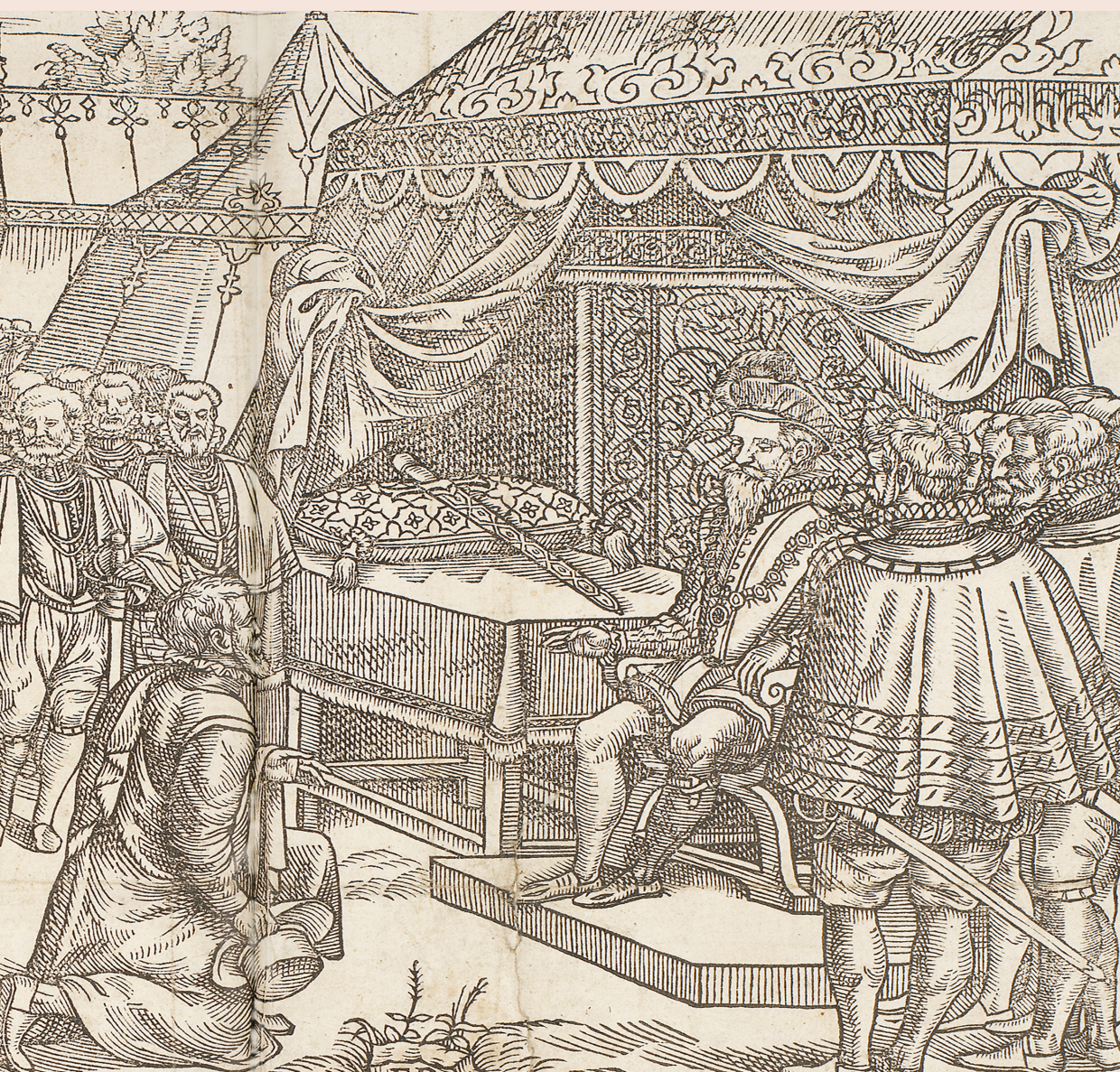


# *Spenser's Legal Language*

LAW AND POETRY IN EARLY MODERN ENGLAND

Andrew Zurcher



*Studies in Renaissance Literature*

*Volume 23*

SPENSER'S LEGAL LANGUAGE

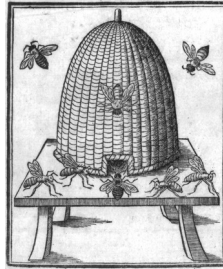
LAW AND POETRY IN EARLY MODERN ENGLAND



*Studies in Renaissance Literature*

ISSN 1465–6310

*General Editors*  
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*Previously published volumes in this series are listed at the back of this volume*

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LAW AND POETRY IN  
EARLY MODERN ENGLAND

*Andrew Zurcher*

D. S. BREWER



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First published 2007  
D. S. Brewer, Cambridge

ISBN 978-1-84384-133-3

D. S. Brewer is an imprint of Boydell & Brewer Ltd  
PO Box 9, Woodbridge, Suffolk IP12 3DF, UK  
and of Boydell & Brewer Inc.  
668 Mt Hope Avenue, Rochester, NY 14620, USA  
website: [www.boydellandbrewer.com](http://www.boydellandbrewer.com)

A catalogue record for this title is available  
from the British Library

This publication is printed on acid-free paper

Typeset by Pru Harrison, Hacheston, Suffolk  
Printed in Great Britain by  
Biddles Ltd, King's Lynn

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*Item finis huius rei est ut sopiantur iurgia vitia propulsentur, et ut in regno conservetur pax et iustitia. Ethicae vero supponitur quasi morali scientiae quia tractat de moribus.*

William de Bracton, *De legibus et consuetudinibus Angliae*

If the wife be deliuered of a Monster which hath not the shape of mankinde, this is no issue in the Law, but although the issue hath some deformity in any part of his body, yet if he hath humane shape this sufficeth.

Sir Edward Coke, *The first part of the Institutes of the Lawes of England*



## ACKNOWLEDGMENTS

The number of colleagues and friends who have assisted me in planning and drafting this book dwarfs my ability to recognize and thank them for their generous contributions without some modest use of hyperbolical locutions. Elizabeth Fowler first suggested many years ago the places such an inquiry conceivably could go, and since that time has been a stalwart reader and support both of an intellectual and a more professional sort. The late but long lamented Jeremy Maule, my supervisor, sent me gnomic postcards, for which I hope I am the wiser, took me to record offices, and by his huge example taught me that far too much could still fall somewhat shy of ample; to Richard Axton I owe debts for rock cakes, scones, and tea, for sane, pragmatic chats, belief, and legal wizardry; and Colin Burrow by his owlish, spare sagacities has often (by night, as it were) saved from extremities my too conspicuous foragings, and with his talents keen reduced my shapes immense, and made my muddy messes clean. To Christopher Burlinson I record my gratitude for years of even-tempered, untiring co-servitude in editing and glossing Spenser's diplomatic letters, and for being, generally, the best of aiders and abettors. Several kind readers on whose patience I presumed to call read chapters on demand, and commented; between them all, Jason Scott-Warren, Katrin Ettenhuber, Raphael Lyne, Chris Burlinson, and Tory Coldham-Fussell read all nine. I thank the Master and the Fellows of Gonville & Caius and Queens' Colleges, Cambridge, for their fine facilities, warm lunches, book grants, budgets for research and trips to Kew, and all that priceless fellowship (which we receive in lieu); of whom I single out for special honorarium my neighbours in Finella, Sujit Sivasundaram and Bernhard Fulda, and for all their perceant smarts, at Queens', both Ian Patterson and Sara Crangle: wealth wants means. By turns Jon Stainsby, Enny Choudhury, and Colin Rowat have overlooked this work, although they likely didn't know it. But for the generous support of the Keasbey Foundation, I never would have come to Cambridge (saving on vacation); to Angus Russell and Philip Greven, my sincere thanks for all their kindness, principally in dealing with the banks. The editors and publishing team at Boydell & Brewer (especially Caroline Palmer, after all that I've done to her) have shown a faith in me and patience as extraordinary as undeserved, for which, saluting them, I'm grateful – very. The staff in manuscripts and rare books rooms in several places have ministered to all my wants with more than needful graces; I can't think of collections where I rather would pursue research than those of Cambridge, St Pancras, Oxford, and Kew.

## *Acknowledgments*

My parents, Lynne and John Zurcher, have rendered me substantial and free aid through the years, not least of which has been financial. But to my sister, and my friend, Amelia, I owe most for giving up her time, and health, and practically the ghost to read for me, and criticize, and help me understand what I had done, and left undone, of all that I had planned. She is the best of readers, best of sisters, and a scholar whose life and thought, in my view, could not tower any taller. And last, and lasting, to my family I commend a great, sound shuddering peal of thanks (do reader let the page vibrate). My children, Aoife, Una, Eamon, have been a delight straight through the writing of this book, and most of all at night; and with their wit, and wonder, and their caws, and cries, and crakes, kept me so dizzy that I scarcely noticed my missed aches. As to my wife, Fionnuala, there is little I can say: an absent presence every working moment of the day, kind, honest, generous, forbearing, optimistic, steady; I cannot dedicate to her what is her own already.

## ABBREVIATIONS AND CONVENTIONS

### *List of Abbreviations*

Baker, <i>IELH</i>	J. H. Baker, <i>An Introduction to English Legal History</i> , 4th edn (London: Butterworths, 2002).
Baker, <i>LPCL</i>	J. H. Baker, <i>The Legal Profession and the Common Law: Historical Essays</i> (London: Hambledon, 1986).
Baker and Milsom, <i>SELH</i>	J. H. Baker and S. F. C. Milsom, eds, <i>Sources of English Legal History: Private Law to 1750</i> (London: Butterworths, 1986).
Bracton, <i>De legibus</i>	Henry de Bracton, <i>De legibus et consuetudinibus Angliae</i> [ <i>On the Laws and Customs of England</i> ], trans. G. E. Woodbine, ed. Samuel E. Thorne, 4 vols (Cambridge: Belknap Press for the Selden Society, 1968).
BL	British Library, London.
CCCHA	<i>Colin Clouts Come Home Againe</i>
CCM	<i>Calendar of the Carew Manuscripts Preserved in the Archiepiscopal Library at Lambeth</i> , 6 vols (London: HMSO, 1867–73).
CHRP	<i>The Cambridge History of Renaissance Philosophy</i> , ed. Charles B. Schmitt et al. (Cambridge: Cambridge University Press, 1988).
Coke, <i>Institutes I</i>	Sir Edward Coke, <i>The First Part of the Institutes of the Lawes of England</i> (London: John Jaggard, 1628).
Cowell, <i>Interpreter</i>	John Cowell, <i>The Interpreter: or booke containing the signification of words: of all, or the most part of such words and termes, as are mentioned in the lawe writers, or statutes</i> (Cambridge: J. Legate, 1607; facsimile repr. Menston: Scholar Press, 1972).
CSPI	<i>Calendar of the state papers relating to Ireland, 1509–1670</i> , 24 vols (London: HMSO, 1860–1912).
<i>Fiants</i>	Kenneth W. Nicholls, ed., <i>The Irish Fiants of the Tudor Sovereigns During the Reigns of Henry VIII, Edward VI, Philip &amp; Mary, and Elizabeth I</i> (Dublin: Edmund Burke, 1994).
FQ	<i>The Faerie Queene. Disposed into twelue bookes, Fashioning XII. Morall vertues.</i>



## Abbreviations and Conventions

Hamilton	Edmund Spenser, <i>The Faerie Queene</i> , ed. A. C. Hamilton, 2nd edn (London: Longman, 2001).
HB	<i>An Hymne in Honour of Beautie</i>
Hughes and Larkin	Paul L. Hughes and James F. Larkin, eds, <i>Tudor Royal Proclamations</i> , 2 vols (New Haven: Yale University Press, 1964).
MED	Hans Kurath et al., eds, <i>Middle English Dictionary</i> (Ann Arbor: University of Michigan Press, 1952– ).
MHT	<i>Mother Hubberds Tale</i>
MLF	J. H. Baker, <i>A Manual of Law French</i> , 2nd edn (Menston: Scolar Press, 1990).
OED	<i>Oxford English Dictionary</i> , 2nd edn (Oxford: Oxford University Press, 2006).
NA (PRO)	National Archives (formerly the Public Record Office), Kew, London.
ODNB	<i>Oxford Dictionary of National Biography</i> (Oxford: Oxford University Press, 2004–07).
Rastell, <i>An exposition</i>	John Rastell, <i>An exposition of certaine difficult and obscure words, and termes of the lawes of this Realme, newly set foorth and augmented, both in french and English, for the helpe of such younge students as are desirous to attaine the knowledge of the same. Whereunto are also added the olde Tenures</i> (London: Richard Tottel, 1579).
Rastell, <i>Statutes</i>	William Rastell, <i>A colleccion of all the statutes. Whereunto are added the statutes made in the xxxix. yere of Elizabeth</i> (London: T. White and Bonham Norton, 1598).
RR	<i>Ruines of Rome</i>
RT	<i>The Ruines of Time</i>
SC	<i>The Shepheardes Calender</i>
SE	A. C. Hamilton et al., eds, <i>The Spenser Encyclopedia</i> (Toronto: University of Toronto Press, 1990).
<i>The Statutes at Large</i>	<i>The Statutes at Large</i> , 2 vols (London: Bonham Norton and John Bill, 1618).
STC	A. W. Pollard and G. R. Redgrave, <i>A short-title catalogue of books printed in England, Scotland, &amp; Ireland and of English books printed abroad, 1475–1640</i> , 2nd edn (London: Bibliographical Society, 1976–91).
<i>Termes de la Ley</i>	<i>Les Termes de la Ley: Or, Certain difficult and obscure Words and Terms of the Common Lawes and Statutes of this Realm now in use expounded and explained</i> (London: J. Streater for the Company of Stationers, 1659).

### Abbreviations and Conventions

<i>Variorum</i>	Edmund Spenser, <i>The Works of Edmund Spenser, A Variorum Edition</i> , ed. Edwin Greenlaw, Charles C. Osgood, Frederick M. Padelford, et al., 11 vols (Baltimore: Johns Hopkins Press, 1932–58).
<i>A view</i>	<i>A view of the present state of Ireland, in Variorum, X: The Prose Works</i> , ed. Rudolph Gottfried, pp. 43–231.
VG	<i>Virgils Gnat</i>

### Journal Title Abbreviations

ANQ	<i>American Notes &amp; Queries</i>
HLQ	<i>Huntington Library Quarterly</i>
MLR	<i>Modern Language Review</i>
PMLA	<i>Publications of the Modern Language Association of America</i>
PQ	<i>Philological Quarterly</i>
RES	<i>Review of English Studies</i>
RS	<i>Renaissance Studies</i>
SEL	<i>Studies in English Literature 1500–1900</i>
SP	<i>Studies in Philology</i>
SS	<i>Spenser Studies</i>

### Conventions of citation

Spenser's poetic works are cited by title and line number from *Variorum*. References of the form (X.y.z) are to *The Faerie Queene* by book, canto, and stanza number, and appear parenthetically in the text. References to *The Shepheardes Calender* (SC) are by month and line number. Spenser's prose works, and those of E. K. and Gabriel Harvey associated with them in the *Variorum* edition, are cited in the standard way by *Variorum* title, volume number, and page number. All references to 'A Letter of the Authors . . . to Sir Walter Raleigh', to *A view of the present state of Ireland*, and to Spenser's other prose works are to the *Variorum* edition and are cited by the page number of the relevant volume only.

Statutes are cited by the conventional system: 23 H. 8 cap. 9 refers to the ninth chapter of the statute enacted in the twenty-third year of Henry VIII. Where Parliament issued more than one statute in a given regnal year, the abbreviation 'St.' for 'Statute' is used.





## Chapter 1

### INTRODUCTION: READING SPENSER'S LANGUAGE

**A**RCHIMAGO, the Enchanter plotting to separate the knight of the Redcrosse from his companion, Una, has already by Book I, canto ii of *The Faerie Queene* made a first attempt. Summoning a dream from hell, and joining to it the manage of a 'faire-forged Spright', he has toiled Redcrosse's brain with a vision of Una's wantonness, but to no effect. Remarshalling his powers, he creates of the same dream and spirit a waking vision, to which, arousing Redcrosse from his bed, he urges him. The three stanzas in which Spenser narrates this seminal event provide a representative example of the poet's total mastery of his poetic language:

Forthwith he runnes with feigned faithfull hast  
Vnto his guest, who after troublous sights  
And dreames gan now to take more sound repast,  
Whom suddenly he wakes with fearful frights,  
As one aghast with feends or damned sprights,  
And to him cals, Rise rise vnhappy Swaine,  
That here wex old in sleepe, whiles wicked wights  
Haue knit themselues in *Venus* shameful chaine;  
Come see, where your false Lady doth her honor staine.

All in amaze he suddenly vp start  
With sword in hand, and with the old man went;  
Who soone him brought into a secret part,  
Where that false couple were full closely ment  
In wanton lust and leud embracement:  
Which when he saw, he burnt with gealous fire,  
The eie of reason was with rage yblent,  
And would haue slaine them in his furious ire,  
But hardly was restrained of that aged sire.

Retourning to his bed in torment great,  
And bitter anguish of his guilty sight,  
He could not rest, but did his stout heart eat,

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And wast his inward gall with deepe despight,  
Yrkesome of life, and too long lingring night.  
At last faire *Hesperus* in highest skie  
Had spent his lampe, and brought forth dawning light,  
Then vp he rose, and clad him hastily;  
he dwarfe him brought his steed: so both away do fly. (FQ I.ii.4–6)

Even a careless reader will note with pleasure the dense use of alliteration, the syntactical confusion, and the insistent use of repetition by which Spenser's language mirrors the urgent discombobulation of rousing Redcrosse from his troubled sleep; but closer attention to this poet's diction, and the way it is deployed, yields only further consistencies between matter and form. 'Repast', for example, might stand out in the first of these stanzas as an odd choice. It usually means something like 'refreshment', and might here be thought extensible to 'repose', and yet its etymological root in Latin *pascere*, 'to feed' (which also produces words like 'pasture', something a past-oral poet like Spenser would have known well), insists on associations with feeding, eating, banqueting. Spenser's use of the word sets up a parallel between tranquillity and peaceful feeding that is not resolved until the end of the quoted passage, where the knight, now disturbed, 'did his stout heart eat', wasting 'his inward gall with deepe despight'. In a temporally inverted causation characteristic of a passage rife with such contortions of consequence, Redcrosse's ultimately 'self-consuming' anxiety makes him, as early as stanza 4, a feeder; throughout the passage, we come to realize, he has been prone to 'rumination'. That the etymology of 'anguish' (from Latin *anguere*, 'to choke, strangle', via Old French *anguisse*, 'choking') and the semantic field of 'torment' (which includes, during the early modern period, 'a griping or wringing pain in the bowels', later called *tormina*) further link Redcrosse's mental distress to eating and digestion only compounds these repeated associations.

The minute attention to etymology, semantics, and syntax continues in the fifth stanza. When Redcrosse 'suddenly' awakes, his suddenness echoes that of Archimago in the previous stanza ('Whom suddenly he wakes . . .'), both collapsing the temporal interval between the two usages, and transferring Archimago's suddenness successfully to his victim. This is particularly crucial because, as Spenser and his Latinate readers would well have known, the adverb 'suddenly' derives originally from Latin *subitus*, from *subire*, 'to come or go stealthily'. 'Sudden' and 'suddenly' are, of course, fairly common words frequently appearing in *The Faerie Queene*, but, by this point in the poem, Spenser has only used 'suddenly' twice before – in the first canto (I.i.18 and I.i.24), in precisely the same kind of mirroring exchange as here. There Redcrosse's suddenness answered – and was contaminated by – that of Errour's 'huge traine', where here his suddenness again answers, and is contaminated by, the similarly craftily abrupt intrusion of Archimago. The doubly temporal play in which this suddenness engages the reader – referring her back to Archimago's wily waking, as well as to Errour's subtle enfolding –

is aptly collocated, in stanza 5, with 'amaze' (or 'a maze'), and brilliantly plays to the syntactical inversion of the stanza's first line, which in a less tortuous moment might have read, 'he suddenly start(ed) up all in amaze'. The way in which suddenness is handed from *Errour* to *Redcrosse* in canto i, and from *Archimago* to *Redcrosse* in canto ii, also creates the rhetorical structure from which depends the repeated use throughout this passage of (sometimes quasi-) transferred epithet ('troublous sights', 'fearful frights', 'gealous fire', 'furious ire', 'guilty sight'), a kind of hypallage peculiarly suited to the symbolic (or material) psychology of Spenserian allegory.

Pressing further, the reader might note the abrupt apocope of 'vp start', that by dropping the preterite ending 'ed' simulates *Redcrosse's* sudden awakening; the grammatical confusion here – 'vpstart' was often used as a noun in this period, and seems suspiciously appropriate for the only 'yunker knight' of the poem – is echoed by the similarly ambiguous 'couple' of line four, which is pulled toward a verbal use by the verb's relevant sexual meaning. And lest the reader think the apocope of 'start' a fudge to fit the metre, it is carefully prepared by that of 'amaze' itself, which wants the expected final syllable 'ment'. Curiously, this final syllable belatedly appears in line four, as if, rather than omitting the conclusion of the word, Spenser simply suspended it. As a lexeme, 'ment' has always presented a stumbling block for editors. Most, like A. C. Hamilton, take it to mean something like 'joined together, knit in sexual intercourse', a reading perhaps suggested by the brokerage of 'implied', itself a substitute for 'meant'; and it may well have been one of Spenser's intentions here to provoke that kind of metaleptic ratiocination. But 'ment' also beautifully completes the suspended 'amaze', which begins in being roused roughly from sleep, and ends, with a slap, in *Redcrosse's* realization of his earlier dream, as he (thinks he) finds *Una* entangled in the 'embrace-ments' of a lewd squire. 'Realization', too, may play its part in this especially inspired bit of diction: the suffix *-ment*, as Spenser would demonstrate in the subsequent use of 'embracement', turns a verb into a noun, reifying a verbal action as a state. The experience of 'coming to', perhaps, is precisely this process of 'getting a handle on things', of turning something fluid and inchoate into something that can be named, assimilated, acted upon: 'which when he saw . . .'. The pain of this realization is given particular point by its situation in the only couplet ('couple') of the Spenserian stanza, where the two-ness of 'couple' leads inexorably to the sexual union of 'embracement', which the scansion ensures the reader takes in its lewd, French sense, and which, as if in a parting blow, gives *Redcrosse* a glimpse, with the jealous exactness of the betrayed eye, of 'cement'.<sup>1</sup>

With this dense and exhilarating wordplay in hand, line seven of the fifth

<sup>1</sup> See Donne's 'The Extasie' for the bawdy pun on 'cement', occasioned in the sixteenth century by the association, through the common spelling 'sement', with 'semen'.

stanza comes as a thrilling shock. First of all, the whole line is syntactically inconsistent with the rest of the sentence. The subject of 'saw' in line six, of 'would haue slaine' in line eight, and of 'was restrained' in line nine, is 'he'; whereas the subject of the intervening clause in line six is 'the eie of reason'. The infelicity of this shift of subject only becomes apparent, again retrospectively, in line eight, directly after the reader's encounter with yet another inscrutable Spenserism, 'yblent'. Hamilton, with no discussion, glosses this affectedly archaic past participle as 'blinded', a reading consistent with Spenser's use of the same word in contexts like 'Aprill' of *The Shepheardes Calender*, where Thenot laments of Colin, 'Ah foolish boy, that is with loue yblent' (and here E. K. glosses the word with 'Y, is a poetically addition. blent blinded'). Indeed, Spenser's use of the word in canto ii of Book I of *The Faerie Queene* might be thought to imitate Chaucer, his ultimate source, very directly in the Miller's Tale, where Absolon is nearly 'yblent' by the 'thonder-dent' of Nicholas's fart. But Spenser, like Chaucer, also uses 'blend' in its other sense, to mean something like 'to stir up, confound, agitate, trouble', as in *Amoretti* 62:

Then shall the new yeares joy forth freshly send  
into the glooming world his gladsome ray:  
and all these stormes which now his beauty blend,  
shall turn to caulmes and tymely cleare away. (ll. 9–12)

Similarly, in *Mother Hubberds Tale*, Mercury reproaches the lion toward the end of the poem for his criminal negligence, 'that here liest senseless'

The whilste thy kingdome from thy head is rent,  
And thy throne royall with dishonour blent. (ll. 1329–30)

It seems likely that, without the aid of the *OED*, and the etymological and morphological researches that generated it, Spenser made no hard distinction between the two forms of 'blend', but considered it to be a verb that meant something like 'blinds by clouding', where the clouding was occasioned by agitation and contamination. When he uses the past-participle 'yblent' of Redcrosse, then, punning conspicuously on 'eie-blent', he probably expected the reader to see something not so limited as 'blinded', but rather 'clouded, fouled, blinded by agitation'. All of the many temporal, grammatical and semantic confusions of this passage (literally) culminate in this moment of extraordinary agitation, a culmination that a gloss like 'blinded' fails to register.

It should be obvious from the analysis of a short passage like this that Spenser was a poet who took his diction, and the ability of his readers to assimilate and understand that diction in all its nuance, seriously. The wordplay we have seen at work in the opening to canto ii of Book I depends on the reader's alertness to semantic ambiguity, to etymology (even of apparently familiar words), to colloquial and cant usages, to cognates in classical or continental

languages, and borrowings, to grammatical ambiguity, to the usages of earlier and contemporary poets, and to the supposedly simple matters of orthography and pronunciation. To register a full sense of the artistry of a passage like this one, an alert reader will need to call on all of this skill in words, constantly tracking and backtracking the development of sense as the verse is turned out. And yet these are not habits of reading stressed by modern editions of early modern English poets like Spenser, nor are they habits of reading exemplified in much of the criticism that is written about these poets today. Despite its many virtues, and its insistence on attention to Spenser's language, even so heavily annotated an edition of *The Faerie Queene* as that of A. C. Hamilton (1977, 2001) does not, plausibly cannot, and probably should not pause as profitably over words like 'suddenly', 'anxious', 'ment', and 'yblent' as we can suppose a poet like Spenser would have expected from his first readers.<sup>2</sup> Similarly, a scholarly critical reading of a passage such as this one – the kind of thing one might expect to find in a monograph on Spenser – will tend to ignore, or in the best case, assume, such base-level readings. For the sake of consistency, as an example one might take a short passage from the second chapter of

- <sup>2</sup> It might at first seem obvious that the interpretation of a rhetorically or conceptually complicated work should require studious application over time; and yet at the same time the apprehension of beauty or meaning in a text seems to occur in a vanishing moment, in the course of any single reading engagement. The experience of coming-to-know a text like *The Faerie Queene* – like that of coming-to-know any polyvalent and recursive text – must thus be one of successive layering of momentous apprehensions. This successive layering can take place if the reader invests time and effort, between readings, in the analysis of the constituent elements of the text; these sundry inquiries will themselves provoke proleptically the pleasures of a further reading, as the synthesizing intuition, stored with new information, interacts with the memory, but the real effect of synthesis will occur most pleasurably at the next reading. Becoming 'expert' in the reading of a particular poet like Spenser, then, is the process of assimilating the experience of reading to that of interpretation: when the interpretation occurs instantly – even if only *in potentia* – in the reader's mind during the course of a single engagement with the text, the sense of temporal synthesis (where the experience of times past and that of the present are gripped as in a handful) is physically delighting. (The transcendence of a historical moment in this synthesis of intellection is a staple of Neoplatonic thought, and is discussed in relation to law in Book 1, chapter 6 of Richard Hooker's *Of the Lawes of Ecclesiasticall Politie* (1593).) It is obvious that any significant text will afford this kind of pleasure, upon application; but the structure of romance allegory in a text like *The Faerie Queene*, as a narratively recursive text, provokes this kind of analysis by giving us intimations, by virtue of the repetition, of the pleasures that the analysis will afford. Just as the experience of study can occasion emergent pleasure by the interaction of learning with the memory, so the automatic syntheses occasioned by the reading of a recursive text will prime the reader to engage in the more pleasurable process of analysis, study, and recomposition. The temporal dislocation of the opening image of *The Faerie Queene* – in which Redcrosse, Una, and the dwarf are all captured instantly in the same visual frame, although they are travelling at different speeds – amounts effectively, among other things, to an allegory of this interpretative process: the reader's momentous apprehension of a text in any instant of reading collapses what are in fact independent and autonomous layers of interpretation, rooted in different conceptual and temporal spaces.

Hamilton's *The Structure of Allegory in The Faerie Queene*, an introduction to the poem for a generation of new student readers. Hamilton's important point, in handling the matter of Redcrosse's dream and subsequent vision, is to connect this episode with Prince Arthur's later revelation (in canto ix) that he, too, has been visited in the night by an amorous and ethereal lady; Hamilton recognizes that the false Una's claim to have left her father's kingdom for 'your owne deare sake' – rather than to find a knight who might achieve her parents' deliverance – blasphemously makes Truth the lackey to idolatry.<sup>3</sup> The connection with Arthur then serves to suggest that the pursuit of adventure for the sake of *kleos*, fame, is to be equated with Redcrosse's errant and idolatrous choice – a troubling reading of a poem that comes to seem deeply ambivalent about its own advertised intentions. But Hamilton's reading, because it does not recognize the verbal play in the passage in canto ii, also misses the way this anxiety is inscribed into the poem's representation of representation: the rearward connection with Errour, joined to the forward connection with Arthur, makes Archimago's attempts to delude Redcrosse sit at a hermeneutical nexus, the bond that ties errant reading to self-glorification; it suggests that a reader of both the earlier and the later passages must be alert, like Redcrosse in the middle passage, to the temporal, grammatical, and moral confusions that attend interpretative choice. In a poem as consistently self-reflexive as Spenser's, where every element of the allegory ultimately reflects back on, *inter alia*, the conditions of its own composition and interpretation, by ignoring the poem's verbal tissue we stand to lose not only a main medium of its meaning, but a fundamental one.

Readers might expect to be forgiven for letting slack a linguistically attentive scrupulousness in the interpretation of an allegorical, fabular poet like Spenser. S. K. Heninger, Jr. has argued that, when reading Spenser, a critic quickly transcends the verbal for the visual and conceptual, which, he argues, is the reason so few people can recall substantial passages of Spenser's verse – whereas almost anyone can reel off whole Hamlets-full of tragical speeches with comparative ease.<sup>4</sup> Spenser's verse seems to exert an allegorical pull away from language and toward the larger structures of meaning which these insignificant vestiges, these 'poor minims', encode. Even in the heyday of the New Criticism, during which years the academy might most have been expected to turn to Spenser with verbal vigour, Spenser's language lay comparatively neglected. C. S. Lewis gives a pretty good index of twentieth-century critical interest in Spenser's use of words, in his influential tabletop-treatise, *Studies in Words*; he cites Shakespeare's influence on, or usage of, his chosen terms about forty times, while Spenser turns up in the discussion only four

<sup>3</sup> See A. C. Hamilton, *The Structure of Allegory in The Faerie Queene* (Oxford: Clarendon Press, 1961), pp. 61–64.

<sup>4</sup> See S. K. Heninger, Jr., 'Words and Meter in Spenser and Scaliger', *HLQ*, 50 (1987), 309–22.

times.<sup>5</sup> Certainly the readings of deconstructionist, post-structuralist, and particularly new historicist and feminist critics – all of them with well-painted chapels in a large church of Spenserian criticism – have tended to leave the study of Spenser's language *per se* to one side.

This inattention to Spenser's language conflicts with another received critical commonplace about Spenser's poetry – that his language is the most indispensably Spenserian element of his work. 'In affecting the ancients, Spenser writ no language', observed Ben Jonson in a curmudgeonly quip to be affixed, ever after, to Spenser's works; and modern readers have taken Spenser at Jonson's word, considering him to be a difficult, stylized, sometimes even pedantic poet, self-consciously obsessed with his literary positioning as the English Vergil, the heir to Chaucer and Langland. Spenser's fussy archaism – extended from diction (the selection of words) to orthography (the spelling of those words) – has subsequently also been adduced to the defence of old-spelling editions of his work, in a conservative campaign so successful that, alone among the works of any one of his contemporaries, his poetry and prose survive in modern editions entirely in the original spelling. Subtle academic readers congratulate themselves not only on their initiated capacity for understanding this spelling and this language, but on their determination to secure and protect it, as the evidence of a range of ideological affiliations and polemical poetic standards that Spenser was anxious to assert in his writing: his Protestantism, his nationalism, his factional and patronage connections, or his emphasis on decorum, to name but a few of these concerns. The marginalization of Spenser's writings in the university curriculum, with their almost total disappearance from mainstream literary culture – in a way that the works of other contemporary poets, from Shakespeare, Donne, and Milton, and even to some degree Chaucer, have resisted – has been considered a plausible or at least necessary price to pay for the preservation of Spenser's original, however difficult, diction and spelling. His language, the assumption runs, is one of the indispensable elements that make Spenser's work Spenserian.

Like most assumptions, though, this one is seldom interrogated, and the more vigorously it has been asserted, the less likely has it been to attract scrutiny, or criticism. For all of Jonson's summary pronouncement, or for the various comments made by other contemporaries on the subject of Spenser's diction in *The Shepheardes Calender* and *The Faerie Queene*,<sup>6</sup> the language of these poems is not perhaps as archaic, or as archaic in the assumed ways, as modern editors and their readers have tended to think. The last major critical study of Spenser's language, itself avowedly preliminary, was published in

<sup>5</sup> C. S. Lewis, *Studies in Words* (Cambridge: Cambridge University Press, 1960).

<sup>6</sup> For a summary presentation of these comments, see R. M. Cummings, *Spenser: The Critical Heritage* (London: Routledge and Kegan Paul, 1971), particularly the section 'Language and Style', pp. 277–314.



1932, and even that landmark digest of Spenserian criticism, A. C. Hamilton's 1990 *The Spenser Encyclopedia*, was unable after the untimely death of Barbara Strang to include much on this important topic.<sup>7</sup> The now reverend work of Emma Field Pope and Bruce McElderry suggests that our reception of Spenser's archaism is subject to the complicating distortions of historical language development in ways that most readers register only very vaguely; Pope goes so far as to argue that Spenser's language is 'largely the English of his day . . . his vocabulary the vocabulary of his contemporaries', and with this McElderry is in well-documented agreement: while some elements of McElderry's argument deserve reconsideration,<sup>8</sup> there is no disputing his general conclusions, that Spenser's archaic diction is very limited (to a little over 300 words), that this diction is mostly focused on *The Shepheardes Calender*, and that Spenser's neologisms are rationally derived and, *prima facie*, no more aversive than Shakespeare's.

We have thus been left, by succeeding generations of readers, scholars, and editors, in a confused position with respect to Spenser's language. By some accounts, it is considered an inalienable element of his poetry, one that must be preserved in its orthographical originality, because of its innovative archaism – this despite the robust critical work that has questioned that originality and distinctiveness. In the face of this, particularly editorial, tenacity in the retention of Spenser's spellings, and of the sense of his linguistic difficulty, few critics engage with the problem of Spenser's language directly, despite the welter of critical studies of comparable early modern poets, many of them far less celebrated for their verbal artificiality or innovation than Spenser. But then, in turn, in the face of this, we have seen here how Spenser's verse itself invites readers into linguistic and rhetorical analysis, and rewards that analysis with strong and meaningful connections between the artifice of verbal expression in the poems and those larger structures of meaning (intertextual allusion, allegory, etc.) that have dominated critical reception of his works. A student new to Spenser studies might justifiably throw hands in the air and give up: is the language important, or isn't it? Is that much diction worth the intensive study it seems to demand, or not?

This book offers an account of how we might read Spenser's verse, and by

<sup>7</sup> See Emma Field Pope, 'Renaissance Criticism and the Diction of the Faerie Queene', *PMLA*, 41 (1926), 575–619; Bruce R. McElderry, Jr., 'Archaism and Innovation in Spenser's Poetic Diction', *PMLA*, 47 (1932), 144–70; Noel Osselton, 'Archaism', in *SE*, pp. 52–53; and Barbara Strang, 'Language, general, and resources exploited in rhyme', in *SE*, pp. 426–29.

<sup>8</sup> In particular, McElderry's reliance on *OED* citation dates as incontrovertible proof of the development of language use is slightly on the credulous side, and some of his local claims about the currency of individual words at given dates should be treated with scepticism. As Jürgen Schäfer has made clear, in his *Early Modern English Lexicography*, 2 vols (Oxford: Clarendon Press, 1989), the *OED*'s first- and last-citation dates must be regarded, at best, as notional, even for printed sources.

extension the verse of some of his contemporaries, in a way more faithful to early modern assumptions about reading, and actual reading practices. It argues that early modern English poets expected their readers to be especially and consistently alert to linguistic elements in verse, and that, for all of the trumpeted 'visual' quality of Spenser's poetry, or of Sidney's 'speaking pictures', this verbal analysis formed the bedrock of the contemporary interpretative structure. In the case of a poet like Spenser, who was transparently interested in, even obsessed by, the creation of an artificial poetic diction for English at a time of rapid linguistic development, it is our responsibility as readers to be unusually sensitive to the types of tortions, novelties, patterns, imitations, and other distinctive effects he introduced into the language of his poetry. This sensitivity must provide the basis of subsequent readings, whether those readings ultimately rely on or diverge from the sense of the language, simply because the language is, without exception and insistently, the *prima materia* of the poet's making, and the reader's consequent unmaking, of meaning. While I will eventually, for reasons I will discuss in a moment, confine my own discussion to a particular subset of Spenser's linguistic artistry – his experimentation with the technical vocabulary of early modern English law – I will follow this example through as a documentation and illustration of the way in which a linguistically hyper-sensitive poet experiments with signification, and draws his readers into that experimentation.

The present study, then, is offered as an avowedly preliminary, and avowedly historical, approach to a reconsideration of Spenser's language. The next chapter follows on from this introduction with an examination of the hermeneutical conditions and the reading practices into which Spenser's poetry was first received; surveying the origins of Elizabethan reading practices in the humanist pedagogy of the period, with its classical and medieval precedents, this chapter attempts to answer Spenser's own distinctive call for lexical 'analysis' (itself only one of Spenser's many coinages in *The Shepheardes Calender*) of his poetry. This chapter also places contemporary hermeneutical theory and practice, and the extant evidence of Spenser's own theory of interpretation, against the model of interpretation and meaning evident in the English legal writing and practice of the period. Spenser's use of preamble and argument, or maxim and emblem, for example, seems to owe something to the legal writing of the period, and many of the hermeneutical conventions implicit in his pastoral and allegorical works – invoking precedent, authority, analysis, comparative linguistics, etymology, and so on – seem to draw on the usual contemporary formulations of legal interpretation. This chapter thus contextualizes Spenser's use of language, and his interest in law and legal language, within the same intellectual tradition of rhetoric and argument, suggesting why a study of his language should naturally gravitate to the legal, and why a study of the law in Spenser's works should itself naturally gravitate to the verbal.

Chapter three provides a summary overview of Spenser's use of legal

diction across all his works. This chapter breaks down the evidence of Spenser's interest in legal words into an architecture of conceptual sets, or blocks, relating to different topics and practices in common and civil law theory and process, including feudal law, land tenure, and real property; property in chattels personal, including debt and usury; contract, covenant, and *assumpsit* (including marriage and trothplight); defamation, sedition, censorship, and the law of words; justice, mercy, equity, and jurisdiction; writ and trial process; legal fictions and colours; legal writing; and Irish (and local English) customs. This chapter also follows on from chapter two by implementing, in exemplary close readings of Spenser's poetry, some of the hermeneutical conventions already seen to characterize Spenser's implicit models of reading and interpretation in *The Shepheardes Calender* and *The Faerie Queene*. The 'pleasing analysis' championed in E. K.'s 'epistle' fronting *The Shepheardes Calender* is in this chapter illustrated in practice, revealing a new, linguistic level to Spenser's allegorical thinking across his works, a kind of reading that is attentive, at the level of the lexeme, to the history, semantic scope, comparative linguistic relations, and technical or other discursive affiliations of individual words. Spenser's almost finical disposition of his legal diction provides, in the analysis, an instructive example of the intensive and fruitful kind of reading that contemporary poets expected of their public.

The following four chapters present exemplary readings of *The Faerie Queene* based on these results. Chapter four considers the language of contract and loyalty in the quests of Amoret and Florimell, exposing Spenser's persistent interest throughout Books III and IV in various types of social and legal bond. The following two chapters focus on Spenser's investigation of the political institutions of government and, increasingly, their deployment in the civil reformation of Elizabethan Ireland. In chapter five I address the extended meditation on justice, equity, and mercy in *The Legend of Artegall*, reconsidering many of the received critical 'truths' about Book V and drawing careful distinctions between Spenser's presentation of justice and equity before turning to the crucial links between this abstract theory and Spenser's specific counsels on Irish policy. Chapter six exposes a hitherto unnoticed preoccupation in Book VI with the legal status of the monarch and, more particularly, with the legitimacy of royal prerogative. By attending to subtle but systematic semantic clues, we may perceive in the *Legend of Sir Calidore* a political programme centred on 'courtesy', the privilege of the monarch in dispensing with or suspending institutional legal process. This chapter again concludes with a contextualisation of these theories in the increasingly dominant concerns with Irish affairs, arguing that the structural relationship of Artegall's justice and Calidore's courtesy exactly mirrors the two-pronged policy directives of Spenser's prose tract, *A view of the present state of Ireland*. In the seventh chapter, I consider what is sometimes considered the culmination not only of Spenser's powers as a poet, but of his obsession with statecraft and of his interest in Irish politics: the enigmatic *Two Cantos of Mutabilitie*. Spenser

here revisits and remobilizes many of the legal and political concerns developed throughout the poem (and discussed earlier in the book), orchestrating them into a final rapturous meditation on the apocalyptic crisis facing Elizabeth's government in Ireland in the late 1590s: the rising of O'Neill and O'Donnell in Ulster, and the threat not only of a general Irish insurrection, but of an international Catholic conspiracy to capture Ireland and, ultimately, the crown of England itself. Through careful attention to the semantic nuances of Spenser's diction, it is possible to register the intimate association of the *Two Cantos* not only with *A view of the present state of Ireland*, but with the legal and political concerns that have been gathering momentum throughout the development of *The Faerie Queene*.

In a pair of final chapters, *Spenser's Legal Language* returns from the apocalyptic political and legal crisis of the *Two Cantos of Mutabilitie* to the main current of Spenser's legal preoccupation, in his late lyric works *Amoretti* and *Epithalamion* (completed, if not entirely written, after the second instalment of *The Faerie Queene*, though published before it), with opposition and constitutionalism. The influence of Spenser's sonnets and his marriage-hymn on the poetic careers of Donne and Shakespeare – whose own 'sequences' of 'sonnets' draw heavily on Spenser's model – has not been fully recognized, probably largely because that influence is so intimately bound up in the collective absorption of all three poets in the relation between lyric poetry and contemporary law, legal theory, and legal readers. 'Lyric Opposition in Spenser, Shakespeare, and Donne' returns to many of the words, themes, and arguments of the earlier readings of *The Faerie Queene*, but demonstrates how both Shakespeare and Donne seized on a strong rewriting of these elements in the sonnet and complaint. In the final, brief chapter, 'After Words', I offer some reflections on the implications of Spenser's linguistic, rhetorical, and hermeneutical strategies for the kind of 'Protestant poetics' with which he has normally been credited, and briefly consider the relation of his words, and of 'lexical' reading, to the moral philosophical project and allegorical habits of *The Faerie Queene*, *The Shepheardes Calender*, and many of the shorter poems. The artificiality and patterning of Spenser's diction, like the 'habits' that create *ethos* and the 'habits' that merely clothe it, conspicuously place the language of Spenser's poetry in a paradoxical relation to meaning – the same relation obtaining between things and forms, images and truth, uses and laws.

Yet this book is not only about language and 'habit', but about language and a legal 'habit'. While Chapter 2 will take up in detail the relation of language to law in the rhetorical and literary community of late Elizabethan England, it is right that I should offer a few remarks of a general kind, here, about the legal character of the diction, and hence the readings, under study in this book. The limitation of the present study to legal diction and thought is motivated by a double concern with pragmatism and conceptual integrity. On the one hand, a pilot and in some ways experimental study of this kind could not hope to exhaust the range and depth of Spenser's linguistic play and subtlety; nor, of

course, should it attempt to do so. The limitation of the subject to a single subset of diction, and to a category with such clear professional and semantic contours as that of the law, has allowed me opportunity not only to catalogue the subset in its entirety, but to map the effects of Spenser's use of this diction on our reading of the poetry – which must be the final test of any interpretative approach to a literary work. The choice of legal diction for this study was a pragmatic one, too, in that, unlike archaic diction, a professional language like that of the law is to be distinguished from the rest of Spenser's diction by its properly semantic rather than its etymological or historical associations: a study of legal diction, then, should help to enlarge our critical understanding of Spenser's interest in and experimentation with language, exploring the degree to which his understanding of diction was defined and complicated by a grasp of what we would now call semantics.

The choice of legal diction as a test case for this study was motivated, too, by a sense of integrity of concept: the practice of early modern English common law – as is evidenced by its obsession with Latin and Law French; by its tendency to produce collections of statutes, year books, reports, dictionaries, and annotated editions of legal treatises privileging lexical analysis of legal terms; and by its basic structure as a system of interpretation and application – was founded on many of the same principles as those guiding literary reading in the period. At the same time, the interpretative practices that characterized legal business were directed toward the same ends – the promotion and regulation of civility and public order – that came to structure Spenser's work in *The Faerie Queene*, especially in the later books of the poem. A study of legal diction in Spenser's poetry, then, seems to occupy a special place among the many possible studies of Spenser's language, in that it attracts to itself, and superimposes, so many levels of aptness to enterprise; surely here, if anywhere, we ought to see Spenser thinking through, and manifestly exploiting, the full functionality of his diction to signify in direct and indirect ways.

With this in mind, it will be helpful to review quickly some historical and biographical foundations upon which the discussion to come must be built. That Edmund Spenser was familiar with the legal profession and the language of law, there can be no doubt. A general intellectual, court, and civic culture emphasizing knowledge of law and legal process flourished under the Tudor monarchs, and reached a crescendo in Elizabeth's reign; Lawrence Stone has noted that the later decades of the sixteenth century coincided with a peak in the number of entrants to the Inns, and consequently, we may surmise, in the 'culture' of law in the country as a whole – whether as cause or effect of the data Stone presents.<sup>9</sup> Certainly, as J. H. Baker notes, it was a time of rapid legal

<sup>9</sup> Lawrence Stone notes in *The Crisis of the Aristocracy, 1558–1641* (Oxford: Clarendon Press, 1965), pp. 690–91, that 'in the late sixteenth and early seventeenth centuries more nobles and landed gentlemen acquired a smattering of a legal education than at any time before or possibly since'. He goes on to refine this point by adding, 'it is noticeable that the high peak of

innovation and activity, born at least in part of the relentless growth of Tudor bureaucracy through the century: in this century the great conciliar courts of Star Chamber and Chancery first blossomed, and pleas in the royal courts of the King's Bench and Common Pleas rose steadily throughout the Tudor period.<sup>10</sup> Spenser seems not to have studied civil law during his six years at Pembroke College, Cambridge, but it is well known that Gabriel Harvey was, during the last years of his intimate friendship with Spenser, toiling in the 'court of Justinian'. Others of Spenser's early superiors and associates were likewise either law-trained or law-savvy: John Young, Sir Philip Sidney, Edward Dyer, Lodowick Bryskett, and Arthur, Lord Grey, for example, all have documented connections with the Inns of Court or with legal activity of some kind (including canon law). From 1580 to his death, too, Spenser was employed in civil service positions dealing intimately with law and government. As secretary to Lord Deputy Grey and the Irish Privy Council from 1580 to 1582, Spenser drafted and copied letters relating to political, military, and legal affairs.<sup>11</sup> The appointment to Bryskett's post of Clerk for Faculties in the Irish Chancery in 1582 would necessarily have brought Spenser into contact with the workings of that court, whether or not the appointment was merely a sinecure. His further involvement in government is indicated by his designation in two consecutive years, 1583 and 1584, as one of the commissioners of the muster in County Kildare. Settling soon after near Cork, Spenser appears to have taken on the post of Clerk to the Council of Munster at latest by the end of 1584.<sup>12</sup> In 1594 Spenser sat twice at Mallow as one of the Queen's Justices for Cork, again suggesting not only acquaintance with law, but practice of it, and he was nominated in 1598 on the strength of such service as

aristocratic attendance at the Inns is the 1570's and 1580's, and that thereafter the numbers fall off considerably'.

<sup>10</sup> See Baker, *IELH*, pp. 41–47, 104–05, 117–34. For discussion of the important changes in the common law during the Tudor period, see S. E. Thorne, 'Tudor Social Transformation and Legal Change', *New York University Law Review*, 26 (1951), 10–23; and Baker, 'English Law and the Renaissance', in *LPCL*, pp. 461–76. On the establishment and growth of the court of Chancery during the sixteenth century, see W. J. Jones, *The Elizabethan Court of Chancery* (Oxford: Clarendon Press, 1967).

<sup>11</sup> The surviving letters are now primarily held by the National Archives (formerly the Public Record Office). Many of them have recently been transcribed and published; see Christopher Burlinson and Andrew Zurcher, eds, 'Spenser Letters', *Hap Hazard: a Manuscript Resource for Spenser Studies*, <http://www.english.cam.ac.uk/ceres/haphazard/>. For more on Spenser's secretarial career in Ireland after 1580, see Burlinson and Zurcher, 'Secretary to the Lord Grey Lord Deputie here': Edmund Spenser's Irish Papers', *The Library*, 6 (2005), 30–75.

<sup>12</sup> That this appointment, at least, was not a sinecure is strongly suggested by several surviving manuscript sources. For example, a run of letters in Spenser's hand from Sir John Norris to councillors in London suggests that Spenser, like his successor in the post, Richard Boyle, was attending the Lord President of Munster 'at all times'. See NA (PRO) SP 63/115/13–16, 63/115/41–42.



sheriff for the same county.<sup>13</sup> Beyond such regular posts and appointments, though, Spenser must have acquired a detailed knowledge of certain types of law through his legal battles with his Munster neighbour, Lord Roche,<sup>14</sup> and through his successive efforts to acquire lands and sinecures on his own behalf and for the use of his sons.<sup>15</sup> That Spenser was fairly successful at these efforts may indicate the depth and accuracy of his specialist knowledge.

However, the most direct evidence of the poet's understanding of the law, and of its terms, appears in *A view of the present state of Ireland*. The extent of Spenser's engagement in this treatise with technical legal ideas has rarely been noted – and even more rarely questioned – partly because it is overshadowed by other more salient features and partly because the study of this text has, for one reason or another, been appropriated by those readers more interested in literary theory than in the history of government. Spenser shows in this work a detailed understanding of common law tenures, of legal administration and government, of various aspects of legal process, and of customary law and even native Irish law. As we will see in later chapters, his use in *A view* of technical diction relating to these issues is hardly cosmetic or sporadic.

The intertextual dialogue between *A view of the present state of Ireland* and *The Faerie Queene* raises a final preparatory point over which I must momentarily pause: the inevitable engagement of this study with the historical details of Spenser's secretarial and colonial career in Ireland. The twentieth century began and ended with a strong historicist focus in Spenser criticism. While the 'pure' literary readings of influential Spenserians like C. S. Lewis attempted to shield Spenser's poetry from the contamination of his Irish experience, it hardly seems necessary now – after the work of historians and critics like Stephen Greenblatt, Andrew Hadfield, Nicholas Canny, Willy Maley, Patricia

<sup>13</sup> For Spenser's two sittings at Mallow, see Alexander C. Judson, *The Life of Edmund Spenser, Variorum*, xi, 162. Spenser was apparently appointed Sheriff of Cork on the strength of Essex's recommendation; see BL Harleian MS 286, p. 272.

<sup>14</sup> Spenser's frequent suits against Lord Roche, and Lord Roche's constant complaints about Spenser (whom he called his 'heavy adversary'), have long been documented. See Pauline Henley, *Spenser in Ireland* (Cork: Cork University Press, 1928); Jean Brink, 'Documenting Edmund Spenser: A New Life Record', *ANQ*, 7 (1994), 200–08; Patricia Coughlan, 'The Local Context of Mutabilite's Plea', *Irish University Review*, 26 (1996), 320–41; and Nicholas Browne, 'Munster in A.D. 1597', ed. James Buckley, *Journal of the Cork Historical and Archaeological Society*, 2nd ser., 12 (1906), 52–68. It should be noted that the pernicious rumours of Spenser's brutality and heavy-handedness in his dealings with Roche (see CSPI 63/147/14–15) may be an artefact of the legal customs of the day; in order to secure a hearing in the court of Castle Chamber (or Star Chamber, in England), a plaintiff had to allege a crime, however fictitious, of 'riot' or at least 'battery': trial of title was the customary, but not the technical, jurisdiction of these prerogative courts.

<sup>15</sup> Spenser's efforts to acquire property and office in Ireland can be traced in Nicholls, *Fiants*, nos 3694, 3969, 4150, 4464, and 5473. For a summary, see Willy Maley, *A Spenser Chronology* (Basingstoke: Macmillan, 1994), pp. 38, 46.



Coughlan, Richard McCabe, and Patricia Palmer<sup>16</sup> – to defend the importance of *A view* for our study of Spenser's poetry. At the same time, I want to be clear that the historical approach to language and allegory that leads this book to Elizabethan Irish affairs derives from, and does not drive, its interest in Spenser's political philosophy. I will be concerned with Irish readings of Spenser's poetry, and with the connections between *A view* and *The Faerie Queene*, because it is in the historical context of Spenser's work that we find the ground – in many senses of the word – of his practical political thought. On the other hand, it is by no means true that the Irish context pervades all of Spenser's thought on social and political issues, and it will be another of this book's projects to use attention to legal diction and ideas as a way of mapping Spenser's broader interest in political ideas across his works. To date, critics have tended to restrict political readings of *The Faerie Queene*, for example, to Book V, 'Of Justice'; but the following chapters will demonstrate that this focus seriously short-changes Spenser's attention to social and political philosophy in other books.<sup>17</sup> To some degree, as humanist political theorists like

<sup>16</sup> See Stephen Greenblatt, *Renaissance Self-Fashioning From More to Shakespeare* (Chicago: University of Chicago Press, 1980); Andrew Hadfield, *Spenser's Irish Experience: Wilde Fruit and Salvage Soyl* (Cambridge: Cambridge University Press, 1997); Nicholas Canny, *Making Ireland British, 1580–1650* (Oxford: Oxford University Press, 2001); Willy Maley, *Salvaging Spenser* (Basingstoke: Macmillan, 1997); Willy Maley, *A Spenser Chronology*; Brendan Bradshaw, Andrew Hadfield, and Willy Maley, eds, *Representing Ireland: Literature and the origins of conflict, 1534–1660* (Cambridge: Cambridge University Press, 1993); Patricia Coughlan, ed., *Spenser and Ireland: an Interdisciplinary Perspective* (Cork: Cork University Press, 1989); Patricia Palmer, *Language and Conquest in Early Modern Ireland: English Renaissance Literature and Elizabethan Imperial Expansion* (Cambridge: Cambridge University Press, 2001); and Richard McCabe, *Spenser's Monstrous Regiment: Elizabethan Ireland and the Poetics of Difference* (Oxford: Oxford University Press, 2002). See also articles by Hadfield, Maley, Coughlan, Clare Carroll, Anne Fogarty, and Eiléanin Ní Chuilleanáin in the *Irish University Review*, 26 (1996).

<sup>17</sup> See Judith Anderson, '“Nor man it is”: the knight of justice in the *Faerie Queene* V', *PMLA*, 85 (1970), 65–77; René Graziani, 'Elizabeth at Isis Church', *PMLA*, 79 (1964), 376–89; Nicholas W. Knight, 'The narrative unity of the *Faerie Queene* V: “That part of Justice which is Equity”', *RES*, 21 (1970), 267–94; James E. Phillips, 'Renaissance concepts of justice and the structure of the *Faerie Queene* V', *HLQ*, 33 (1970), 103–20; and Frances A. Yates, 'Elizabeth as Astraea', *Journal of the Warburg and Courtauld Institutes*, 10 (1947), 27–82. Of the scarce political readings based on other parts of the poem, see particularly A. M. Buchan, 'The political allegory of the *Faerie Queene* IV', *ELH*, 11 (1944), 237–48; Frank Kermode, 'The *Faerie Queene*, I and V', in *Shakespeare, Spenser, Donne: Renaissance Essays* (London: Routledge and Kegan Paul, 1971); Elizabeth Fowler, 'The Failure of Moral Philosophy in the Work of Edmund Spenser', *Representations*, 51 (1995), 47–76; and Julia Reinhard Lupton, 'Mapping mutability: or, Spenser's Irish plot', in *Representing Ireland: Literature and the Origins of Conflict 1534–1660*, pp. 93–115. Two recent studies published while I was revising this work have looked at legal topics in a limited way, but one that begins to suggest the kind of pervasive influence of legal culture and language on Spenser's thought for which I will be arguing here; see Jonathan Gibson, 'The Legal Context of Spenser's *Daphnaïda*', *RES*, 55 (2004), 24–44; and Charles S. Ross, *Elizabethan Literature and the Law of Fraudulent Conveyance: Sidney, Spenser, and Shakespeare* (Aldershot: Ashgate, 2003).

Thomas Starkey observed, any moral enquiry, in the context of a monarchy, will have extensive political ramifications; and as one of the epigraphs to this book recognizes, politics and law fall under the heading of moral philosophy because they deal with behaviour.

What follows, then, should provide a double service to Spenser studies. First, as discussed above, an investigation of legal *language* in the poem will recover important components of Spenser's theory of language and poesis, and will demonstrate not only his poetic skill, but more of the means through which *The Faerie Queene* has so long captivated generations of thinking readers. Second, an investigation of *legal* language in *The Faerie Queene* will help at least to begin the important work of mapping conclusively Spenser's political interventions in the poem, and may go a long way, especially in the later exemplary chapters, towards restoring balance to the conversation between his political philosophy on the one hand and his experience in Ireland on the other.

## Chapter 2

### ‘PLEASING ANALYSIS’: RENAISSANCE HERMENEUTICS, POETRY, AND THE LAW

MY CLAIMS for the density of Spenser’s verbal and rhetorical play, and for our responsibility to situate interpretations of his work historically within early modern habits of reading, depend on a prevailing culture of reading that Spenser might have expected would be receptive to his artifice: for better or worse, a writer writes for readers. In this chapter, I turn to extant evidence both of how sixteenth-century readers read, and of how they thought they read, towards the construction of a historically legitimate set of reading practices for our approach to *The Faerie Queene*. From the rhetorical and pedagogical theorists of antiquity and of Spenser’s own century, it is possible to recover a coherent system for literary interpretation, and there is good evidence – in authors’ and editors’ introductions to their works, in the way poets and prose writers responded intertextually to their models, and in the manuscript annotations, or *adversaria*, that survive in early modern books – that authors anticipated readerly engagements along the lines that these theorists prescribed. But, too, there are apparent distinctions between theory and practice: not only did individuals depart from convention in the usual idiosyncratic ways, but reading practices varied according to genre, language, and print or manuscript format. By attending to a range of classical and contemporary authorities on pedagogical and hermeneutical practice, and by contextualizing the prescriptions of these authorities in the extant evidence of readers’ actual engagements with texts, this chapter will compose a comprehensive portrait of the readers and readings a poet like Spenser might have anticipated for his works in about 1590.

This chapter also makes a more novel and contentious claim about literary reading in late Elizabethan England. Following on the work of Ian Maclean on legal traditions in Renaissance hermeneutical theory, this chapter addresses a ‘professional’ culture of interpretative practice – that of the Inns of Court – as an important influence on the personal reading practices of individuals in their engagements with literary texts. Like that of the Church, this tradition presents a model of textual interpretation we might recognize as ‘exegesis’, the

expounding of an authoritative written text, by recourse to the finest tools of verbal analysis, for the purpose of regulating moral and civic life. Both of these traditions, too, should therefore be construed as essentially legal in nature, in that they both require the practices of individual interpreters in their attempts to mediate between the universal and the particular, between *regula* and *actio*. In making this broad claim, I take the 'legal', in the European civic culture inherited from Aristotle and the Roman law, to be defined by exactly this mediation between universal rules and particular practices for the purpose of 'regulating' social behaviour. In this I consciously follow Bracton's summary of the civil legal tradition, summarized in the opening of *De Legibus*:

Law is a general command [*praeceptum*], the decision of judicious men, the restraint of offences knowingly or unwittingly committed, the general agreement of the *res publica* . . . And though law [*lex*] may in the broadest sense [*largissime*] be said to be everything that is read [*legitur*] its special meaning [*specialiter significat*] is a just sanction, ordering virtue and prohibiting vice.<sup>1</sup>

For an English reader of the sixteenth century, the reconciliation of *largissime* to *specialiter* in textual interpretation, when joined to a prescription [*praeceptum*] for the conduct of moral and/or civic life, defined a practice of regulation that was associated with the idea, and the profession, of law.<sup>2</sup> This chapter will suggest that the kind of reading habits that Spenser expected of, and cultivated in, his audience were profoundly influenced by the culturally conspicuous legal reading practices of sixteenth-century England, and that this is one important reason for attending to legal language and ideas, in particular, in Spenser's work. If *The Faerie Queene* is a text that in good faith expects readers to decode, assimilate, and finally apply its moral, political, and philosophical learning, it must imagine itself, at some level, as a *lex* to be construed and implemented by its readers. Far from reducing or trivializing its literary nature or content, this model of interpretative engagement recognizes the literary work's hermeneutical instability even as it insists on the need to wring from it a set of moral and political practices; in short, a 'legal' reading focuses and fixes one of the most important problems in early modern hermeneutical theory, the relation of the aesthetic (*voluptas*) to the utile (*utilitas*).

<sup>1</sup> Bracton, *De legibus*, p. 22.

<sup>2</sup> This idea of law as the movement from the general principle (*causa*) to the effect (*finis*) is also invoked by the more metaphysical account of Richard Hooker in the first four books of *Of the Lawes of Ecclesiasticall Politie* (London: John Windet, 1593), p. 49:

All things that are haue some operation not violent or casuall. Neither doth any thing euer begin to exercise the same without some foreconceaued ende for which it worketh . . . That which doth assigne vnto each thing the kinde, that which doth moderate the force and power, that which doth appoint the forme and measure of working, the same we tearme a *Lawe*.