the following:
I wil marie thee unto me for ever: yea, I wil marie thee unto me in righteousness, and in judgement, and in mercie and in compassion. I wil even marie thee unto me in faithfulness, and thou shalt know the Lord. …And I will have mercie upon her, that was not pitied, & I wil say to them which were not my people, Thou art my people. And they shal say, Thou art my God. (2:19, 23; 366r)

In Hosea, the withdrawal of law from the nation manifests itself on the entire field of social-biological reproduction, framing the covenant as a bio-political arrangement of order, disordering, and redemptive reordering that Titus Andronicus mirrors in its tragic narrative.

The book of Amos deserves minor consideration as it provides a prophetic equivalent to the lost efficacy of language in Titus Andronicus. In Hosea, divine presence structures the bio-political life of the nation. In Amos, presence is key to language, and as God withdraws his presence from the nation of Israel, language enters a period of famine and ceases to have all meaning. As in Hosea, Amos ties judicial wrath to the affective experience of mourning. Mourning and the abandonment of divine presence invest ceremony and ritual with the character of empty spectacle.

And I wil turne your feastes into mourning, and all your songs into lamentacion: and I wil bring sackecloth upon all loines, and baldness upon everie head: and I wil make it as the mourning of an onelie sonne, and the end thereof as a bitter day. Beholde, the daies come, saith the Lord God, that I wil send a famine in the land, not a thirst for water, but of hearing the worde of the Lord. And they shal wander from sea to sea, and from the North even to the East shal thei runne to & fro to seke the worde of the Lord, and shal not finde it. (8:10-12; 372v).
Famine and material want are common to prophetic writing, but Amos directly links these to language and the interpretation of signs. “Famine” is used to indicate this disruption of signs and meaning, and implies that divine presence as an attribute of language is akin to water. Presence is linked to language, Divine Law, and ultimately the justice of God’s retribution as a network of associated concepts. Amos compares the withdrawal of presence to the absence of water, and its reappearance, in the form of judgment, to water as well. Amos 5:24 reads “let judgement runne downe as waters, and righteousness as a mighty river” (371v). The metaphor of water as divine justice is echoed in Isaiah 48:18: “that thou hast harkened to my commandements, then had thy prosperitie bene as the flood, and they righteousness as the waves of the sea” (300v). Like the prophetic books of Hosea and Amos, Titus Andronicus features interrelated crises of ritual, authority, law, social reproduction, and of language. In addition to the birds of warning and other signs of a discourse of desolation in the play, it is possible to read these crises and the use of natural imagery, particularly that of water, as indicative of a ruptured link between Divine and Positive Law, and the withdrawal of a mystery of sovereignty that should order them.

Whatever prophetic concerns appear in Titus Andronicus need not necessarily be derived from the Bible alone, as Hebrew prophecy circulated as a living discourse mediated by the popular piety of the sermon and cheap devotional print. As McGiffert explains, “Englishmen of every religious hue” were “thoroughly familiar with the paradigm of God’s dealings with Israel by which the Deity ordered the life of his first chosen people and appointed kings to carry out his orders.”21 The Israelite paradigm of English nationhood was a well-recognized commonplace in printed sermon literature from the 1570s to the 1590s and would only increase its ubiquity in the

Jacobean period. The sermons of John Stockwood illustrate the paradigm at work in Elizabethan popular devotion and national thinking. In a 1578 sermon, an extended exegesis of Acts 10, Stockwood discusses the early Christian church, the necessity of converting the gentiles, and of “casting off the Jewes.” Stockwood offers an overview of the characteristic cycle of transgression, punishment, and redemption that defined the history of the early Israelite kingdoms and the Davidic covenant. In this overview, England is the ultimate inheritor of the Israelite legacy. “Let their negligence make us carefull,” he writes,

least being partakers with them of their sinnes, wee have parte also of their punishmente. God warned them, he hathe and dothe dayly warne us. He spake earely and late unto them by his Prophets, and likewise dayle and hourly calleth us by his Preachers. …so shall his great mercies towards us Englishmen, above manye other nations, make his judgements more heavie, if we shew not ourselves thankefull, and bring forth the frutes of repentance and amendment of life. And to thee I saye, O London, whose salvation in the Lorde I heartily tender, and on whome God hath shewed more tokens of his favour and love, and on anye other Towne or Citie of thys land.

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Through historical analogy, Stockwood elaborates an English politico-theological constitution on the Israelite example. England becomes a new Israel, Israelite prophets become English preachers, and London the elect city on the model of Jerusalem. Following the example of ancient Israelite history, the fate of the nation is dependent on the avoidance of transgression and the courting of God’s favor through gratitude.

A later sermon of the following year shows Stockwood focusing on the duties of the preacher in this English constitution on the Anglo-Davidic model. He uses Matthew 9:35 to illustrate how the office of preacher is related to the office of the magistrate, as the prince and priest share a common responsibility and common fate under the covenant. Stockwood asserts that God “worketh salvation by his preachers,” then turns to Amos to argue that a dearth of preaching and preachers brings the “famine of the word” depicted in Amos 8:11-13. He glosses the passage with a rhetorical question: “doeth not the Lord manifestly signify that the want of Preachers is the cause of the death and destruction of the people?” The duty of the ancient Israelite priest to perform sacrifice and ceremony has become in Stockwood’s sermon the duty of post-Reformation English preachers to bring the word to the people, bring them to obedience and prevent the destruction of the nation. The duty of the magistrate compliments that of the preacher in that both are employed in the keeping of the covenant. “Read the histories of all the good kings of Juda,” he advises, “and there you shall finde howe they were chiefly careful for the soules of their subjectes…to sweare to serve the Lorde according to his woorde.” Stockwood implies maintenance of the covenant and by extension the law through an alliance between


26 Stockwood, *Fruiteful Sermon*, 15r.

prince and priest. He assumes a prophetic stance appropriate of Amos and Hosea, admonishing not only the sin of idolatry but also everyday acts of immorality.

for soo long as there is swearing and lying, and kylling and stealing, and whoreing, and blood touching blood (as the Prophete speaketh) and for many of these very little or no punishment, let us stand in feare and tremble at the punishment that there pronounceth against this want of punishment: Therefore (saith he) shal the lande mourne, and every one that dwelleth therein, shall bee cut of, with the beasts of the fielde, and with the soules of heaven, and also the fishes of the Sea shalbe taken away.\(^{28}\)

Stockwood cites Hosea 4:2-3, where the failure of magistrates to regulate the behavior of the people constitutes an affront to God and serves as a prelude to the covenant lawsuit. After detailing various transgressions, he suggests the need for vigilance to punish those who violate both moral and legal norms. The consequences, according to an Israelite history Stockwood sees as exemplary for England, include a mourning that afflicts the land and a “cutting off,” directly recalling Hosea. Hosea then becomes a rhetorical vehicle to compel the people of England to obedience. In popular devotional literature, Hosea serves as a reference-point for the reinforcement of Elizabethan norms of social reproduction, particularly the regulation of marriage, family, and the biological life of the nation. One explicit example is found in the sermons of Henry Smith, who cites Hosea when discussing the inability of some gentlewomen to breastfeed, calling the condition a divine curse to be cured with fasting and prayer.\(^{29}\)

Lawrence Stone observes that a key shift in mating arrangements between 1500 and 1660 lay in

\(^{28}\) Stockwood, *Fruiteful Sermon*, 62v, emphasis mine.

allowing children a veto on a match made by parents or a wider social network, and various writers of institutional and popular religion confronted this shift by alluding to the Israelite covenant. Stockwood’s sermons reflect this shift in mobilizing the Israelite covenant for the purpose of encouraging parents to consent to the marriage choices of their children.

Hosea’s bio-political understanding of the Davidic constitution proved fruitful for popular writers seeking to connect the conduct of women to the survival of the English nation and the avoidance of divine judgment. Thomas Bentley’s 1581 *Sixt Lampe of Virginitie Containing a Mirrour for Maidens and Matrons* is a manual for women based almost entirely on scripture, and contains an additional “seventh Lampe” containing a who’s who of Biblical women, and summaries of their lives and stories. One section of the book concerns “penal punishmentes, and terrible threatenings of God in his worde against all sortes of ungodly women, for their sinnes and wickedness.” It applies Hosea liberally to a discussion of the theme of harlotry, but like the prophetic book itself situates the sin as part of a wider, national transgression that binds woman and child into the destructive condition of God’s sovereign withdrawal. Through Hosea, *The Sixt Lampe* combines the harlotry of the nation as adulterer with the harlotry of women to illustrate the consequences of bearing children into a condition of double-transgression. Bentley’s selections from Hosea reveal a strategic, universalizing purpose in their omission of the name of Gomer. The punishments detailed in the book are directed towards England’s unfaithful wives, and are focused on the tormenting of the female body:

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31 See notes 20 and 21 above.

strip her starke naked as ever she was borne, and flay her through beggerie and penurie…I will so punishe and plague her, and bring her into such streigthes and afflictions that she shall have no lust to play the wanton…so that they shall dishonour theyr owne bodyes, because they have dishonoured mee saith the Lorde.\textsuperscript{33}

Bentley uses Hosea as an authoritative document that legitimizes violent policing of femininity for the purpose of social control, but like the prophet locates the dishonor of God as the direct cause of the dishonor of adultery.

Later passages show further appropriations of Hosea that expand upon the prophet and dramatize Israelite curses in contemporary English terms. The fate of adulterous mothers and their children are grouped together into a singular event, the wholesale interruption of the biological functioning of reproduction. Assuming the voice of a prophet, Bentley writes that God “will have no pittie upon…children of fornication: even bastardes begotten in adulterie:”

Their abominations are according to their lovers: for the spirite of fornication hath caused them to erre, and they have gone a whoring from their God. Woe therefore unto them, and to their children, for I will depart from them and will destroy their children, even from the wombe, and from the conception: and though they bring up their children, yet I will deprive them from being men, for they shall bring foorth their children to the murtherer: and though they bring foorth, yet will I slay even the dearest of their bodie: (wherefore the prophete seeing the great plague of God like to come upon those women of Ephraim and Juda, prayeth to God to make them barren, rather then that this great slaughter

\textsuperscript{33} Bentley, \textit{The Sixt Lampe}, 112-13.
shoulde come to their babes and children,) (saying,) O Lorde give them, what
wilte thou give them a barren wombe, and drye brestes.  

Bentley ambiguously ties the adultery of impiety to the adultery of women, and the ensuing
destruction leveled upon the nation is felt most keenly on the destruction of children before term
and in youth, afflicting the female body as a biological organism at the site of reproduction.
Preachers and popular writers alike encourage an understanding of prophecy, including Hosea, as
directly applicable to their contemporary world. They see the English political body as analogous
to Davidic covenant of ancient Israel, with the consequences of disobedience being desolation,
plague, and crises of authority, piety, and social reproduction. While England’s first proper
Hosead emerged with the publication of John Downame’s Lectures Upon the First Four
Chapters of the Prophecy of Hosea, Hosea had established itself in English social and political
thought decades earlier. Titus Andronicus can be seen as standing alongside contemporary
adaptations of Hosea in preaching and devotional literature. The difference lies in Shakespeare’s
avoidance of an explicit didactic purpose to his appropriation of themes from Hosea and Amos in
favor of using prophecy as an inventory of cultural tropes through which to fashion an original
understanding of the Israelite paradigm as a mystery of state. The key undertaking in the
remainder of this chapter lies in illustrating how Shakespeare reframes Roman polity in this
English manner, recalling Fortescue in drawing from the hallowed traditions not only of Rome,
but also of Israel.

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Prince and Priest in Constitutional Drama

The staging of the first scene of *Titus Andronicus* is arranged in such a way as to suggest an iconography recalling the Trinitarian model of the English constitution, and the scene itself presents a crisis of authority that is constitutional in nature. The model of the trinity remains significant to the political maneuvers of Saturninus and Bassianus in this opening scene, as each appeals to a singular estate and not the constitutional body in its entirety. The ensuing foiled election of Titus to the imperial throne then acquires a deeper significance as the failure of a choice representing the desires of the whole. This foundering of constitutional efficacy is reinforced through differing approaches to the language of authority, foreshadowing the emergence of a general crisis of meaning illustrated—in prophetic and covenantal terms—through failures of coronation, sacrifice, marriage, law, and language. The subtle differences in the language of Saturninus and Bassianus in their appeals for the crown emphasize differences based in the varying estates from which they draw their support. Saturninus exclaims “Noble patricians, patrons of my right” (1.1.1), and this is paralleled by Bassianus’ “Romans, friends, followers, favourers of my right” (1.1.9). The former of the two brothers indicates the support from a single but influential class of Romans, the patricians, while the latter emphasizes a multiplicity associated with the popular strata. The fact that one appeals to patronage and the other to “favor” further illustrates the ideological differences grounding the two claims. Patron derives from *pater*—father—and favor from *favorem*, suggesting a goodwill and support irrespective of position or of birth. *Pater* was the name of the members of Rome’s original senate, and Saturninus continues his address to his patrons with the language of primogeniture and of a right based in birth. He appeals to “countrymen” (1.1.3) for his “successive title” derived from his position as first born, and ends with the injunction that Rome “let my father’s
honors live in me,” gesturing to the succession in the language of royal dignity (1.1.4-8).

Bassianus’ speech on the other hand takes a more curious turn in associating the succession with the language of grace. The act of translation from Roman history to theatrical English takes this theological turn in a distinctly Protestant way. Bassianus asks not that the first born, but the less specific “Caesar’s son” be “gracious in the eyes of royal Rome” and in religious ceremonial language implores the Romans “to virtue consecrate” so that “desert” might “in pure election shine” (1.1.12-16). While Saturninus uses the terms of patronage and power in his claim for the throne, Bassianus employs theological language to suggest the coronation be thought of in religious, sacramental terms.

Marcus’ response to the rival claimants culminates in a decision to give Titus the throne, and suggests a Trinitarian understanding of constitutional decision-making by uniting the language of honor and piety into a single, hybrid discourse.

the people of Rome, for whom we stand
A special party, have by common voice,
In election for the Roman empery,
Chosen Andronicus, surnamed Pius
For many good and great deserts to Rome. (1.1.21-24)

There is indication that by “special party” and “common voice” Marcus means the entire constitutional order, through the staging of the scene and by Marcus’ synthesis of the language of the two claimants. The speech gestures both to Saturninus’ implication that a representative elite decides the succession, and to Bassianus’ language of election and desert. By noting the surname of Titus as “Pius,” Shakespeare points to the religious significance of succession not only as a legal decision but also as a sacramental ritual. Later, Marcus turns to the language of honor to
further reinforce the decision as one of the entire political class. He mentions the word “honor” repeatedly (1.1.36-42) after noting how the Senate authorized Titus’ return home from his war with the Goths (27). In this way, Marcus adds the “Capitol and the Senate’s right” (1.1.46) to the voice of the tribunes in advocating that the succession should proceed with Andronicus. Marcus speaks of the succession in terms that recall the Davidic covenant, particularly in comparing it to a marriage. He asks that the two brethren claimants “as suitors should / Plead your deserts in peace and humbleness” (1.1.44-5). While Bassianus leaves his suit to the vicissitudes of fortune and the “people’s favor” (54), Saturninus’ concession speech blends the language of right and favor into a hybrid discourse. He counterpoises the terms of “right” with “love and favor,” asking the citizens of Rome to be “just and gracious,” combining the terms of law and grace in a single phrase (56-61). The captain who announces Titus’ return echoes this hybrid discourse by calling Titus a “patron of virtue,” someone who possesses both “honor and fortune” (65, 67), signifying a suitable successor through terms associated with inherited power and otherworldly grace.

The incongruity between the choice of Titus as emperor and the aspirations of the general himself is foreshadowed in the way that Titus arrives at the succession in the posture not of a prince, but of a priest. That Titus interrupts the succession with his sacrificial ceremony is an indication of the narration of a coming catastrophe on a prophetic model, as the rest of the act involves a series of troubled rituals. Troubled succession becomes a parallel to false sacrifice, an application of ritual practice that does not bring intended results. Titus’ first words “Hail, Rome, victorious in thy mourning weeds” (1.1.70) inaugurate a period of public mourning that is ceremonially attended with a sacrifice. The Roman general enjoins others to “stand gracious for the rites that we intend” (78); “graciousness” is transmuted from succession to sacrifice, and
Titus’ role as overseeing this religious rite is tied to the role of prince or emperor in a common ceremonial language. Others, including Tamora and Marcus connect Titus and “grace,” suggesting his status as a political figure is intimately connected with his graciousness, or qualities associated with divine power. Tamora goes quite far in connecting graciousness to piety, indicating a usage of grace to suggest more than simple mercy or goodwill. “Gracious conqueror,” she exclaims, “if to fight for king and commonweal / were piety in thine, it is in these” (1.1.104, 114-5). Marcus later refers to Titus as “Gracious triumpher” (194). These continual associations between piety and grace in the authorization of violence position Titus as a figure whose authority is derived from a transcendent relationship to the divine. Up to the point of refusing the imperial title, Titus has concerned himself solely with matters of divine law. While he refuses the empire on the basis of age, Titus’ internal preoccupation with questions of piety, reinforced by his characterization as gracious, formulate an identity for the general that is consistent with a practitioner of Divine and not Positive Law—a priest, not a prince. The problem of succession in Titus Andronicus then becomes that of finding a candidate who can satisfy all the demands of a Trinitarian constitutional order.

As we have seen in the previous chapter, Shakespeare provides a number of clues in Titus Andronicus, including in the troubled sacrifice of Alarbus that the seeds of crisis are embedded within the ontology of the play. The ensuing crisis manifests in a triple collapse in the offices of prince, priest, and father. Saturninus’ succession and petition for the hand of Lavinia in marriage happen in one and the same movement, and both are represented in sacramental language. The contest of succession turns with Saturninus’ threats of violence (1.1.202, 203-7), but upon winning the disputed crown, his conciliatory words blend the language of right and favor in a constitutional discourse that unites the tribunes and senators under a single crown:
Titus Andronicus, for thy favors done
To us in our election this day,
I give thee thanks in part of thy deserts,
And with deeds require thy gentleness;
And for an onset, Titus, to advance
Thy name and honorable family,
Lavinia will I make my empress,
Rome’s royal mistress, mistress of my heart,
And in the sacred Pantheon her espouse.

Tell me, Andronicus, doth this motion please thee? (238-43)

Saturninus employs the language of favor, desert, deeds, and honor to build a suit for marriage as a motion—an act of Positive Law—within the context of sacramental kingship. Titus reflects this sacral terminology of imperial rule by referring to Saturninus as “your Grace,” by consecrating “My sword, my chariot, and my prisoners,” and showing his support for the new emperor with “honor’s ensigns” (1.1.249-52). In the ensuing conflict between the new emperor and his brother over the hand of Lavinia, Bassianus makes a play of force with the language of Positive Law. Saturninus asks to leave with Lavinia with the order, “Proclaim our honors, lords, with trump and drum (275), while Bassianus makes his claim in order to “do myself this reason and this right” (276, 279). Marcus’ support for the younger brother’s claim marks a decisive shift in the principles of law that are to ground the actions of the play’s characters, a shift from Divine to Positive Law in the evocation of Suum cuique. This shift opens an inquiry into the principle upon which all ceremony rests, and the question of whether one considers this through the Roman principles of ius and lex or via a distinction between Divine and Positive Law through an
Israelite prism. If considered through the latter, then these first scenes register a human impulse to strip law of its sacramental dimension, leading to a confusion not only with respect to the application of the law, but to the nature of law itself.

Ceremony and Law

The relation between ceremony and law in the actions of succession, sacrifice and marriage form the key to understanding how Titus’ express wish to “ripen justice in this commonweal” (1.1.227) comes to fruition in far different ways than the general intends. Consideration of this relation from the perspectives of both the Roman and the Israelite legacy, both as a political balance of institutions and as an existential question of law and life, explains how ceremony functions in Titus Andronicus as the reaffirmation of a link between temporal and divine orders, a link that quickly disintegrates with tragic consequences. Suum cuique is a principle of Roman ius, a general principle of law and individual right outside any specific statute. According to the Digest, Roman law is founded on the principles of living honestly, doing no harm, and suum cuique, to give each what is their own; lex refers specifically to a statute dictated by a legislative body or group. Marcus, in his support of Bassianus, appeals to the principles of Roman justice: the “prince in justice seizeth but his own” (1.1.281), an appeal to ius that would overshadow imperial edict. The overlapping claims of ius and lex animate the problem of violence in the play. In the succession controversy, however, each of the claimants appeals to the support of a specific body of the constitutional whole, but only Saturninus uses the language of right, of lex, in making his claim. Bassianus grounds his claim not specifically on

justice but rather on favor, disposition, and goodwill. As the succession drama comes to a conclusion, all have appropriated the language of grace and favor, figuring the coronation through the language of sacramental kingship. Again, ritual provides a starting point for navigating the competing claims of _lex_ and _ius_ in the Roman tradition, and _lex_ as Divine and Positive Law in the medieval one. Few claims to right are more unusual than Tamora’s exhortation that the sacrifice of Alarbus constituted an act of “irreligious piety” (1.1.130). In Roman law, religious norms did not apply to _ius_ but to _lex_, thus we have references to a “_lex Judaica_” and “_lex Catholica_” without their incorporation into the general body of Roman law.37

The oxymoronic formulation of “irreligious piety” can refer to competing claims within the medieval understanding of _lex_, which contained both Divine and Positive Law. Titus uses the terminology of consecration to describe the rites of submission that endorse Saturninus in his coronation as emperor. The root, _consecratio_, specifically refers to the elevation of a deceased emperor into the Pantheon of gods, consecration being the link between divine and temporal power. Tamora can be understood as invoking a conflict between the adherence to Divine Law and the need for earthly mercy. Coronation and sacrifice in _Titus Andronicus_ are represented as rituals that seek to affirm the connection between the human and the divine, but that connection is also repeatedly contested and disrupted by these rituals themselves. This disjuncture between human practice and ontological aim animates the ensuing rupture within the political body of Rome.

The medieval conception of _lex_ can be placed alongside Roman understandings of law to fill out the relationship between ceremony and law, and posit flawed ritual as an existential problem. The book of Leviticus details the purpose of sacrifice and governs the rituals by which

sacrifice is to be performed. Leviticus states that the burnt offering holds a special significance for the priestly class: “All the males among the children of Aaron shal eat of it: It shalbe a statute for ever in your generacions concerning the offerings of the Lord, made by fire: whatsoever toucheth them shall be holy” (48v). Holiness is a property belonging to objects, days, rituals, practices and prohibitions. It is what draws the individual and nation closer to God. When God excludes the nation from the law in Hebrew prophecy, a nation or people become unholy. God draws the righteous closer and drives the unrighteous further away. Leviticus is littered with warnings that those who fail to follow the law “shal be cut of from among his people,” or that whoever eats blood with meat “shal be cut of” (Leviticus 17:4, 14; 54v). In Roman law, consecratio derives from sacer, a condition of belonging to the gods that was also a property ascribed specifically to the emperor. The sacer homo of Roman penal law parallels the outlaw in English law. Like the English outlaw, the sentence of death given to the sacer homo is indirect. While no execution was mandated, the sacer homo could be killed and that killing would not be considered a crime, and the individual designated sacer would have his or her property “forfeited to the gods;” yet the emperor was also considered “sacred:” imperial pronouncements, for example, were often described as sacre constitutiones because the emperor was by nature closer to the gods than everyone else.38 In the Hebrew tradition, only that which is in keeping with the law is holy. In the Roman, the sacred relate to the law only at its margins. Tamora’s enjoining of Titus, “Wilt thou draw near the nature of the gods? / Draw near them then in being merciful” (1.1.117-8) evokes both the Roman concept of sacer and the Biblical notion of holiness and identifies an existential condition that animates the tragedy of Titus Andronicus—namely, a condition in which ritual ceases to be holy. Such a condition is found in prophetic literature in a

period of divine judgment. Alarbus as the result of his sacrifice, and Tamora as a result of her marriage, are drawn closer to the gods. As Tamora becomes a part of the “sacred Pantheon” through her marriage to Saturninus, the ritual assumes the character of dramatic irony. The ironic holiness of the union between Roman and Goth becomes a contaminating otherness like that found in Biblical prophecy, specifically the book of Hosea.

The scuffle surrounding the marriage of Lavinia recalls the rib in prophetic literature through its language of double exclusion. Transgression of familial authority leads to exclusion from the family and a violence that leads to death. Bassianus’ failed plea for the hand of Lavinia leads not to challenge but to flight and self-imposed exile. He conspires to draw Lavinia “from all the world away” (1.1.286) and Mutius enables this by urging his brothers to “convey her hence away” (287). The father’s reaction to this flight from paternal authority leads to an approximation of outlaw status for the son and the withdrawal of paternal protection paralleling that of the Israelite paradigm. In response to Lucius’ accusation that Titus has acted unjustly in the slaying of Mutius, the father’s response disowns the son, making him an approximation of Lo-ammi, ‘not of my people:’ “Nor thou, nor he, are any sons of mine, / My sons would never so dishonor me” (294-5). Titus represents this exclusion as a rupture of a familial covenant, one that demands obedience to the father. As the sons seek to draw Lavinia away from the holiness of the pantheon, in the very same movement Titus excludes his sons from protection from his violent hand. Such a double exclusion is reminiscent of the Divine Law of the Davidic constitution, and Lucius’ remark that Lavinia is Bassianus’ “lawful promis’d love” (298) inserts a competing claim based on Positive Law. Saturninus’ commentary on the scene recalls the language of outlawry and sovereign withdrawal.

No, Titus, no, the Emperor needs her not,
Nor her, nor thee, nor any of thy stock.
I’ll trust by leisure him that mocks me once,
Thee never, nor thy traitorous haughty sons,
Confederates all thus to dishonor me.

But go thy ways, go give that changing piece
To him that flourish’d for her with his sword.
A valiant son-in-law thou shalt enjoy,
One fit to bandy with thy lawless sons.

To ruffle in the commonwealth of Rome. (1.1.299-303, 309-13)

Saturninus repeats the structure of Titus’ speech (“nor thou, nor he” finds its analogue in “nor her, nor thee”), and the focus on dishonor as the key transgression of Titus and his sons. Transgression leads to exclusion, with Saturninus coloring his exile of Bassianus and the Andronici in terms of conspiracy and outlawry. “Ruffle” in sixteenth century usage signified tumult and rebellion (OED) as in a narrative of Jack Straw in the Mirror for Magistrates, or Bentley’s note on the Biblical figure Rahab in his Sixt Lampe.39 By grouping the “confederates” together as a unified excluded entity, Saturninus figures the Andronici as an outlaw grouping within Rome: at the same moment that Bassianus becomes a “son-in-law,” Titus’ sons become “lawless.”

Throughout the first scene of Titus Andronicus, appeals to law are contested at every moment. The majority of these claims can be categorized as appeals to a Divine Law governing

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the operations of ritual and ceremony, attempts to link temporal and divine power within a constitutional framework. As ceremony refers to religious norms, competing claims regarding the efficacy of ritual appear appropriate to the medieval understanding of *lex*, which combined Divine and Positive Law in the same term. Thus the language of grace employed by various figures in this scene is a legal language, just as much as the invocations of *suum cuique* and other claims to right that reference Roman jurisprudence. As the scene ends, the marriage of Saturninus to Tamora is represented as a sacramental act. The emperor compares his wife to a “stately Phoebe” (1.1.316) linking human government with divine power in a single phrase, apropos to her ensuing inclusion in the Pantheon. Saturninus then refers to further ceremonial trappings: “priest and holy water” and “tapers” accompany their “spousal rites” (1.1.323-4, 337). The marriage is sealed by two oaths to Roman gods. But the stage is now also set for the unfolding of a prophetic drama. The marriage of Goth and Roman brings a contaminating foreignness into a Roman polity framed in terms of a Davidic constitution. Acts of exclusion in the microcosm—Titus of his sons, Saturninus of his brother, Titus, and the Andronici children—suggest an act of exclusion on a wider scale, an exclusion of the nation from an otherworldly order. The confusion over Divine and Positive Law is one indication of the rupture between temporal arrangements of power and principles of ordering. This entanglement is then reinforced in confusion over language that, also, conforms to a prophetic theme: the famine of the word.

**Famine of the Word**

In Hosea, the daughter the prophet conceives with Gomer is described as “not to be pitied.” *Titus* provides a complementary image with the violence committed on the body of Lavinia. Critical readings of the play often feature incisive identifications of the rape as its
central and defining event. The rape can be understood as an event signified as part of the desolation of a nation on the model of Israel, and the crucial focus lies on how Lavinia is mourned. In Biblical prophecy, divine wrath inaugurates a period of mourning, and in Amos mourning is associated with a disruption of language, the famine of the word. In Amos words, like ritual sacrifices, form a link between the human and the divine, and when God withdraws the law from the nation, words, like sacrifices, lose their efficacy. Reactions to Lavinia’s rape and mutilation emphasize emptiness in the language of mourning. Perpetrators and witnesses alike dwell on the failed efficacy of language in scenes that suggest a disruption in the proper locations of subject and object, such that those who appear to mourn Lavinia also appear to be mourning themselves.

In the aftermath of the rape and dismemberment, Chiron and Demetrius contemplate their act and its consequences in a caustic exchange (2.4.1-57). They link the amputation of the tongue and hands with the problem of language and communication, noting that at best Lavinia can only “scrawl” with “signs and tokens” (2.4.5). A critical turn occurs when the brothers disrupt the relationship between perpetrator and victim in a morbid display of mock sympathy. Within the

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40 See, for example, Sid Ray, "Rape, I fear, was root of thy annoy:" The politics of consent in Titus Andronicus," *Shakespeare Quarterly* 49.1 (Spring 1998), 22-39; Deborah Willis, "The Gnawing Vulture:" Revenge, Trauma Theory, and *Titus Andronicus," Shakespeare Quarterly* 53.1 (Spring 2002), 21-52; Bethany Packard, “Lavinia as Coauthor of Shakespeare’s Titus Andronicus,” *SEL: Studies in English Literature 1500-1900* 50.2 (Spring 2010), 281-300. Lee Ritscher’s critical assessment of the rape of Lavinia confirms the absence of pity ascribed to the rape victim within patriarchal ideology. In discussing Titus’ killing of his daughter on the model of Virginius and Saturninus’ reaction to it, Ritscher observes “it is as daughter that Verginia and Lavinia matter most; the raped woman’s suffering has no place in the discussion for it is the father’s sorrow that matters most. See *The Semiotics of Rape in Renaissance English Literature* (New York: Peter Lang, 2009), esp. 69-93, 93.
context of a theme of universal desolation, their mockery speaks beyond their subjective experience:

Shall I speak for thee? shall I say ‘tis so?
O that I knew thy heart, and knew the beast,
That I might rail at him to ease my mind!
Sorrow concealed, like an oven stopp’d
Doth burn the heart to cinders where it is.

Do not draw back, for we will mourn with thee.
O, could our mourning ease thy misery! (2.4.33-37, 56-57)

Mockery becomes dramatic irony through a meditation on language; “signs and tokens,” as we have already seen in the previous chapter, occupy much of Tamora’s forest speech earlier in the act, one that signifies a ruptured ontology and a tragic turn. Associating the mutilated body of Lavinia with a discourse of prognosticating signs makes her a symbol of prophetic warning, emphasizing the emptiness of language at the point of dramatic enunciation. In the next act, the prophetic import of the exchange between perpetrators finds its parallel in the mourning of Lavinia’s family upon viewing her mutilated body. Titus’ speech and his dialogue with Lucius preview an extended discourse on mourning, language, and justice. His speech to the stones develops a conceit whereby language loses its efficacy. A loss of language parallels a descent characterized by irony and contradiction. The operations of law with respect to the trial of his sons becomes, at the beginning of the conceit, a miscarriage of temporal justice. But as he proceeds, Titus through his mourning—and through Shakespeare’s allusion to the imagery of
divine judicial wrath—hints that the miscarriage of Positive Law is in fact an act of divine justice, an existential condition of judgment.

The conceit begins with Titus’ statement “My tears are now prevailing orators” (3.1.26), and develops into an employment of the imagery of water in a prophetic mode, as a symbol of justice that coincides with the decline of language and meaning. Titus notes the inability of the tribunes to “hear,” “mark,” or “pity,” or otherwise act as receivers of communication and language. Rather, they only act, and he uses the term “tongues” to describe the senators speech not as rational thought, but as the movement of appendages that only “doom men to death” (3.1.33-5, 47). The general describes his mourning in terms of excess that in turn assesses the justice of the tribunes as an excessive justice. This extended meditation on excess continues interruptedly after the entry of the ravaged Lavinia.

What fool hath added water to the sea?
Or brought a faggot to bright-burning Troy?
My grief was at the height before thou cam’st,
And now like Nilus it disdaineth bounds.
………………………………………………..
For now I stand as one upon a rock,
Envir’d with a wilderness of sea,
Who marks the waxing tide grow wave by wave,
Expecting ever when some envious surge
Will in his brinish bowels swallow him.
………………………………………………..
Shall thy good uncle, and thy brother Lucius,
And thou, and I, sit round some fountain,
Looking all downwards to behold our cheeks,
How they are stain’d like meadows yet not dry,
With miry slime left on them by a flood?
And in the fountain shall we gaze so long
Till the fresh taste be taken from their clearness,
And made a brine-pit with our bitter tears? (3.1.68-71, 93-7, 122-9)

Shakespeare continues the conceit of excess, this time with an imagery of water recalling Amos and Isaiah, where water represents divine wrath—justice exercised through the withdrawal of divine protection and of all meaning, in language, and in law. By invoking a prophetic discourse of justice running down like water, the problem of law becomes existential in nature. Titus appears to perceive the unjust application of Positive Law and the unspeakable violence committed against Lavinia through imagery of over-exceeding water. Conceived in prophetic, covenantal, and existential terms, Titus’ mourning becomes a signal event where Divine Law, Positive Law and lawlessness are linked and become blended with one another in the form of an ontological exception in the Israelite mode. Titus speaks of hands raised in “bootless prayer” and of “effectless use” (3.1.75-6), paralleling a state of sovereign withdrawal and reinforcing the inefficacy of ceremony throughout the play.

There is one mention of ceremony at the end of Titus Andronicus that relates to prophetic themes of the place of ritual as a connector between divine and temporal orders, and of language as functioning in the same mode. All acts save the second include the swearing of oaths: Saturninus and Tamora in their marriage (1.1), Titus in his vow of revenge (3.1), Marcus’ own vow of revenge (4.1), and finally, the swearing of Lucius to Aaron that he will protect the child.
born of Tamora and the Moor (5.1). In this last exchange, Aaron’s speech on the nature of oaths explicitly describes the act as forging a link between human and divine power.

Yet for I know thou art religious,
And hast a thing within thee called conscience,
With twenty popish tricks and ceremonies,
Which I have seen thee careful to observe,
Therefore I urge thy oath; for that I know
An idiot holds his bauble for a god,
And keeps the oath which by that god he swears,
To that I’ll urge him (5.1.74-81)

Aaron is pointing to nothing less than the consecration of words, to their drawing near the gods as a link between temporal and divine realms. He notes all the dangers of false piety inherent in such an act with a cynical and anachronistic description of “popish tricks and ceremonies” that promise to undo the oath regardless of intention. These two exiles, by this pact, become part of another prophetic theme evoked in Titus Andronicus—eventual reclamation. At the end of the Book of Hosea, God reclaims the children born to Gomer, and such moments of reconciliation and renewal are a feature of nearly every prophetic book of the Bible, pointing to a providential message behind all divine judgment. By pledging to protect the boy, Lucius in effect reincorporates Aaron into a moral-legal order as a linked but excluded element. Since such a significant portion of the evil in Titus Andronicus comes in the guise of the foreigner, the play text makes the incorporation of the foreigner in the continuing Roman polity a key and inescapable ethical task.
The extended and fruitless pleas for justice engaged in by Titus and his family places the malice of the emperor and his foreign allies in the background, highlighting the absence of justice leaving Rome vacant of law. “Terras Astraea reliquit,” Titus asserts, “she’s gone, [and] she’s fled” (4.3.4-5). Searches conducted in the sea and in the depths of the earth are in vain, Titus observes, and even the god Pluto can only suggest revenge. This extended dramatization of what Titus had earlier called “bootless prayer” (3.1.75) reinforces the hopelessness of a condition in which the impossibility of justice has become an ontological fact. The scene also serves as a reflective moment in which Titus admits a measure of culpability for the flight of justice from the world: “I made thee miserable,” Titus admits, addressing Rome, “what time I threw the people’s sufferages / On him that doth tyrannize over me” (4.3.18-20). The admission marks a turning point at which Titus willingly appropriates the capacity for evil within himself in the service not of justice, but in the more salient objective of revenge.

The final scenes of the play show Titus’s willing transgressions of moral law, which also figure as transgressions of ceremony and decorum. Titus sends the Clown to the emperor to deliver an “oration” with “a grace” (4.3.98-9), and excessively colors that oration with instructions to proceed with an overwrought ceremonial performance:

at the first approach you must
kneel, then kiss his foot, then deliver up your pigeons,
and then look for your reward. I’ll be at hand, sir, see
you do it bravely. (4.3.109-113)

Titus’s injunction that the Clown be brave signals a prescience that the general is sending the Clown to his death, reinforced in the former’s self-implicating remark, “by me [Titus] thou shalt have justice at his [the emperor’s] hands” (4.3.104). The killing of Chiron and Demetrius,
costumed as Rapine and Murder, their incorporation into a dinner served to the emperor and Tamora, and finally, the slaying of the emperor, serve as transgressions of hospitality. And it is with these events that the play text incorporates hospitality into the ceremonial-legal order of the Davidic constitution, and furthermore suggests that the salvation of the Andronicii is only possible through such willful transgressions.

It is significant that the bloodiness of the play’s last scene is enabled by the willful perversion of the ceremonial convention of hospitality. Ceremonial disrespect is layered onto the scene that leads to the deaths of nearly all the play’s principle characters. Knowing Titus’s plans for the dinner, his elaborate “welcome” of all guests to his dinner contains an undertone of mockery. He addresses Saturninus, questioning whether he should, “like rash Virginius” “slay his daughter with his own right hand” (5.3.36-7), and the response to the Emperor’s apparent—yet unknowing—assent likewise sneers at the Emperor while ostensibly praising him. Titus calls the “reason” “mighty, strong, and effectual” (5.3.43), suggesting that it is force, and not morality, that forms the basis of Saturninus’ legal reasoning. Saturninus’s shock at the killing of Lavinia deepens the irony of the act: Saturninus calls Titus “frantic” (5.3.64), mirroring Virginius, whom Titus had already described as “rash.” Focusing on the ceremonial function and the sarcastic undercurrent in this last scene shows how strongly it contrasts with the play’s opening. And the decisive difference is Titus’s perversion of the priestly function; by the end of Titus Andronicus, the general’s corrupt ceremony purges Rome of a malevolent foreignness and resets the equilibrium of power relations in the constitutional order of the empire.

In retrospect, Shakespeare’s insertion of “popish” in a play set in pagan Rome is an instance of anachronism that grounds the analysis of Titus Andronicus presented here. Instances of language and meaning in the play remain inconsistent with an imperial Roman setting.
quite deeply engaged in the question not specifically of a nation divided, but rather a nation in a condition where law, as a structuring element not only of behavior but also of reality itself, exists in essential absence. Shakespeare would have found a ready model for such an idea in the prophetic books of the Bible, and appropriations in his time that identify England as the inheritor of an Israelite covenant and a Davidic constitution. The language of ceremony and writing in *Julius Caesar* also points to Shakespeare’s adaptation of the exception found in the literatures of warning and prophecy, and to Roman mysteries of state. The Trinitarian logic of sacred kingship, through English property law, makes its way into a tragedy set in the midst of a transition from Roman republic to Roman Empire.
Chapter 4

Caesar and the Question of Conveyance

Shakespearean tragedy continually presents transfers of power as inherently dangerous affairs. The occupation of vacant offices of rule often appears inadequate at ensuring stability; the transfer of corporeal power is a far simpler operation than the maintenance of a political order. We have seen the Biblical and late-sixteenth century literary corollaries for the withdrawal of law in Shakespeare’s tragedies and how characters in these plays mourn the absence of a mystical element that would ensure a benevolent order in human relations and creation itself. 

*Julius Caesar* approaches the question from a different angle and echoes the attempts of early modern lawyers to resolve the inherent difficulties of succession by asserting that a mystical power outside law is effectively tied to the body of the king. The legal fiction of the King’s Two Bodies has roots in Christology and ascribes to the king a body politic analogous to the power of the Holy Spirit. This endowment lent the king a power to exceed law; and one example of this is the ability of early modern English kings to transfer property via letters-patent rather than the traditional ceremony of conveyance. In *Julius Caesar*, Shakespeare modifies his Roman sources to present an *Ur*-moment of English sovereignty by making the body of a ruler, along with acts of ceremony and acts of writing, a subject of controversy. *Julius Caesar* replicates the dynamic whereby a king transfers land through his Body Politic in the transfer of power between the senate and the Triumvirate in Rome.

Shakespeare’s history plays offer useful clues to the character of Caesar in the play that bears his name. A reference to Caesar’s ghost at the funeral of Henry V in *1Henry VI* is subtle and incomplete, but nonetheless instructive. The Duke of Bedford mourns the late king with what appears to be the summoning of a spirit.
The soul of Caesar ensures prosperity and peace both in the civil and heavenly spheres. Henry’s ghost in the duke’s invocation is the ghost of Caesar—of a Caesar—of a sovereign power with mystical properties of ordering. At least in its first acts, *Julius Caesar* figures the Roman statesman in an opposite capacity, as a human figure at the center of a tragedy of political chaos. Shakespeare in *1Henry VI* implies that Caesar’s ghost carries with it a force aligned with an otherworldly sovereignty, capable of holding back “adverse planets” alongside “civil broils.” Most importantly, *1Henry VI* presents the spirit of Caesar as a fantasy of supernatural ordering that, in *Julius Caesar*, is actually an anthropogenic idea that must be contested and fought for. *Julius Caesar* displays a number of oppositions—between pure human power, contested ceremony, and political speech on the one hand, and spirit and writing on the other—to invest Caesar’s spirit with the mysteries of sovereignty. And throughout, the mourning of Caesar serves to intensify the political crisis in Rome, lending this spirit an ontological force.

In an analysis of *Julius Caesar* within the context of Renaissance debates over tyrannicide, Robert Miola notes that in both Catholic and Protestant Europe, “the tremendous upheaval of the Reformation and Counter-Reformation ignited fiery polemics on the rights of subjects and on the nature and foundations of civil order.” Miola also notes the keen interest in

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41 “Monarchomachs like Christopher Goodman, John Ponet, George Buchanan, François Hoffman, Théodore de Bèze, the author of *Vindiciae Contra Tyrannos*, the Ligue, and the Jesuits Robert Parsons, Francisco Suzars, and
the death of Caesar, with many coming to ambivalent conclusions about the man and his tyranny.42 It remains, in Miola’s words “a supremely ambivalent drama,” one that disturbs or reveals as “protean” the images of “tyrant and just king.”43 This interest in the relationship between tyranny and Christian kingship is echoed in Henry’s comment in Henry V that “We are no tyrant, but a Christian king” (1.2.241), and it is worth reflecting on how this observation of Henry’s reflects on Bedford’s comment on the spirit of Caesar. In a somewhat anachronistic way, the king’s impulse to distinguish and the duke’s efforts at comparison reveal something about the discourses of sovereignty underpinning Julius Caesar. Caesar’s ambivalent position as

Juan de Mariana drew upon the classics (especially Aristotle), the Bible, and other words (especially those of Aquinas, Salutati, and Bartolus) to reexamine fundamental assumptions about political order.” See Robert S. Miola, “Julius Caesar and the Tyrranicide Debate,” Renaissance Quarterly 38.2 (Summer 1985): 271-289, 271.

42 “Unlike Nero, Domitian, and Caligula—all universally reviled as hateful tyrants—Caesar evoked the full spectrum of Renaissance opinion and so did his assassination…The medieval John of Salisbury and the late Renaissance John Milton, like many others, took a position between the extremes: both recognized that Caesar unlawfully assumed power and in so doing acted the part of a tyrant; but both also expressed regret about the assassination, respecting Caesar’s virtues and showing ambivalence toward Brutus and Cassius. Still others, like Richard Reynoldes and William Fulbecke, took no serious and consistent stand, contenting themselves instead with solemn moralizations as well as various and contradictory political bromides about the evils of pride, tyranny, and rebellion.” See Miola, “Julius Caesar,” 272.

43 The distinction between the tyrant “in entrance” and the tyrant “in execution” Miola ascribes to Aquinas and Bartolus, as in antiquity the designation was ascribed to any evil king or ruler. In Julius Caesar, Shakespeare—Miola argues—appears to emphasize Caesar’s rise as an unnatural and unconstitutional one as per their description in his Roman sources, while radically departing from them in questioning the motives of the conspirators. As for the tyrant in execution of his office, the case is similarly ambivalent, marking Caesar’s rule as inordinately dispassionate and self-interested, the generosity in his will also shows a sincere love of his country. See Miola, “Julius Caesar,” 274-5 and passim, also 289, esp. n37.
tyrant indicates a more fundamental questioning of political community in the tragic play, a questioning whose roots lie in Shakespeare’s adaptation of notions of kingship in history plays to the genre of tragedy, with *Julius Caesar* assuming attributes that are more English and Christian than often recognized in contemporary scholarship.

The complexities of the sovereign body in English legal thought are detailed in the *Duchy of Lancaster Case* of 1561. The case has gained prominence for its outlining of the legal doctrine of the King’s Two Bodies, the subject of Ernst Kantorowicz’s seminal investigation of the same name. The case is an entry point for what Stephen Greenblatt describes as “the astonishing range of devices invented by theologians and lawyers for defeating death by extending bodily existence far beyond carnal boundaries,” and does so through a decision that validates the lease of land irrespective of the mortal frailty of the king Edward VI, who was not of age at the time of transfer. Elizabeth questioned the validity of the lease, yet the lawyers came to unanimous agreement that

> the Queen should not avoid the Lease made by King Edward her Brother, by reason of his nonage. …For the King has in him two Bodies, *viz.* a Body natural, and a Body politic. His Body natural (if it be considered in itself) is a Body mortal, subject to all Infirmities that come by nature or Accident, to the Imbecility of Infancy or old Age, and the like Defects that happen to the natural Bodies of other People. But his Body politic is a Body that cannot be seen or handled, consisting of Policy and Government, and constituted for the Direction of the People, and the Management of the public-weal, and this Body is utterly void of Infancy, and old Age, and other natural Defects and Imbecilities, which the Body

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44 Greenblatt, “Fifty Years of The King’s Two Bodies,” *Representations* 106 (Spring 2009): 63-66, 64.
natural is subject to, and for this Cause, what the King does in his body politic, cannot be invalidated or frustrated by any Disability in his natural Body.\textsuperscript{45}

The decision is a watershed moment that while validating the lease demonstrates the obsolescence of a tradition whereby the Lancastrian kings held the Duchy not as monarchs but as private individuals.\textsuperscript{46} The minority of Edward VI offers an opportunity for the jurists to collapse this distinction by placing the two bodies of the king in opposition to one another, with the body politic by virtue of its inherent superiority annulling any deficiencies of nature. It takes such a deficiency to make this superiority visible and manifest in material practice. As Plowden records, the king’s “Body politic, which is annexed to his Body natural, takes away the Imbecility of his Body natural, and draws the body natural, which is the lesser, and all the Effects thereof to itself, which is the greater, quiá magis dignum trahit ad se minus dignum.”\textsuperscript{47} That which has lesser dignity surrenders itself to that which has the greater, and “dignity” is a supplemental element absorbs the body natural into the body politic.

\textsuperscript{45} Edmund Plowden, The Commentaries or Reports of Edmund Plowden, 2 Vols. (London: S. Brooke, 1816), 1:212a-213. See also Kantorowicz, King’s Two Bodies, 7. Axton also summarizes the event in some detail in Queen’s Two Bodies, 16-7.

\textsuperscript{46} Helen Castor sees the judgment as “the most subtle and elaborate formulation yet recorded of the distinction between the private person of the monarch and the public persona he embodied by virtue of his office.” Her analysis of the relationship between the Duchy and the crown in The King, the Crown, and the Duchy of Lancaster: Public Authority and Private Power, 1399-1461 (Oxford: Oxford University Press, 2000), esp. 3, and passim, offers an striking complement to Kantorowicz’s analysis of the king’s doubled body by laying greater emphasis on the actions of medieval monarchs as lords, as exercising private power on a local level primarily through inheritance.

\textsuperscript{47} Plowden, Reports, 213a.
The Sovereign Body of English Property Law

*Julius Caesar* provides numerous hints pointing to an undercurrent in the play that seeks to investigate whether the figure of Caesar behaves in a manner similar to the sovereign body in English property law. Questions regarding the existence of a supplemental mystical element tied to the body of Caesar, and the efficacy of his writing, are two instances through which this undercurrent is visible. The designation of the theory of the King’s Two Bodies as a “mystic fiction” is dealt with extensively in the *Duchy of Lancaster Case*, and its figurative construction relies on a series of intangibles. This body is described as invested with “the Estate and Dignity royal,” the “Office and Dignity royal,” “the Office, Government, and Majesty royal,” the “Crown and Jurisdiction royal” and so on.49 Dignity and majesty deserve special consideration for their mysticism and their connection to the ancient *arcana* of Roman Law: *maiestas* can in limited circumstances denote an act of treason, or an honorific title reserved for the emperor, but in the most common usage denotes “dignity, supremacy, the greatness of the state,” while *dignitas* refers to the higher imperial offices or to simply “the respect and esteem” commanded by the senators and magistrates among the popular classes.50 These mystical elements of state and office bear a peculiar relationship to the performance of ceremony. Edward VI had leased land via letters patent rather than by livery of seisin, bypassing ancient ceremonies of conveyance whereby land is transferred by passing a twig or piece of turf from one hand to another with a statement of deliverance—a transfer encoded in word and deed. Such “ceremonies and acts” were described by Edward Coke as “wisely done” for “they imprint a better remembrance of the thing which is done, because they are subject to sight, than words alone,

48 Kantorowicz, *King’s Two Bodies*, 3.

49 Plowden, *Reports*, 212-14, and passim.

which are only heard, and which easily and usually slip out of memory.” But as Plowden reports, if a king “will part with Land in Fee,”

this shall pass by his Letters-patent only without other Matter, and without Livery of Seizin, for he cannot make Livery of Seizin in his Body natural, distinct from the Body politic, because they are one same Body and not divers. So that he cannot do it without doing it as King, and it would be inconvenient and beneath the Dignity royal for the Law to make the King give Livery in proper Person to a Subject. And besides Livery of Seizin is a Matter of Fact, which the King cannot do, for his Acts ought to pass by Matter of Record, which is suitable to his Majesty, and therefore the Land shall pass by the King’s Letters-patent only by the Course of the common Law.

The problem with ceremonies of conveyance opens up a pair of oppositions that circle around an ambiguous concept of “matter:” fact and law, performance (including speech) and the written word, with “letters patent” emphasizing a public character of writing and the guarantee of authority implied within it. The special relationship between this esoteric quality of dignity and the sovereign body opens up a particular question on the relation of dignity to law, in that dignity functions as a property changing the fundamental nature of “conveyance” that excludes the “proper Person” in favor of the mystical body politic. Julius Caesar portrays a transfer of the “property” of dignity, an extra-legal element that transcends the physical body and that enables imperial rule. Caesar’s ghost functions as an allegory of dignity, but dignity not in the Roman sense but in the English legal sense. This involves the adaptation of Roman history and myth into

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a Christological framework. Caesar becomes a Caesar by means of English ideas about the perpetual character of sovereignty.

Prince Henry, for Shakespeare and for contemporary scholarship, has remained a focal point for interest in the playwright’s engagement with discourses surrounding the body politic—specifically in Plowden’s formulation—almost outstripping Kantorowicz’s premier example, *Richard II*.\(^5\) It is in the history plays that Shakespeare most cogently follows the legal mysticism of the King’s Two Bodies. The speech of the Chief Justice explaining his imprisonment of Prince Hal in *2Henry IV* illustrates a faithfulness to the notion of a link between the sovereign body and the body politic of the commonwealth precisely by asserting the sacredness of the body politic in

\(^5\) *2Henry IV* in particular has been the subject of keen interest in elucidating the various ways in which the doctrine of the King’s Two Bodies has led to assumptions about its links with absolutist and legitimist ideology. The roots of this could be traced to David Norbrook’s questioning of Kantorowicz’s elevation of the *corpus mysticum* into a glorification of absolutism generalized to early modern political theory as a whole, showing this to be a conservative view not necessarily shared by Shakespeare and his contemporaries. See “The Emperor’s New Body? *Richard II*, Ernst Kantorowicz, and the Politics of Shakespeare Criticism,” *Textual Practice* 10.2 (1996): 329-57. Lorna Hutson expands on Norbrook’s insight in showing how, first, the popularity of Plowden in early modern England is more observable in the influence of his writings on equity than on the body politic, and second, that *2Henry IV* repeats *Richard II*’s somewhat subversive display of monarchy checked by constitutional, judicial, and parliamentary power. See “Not the King’s Two Bodies: Reading the ‘Body Politic’ in Shakespeare’s *Henry IV* Parts 1 and 2,” in *Rhetoric and Law in Early Modern Europe*, ed. Victoria Kahn and Lorna Hutson (New Haven: Yale University Press, 2001): 166-198, esp. 167-78, 188-91. Meredith Evans points to the function of Rumor in *2Henry IV* as indication that the play questions “not only who should be ruled, but also how rule will be structured: whether by one sovereign head, the source and executor of all modes of power, or…by multiple heads, with the added proviso that just who or what gets to count remains contestable.” See “Rumor, the Breath of Kings, and the Body of Law in 2 *Henry IV*,” *Shakespeare Quarterly* 60.1 (Spring 2009): 1-24, esp. 12. Kantorowicz himself makes passing mention of *Henry V* in *King’s Two Bodies*, 26-8.
dignity and majesty—its functioning as a tie between the temporal and divine. The justice insists that his role was to “use the person of your father,” as “the image of his power lay then in me, / and in the administration of his law” (5.2.73-75). The question here is not simply Shakespeare’s lifting of a discourse which may or may not have been drawn from Plowden’s reports but the addition of a theological twist: the judge is an image of the father, linking the administrative office of law to the act of metaphysical projection. The justice repeats this theological twist, emphasizing its connection to the royal body’s esoteric supplements: “your Highness pleased to forget my place, / The majesty and power of law and justice, / The image of the King whom I presented, / And strook me in my very seat of judgment…I gave bold way to my authority” (5.2.77-80, 82). The justice’s citing of majesty, power, and authority all serve to figure the sovereign will as the agency of authority that invests law, justice, and judgment with the sovereign’s administrative capacity. The very qualities that invest kingship with this sacral link to the divine as a storehouse of prerogative are those that have brought the justice into his unfortunate predicament, precisely because they manifest themselves most strikingly at the moment of succession. So the judge pleads,

Be you contented, wearing now the garland,
To have a son set your decrees at nought?
To pluck down justice from your aweful bench?
To trip the course of law and blunt the sword
That guards the peace and safety of your person?
Nay more, to spurn at your most royal image,
And mock your workings in a second body? (5.2.84-90)
The essential theme is similar to the judgment in the *Duchy of Lancaster Case*. As the Chief Justice is now the image of the newly elevated prince himself, to overturn the judgment is to overturn the “workings” of the prince’s very own “second body.” This concerns the subtleties of the temporality of the body politic, in that as a principle that ensured the continuity of kingship irrespective of the weaknesses of the flesh, it was unbounded by time—as each successive king apprehended his or her body natural in the singular, he or she beheld their body politic in the multiple, as an accumulation of corporal singularities past, present, and future.54 For Elizabeth to invalidate the lease made by her brother would mock her second body just as the justice insists that to overturn his previous judgment would cause the king to mock himself, his own body politic. “Be now the father,” the judge requests, “and propose a son, / Hear your own dignity so much profan’d” (5.2.93-4), associating dignity with sacredness in its ability to be profaned.

Such passages employ language similar to that describing the religious underpinnings of juridical fictions. Medieval juridical theorizing conceived the nature of kingship through the lens of Christology. The Church Fathers conceived the body of Christ as both human and divine and his corporeal death as only a mechanism for the release of the Holy Spirit. So with the European kings, consecration joined the natural body with a mystical element of grace, a kind of

54 The roots of this lie in the theological concept of the *corpus mysticum*, from which the body politic, according to Kantorowicz, is ultimately derived. Aquinas, for instance, “made it very clear that the *corpus mysticum* was composed not only of those living simultaneously in the ecclesiastical *oikumene* and within a universal Space, but that it encompassed also all members past and future, actual and potential, who followed each other successively in universal Time. That is to say, not only the plurality of men living together in a community formed a ‘mystical body,’ but the corporate plurality was achieved also in view of the successiveness of its members.” See *Kings Two Bodies*, 309. Compare the image of the ghosts of past and successive kings in Macbeth 4.1 and noted in Kantorwicz, *King’s Two Bodies*, 387, and Biron’s smitten speech in *Love’s Labour’s Lost*, “Of all complexions the cull’d sovereignty / Do meet as at a fair in her fair cheek, / Where several worthies make one dignity” (4.3.230-3).
deification analogous to the apotheosis of the ancient Greeks and the *consecratio* of the ancient Romans. In early Medieval thought, the king is figured as an “image” or “impersonator” of Christ, and further, in a period of vacancy or *interrex*, Christ was said to rule in place of the sovereign—where law recedes, grace intervenes. The meandering route by which heavenly grace becomes legal fiction is that which transforms the divine body of Christ into the *Dignitas* of the early modern monarch. In this genealogy, Bracton emerges as a transitional figure, mirroring Shakespeare in placing kingship in a theological—indeed explicitly Christological—framework, while at other moments solidifying the concept of dignity as a semi-secular marker of corporate identity. Kantorowicz notes an instance where Bracton, in a discussion of the nature of kingship, quotes Azo of Bologna, but adds a layer of Christological allusion that can serve to elucidate the speech of the Chief Justice in *2 Henry IV*. Bracton writes, on the utility of his work, here reproduced with Kantorowicz’s emphasis:

The utility is that it ennobles the apprentices and doubles their honors and profits, and that it makes them to rule in the kingdom, and to sit in the royal hall, *on the very seat of the king, as it were, on the throne of God*, judging tribes and nations, plaintiffs and defendants in a lordly order, *in the king’s stead, quasi in the stead of Jesus Christ, since the king is the vicar of God.*

55 Kantorowicz traces this comparison in the writings of the Norman Anonymous in the twelfth century, the *Liber Augustalis*, or collation of Scilian constitutional writings Frederick II published in the thirteenth, and resurfaces in Thomas Cranmer’s assertion that the gifts of the Holy Spirit are not a property solely of the church that anoints kings but of the royal line itself. See *King’s Two Bodies*, 47-8, 114-5, 320.

56 Kantorowicz, *King’s Two Bodies*, 47, 333-5.

57 Quoted in Kantorwicz, *King’s Two Bodies*, 160.
Bracton’s additions to Azo do not just innovate on the level of forcefully insisting that king and judge are God’s emissaries on earth, they do so by alluding to a multi-personed God: the judge rules quasi vice Ihesu Christi, the king vicarius dei.

The precise way in which dignity came to denote a corporate entity rather than the goodwill an individual or office maintains among a people remains murky. In antiquity, a person’s dignitas or character referred to a sphere outside law that still had the power to influence legal decisions, as one’s standing carried with it advantages in legal proceedings, all other things being equal. The roots of the shift lie in the Medieval church and its distinction between the corpus naturale of the host and the corpus mysticum—the social body of the ecclesia and its believers. In England, Bracton glosses this distinction by designating the property of the crown as quasi sacrae, linking the demesne of the king with ecclesiastical property by virtue of a common identity as corporate entities. Further, Bracton follows the Medieval jurists in transforming “dignity” from the esteem held by bearers of secular office—doctors, lawyers, knights—to the more narrow definition of the corporate office held by secular authorities, which could be maintained by however many bodies natural were required to ensure the continuity of that office; that commonality allowed those working in Bracton’s wake to speak of the dignity of the crown. As both a signifier of the corporate identity of the crown and of the

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59 Kantorowicz, King’s Two Bodies, 194-99, 176-9.

60 Bracton, De Legibus et Consuetudinis Angliae, (get print source and note “dignity”); Kantorowicz, King’s Two Bodies, 124, and 143-4n168, in which Kantorowicz observes the changing descriptions of the link between the temporal and the divine through the concept of “perfection;” “what matters here is the change of the metaphor of “Perfection” which, in the 13th century, entered into a new phase: the image of perfection was either
link between temporal and divine rule, dignity retained its loose connection to the Holy Spirit well into the Protestant Reformation. Archbishop Cramner, on the occasion of the coronation of Edward VI, noted that the king ceased to require an anointing of oil even though it was provided for mere “ceremony” as kings are “elected of God and imbued with the gifts of his Spirit for the better ruling and guiding of this people.” The Trinitarian character of kingship in *2Henry IV*, for example, can then be mapped as follows: the Son (jurisprudence, *vicarius Christi*), the Father (the king himself, *vicarius Dei*), and the Spirit (dignity, majesty) as the intervening link between God and his earthly vicars.

In the Book of Acts, the Holy Spirit functions as an authorizing force, giving “commandementes unto the Apostles” (54v) after the death of Jesus. The Spirit manifests itself as a mechanism of transfer and command, bridging the physical body of Jesus and the social body of the church. It is possible to observe an echo of this semi-corporate and inter-corporeal character of the Holy Spirit in Plowden’s report on *Willion v. Berkley* of 1561, in which Justice Southcote asserts the corporate character of kingship. The king “and his Subjects together compose the Corporation…and he is incorporated with them, and they with him”:

> for as to this Body the King never dies, and his natural Death is not called in our Law (as Harper said) the Death of the King, but the Demise of the King, not signifying by the Word (*Demise*) that the Body politic of the King is dead, but that there is a Separation of the two Bodies, and that the Body politic is transferred and conveyed over from the Body natural now dead, or now removed

spirirtualized (*rex angelicus, papa angelicus*, messianic emperor) or secularized (*lex animata, Iustitia animata*, Crown, Dignity, etc.) which did not exclude mutual overshadowing.”

[61] Quoted in Kantorowicz, *King’s Two Bodies*, 318.
from the Dignity royal to another Body natural. So that it signifies a Removal of
the Body politic of the King of this Realm from one Body natural to another.\textsuperscript{62}

Plowden’s discussion of transfer and conveyance focuses on the laws and ceremonies associated
with the transfer of landed property and the rights of various kinds of ownership and leases
pertaining to this transfer. The key point is that dignity connects—like the Holy Spirit—the one
to the multiple, in turn connecting the property of the crown to the commons in what appears as a
political-theological correlate to modern notions of popular sovereignty. The core principle both
in the Book of Acts and of the dignity royal is continuity and conveyance, ensured via an extra-
corporeal entity that remains permanently tied to the \textit{respublica}. Therefore in \textit{Hill v. Grange}, the
judges surmise that “King is a Name of Continuance, which shall always endure…as long as the
People continue…and in this Name the King never dies…because thereby he demises the
Kingdom to another, and lets other enjoy the Function, so that the Dignity always continues.”\textsuperscript{63}
The dignity conceived of in this manner performs the practical function of eliminating, in legal
terms, the possibility of a vacancy.

The question of vacancy had been so well decided by the Elizabethan era, so utterly
overcome by discourses of dignity and majesty that in \textit{Calvin’s Case}, the judges said of the
Elizabethan succession that “the title is by descent; by Queen Elizabeth’s death the crown and
kingdom of England descended to his Majesty, and he was fully and absolutely thereby King,
without any essential ceremony or act to be done \textit{ex post facto}: for coronation is but a royal
ornament and solemnization of the royal descent, but not part of the title.”\textsuperscript{64} While the Tudor

\textsuperscript{62} Plowden, \textit{Reports}, 233a; See also Kantorowicz, \textit{King’s Two Bodies}, 13, and Axton, \textit{Queen’s Two Bodies},
28-33.

\textsuperscript{63} Plowden, \textit{Reports}, 177a; See also Kantorowicz, \textit{King’s Two Bodies}, 407-8ff.

\textsuperscript{64} Edward Coke, \textit{Reports}, 4:18.
jurists conceive the transfer of dignity from one body to another as a purely legal operation and one that outstripped any ceremony pertaining to the physical body—something like the transfer of land by letters patent rather than ritual of conveyance—there remained a physical remnant of this mystical relocation in the royal funeral, which brings the demise of the king into a physical procedure analogous to the livery of seisin. The use of the effigy in English royal funerals dates to the demise of Edward II in 1327, and this *persona ficta*—a representation of the monarch in the trappings of majesty—functioned as the embodiment of the king’s dignity royal.\(^{65}\) The Roman antecedent (which Kantorowicz doesn’t address but Agamben elucidates) is the *iustitium*, the suspension of law in cases of emergency, which the English had translated as “vacation: a ceasing from ministration of iustice in places iudiciall” for example in Thomas Cooper’s English-Latin Thesaurus of 1578.\(^{66}\) It connects mourning, holiday, and the suspension of law in antiquity with the legal bulwarks against uncertainty in the juridical theory of early modern England. That Queen Elizabeth would challenge her own dignity—as Henry V was presumed to do in *2Henry IV*—in the *Duchy of Lancaster Case*, shows how the power of these legal theories, like the crown itself, is not simply a matter of hegemonic consent but the subject of frequent testing and contestation in the sphere of personal power. The potential for a vacancy of the crown remained a significant concern in the latter part of Elizabeth’s reign in spite of the legal fictions that presumed to eradicate it. Vacancies of this sort are apparent in scripture, Roman history, histories of the British Isles, and debates concerning England’s post-Reformation ecclesiastical government.\(^{67}\) Here we can refine Lupton’s observation of Shakespeare’s staging

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\(^{65}\) Kantorowicz, *King’s Two Bodies*, 420, and passim thereafter.

\(^{66}\) Thomas Cooper, *Thesaurus Linguae Romanae & Brittanicae...* (London: 1578), Sig. Aaaa2r.

\(^{67}\) That historians such as Livy write of the various forms of vacancy and interregia are evident enough, but it is useful to note how the theme of vacancy was discussed during polemics surrounding the Elizabethan
of the exception with a play in which Shakespeare explicitly stages a vacancy, where law and fiction are tested in a period of mourning. In *Julius Caesar*, ceremony and personal power collide with the mystical ideas of monarchical power, and Shakespeare’s innovation is to incorporate the metaphysics of English history into a play based in Roman history. In so doing, Shakespeare combines Caesar’s assassination and apotheosis with an undercurrent of passion narrative. The release of Caesar’s spirit, in other words, makes visible the Caesar that is found in all monarchical bodies, just as the death of Christ manifests the dissemination of the Holy Spirit among the apostles.

**Human Power and Human Inadequacy**

The opening acts of *Julius Caesar* are saturated with themes of the prophetic and the ceremonial, which point to the disruption of order and foreground a contradiction between personal power and the legal order of the republic. The play opens with a controversy surrounding a holiday unanticipated by Flavius and Marullus. As Alison Chapman has shown, succession, particularly the work of Sir John Hayward, *An Answer to the First Part of A Certaine Conference* (London: 1603) in response to the work of “Robert Dolman” (who may have in fact been the Jesuit Robert Parsons); the influence of Dolman’s 1594 polemic, *Conference about the next succession to the Crowne* on the succession controversy is discussed in Axton, *Queen’s Two Bodies*, 91-7. Thomas Bilson in *The Perpetual Government of Christes* (London: 1593), and John Bridges in *A Defence of the Government Established in the Church of Englande* (London: 1587) discuss the concept of vacancy with particular regard to ecclesiastical offices—it is important here to note that both Bilson and Hayward are responding to arguments in favor of *election* as opposed to succession, in the case of Dolman, an elected crown, whereas Bilson countered the Presbyterians. Popular knowledge of vacancies in the kingdoms of ancient Israel and Judah would have come from the Book of Kings and popular handbooks such as Robert Aylett’s *Briefe Chronologie of the Holie Scriptures* (London: 1600). The second volume of Holinshed’s *Chronicles* discusses the eighteen-year vacancy of the Scottish crown between the reigns of Robert III and James I.
the root of the conflict lies in Caesar’s change to the calendar and practices of observance associated with the festival of Lupercal, challenging the cultural hegemony of the power elite—the senate and tribunate—in determining the public practice of cultural memory.\(^6\) Flavius’ admonition of the plebeians for their ignorance, “know you not, / Being mechanical, you ought not walk / Upon a laboring day without the sign of your profession” (1.1.2-5),“ bears the marks of a magistrate in its implied legal character. Flavius’ opening remarks reveal him to be an embodiment of the law, understood in Bracton’s words as to “command and forbid” (\textit{leges iubent et vetant}).\(^6\) Flavius begins with the imperative “get you home!” and then forbids an interrogation. And with this Shakespeare sets the stage for political contention as certain Romans see Caesar’s reforms of calendar and festival as an act of encroaching \textit{de facto} sovereignty. The tribune references the singular “sign” of a profession, but this reference develops into a plural notion of signs indicating occupation and social status; the “leather apron” and “rule” contrasts with the “best apparel” of the carpenter (1.1.7-8), identifying a defiance of the kind of sumptuary norms that the English encoded in statutes and laws.\(^7\)

The next exchange, with a cobbler, presents the first instance of how \textit{Julius Caesar} indigenizes and Christianizes Roman history. Marellus asks the man his trade, with the injunction “Answer me directly,” to which the man responds, “A trade, sir, that I hope I may use with a safe conscience, which is indeed, sir, a mender of bad soles” (1.1.12-14). The cobbler’s


\(^6\) Bracton \{print source\}.

\(^7\) See especially Jean Howard, \textit{The Stage and Social Struggle in Early Modern England} (London: Routledge, 1994), 27-36, 97-8, which adeptly analyses the importance of attire in encoding established norms of gender and class.
pun (sole/soul) suggests a double occupation—a mender of shoes and of spiritual lives—that Chapman summarizes as “the wherewithal to repair their customers’ shoes and their spiritual condition.” The cobbler’s ironic self-attribution of a divine vocation inaugurates a spiritual undercurrent that links law and social convention as a play of shifting signifiers whose ultimate referent is a divine or extra-legal authority. The implication of law manifested in the language of dress, and the tribunes’ disposition toward the actions of the crowd cuts both ways. The two tradesmen channel the embodied practice of holiday into a display of deference, esteem and goodwill towards Caesar, while the tribunes contrarily interpret this as a contamination of both sumptuary norms and public memory—“Knew you not Pompey (1.1.37).” Interestingly, the tribunes’ admonition to the holidaymakers doubles as prophetic language.

Marcellus: Run to your houses, fall upon your knees,  
Pray to the gods to intermit the plague  
That needs must light on this ingratitude.  

Flavius: Go, go, good countrymen, and for this fault  
Assemble all the poor men of your sort;  
Draw them to the Tiber banks, and weep your tears  
Into the channel, till the lowest stream  
Do kiss the most exalted shores of all. (1.1.53-60)

Gestures of mourning and submission dominate the command, with imagery scarcely found in Plutarch but ubiquitous in Biblical prophecy: plague as judgment for ingratitude, assemblies of mourning, and the linking of mourning with justice through water and stream. As in Titus Andronicus, where an excess of justice appears as water overflowing its bounds, here the

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judgment of the tribunes takes the form of tears moving from riverbank to channel to “lowest stream” and “exalted shore.” As the scene ends, the tribunes order what appears to be an antique variation of Protestant iconoclasm, as Flavius asserts the need to “Disrobe the images, / If you do find them deck’d with ceremonies,” putting it to a finer point in declaring “let no images / Be hung with Caesar’s trophies” (1.1.64-5, 68-9). The offence, to Flavius, is similar to that of disruptive apparel. The “best apparel” of the plebian crowd correlates with the adornment of Caesarean statuary. The tribunes figure ceremony as the offshoot of personal power, adornment as the violation of order, and liberty as a kind of plainness, emphasized in the “ordinary pitch” Caesar is required to “fly” in order to keep the city from “servile fearfulness” (1.1.73, 75). This opening scene provides a indication of how *Julius Caesar* dramatizes Roman history through an English lens, from the anxieties over holiday and calendar to strong indications of a disconnect between the magistrates of secular law and a popular attempt to link political power to otherworldly sovereignty.

Shakespeare maps the polity of Rome within a constitutional framework. The play begins with the common people and the magistrates closest to them—the tribunes—then proceeds from lower to higher with senators and the person of Caesar. The focus remains on the problematic nature of ceremony and its implications for the social construction of Caesar’s political identity, not to mention any mystical powers associated with that identity. Cassius’ urging of Brutus to join the conspiracy lingers on the body of Caesar, looking to separate the natural condition of the man from the supposedly mystical power he is seeking to claim. In seeking to act as a mirror to Brutus, Cassius speaks of “immortal Caesar” (1.2.60) in a parenthetical expression suggesting sarcasm, and then speaks of “honor” as the “subject of my story” (1.2.92). He describes such a word, honor, as inextricably linked to the mortal and natural body, a body that Cassius wishes to
affirm is common to all men. Cassius’ insistence on Caesar’s natural vulnerability implies a natural check on the latter’s aspiration to kingship. Consequently, a reliance on purely human power becomes the hallmark of Roman liberty. Cassius lingers on the natural deficiencies of Caesar’s body in swimming the Tiber and notes his epileptic fits (1.2.100-115, 119-28), carefully witnessing to Brutus the common shared weaknesses between them, Caesar, and even the celebrated Aeneas (1.2.97-9, 112-15). This central conceit of the natural body in Cassius’ speech is inharmoniously interspersed with an emphasis on Caesar’s apparent rise to the figure of a god. Kingship and godliness are, to Cassius, as synonymous as they are fictitious when applied to the person of Caesar. Cassius asserts that Caesar “Is now become a god” and asks his fellow citizens to “Mark him, and write his speeches in their books” (1.2.115-6). Caesar, in Cassius’ view, raises himself above the simple humanity emblematic of Roman citizenry by claiming a link to “the majestic world,” by bearing “the palm alone,” and apparently by walking “the narrow world like a Colossus” (1.2.126, 130-1, 135-6).

Brutus and Caesar: what should be in that “Caesar?”

Why should that name be sounded more than yours?

Write them together, yours is as fair a name;

Sound them, it doth become the mouth as well;

Weigh them, it is as heavy; conjure with ‘em,

“Brutus” will start a spirit as soon as “Caesar.” (1.2.142-7)

At stake is Cassius’ denial of a “spirit” legitimizing rule tied to a singular natural body. Writing, speech, material and incorporeal existence are mobilized in a rhetorical flourish that makes “spirit” common to all.
Cassius’ speech approaches dramatic irony in its denial of any spiritual supplement to Caesar’s natural body. It dismisses the singularity of Caesar even as the play—with particular focus on the question of the “spirit”—will eventually affirm it. In a terse jumble Cassius outlines his proposed function as a mirror to Brutus.

Therefore, good Brutus, be prepar’d to hear;
And since you know you cannot see yourself
So well as by reflection, I, your glass,
Will modestly discover to yourself
That of yourself which you yet know not of. (1.2.66-70)

Brutus requires the “glass” of Cassius in order for Brutus to discover his own conviction, and this mirror is ready to contrast Brutus’ uncertainty with self-possessed understanding: “I cannot tell what you and other men / Think of this life; but, for my single self, I had as life not be as live to be / In awe of such a thing as I myself” (1.2.93-6). Cassius moves from the second-person to the first and finally to the third:

When went there an age since the great flood
But it was fam’d with more than with one man?
When could they say, till now, that talk’d of Rome,
That her wide walks encompass’d but one man?
Now is it Rome indeed and room enough,
Where there is in it one only man. (1.2.152-7)

Cassius’ attempt to provide a nuanced treatment on the relationship between the internal life and the external world, the individual and social self, undoes itself through a repetition that makes the treatment appear increasingly ambiguous. Cassius’ overwrought materialism is muddled. The
self requires another to comprehend itself fully, yet a singular view is required as a defense against “awe” of the mighty. The Rome that had always beheld its heroes in the plural now finds itself enraptured by a lone powerful individual. As Marjorie Garber observes, “difficulty in communication, mixed and failed messages, disregarded omens, oblique and inaccessible narratives—all these are part of the texture of *Julius Caesar*, a play in which characters, despite their episodic eloquence, consistently fail to make themselves understood.”72 This is observed in the vagueness of Cassius’ language. Garber refers to the apparent inability of the conspirators to fully grasp the implications of the Latin aphorism *nomen est omen* as indicative of the general state of confusion in Rome.73 This is a general problem of interpretation, an obstruction in an ability to see the sign as pointing to anything other than itself.

The conspirators appear to be as familiar with the matter of ceremony as they are adamant in rejecting its legitimacy. In inquiring into the offering of the crown to Caesar, Brutus asks as to the “manner” of it, and Casca replies describing it as “mere foolery,” making an obscure but implicit distinction between ceremony and law. He says, “I did not mark it,” referring not only to his obliviousness to the act, but also to the legitimacy of the act (1.2.234, 236). Casca’s indecisiveness of description in relating the ceremony points to a general diminishment in the certainty of the senators of their privileged position as legislators. They cannot decide upon what actually constitutes the entrenchment or collapse of the Roman constitutional order. Casca’s refusal to “mark” the event precedes a speech full of uncertain qualifications of matters of fact. “I saw Mark Antony offer him a crown—yet, ‘twas not a crown neither, ‘twas one of those coronets” (1.2.236-8). Casca’s displays his hesitations in describing


73 Garber, *Shakespeare After All*, 2, 426-8.
this matter of fact by repeating, “to my thinking,” “to my thinking” (239, 241). He distances himself from the event to which he was a witness even while affirming his refusal to give in to mob ecstasy. As the conspirators consolidate their position vis-à-vis Caesar’s expressions of personal power and its effects on the common people and the social order, they display a problem of depth perception. The conspirators affirm the centrality of human agency in the construction of political community just as they reveal its inadequacy.

**Supplementing the Natural Body**

Certain ceremonial events in *Julius Caesar* suggest that if the play were to stage an Ur-moment of English sovereignty, that such a moment would in some way recall a passion narrative. The passion narratives of early modern England, grounded in an exegetical tradition inaugurated by Erasmus and Calvin, are distinguished by two features: a focus on material, specifically bodily, weakness, and a diffusion of culpability that positions the reader in the subjective positions of both torturer and tortured. Added to this is the central moment of the passion, triumph in the face of mortal vulnerability and disgrace. There is much in the conspirators’ reaction to the crowning ceremony that lends to a reading of Christianized adaptation of pagan Roman history. Caesar not only refuses the crown, but the very adoration of the people expressed via—in Casca’s retelling—odorous breath brings about a spectacle of human bodily failure whose cause is an essentially corrupted human process: breathing. An intimate connection between Caesar and the multitude is a connection of natural bodies, and this link precipitates the failure of Caesar’s flesh as he swoons in an epileptic seizure that

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compromises his very ability to exercise his power—he is “speechless.” Casca’s later revision of these events is noteworthy as a defensive reaction to Brutus’ interpretation of the seizure: “you, and I, / And honest Casca, we have the falling sickness” (1.2.256-7); Casca parries by recasting, through newfound emphasis, Caesar’s deference to the mob in offering his throat up for cutting. This telling brings Casca some disrepute in the eyes of Brutus and Cassius, who call Casca a “blunt fellow” and remark upon his “tardy form” (1.2.295, 299). This repudiation is also an early intimation—like Cassius’ use of false letters to sway Brutus to the conspiracy—of the unstable moral authority of the conspirators.

Brutus’s second-act soliloquy brings the relationship between Caesar’s personal power and the structure of authority in the Roman republic to a finer point. It hinges on a mystical supplement to the citizen body that a crown would appear to embody. The tragic irony of Brutus’ deliberation over the decision to kill Caesar appears most strikingly in anachronism. Plowden’s Reports suggest that “demise” affects only the body natural—the body politic of a king retains its power in law and precedent, with material effects on the world after the death of the living being. Brutus fails to foresee how Caesar’s “spirit” might have physical effects even after the death of the man. Word play gives the soliloquy an air of unexpected clarity, as Brutus asks how a crown “might change [Caesar’s] nature.” He notes how “the bright day brings for the adder” (2.1.13-4) and ponders the implications of a Roman citizen “augmented” (2.1.30) with royal power, the “adder” acting as a “ladder” (2.1.22) that forces a transformation in the political order in toto.

Brutus’ growing decisiveness contradicts the vacillation inherent in his language, pointing once again to Julius Caesar’s generalized problem of articulation and reading. “And since the quarrel / Will bear no color for the thing he is,” Brutus surmises, “Fashion it thus: that what he is…Would run to these and these extremities” (2.1.28-31). The uncertainty with which Brutus
reads Caesar’s actions leads to a contemplation of possibilities that bears the mark not of considered decision but rather of a pure decisiveness planted on a terrain of ambiguity. Brutus’ repeatedly confirms his inability to read conclusively the world around him. He concerns himself over the telling of the hour, “I cannot by the progress of the stars / Give guess how near to day;” he requests that Lucius “Look in the calendar and bring me word” (2.1.2-3, 42). The senator repeatedly qualifies his judgment by “common proof’ (2.1.21), in uncertain dialogue between external information and inner judgment:

Between the acting of a dreadful thing
And the first motion, all the interim is
Like a phantasma or a hideous dream.

The Genius and the mortal instruments
Are then in council; and the state of a man,
Like to a little kingdom, suffers then

The nature of an insurrection. (2.1.69)

The philosophy of action claimed here figures thought and event as bracing a space in between. This condition forms a res publica or commonwealth that spans immaterial and material power. Further, the splitting of the “Genius” and the “mortal instrument” occurs within the body of the subject itself, and this split body in the “state of man” splits the natural body in ways no other character in the play has yet considered.

Brutus’ decision-making process and his speech to the conspiracy both justify the murder by splitting the body of their victim into flesh and spirit. This division becomes explicit in Brutus’ casting of the killing not as a political but a priestly function.

Let’s be sacrificers, but not butchers, Cassius.
We all stand up against the spirit of Caesar,
And in the spirit of men there is no blood;
O that we could come by Caesar’s spirit,
And not dismember Caesar! But, alas,
Caesar must bleed for it! (2.1.166-171)

Caesar’s spirit occupies the focal point of the deed, and the natural body an unfortunate remainder that must be dealt with as incidental. The entire act references the otherworldly. “Let’s carve him as a dish for the gods,” Brutus argues, so that “We shall be call’d purgers, not murderers” (2.1.173, 180)—this reframing of murder as priestly purgation, as if Caesar was an unholy element that must be expunged, thoroughly revises Cassius’ assessment that Caesar’s power lay within his natural body. The advance here is discursive. The change mirrors Cassius’ later appraisal of Caesar’s own transformation: “For he is superstitious grown of late, / Quite from the main opinion he held once / Of fantasy, of dreams, and ceremonies” (2.1.195-97).

Dramatic speech develops the play’s ontological concern with ceremony as political act and incorporeal spirits as the storehouse of political power. As the “spirit” gradually comes to the fore in *Julius Caesar*, the flesh recedes, as even the conspirators are enjoined to act with “untir’d spirits and formal constancy” (2.1.226).

The funeral scene in *Julius Caesar* reinforces the play’s preoccupation with ceremony and reveals that it is in the practice of mourning that the “spirit” transforms from supplement to ontological force. The vocabulary employed is that of pulpit and prophesy, with a restatement of the conspirators’ priestly function, determined to provide Caesar with “all true rites and lawful ceremonies” (3.1.241). This moment constitutes the triumph of ceremony over republican law. Antony’s pledge of vengeance over the body of Caesar does two things: it inaugurates the
ontological power of Caesar’s spirit as one that suspends law, and it locates Antony as the material manifestation of this spirit as violence. It also emphasizes language and writing as mechanisms of the transmission of Caesar’s posthumous power into the world his natural body leaves behind. Encumbered by “Domestic fury and fierce civil strife,” the former republic gives way to a new rule marked by a “custom of fell deeds” (3.1.269) as Caesar’s spirit emerges as sovereign in itself, one that rules not through law but through the withdrawal of law, an otherworldly power that rules through vacancy. Antony now deliberately figures Caesar as speaking “with a monarch’s voice” (3.1.272) and as a spirit conjoined with Atē, the goddess of mischief and misrule. The havoc of war functions as the executive order of a body politic no longer tied to either the natural body or a law that would bind that body within the proper organization of a commonwealth. Antony’s mention of the “monarch’s voice” is part of a larger conceit in the scene that links political power with speech and writing. Antony’s prophesying and curse on the republic is presented as a transfer of not necessarily power, but political purpose, from Caesar to Antony in parenthetical lines that create a causal link: the “dumb mouths” of Caesar’s wounds “beg the voice and utterance” of Antony’s tongue (3.1.261-2). The scene ends with an act of writing—Caesar’s letter summoning Octavius to Rome—as part of a chain of communication that inaugurates the political work of extra-legal violence that will encompass the rest of the play. “Caesar did write,” Octavian “did receive his letters;” Antony’s commands are to “Post back…tell him,” and “discourse / To the young Octavius of the state of things” (3.1.278-80, 287, 295). The exchange marks a turning point at which speech and writing in the hands of Caesar’s party acquires an effectiveness that will continue to elude the conspirators, and speech—in particular Antony’s funeral oration—will constitute the premier political act, while writing acquires the force of law, the sovereign power of life and death.
Writing and the Consolidation of Power

It is in posthumous writing that Shakespeare’s *Julius Caesar* most clearly utilizes an anachronistic discourse of the body politic evocative of legal reporting. The reading of Caesar’s will emphasizes writing as an act of conveyance, which allows Caesar’s *will* to outlive his ability to act in his natural body. To the will, Antony adds the trappings of *dignitas* not in its antique Roman usage, but in the form of corporate identity. Not only does he note it as a “parchment with the seal of Caesar,” but also as a document Antony makes both private and public in character. It is found “in his closet” but it remains a testament that “the commons” will hear (3.2.128-30). The migration of Caesar’s will from closet to market place, from private to public space, posits a doubling of location that mirrors the doubling of Caesar’s body as a storehouse of relics. Wounds to be kissed, “sacred blood,” hair collected for “memory” (3.2.132-4): all these conform to what Cordula Van Wyhe describes as “signs of the non-putrefaction of the saintly body.” Such tokens “occupy an ambiguous position at the crossroads of the mundane and the divine. The saint’s relic is at once historical, bearing the *gesta* of the saint, but it is also celestial, representing someone invisible, omnipresent, and eternally alive.”75 Moreover, the body parceled out into relics becomes a mechanism for the continuity of Caesar as a multiple body that enshrines itself in further acts of writing, a “rich legacy” (3.2.136) that makes itself felt in more wills and more natural bodies. Through the transfer of property, Caesar parallels the devolution of the body of Christ into the Holy Spirit by dissolving himself into identity with a people. It is the moment when the plebeians recognize him as “royal Caesar” and his personal demesne is transformed into a space for “common pleasures” (3.2.244, 250). In its private-to-public

75 Cordula Van Wyhe, *Female Monasticism in Early Modern Europe: An Interdisciplinary View* (Burlington: Ashgate, 2008), 17.
character, Caesar’s will recalls the letters patent by which Tudor monarchs would conduct the transfer of land as if it belonged not to the king but to the commonwealth as a whole. A growing disjuncture between speech and writing serves to privilege writing as the manifestation of spirit. Just as Antony and the plebeian mob begin to figure Caesar’s power as monarchical power, *Julius Caesar* begins to display its deep ambivalence towards that power in relation to abstract notions of law and justice. The power of Caesar’s spirit dissolved into the crowd soon becomes a form of command based not in law but in mischief, with the funeral mob clarifying, in a qualitative sense, what has been latent in the form of the holiday—mischief as a form of extra-legal executive power.

The manifestations of mischief on a political scale emerge through acts of murder, misrecognition, and writing. The killing of Cinna the poet presents a perverse spectacle of power focused on the distinction between name and identity. Shakespeare constructs the scene as a self-parody of the opening of *Julius Caesar* by placing the focus on identity and the signs that construct it, mirroring the diagnostic inquiries of the tribunes in attempting to determine the identities of the plebeians through their dress and vocation. The plebeians, in other words, have reversed the process of categorization of class and vocation into a hyperbolic over-identification of name and title. Cinna becomes a corporate identity irrespective of the various signifiers—poet, bachelor, friend, or dwelling “by the Capitol” (3.3.25)—that would distinguish between natural bodies. The fourth Plebeian’s injunction to “Pluck / but his name out of his heart, and turn him going” (3.3.34-5) both mirrors and reverses the conspirators’ justification for Caesar’s murder by seeking to remove that supplement to the natural body that offends social order.

While the killing of Cinna privileges acts of speech, the next scene identifies an act of writing as the premier process of separating the natural body from political agency. In contrast to
the plucking of names out of the heart of undesired bodies, we have a marking that privileges writing over speech. For Antony, “their names are prick’d,” “with a spot I damn him;” Octavius notes the subtle distinction Antony endeavors to make in soliciting Lepidus’ “voice” on “who should be prick’d to die” (4.1.1, 6, 16) while reserving the acts of pricking and spotting for himself, a division of powers alluding to Lepidus’ subordinate position within the triumvirate. This continuing division between speech and writing is consistent with previous elaborations of the nature of political bodies. In Antony’s view, the pivot that decides authority and subservience is that of “spirit.” Lepidus’ “corporeal motion [is] govern’d by my spirit,” he says, as a “barren-spirited fellow,” “property” (4.1.33, 36-7) belonging to a corporate body but far removed from the authority that commands. In North’s translation of Plutarch, both the murder of Cinna the poet and the triumvirs’ list of political executions are framed in legal terms, both with respect to the law of outlawry. Plutarch places far more emphasis on Antony’s charge as the interim executive power in the city of Rome, noting that he “ruled all things in manner with absolute power,” but moreover observes that the Senate “made no inquiry of them that had torn poor Cinna the poet in pieces.” In Julius Caesar, Octavius’ reference to their hit-list as a “black sentence and proscription” (4.1.17) acquires its full meaning scenes later as the conspirators confront themselves over conflicting letters: “That by proscription and bills of outlawry / Octavius, Antony, and Lepidus / Have put to death an hundred senators” (4.3.173-5). The play presents a scenario in which only Antony and Octavius command the efficacy of writing, and as Antony argues, this is not an endowment based on law or authority but rather on spirit.

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Brutus’ visitations by Caesar’s ghost coincide with a setting remotely distant from ceremonial and legal orders—the realm of the pure violence of war. Brutus’ interpretation of his vision, however, remains ensconced within problems of communication and hermeneutics.

While Antony relates the importance of his executive action through an appeal to the sensory experience of seeing—“look, with a spot I damn him” (4.1.6)—Brutus internalizes the atmosphere of confused communication and reading into his own structure of perception. He exclaims, “Let me see, let me see” in order to gauge his location in the reception of a narrative.

is not the leaf turn’d down

Where I left reading? Here it is, I think.

How ill this taper burns! Ha! who comes here?

I think it is the weakness of mine eyes

That shapes this monstrous apparition.

It comes upon me. Art thou any thing?

Art thou some god, some angel, or some devil,

That mak’st my blood cold, and my hair to stare? (4.2.273-80)

Uncertainty in the sensory experience of sight engenders an uncertainty of thought, a weakness that shapes an ineffable spirit with palpable effects on the body. Even while directly perceived, the visitation constitutes an experience of communicative deferral.

*Brutus:* Why com’st thou?

*Ghost:* To tell thee thou shalt see me at Phillipi.

*Brutus:* Well; then I shall see thee again?

*Ghost:* Ay, at Phillipi.

*Brutus:* Why, I will see thee at Philipi then. (4.2.282-86)
This deferral culminates in Brutus’ apostrophe, “O Julius Caesar, thou art mighty yet! / Thy spirit walks abroad, and turns our swords / In our own proper entrails” (5.3.94). The spirit commands physical bodies, and such meditations on incorporeal bodies show at the moment of Brutus’ death that they have control over the very experience of time. Brutus recalls “The ghost of Caesar hath appear’d to me / Two several times by night; at Sardis once, / And this last night, here in Phillipi fields. / I know my hour is come” (5.5.17-9). The ghost, therefore, appears to signal Brutus’ demise. Language, sense experience, and temporality—the spirit disrupts all of these in ways that parallel its ability to transcend the corporeal and material.

The ghost of Caesar emerges in Shakespeare’s account as a visible representation of dignity in an English rather than an antique sense. As the root referent of the royal dignity in Shakespeare’s time was ultimately that of the Holy Spirit, *Julius Caesar*’s muted gesture to the political theology of dynastic continuity serves to Christianize its Caesar into a figure triumphant through sacrifice. The play ends on a note of ceremony.

*Octavius:* According to his virtue let us use him,
With all respect and rites of burial.
Within my tent his bones to-night shall lie,
Most like a soldier, ordered honorably. (5.5.73-9)

Brutus, in other words, is not an abject figure, but one who commands proper incorporation within the play’s logic of ceremony. This suggests an unexpected harmony between the intentions of those wishing to curtail individual ambition and the transformation of the Roman order into one that is more monarchical than republican. Shakespeare presents the eventual triumph of Caesar impartially, as an irreversible fait accompli that signals not a new order of personal power, but rather one of omnipresent, impersonal authority. The endings of both *Julius*
Caesar and Hamlet share a concern with the posthumous reputation or esteem of a central character at a moment of ceremony, particularly a funeral. Hamlet’s concern with his “wounded name” (5.2.344), and the final gesture of Fortinbras to give the Danish Prince a ceremonial burial attended with “soldier’s music and the rites of war” (5.2.399) attest to a lingering interest on the part of Shakespeare in the end of life and the inclusion of that life into a corporate identity enshrined in mystery.

Julius Caesar continues Titus Andronicus’ emphasis on the relationship between sovereignty and ceremony by positing an efficacious—if troubled—performance of ceremonial rights that reinforce the link between the person of the sovereign and the mystery of sovereignty. The ceremony that occupies the first half of the play, and the letters and violence that occupy the second, serve a function similar to that displayed in the Duchy of Lancaster Case, namely the severing of the body natural from the body politic, clarifying the existence of an incorporeal body of rule. Through the addition of a supplemental element to the natural body, “spirit,” Shakespeare allows both the conspirators and the later inheritors of Caesar’s preeminent position in the Roman political order to recognize a principle of continuity that bridges the stable political structures that exist before and after a crisis.
Chapter 5

Hamlet and the Liturgical Life of Sovereignty

Thus far, we have seen Shakespeare’s tragedies present ontological limits on human agency. Sacrifices aimed at reaffirming a link between temporal and divine orders only sever that link. Attempts to prevent a natural body from attaining a mystical supplement only serve to release it into the world. Times in which a vacancy of office renders a polity dependent on law to structure human relations serve to highlight a natural human estrangement from law itself. In Hamlet, a Danish prince bristles over the rupture between human fallibility and the formal design of sovereign life through a liturgy of monarchy. Transgressions of space, ceremony, and of moral law afflict Hamlet with greatest intensity at the moment when he mourns his father as an essential absence. His anxiety over serving as a corporeal instrument of his father’s incorporeal power serves to facilitate that power by removing human agency from an otherworldly design on the fate of Denmark.

“[A] king may go a progress through the guts of a beggar” (4.3.31). This cynical attack on the ceremonial life of kingship is emblematic of the biting sarcasm Hamlet brings to the play. To Hamlet, sovereignty has apparently lost its mystery. It presents to him nothing more than flesh returned to dirt, merely a part to play in the vulgar interconnection of all things. It is a commonplace of the critical tradition of Hamlet to note the play’s preoccupation with ceremony, more particularly a disillusioning kind of ceremony. As James Holleran explains,

It is worth noting that in a play in which all the principal characters die, no one is given a full and proper burial: the customary rites are all in some way distorted.

…Thematically, this particular breakdown of funeral rites in Hamlet represents only a part of the general breakdown of ceremony in the play and reflects the
corruption of Claudius’ rule in Denmark. …[W]e observe the increasingly rapid
disintegration of the state through a series of deceptions and counter-deceptions
that are intended to conceal such faults and corruption behind the façade of
ceremonial forms.¹

This chapter will argue that Hamlet’s preoccupation with the vulgarity of ceremony in a
corrupted Denmark serves as a focal point for the prince’s assessment of the legitimacy of his
uncle’s rule. Hamlet stages a vacancy of law in a court in which everything appears to be in
order, but this vacancy exerts an inescapable pull on the play’s central character, a pull he
anxiously wishes to avoid.

This chapter draws together many of the broader themes of this study: prophecy,
mourning, and an incorporeal power that exposes the limits of corporeal control. These emerge
in Hamlet’s particular meditation on the mystical elements of kingship, drawing upon the
political theology of English sovereignty at the turn of the seventeenth century. This chapter
takes up the question posed by Walter Benjamin in The Origin of German Tragic Drama,
namely the question of the sovereign “decision” and the inability of the sovereign to exercise it.²
Benjamin’s meditations on Hamlet are most resonant in Hamlet’s eventual resignation to a
mystery that redeems corporeal inaction by opening a space for an incorporeal decision. As

¹ James Holleran, “Maimed Funeral Rites in Hamlet,” English Literary Renaissance 19.1 (December

71, writes of a “generic feature” of the Trauerspiel “which can be illuminated only against the background of the
theory of sovereignty. This is the indecisiveness of the tyrant. The prince, who is responsible for making the
decision to proclaim the state of emergency, reveals, at the first opportunity, that he is almost incapable of making a
decision.”
Benjamin writes, “in all mourning there is a tendency to silence, and this infinitely more than inability or reluctance to communicate. The mournful has the feeling that is known comprehensively by the unknowable.” The play lingers on the “life” of kingship, a formal design of life that unites corporeal and incorporeal elements of the sovereign body in a narrative of perpetual ceremony—a liturgy of life. Liturgical life in Hamlet will be examined in three separate but interconnected dimensions: the design of architectural space, particularly that of the palace replicated in the theater, the telos of sovereign life as it proceeds to its incorporation as a feature of architecture through the effigy, and finally the inward life as a witness to the disjuncture between human action and divine law.

As Simon Thurley explains in The Royal Palaces of Tudor England, “the monarch’s daily existence was shrouded in mystery, tradition, ceremony and etiquette, indeed a whole liturgy for life. This liturgy, like that of the Church, demanded a certain architectural framework to make it function properly, and from the earliest times royal houses were built to accommodate the liturgy of monarchy.” The princely life as a liturgical life is that of a procession through time and space to a definitive end-point, a telos that is concretized in the architecture of sovereignty in the form of the effigy. Not only royal palaces but also resting places such as Westminster Chapel sanctified the royal body and enclosed the liturgical life within a narrative of sacred kingship. Early modern rites of memory harkened back to a medieval and pre-Machiavellian sense of monarchical life that did not equate the exemplary life with political success. Westminster Chapel for example, built by Henry VII and memorializing his own life, also memorialized

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3 Benjamin, Origin, 224.

Henry VI, and facilitated the cult surrounding the murdered king by sanctifying his life as one of innocence and martyrdom.\(^5\)

One key document concerning how to live a princely life in early modern England is the *Basilikon Doron* of James VI and I published in 1599. It marks a key point in the migration of holiness from the stripped church of the Reformation to the palace, from the real presence of the Eucharist to the royal presence of the monarch.\(^6\) As Graham Ward indicates, “with James I the court became the site for an elaborate appropriation of liturgy no longer possible in the churches,”\(^7\) as post-Reformation England that simply shifted the site of religious ceremony rather than dispensing with it altogether. *Hamlet* and *Basilikon Doron*, written before James VI assumed the crown of England, manifest this ambivalence by giving the ceremonial practices of kingship short shrift, with James instead emphasizing that his “kingdom was grounded on the plain words of the Scripture” and not on the mystical trappings of superstition.\(^8\) That James lingers on Scripture within the first chapter of the *Basilikon*, “Of a King’s Christian Duty Towards God,” suggests that the life of the king is an exemplary life on a Biblical model. James’ enumerates the various parts of the Christian scripture that serve as a guide to the pious life, one of law and grace.


\(^6\) McCoy, *Alterations*, x-xii, citing John Bossy’s *Christianity in the West: 1400-1700* (Oxford: Oxford University Press, 1985) for the migration of presence from Church to monarchy.


\(^8\) James VI and I, *Basilikon Doron*, in *The True Law of Free Monarchies and Basilikon Doron*, ed. Daniel Fischlin and Mark Fortier (Toronto: Centre for Reformation and Renaissance Studies, 1996), 105. All citations to these two texts are to this edition.
The sum of the law is the ten commandments, more largely dilated in the books of Moses, interpreted and applied by the prophets; and by the histories are the examples showed of obedience or disobedience thereto and what praemium or poena was accordingly given by God. But because no man was able to keep the law nor any part thereof, it pleased God of his infinite wisdom and goodness to incarnate his only Son in our nature for satisfaction of his justice in his suffering for us, that since we could not be saved by doing, we might at least be saved by believing.\(^9\)

As God made the prince as “a little god to sit on his throne and rule over other men,”\(^10\) this summary locates scripture as a model for the exercise of sovereignty, first through codified law, then as that law is interpreted and applied, then by the measuring of obedience and disobedience, and finally as grace or goodness. James singles out particular books of the Bible as examples of how sovereignty has been carried out in previous lives, which themselves form models for every kingly life. He stresses that one should study “especially the books of the Kings and Chronicles, wherewith ye ought to be familiarly acquainted; for there shall ye see yourself as in a mirror, in the catalogue either of the good or the evil kings.”\(^11\)

For James, the life of sovereignty can be compared to the lives of the Biblical kings for examples of what and what not to do. But this only goes so far as the law. Grace, on the other hand, comes from the inner life of the monarch, and James parallels a post-Reformation

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\(^9\) James, *Basilikon Doron*, 106.

\(^{10}\) James, *Basilikon Doron*, 103.

\(^{11}\) James, *Basilikon Doron*, 106.
emphasis on the conscience\textsuperscript{12} as a crucial supplement to the exemplary lives of the Israelite kings. James defines the conscience as

the light of knowledge that God hath planted in man, which, ever watching over all his actions, as it beareth him a joyful testimony when he does right, so choppeth it him with a feeling that he hath done wrong whenever he committeth any sin. And surely, although this conscience be a great torture to the wicked, yet it is great comfort to the godly, if we will consider it rightly. For have we not a great advantage that have within ourselves while we live here a count-book and inventory of all the crimes that we shall be accused of, either at the hour of our death or at the great day of judgement, which, when we please (yea, though we forget) will chop and remember us to look upon it.\textsuperscript{13}

James’ summary of the conscience accords with popular understandings of the concept by way of its framing within the language of legal procedure and economic accounting. We can therefore distinguish within the princely life James describes two modes of juridical power, law and grace, rule and exception, which together make up the sovereign as a politico-theological construct. The political and legal parallels can be extended: the dynamic set-up between law and grace in the \textit{Basilikon} mirror those between structure and agency, common law and equity, and at root the

\textsuperscript{12} As Camille Wells Slights observes, “there is nothing radically new in the way Protestant theologians…theorized conscience. Thomas Aquinas defined conscience in basically the same way. Nevertheless, the Protestant conscience emerged as a new and powerfully destabilizing force in European culture. With the fragmentation of the medieval church, the de-emphasis on the mediating power of the clergy, and the doctrine of \textit{sola fides}, the ancient advice to ‘know thyself’ took on new significance” “Notaries, Sponges, and Looking-glasses: Conscience in Early Modern England,” \textit{English Literary Renaissance} 28.2 (March 1998), 233.

\textsuperscript{13} James, \textit{Basilikon Doron}, 109.
sovereign’s location both within and outside the law. They encompass distinct logics: the plural but codified appropriations of rewards and punishments in the Old Testament versus the binary logic of the conscience that accumulates the sum total of actions in a life as the embodiment of salvation or damnation.

The life of the monarch is one that exists within a system, and James’ *True Law of Free Monarchies*, a treatise that parallels the *Basilikon* in some significant ways, outlines that system. What concerns us here is the embeddedness of this system in scripture. As Johann Sommerville writes, James’ approach to politics was that of a “nuanced, moderated absolutism,”\(^\text{14}\) and it becomes apparent in the beginning of the *True Law* that some of this nuance emerges from the ambiguities of sovereignty in his favored books of the Old Testament, Kings and Chronicles. James outlines his perspective on monarchy as “the true pattern of divinity”\(^\text{15}\) as a reciprocal relationship between rulers and ruled, through an exercise in Biblical exegesis. James offers an analysis of selections from the Book of Kings, Chronicles, and the Psalms with a focus on the ascension and rule of King David, in such a way as to link prophecy and power in the relationship between David, the Prophet Samuel, and the deposed king Saul. James writes, “kings are called gods by the prophetical King David because they sit upon God his throne in the earth and have the count of their administration to give unto him.”\(^\text{16}\) He then cites a number of Biblical passages on the office of kingship: the administration of justice, rewards, and punishments; the establishment of laws, the securing of peace, and deciding upon


\(^{15}\) James, *True Law*, 52.

\(^{16}\) James, *True Law*, 54-5.
“controversies;” and citing Samuel, to be “as a good pastor, to go out and in before his people.”

Daniel Fischlin and Mark Fortier describe how this strategic citation fits within James’ “hermeneutical absolutism, that is, according to an exegetical method that suited his purpose of arguing toward the divine right of kings”; the Bible is interpreted in ways that suit James generously, and “in two ways, the first converting a negative trope of disobedience (to Samuel’s prophecy which warns of the oppressions that will be foisted on the people by a king) to a trope of submission to a pastor, and the second diminishing the actual role played by the king in fighting battles for the people.” As Fischlin and Fortier observe, “Samuel is central to James’ political and religious symbology in the *True Law,*” in spite of the prophet’s noted ambivalence on the authority of kings. Regardless of the dubiousness of the appropriation, James’ uses of Samuel incorporate the liturgical life of the monarch into the sphere of politics by positing that at the very foundations of divine right lies an intimate dialogue between prophet and king.

For James, the founding moment of monarchy as reciprocal relationship between people and king is found in Samuel 8:9-20. In James’ reading, God’s command to Samuel to listen to popular demands for a king, despite the prophet’s own warnings of the inherent oppressions of monarchical rule, becomes an object lesson for the complexities of reciprocity and the necessity of obedience. In James’ reading of Israelite kingship monarchy is held up as an unshakable manifestation of God’s will while the human agency of both prophet and king is rendered intransigent and inconsequential. Samuel’s detailing of the office of kingship and its oppressive possibilities is reformulated as “a thing very impertinent in a wise man, much more in the

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17 James, *True Law,* 55.

18 Fischlin and Fortier, *True Law,* 54n23.

19 Fischlin and Fortier, *True Law,* 56n34.
prophet of the most high God.” Samuel is obviously wrong in seeking to dissuade the Israelites from accepting a king, James argues, just as we should be wrong to judge kingship from the behavior of bad kings. Saul, for instance, “was chosen by God for his virtue and meet qualities to govern his people, whereas the defection sprung after-hand from the corruption of his own nature and not through any default in God;” the “election” of kings becomes providential in nature and will not necessarily produce the most humane choice. The Israelites desired a king and locked themselves into the political architecture of monarchy. James breaks the narrative arc of his exegesis in order to reinforce the point. Which, James writes, “shall plainly declare the obedience that the people owe their king in all respects.” The reason for this, he explains, is that kingship for the Israelites is a “yoke which God through their importunity hath laid upon them.” After this founding Ur-moment of sovereignty, the role of the prophets, according to James, shifts. While they may continue to criticize the behavior of kings, the basic principle of unquestioned allegiance remains. James is careful to note various exceptions to this rule of obedience when they are found in the scriptures, most notably the rebellion of Jehu, but only to conclude that “the practice through the whole Scripture proveth the people’s obedience given to that sentence in the law of God: ‘Thou shalt not rail upon the judges, neither speak evil of the ruler of thy people.’” James provides a representative structure through which it is possible to obey the corporate continuance of incorporeal kingship even while recognizing the human limits of corporeal kings.

20 James, True Law, 59.
21 James, True Law, 59-60.
22 James, True Law, 60.
23 James, True Law, 61.
24 James, True Law, 65.
In both *Basilikon* and the *True Law*, the king holds himself accountable first to God, and then the people, while the people hold themselves accountable both to God and their king. There is one notable incident that troubles this neat hierarchical scheme, however, and it is noteworthy that in a treatise so dependent on self-serving hermeneutics of kingship James would choose to include it.

When Samuel, by God’s command, pronounced to the same king Saul that his kingdom was rent from him and given to another (which in effect was a degrading of him), yet his next action following that was peaceably to turn home and with floods of tears to pray to God to have some compassion upon him.

And David, notwithstanding he was inaugurated in that same degraded king’s room, not only (when he was cruelly persecuted for no offence but good service done unto him) would not presume, having him in his power, scantily but with great reverence to touch the garment of the anointed of the Lord and in his words blessed him, but likewise when one came to him vaunting himself untruly to have slain Saul, he, without form of process or trial of his guilt cause only for guiltiness of his tongue, put him to sudden death.²⁵

This scriptural material inserts, into the narrative of obedience, the enforcement of obedience through extra-legal violence. This insertion becomes problematic insofar as the agency of extra-legal killing is not contained within the command-hierarchy of monarchy, but rather the individual acting in accordance with divine will. Scripture here reveals one of the mysteries of sovereignty; David’s act opens up a space for the sovereign decision of executing the man without “form of process or trial” for killing an anointed king. By figuring the executed

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²⁵ James, *True Law*, 63.
Amalekite who claimed to kill Saul as an outlaw, James includes an undisclosed aspect of his version of the life of kingship: its ceremonial and mystical aspects, the transgressions of which carry the penalty of extra-legal death. James’ exposition of the princely life and its relationship to the political structure uses, as a paradigmatic example of a violent legal exception, a historical parable on the mysteries of the Israelite constitutional order. James would suggest that the life of a king is exemplary in so far as it is said to repeat, or more specifically reflect as in a mirror, previously lived lives of the Israelite kings. Sovereign lives function like texts that have been written before and written again, according to an infinitely repeated model whose variances lie in the details only. *Hamlet* represents this cyclical understanding of the sovereign life, even as it is more concerned with the end points of these monarchical lives and their figuring within the ceremonial life of liturgy with its complex relationship of repetition and difference.

**Liturgical Memory and the Built Environment**

Hamlet’s mourning causes him to resent not only his uncle, but also the ceremonial design of sovereign life Claudius assumes as if it were a lived hypocrisy. If sovereign life is one cycle of an endlessly repeated pattern, then the alpha and omega of the monarchical life is the funeral ceremony, the *telos* of which is the concrete architectural remainder of the effigy, placed on a tomb alongside the effigies of other kings. The ghost in *Hamlet* is not an effigy. But the ghost serves a similar function in concretizing memory, and the text of the play ruminates on this point. Greenblatt is certainly right to say that the ghost points in the direction of England’s Catholic past, as does the royal tomb with its echoes of medieval sainthood. As Kantorowicz describes, from Edward II on the royal funeral ceremony included “the custom of placing on top of the coffin the ‘roiall representation’ or ‘personage’…dressed in the coronation garments or,
later on, in the parliamentary robe. The tradition continued throughout the Tudor period till the death of James I, all with funeral effigies made of wood, leather, or wax. Ritual serves to construct monarchical life as a cyclical event. Portraits of Queen Elizabeth in coronation robes are likely to have been commissioned as part of the elaborate rituals surrounding her funeral as a double-remembrance, recalling the Queen both at the end of her life and at her ascendance into office. This mysterious representation of the kingly body represents the normally unstated and unrepresented incorporeal within the sovereign body, the dignity and majesty that is released into the world at the moment of death and lingers in the mystical process that will invest the new king with the power of the old. Thus the funeral ritual split the body of the king in two. As Kantorowicz writes, “enclosed in a coffin of lead, which itself was encased in a casket of wood, there rested the corpse of the king,” while above, “the normally invisible body politic was on this occasion visibly displayed by the effigy in its pompous regalia: a persona ficta—the effigy—impersonating a persona ficta—the Dignitas.” Dignity was the trace of the individual that recalled the coexistence of the mortal and immortal in the body of the king.

Dignity captures the mysteries of kingship in terms of the plurality of the office—dignity is held by many bodies through time—and the singularity of the individual sovereign body.

26 Kantorowicz, *King’s Two Bodies*, 420.
28 John Fletcher remarks that it may “remind one of her ‘Second Coronation’ after her ascent from earth to heaven.” See “The Date of the Portrait of Elizabeth I in her Coronation Robes.” *The Burlington Magazine*. 120.908 (Nov. 1978): 753.
29 Kantorowicz, *King’s Two Bodies*, 421.
Hence the witches of *Macbeth* conjure a procession of ghostly kings while one holds a mirror within which is seen a long line of successors (4.1.128-140), illustrating how the dignity did not expand within a given space, but was “determined exclusively by Time.”

30 When Horatio identifies the ghost in *Hamlet* as the “majesty of buried Denmark” (1.1.46) and Marcellus calls the ghost “majestical” (1.1.124), they recall the function of the effigy in making visible the incorporeal, mystical elements of kingship. Buckingham’s description of kingship in *Richard III* refers to those ceremonial aspects of monarchical life, irrespective of *de facto* political power:

“The supreme seat, the throne majestical, / The sceptred office of your ancestors, / Your state of fortune and due of birth, / The lineal glory of your royal house” (3.7.118-121). The effigy and the ghost, as representations of majesty, display the complex relationship in the kingly life between the mortal and immortal, the singular body and the plural office. The legal maxim *Dignitas non moritur*, ‘dignity does not die,’ unites under an office all who preceded and all who would issue forth from the present holder. When applied to kings, a modified version, *regia majestas non moritur*, suggested a supplemental mystery that could be the property of a monarch only. The first act of *Hamlet* serves to suggest that even while Denmark has transferred the corporeal power of kingship to Claudius, the majesty of Hamlet’s father remains ontologically present and tied specifically to the ghost.

The effigy in Early Modern England was not simply a temporary representation for use in a funeral procession. It was concretized in the form of the sepulcher, an architectural manifestation of the monarchical mystery. When Hamlet first sees the ghost of his dead father, he asks,

Why thy canonized bones, hearsed in death,

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30 Kantorowicz, *King’s Two Bodies*, 387.
Have burst their cerements, why the sepulcher
Wherein we saw thee quietly enurned
Hath oped his ponderous and marble jaws
To cast thee up again. What may this mean,
That thou, dead corpse, again in complete steel,
Revisitst thus the glimpses of the moon. (1.4.28-34)

Hamlet’s descriptive rhetoric splits the body of his father into three: the “corpse,” the effigy carved above the sepulcher—its mystical properties emphasized by bones that are “canonized,” sacramentally laid to rest—and yet he is standing in front of a ghost. The prince recognizes a teleology that has “hearsed” the sovereign body in “cerements” or burial cloth, “marble jaws” indicative of the stone of the tomb, but with the ghost finds this teleology disrupted. Hamlet affirms that the ghost represents the figure carved on the sepulcher by noting that the ghost appeared first “Armed at all points, cap-a-pie” (1.2.200) and “again in complete steel,” that is, in armour, conforming to early modern conventions of tomb art; even the tombs of the courtly nobility included effigies that portrayed the “social body” of the individual in ways that paralleled the political theology of monarchy, with the effigy of dead men in armour symbolizing honor and social status.31 When Horatio speaks to the ghost, he calls it a usurper. He does not go so far as to say the ghost is the same as the effigy, but rather that the ghost replicates its image: it comes “together with that fair and warlike form / In which the majesty of buried Denmark / Did

sometimes march” (1.1.47-49). He later describes the image as one not of the king as he would have been when he died but, in a way that transcends the linear progress of time:

   Such was the very armor he had on
   When the ambitious Norway combated.
   So frown’d he once when in an angry parle
   He smote the sleded Polacks on the ice. (1.1.60-3)

Horatio reads the ghost through the lens of historical iconography; he pieces together the image of the spectral body as an object of interpretation. As a result, in Horatio’s description the entire life narrative of the elder Hamlet has been compressed into an exemplary image frozen in time.

   The architecture of the sepulcher-effigy that the ghost in Hamlet partially evokes looks both forward and backward, integrating the liturgical life of a singular monarch into a repeated cycle of exemplary life. Protestantism did little to halt the magnificence of “royal obsequies” and their architectural accessories, chapels and monuments, rooted as these were in the Catholic doctrine of purgatory and the popular cults surrounding the saintly king Henry VI.32 This latter cult in particular was based in the canonized remains of the dead king, and as Peter Brown has suggested, their invisible power resulted from a transmutation of “presentia, the physical presence of the holy” into potentia, an out-flowing power of the sacred.33 The ghost of Hamlet’s father frames conditions of possibility stemming from the experience of mourning as the concurrent presence of the majesty of a dead king and the corporeal power of a live one. The ghost proposes a vacancy that both reinforces and undermines the legal fictions that would seemingly render vacancy impossible. Hamlet’s vacancy of law consists of a collision between

32 McCoy, Alterations, 34, and 24-33 passim.
33 Qtd. in McCoy, Alterations, 26.
one king’s sacred *potentia* and another’s corporeal *presentia*. The prince’s persistent difficulty in processing this collision suggests an absence of a law, like that to which the Tudor jurists might refer, that would ground a judgment in favor of one party or another.

What the critical tradition has observed as Hamlet’s wrestling with “fate” or “destiny” we may further understand as a contention with the princely life as a *telos* and the legacy of *potentia* that actions in *presentia* leak as a form of excess. As Benjamin observes, Hamlet, “as is clear from his conversation with Osric, wants to breathe in the suffocating air of fate in one deep breath; he wants to die by some accident”:

> Hamlet alone is spectator by the grace of God; but he cannot find satisfaction in what he sees enacted, only in his own fate. His life, the exemplary object of his mourning, points, before its extinction, to the Christian providence in whose bosom his mournful images are transformed into a blessed existence. Only in a princely life such as this is melancholy redeemed, by being confronted with itself.

> The rest is silence.34

Benjamin confirms Hamlet’s role as living an exemplary life of martyrdom unconcerned with the efficacy of political action. We now take up the challenge of Greenblatt’s argument in analyzing how this wandering is manifested in the movement of bodies through space in the play. *Hamlet* takes place primarily in the royal rooms of Elsinore castle. As Tudor royal houses were designed to facilitate the liturgical life of sovereignty, so theatrical space offers a correlative to the special logic of liturgy—and this logic is one in which open and enclosed spaces acquire a liturgical importance.

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34 Benjamin, *Origin*, 137, 158.
Helen Hackett examines the possibilities of Shakespeare entering the proximity of the Queen’s person beyond her attendance at court performances, concluding that it was unlikely that they had met in person; and while there is evidence that foreign visitors were allowed to see the Queen’s private lodgings, there is nothing to allow us to conclude that Shakespeare or the players were afforded that privilege.\textsuperscript{35} But Shakespeare’s aristocratic patron during the reign of Elizabeth knew the special logic of royal architecture and the ceremonial dimensions of the kingly life. As Lord Chamberlain, Henry Carey was responsible for managing the lodgings of the various palaces, arranging the Queen’s progresses, receiving ambassadors and others into the royal presence, planning revels and state funerals.\textsuperscript{36} Visits to royal palaces themselves—to Richmond, Greenwich, and Whitehall—would also have provided Shakespeare and the company a glimpse of palace architecture, its spatial arrangement, forms of etiquette, and royal liturgical practices.

*Hamlet* shows sensitivity to the relationship between the organization of space and the liturgical life of kingship, especially in its opening scenes. Of key importance is how the concerns over Hamlet’s mourning are presented not simply as those of Claudius and Gertrude but of the court and state in general. The spaces in which Claudius and Gertrude first appear—particularly 1.2—are presence chambers, rooms in which their attendance is signaled with the flourish of a trumpet. These are fluid spaces, to which different characters have access, and


populated by attendants signaled with the stage direction “cum aliis,” the non-specific “and others.” Here, the king conducts the business of state: Fortinbras’ plans for invasion, the release of Laertes to France, and Hamlet’s unseemly brooding. Scene 2.1 continues a practice of making Hamlet’s disposition not only a matter of state but a spectacle in Claudius’ theatre of power. Gertrude, Rosencrantz and Guildenstern and attendants hear of Hamlet’s “transformation,” the disjunction by which “not th’exterior nor the inward man / Resembles what it was” (2.1.5, 6-7), and an accompanying stage direction notes how “some attendants” leave with the two courtiers (stage direction, 2.1.39). When Hamlet’s erstwhile companions return in 3.1, they share the stage with Polonius, his daughter, and “Lords,” further making discussions of Hamlet’s “turbulent and dangerous lunacy” (3.1.4) a matter of wider political concern. Hamlet’s expectations of privacy—or lack thereof—in his ensuing exchange with Ophelia (“Where’s your father…Let the doors be shut upon him, that he may / play the fool no where but in his own house” [3.1.129, 131-2]) suggest an awareness of the public nature of the space he inhabits. But placed within the context of the liturgical architecture of monarchy, Elsinore Castle becomes a space in which to explore the mystical complexities of royal interiors. These opening scenes attest to Claudius’ control over his chamber of presence, admitting various characters—the ambassadors and others—at particular times, implying, conversely, that royal arrangements of bodies in space limit access to the king. Hamlet’s characteristic touchiness in his interactions with others, especially Rosencrantz and Guildenstern, emerges at times as an awareness of spatial confinement. The segmentation of space in Hamlet is important to understanding the fluid movements by characters in that space as acts of transgression. Hiding behind a tapestry is one, as are meetings and interactions in private or semi-private rooms. The platform and the audience chamber form one extreme, and at the other is the closet. The expanse and the dynamic,
populated nature of audience chamber highlights the intimacy of the closet, and the interaction of characters in private chambers in the play is always accompanied with the sense that someone is out of place. The offstage interaction between Hamlet and Ophelia in 2.1, and Hamlet’s near killing of Claudius in 3.3 are easily enough associated with the anxieties of love sick madness and revenge. The meeting between Hamlet and his mother, on the other hand, is one in which the unease of privacy acquires its greatest intensity. The presence of Polonius behind the arras makes this a hybrid scene between domestic encounter and internecine dynastic struggle.\(^{37}\) In Hamlet’s statement, “Denmark’s a prison,” and in his description of the world as a series of “confines, wards, and dungeons” (2.2.243, 245-6), he displays his familiarity with the division and compartmentalization of sub-spaces within the larger sphere of palace architecture. Moreover, Hamlet’s discordant engagements with space also present a sophisticated reworking of the ontological ruptures of *Titus Andronicus* and *Macbeth*. The liturgical space of the palace assumes a malevolent character as the result of a disjuncture between human action and the formal design that would order it in conformity with the moral law.

**The Mind’s Eye and Rhetorics of Seeing**

The gaze through which Hamlet perceives the wickedness of his family is one described through a rhetoric of seeing that stands apart from the sensory organs of the material body. One

\[^{37}\text{As per Lisa Jardine, who argues that “Polonius has no legitimate place within the intimate space of Gertrude’s closet; his presence fatally confuses privacy with affairs of state. The erosion of privacy which has already been effected by the constant surveillance which has characterized Claudius’ and Polonius’ management of the state of Denmark here reaches its logical conclusion: the state invades the Queen’s inner sanctum, and in the ensuing confusion it is defiled by a botched and mistaken act of violence.” See *Reading Shakespeare Historically* (London: Routledge, 2005), 151.}\]
of the first things Hamlet does in Gertrude’s closet is set about confining her, for the purposes of forcing the Queen to access her interior self: “sit you down, you shall not budge; / You go not till I set you up a glass / Where you may see the inmost part of you” (3.4.18-20). As David Ward illustrates, the notion of looking within for a different kind of ocular proof echoes Sonnet 113 (“Since I left you, mine eye is in my mind”) and John Davies’ Nosce Teipsum, which describes an “inward light / Whereby my Soule, as by a Mirror true, / Of her owne forme may take a perfect sight.” Horatio’s description of the ghost as “A mote…to trouble the mind’s eye” (1.1.112) is more than a casual comment. It inaugurates a theme that runs throughout Hamlet, namely the confluence (or lack thereof) between the ocular apprehension of the material world and the internal sense of right and wrong. Subsequent references to the eye and seeing have this double character, a character not fully revealed until Hamlet confronts his mother with a mirror. Claudius’ “auspicious” and “dropping eye” (1.2.11), suggest less his physical vision than a state of mixed sentiments, and his wife’s plea that Hamlet “let thine eye look like a friend on Denmark,” (1.2.70) indicates the fair regard she wishes her son to have for the new king. As if to stress the point, Shakespeare inserts the term again in Hamlet’s lines (1.2.185). These statements dovetail with Laertes’ observation to Ophelia that “as this temple waxes, / The inward service of the mind and soul / Grows wide withal” (1.3.12-14). The sister in turn pledges to keep her brother’s advice “As watchman to my heart” (1.3.46). Shakespeare develops the conceit when Ophelia notes that Hamlet, in his madness, “seemed to find his way without his eyes, / For out a’ doors he went without their helps, / And to the last bended their light on me” (2.1.95-7).
interior eye functions as a sense of direction, something internal that guides perception distinct from the observations of the material world.

Ophelia’s pseudo-empirical description of the light of Hamlet’s eyes recalls another conceit that reaches its climax in the closet scene, that of bending, which is strongly suggestive of a mind’s eye and its relationship to the external world. “How is it with you,” Gertrude asks Hamlet, “That you do bend your eye on vacancy, / And with the incorporeal air hold discourse” (3.4.16-18)? The usage of bend or bent in Hamlet encourages us to see that the eye Hamlet is seen to be bending is not only his physical eye but also his mind’s eye. Laertes’ “thoughts and wishes bend again toward France” (1.2.55), whereas Hamlet’s own desire to return to Wittenberg is met with an entreaty by Claudius to “bend you to remain / Here in the cheer and comfort of our eye” (1.2.115-6). To bend indicates a tendency or predisposition towards a certain kind of action outweighs and colors the description of the curvature of eye-beams. Thus as Guildenstern pledges to Claudius, “we both obey, / And here give up ourselves, / in the full bent” (2.2.29-30). As in Claudius’s statement “everything is bent / For England” (4.4.45-6), spoken after Hamlet has already killed Polonius, bending the mind’s eye serves as an attempt to align the conscience with human action, counteracting an inherent disposition for this eye to observe discordances between the two.

Act 3.4 contains a reference to the scene of writing that binds the relationship between inner life and outward activity even further. In her closet, Gertrude asks Hamlet to reveal what particular crime she thinks she has committed: “what act, / That roars so loud and thunders in th[e] index” (3.4.51-2). The language of writing and printing employed here can be read either as a commonplace regarding the supposed inventory of wrongs carried with the subject in the mind (as per James’ and other contemporary protestant accounts), or as a charged parallel with
Nashean elaborations of the torments of conscience in the language of warning. The ability to have one’s soul marked or printed upon by sin first emerges in Hamlet in a somewhat different light: his thoughts and actions are marked by remembrance and mourning.

Yea, from the table of my memory
I’ll wipe away all trivial fond records,
All saws of books, all forms, all pressures past
That youth and observation copied there,
And thy commandments all alone shall live
Within the book and volume of my brain,
Unmix’d with baser matter. (1.5.98-104)

This speech evokes a theme found in Nashe’s Christ’s Tears, namely the replacement of one form of textual matter (representing the moral law) with another. In Nashe, law is replaced by an inventory of sin, in Hamlet, observational record is replaced with commandment. That Hamlet seeks to ground the core of his inner self in textual record serves to distinguish this inner self from both outward action and sense experience. The task Hamlet sets about for himself in the closet scene is more than just the leveling of accusations from a position of moral authority, it is to explain the way in which he is “thought-sick” (3.4.51), connecting moral law of “sweet religion” (47) to both the mind’s eye and the sense of sight itself.

Ekphrasis opens a consideration of the disjuncture between Gertrude’s physical eyes, her inner eyes, and the moral authority that she ignores and to which her son apparently has access. With a “Look here” Hamlet begins a description of the pictures in Gertrude’s closet, of both the elder Hamlet and Claudius (3.4.53). Bridging the description are the injunctions “See” and “Look you now” (55, 63); the imperative mood of the first part of the speech then turns quickly
to the interrogative, “Have you eyes,” which is repeated (65, 67) as Hamlet’s judicial rhetoric builds to a conclusion that seeks to re-correlate the proper relationship between two pairs of eyes, inner and outer, feeling, sense, and their ordering within a moral system. Here is Hamlet’s point.

Sense sure you have,

Else could you not have motion, but sure that sense
Is apoplex’d, for madness would not err,
Nor sense to ecstasy was ne’er so thrall’d
But it reserv’d some quantity of choice
To serve in such a difference. (3.4.71-76)

Hamlet figures the senses as requirements for motion, and yet there is an apparent motion in the senses themselves, which in Gertrude is “apoplex’d” or otherwise frozen. The rest is a process of elimination, whereby Hamlet argues that the difference between the two brothers is so profound that such a sensual apprehension of it would be impervious to madness or “ecstacy.” The son summarizes the situation to his mother in the following terms: “Eyes without feeling, feeling without sight, / Ears without hands or eyes, smelling sans all, / Or but a sickly part of one true sense / Could not so mope” (3.4.78-81). Hamlet’s answers to the question of how Gertrude’s senses could have become so disordered involve the devil and “Rebellious hell” (76, 82). Defects of sight and motion are rooted in a moral defect, a falling from grace in a religious sense. As important as the murder of Polonius in 3.4 is the way in which Hamlet’s carefully constructed ordering of inner thought, outward action and sense mediation encounters such a stunning reversal with the appearance of the ghost. In the ensuing exchange Gertrude projects an authoritative position on the sense of sight and what is visibly apparent in the room: “Nothing at all,” she says, “yet all that is I see” (3.4.132). However convincing Hamlet’s rhetoric, the case
that he makes for the proper arrangement of thought, sense, and action is disrupted by the ghost, just as the ghost and Hamlet’s mourning interrupt a peaceful and lasting transfer of power from the elder Hamlet to Claudius.

The ordering that Hamlet seeks in the closet scene is liturgical. Its disruption is conceived by Hamlet in terms of arrangement, or formal design and by others in terms of area and volume, a failing to be contained within an acceptable frame or boundary. Horatio notes the boundaries between space and time and figures them in terms of confinement. With the “warning” of the cock at the break of day, “Th’ extravagant and erring spirit hies / To his confine” (1.1.154-5). Horatio finds in the ghost’s withdrawal empirical evidence of this folk supposition. Claudius’ confidence in his position and his marriage to the “imperial jointress to this warlike state” is contrasted with Fortinbras’ notion that Denmark is “disjoint and out of frame” (1.2.9, 20). Claudius verbalizes his own actions against his enemies as the containment of action in space. In working against the Norwegian threat, he speaks of aiming to “suppress / His [Fortinbras] further gait herein, in that the levies, / the lists, and full proportions are all made / Out of his subject” (1.2.30-3). In seeking to contain Hamlet’s erratic and ever more dangerous behavior, his anger is expressed in spatial terms. Claudius cannot let the prince’s “madness range” (3.3.2), as “The terms of our estate may not endure / Hazard so near ‘s doth hourly grow / Out of his brows” (5-7). His usage of the “terms of our estate” uses the language of property law to describe his interest in his own power, a power of structuring and ordering things and people by area. Ordering movement in space becomes a positional struggle where the contest of power and revenge is waged on the micro-political field of the discipline of individuals. Hamlet himself mirrors Claudius’ concern over how the actions of others over-bound the limits of space, and space again serves to exemplify his particular understanding of the crisis in the realm.
To my shame I see
The immanent death of twenty thousand men,
That for a fantasy and trick of fame
Go to their graves like beds, fight for a plot
Whereon the numbers cannot try the cause,
Which is not tomb enough and continent
To hide the slain? (4.4.59-65)

Transgressions of space are affronts to political order, whether conceived by Claudius as the actually existing politics of the now, or as conceived by Hamlet as the politics of the past-present, the politics of mourning and its ability to shape the future by restoring a lost order. The formal design of space through the liturgy of monarchy serves as an indicator of a deficit that strikes a discordant note. A discordant evaluation of his uncle’s ordering and prioritization of space furthers Hamlet’s perception of Claudius’ deficiency.

Liturgy and Law

Liturgical rites themselves become objects of contemplation as characters search for moral equilibrium in the play, a search for a personal power equal to the “majesty” of rule. Disquiet with actually existing relationships of politics and ceremony emerges most strongly in a desire that enemies be disposed of in the “proper” way. Hamlet’s desire not to kill Claudius in the midst of prayer is obvious enough. Laertes’ meeting with Claudius in 4.5 is the most ardent challenge to the integrity of architectural space in Hamlet (“The doors are broke” [4.5.112]), and the most brazen attack on Claudius’ rule that we see until the end. Hasty and incomplete ceremonies cause a substantial degree of conflict after the death of Polonius. This is nothing new
within the framework of the present study; it recalls the flawed rituals of *Titus Andronicus*. Just before Laertes and his party burst open the door into (presumably) the King’s presence chamber, Claudius remarks of Polonius’ burial that “we have done but greenly / In hugger-mugger to inter him” (4.5.83-4), that is, he was given a quick and secret burial. As the messenger describes Laertes return from France, a critical commonplace that Laertes represents a double to Hamlet continues to provide insights, this time into the preoccupation with ceremony and ritual in the play’s final acts. While Hamlet wishes simply for revenge with scant thought as to the structure of power that would replace the rule of his uncle, Laertes plots nothing less than usurpation. “And as the world were now but to begin,” the messenger observes, “Antiquity forgot, custom not known, / The ratifiers and props of every word, / They cry, ‘Choose we, Laertes shall be king’” (4.5.104-7). While Hamlet seeks to disrupt the linear march of time by making memory a constitutive element of the future, Laertes works towards a complete rupture with the past, with linear progress beginning anew from a distinct dynastic starting point. This wholesale overturning of Laertes’ loyalty to Claudius is a direct result of the denial of conventional pieties after the death of his father:

His means of death, his obscure funeral—

No trophy, sword, nor hatchment o’er his bones,

No noble rite nor formal ostentation—

Cry to be heard, as ‘twere from heaven to earth,

That I must call’t in question. (4.6.214-18)

These lines come immediately after a most exceptional gamble for Claudius—he offers his kingdom and crown if Laertes and his followers are not appeased by his account of Polonius’ death (4.5.208-212). After witnessing the radical gesture on the King’s part and finding it
sincere, Laertes speaks in a tone of apology, pointing to the disruption of ceremony as a figure for a rupture in the liturgical progress of sovereignty itself. If Rosencrantz and Guildenstern are correct, that

mastery…like a gulf doth draw

What’s near it with it. Or it is a massy wheel

Fix’d on the summit of the highest mount,

To whose [huge] spokes then thousand lesser things

Are mortis’d and adjoin’d (3.3.15-20)

then Shakespeare presents us with a situation in which disruptions in the margins sweep into the very core of rule. On a different symbolic register than the play’s speeches or events, what the play’s characters conceive of properly political categories of thought—sovereignty, majesty, power itself—is attacked at the edge, through unsettling events concerning practices that are only obliquely political, such as liturgy, movement through space, and so on.

The entry of the two clowns in 5.1 initiates a satirical discussion on the propriety of funeral rituals in the case of suicide, one that approaches a meditation on the relationship of liturgy to law. Underneath the bitter and cynical twist of the first clown’s inquiry, “Is she to be buried in Christian burial when she willfully seeks her own salvation” (5.1.1-2)? is a textual strategy of flattening out distinctions under the guise of parody. The play on the word “salvation” places the relief of suffering in opposition to the salvation of the soul, suggesting that suffering takes the form of an edifying trial. In a single word we have an encapsulation of an opposition expressed by Hamlet as “damned custom” that could act as “proof and bulwark against sense” (3.4.37-8). But the mode here expresses a simplification—this can also mean distortion—of ideas through the simplification of language. Luke Wilson explains how the graveyard scene
makes reference to the *Hales v. Petit* case of 1554. Shakespeare muddles the context of the referent, but what stands out is the flattening of the language of intention. The original argument of the case (as it appears in Plowden’s *Reports*), like the argument of the first Clown, divides an act into “three branches.” In *Hales v. Petit* these branches are “imagination,” “resolution,” and “perfection.” In *Hamlet* these branches are “to act, to do, to perform” (5.1.12). The objective is what Wilson calls the “dilation” of action an expansion of the duration of action by its separation into discrete parts. Shakespeare’s distortion of legal language mocks legal fictions by restating them in the language of theater: “act,” “perform.” Bracketing the central act of doing are simply other *theatrical* acts. If the first Clown is the stereotypical wise fool of Elizabethan drama, the assertion that all is simply theatrical action makes a cynical statement on liturgy as the performance of sovereignty without legal (much less divine) referent. The Clown’s reformulation of legal fiction provides a prelude for Hamlet’s deeper skepticism that there could be any higher purpose to the ceremonial life of monarchy.

Perhaps more significant than the incomplete and “maimed” nature of the ceremonies in *Hamlet* are more radical suggestions that ceremonies themselves have lost their significance. Chapters 2 and 3 have considered how discourses of warning and judgment are based on a totalizing effect that undermines human practice in the maintenance of political stability. The graveyard scene is one in which this notion becomes subversive. As the political theology of the King’s Two Bodies centered on the office as a separate entity distinct from, yet tied to, the physical body of its bearer, Hamlet radically considers the flattening of such distinctions—here the completeness or incompleteness of ceremony is merely an afterthought. Disillusionment

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pervades the scene and threatens to overturn the entire narrative trajectory of the play. We began with a ghost, a spectral remainder and trace of the “canonized bones” of Hamlet’s father, and we arrive at a point where “Lord Such-a-one” meets the very same indignity as the bones of Cain. The trajectory of Hamlet’s mourning appears to culminate in a reductive consideration on the nature of kingship:

Alexander died, Alexander was buried, Alexander returneth to dust, the dust is earth, of earth we make loam, and why of that loam whereto he was converted might they not stop a beer-barrel?

Imperious Caesar, dead and turn’d to clay,
Might stop a hole to keep the wind away.

O that that earth which kept the world in awe
Should patch a wall t’ expel the winter’s flaw!
But soft, but soft awhile, here comes the King,

The Queen, the courtiers. (5.2.208-218)

The reduction of the mysteries of sovereignty into particles, viewed within the context of
tululence (“Why may not imagination trace the noble dust of Alexander, / till ‘a find it stopping a bunghole” [5.1.203-4]), places the mysterious body of the sovereign (which, to this point, has occupied so much of the play) in strong tension with its baser, natural one. Things quickly turn the other way, and it appears that while ceremony remains as troublesome as ever its centrality is hastily reaffirmed. After the eruption that surrounds the funeral of Ophelia, Claudius ends the scene with a reaffirmation that the show of ceremony must go on: “This grave shall have a living monument. / An hour of quiet shortly shall we see, / Till then in patience our proceeding be” (5.1.297-230). Hamlet himself reverses the cynical disposition of his previous meditation in the
graveyard by noting to Horatio the material power of the trappings of sovereignty. He finds useful to his purposes forms of stately writing, a “learning” he had “labor’d much…to forget” (5.2.34-5); the “signet,” “seal,” and “impression” of state that he had inherited from his father serve the execution of his former friends Rosencrantz and Guildenstern (49-55). Moreover, Hamlet expresses a sense of the relationship between earthly action and otherworldly order: “There’s a divinity that shapes our ends, / Rough-hew them how we will” (5.2.10-11). Hamlet also returns to the themes of transgression, and the interrupted progress of his own presumed life of sovereignty, as Claudius had “Popp’d in between th’ election and my hopes, / Thrown out his angle for my proper life” (5.2.65-6). The prince is once again concerned with the proper life, mourning in this instance an alternate teleology that has been denied him.

It is easy to overlook music as an aspect of the ceremonial in Hamlet. There are many sound effects in the play,41 but music also functions as a signifier of authority, balance, and the proper telos of life in the liturgical mode. That sound effects in Hamlet are meant to reinforce a preoccupation with vertical alignment between worldly and heavenly orders is indicated by the way Claudius refers to his revels and flourishes.

No jocund health that Denmark drinks to-day,

But the great cannon to the clouds shall tell,

And the King’s rouse to the heaven shall bruit again,

41 Which is not to discount the element of sound in Hamlet, which is a fruitful object of inquiry in itself. As Maurice Charney observes, “we are immediately struck by the fact that there is more cannonading in this play than in any other in Shakespeare. It is, in fact, a conspicuously noisy and active play. This cannonading is especially associated with Claudius and his ‘rousing,’ or drinking of healths. The whole sound effect consists of a roll on the kettle-drums, followed by an elaborate trumpet fanfare, and concluded by the firing of the theater cannon or ‘chambers.’” See “Hamlet Without Words,” ELH 32.4 (Dec. 1965): 457-477, 459.
Respeaking earthly thunder. (1.2.125-8)

And in his proceedings over the fencing match between Hamlet and Laertes:

Give me the cups,

And let the kettle to the trumpet speak,

The trumpet to the cannoneer without,

The cannons to the heavens, the heaven to earth,

“Now the King drinks to Hamlet.” (5.2.275-9)

Claudius’ preoccupation with cannon and thunder is to Maurice Charney an indicator of Claudius’ arrogance, styling himself as a Jove who wields the power of thunder.$^{42}$ It evokes a number of parallel significations ranging from a display of auctoritas to continual assertions of legitimacy according to a great chain of being. But music as something talked about rather than immediate sense experience has a particular relevance to literate types who were located within the wide periphery of the court. As Katherine Butler notes, aside from traditional associations with sensuality, courtly music existed in “a well-established intellectual tradition [that] associated music with authority, rationality, and order, inspired by music’s status as a mathematical art and a belief in universal harmony”; both Elizabeth, in her rule, and Shakespeare, in Hamlet, use these connotations with great effect.$^{43}$ The effect in Hamlet is dissonant. Music represents both the corruption of sensuality and customs “more honor’d in the breach than the observance” (1.4.16). It also comes to represent an illegitimate order and an

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$^{42}$ Charney uses these two examples to note how “this is as close as we ever come in the play to a feelings of ‘hubris,’ the insolent competition with the gods by mortal man,” recalling “conventional associations of thunder with the anger of the gods.” “Hamlet Without Words,” 459-60.

illicit harmony made through force. As Polonius instructs his servant Reynaldo to let Laertes “ply his music” (2.1.69), he gestures to the potential for waywardness. The association of music with illicit sexuality is affirmed in Ophelia’s lamentation over Hamlet’s madness and her grief at having “suck’d the honey of his music vows,” and she continues the conceit by comparing Hamlet’s disordered state with discordance: “Now see that noble and most sovereign reason / Like sweet bells jangled out of time, and harsh” (3.1.156-60). Ophelia’s usage is in keeping with a sense of music connected with the physical, embodied aspects of love and desire—the “healthful music” of the heart (3.4.141)—and the disharmony is purely that of distempered affection.

The use of music with explicit reference to order, dominance and submission emerges in Hamlet’s resistance to harmonize with either the rule of Claudius or the vicissitudes of Fortune. Hamlet feels affection for Horatio due to his quiet stoic resistance to the music of Fortune.

A man that Fortune’s buffets and rewards
Hast ta’en with equal thanks; and blest are those
Whose blood and judgment are so well co-meddled,
That they are not a pipe for Fortune’s finger
To sound what stop she please. Give me that man
That is not passion’s slave, and I will wear him
In my heart’s core, ay, in my heart of heart,
As I do thee. (3.2.67-74)

The notion of being “played” like a pipe figures decisively in Hamlet’s position of “judgment,” colored by mourning, as a counter to the present temporal order. In his subsequent encounter
with Rosencrantz and Guildenstern, he uses the metaphor of the recorder to assert his will over voluntary submission to authority:

You would play upon me, you would seem to know my stops, you would pluck out the heart of my mystery, you would sound me from my lowest note to the top of my compass; and there is much music, excellent voice, in this little organ, yet cannot you make it speak. ‘Sblood, do you think I am easier to be play’d on than a pipe? Call me what instrument you will, though you fret me, yet you cannot play upon me. (3.2.364-372)

The metaphorical pipe that Rosencrantz and Guildenstern would play mirrors Fortune in its assault on the heart and the interior self. Hamlet resists the music of earthly harmony yet asserts that his inner world contains its own music. Music provides the strongest suggestion in Hamlet that the central conflict in the play is that between two liturgical orders, one rooted in the subject of the martyr and the liturgy of mourning and one based in realpolitik, an empty liturgy of rule. Hamlet cynically gestures to his own conception of pipe playing and his disillusionment with liturgy in describing Caesar as “dead and turn’d to clay,” such that he “Might stop a hole to keep the wind away” (5.1.213-4). And yet as a final reaffirmation of its benevolent power, we have Fortinbras’ commitment that “for [Hamlet’s] passage / The soldier’s music and the rite of war / Speak loudly for him” (5.2.398-400). Fortinbras silently revises Hamlet’s tortuous journey of inaction and action explicitly as a passage, but implicitly a progress, just as the domestic and dynastic conflict of Hamlet has been silently revised as a war.

Hamlet contains two instances of the word “scourge,” which, we have seen, is a powerful keyword of the discourse of warning and the general punishment of a people from Jerusalem to Antwerp and London. Hamlet’s reflection on the killing of Polonius is as a sin: “I do repent; but
heaven hath pleas’d it so / To punish me with this, and this with me, / That I must be their scourge and minister” (3.4.173-5). Claudius later reflects on Hamlet’s departure to England, which is at once an exile and an intended execution, the positioning of Hamlet as an undisclosed outlaw to be dispatched secretly and by whoever is the recipient of a letter he carries with him.

How dangerous it is that this man goes loose!

Yet must not we put the strong law on him.

He’s loved of the distracted multitude,

Who like not in their judgment, but their eyes,

And where ‘tis so, th’ offender’s scourge is weigh’d,

But never the offense. To bear all smooth and even,

This sudden sending him away must seem

Deliberate pause. Diseases desperate grown

By desperate appliance are reliev’d

Or not at all. (4.3.2-10)

We are dealing with familiar material here. From Chapter 1 we have seen how the rhetoric of judgment in the late 1580s and 90s included tropes of outlawry and disease, along with scourge and ministry. Ministry is figured here in its double sense: the making of an example and communicating that example to others through warning and prophecy. The central ideas of this discourse remained current through the ascension of James in 1603. In that year the English Church released a prayer book and guide to church liturgy. Certaine prayers collected out of a forme of godly meditations, set forth by his Maiesties authoritie is subtitled in such a way to show warning’s continued currency: and most necessary to be vsed at this time in the present
visitation of Gods heauy hand for our manifold sinnes." The Preface contains familiar commonplaces that associate the judgment of a nation with the judgment of the individual soul, with prayer as the correlative attempt at remedy and repentance. “So king David in the time of plague and pestilence which ensued vpon his vaine numbring of the people,” the preface notes, “prayed vnto God with wonderfull feruencie, confessing his fault, desiring God to spare the people.” Certaine prayers represents a convergence between the popular prayer book of Norden and the official liturgical practice of the state. The Preface notes:

The like was done by the virtuous kinds Iosaphat and Ezechias in their distresse of warres and forreine invasions. So did Iudeth and Hester fall to humble prayer in like perils of their people. So did Daniel in his captiuity, and many other moe in their troubles. Now therefore calling to mind, that God hath beene prouoked by vs to visit vs at this present with the plague and other grievous diseases…it is euery Christian mans duety, of his owne deuotion to pray at all times…For the effectual accomplishment whereof, it is thought meete that this order of prayer following should at this time be published, being such as may be used not only by the minister in the Church, but by euery man in his private family.

Like James in his writing, this official church liturgy bases the health of the nation on the example of the scriptures. Examples of bad and good kings and the teachings of the prophets occupy a privileged role as the impetus for individual prayer, and as the cornerstone of the protection of the English people. As the preface ends with this passage, state policy becomes the

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44 Church of England, Certaine prayers collected out of a forme of godly meditations, [London: 1603].

45 Certaine prayers, A2r.

46 Certaine prayers, A2v.
internalized project of the individual and the family. And employing typical early modern printing convention, the text funnels down, from nation to individual, in prayer as in judgment.

Hamlet’s distaste for the repeatedly failed attempts of his countrymen to organize life on the basis of formal design display a preoccupation between the moral health of the nation and the survival of dynasties and political communities. The prince bears witness to a moral degradation during a time that can be identified as prophetic time—a time in advance of a catastrophe—and the catastrophe in question is Denmark’s invasion and conquest. Hamlet retells the story of the destruction of Jerusalem—moral inadequacy leading to political collapse—through a troubled prophet who rails against ritualized sovereign life constructed on the basis of false propriety. The play centers on an imaginary trajectory of sovereign life that is somewhat like the exemplary life of monarchy in James’s political writings, but this trajectory is disrupted, and this disruption so fully permeates the ontological that the examination of life in ever greater detail only turns up more disruptions to torment the mind and render uncertain any form of human action.
Coda

The void is the name of being—of inconsistency

- Alain Badiou

All sins are attempts to fill voids

- Simone Weil

On occasion, Shakespeare’s tragic figures express a limit point of language, the contemplation of a linguistic void. Brutus reaches such a point at the end of his inner deliberation on whether or not to join the conspiracy—“Fashion it thus: that what he is, augmented, / Would run to these and these extremities” (2.1.29-30). The intelligibility of the speech is completed in theatrical gesture. Language ceases to articulate specific reasons, and only articulates itself. Avoidance of semantic precision reappears in other plays: Hamlet observes, “The king is a thing,” and when prompted to elaborate on the observation, replies “of nothing” (4.2.28, 30). When Marcus Andronicus kills what his brother calls an “innocent” fly, he defends his action by calling it a “black, ill-favor’d fly,” to which Titus responds, “O, O, O” (3.2.66, 68): an almost pre-linguistic response, repetitive in its orthographic circularity. Articulations of language without meaning are repeated in plays where conscious, goal-directed human action often proves futile. Shakespeare never explicitly points to original or “native” sin as the root cause of tragic events. But drama in which human agency perennially reaches an ontological limit suggests a fundamental human inadequacy as the root cause of suffering and injustice.

Simone Weil and Alain Badiou, working from strikingly different genealogies of thought, both point to the void as a constant of human experience. For Weil, the void is the first cause of all sin. For Badiou, the void is an a priori condition of ontology, a negative that both
generates and accompanies being at every point: “the absolutely initial existence,” he writes, “[is] that of negation.”¹ Brought together, these meditations on the void reveal a family resemblance in a common assertion of the precarious nature of human intent straightjacketed by the negative: “imagination, filler up of the void,” Weil writes, “is essentially a liar;” Badiou observes how “Aristotle had already pointed out…the de facto prohibition which prevents thinkable constitutions—those which conform to the equilibrium of the concept—from becoming a reality, and which makes politics into such a strange domain—in which the pathological (tyrannies, oligarchies and democracies) regularly prevails over the normal (monarchies, aristocracies and republics).”² Shakespeare’s tragedies are recognized for staging the exception, but they also stage the void: the search for causality in tragic events leads only to an affirmation of an inherent negativity in being itself.

This negativity continues to emerge in the spectacle of contemporary violence. I worked on the final revisions for this dissertation in the summer of 2014, a summer of pervasive mediated violence. I say, “mediated” because the violence in question never occurred at my doorstep, but rather it was experienced through the highly intimate practice of watching a computer or television screen. In mid-June 2014, the Islamic State of Syria and Iraq exposed us to a very old yet very new process of state formation by publicizing graphic images of mass

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¹ Badiou, Being and Event, 66-67.

executions. The antiquity of this form of state-making violence is confirmed in recent analysis. As Max Rodenbeck, writing for the *New York Review of Books*, observes:

Sad to say, Baghdadi’s [the Caliph of the Islamic State] fusion of the homicidal and messianic is not without precedent in Iraq. The use of seemingly gratuitous cruelty as a form of display—as a talisman of godlike power and an advertisement of worldly success—has old roots here. Some can be traced just outside of Mosul in the fields of dusty ruins that mark the sites of Nineveh and Nimrud, great cities of the ancient Assyrian empire. The atrocities of the Islamic State are as ancient as they are contemporary. The difference lies in the dissemination of a visual archive of violence through the Internet, and the recruitment of soldiers from all over the world, including a great many from the West. Nevertheless, students of this contemporary conflict can find analogues dating back from the time of the Bible.

A few weeks after this primeval form of terror began to catch the attention of the world press, Israel launched Operation Protective Edge, a series of military operations in the Gaza Strip. Here, a more sophisticated method of projecting military force has scarcely been seen in the world. Alongside the most advanced military hardware, Israel has developed a complex system of protocols, such as warning calls to Palestinian homes and “knock-on-the-door”

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missiles\(^5\) meant to minimize civilian deaths, or, read more cynically, to make Israeli military operations more palatable to global public opinion. Nevertheless, at the end of the operation 1,473 Palestinian civilians were killed (more than half of total deaths) and the British newspaper *The Guardian* ran a headline “The World Stands Disgraced” quoting UN officials after the IDF shelled a school while the families and children who were sheltered there were sleeping.\(^6\) The headline suggests that it is the world, and not Israel, or the Palestinians, who experience a loss of esteem over the massacre. The shame expressed is that of a collective human community, a general disillusionment with the human capacity to prevent atrocity.

On 9 August 2014 an unarmed eighteen-year old named Michael Brown Jr. was shot to death by police officer Darren Wilson in Ferguson, Missouri. The killing ignited racial tensions in the predominantly black suburb of St. Louis, whose police officers are disproportionately white. The aftermath included weeks of protest during which Ferguson police came equipped with Armored Personnel Carriers, military grade body armor, assault rifles, and tear gas. The equipment was provided to the Ferguson police free of charge through the US Department of


Defense 1033 Program, which provides domestic police forces with military hardware. The use of force by the police against the protestors so scandalized global public opinion that police revised their strategy, dispensed with their tactical equipment, and Attorney General Eric Holder announced that he would investigate the Ferguson police department for any wrongdoing in the handling of the Brown shooting or the ensuing protests.

As a result of the fact that violence can no longer be separated from the mediated spectacle of violence—there always seems to be a camera crew or an iPhone available—contemporary conflict has become incorporated into a global apparatus of media technologies and the global theater these technologies have conjured into being. By being exposed to this new era of global monitoring, large-scale acts of violence become visible to the scrutiny of the multitude and its instinctive sense of Natural Law, most prominently in discussions of proportionality. When acts of violence exceed the bounds of what is considered appropriate or tolerable they enter a “gray zone,” a term coined by Primo Levi that describes, in Agamben’s paraphrase, “a gray, incessant alchemy in which good and evil and, along with them, all the metals of traditional ethics reach their point of fusion.” With respect to the events this past summer of 2014, I would interpret the “gray zone” in this way: since we are so reliant upon law to legitimize violence in the service of a dominant order, then excessive violence that pushes the boundaries of law blurs the distinction between powerful and powerless, predator and prey, order and anarchy. Atrocities committed to announce “we are the law!” serve only as an

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indicator of the purest unregulated violence. Acts meant to assert the dominance of one population over another that is occupied, contained, or policed, become in their excess acts that reveal a tragic subordination to a power relation these acts themselves seek to maintain. Today’s vacancies of law occur in voids below, aside, or within law, and continually ignore a lesson from *Hamlet* lost to time, and to a critical tradition narrowly focused on a prince’s apparent delay. It is what Hamlet seems to know even if he doesn’t say it so explicitly: namely, that violence, whatever its purpose, diminishes the souls—and the material realities—of those who wield it.
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