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The Elizabethan Succession Question and Competing Understandings of Monarchy, 1558-1603

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Abstract

Queen Elizabeth I ruled England for almost forty-five years and throughout her reign the succession was a constant source of debate and anxiety. While the succession has been discussed, particularly regarding her courtships, this thesis interrogates the issue in terms of its effect upon English considerations of royal prerogative and government, as alternate solutions beyond the Queen's marriage were sought. Furthermore, this thesis establishes that the succession was a constant concern throughout Elizabeth's reign, not one divided into early or late periods as is the case within contemporary scholarship.

This thesis begins by analysing the succession tracts and argues that the choice of production and circulation of these tracts, either manuscript or print, has important relevance to their intended use. That most of these tracts circulated solely as manuscript copies before important debates, and that their content is largely legalistic, indicates that they served as policy papers. The succession tracts fulfilled an important function of informing debate by outlining the convoluted legal framework which impacted on the succession in the absence of a clear line of succession or rule to determine who could succeed.

Elizabeth was vital to any attempt to establish the succession, and as such this thesis analyses her writings for traces of her position regarding the succession. From an analysis of her poems, correspondence, and speeches, Elizabeth did not share the confidence of her people that an established succession would provide security; in fact she feared the opposite. Unfortunately, Elizabeth was highly guarded in her writings concerning the succession, but the analysis did reveal much concerning her thoughts on her own responsibilities as England's monarch, here presented as Elizabeth's theory of kingship.

Following Elizabeth, her Privy Council was the most significant institution of English government. This thesis considers how the impact of female rule and the ongoing anxiety over the succession led to the embracing of monarchical republicanism. This thesis challenges the idea that it simply died out following the execution of Mary Stuart in 1586, instead arguing that it continued throughout Elizabeth's reign in some form or another to force her to establish the succession. It is also argued that monarchical republicanism was highly contested between the Privy Council and the monarch whom they served.

The final area considered by this thesis is the impact of the succession debate upon Elizabeth's Parliament. This thesis argues that the succession was a significant concern for Parliament and that there was a grouping of sessions which should be considered Succession Parliaments. These Parliaments demonstrate how the members sought to settle the long-running debate through either legislation or petition. The succession debate had many unintended side effects, one of which was a debate over freedom of speech within Parliament as members sought to expand their rights further to force the succession debate towards some form of conclusion.

The succession debate was a constant concern during Elizabeth's reign, and this thesis demonstrates the effect it had upon English considerations of royal prerogative and government throughout that time.

Declaration

I declare that this thesis contains my own work for the degree of Doctor of Philosophy (Arts). Within this thesis, acknowledgment has been made to all other material used. The thesis is fewer than 100,000 words in length, exclusive of tables, illustrations, bibliographies, and appendices.

Elizabeth Tunstall

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I would like to begin by acknowledging my supervisors, Dr Una McIlvenna and Dr Jenny Spinks. Thank you both for your support and advice throughout my PhD, from its beginning to its completion you have continued to provide considered feedback and assistance. I would also like to thank the School of Historical and Philosophical Studies at the University of Melbourne for providing me with an academic home throughout my research.

I would like to acknowledge the financial assistance provided by the Commonwealth of Australia through the Research Training Program Scholarship which has enabled me to undertake this degree. Furthermore, I would like to thank the Faculty of Arts at the University of Melbourne for their generous provision of the Arts Graduate Research International Grant in 2019 which supported my research trip to the United Kingdom in that year.

A thesis concerning any history would be lost without its sources, and here I would like to thank the staff at numerous archives and libraries both here in Australia and in the United Kingdom. Particular thanks need to go to the Baillieu Library at the University of Melbourne which has supported my research from application through to this completed thesis. Other libraries and archives which have been important for my research include the Barr Smith Library at the University of Adelaide; Parliamentary Archives, London; The British Library, London; The National Archives, Kew; the Bodleian Library at the University of Oxford; and the National Library of Scotland, Edinburgh. Since the beginning of the COVID-19 pandemic, databases and digital resources have proven themselves invaluable in not only preserving priceless documents but also in enabling access when travel to archives is impossible. I would here like to thank those involved in the State Papers Online, The Cecil Papers, and Early English Books Online for all of their patient work.

While the acknowledgements and thanks outlined above relate to the past three years and work towards my PhD, there are other ones which run deeper and far longer. This thesis, and indeed all of my achievements, would not be possible without the unending support and love of my parents, Neil and Anne Tunstall. Since I was little you have encouraged me to pursue my dreams and not to let my arthritis or illnesses get in my way. You have read every word of this thesis, and those which came before, and listened with patience as I talked through its challenges. Without you, I would not have completed this thesis and no thanks would ever be enough.

Finally, I wish to dedicate this to my Pop and Gran, Eric and Mary Ward. Gran, you passed away before I began my university studies, yet I know that you would have cheered me on every step of the way. I write this in memory of you, as your love and care have never been forgotten. Pop, I had always hoped that you would make it to my graduation, but sadly this was not to be. I know that you loved me, were proud of me and looked forward to reading my articles. You showed me how hard work and a life of faith can result in amazing things, and it is something which I intend to carry with me throughout my life.

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List of Abbreviations

- Bodleian* The Bodleian Library, University of Oxford
- BL* The British Library, London
- Commons Journal 1* *Journal of the House of Commons: Volume 1, 1547-1629.*
London: His Majesty's Stationery Office, 1802.
- CP* The Cecil Papers
- C.W.* Marcus, Leah S., Janel Mueller and Mary Beth Rose. *Elizabeth I: Collected Works.* Chicago: University of Chicago Press, 2000.
- Journals* D'Ewes, Sir Simonds. *The Journals of all the Parliaments During the Reign of Queen Elizabeth, both in the House of Lords and the House of Commons.* Edited by Paul Bowes. London: printed for John Starkey at the Mitre in Fleetstreet near Temple-Bar, 1682.
- Letters* Bruce, John (ed.). *Letters of Queen Elizabeth and King James VI of Scotland: Some of them printed from originals in the possession of the Rev. Edward Ryder, and others from a MS which formerly belonged to Sir Peter Thompson, KT.,* Camden Society, Vol. 46, London, J.B. Nichols and Sons, 1849.
- Lords Journal 1* *Journal of the House of Lords: Volume 1, 1509-1577.* London: His Majesty's Stationery Office, 1767-1830.
- Lords Journal 2* *Journal of the House of Lords: Volume 2, 1578-1614.* London: His Majesty's Stationery Office, 1767-1830.
- L.Q.E.* Harrison, G.B. (ed.). *The Letters of Queen Elizabeth.* London: Cassell, 1935.
- NLS* The National Library of Scotland, Edinburgh

- PA* The Parliamentary Archives, London
- Poems* Bradner, Leicester (ed.). *The Poems of Queen Elizabeth I*. Providence, Rhode Island: Brown University Press, 1964.
- Proceedings 1* Hartley, T. E. *Proceedings in the Parliaments of Elizabeth I: Volume 1, 1558-1581*. Leicester: Leicester University Press, 1981.
- Proceedings 2* Hartley, T. E. *Proceedings in the Parliaments of Elizabeth I: Volume 2, 1558-1581*. London: Leicester University Press, 1995.
- Proceedings 3* Hartley, T. E. *Proceedings in the Parliaments of Elizabeth I: Volume 3, 1593-1601*. London: Leicester University Press, 1995.
- S.W.* May, Steven W. (ed.). *Queen Elizabeth I: Selected Works*. New York: Washington Square Press, 2004.
- TNA* The National Archives, Kew

COVID-19 Statement

As can be expected this thesis has undergone several transformations as the research progressed from what was originally planned. However, many unplanned changes were made as a result of COVID-19 which effected so many areas of our lives from 2020 onwards. I completed a research trip to a number of archives and libraries in the United Kingdom in November 2019 to gather materials for this thesis. A second research trip was planned for November 2020 but was unfortunately canceled, as Australian citizens and residents were not permitted to leave the country without government approval. For this reason, there may be unavoidable gaps in source materials, or missing sources which I would have preferred to include but simply could not access during the completion of my thesis at the University of Melbourne. However, limitations caused by COVID-19 do not indicate a deficiency of materials. During my research trip in 2019 I accessed a significant number of manuscript sources which has sustained this thesis. In addition, the University of Melbourne's Library has access to the State Papers Online, the Cecil Papers Database and Early English Books Online which has proven invaluable for a detailed study of the Elizabethan succession question and its effects on English political discourse for that period.

Introduction

On 17 November 1558 Elizabeth Tudor ascended the throne as Queen of England and for the next forty-four years a single issue was debated and ultimately left unresolved until her death on 24 March 1603. This issue changed form and evolved over time, leaving its traces upon numerous areas of Elizabethan politics and society in ways which have not been fully explored by scholarship today. That issue was the Elizabethan succession question, and this thesis will examine how the succession affected the relationships between government and royal prerogative for the entirety of Elizabeth's reign. Throughout the following pages and chapters, this thesis will explore the succession question as it was debated within the succession tracts, within the writings of Elizabeth and in the maneuverings of both her Privy Council and Parliaments as they engaged with the unsettled succession. By doing so, this thesis will deepen our knowledge of the Elizabethan succession question by illustrating its long running effect upon English politics during Elizabeth's reign. Furthermore, it argues that the succession debate resulted in a continuous reevaluation of the relationships that existed between the monarch and those who served in the highest levels of the English government throughout Elizabeth's reign.

From the reign of Henry VIII, the issue of the royal succession had been an ongoing source of concern. However, during the reign of Elizabeth this concern turned into anxiety as there was no clear line of succession to follow, nor any fixed rules to establish who should succeed. Elizabeth herself was not initially secure on the English throne as she was an unwed woman who was legally considered to be illegitimate. Her claim was challenged, particularly by France which sought to support the claim of Mary Stuart, the Queen of Scots, who was also the Dauphiness of France and later briefly became Queen of France in July 1559.¹ Over time Mary Stuart's claim on the throne became a claim on the succession, and she joined the numerous claimants who featured within the succession debate. Initially, it was thought that Elizabeth would marry and establish the succession through her own children, but over time that hope faded, and in its place appeared an increasing agitation for Elizabeth to establish the succession through the appointment of an heir. However, Elizabeth consistently refused to name an heir and she sought to limit the discussion of the topic wherever she was able.

¹ Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568* (Stanford: Stanford University Press, 1966), 5-7.

Elizabeth's desires for the succession to be left until the appropriate time were not shared by her people, and as such the succession became a key issue of her reign.

The Elizabethan succession question has long appeared in the scholarship of sixteenth-century English history. Indeed, as John Guy has stated "the politics of Elizabeth's reign were dominated by the issues of her marriage, the Protestant succession, and the Catholic threat from Europe and Scotland."² However, its acknowledged importance as a topic has not resulted in the production of many works which solely focus upon the succession itself across the entirety of Elizabeth's reign. Furthermore, the question of how the succession impacted upon the relationships between the key areas of English government, those being the monarch, their Privy Council and Parliament has not been previously addressed, a gap in the scholarship which this thesis will fill. The absence of such studies prompted the question which has guided their thesis, that is what was the effect of the Elizabethan succession question upon considerations of royal prerogatives and government within the English political class? This thesis will seek to answer this question firstly by considering the succession debate across the forty-four years of Elizabeth's reign, an approach which is not generally taken in the scholarship, to demonstrate how the succession was a consistent concern throughout her reign rather than one which achieved occasional prominence. Secondly, by exploring the debate within the succession tracts, the writings of Elizabeth, the actions of her Privy Council and the sessions of her Parliaments the effects of the ongoing succession debate on royal prerogative and government will be illuminated.

Literature Review

While the succession has long been considered a significant issue in the historiography of Elizabethan England, it has only occasionally been the focus of works. Furthermore, these works do not cover the entire reign of Elizabeth but instead consider portions of her reign which has resulted in longer-term patterns being left unstudied. The succession is raised as an important point in many general texts on the period; however, these works do not analyse the matter in depth.³ For the most part, the scholarship that takes the Elizabethan succession as its main focus has been divided artificially into an "early" succession issue and a "late" succession issue which is a questionable way to view a long-running problem, and a problem which this

² John Guy, *The Tudors: A Very Short Introduction* (Oxford: Oxford University Press, 2000), 72.

³ G.R. Elton, *England Under the Tudors*, 3rd edn, (London: Routledge, 1991); John Guy, *Tudor England*, (Oxford: Oxford University Press, 1990).

thesis seeks to rectify. The “early” succession issue as it appears within the scholarship considers the anxiety over the succession to have been primarily active during the 1560s. This conception of the succession debate was first argued by Mortimer Levine in *The Early Elizabethan Succession Question 1558-1568*. In this work Levine argued that the succession was primarily a contest between two claimants, Mary Stuart and Catherine Grey, and that following the death of Catherine in 1568 the succession was more or less settled in favour of James VI of Scotland, Mary Stuart’s son.⁴ Stephen Alford’s *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558-1569* continued Levine’s early succession debate approach for Elizabeth’s reign.⁵ In this work Alford considered the political approaches and thinking of William Cecil. Alford argued that Cecil sought to use conciliar methods to “manage” Elizabeth in order to establish the succession. While this work is highly significant in exploring the political thought of Cecil it neglects Elizabeth’s position in the function of English government, and its analysis is confined to the first decade of Elizabeth’s reign.

The competing view of the “late” succession was pointed to by J. Hurstfield in his chapter “The Succession Struggle in Late Elizabethan England”.⁶ Hurstfield argued that there were distinct anxieties about the succession during the 1590s. In considering the matter, Hurstfield discussed the factional politics of the 1590s between the Earl of Essex and Robert Cecil, as well as the religious dimension to the succession. While the later period of the succession debate was the first to appear in the scholarship, it was generally neglected until recently, when two edited books were published. These were Jean-Christophe Mayer’s *The Struggle for the Succession in Late Elizabethan England: Politics, Polemics and Cultural Representations* which was published to mark the fourth centenary of James VI’s accession, and Susan Doran and Paulina Kewes’ edited volume *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*.⁷ These two books added significantly to our knowledge of the succession issue itself and the effects it had upon late sixteenth-century

⁴ Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568* (Stanford: Stanford University Press, 1966).

⁵ Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558-1569*, (Cambridge, Cambridge University Press, 1998).

⁶ J. Hurstfield, “The Succession Struggle in Late Elizabethan England”, in *Elizabethan Government and Society: Essays Presented to Sir John Neale*, eds. S. T. Bindoff, J. Hurstfield and C. H. Williams, (London: Athlone Press, 1961), 369-396.

⁷ Jean-Christophe Mayer (ed.), *The Struggle for the Succession in Late Elizabethan England: Politics, Polemics and Cultural Representations*, (Montpellier: Institut de Recherche sur la Renaissance, 2004); Susan Doran and Paulina Kewes (eds.), *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, (Manchester: Manchester University Press, 2014).

England. However, while they were important, these works continued the traditional practice of dividing the succession issue into distinct periods, leaving the succession debate as it occurred in the later years of Elizabeth's reign isolated from the debate in the earlier part of her reign, something which this thesis seeks to change.

As discussed above, the modern scholarship concerning the Elizabethan succession question has divided Elizabeth's forty-four year reign into two parts, typically with the mid-1570s to the mid-1580s being neglected. This neglect can be traced back to two main causes. During the period from the mid-1570s to mid-1580s the number of succession tracts, which tend to form the basis of scholarship on the succession debate, were significantly reduced as a result of the passage of the 1571 Treasons Act, meaning that work tends to be done on either side of this period where the tracts were more plentiful. Additionally, while negotiations for Elizabeth's marriage continued until 1581, the matter of Elizabeth's courtships was much reduced during the later 1570s and research which focuses on courtships does not generally proceed beyond this period. The division of the succession debate into early and late periods as it has been within modern scholarship is a problematic approach, as it introduces an artificial and anachronistic periodisation into the issue which acts as a barrier to our complete understanding of this prominent concern of Elizabeth's reign. Indeed, Marie Axton's *The Queen's Two Bodies: Drama and the Elizabethan Succession* is the only book which considers the succession for the entirety of Elizabeth's reign.⁸ Axton's research explores the use of drama in the debate and the impact of the legal theory of the King's two bodies on discussion of succession. The fact that the succession remained unresolved and exerted an influence on English politics throughout Elizabeth's reign has received some attention beyond Axton's work. In an article, Anne McLaren considered the succession issue in terms of Elizabeth's gender and legitimacy for the early period of her reign. However, while her focus was on the earlier period of Elizabeth's reign, she also argued that

from the moment when she was proclaimed queen in 1558 until, at her death, the project to install James VI of Scotland as her successor in blood finally succeeded, English politics cannot be understood without foregrounding the determination of key elements of the political nation

⁸ Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession*, (London: Royal Historical Society, 1977).

to acquire a Protestant king of Britain as a solution to the problem of female rule.⁹

This view that the succession was not limited to the early period of Elizabeth's reign, or even divided into two periods, has received support from Susan Doran and Pauline Kewes who have argued that

as far as the succession is concerned, there was no 'second reign of Elizabeth I' as identified by John Guy. Rather, the problem mutated and evolved from 1558 till 1603, responding to shifts in political circumstances in Britain and on the Continent.¹⁰

However, while Doran and Kewes' statement highlights this significant deficiency in the current state of research into the Elizabethan succession issue, it was not one which was addressed within their volume which focused upon the later succession debate, and therefore it is one which still needs correcting in order for the succession debate to be better understood.

Before continuing, it is important to make a brief comment concerning Elizabeth's many courtships. Elizabeth's marriage was an important consideration, both politically and diplomatically until 1581, on account of its connection to the succession.¹¹ Indeed, until 1581, Elizabeth's marriage, and any children born of that marriage, were seen as the ideal solution to the knotty problem of the succession.¹² Furthermore, her potential marriage was connected to domestic politics and England's diplomatic endeavours.¹³ With the urging of her government and people, Elizabeth pursued a number of courtships in the first half of her reign. The most notable suitors were her favourite Lord Robert Dudley, the Archduke Charles of Austria, Henry Duke of Anjou, and finally François Duke of Anjou.¹⁴ Of these, Elizabeth is thought to have been seriously inclined to marry twice, first to Dudley and later to François Duke of Anjou.¹⁵ Political circumstances prevented her from following through on these inclinations, and as a result, she never married. However, while acknowledging the importance of these many marriage plans for Elizabeth, this thesis will not be analysing her courtships, as Elizabeth's

⁹ Anne McLaren, "The Quest for a King: Gender, Marriage, and Succession in Elizabethan England", *Journal of British Studies* 41, No. 3 (2002): 266-267.

¹⁰ Susan Doran and Paulina Kewes, "Introduction: A Historiographical Perspective", in *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, eds. Susan Doran and Paulina Kewes (Manchester: Manchester University Press, 2014), 7.

¹¹ Susan Doran, *Monarchy and Matrimony: The Courtships of Elizabeth I* (London: Routledge, 1996), 1-3.

¹² Janel Mueller, "'To My Very Good Brother the King of Scots': Elizabeth I's Correspondence with James VI and the Question of the Succession", *PMLA* 115, No. 5 (2000): 1064.

¹³ Ilona Bell, *Elizabeth I: The Voice of a Monarch*, (New York: Palgrave Macmillan, 2010), 67.

¹⁴ Doran, *Monarchy and Matrimony*, 11.

¹⁵ Doran, *Monarchy and Matrimony*, 11.

courtships have already attracted significant study, most notably by Susan Doran in her *Monarchy & Matrimony: The Courtships of Elizabeth I*.¹⁶ This thesis will not seek to expand upon Doran's work; instead this thesis will focus exclusively upon how the succession was considered by Elizabeth and her government beyond her courtships, and the alternative solutions they produced in order to address the problem beyond the marriage of the Queen. For while the courtships were an important component of the succession debate, particularly early in Elizabeth's reign, it was not the only solution debated and this thesis will focus on the alternate solutions which have not been as extensively explored within Elizabethan historiography.

In addition to contemplating the succession problem for the entirety of Elizabeth's reign, this thesis examines the effect that the continued uncertainty of the succession had upon the political relationships between the monarch and government during that period. Alford argued that "willing or unwilling, aware or unaware, the British succession crisis of the 1560s forced Cecil to consider and reconsider the relationship between subjects and their monarch."¹⁷ This reconsideration of the relationship between monarch, government, and people within England was a significant effect of the succession. This connection of the succession to considerations of government has been analysed regarding certain specific events but not for the longer term of the Elizabethan period. Patrick Collinson prominently argued that, as a result of an unsettled succession and the presence of a woman on the throne, England had a form of monarchical republic or, in other words, a mixed polity within which the monarch's authority was shared between Elizabeth, her Privy Council and Parliament, especially during the time Mary Stuart was incarcerated in England.¹⁸ This idea of a monarchical republic has been debated by scholars such as Collinson, Guy and Alford, but the impact of the succession on political thinking in regard to government and royal prerogative has not been explored in any particular depth. The connection between the succession and broader political discourse beyond Collinson's work was highlighted by Peter Lake, who argued that at the core of the succession issue was "the question of just what sort of monarchical state Elizabethan England was."¹⁹ With the succession triggering a number of debates in sixteenth-century England about the nature of England's government, the role of the monarch in relation to it, and each party's

¹⁶ Doran, *Monarchy and Matrimony*.

¹⁷ Alford, *The Early Elizabethan Polity*, 221.

¹⁸ Patrick Collinson, "The Monarchical Republic of Elizabeth I", in *Elizabethan Essays* (London: Hambledon Press, 1994), 31-57.

¹⁹ Peter Lake, "The Monarchical Republic of Queen Elizabeth I' (and the Fall of Archbishop Grindal) Revisited", in *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson*, (ed.) John F. McDiarmid (Aldershot: Ashgate, 2007), 129-147.

responsibilities, it is important that such discourse be examined to understand the Elizabethan period more fully.

While the scholarship has consistently presented the succession as existing in two periods, save for the notable exception of Axton's work, the unsettled succession exerted a constant influence upon English politics for the entirety of Elizabeth's long reign. Furthermore, the wide-ranging effects that this debate had upon English political thought, particularly upon the thinking of the Privy Council and Parliament, regarding the relationship between government and royal prerogative are rarely the focus of those works which consider the succession. As such, the intention of this thesis is to approach the succession problem without the limitations of more modern periodisation, but instead to engage with the issue as was done in the sixteenth century. That is, this thesis will approach the succession as one continuous matter which continued unresolved until the accession of James I in 1603, and through such an approach determine how it impacted Elizabethan understandings of government and royal prerogative.

Thesis Outline

This thesis will consider the succession as one long running concern which, while the debate did change in nature over time, exerted a continuous influence across Elizabethan politics and society. In order to explore the effect of the succession across Elizabeth's reign, four main areas have been selected to be the focus of this thesis and form its chapters. These areas are: the written succession debate, Elizabeth's writings, and the political maneuverings of both the Privy Council and Parliament as they sought to find a solution to the long running succession debate. Taken together, these areas are crucial to furthering our understanding of the succession's effects on the English political classes' understandings of the relationships between royal prerogative and government.

Chapter One considers the succession issue itself and the approaches debated by Elizabethans to solve it. In sixteenth-century England there was no formal rule or law which governed royal succession. In the absence of such rules, and with a number of potential claimants, there was debate regarding how the heir to the throne could be determined and who that heir could be. This debate took written form in a group of succession tracts. While these tracts have been generally divided into groups based upon an early succession debate or a late succession debate, this thesis argues that such an approach is not the most useful for considering the succession. Instead, this thesis argues that the means of production and

circulation of the succession tracts should be emphasised and, by doing so, their purposes can be more fully examined. The smaller group of tracts were printed, generally outside of England, and were intended to inform a broader debate than was the case with the manuscript tracts. These works were often produced to support specific claimants, such as the tracts printed at the request of James VI in support for his claim to the English throne. However, the majority of succession tracts were unprinted and circulated as manuscript works within select circles of Elizabethan society. This thesis contends that these tracts should be considered as of a similar nature to policy papers we create today, that is to say that these tracts were research documents primarily prepared to inform debate either within the Privy Council and Parliament on the succession issue and the legal impediments to the various claimants to the English throne. The succession tracts in general were heavily influenced by the purpose for which the majority were produced. As they were to inform debate within governmental institutions, religious arguments for particular claimants are relatively minimal. Instead, these works consider the implications of Henry VIII's Succession Acts, the Will of Henry VIII, English common law, and the *Act for the Queen's Safety* upon the various succession claims and seek to establish who held the better legal right to the throne.

While the debate continued throughout Elizabeth's reign, and has been discussed in a number of works within the scholarship, Elizabeth herself often appears to be a shadowy absent figure within modern discussions of the succession. Chapter Two attempts to rectify this by considering Elizabeth's writings to determine both her thoughts on the succession, and also her understanding of her role and its relationship to England's government. Through an analysis of her poems, correspondence with James VI of Scotland, and speeches, Elizabeth's views of a monarch's role do emerge to form what this thesis regards as her treatise of kingship. It is the purpose of this thesis to highlight Elizabeth as a thinker in her own right, particularly regarding her own place within English government and society. Furthermore, as a result of this analysis it will be shown that her practice of kingship was distinct from that of queenship which has been more commonly discussed in recent scholarship. While this thesis does not argue that Elizabeth's views of kingship were unique, her conception of her role as she expressed it in her writings has not previously been compiled. From the analysis of her writings, it is clear that Elizabeth held a well-defined opinion of her role as England's monarch, a role which could be summarised as to serve her people and to ensure that the law was upheld. However, through her writing it is also clear that she struggled with the nature of that role which required her to suppress some of her own female nature in order to perform the necessary duties as a masculine king, as a living expression of the king's two bodies theory. Elizabeth's experience as the heir

of her half-sister Mary I was influential on her approach to the succession, as during that time Elizabeth had been regarded with suspicion and briefly imprisoned, and thus she often did not comment on the succession beyond general warnings of the inherent risks involved in naming an heir. To her the risks inherent in naming a successor far outweighed any potential benefit of a secure line of succession. Generally, Elizabeth only spoke of the succession in response to petitions or requests on the subject. For this reason, most of the comments we have from Elizabeth regarding the succession emerge from her speeches. Elizabeth's writings provide us with an idea of her understanding of her role as England's queen and how she considered that role to interact with the rest of her government, writings which, when brought together, form a treatise of kingship. From these writings it is clear that Elizabeth wished to rule in her own right and not be undermined through the naming of a successor as had been done during Mary I's reign. However, as the rest of this thesis will demonstrate, her Privy Council and Parliaments did not share her view of the Elizabethan succession.

The Privy Council is the focus of Chapter Three. It was the most important institution within Tudor government after the monarchy, and it fulfilled both administrative and advisory functions on Elizabeth's behalf. Elizabeth's refusal to establish the succession led to increasing anxiety amongst the members of the Privy Council and resulted in many reevaluating the relationship that existed between monarch and Council. As a result of this reassessment, the Privy Council used a number of methods to attempt to force Elizabeth to accept their advice on the succession. These maneuvers led Collinson to argue that "Elizabethan England was a republic which happened also to be a monarchy: or vice versa", an idea which is now termed monarchical republicanism within contemporary Elizabethan scholarship.²⁰ While the concept of monarchical republicanism has been generally accepted for the period of Elizabeth's reign up to the execution of Mary Stuart in 1586, following the execution, scholars such as Collinson and Guy have argued that monarchical republicanism ceased to hold relevance in Elizabethan England.²¹ This thesis agrees in general with the arguments concerning the existence of monarchical republicanism; however, it argues that in practice monarchical republicanism was highly contested between the Privy Council and their Queen as it infringed upon her royal prerogative. Furthermore, this thesis argues that monarchical republicanism continued to be

²⁰ Collinson, "The Monarchical Republic of Elizabeth I", 43.

²¹ Patrick Collinson, "The Elizabethan Exclusion Crisis and the Elizabethan Polity", in *This England: Essays on the English Nation and Commonwealth in the Sixteenth Century* (Manchester: Manchester University Press, 2011); Collinson, "The Monarchical Republic of Elizabeth I"; John Guy, "The 1590s: The Second Reign of Elizabeth I?", in *The Reign of Elizabeth I: Court and Culture in the Last Decade*, ed. John Guy, (Cambridge: Cambridge University Press, 1995); John Guy, "Monarchy and Counsel: Models of State", in *The Sixteenth Century, 1485-1603* ed. Patrick Collinson (Oxford: Oxford University Press, 2013).

utilised by members of the Privy Council for the duration of Elizabeth's reign, though expressed in different manners and often used by small numbers of Councillors following Mary's execution. Robert Devereux, the Earl of Essex, led his confused revolt through the streets of London in 1601 to force Elizabeth to listen to his own counsel over matters such as the succession in a militarised version of monarchical republicanism which demonstrated the dangers inherent in monarchical republicanism. After the failure of Essex's revolt, Sir Robert Cecil engaged in a secret correspondence with James VI to calm his nerves over the succession. In his first letter, Cecil wrote that it was appropriate for "faythfull ministers to conceale sometyme booth thoughts and actions from Princes, when they are perswaded it is for their owne greater service".²² Cecil's statement provides an apt description of monarchical republicanism over a decade after most modern scholarship claims the theory to have faded from use, and, as with the earlier period of Elizabeth's reign it was the succession which provided the impetus for her Privy Council's reconsideration of their own roles and the place of royal prerogative.

The final chapter of this thesis, Chapter Four, considers the impact of the succession on Elizabeth's Parliaments, as well as the numerous attempts to reach a solution to the long running problem. Parliament's role in Elizabethan England was to create legislation and to provide advice to their monarch, often through the form of petitions. The Parliament and its relationship to the succession has been discussed by scholars, most notably by J. E. Neale, but the extent of the presence of the succession question within Parliamentary sessions has not been fully explored.²³ Of the thirteen sessions of Parliament during Elizabeth's reign, eight of them were in some way connected to the succession debate and from an analysis of the Parliamentary journals this thesis argues that they should be considered Succession Parliaments. These sessions saw the political class of Elizabethan England attempt to create legislation or initiate numerous petitions calling for Elizabeth to establish the succession. While these attempts were unsuccessful, they demonstrate the widespread concerns amongst the members of Parliament over the political uncertainty as a result of the ongoing succession

²² Cecil to James, 1601, CP, 135/55.

²³ J. E. Neale, *Elizabeth I and Her Parliaments 1559-1581* (New York: W. W. Norton & Company, 1966); J.E. Neale, *Elizabeth I and Her Parliaments 1584-1601* (New York: W. W. Norton & Company, 1966); Michael A. R. Graves, *Elizabethan Parliaments 1559-1601*, 2nd edn. (London: Longman, 1996); Catherine Chou, "The Parliamentary Mind and the Mutable Constitution", *Historical Research* 89, No. 245 (2016): 470-485; Victoria de la Torre, "'We Few of an Infinite Multitude': John Hales, Parliament, and the Gendered Politics of the Early Elizabethan Succession", *Albion* 33, no. 4 (2001): 557-82; David Dean, *Law-Making and Society in Late Elizabethan England: The Parliament of England, 1584-1601* (Cambridge: Cambridge University Press, 1996).

debate, and the ways in which Parliamentarians sought to use the institution's methods to resolve such issues. The succession had unintended side effects within many aspects of English society and politics, one of which was the prominent agitation for the expansion of the liberty of free speech within Parliament. Freedom of speech was a restricted liberty within Parliament but, following some attempts made by Elizabeth to limit the discussion of the succession within the House of Commons, debate over the extent of the liberty became prominent. The dispute over freedom of speech within Parliament did not result in a broader definition than had previously existed, but its prominence came about as an unintended effect of the long running succession debate, and acts as a suitable example of the influence the issue had upon English understandings of the relationship between government and royal prerogative.

The Elizabethan succession question was a significant source of anxiety for the duration of Elizabeth's forty-four year reign. This thesis will show that it was not divided into two distinct periods of debate but was instead a continuous concern which simply evolved in nature as the reign progressed. The anxiety over the succession prompted both the Privy Council and the numerous sessions of Parliament to seek ways for the matter to be resolved, even if such a resolution required them to reconsider the relationship between government and the royal prerogative which Elizabeth defended so firmly. For the Privy Council, this was through the embracing of the theory of monarchical republicanism to augment their own fixed roles as advisors and administrators to the crown. Parliament, on the other hand, attempted to redefine their liberty of free speech as they sought to settle the succession through legislation or by petitioning the Queen to do so herself for the benefit of the kingdom. Elizabeth, however, resolved that the risks inherent in naming a successor outweighed the need to settle her people's minds over the future and did not formally resolve the succession before her death. In doing so, she ruled England in her own right, and ultimately saw that the royal prerogative to pass on the crown remained in the monarch's hands until her death. Throughout this thesis, the succession is shown to have affected the conceptions held by the English political class of the relationships between the monarch and their government, and that its long-running influence in Elizabethan politics deserves greater attention than has previously been the case.

Chapter One – The Right of Succession

The succession was a continuous source of debate during the Elizabethan period, and it was an issue for which there was no clear solution. Elizabeth took the throne in 1558, when she was twenty-five years old. Upon her accession it was generally expected that she would marry and have children, thus providing for the continuation of the house of Tudor. While this was a common expectation for an unmarried monarch, it was accompanied by calls for Elizabeth to establish a line of succession through Parliament while the search for a suitable husband was undertaken.²⁴ In an ideal environment there would have been a fixed law or rule to govern royal succession to ensure political stability.²⁵ However, should Elizabeth not marry, as was to be the case, there was no clear rule or law that governed the royal succession in sixteenth-century England.²⁶ Instead it was a tangled web of parliamentary statute, the Will of Henry VIII, the Bond of Association, and the precedents of English common law that were debated in the attempt to determine Elizabeth's successor, and additionally there were a large number of potential claimants throughout Elizabeth's lifetime. This chapter will commence by examining the succession tracts, a group of texts which debated the succession and the legal impediments to the various claims to the throne during Elizabeth's reign. This chapter argues that the succession tracts should be considered in terms of their production rather than date of composition, as their contents are more or less constant throughout the Elizabethan period but the purpose of the tracts varied depending upon their means of production and circulation. Furthermore, it is argued that manuscript succession tracts should be considered to be policy papers, composed in the lead-up to important debates within the Privy Council or Parliament to inform participants of the legal framework which surrounded the royal succession. Following a thorough consideration of the succession tracts, the various legal impediments to succession that the tracts identified as concerns will be discussed. This chapter therefore outlines the ways in which the succession was debated, and the laws which could impact upon it, which formed the background to the Elizabethan succession problem and the various discussions of it during Elizabeth's reign.

²⁴ Janel Mueller, "To My Very Good Brother the King of Scots': Elizabeth I's Correspondence with James VI and the Question of the Succession", *PMLA* 115, No. 5 (2000): 1063.

²⁵ Howard Nenner, *The Right to be King: The Succession to the Crown of England, 1603-1714* (London: Macmillan, 1995), 7.

²⁶ Jean-Christophe Mayer, "Introduction", in *Breaking the Silence on the Succession: A Sourcebook of Manuscripts & Rare Elizabethan Texts (c. 1587-1603)*, ed. Jean-Christophe Mayer (Montpellier: Université Paul-Valéry Montpellier 3, 2003), 4.

During the sixteenth century, the focus of the succession debate circled around the collateral lines of the Tudor dynasty. These two lines were the Scottish House of Stuart and the English House of Suffolk, both of which descended from Henry VII, the first Tudor king.²⁷ The Stuart line was the elder of the two, descended from Margaret Tudor, the eldest daughter of Henry VII and elder sister of Henry VIII. This line produced four main claimants during Elizabeth's reign: Mary Queen of Scots; Mary's husband Henry Stuart, Lord Darnley; their son King James VI of Scotland; and Lady Arabella Stuart, Darnley's niece. The marriage of Margaret Tudor to James IV of Scotland had resulted in the birth of one son who lived beyond infancy, James V. It was during the time of Margaret's marriage to James that the Stuart claim to the English throne originated, with James IV presenting his own claim on behalf of his wife, initiating it as an ongoing feature of Anglo-Scottish relations during the sixteenth century.²⁸ James V married Mary of Guise and had a single legitimate daughter Mary Stuart (Mary Queen of Scots), who during her life became heavily involved in the succession question of Elizabeth's reign. Mary's first marriage to King Francis II of France produced no children before his early death. She then returned to Scotland and married Henry Stuart, Lord Darnley, who held his own claim to the English throne, as his mother Margaret Douglas, countess of Lennox, was the daughter of Margaret Tudor from her second marriage to Archibald Douglas, the Earl of Angus.²⁹ The marriage of Mary Stuart and Henry Lord Darnley merged the two Stuart lines, providing a strong claim upon the English throne by hereditary right for their son King James VI of Scotland. However, hereditary right was not a fixed rule of royal succession, leaving the matter open for debate.

The second collateral line of Tudor succession was that of the Suffolks. This line was the younger as it descended from Mary Tudor, the youngest daughter of Henry VII and youngest sister of Henry VIII. This line produced several important claimants including Katherine Grey, and her sons Edward Lord Beauchamp and Thomas Seymour.³⁰ Mary Tudor's first marriage to King Louis XII of France was without issue. Her second marriage to Charles Brandon, Duke of Suffolk resulted in three children, two of whom lived to have children of their own. The eldest was Frances Brandon who married Henry Grey, Duke of Suffolk. Frances and Henry Grey had three daughters: Jane Grey who shortly occupied the throne following Edward VI's death, Katherine Grey, and Mary Grey. Katherine became a key figure in the

²⁷ Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568* (Stanford: Stanford University Press, 1966), 1.

²⁸ Andy King and Claire Etty, *England and Scotland, 1286-1603* (London: Palgrave, 2016), 95.

²⁹ Levine, *The Early Elizabethan Succession Question 1558-1568*, 8-9.

³⁰ Levine, *The Early Elizabethan Succession Question 1558-1568*, 210-211.

early succession debate; however, her unwise clandestine marriage to Edward Seymour, Earl of Hertford, led to her disgrace and their marriage being judged as invalid. This marriage produced two children, Edward, Lord Beauchamp, and Thomas Seymour.³¹ Frances Brandon's younger sister, Eleanor Brandon, married Henry Clifford, Earl of Cumberland. Their daughter Margaret married Henry Stanley, Lord Strange, and along with her two sons, Ferdinando and William Stanley, became key figures in the succession debates for the English throne.

In addition to these main claimants there were a number of other possible successors from within and outside of Britain, most prominently Henry Hastings, Earl of Huntingdon, and the Infanta Isabella Clara Eugenia of Spain.³² These claimants were not as closely related to the Tudor dynasty but several tract writers favoured these claims as ways to circumvent more recent legal impediments to the succession. Henry Hastings, Earl of Huntingdon, was a descendant of the House of York which lost its hold of the English throne when Henry VII defeated Richard III at the end of the Wars of the Roses.³³ While Henry Hastings's claim was not one of the more significant ones, its validity was certainly considered. The final claimant who featured prominently within the succession debates, although not one with very firm footing, was the Infanta Isabella Clara Eugenia, the daughter of King Philip II of Spain. The Infanta's claim was a remote one tracing back through John of Gaunt to King Edward III of England.³⁴ These final two claims were not likely to succeed; however, the lack of clarity concerning the line of succession and Elizabeth's refusal to marry led to the succession being hotly debated in a number of forms for the entirety of her reign. As an anonymous writer would put it in 1565, "The best remedie of all that maie be thought of: were if it pleasid god to grunte A good husband & children, to QVINE ELIZABETH", but until such a circumstance occurred the matter would be regularly debated in a number of forums and media to establish by what right the next monarch of England would claim the throne.³⁵

The Succession Tracts

While discussion concerning the succession had commenced shortly following Elizabeth's accession in 1558 and was focused for the most part upon the question of

³¹ Levine, *The Early Elizabethan Succession Question 1558-1568*, 15-16.

³² Susan Doran and Paulina Kewes, "Introduction: A Historiographical Perspective", in *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, eds. Susan Doran and Paulina Kewes (Manchester: Manchester University Press, 2014), 4.

³³ Levine, *The Early Elizabethan Succession Question 1558-1568*, 7-8.

³⁴ Nenner, *The Right to be King*, 55.

³⁵ Anonymous, *Allegations against the surmisid title of the Qvine of Scotts and the fauorers of the same* (1565), 27-27.

Elizabeth's marriage, written succession tracts did not appear until 1563. The succession tracts are generally split into two groups in the historiography: those which were produced in the first half of Elizabeth's reign and those of the later period. The earlier debate focused primarily on Mary Stuart, Queen of Scots, and her place in the succession. This debate ran throughout the 1560s with the majority of tracts circulating in manuscript form. The later debate was triggered in 1595 and transferred its attention to the right of Mary Stuart's son, James VI and his claim. This later succession debate saw an increase in the use of printed tracts compared with the small number which were produced in the 1560s on the same topic. This section will consider the succession tracts for the entirety of Elizabeth's reign and argue that the medium chosen to circulate the arguments of the tract was important to their overall purpose. Furthermore, the division of the succession debate into early and late periods in the scholarship is challenged, and I contend that works from both periods share far more in common than they differ.

The first of the succession tracts, 'A Discovrs upon certen pointes towchinge the Enheritoune of the Crowne', was written by John Hales during the Parliamentary session of 1563. Hales' tract argued firmly against the Stuart claim and in favour of Katherine Grey.³⁶ This first succession tract was never printed in the Elizabethan period, though it was widely circulated in manuscript form and two copies of it are now found within the British Library.³⁷ Precisely how a manuscript tract circulated is difficult to determine today with any reasonable measure of certainty, though some educated guesses might be made concerning Hales' tract. Mortimer Levine suggests that Hales wrote 'A Discovrs' as a "secret motion" to his fellow Parliamentary members in the 1563 session of Parliament, a theory that he largely based upon the evidence of its form of composition.³⁸ The complex circumstances surrounding the creation of Hales' tract and the 1563 Parliament session will be discussed in detail in Chapter Three. However, it can be said that in such a context Hales' tract, which was written in the form of a Parliamentary speech, could easily have circulated and added to the widespread agitation on the topic which was a feature of that session as Levine contends.³⁹ When Hales was later questioned about his tract by the Privy Council in 1564, Hales confessed to discussing the

³⁶ John Hales, *A Discovrs upon certen pointes towchinge the Enheritoune of the Crowne* (1563), BL Sloane MS 827 fols. 1-18 and BL Harley MS 555 fols. 1-11.

³⁷ Victoria de la Torre, "'We Few of an Infinite Multitude': John Hales, Parliament, and the Gendered Politics of the Early Elizabethan Succession." *Albion* 33, no. 4 (2001): 574; Hales, *A Discovrs*, BL Sloane MS 827 fols. 1-18 and BL Harley MS 555 fols. 1-11.

³⁸ Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568* (Stanford: Stanford University Press, 1966), 64.

³⁹ Mortimer Levine, "A 'Letter' on the Elizabethan Succession Question, 1566", *The Huntington Library Quarterly* 19, no.1 (1955): 13; Levine, *The Early Elizabethan Succession Question 1558-1568*, 64.

“Matter of the booke” with other members of Parliament.⁴⁰ Furthermore, the content of the speech made by Sir Ralph Sadler to the Commons in the 1563 session mirrored Hales’ tracts significantly, indicating that he had seen, or at least heard of, its main arguments concerning the succession.⁴¹ The circulation of Hales’ ‘A Discovrs’ may be difficult to trace today but it was undoubtedly influential. Following the circulation of ‘A Discovrs’, writings on the succession became popular and more common, with most tract writers responding to Hales’ arguments in some way.⁴² In the six years after 1563, seven further tracts were written and circulated debating the succession, and through them the terms for the Elizabethan succession debate were established.⁴³

Two years following Hales’ ‘A Discovrs’, the anonymously authored *Allegations against the svrmisid title of the Qvine of Scotts* appeared in print.⁴⁴ *Allegations against the svrmisid title* is dated to 7 December 1565, and today there is no surviving evidence concerning its authorship, who printed it, or even precisely where it was printed.⁴⁵ Initially, Elizabeth appears to have been unaware of this anonymous tract. However, in a response to complaints from Mary Stuart, Elizabeth instructed Henry Killingrew, her representative in Scotland in 1566, to inform Mary that

the Q[ueen] of Scotts may be well assured that she shuld not have other cause to complayne therof than she had, wha[n/m] a certen book was secretly wrytten in yers past in the tyme of a parlement by on[e] of the parlemnt house who, without any solicitation of the Q[ueen's] m[ajesty], was punished and therby hath so dearly payd by long i[m]p[ri]sonment not without evident danger of his liff for his audacite used therin as it is hard to thynk any other dare p[re]sume the lyke.⁴⁶

Elizabeth instructed Killingrew to inform Mary of the actions which she had taken against Hales for his tract in 1563 but made no mention of *Allegations against the svrmisid title*. However, by December of that year, the anonymous published tract had been seen by Elizabeth

⁴⁰ “Answers of John Hales”, 25/27 April 1564, CP 154/60.

⁴¹ Sir Ralph Sadler's Speech on the Succession", in *Proceedings* 1, 87-89.

⁴² Levine, *The Early Elizabethan Succession Question*, 63, 89.

⁴³ Two of these tracts, those by Anthony Browne (1565) and by Edmund Plowden (1567), are manuscript tracts which have never been published. As a result of COVID-19 I was unable to undertake my second planned research trip to the British Library and therefore have been unable to access them in order to include them fully within this thesis.

⁴⁴ Anonymous, *Allegations against the svrmisid title of the Qvine of Scotts* (1565). Note: On EEBO the spelling of this title is incorrect, it appears as *Allegations against the surmisid title of the Qvine of Scotts*.

⁴⁵ Levine, *The Early Elizabethan Succession Question*, 90; Catherine Chou, “The Parliamentary Mind and the Mutable Constitution”, *Historical Research* 89, No. 245 (2016): 473.

⁴⁶ “A memoriyall for Henry Killingrew”, 13-15 June 1566, TNA, SP 52/12 fol. 72.

who wrote to Mary of her unhappiness with the situation and promised her satisfaction in the matter.⁴⁷ Mary's dissatisfaction with the tract is understandable as it argues firmly against the Stuart claim to the succession. *Allegations against the svrmisid title* does not name a specific candidate for the succession, but it hints towards the claim of Katherine Grey as being the most legally sound.⁴⁸

Allegations against the svrmisid title is one of only two tracts in the early written succession debate which were printed. While the reasons for the predominance of manuscript over print in the early period is difficult to uncover precisely, it is possible to suggest an explanation. England in the Elizabethan period did not have a free printing industry, but it was also not controlled by systematic censorship. For the most part, censorship usually occurred primarily as a response to either political or religious circumstances, and was largely confined to printed works.⁴⁹ The succession was a deeply political issue which touched significantly upon matters of royal prerogative and government. Furthermore, it was shaped in many respects by the religious divide caused by the Reformation. In such a situation, a succession tract was not likely to be approved for print. Works which were produced in print would normally be seen by either the censors or by the Stationers' Company which policed printed works.⁵⁰ However, manuscript works generally received less official attention than was the case with printed works and it was therefore the favoured medium for works which could be considered subversive or scandalous.⁵¹ Manuscript works were also the preferred means for commenting on contemporary events or individuals.⁵² This is because manuscript texts were far more difficult for either the Crown or Parliament to monitor or to trace back to the original author.⁵³ Furthermore, it was easier to circulate a manuscript tract to a targeted audience, as was the case with Hales' 'A Discovers' to his fellow members of Parliament.⁵⁴ In this early

⁴⁷ "Elizabeth to Mary", 11 December 1566, in *Calendar of State Papers, Scotland*, Vol. 2, ed. Joseph Bain (London, Her Majesty's Stationary Office, 1900), 307-308.

⁴⁸ Anonymous, *Allegations against the svrmisid title*, 6.

⁴⁹ Cyndia Susan Clegg, *Press Censorship in Elizabethan England* (Cambridge: Cambridge University Press, 1997), 5.

⁵⁰ Harold Love and Arthur F. Marotti, "Manuscript Transmission and Circulation", in *The Cambridge History of Early Modern English Literature*, eds. David Loewenstein and Janel Mueller (Cambridge: Cambridge University Press, 2002), 57.

⁵¹ James Daybell, *The Material Letter: Manuscript Letters and the Culture and Practices of Letter-Writing, 1512-1635* (New York: Palgrave Macmillan, 2012), 192.

⁵² Noah Millstone, *Manuscript Circulation and the Invention of Politics in Early Stuart England* (Cambridge: Cambridge University Press, 2016), 2-3.

⁵³ Harold Love, "Oral and Scribal Texts in Early Modern England", in *The Cambridge History of the Book in Britain: Volume IV, 1557-1695*, eds. John Barnard and D. F. McKenzie (Cambridge: University of Cambridge Press, 2002), 108-109; Millstone, *Manuscript Circulation and the Invention of Politics in Early Stuart England*, 2-3, 25.

⁵⁴ H. R. Woudhuysen, *Sir Philip Sydney and the Circulation of Manuscripts 1558-1640* (Oxford, Clarendon Press, 1996), 12.

stage of the succession debate it appears that succession tracts were written in manuscript form to circulate ideas to restricted audiences such as members of Parliament or others within the government. The creation of *Allegations against the svrmisid title* as a printed tract sought to spread these ideas outside of the governing elite and amongst the general public, an approach which would be a feature during the later written succession debate.

In the year following the publication of *Allegations against the svrmisid title*, two more anonymous manuscript works were produced. ‘Allegations in behalf of the high & mighty princess the Lady Marie, now Queen of Scots’ was written in March 1566 and was a response to Hales’ 1563 tract.⁵⁵ This tract focuses more on why Katherine Grey and the Suffolk line should be considered illegitimate than it argues in favour of Mary Stuart’s claim to the English throne. On a separate page at the beginning of the manuscript of ‘Allegations in behalf’, a preface appears which was intended to have formed the note from the printer to the reader of the work following printing.⁵⁶ However, no printed copies from the sixteenth-century have survived to the present day, and indeed the work may never have been printed at that time, with either the author or the printer changing their minds following the composition of the preface, most likely as a manuscript tract would receive a less negative response than a printed work at that time.⁵⁷ The second succession tract of 1566 was an anonymous work which has been given the title of the ‘Letter’ by Mortimer Levine. This tract is written in the form of a letter, though it is not addressed to anyone specifically nor is it signed.⁵⁸ The ‘Letter’ was not printed but copies have been identified in the Bodleian Library of Oxford and the University Library of Cambridge, indicating that it was not sent to an individual but was instead produced in order to be circulated.⁵⁹ The ‘Letter’ is unusual in that it does not clearly appear to argue for a specific claimant, which was the normal approach of the succession tracts considered by this thesis, but instead it argues against the succession being debated in tracts outside of Parliament, therefore debating the very nature of the debate itself.

Within the ‘Letter’ there are numerous references to a conference having occurred in secret to discuss the succession, and of a book on the topic which had recently circulated. The book, as identified by Levine, was ‘Allegations in behalf’. Indeed, refuting that tract point by point was one of the two primary points of this ‘Letter’, thus tying these two manuscript tracts

⁵⁵ Anonymous, *Allegations in behalf of the High and Mighty Princess the Lady Mary, now Queen of Scots*, Bodleian MS Ashm. 829 fols. 12v-23r; Levine, *The Early Elizabethan Succession Question*, 95-96.

⁵⁶ Anonymous, *Allegations in behalf*, Bodleian MS Ashm. 829 fol. 12v.

⁵⁷ Levine, *The Early Elizabethan Succession Question*, 95-96.

⁵⁸ Levine, “A “Letter” on the Elizabethan Succession Question, 1566”, 13.

⁵⁹ Levine, “A “Letter” on the Elizabethan Succession Question, 1566”, 13; Anonymous, “Letter”, Bodleian MS Ashm. 829 fols. 36-40.

closely together.⁶⁰ It is possible that the conference which the ‘Letter’ refers to did take place in some form, and that the anonymous ‘Allegations in behalf’ was the written resolution of that conference, or at least the argument that the conference chose to present. What makes the claim of secret conferences on the succession likely, and why the two rival positioning papers appeared in the same year, is based upon where the succession debate was occurring in 1566, as will be more fully discussed in Chapters Three and Four. In the 1563 session of Parliament there had been substantial agitation, led by the Privy Council, for the establishment of the succession. When Parliament was prorogued with the succession undecided, it made revival of the issue inevitable when Parliament was recalled in September 1566.⁶¹ The appearance of these two succession tracts before the reconvening of Parliament indicate that they could both have served as position papers for each side of the succession debate, outlining the challenges to both the Stuart and the Suffolk claims to the succession. As they circulated in manuscript, it would have been more manageable for the producers of the tract to target their specific audience of Parliamentary members.⁶² Furthermore, succession tracts which were intended to influence Parliament or the Privy Council directly, such as Hales’ ‘A Discovrs’, were not normally printed at this time, which could account for ‘Allegations in behalf’ not being printed. These two tracts, ‘Allegations in behalf’ and the ‘Letter’, present two opposing views of how the issue should be resolved and indicate that, at least for Parliamentary members, the succession debate was to occur in writing beyond the Houses of Parliament and outside the control of the censorship of printed works.

The succession tracts of the earlier 1560s were followed by two very different tracts which appeared in 1569. The first, ‘Castra Regia’, was written by Roger Edwardes, a Welshman who had been a Marian exile and who was later involved in various Elizabethan military operations. Edwardes was well educated, with knowledge of history and Latin, which explains his ability to compose a succession tract such as his ‘Castra Regia’.⁶³ Edwardes’ tract outlines the history of English monarchs before discussing the succession. In doing so, he highlights the risks inherent to the establishing of the succession, primarily those occasions when the known heir murdered their king for the throne. Edwardes’ tract is highly unusual as it argues firmly against the right of Parliament in either limiting or establishing the succession.

⁶⁰ Levine, “A ‘Letter’ on the Elizabethan Succession Question, 1566”, 13-16; Anonymous, “Letter”, Bodleian MS Ashm. 829 fols. 36-40.

⁶¹ Michael A. R. Graves, *Elizabethan Parliaments 1559-1601*, 2nd edn. (London: Longman, 1996), 56.

⁶² Woudhuysen, *Sir Philip Sydney and the Circulation of Manuscripts 1558-1640*, 12.

⁶³ Victoria Smith, “The Elizabethan Succession Question in Roger Edwardes’s ‘Castra Regia’ (1569) and ‘Cista Pacis Anglie’ (1576)”, *Historical Research* 87, no. 238 (2014): 636.

Instead, he places the authority of any decision concerning the succession firmly with Elizabeth.⁶⁴ Edwardes sent a copy of his tract to William Cecil, though it presented a rather different view on the succession to Cecil's, as shall be discussed in Chapter Three, and requested that Cecil present it to Elizabeth.⁶⁵ While Edwardes' tract was never printed, it circulated within government circles, with copies of it being identified amongst the papers of Privy Councillors such as William Cecil and Sir Walter Mildmay, and Privy Council clerks like Robert Beale.⁶⁶ His approach to the issue was radically different to those who had written on the matter previously and operated as an outlier beyond the general pattern of debate. As this thesis argues, the written succession debate had more or less operated on a fundamental conception that the succession should be established as soon as possible and strengthened by Parliamentary statute, though on these two points Edwardes' 'Castra Regia' opposed the consensus. However, while Edwardes' argument was different in nature to the previous tracts, it operated in a similar way to most by circulating to a targeted audience in manuscript form and formed another policy paper on the succession for the members of the Privy Council to consider.

The second tract, written by John Leslie, was produced in 1569 and held more in common with the anonymous *Allegations against the svrmisid title* from 1565 as it was printed. John Leslie, the Bishop of Ross, was one of Mary Stuart's key supporters and advisors during her imprisonment in England.⁶⁷ His tract, *A defence of the honour of the right highe, mightye and noble Princesse Marie Quene of Scotlande*, was primarily focused on arguing a legal case, which is understandable considering he held a doctorate from Paris in civil and canon law.⁶⁸ However, his extensive legal training did not include English law. Therefore, in order to cover his own lack of knowledge of English law, Leslie incorporated

⁶⁴ Roger Edwardes, "Castra Regia", in *Historical Papers*, Part 1, ed. by Philip Bliss and Bulkeley Bandinel (London: William Nicol. Shakespeare Press, 1846), 3-40.

⁶⁵ "Roger Edwards to William Cecil", 27 March 1569, TNA, SP12/49 fol. 169.

⁶⁶ Smith, "The Elizabethan Succession Question in Roger Edwardes's 'Castra Regia' (1569) and 'Cista Pacis Anglie' (1576)", 639-641.

⁶⁷ Chou, "The Parliamentary Mind and the Mutable Constitution", 477-478; K. J. Kesselring, *The Northern Rebellion of 1569: Faith, Politics and Protest in Elizabethan England* (New York: Palgrave Macmillan, 2007), 51.

⁶⁸ Rosalind K. Marshall, "Lesley [Leslie], John (1527–1596), Bishop of Ross, Historian, And Conspirator", *Oxford Dictionary of National Biography* (Accessed 12 May 2019), <https://www-oxforddnb-com.ezp.lib.unimelb.edu.au/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-16492>; John Leslie, *A defence of the honour of the right highe, mightye and noble Princesse Marie Quene of Scotlande and dowager of France with a declaration aswell of her right, title & intereste to the succession of the crowne of Englande, as that the regimente of women ys conformable to the lawe of God and nature* (Rheims: 1569).

material from earlier succession tracts.⁶⁹ Leslie argues in his tract that Mary Stuart was the rightful successor to the English throne following Elizabeth, and that all other claimants were ineligible to succeed.⁷⁰ The cover of the tract states that it was printed in London, but this is not the case. Instead, the work was published in Rheims, at the time a center for Catholic missionary training, before being smuggled into England.⁷¹ Its printing puts it in a similar category as *Allegations against the svrmisid title* which circulated uncontrolled outside of government. Printed tracts were at significant risk from censorship, especially those works which were political in nature. However, as it was printed outside of England it circumvented English censorship, which was more effective at the production stage than in policing circulation once printed. The anonymous *Allegations against the svrmisid title* and Leslie's *A Defence of the honour* took the debate outside of the government sphere of the Privy Council and Parliament, and sought to engage with the English people, an approach which would feature prominently within the later succession debate.

The early written succession debate, as it is generally presented by historians such as Levine and Alford, had some interesting characteristics which should be considered carefully. Of the eight tracts which were written in the 1560s only two were printed, and only one of them was printed within England itself. Therefore, three quarters of the early succession tracts circulated in manuscript form. These manuscript tracts appear to have been similar in nature to what we would today call policy papers. These policy papers were documents specifically researched and written to be circulated before Parliament or within government in order to outline a particular position or the legal implications of a pressing issue. Three of the tracts – Hales' 'A Discovrs', the *Allegations in behalf*, and the 'Letter' – all circulated before or during a session of Parliament. Two were legal advice prepared by lawyers concerning the laws which might govern the succession.⁷² The final one, Edwardes' 'Castra Regia', circulated amongst members and clerks of the Privy Council. While these works all have their own approach to the subject of the succession as they argue the case for their chosen claimants, they do not focus upon the issue of religion, a characteristic which is continued in the later succession tracts. Indeed, a particular feature of the succession tracts is that religion was not a prominent strand in their argument.⁷³ Rather, the focus of their arguments was upon the legal impediments to

⁶⁹ Chou, "The Parliamentary Mind and the Mutable Constitution", 478; Marie Axton, "The Influence of Edmund Plowden's Succession Treatise", *The Huntington Library Quarterly* 37, no. 3 (1974): 211

⁷⁰ Leslie, *A defence of the honour*, 51-119.

⁷¹ Chou, "The Parliamentary Mind and the Mutable Constitution", 477-478.

⁷² Anthony Browne (1565) and by Edmund Plowden (1567).

⁷³ Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), 23.

possible claimants and who should hold the right to determine the royal succession, a focus which is evidence that these early tracts were sixteenth-century policy papers.

The early phase of the succession debate as it featured within the tracts came to an end with the death of Katherine Grey. While there were a number of claimants during the 1560s, the majority who debated the succession were primarily divided between the rights of the Stuart claim held by Mary Queen of Scots and the Suffolk claim of Katherine Grey. On 27 January 1568 Katherine died, leaving behind two sons of questionable legitimacy resulting from a clandestine marriage judged not to have been valid. Her death was regarded by Levine as the resolution to the succession issue, because, with Katherine's death, Mary Queen of Scots was seen as the accepted heir apparent.⁷⁴ While this conclusion may appear sound, the significant debate and anxiety amongst the English political class that occurred in the following thirty-five years of Elizabeth's reign makes such a judgment questionable. It could be reasonable to point to the lack of succession tracts produced following Katherine's death as a sign that the issue had been resolved; however, her passing may not be the only reason for the temporary silence regarding the succession in the tracts. In 1571, the English Parliament passed *An Acte whereby certayne Offences bee made Treason*, also known as the 1571 Treasons Act, which made direct mention of the succession writings. The Act states

any Booke or Worke prynted or written, dyrectly & expresly declare and affyrme at any tyme before the same be by Acte of Parlyament of this Realme established and affyrmed, that any one pticul' pson whosoever it be, is or ought to be the ryght Heire & Successor to the Queenes Ma^{tie} that nowe is (whome God longe preserve) except the same naturall yssue of her Ma[jesty's] Bodye, or shall willfully set upp in open place publishe or spreade any Bookes or Scrowles to that effect, or shall print bynde or put to sale, or utter or cause to be prynted bounde or put to sale or uttered any such Booke or Wrytynge wittinglye.⁷⁵

The punishment for such writing on the succession was to be one year's imprisonment and forfeiture of half the offender's goods.⁷⁶ So while it is right to point to the death of a major claimant to the succession as being one factor in the reduction of succession tracts being

⁷⁴ Levine, *The Early Elizabethan Succession Question*, 202.

⁷⁵ "An Acte whereby certayne Offences bee made Treason", 1571, 13 Eliz. I, c. 1, in *Statutes of the Realm: Printed by Command of His Majesty King George III*, Vol. 4, Part 1, Reprint (London: Dawsons of Pall Mall, 1963), 527.

⁷⁶ "An Acte whereby certayne Offences bee made Treason", 13 Eliz. I c. 1, 1571, in *Statutes of the Realm* 4, Part 1, 527.

produced, the creation of the 1571 Treasons Act two years after Katherine's death would have further inhibited the succession debate through written means though the debate continued unabated in other forums. For almost two decades the production of tracts concerning the succession faded to a trickle as other avenues for managing the succession were explored, primarily by the Privy Council and in Parliament which shall be discussed in later chapters. However, the publication of a tract in 1595 initiated a flurry of works again seeking to establish the succession.

In 1595 a book was published in Amsterdam entitled *A Conference about the Next Succession to the Crowne of Ingland*. This work was published under the pseudonym of R. Doleman, but it was widely believed at the time to have been authored by Robert Persons.⁷⁷ Persons was a leader of the English Jesuits living on the Continent.⁷⁸ The publication of this work caused a stir in a number of ways, not in the least by its provocative dedication to Robert Devereux, the Earl of Essex, who was in fact strongly opposed to the work's conclusion.⁷⁹ This work argued for the claim of the Infanta of Spain to the English throne based upon an older blood claim which predated the legal impediments of Henry VIII's Succession Acts and his Will. Furthermore, it also argued that James VI was ineligible on account of his mother's execution under the *Act for the Queen's Safety*.⁸⁰ As with the earlier tracts, a prominent feature of *A Conference* is its reliance upon legal arguments, even when purposefully twisting those laws to support a claimant chosen for their religious allegiance. Though this work does indicate the importance of religion in the selection of a successor, stating that "the partie of religion is like to weigh most", it does not prevent the author from arguing primarily for the legal case of a Catholic claimant at odds with the official doctrine of England's church.⁸¹

A Conference has a complicated and debated history. As outlined by Peter Holmes, various times since its publication in the late sixteenth-century it has been suggested that *A Conference* was produced in a collaborative effort between Robert Persons, Cardinal William Allen and Sir Francis Englefield.⁸² However, today it is generally thought by historians such

⁷⁷ John Harington, *A Tract on the Succession to the Crown (A.D. 1602)*, ed. Clements R. Markham. (London: J.B. Nichols and Sons, 1880), 34.

⁷⁸ Susan Doran, "James VI and the English Succession", in *James VI and I: Ideas, Authority and Government*, ed. Ralph Houlbrooke (Aldershot: Ashgate, 2006), 29-30.

⁷⁹ R. Doleman [Robert Persons], *A Conference about the Next Svccession to the Crowne of Ingland* ([Antwerp]: 1594), Title Page.

⁸⁰ Doleman [Persons], *A Conference*, 117, 157.

⁸¹ Doleman [Persons], *A Conference*, 236.

⁸² Peter Holmes, "The Authorship and Early Reception of a Conference about the Next Succession to the Crown of England", *The Historical Journal* 23, No. 2 (1980): 415-416.

as Holmes and Doran that *A Conference* was primarily the work of Persons himself.⁸³ Persons completed *A Conference* on 1 December 1593 and it was printed in Antwerp in 1594 by Arnout Coninx. There were two thousand copies printed of *A Conference* but distribution did not immediately take place as there was some uncertainty amongst the Continental Catholics, particularly the Jesuit General, as to its suitability as a result of its pro-Spanish argument and extreme political ideas. It was eventually released a year later and then smuggled into England where it began to circulate, reaching the hands of William Cecil who had a copy sent to James VI in Scotland.⁸⁴ The publication of this work is considered to be a turning point for James, as his anxiety concerning the succession increased following its publication and its implication of his ineligibility to the succession.⁸⁵ It also triggered what many scholars now refer to as the late succession debate in the tracts. Written replies to Persons' tract were difficult to produce within England as a result of the 1571 Treasons Act which made the printing of succession tracts illegal.⁸⁶ While the printing of such material was illegal in England, it did not prohibit the production of tracts outside of its borders, nor did it stop some from carefully circulating manuscripts which touched on the issue. As such, within a few years of the publication of *A Conference*, five responses and counter-arguments to its conclusions regarding the rightful succession and the manner in which it should be decided were produced.

One of the first succession tracts which were produced following the printing of *A Conference* was Alexander Dickson's 'Of the Right of the Crowne efter Hir Majesty' in 1598. Dickson was a Scotsman who was educated at St Andrew's University. He resided for a time in London where he was a supporter of Mary Stuart, and had connections to the circles of Robert Dudley and Sir Philip Sidney.⁸⁷ Dickson wrote a number of tracts which were never published, amongst which was his succession tract, 'Of the Right of the Crowne'.⁸⁸ Dickson intended this tract to comprise of three 'books' or chapters, but for reasons no longer known

⁸³ Holmes, "The Authorship and Early Reception of a Conference about the Next Succession to the Crown of England", 415-416; Doran, "James VI and the English Succession", 30.

⁸⁴ Susan Doran, "Revenge her Foul and Most Unnatural Murder? The Impact of Mary Stuart's Execution on Anglo-Scottish Relations." *History*, 85 (2000): 609; Holmes, "The Authorship and Early Reception of a Conference about the Next Succession to the Crown of England", 420-422, 226; Paulina Kewes, "The Idol of State Innovators and Republicans': Robert Persons's *A Conference About the Next Succession* (1594/5) in Stuart England", in *Stuart Succession Literature: Moments and Transformations*, eds. Paulina Kewes and Andrew McRae (Oxford: Oxford University Press, 2019), 149-152.

⁸⁵ Doran, "James VI and the English Succession", 29.

⁸⁶ Doran, "Revenge her Foul and Most Unnatural Murder?", 610.

⁸⁷ Jean-Christophe Mayer (ed.), *Breaking the Silence on the Succession: A Sourcebook of Manuscripts & Rare Elizabethan Texts (c. 1587-1603)* (Montpellier: Université Paul-Valéry Montpellier 3, 2003), 157.

⁸⁸ Peter Beal, "Alexander Dicsone, Elizabethan Philosopher, Propagandist, Spy: A Checklist of His Writings", *The Library* 2, no. 2 (2001): 120; Rebecca Jane Emmett, "Anglo-Scottish Succession Tracts during the Late Elizabethan Period, 1595-1603" (University of Birmingham, MPhil. Thesis, 2010), 61.

he only wrote one ‘book’.⁸⁹ The tract argued firmly for the right of James to succeed to the English throne against Persons’ tract, or as he put it, “a pretendit conference at Amsterdame” in reference the title of Persons’ tract.⁹⁰ Dickson was highly critical of what he perceived as Elizabeth’s failure to establish the succession, and believed that that inaction had encouraged the enemies of James’ claim, such as the King of Spain, to advocate alternative successors.⁹¹ The copy which survives today appears to have been Dickson’s working copy.⁹² Dickson appears to have been working on his succession tract openly in February 1598 and receiving some measure of support from James as George Nicolson, Elizabeth’s representative in Scotland, reported his work on the tract to Robert Cecil. According to Nicolson, Dickson’s work was “to be don and printed w[ith]h expedicion.”⁹³ By June, Nicolson reported that “The 2 Books written by Quin and Mr. Dixon I suspect are sent out of the Country to be printed: for of this longe tyme the Printer hath not ben dealt w[ith]h for printing of them.”⁹⁴ ‘Of the Right of the Crowne’ was never printed, but it is important to consider that it was created with the intention for it to circulate as a printed text. Dickson’s work was intended to publicly dispute Persons’ *A Conference*, and to remove doubts concerning James’ right to the throne in public debate.

While Dickson’s 1598 tract was not printed, there was another succession tract by Peter Wentworth that was printed in Edinburgh in that year, and it also had a complicated history. Peter Wentworth was an outspoken Englishman whose Parliamentary career will be discussed in detail in Chapter Four. Over a period of nine years, Wentworth composed three succession tracts, the first of which was *A pithie exhortation to her Maiestie for establishing her successor to the crowne*. This tract was written round 1587 as a position paper to gather support for parliamentary action on the succession.⁹⁵ *A pithie exhortation* was addressed to Elizabeth and called for her to join with Parliament to establish the succession for the security of herself and her kingdom.⁹⁶ The second tract by Wentworth, ‘Objection... Answered’, was written in late

⁸⁹ Alexander Dickson, *Of the Right of the Crowne efter Hir Majesty*, 1598, NLS, Adv. MS. 31.4.8, fol. 1r.

⁹⁰ Dickson, *Of the Right of the Crowne*, NLS, Adv. MS. 31.4.8, fol. 7r.

⁹¹ Dickson, *Of the Right of the Crowne*, NLS, Adv. MS. 31.4.8, fol. 29r-29v.

⁹² Beal, “Alexander Dicsone, Elizabethan Philosopher, Propagandist, Spy”, 126.

⁹³ George Nicolson to Robert Cecil, 25 February 1598, TNA, SP 52/62 fol. 6.

⁹⁴ George Nicolson to Robert Cecil, 9 June, TNA, SP 52/62 fol. 34.

⁹⁵ Paulina Kewes, “The Puritan, the Jesuit and the Jacobean Succession”, in *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, ed. by Susan Doran and Paulina Kewes (Manchester: Manchester University Press, 2014), 48-49; J. E. Neale, “Peter Wentworth, Part II”, *The English Historical Review* 39, No. 154 (1924): 182.

⁹⁶ Peter Wentworth, *A pithie exhortation to her Maiestie for establishing her successor to the crowne Whereunto is added a discourse containing the authors opinion of the true and lavyfull successor to her Maiestie* (Edinburgh: 1598), 1-121

1591 and directed towards the Privy Council.⁹⁷ Then, in response to Persons' *A Conference*, Wentworth wrote his final tract in 1594 while he was imprisoned in the Tower, *A Treatise Containing M. Wentworths Ivdgement Concerning the Person of the True and Lawfull Successor to the Realmes of England and Ireland*.⁹⁸ Wentworth's *A Treatise* presents a strong defence for James' claim to the throne and, unlike his previous works, he argues that Parliament's role in the succession was limited.⁹⁹ Wentworth's tracts on the succession could not find a printer within England, but somehow two of them, *A pithie exhortation* and *A Treatise*, found their way to Edinburgh where they were printed in a single volume by Robert Waldegrave two years after Wentworth's death.¹⁰⁰ While Wentworth's tracts were eventually printed and gained a wider reach because of that, it cannot be forgotten that the works were originally produced and circulated as manuscripts.¹⁰¹ In this way, Wentworth's tracts should be seen alongside the general English practice on writing on the succession, that is, that such tracts were produced as policy papers to argue a case before Parliament or to provide advice on an issue to the Queen or her Privy Council, rather than to generate widespread popular support on an issue.

The printer of Wentworth's tract, Robert Waldegrave, was English, and in 1599 he was the printer of a second succession tract, this time by Irenicus Philodikaios. Waldegrave was uncomfortable with printing tracts on the succession as he was concerned it would prevent him from eventually returning to England.¹⁰² Originally, Waldegrave had worked as a printer in London and was involved in producing Puritan texts.¹⁰³ As a result of his printing of the Marprelate tracts, a controversial group of Puritan anti-episcopal tracts, Waldegrave fled England, first to the Continent, before settling in Edinburgh. In 1590, King James appointed Waldegrave as the royal printer.¹⁰⁴ Following the publication of Persons' *A Conference*, James encouraged the production of tracts in support of his claim to the English throne.¹⁰⁵ The

⁹⁷ Kewes, "The Puritan, the Jesuit and the Jacobean Succession", 54-55.

⁹⁸ Wentworth, *A pithie exhortation*, 1-95 2nd pag., this work has two sets of page numbers thus 2nd pagination, shortened to pag., indicates the second set of page numbers); Neale, "Peter Wentworth, Part II", 200.

⁹⁹ Wentworth, *A pithie exhortation*, 53 (2nd pag.); Paulina Kewes, "Parliament and the Principle of Elective Succession in Elizabethan England", in *Writing the History of Parliament in Tudor and Early Stuart England*, ed. by Paul Cavill and Alexandra Gajda (Manchester: Manchester University Press, 2018), 106.

¹⁰⁰ Katherine Van Eerde, "Robert Waldegrave: The Printer as Agent and Link Between Sixteenth-Century England and Scotland", *Renaissance Quarterly* 34, no. 1 (1981): 70; M. J. M. Innes, "Robert Persons, Popular Sovereignty, and the Late Elizabethan Succession Debate", *The Historical Journal* 62, no. 1 (2019): 69.

¹⁰¹ Neale, "Peter Wentworth, Part II", 182-184; Kewes, "The Puritan, the Jesuit and the Jacobean Succession", 54-55.

¹⁰² Emmett, "Anglo-Scottish Succession Tracts during the Late Elizabethan Period, 1595-1603", 36.

¹⁰³ Van Eerde, "Robert Waldegrave", 44.

¹⁰⁴ Clegg, *Press Censorship in Elizabethan England*, 53-54; Van Eerde, "Robert Waldegrave", 59.

¹⁰⁵ Doran, "James VI and the English Succession", 34-35.

encouragement of James led to the creation of succession tracts such as Dickson's, and the printing of others by men such as Waldegrave. The tract Waldegrave printed in 1599 was *A treatise declaring, and confirming against all objections the just title and right of the moste excellent and worthie prince, Iames the sixt, King of Scotland, to the succession of the croun of England*, written by Philodikaios. Philodikaios argued that James held the best right to the succession based on his being the nearest of the royal blood.¹⁰⁶ Philodikaios' identity is unknown as the name was a pseudonym derived from ancient Greek words.¹⁰⁷ Within the tract, Philodikaios claimed to have been an Englishman, but there is no surviving evidence as to whether this was true or not.¹⁰⁸ Regardless of Philodikaios' true identity, his tract was printed by the royal printer Waldegrave as part of James' attempt to gather popular support for his claim on the English throne.

The fourth succession tract with connections to Scotland was John Colville's *The palinod of Iohn Coluill*. John Colville was a Scotsman who was educated at St Andrew's University.¹⁰⁹ Colville's *The palinod* was printed in Edinburgh in 1600 by Richard Charteras at James' request.¹¹⁰ It is likely that the tract had been written while Colville was out of Scotland, as he left around 1597 and may never have returned. Regardless of this, Colville had *The palinod* sent to James who had it printed.¹¹¹ The tract itself was a recantation of a previous work by Colville which had argued against James' claim to the English throne.¹¹² Rather, in *The palinod* Colville presented an argument in favour of James' succession primarily based on the hereditary principle.¹¹³ Colville's text joined with those by Wentworth and Philodikaios to form part of James' public strategy concerning the succession. The work by

¹⁰⁶ Irenicus Philodikaios, *A treatise declaring, and confirming against all objections the just title and right of the moste excellent and worthie prince, Iames the sixt, King of Scotland, to the succession of the croun of England. Whereunto is added a discourse shewing how necessarie it is for the realme of England, that he be in due time acknowledged and admitted to the succession of the kingdome* (Edinburgh: 1599).

¹⁰⁷ Rei Kanemura, "Kingship by Descent or Kingship by Election? The Contested Title of James VI and I", *Journal of British Studies* 52 (2013): 333; Emmett, "Anglo-Scottish Succession Tracts during the Late Elizabethan Period, 1595-1603", 53; Susan Doran, "Three Late-Elizabethan Succession Tracts", in *The Struggle for the Succession in Late Elizabethan England: Politics, Polemics and Cultural Representations*, ed. Jean-Christophe Mayer (Montpellier: Institut de Recherche sur la Renaissance, 2004), 104-105.

¹⁰⁸ Philodikaios, *A treatise*, 3-4; Emmett, "Anglo-Scottish Succession Tracts during the Late Elizabethan Period, 1595-1603", 40.

¹⁰⁹ Rob Macpherson, "Colville, John (1542?-1605), conspirator and Church of Scotland minister", *Oxford Dictionary of National Biography*. Accessed 25 January 2021.
<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-6011>.

¹¹⁰ Doran, "James VI and the English Succession", 35.

¹¹¹ Macpherson, "Colville, John (1542?-1605), conspirator and Church of Scotland minister".

¹¹² John Colville, *The palinod of Iohn Coluill wherein he doth penitently recant his former proud offences, specially that treasonable discourse lately made by him against the vndoubted and undeniable title of his dread soueraigne Lord, King Iames the sixt, vnto the crowne of England, after decease of her Maiesty present* (Edinburgh: 1600), 4.

¹¹³ Colville, *The palinode*.

Dickson was also written to join these printed tracts but for some reason it was never printed. These four works all supported James' legal right to the English throne and directly countered the arguments presented by Doleman's *A Conference*. In utilising print to reach a wider audience, James sought not to target select audiences as had been the case with the English manuscript tracts, but instead to publicly proclaim his legal right to the succession in order to win the English throne for himself.

The final tract which will be considered is 'A Tract on the Succession to the Crown' which was written by Sir John Harington in 1602.¹¹⁴ Harington was a godson of Elizabeth and held close connections to many members of the Elizabethan court and government.¹¹⁵ Harington's approach was unusual for the later succession debate as he did not have 'A Tract on the Succession' printed; instead, he commissioned scribal copies of the work. The recipients of these copies are not always clear; however, the copy of Harington's work which ended up in the Chapter Library of York was likely gifted to Tobie Matthew who later became the Archbishop of York.¹¹⁶ The stated focus of 'A Tract on the Succession' was to argue for James' right to the English throne against the claim of the Infanta as presented by Persons' *A Conference*. In doing so, Harington argues that, while religion was important, a claimant's religion could not bar their right to the throne, that succession was a legal consideration first and foremost.¹¹⁷ As it was produced so late in Elizabeth's reign, and with James' succession looking increasingly likely, it is possible that Harington sought to establish himself in a position of favour with the incoming regime, and that the use of manuscript rather than print was chosen to protect himself from the 1571 Treason Act as it was harder for manuscript tracts to be caught by the censors. In a way, Harington's approach could be considered to have been a continuation of the earlier succession debate's practices and formed a policy paper to assist select members of the English kingdom in coming to terms with the rights of succession at the end of Elizabeth's reign.

The succession tracts which were produced to counter the arguments Persons presented in *A Conference* all concluded that the rightful claimant to the English throne was James VI and that the Infanta's claim was unsupported on the basis of English law.¹¹⁸ Indeed, according

¹¹⁴ Harington, *A Tract on the Succession*.

¹¹⁵ Jason Scott-Warren, "Harington, Sir John (bap. 1560, d. 1612), Courtier and Author", *Oxford Dictionary of National Biography*. Accessed 21 January 2021.
<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-12326>.

¹¹⁶ Woudhuysen, *Sir Philip Sydney and the Circulation of Manuscripts 1558-1640*, 106, 108; Scott-Warren, "Harington, Sir John (bap. 1560, d. 1612), Courtier and Author".

¹¹⁷ Harington, *A Tract on the Succession*.

¹¹⁸ Dickson, *Of the Right of the Crowne*, NLS, Adv. MS. 31.4.8; Wentworth, *A pithie exhortation*; Philodikaos, *A treatise*; Colville, *The palinod*; Harington, *A Tract on the Succession*.

to Wentworth, the case argued within Persons' tract was based on such purposeful misreading of the law that he claimed "This booke is no fuller in lynes then of lies".¹¹⁹ In each of these tracts that sought to answer Persons' work it was the legal argument that they sought to address, rather than his brief discussion of the claimants' religious allegiances. For, while the issue of a claimant's religion did feature more prominently in the later succession tracts, in many respects they shared their approach with those produced early in Elizabeth's reign in their close attention to the law. While the religious tensions continued to colour most aspects of life in Elizabethan England, those who felt compelled to write tracts on the succession – both in the first decade of Elizabeth's reign and following the Treason Act which made such undertakings illegal – the succession was debated in terms of law even when supporting a claimant for religious reasons.

Many of the legal considerations debated within the tracts overlap or are used in different manners to support certain claimants, but they can be grouped into three main areas of discussion. Of the twelve tracts included here, ten of them refer to the Succession Acts of Henry VIII, and his Will, which was provided for by the Acts. These ten are Hales' tract, *Allegations against the svrmised title*, 'Allegations in behalf', the 'Letter', and the tracts produced by Leslie, Persons, Dickson, Wentworth, Philodikaïos and Colville.¹²⁰ During Henry VIII's reign, three Acts were passed by Parliament concerning the succession, two of which included the right to establish the succession according to his wishes in his Will. The condition of this provision was that the Will was to be signed by his own hand.¹²¹ The Acts and the Will shall be discussed in detail below; however, it will be noted here that the final Will produced by Henry VIII was regarded as legally dubious, for there was a significant amount of uncertainty over whether it was signed by the king before his death or if a stamp was used instead.¹²² The Succession Acts of Henry VIII and his Will were points of serious debate within the tracts of the Elizabethan period as they added a significant amount of uncertainty into the situation, an uncertainty which was increased by the creations of further impediments during Elizabeth's reign.

In 1584, when there were significant concerns about the plots against Elizabeth's life, and Mary Stuart's involvement in those plots, the Bond of Association was created. This Bond

¹¹⁹ Wentworth, *A pithie exhortation*, 4 (2nd pag.).

¹²⁰ Hales, *A Discovrs*, BL Sloane MS 827 fols. 1v-8r and BL Harley MS 555 fols. 1v-7r; Anonymous, *Allegations against the svrmisid title*, 6-7; Anonymous, *Allegations in behalf*, Bodleian MS Ashm. 829 fol. 19r-21r; Anonymous, "Letter", Bodleian MS Ashm. 829 fols. 36-40; Leslie, *A defence of the honour*, 86-87; Doleman [Persons], *A Conference*, 80, 132, 157; Dickson, *Of the Right of the Crowne*, NLS, Adv. MS. 31.4.8, fols. 57r-60r; Wentworth, *A pithie exhortation*, 17-19; Philodikaïos, *A treatise*, 6-8; Colville, *The palinod*, 11-13.

¹²¹ Axton, *The Queen's Two Bodies*, 11.

¹²² Michael L. Nash, *Royal Wills in Britain from 1509 to 2008* (London: Palgrave Macmillan, 2017), 32-33.

called for all those who swore to it to kill anyone who assassinated, or conspired to assassinate, Elizabeth, and to bar those who did so, and their heirs, from the succession.¹²³ In the next Parliament in 1585, the main elements of the Bond of Association were included in the *Act for the Queen's Safety*, with the notable exception of the involved party's heir being removed from the succession only if the heir was directly involved in the plot or action.¹²⁴ The Bond and the Act gained specific prominence within the written succession debate following Persons' *A Conference*, as he used them to argue against James' claim to the throne.¹²⁵ Indeed, four of the five tracts that answer Persons' work engage with his interpretation of these two items, an interpretation which appears to be based upon the merging of the Bond of Association and the *Act of the Queen's Safety*.¹²⁶ As discussed below, the legal impediment of the Bond and the Act when conflated was a sizable obstacle to James VI's claim, one in which the law could either assist or harm depending upon the extent of its understanding, or misunderstanding, a situation further clouded by issues of English common law.

England's well developed tradition of common law formed the final element of law which impacted upon the succession debates discussed in the tracts. Nine of the tracts considered the impact of common law and any Parliamentary statutes that could alter it.¹²⁷ Put briefly, according to English common law, those born outside of England could not inherit within England, save for a specific exception established by parliamentary statute during the reign of Edward III for the inheritance of royal children.¹²⁸ While this will be discussed in more detail later in this chapter, the issue of foreign inheritance and the exception for the royal blood was a prominent point of debate across succession tracts, both in the early and late phases of Elizabeth's reign. The common law against foreign inheritance was consistently used against the Stuart line and the Infanta, while the statutory exclusion allowing royal children was used as a counter-argument for those claimants. Common law relating to foreign inheritance was an

¹²³ Graham E. Seel and David L. Smith, *Crown and Parliaments, 1558-1689* (Cambridge: Cambridge University Press, 2001), 23; Patrick Collinson, *Elizabethan Essays* (London: Hambledon Press, 1994), 48.

¹²⁴ Susan Doran, "Three Late-Elizabethan Succession Tracts", in *The Struggle for the Succession in Late Elizabethan England: Politics, Polemics and Cultural Representations*, ed. Jean-Christophe Mayer (Montpellier: Institut de Recherche sur la Renaissance, 2004), 106.

¹²⁵ Doleman [Persons], *A Conference*, 117.

¹²⁶ Wentworth, *A pithie exhortation*, 17, 29 (2nd pag.); Philodikaïos, *A treatise*, 8-9; Colville, *The palinod*, 14; Harington, *A Tract on the Succession*, 25-27.

¹²⁷ Hales, *A Discovrs*, BL Sloane MS 827 fols. 8r-9v and BL Harley MS 555 fols. 7r-8v; Anonymous, *Allegations against the svrmisid title*, 11, 18-19; Leslie, *A defence of the honour*, 56-59; Doleman [Persons], *A Conference*, 111-112; Dickson, *Of the Right of the Crowne*, NLS, Adv. MS. 31.4.8, fol. 51r; Wentworth, *A pithie exhortation*, 8-9 (2nd pag.); Philodikaïos, *A treatise*, 3-5; Colville, *The palinod*, 9; Harington, *A Tract on the Succession*, 55-57.

¹²⁸ Axton, *The Queen's Two Bodies*, 24.

issue that could not be ignored by the tract writers, and it again demonstrates the importance of law to the debate, even when the law was misappropriated for specific intents.

The succession tracts which formed the written Elizabethan succession debate have commonly been divided by modern scholarship into two general groupings, those of the early succession debate and those of the later succession debate. However, as has been shown, this division may not be the most appropriate way in which to consider these texts. Instead, the intended purpose of these tracts is far more important than the time period in which they were produced as there is little difference in the main content of the tracts regardless of when they were composed, yet the intention behind the tracts varied depending upon their intended means of production. The majority of the succession tracts were never printed, with only six out of the fourteen considered here being printed and one of them only printed several years after the author's death. Instead, the majority of the works, and in particular those works produced in England, were written as manuscript works and circulated as such. These manuscripts should be considered to be effectively policy papers, specifically prepared to inform either members of Parliament or the Privy Council of the various legal arguments and issues involved in the succession. Manuscript tracts as policy papers were not intended to debate the succession in the wider public sphere but instead to assist a select audience, generally Privy Councillors and Parliamentarians, to understand the English legal framework of the succession as they sought to resolve the ongoing problem. In contrast, the printed works were generally produced outside of England and used to inform a broader debate on the succession. Prime examples of these are the group of works which were printed at the request of King James in support of his own claim to the English throne. While the choice of claimant for each party was generally decided by the author's religious leaning, their tracts were for the most part not argued upon such foundations. The tracts themselves are fundamentally legal arguments with evidence chosen to support their desired outcome and legal counter-arguments used to negate legal impediments to their favoured successor, which is reasonable considering that the majority were written to advise members of the Privy Council or Parliamentarians on such matters. These arguments referenced the Succession Acts of Henry VIII; his Will; English common law and the exemption for royal children; and the Bond of Association which became the *Act for the Queen's Safety*. Therefore, it is to the law that a consideration of the succession should turn in order to uncover how the succession was understood and argued for in England during Elizabeth's reign.

The Succession Acts of Henry VIII

The Succession Acts were referred to in a number of the tracts outlined above, though most of the tracts used them primarily to outline the legal foundation for Henry's Will.¹²⁹ However, the Acts themselves require more attention than many of the tracts devote to them as they are significant in their alteration of English law. They also came to be seen within the tracts and during sessions of Parliament as an example of how Elizabeth herself could settle the succession question, through a partnership with her people in Parliament. Indeed, this was a position that Peter Wentworth, a rather outspoken parliamentarian, took in his writings on the succession. He addressed part of his work directly to Elizabeth: "Marke (gracious Queene) your deare father in his wisdom fore-saw wonderful miseries immediatlie and directlie arising, from his leaving of his subjectes without succession known and established".¹³⁰ The establishment of a line of succession as had been done under Henry VIII's Succession Acts was set out as an example of one possible way to resolve the Elizabethan succession issue. However, as this section argues, these Acts were not simple documents and in many ways they challenged conventional legal understandings of English common law.

When Henry VIII divorced Catherine of Aragon to marry Anne Boleyn, it opened up uncertainty regarding the succession, as he had living children from each marriage. An uncertain succession was seen as a cause of political and civil disturbance, "callyng to our remembraunce the greate dyvysions whiche in tymes paste hath byn in this Realme by reason of severall titles pretended to the imperiall Crowne of the same, which some tymes and for the most parte ensued by occasion of ambiguyte and doubt[es]".¹³¹ In order to counter these concerns, and to clarify Henry's marital situation, *An Acte for the establishment of the Kinges succession*, more commonly known as the First Succession Act, was passed by Parliament in 1534. The Act stated that Henry's marriage to Catherine had been dissolved as it had been against the laws of God, and in its place his marriage to Anne was acknowledged.¹³² The succession was then outlined, at each point stressing the legitimacy of the current marriage and

¹²⁹ Hales, *A Discovers*, BL Sloane MS 827 fols. 1v-8r and BL Harley MS 555 fols. 1v-7r; Anonymous, *Allegations against the svrmisid title*, 6-7; Anonymous, *Allegations in behalf*, Bodleian MS Ashm. 829 fol. 19r-21r; Anonymous, "Letter", Bodleian MS Ashm. 829 fols. 36-40; Leslie, *A defence of the honour*, 86-87; Doleman [Persons], *A Conference*, 80, 132, 157; Dickson, *Of the Right of the Crowne*, NLS, Adv. MS. 31.4.8, fols. 57r-60r; Wentworth, *A pithie exhortation*, 17-19; Philodikaaios, *A treatise*, 6-8; Colville, *The palinod*, 11-13.

¹³⁰ Wentworth, *A pithie exhortation*, 18.

¹³¹ 25 Hen. VIII c. 22, "An Acte for the establishment of the Kinges succession", 1533, in *Statutes of the Realm: Printed by Command of His Majesty King George III*, Vol. 3, Reprint, (London: Dawson of Pall Mall, 1963), 471; PA HL/PO/PU/1/1533/25H8n22.

¹³² 25 Hen. VIII c. 22, in *Statutes of the Realm* 3,472; 25 Hen. VIII c. 22, PA, HL/PO/PU/1/1533/25H8n22.

its offspring. The children of Henry and Anne “shalbe your lawfull childerne, and be inheritable and enherit accordyng to the course of enheritaunce and laws of this Realme the ymperiall Crowne of the same”. The crown is first to go to “the fyrst sonne of your body betwene your Highnes and your seid lawfull wyf Queen Anne begotten”. Should there be no male heirs, the crown is to descend to the female heirs of the marriage starting “fyrste to the eldest issue female, which is the Lady Elizabeth nowe prynces”.¹³³ As the provision for the succession was for the inheritance of his legitimate children from his acknowledged marriage, technically this Act did not alter the normal course of succession as Mary was then considered illegitimate.¹³⁴ However, it was important in providing clarity regarding the succession and assisted in the provision of political stability, a vital consideration two years after the break with Rome.

While the First Succession Act was created to establish the succession, after the fall of Anne Boleyn the situation was again uncertain, and Henry returned to Parliament to reestablish clarity. *An Acte for the establisshement of the succession of the Imperyall Crowne of this Realme*, generally referred to as the Second Succession Act, passed Parliament in 1536. This Act commences by declaring Henry’s marriage to Anne as void and its issue illegitimate, making the future Queen Elizabeth legally illegitimate alongside her half-sister Mary.¹³⁵ His marriage to Jane Seymour is acknowledged, and it states that their children “shalbe your lauffull childern and heires, and be enheritable and inherite, accordyng to the course of enheritaunce and lawes of this Realme, the Imperyall Crowne of the same”.¹³⁶ At this point in the Act there has been no substantial deviation to the normal course of succession as the only marriage viewed as legally valid by its terms was that between Henry and Jane, and thus its children would be the legal successors to the crown. However, the Act then added the provision “for avoydyng of all ambiguyties doubttes dyvisions and occasions”, that should the marriage result in no legitimate heirs Henry was provided with “full and plenar power and auctorite to geve despose appoynte assigne declare and lymytt, by your letters patentes under your great seale or ells by your laste Will made in wrytyng and signed with your moste gracious hande.”¹³⁷ This provision to establish the nomination of succession through Henry’s Will was completely new to succession law within England; indeed, it ran contrary to England’s common law which did

¹³³ 25 Hen. VIII c. 22, in *Statutes of the Realm* 3,473; 25 Hen. VIII c. 22, PA, HL/PO/PU/1/1533/25H8n22.

¹³⁴ E. W. Ives, “Tudor Dynastic Problems Revisited”, *Historical Research* 81, No. 212 (2008): 257-258.

¹³⁵ 28 Hen. VIII c. 7, “An Acte for the establisshement of the succession of the Imperyall Crowne of this Realme”, 1336, in *Statutes of the Realm: Printed by Command of His Majesty King George III*, Vol. 3, Reprint, (London: Dawson of Pall Mall, 1963), 658; 28 Hen. VIII c. 7, PA HL/PO/PU/1/1536/28H8n7; John Guy, *Tudor England*, (Oxford: Oxford University Press, 1990), 142.

¹³⁶ 28 Hen. VIII c. 7, in *Statutes of the Realm*, 659; 28 Hen. VIII c. 7, PA HL/PO/PU/1/1536/28H8n7.

¹³⁷ 28 Hen. VIII c. 7, in *Statutes of the Realm*, 659; 28 Hen. VIII c. 7, PA HL/PO/PU/1/1536/28H8n7.

not allow for the nomination of heirs.¹³⁸ While Henry's Will itself will be discussed in more detail below, it is worth noting that it was through the combination of the King and Parliament that this subversion of the common law was established, and that neither party had the authority to do so in their own right. The Second Succession Act acted as a repeal of the first, established a new line of succession from Henry's third marriage, and provided the statutory foundations for Henry's Will, though none of these actions established the succession with sufficient certainty for England.

The description of both Mary and Elizabeth as illegitimate within the Succession Acts requires some explanation considering that they were both still acknowledged as the daughters of Henry VIII, in addition to the use of this contested term. While today terms such as 'bastard' and 'illegitimate' are generally taken as terms of offense and insult, during the early modern period they were contemporary legal descriptions to describe an individual, with much of today's connotations absent. As such, bastard and illegitimate will be used but in the manner of sixteenth-century contemporary usage and without implied judgement.¹³⁹ A child was considered to be illegitimate if they were born to unmarried parents for whatever reason. Within England illegitimacy itself did not result in a lower legal status for the child; they were free born like any other legitimate child. Rather, the main area of difference for those born illegitimate was in regards to inheritance.¹⁴⁰ The reasoning behind the common law judgement against an illegitimate child inheriting from their father was that they were considered to be *filius nullius* ('the son of nobody').¹⁴¹ With Mary and Elizabeth this would not appear to be the case, as they were both born while their parents were married and Henry acknowledged them as his own. However, their status at birth was changed by the annulments of each of their mother's marriages. In the eyes of the Church during the early modern period a marriage could not be dissolved; instead, the process for ending a marriage was annulment which considered the marriage to have never been valid. Additionally, under English common law an annulment was retrospective. Thus, legally speaking, the children from any annulled marriage were considered illegitimate, regardless of the reason for the annulment.¹⁴² Through the annulment of his marriages and the passing of the Succession Acts, Henry altered the legal status of his

¹³⁸ Ives, "Tudor Dynastic Problems Revisited", 258-259.

¹³⁹ Richard Adair, *Courtship, Illegitimacy and Marriage in Early Modern England*, (Manchester: Manchester University Press, 1996), 2.

¹⁴⁰ J. H. Baker, *An Introduction to English Legal History*, 4th edn. (London: Butterworths, 2002), 489; Chris Given-Wilson and Alice Curteis, *The Royal Bastards of Medieval England*, (London: Routledge & Kegan Paul, 1984), 50.

¹⁴¹ Given-Wilson and Curteis, *The Royal Bastards of Medieval England*, 43.

¹⁴² Given-Wilson and Curteis, *The Royal Bastards of Medieval England*, 46-47.

daughters and made them retrospectively illegitimate, regardless of whether they were acknowledged as the King's daughters or not.

By 1544 Henry still had only one legitimate son, the young Prince Edward, which left the succession in a precarious state. This was exacerbated by the dangers of Henry's latest commitment to join the English army and "make a voyage Royall in his moste Royal p[er]son[n]e into the realme of France against his ancient enemye the frenche King."¹⁴³ Henry's potential death in battle made the matter of the succession critical. The tangled situation of the succession which was a result of Henry's numerous marriages required clarification, and the result was *An Acte concerning the Establishment of the Kings Majesties Succession in the Imperiall Crowne of the Realme*, also called the Third Succession Act. This Act clearly delineated the succession. The crown was first to pass to Edward, the acknowledged and legitimate heir of Henry. However, should he die without issue, the crown "shalbe to the Ladye Marye, the King[es] Hig[n]es Doughter" and finally, should she die without issue, the succession "shalbe to the Ladye Elizabeth the King[es] seconde doughter".¹⁴⁴ This arrangement is notable as, while it returned both of Henry's daughters to the succession in the appropriate order, it in no way removed the stain of illegitimacy from them; were they to inherit they would do so as bastards. This, like the Second Succession Act, was contrary to English common law, as according to common law an illegitimate child could not inherit.¹⁴⁵ The Act additionally contained a provision for Henry to "dispose appoynte assigne declare and lymitt, by his gracious tres patent[es] under his great Seale, or els by his Highnes laste Will made in writing and signed with his most gracioushande, at his only pleasure from tyme to tyme hereafter, the Imperiall Crowne of this Realme", or in other words he was given the right to name his successor in his Will.¹⁴⁶ The Third Succession Act was the last statutory attempt to define the succession to the English crown for Henry VIII's reign, yet the three Acts would provide a source of inspiration for the Elizabethan succession debate and a source of legal material to use in determining the next successor.

The Acts were to form the foundation for the right of Mary I and Elizabeth I to succeed to the throne despite their illegitimacy. The Acts were primarily referred to within the Elizabethan succession debate as the legal basis for Henry VIII's Will, which featured more

¹⁴³ 35 Henry VIII, c. 1, PA HL/PO/PU/1/1543/35H8n1 Public Act.

¹⁴⁴ 35 Henry VIII, c. 1, PA HL/PO/PU/1/1543/35H8n1 Public Act.

¹⁴⁵ Ives, "Tudor Dynastic Problems Revisited", 265.

¹⁴⁶ 35 Hen. VIII c. 1, "An Acte concerning the establisment of the Kings Majesties Succession in the Imperiall Crowne of the Realme", 1544, in *Statutes of the Realm: Printed by Command of His Majesty King George III*, Vol. 3, Reprint, (London: Dawsons of Pall Mall, 1963).

prominently within the tracts than the statutes themselves. However, this is not to deny the importance of the Acts, as they were in themselves a subversion of English common law. For, while common law considered illegitimate children as ineligible to inherit, the Acts provided for such an occurrence, albeit regarding a very specific circumstance. Additionally, the example of Henry VIII's statutory endeavours to establish a line of succession was taken up by the Elizabethan Parliaments as they urged Elizabeth to emulate her father through the creation of her own succession act, something which will be explored in Chapter Four.

The Will of Henry VIII

In the 28, and 35. yeares of King Henries raigne, vpon some doubt, which then he himselfe seemed to haue about the order of succession in his owne children, and for taking away all occasion of controuersie which after his death might arise thereupon, the Parliament gaue authoritie to the king to debate and determine that matter himself.¹⁴⁷

As Henry VIII neared the end of his life, he sought one final time to establish the succession to the throne, beyond challenge and doubt. The Succession Acts outlined the immediate line of inheritance, first to Henry's son Edward, then to his illegitimate daughters Mary and Elizabeth in turn. However, while this intention was common knowledge, there was still an amount of uncertainty regarding the succession, as Edward was a minor and also because of the illegitimacy of Henry's daughters. Drawing upon the prerogatives granted to the King by the Second and Third Succession Acts, Henry sought to use his final Will to provide clarity and to outline the regency provisions until his son came of age. As such, the succession was to be the subject of almost sixty percent of the completed Will.¹⁴⁸ Many of the included elements were not entirely unexpected, though some were unlikely to be observed, such as Henry's stipulation that his daughters needed to have the approval of a council named by him in order to marry or else risk forfeiting their right to the throne.¹⁴⁹ However, the Will contained a key clause which would have important ramifications for the succession until the accession of James I in 1603. The Will states:

¹⁴⁷ Philodikaos, *A treatise*, 6.

¹⁴⁸ Suzannah Lipscomb, *The King is Dead: The Last Will and Testament of Henry VIII* (London: Head of Zeus, 2018), 107.

¹⁴⁹ "Will of Henry VIII, king of England, France, and Ireland", 1546, TNA, E 23/4, fols. 7v-8r.

for default of thissue of the several bodyes of us and of our sayd sonne
prince Edwarde and of our sayd daughters Mary & Elizabeth Lafully
begotten shall holly remayn and cum to the heyres of the body of the
Lady Fraunces, our Niepce eldest daughter to our Late suster the
French Quene Lafully begotten¹⁵⁰

This clause completely overturned traditional approaches to inheritance, not only within England but throughout Europe. It called for the succession of the crown to bypass the family of Henry's eldest sister Margaret, the Stuart line, in favour of his younger sister Mary, the Suffolk line, referred to here as the 'French Queen' as she had been briefly married to King Louis XII of France until his death. The main reason for doing so was to remove the chance of a Scottish monarch ascending to the English throne through the Stuart line and thus making England a subject of its historic enemy. The favouring of the younger collateral line over the still living elder line had profound implications for the English royal succession and has resulted in the Will being a matter of debate, not only during the sixteenth century but right through to the modern day.

Much of the debate concerning the Will is focused upon the manner of its construction and, more importantly, how it was signed. In 1546 Henry VIII turned fifty-five years old and was increasingly troubled by bouts of illness. As the year progressed, it was clear that his reign would not last, and on 26 December Henry called for his Will to be revised. While there appear to have been a number of Wills made over the years, the revisions made on this occasion were to be the last, and on 30 December the Will was signed.¹⁵¹ While those events seem straightforward, there were several aspects of that process that have caused debates for almost five hundred years. According to the Second Succession Act, and repeated in the Third Succession Act, Henry's Will was to be "made in wrytyng and signed with your moste gracious hande".¹⁵² However, the Will was not signed by Henry himself, but instead stamped with the dry stamp.¹⁵³ A dry stamp held an impression of the monarch's signature and was stamped on official documents before being filled in by authorised clerks. These clerks were technically forging the monarch's signature and thus had to be regularly pardoned for the offences undertaken in the course of their duties.¹⁵⁴ The use of the dry stamp on the Will has

¹⁵⁰ "Will of Henry VIII, king of England, France, and Ireland", 1546, TNA, E 23/4, fols. 8v-9r.

¹⁵¹ Lipscomb, *The King is Dead*, 79-80, 85.

¹⁵² 28 Hen. VIII c. 7, PA HL/PO/PU/1/1536/28H8n7; 35 Henry VIII, c. 1, PA HL/PO/PU/1/1543/35H8n1 Public Act.

¹⁵³ Nash, *Royal Wills in Britain from 1509 to 2008*, 32.

¹⁵⁴ Lipscomb, *The King is Dead*, 86.

led to questions concerning the authenticity of the document, particularly as to whether it contravened the terms of the statute. Furthermore, when a document was stamped it was to be recorded on a register for the monarch to see what their name had been put to and to authorise those documents that had been stamped.¹⁵⁵ The Will was not entered onto the register for December 1546; rather, it appears as the final item on the January 1547 register. Some scholars such as David Starkey have taken this to mean that the Will was unsigned until shortly before his death, and that clauses may have been added without Henry's knowledge or approval.¹⁵⁶ However, as other scholars such as E. W. Ives and Suzannah Lipscomb have argued, recording the use of the stamp on the register did not always occur at the same time as the stamping and could often take place sometime after the fact.¹⁵⁷ Additionally, stamping was a common means of authorizing documents late in Henry's reign, to such an extent that from September 1545 the king had not signed any documents himself.¹⁵⁸ As observed by Ives, "on average, nearly a hundred documents had been stamped every month - many of them grants, payments, licenses - and if the will was invalid, so would they be", thus undermining the argument that the stamp invalidated the Will further.¹⁵⁹

During Elizabeth's reign the succession tracts placed a significant amount of emphasis in their consideration of the succession on the Will of Henry VIII. The importance of the Will to the tract writers was founded on a number of issues; most prominently because it was constitutionally unusual, and because it was highly problematic for the Stuart claimants to the English throne. A high number of the succession tracts were written in support of the Stuart claim and the impediment of Henry's Will was clear as, according to it, the Stuarts were not to inherit the English crown.¹⁶⁰ The tracts generally formed their arguments upon the usage of the stamp and its problematic legal basis. That the stamp was used appears to be relatively common knowledge, with Colville firmly stating that "the said Testament was neuer signed by the said king Henrie, but was sealed by one William Clerk with the kings seale."¹⁶¹ While Leslie argued in his defence for Mary Stuart's claim that "kinge Henrie the eight neuer signed the pretended vvill vvith his owne hande: And that therefore the saide vvill can noy be any whitte p[re]judicial to the saude Quene."¹⁶² These writers do not debate the source of the Will's content as

¹⁵⁵ E. W. Ives, "Henry VIII's Will – A Forensic Conundrum", *The Historical Journal* 35, No. 4 (1992): 784.

¹⁵⁶ David Starkey, *The Reign of Henry VIII: Personalities and Politics*, (London: Vintage Books, 2002), 137-144.

¹⁵⁷ Ives, "Henry VIII's Will – Conundrum", 785; Lipscomb, *The King is Dead*, 90-91.

¹⁵⁸ Lipscomb, *The King is Dead*, 86.

¹⁵⁹ Ives, "Henry VIII's Will – Conundrum", 783.

¹⁶⁰ "Henry VIII's Last Will and Testament", 176-177.

¹⁶¹ Colville, *The palinod*, 13.

¹⁶² Leslie, *A defence of the honour*, 87.

originating with Henry, but instead confine themselves to arguing against the document's legal validity as a result of the stamp, an uncertain point based upon the extensive use of the stamp in the final two years of Henry's life. The removal of the Stuart line from the succession was not seen by all to be merely a question of legal validity, but rather a sign of malicious conspiring against the heirs of Henry's sister Margaret, and the Scottish claim on the English throne. Indeed Philodikaios argued that the Will had been "founde to bee against all law, reason, and nature; and therefore not thought to proceed from so wise a Prince as king Henrie was, but rather forged, and the kings stamp set to by others".¹⁶³ The belief in a conspiracy that used Henry's Will to manipulate the succession and the conditions of the reigns of his children, such as by naming a council to control his daughters' marriages, continued long after the Stuart accession, and this belief has coloured modern debate on the document to this day.

The modern debate concerning Henry's Will has followed similar lines of discussion as the sixteenth century debate, though in this case for the purpose of understanding the context of the Will than to establish the English succession. Traditionally, the Will has been seen as the product of factional struggles in the last years of Henry's reign.¹⁶⁴ Starkey argued such a point, that the Will was likely not reflective of Henry's wishes and that it may have even been stamped after his death in a Protestant conspiracy.¹⁶⁵ John Guy, in his work *Tudor England*, also highlights the possibility of the Will being doctored without the king's knowledge or approval.¹⁶⁶ More recent scholarship concerning the Will has taken a different position on the matter, and challenges claims of conspiracy to alter the King's wishes on the basis of limited evidence. As Ives states, "A conspiracy to distort a royal will which leaves no detectable evidence of any distortion is hardly convincing."¹⁶⁷ In his analysis of the Will and the circumstances of its construction, Ives concluded that, while it is true the Will was stamped, it was nonetheless a full expression of Henry's wishes and was not tampered with.¹⁶⁸ This interpretation has been largely accepted by R. A. Houlbrooke and most recently by Lipscomb who argued that "his will was quite literally *his* will: the product of his volition alone".¹⁶⁹ While there were a number of oddities in the creation, content and signing (or shall we say stamping) of Henry VIII's last Will and Testament, it is clear that it was the wish of this forceful monarch

¹⁶³ Philodikaios, *A treatise*, 6.

¹⁶⁴ Ives, "Henry VIII's Will – Conundrum", 779.

¹⁶⁵ Starkey, *The Reign of Henry VIII*, 137-144.

¹⁶⁶ Guy, *Tudor England*, 198-199.

¹⁶⁷ Ives, "Henry VIII's Will – Conundrum", 791.

¹⁶⁸ Ives, "Henry VIII's Will – Conundrum", 797.

¹⁶⁹ R. A. Houlbrooke, "Henry VIII's Wills: A Comment", *The Historical Journal* 37, No. 4 (1994): 891; Lipscomb, *The King is Dead*, 64.

to outline the succession and to bypass the Stuart claim. However, while this was certainly his intention, whether this could counteract the common law rules of inheritance that called for succession based on primogeniture is debatable. Regardless of this, the Will, and the Succession Acts that enabled Henry to outline the succession within his Will, became a crucial element in any consideration of the succession during Elizabeth's reign.

The Bond of Association and Act for the Queen's Safety

While the above-mentioned legal constraints on the succession were present for the entirety of Elizabeth's reign, they were further complicated in July 1584, when the Dutch Protestant leader, William of Orange, was assassinated by the Catholic Balthasar Gérard. Alongside the death of this prominent allied leader, there had been a number of assassination threats targeting Elizabeth that had been detected amongst the supporters of Mary Stuart, who was currently under arrest in England.¹⁷⁰ In light of the threat of assassination in support of a rival claimant, two related documents were created. Both of these, the Bond of Association and the Act for the Queen's Safety, had particular importance for the Stuart claim. Though Mary Stuart was not named in either document, the political circumstances of the time made it clear that they were created to counter the conspiracies undertaken in her name and remove the prize of the English throne from those who would forcibly end Elizabeth's reign as Queen.

In light of the increasing risk that they perceived threatened their Queen, Francis Walsingham and William Cecil sought to bind the political nation of England in an oath of loyalty to Elizabeth. For this purpose, they created the Bond of Association in October 1584, which would then be taken by office-holders, gentlemen and noblemen.¹⁷¹ The Bond opened in a suitably rousing fashion, proclaiming:

Forasmuch as Almighty God hath ordained kings, queens and princes to have dominion and to rule over all their subjects, and to preserve them in the profession and observation of the true Christian religion, according to His holy word and commandment; and in like sort, that all subjects should love, fear and obey their sovereign princes, being

¹⁷⁰ John Guy, *My Heart is My Own: The Life of Mary Queen of Scots* (London: Fourth Estate, 2004), 474-475; David Cressy, "Binding the Nation: The Bonds of Association, 1584 and 1696", in *Tudor Rule and Revolution: Essays for G. R. Elton from his American Friends*, eds. Delloyd J. Guth and John W. McKenna (Cambridge: Cambridge University Press, 1982), 218; J. E. Neale, *Elizabeth I and Her Parliaments 1584-1601* (New York: W. W. Norton & Company, 1966), 16.

¹⁷¹ Cressy, "Binding the Nation", 218; Penry Williams, *The Later Tudors: England 1547-1603* (Oxford: Oxford University Press, 1995), 301.

kings and queens, and to the utmost of their powers at all times to withstand, pursue, and suppress all manner of persons that shall by any means intend and attempt anything dangerous or hurtful to the honour, estate, or person of their sovereigns¹⁷²

The Bond's joint purpose as a loyalty-affirming oath and warning to conspirators has been considered by David Cressy as a form of propaganda intended to strengthen the ties between the country and its monarchy.¹⁷³ Such a purpose may have indeed been one of the key considerations in its inception; its method of circulation in October at the same time as the elections for the next Parliament were held add weight to Cressy's conclusion.¹⁷⁴ However, it was also a tool forged by Elizabeth's Privy Council to manage the succession. The Bond stated that those who swore the Bond "not only vow and bind ourselves both jointly and severally never to allow, accept, or favour any such pretended successors, by whom or for whom any such detestable act shall be attempted or committed".¹⁷⁵ As any attempt against Elizabeth's life was generally considered to be undertaken with the purpose of replacing her, typically with the Catholic Mary Stuart, an exclusion clause was vital to the Bond's function as a threat to conspirators and interfered in the royal prerogative of controlling the succession. That said, the Bond overreached, stating that "any that may any way claim by or from such a person or a pretended successor" (or in other words the heirs of those who had moved against Elizabeth) were also to be barred from the succession regardless of their involvement in any plot.¹⁷⁶ Such wording would clearly bar Mary's son James from the succession.

The Parliament of 1584-1585 was summoned alongside the mass oath-taking of the Bond of Association, and when Parliament gathered, the Bond was a focus of discussion across Parliament's two sessions. The Bond itself was not a legal document, nor did it carry any weight in law. For this reason, one of the main aims of the 1584-1585 Parliament was the creation of legislation which would transform the intention of the Bond into law. The first session fiercely debated the issue of legislating the Bond in what was to become the Act for the Queen's Safety.¹⁷⁷ While the Act was clearly aimed at the problematic Mary Stuart, neither she nor her son James were named within the Act. The main issue of the Parliamentary debate

¹⁷² "The Bond of Association, 1584", in *English Historical Documents 1558-1603*, Vol. V (A), eds. Ian W. Archer and F. Douglas Price (London: Routledge, 2011), 960.

¹⁷³ Cressy, "Binding the Nation", 218.

¹⁷⁴ David Dean, *Law-Making and Society in Late Elizabethan England: The Parliament of England, 1584-1601* (Cambridge: Cambridge University Press, 1996), 63.

¹⁷⁵ "The Bond of Association, 1584", 961.

¹⁷⁶ Seel and Smith, *Crown and Parliaments, 1558-1689*, 23; Cressy, "Binding the Nation", 219.

¹⁷⁷ Allison Heisch, "Arguments for an Execution: Queen Elizabeth's 'White Paper' and Lord Burghley's 'Blue Pencil'", *Albion* 24, No. 4, (1992): 592.

was that the contents of the Act brought before Parliament were more limited in scope than the Bond. As many parliamentary members had already given their oaths to uphold the Bond, the contradiction between the Bond and the Act was felt to be particularly troubling.¹⁷⁸ Their discomfort was particularly acute regarding the matter of the conspirator's heir, who under the Bond was barred from the succession yet under the proposed Act was to be left untouched.¹⁷⁹ Indeed the Act states that only should "their Issues being any wise assenting or privie to the same, shall by vertue of this Acte be excluded and dishabled for ever to have or claime, or to pretend to have or claime, the said Crowne of this Realme or of any other her Highnes Dominion".¹⁸⁰ Such wording, that excludes an heir only if they consent to the conspiracy, is in clear conflict with the Bond which included the heirs of the conspirator, regardless of their knowledge of the plot. The incompatibility here is important and provided great difficulties for the members of Parliament who needed to reconcile their sworn oaths with the requirements of English law when the Act was passed. The conflict between the Bond and the Act resulted in a rather peculiar section of the Act to bring the Bond under statutory authority. The section stated:

That the same Association, and everie Article and Sentence therein conteyned, aswell concerning the disallowing excluding or dishabling of any Person that may or shall pretend any Title to come to the Crown of this Realme, and also for the pursuing and taking reveng of any Person for any such wicked Acte or Attempt as is mentioned in the same Association, shall and ought to be in all Things expounded and adjudged according to the true Intente and Meaning of this Acte, and not otherwise nor against any other Person or Persons.¹⁸¹

This section of the Act reconciled the conflict between the Bond and the Act by explicitly stating the superior authority of the Act, therefore when the two documents were in conflict legally the Act would overrule the Bond. With the passing of the Act for the Queen's Safety in March 1585, the Bond of Association was brought under English law, yet it was a complex

¹⁷⁸ Wallace T. MacCaffrey, *Queen Elizabeth and the Making of Policy, 1572-1588* (Princeton: Princeton University Press, 1981), 479; Neale, *Elizabeth I and Her Parliaments 1584-1601*, 34-35.

¹⁷⁹ Guy, *My Heart is My Own*, 476.

¹⁸⁰ 27 Eliz. I c.1, "An Act for Provision to be made for the Suertie of the Queenes Majesties most Royall Person, and the continuance of the Realme in Peace", in *Statutes of the Realm: Printed by Command of His Majesty King George III*, Vol. 4, Part 1 (Reprint, London: Dawsons of Pall Mall, 1963), 705.

¹⁸¹ 27 Eliz. I c.1, in *Statutes of the Realm*, 705.

layering of documents, one altering the other, which led to confusion and the opportunity for malicious misrepresentation in the succession debate.¹⁸²

As discussed, the Bond and the Act were discrete documents, however, they shared similar features and histories making them complicated to understand and easy to purposefully conflate. A decade later, in his consideration of King James' claim to the throne in 1595, Persons wrote that it

is enacted & decreed, that whosoever shall be co[n]iured to conspire, attempt or procure, the death of the Queene, or to be priuy or accessarie to the same, shall loose all right, title, pretence, clayme or action, that the same parties or their heyres haue or may haue, to the crowne of England. Vppon which statute, seeing that afterward the lady Mary late Queene of Scotl[n]d, mother of the king, was condemned and executed by the authority of the said parliament, it seemeth euident, vnto these men, that this king vvhich pretendeth all his right to the crowne of England by his said mother, can haue none at all.¹⁸³

According to Persons, on the execution of Mary Stuart, James as her heir fell afoul of the Act for the Queen's Safety and was thus barred from the succession. Persons' mingling of the Bond of Association and the Act for the Queen's Safety is clear in this passage, as the Bond permits the removal of an heir from the succession while the Act modifies the Bond and prevents the implication of an heir without their direct involvement. It is possible that Persons did not understand the Act, or did not have access to its text. However, considering the informed nature of his legal and historical argument, such a supposition, appears unlikely.

Persons' conflation of the Bond of Association and the Act for the Queen's Safety has attracted attention in the debates concerning the succession, both during the late sixteenth century and in the modern scholarship on the matter. The merging of the two documents was repeatedly highlighted in the four succession tracts that responded to Persons.¹⁸⁴ Of these rebuttals of Persons, the most clearly argued was presented by Wentworth, the unruly Parliamentarian, in his text. He wrote, "These acts of association and Parliament are by Dolman [Persons] confounded, as if they were both one, vncertain, whither of grosse ignorance or deep malice."¹⁸⁵ What followed was a lengthy discussion of the Bond and the Act by Wentworth,

¹⁸² Neale, *Elizabeth I and Her Parliaments 1584-1601*, 53.

¹⁸³ Doleman [Persons], *A Conference*, 117.

¹⁸⁴ Wentworth, *A pithie exhortation*, 17, 29 (2nd pag.); Philodikaios, *A treatise*, 8-9; Colville, *The palinod*, 14; Harington, *A Tract on the Succession*, 25-27.

¹⁸⁵ Wentworth, *A pithie exhortation*, 29 (2nd pag.).

outlining each document and how they were not impediments to James' claim, and the malicious nature of the conflation.¹⁸⁶ Indeed, the extensive argument presented in Wentworth's tract was considered persuasive and was used by Harrington as the foundation of his chapter discussing the Bond of Association and the Act for the Queen's Safety.¹⁸⁷ The sixteenth-century position on Persons' text has remained convincing, particularly regarding the opinion of a malicious mingling of the two documents. Cressy has argued that Persons was "willfully confusing the original Bond with the statute that modified it."¹⁸⁸ The conflation of the two documents as was done by Persons did not stand up in terms of legal impediment, as the Act of the Queen's Safety limited the nature of the Bond and modified it regarding the conspirator's heir. However, while legally speaking this is true, Persons was not seeking to convince those who were well aware of the distinctions. Rather it was to the realm of public opinion, those who may have heard of both the Bond and the Act but not known of the technical distinctions between the two, to which Persons' tract was directed, and it was there that the responding tracts sought to answer it.

English Common Law and Foreign Inheritance

A fundamental problem for the Stuart claim during the Elizabethan succession debate was the English common law on foreign inheritance and whether it applied to the monarchy. English common law is not a formally written law code but instead a compilation of statutes, judicial decisions, and precedents.¹⁸⁹ According to the maxims of common law, those who were born outside of England could not inherit within the kingdom. This impediment was a significant problem for the Stuart claim. Mary Stuart was born to a Scottish father and a French mother, and the closest relative of hers who had been born within England was her grandmother Margaret Tudor. While her son James Stuart had been born in Edinburgh, he had a slightly closer connection as his father had been born in England.¹⁹⁰ With the closest hereditary successors to the English throne Scottish-born, the common law maxim against foreign inheritance came to be debated within the succession tracts. Two questions were debated within the tracts: was succession different to inheritance and therefore not governed by the common law, and was Scotland considered to be foreign?¹⁹¹

¹⁸⁶ Wentworth, *A pithie exhortation*, 17-36 (2nd pag.).

¹⁸⁷ Harrington, *A Tract on the Succession*, 21-32.

¹⁸⁸ Cressy, "Binding the Nation", 226.

¹⁸⁹ Arthur R. Hogue, *Origins of Common Law*, (Indianapolis: Liberty Press, 1985), 186.

¹⁹⁰ Axton, *The Queen's Two Bodies*, 24.

¹⁹¹ Christopher W. Brooks, *Law, Politics and Society in Early Modern England*, (Cambridge: Cambridge University Press, 2009), 73-74.

The common law position was taken up early in the succession debate by those writers who sought to prevent the accession of Mary Stuart. The anonymous writer of *Allegations against the surmisid title* clearly outlined the position of the law in 1565. He wrote:

Generallie in our Lawe: this is a mazime moste manifeste. Whosoeuer is born owte of the Realme of ingland: and of father & mother, wiche at the tyme of the birth be not at th[e] obedie[n]ce of the king of ingla[n]d: can not be capabble to inherite any thinge in ingland.¹⁹²

This common law position concerning the inheritance of a foreign claimant as argued by the anonymous writer and those who objected to a Scottish claimant was not as all-encompassing as may appear. The first point that the Stuart tract writers argued was that the common law was not applicable to the crown, nor should the rules of inheritance apply to the succession. As Leslie argued, “the title of the crovvne of this realme ys not subiect to the rules and principles of the cōmon lavve of this realme as to be tried after suche order and course as the inheritance of priuate personnes ys by the same.”¹⁹³ This was not an entirely accurate description of English law. The monarchy in England was considered to be under the law in England, save for when exceptions were granted by statute or for those matters held to be part of the royal prerogative.¹⁹⁴ As this was rather unsteady ground for the Stuart supporters to be basing their arguments upon, they shifted their focus to *De Natis Ultra Mare*, a statute from the reign of Edward III’s reign which for Leslie provided the proof “that the rule extendethe not vnto the kinges children.”¹⁹⁵

During Edward III’s reign, England was in possession of sizable territories in France and a number of Englishmen in service there were accompanied by their wives, resulting in a number of children being born outside of England. The common law ruling on inheritance left the question of inheritance uncertain and needing resolution; as that Act states: “some People be in doubt if the Children born in the Parts beyond the Sea, out of the Ligeance of England, should be able to demand any Inheritance within the same Ligeance, or not”.¹⁹⁶ *De Natis Ultra Mare* sought to clarify the law surrounding those children born overseas in English-held

¹⁹² Anonymous, *Allegations against the surmisid title*, 11.

¹⁹³ Leslie, *A defence of the honour*, 57.

¹⁹⁴ G. R. Elton, “The Rule of Law in Sixteenth-Century England”, in *Tudor Men and Institutions: Studies in English Law and Government*, ed. Arthur J. Slavin, (Baton Rouge: Louisiana State University Press, 1972), 277.

¹⁹⁵ Leslie, *A defence of the honour*, 58.

¹⁹⁶ 25 Edw. III, “A Statute for those who are born in Parts beyond Sea”, 1350-1351, in *Statutes of the Realm: Printed by Command of His Majesty King George III*, Vol. 1, Reprint, (London: Dawsons of Pall Mall, 1963), 310.

territories.¹⁹⁷ It commences with managing the significant question of the royal succession, as a number of Edward's children were not born in England, stating

That the Law of the Crown of England is, and always hath been such, that the Children of the Kings of England, in whatsoever Parts they be born, in England or elsewhere, be able and ought to bear the Inheritance after death of their Ancestors.¹⁹⁸

This clause within the Act was debated within the tracts as it clearly provides the exception for royal-born children; however, the degree of descent to which it could be applied was not clearly outlined. So, while some such as Leslie and others argue that *De Natis Ultra Mare* provided for the Stuart succession, it was still a matter of debate and did not clarify the sixteenth-century succession question.¹⁹⁹

However, there was a second point debated within the succession tracts based around the problem of foreign inheritance and the possible use of *De Natis Ultra Mare* in solving it. Within the wording of the Act it states

that all Children Inheritors, which from henceforth shall be born without the Ligeance of the King, whose Fathers and Mothers at the Time of their Birth be and shall be at the Faith and Ligeance of the King of England, shall have an enjoy the same Benefits and Advantages, to have and bear the Inheritance within the same Ligeance, as the other Inheritors aforesaid in Time to come.²⁰⁰

The term *ligeance* was considered to be crucial in a number of tracts and became a contested concept. Over time, the term *ligeance* became a word we are more familiar with, that is *allegiance*.²⁰¹ Under the terms of the Act, children born to English subjects that were in *ligeance*, or in territories that owed *ligeance*, to the monarch of England would possess the rights to inherit within England, regardless of whether they were of royal blood. A number of the succession tracts argued that Scotland was not in fact out of the *ligeance* of England on the basis of a historical feudal relationship where Scotland owed England homage, even if it was not acknowledged by the Scots.²⁰² In his argument for Mary Stuart's claim, Leslie argued "that

¹⁹⁷ Keechang Kim, *Aliens in Medieval Law: The Origins of Modern Citizenship*, (Cambridge: Cambridge University Press, 2000), 123; Sir Alexander Cockburn, *Nationality: Or the Law Relating to Subjects and Aliens, Considered with a View to Future Legislation*, (London: William Ridgway, 1869), 7-8.

¹⁹⁸ 25 Edw. III, in *Statutes of the Realm*, 310.

¹⁹⁹ Leslie, *A defence of the honour*, 58-59; Colville, *The palinod*, 9; Harington, *A Tract on the Succession*, 61.

²⁰⁰ 25 Edw. III, in *Statutes of the Realm*, 310.

²⁰¹ Mary Sarah Bilder, "Charter Constitutionalism: The Myth of Edward Coke and the Virginia Charter", *North Carolina Law Review* 94, No. 5 (2016): 1570.

²⁰² Brooks, *Law, Politics and Society in Early Modern England*, 74.

the realme of Scotlande hathe bene, and yet ys, within the allegeance and dominion of Englande”.²⁰³ He was joined later by Philodikaios who stated that “Scottishmen are in our Chronicles accounted as subjectes by way of homage, howsoever they denie it”.²⁰⁴ This was a remarkable argument to be made, particularly by Leslie who was a Scottish bishop, as for centuries the Scots had firmly argued that they owed no allegiance to England.

There was one final way in which the Elizabethan succession tract writers sought to negate the impediment of foreign birth through the use of *De Natis Ultra Mare* without acknowledging any claims of English overlordship of Scotland. As the title of the Act suggests, and the content affirms, it is primarily concerned with those children “born in the Parts beyond the Sea”.²⁰⁵ As some of the above writers sought to negate this by focusing on the question of *ligeance* and the historical fiction of Scottish kings owing England homage, other writers took a slightly different track with their arguments, arguing instead the simple fact that Scotland was not located across the sea and was therefore not impacted by the Act or the common law. This was clearly put by Colville who argued that the *De Natis Ultra Mare* “should not preiudge his Maiestie, who is borne within the said Yland.” Colville continued by stating that *De Natis Ultra Mare* was bound by Britain’s geography being “against children borne without the four seas which compasse the said yland: wherby Scotland is no more secluded nor Wales & Cornewall.”²⁰⁶ Coleville’s argument, based upon the geographical truth of Britain, is at a glance more simplistic than the previous ones either for or against the impediment of common law and *De Natis Ultra Mare*, however it is also a fitting one to conclude with as it shows that even a simple argument may have been capable of finally tipping the balance one way or another.

The English royal succession was a highly complicated matter which had no single clearly defined rule that could guide the participants of the debate towards an answer. In the second half of the sixteenth century the succession was heavily contested, and the interlayering of laws created over hundreds of years resulted in confusion. In order to clarify the situation numerous succession tracts were produced. This chapter has argued that the methods of production and circulation are significant when considering the succession debate, with manuscript tracts serving as sixteenth-century policy papers to the Privy Council and Parliamentarians outlining the legal framework of the succession. Furthermore, a division between early and late succession debates is considered questionable when analysing the

²⁰³ Leslie, *A defence of the honour*, 68.

²⁰⁴ Philodikaios, *A treatise*, 3.

²⁰⁵ 25 Edw. III, in *Statutes of the Realm*, 310.

²⁰⁶ Colville, *The palinod*, 9.

succession tracts as there is very little difference in the legal questions they debate across Elizabeth's reign. The Succession Acts of Henry VIII established and then altered the succession. Henry VIII's Will, which was supported by the Acts, altered the succession from the Stuart line towards the Suffolk line against common law principles, in addition to providing for the succession of two illegitimate daughters. The Elizabethan Bond of Association and Act for the Queen's Safety supported and contradicted each other in their handling of a guilty party's heir. Finally, the Common Law of England outlawed the inheritance of foreign-born children, yet through the Act of *De Natis Ultra Mare* there was a chance of a loophole of royal descent, feudal homage or simple geographic realities. This confused framework of laws added to the anxiety of England concerning the succession and prompted discussions concerning who had the right to settle the succession, or if it was a matter of the royal prerogative. The succession was a matter that Queen Elizabeth held solely within her prerogative and it is to her that we shall turn in the next chapter.

Chapter Two – Elizabeth: The View from the Throne

When considering the political discourse of the Elizabethan period one voice is generally silent amongst today's scholarship of the period, that of Elizabeth herself. For example, there have been numerous works on the political creed of William Cecil, but the way in which Elizabeth conceptualised her own role as England's monarch remains indistinct. There have been notable exceptions in this, for example the work by Ilona Bell, Rayne Allinson, Susan Doran and Carole Levin on aspects of Elizabeth's extensive writings have added significant depth to our knowledge of Elizabeth's thinking, yet a exploration of Elizabeth's theory of kingship has not yet been undertaken.²⁰⁷ The purpose of this chapter is to counter the tendency to portray Elizabeth as a shadowy figure in the theoretical conceptualisation of her own kingdom, one who tends to exist as an ill-fitting feature of the political theorizing of others rather than as a thinker in her own right. While acknowledging the important contributions of other scholars, Elizabeth's own political creed, her theory of kingship which guided her actions as queen, as drawn from across numerous genres of her own writings has not before been outlined.

Elizabeth's writings have not been completely ignored by scholarship and over the years noteworthy work has been completed in analysing them. As noted above, the normal approach to Elizabeth's writings have been to consider them in terms of their medium and the ways in which Elizabeth used them, particularly where she deviated from gender norms for the period. When considering Elizabeth's writings, her letters are often the most examined by historians. No study of Elizabeth's letters could be completed today without the research

²⁰⁷ Examples of the scholarship on William Cecil's political thinking: Stephen Alford, "The Political Creed of William Cecil", in *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson*, ed. John F. McDiarmid (Aldershot: Ashgate, 2007), 75-90; Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558-1569*, (Cambridge, Cambridge University Press, 1998); McLaren, "Political Ideas", 92-112; Collinson, *Elizabethan Essays*.

Notable examples on the scholarship of Elizabeth's writings and views of her role: Ilona Bell, *Elizabeth I: The Voice of a Monarch* (New York: Palgrave Macmillan, 2010); Rayne Allinson, "Conversations on Kingship: The Letters of Queen Elizabeth I and King James VI", in *The Rituals and Rhetoric of Queenship: Medieval to Early Modern*, eds. Liz Oakley-Brown and Louise J. Wilkinson (Dublin: Four Courts Press, 2009), 131-144; Rayne Allinson *A Monarchy of Letters: Royal Correspondence and English Diplomacy in the Reign of Elizabeth I* (New York: Palgrave Macmillan, 2012); Susan Doran, *Monarchy and Matrimony: The Courtships of Elizabeth I* (London: Routledge, 1996); Susan Doran, "Elizabeth's Religion: The Evidence of Her Letters", *Journal of Ecclesiastical History* 51, No. 4 (2000): 699-720; Susan Doran, "Revenge her Foul and Most Unnatural Murder? The Impact of Mary Stuart's Execution on Anglo-Scottish Relations", *History* 85 (2000): 589-612; Susan Doran, Susan, "Loving and Affectionate Cousins? The Relationship between Elizabeth I and James VI of Scotland 1586-1603", in *Tudor England and its Neighbours*, eds. Susan Doran and Glenn Richardson (New York: Palgrave Macmillan, 2005), 203-234; Susan Doran, *Elizabeth I and Her Circle* (Oxford: Oxford University Press, 2015); Carol Levin, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power*, 2nd edn (Philadelphia: University of Pennsylvania Press, 2013).

completed by Rayne Allinson.²⁰⁸ Allinson's work considered Elizabeth's diplomatic correspondence with other monarchs, with a particular emphasis on the exchange between Elizabeth and James VI of Scotland. Throughout her studies Allinson has considered the political philosophies expressed within the rhetoric of the letters, and this has been influential in the construction of the section of this thesis which considers Elizabeth's correspondence. Susan Doran has also considered Elizabeth's letters and sought to examine what they can inform us about diplomacy and Elizabeth's beliefs. Doran strongly argued across her works for Elizabeth's firm authorial control over her letters and that on several occasions Elizabeth's letters could have been written as a king from the lack of gendered rhetoric within them.²⁰⁹ When considering how Elizabeth represented herself the work of Carole Levin is significant. Levin considered how Elizabeth negotiated the traditional gender roles of English society and projected her authority as a female monarch which will be further examined throughout this chapter as it explores how Elizabeth considered her role as queen regnant.²¹⁰ Additionally, the book *Elizabeth I in Writing: Language, Power and Representation in Early Modern England*, edited by Donatella Montini and Iolanda Plescia, presents a number of studies on Elizabeth's letters, early speeches in Latin, poems, prayers and translations which has deepened our knowledge.²¹¹ However, these chapters each focus on individual media and do not combine to consider what they can tell us of Elizabeth's approach to rule when examined together. One notable exception to this general trend of dividing Elizabeth's writings is Ilona Bell's *Elizabeth I: The Voice of a Monarch*, which presents numerous case studies across Elizabeth's writings, with particular emphasis on her poems, speeches and diplomatic letters.²¹² This study is important as it begins the process of demolishing the boundaries between Elizabeth's written works by considering numerous genres. However, while these are all significant additions to the scholarship on the topic of Elizabeth's writings and representation, they do not bring all of Elizabeth's writings together in order to consider what they can convey to us concerning Elizabeth's views of monarchy or the succession.

This chapter takes some small steps towards putting Elizabeth back into the heart of the Elizabethan political and governmental system, not merely as a decorative icon in others'

²⁰⁸ Rayne Allinson, "These Latter Days of the World": The Correspondence of Elizabeth I and King James VI, 1590-1603", *Early Modern Literary Studies* Special Issue 16 (2007): <http://purl.oclc.org/emls/si-16/allilatt.htm>; Allinson, "Conversations on Kingship", 131-144; Allinson *A Monarchy of Letters*

²⁰⁹ Doran, "Revenge her Foul and Most Unnatural Murder?", 589-612; Doran, "Elizabeth's Religion", 699-720.

²¹⁰ Levin, *The Heart and Stomach of a King*.

²¹¹ Donatella Montini and Iolanda Plescia, *Elizabeth I in Writing: Language, Power and Representation in Early Modern England* (Cham, Switzerland: Palgrave Macmillan, 2018).

²¹² Bell, *Elizabeth I*.

conceptualisations of politics but as a thinker in her own right. Instead, this chapter will consider the writings of Elizabeth, with a particular focus upon her poetry, her correspondence with James VI of Scotland and her speeches to establish themes which Elizabeth consistently returned to in her writings. Following the analysis of the three genres selected, and once common themes have been established, Elizabeth's thoughts on her role as monarch will be compiled in order to establish her working theory of kingship, one which she never formally wrote in any treatise, and which has not been previously discussed within the scholarship as a single approach to rulership. Elizabeth's theory of kingship, and her practices as a monarch, were distinct from today's scholarly focus on queenship as she viewed her role in more masculine terms. Though this thesis does not claim that Elizabeth was unique in how she considered her role as a sovereign monarch in the sixteenth century, it is the intention of this chapter to argue that she did hold a firm view of her role and that it could be considered as an equivalent of a formal treatise of kingship as those composed by other monarchs at the time. Furthermore, while the succession was never decided by Elizabeth, there are traces of the issue within her writings which will also be explored in this chapter. However, it can be said that the succession was seen by Elizabeth as a matter far riskier to be resolved than to be left unsettled, and for that reason she sought to let the matter pass untroubled by her own hand.

Elizabeth was a highly educated and prolific writer who wrote in five genres of writing: translations, prayers, poems, speeches and letters.²¹³ This chapter will focus upon three of the genres in which she worked: her poems, her letters and her speeches. These three genres have been analysed because they have the closest connections to Elizabeth's political practice and her private mediations on the events of her life. While her prayers could also fit such a grouping, there are significant questions concerning the authorship of many, making them difficult to incorporate into this thesis, and, moreover, they do not expand significantly upon Elizabeth's ideas of monarchy beyond what will be examined in her poems, letters or speeches. According to Leah S. Marcus, Janel Mueller and Mary Beth Rose, the editors of a recent collection of Elizabeth's writing, Elizabeth's works have generally been used to unearth details of her relationship to political bodies such as her Privy Council or with Parliament.²¹⁴ In other cases, select letters, speeches or poems have been analysed for Elizabeth's self-representation

²¹³ Steven W. May, "Queen Elizabeth Prays for the Living and the Dead", in *Elizabeth I and the Culture of Writing*, eds. Peter Beal and Grace Ioppolo (London: The British Library, 2007), 201.

²¹⁴ Leah S. Marcus, Janel Mueller and Mary Beth Rose, *Elizabeth I: Collected Works* (Chicago: University of Chicago Press, 2000), xi-xii.

of her gender.²¹⁵ Furthermore, historical study of Elizabeth's writings has been largely compartmentalized as a result of their genre-specific publication history.²¹⁶

The fragmentary nature of the scholarship on Elizabeth's writings has influenced the way in which this chapter has been approached, with sections on the three chosen genres of poems, letters and speeches required to take best advantage of the divided scholarship on Elizabeth's writings. The question of the succession does not feature as significantly within the present chapter as it has in the preceding chapter, or the ones which follow. Elizabeth was hesitant to discuss the succession herself, generally only doing so when a direct response from her was required, as she was firmly against others interfering in a matter which she held to belong to the royal prerogative.²¹⁷ In general Elizabeth firmly maintained the position that there were inherent risks, both to herself and to any named heir, should she outline the succession which far outweighed any perceived benefits of a settled succession. However, her disinclination does not mean that she did not discuss the matter at all. In fact, it appears prominently in a number of her speeches addressing Parliament which had been agitating for her to establish the succession. It is also touched on in her letters to James and alluded to in her poems. Therefore, the question of the succession will be threaded through these analyses, with some genres revealing more traces of the topic and others remaining almost completely silent. However, in addition to the genre specific sections, Elizabeth's various forms of writing will be brought together to more fully understand her consideration of her role as England's Queen, an approach which has not been used elsewhere. By analysing three distinct forms of writing together, issues which may be hidden in one genre may be revealed in another, such as her thoughts on monarchy and her unique role in English government. This method has been chosen so that each genre can be approached with its associated challenges in mind, and then the findings from each combined into a single analysis of Elizabeth's understanding of Kingship, reflecting the nature of the single woman who wrote in so many different ways.

Poems

While Elizabeth's correspondence and her speeches have been used by historians in a number of ways, as shall be explored later in this chapter, her poetry has received much less

²¹⁵ Marcus, Mueller and Rose, *Elizabeth I*, xi-xii.

²¹⁶ Marcus, Mueller and Rose, *Elizabeth I*, xi-xii.

²¹⁷ Seel and Smith, *Crown and Parliaments, 1558-1689*, 21; Alford, "The Political Creed of William Cecil", 89; Axton, *The Queen's Two Bodies*, 1.

scholarly attention than those other genres of writing. Elizabeth's reputation as a poet has undergone several changes throughout history. During her reign she was well regarded as a poet; indeed, George Puttenham wrote when listing who he considered to be the best English poets in his 1589 book *The Arte of English Poesie*:

But last in recital and first in degree is the Queene our soueraigne Lady,
whose learned, delicate, noble Muse, easily surmounteth all the rest
that haue wrt[i]e[n] before her time or since, sweetnesse and subillitie,
be it in Ode, Elegie, Epigram, or any other kinde of poeme Heroick or
Lyricke, whereing it shall please her Maiestie to employ her penne²¹⁸

Puttenham's assessment of Elizabeth's poetic ability for the most part has been judged by scholars to be empty flattery, but Marcus and Jennifer Summit argue that it should be taken as an accurate reflection of the contemporary considerations of her poetry.²¹⁹ Elizabeth's poetry output was always occasional and closely related to events.²²⁰ Many of her poems also appear to have been kept private by Elizabeth on the basis of their content being unsuitable for a monarch to write.²²¹ Attribution is further hampered by the culture of poetic production within the court, as much of it was published and circulated only in manuscript form, which has presented difficulties in regards to establishing accurate canons for all of the Elizabethan poets, including Elizabeth herself.²²²

As a result of the difficulties of attribution based upon Elizabethan poetic production and the private nature of Elizabeth's composition, estimates of her poetic output have varied widely. Furthermore, the creation of Elizabeth's canon has been hampered in more recent times with the preconceptions of some scholars concerning her poetic ability. Such was the case with Leicester Bradner, the editor of a collection of Elizabeth's poems published in 1964, who doubted the authorship of a number of poems based on his opinion that they were too accomplished to have been composed by her, ultimately assigning six poems as authentically

²¹⁸ George Puttenham, *The Arte of English Poesie* (London: 1589), 51.

²¹⁹ Leah S. Marcus, "Queen Elizabeth as a Public and Private Poet: Notes towards a New Edition", in *Reading Monarch's Writing: The Poetry of Henry VIII, Mary Stuart, Elizabeth I, and James VI/I*, ed. Peter C. Herman (Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 2002), 135; Jennifer Summit, "'The Arte of a Ladies Penne': Elizabeth I and the Poetics of Queenship", in *Reading Monarch's Writing: The Poetry of Henry VIII, Mary Stuart, Elizabeth I, and James VI/I*, ed. Peter C. Herman (Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 2002), 80.

²²⁰ Steven W. May (ed.), *Queen Elizabeth I: Selected Works*, (New York: Washington Square Press, 2004), xxi.

²²¹ Marcus, "Queen Elizabeth as a Public and Private Poet", 149.

²²² Steven W. May, *The Elizabethan Courtier Poets: The Poems and Their Contexts* (Columbia, Missouri: University of Missouri Press, 1991), 2.

hers and a further ten poems as possible compositions.²²³ More recent editors have been more accepting of her skills. In his edition of Elizabeth's writings, Steven W. May included nine poems he attributes to Elizabeth and a further three which are likely to belong to her.²²⁴ Similarly, Marcus, Mueller and Rose's edition includes nine poems they attribute to Elizabeth and six other possible poems.²²⁵ In total, sixteen different poems have been presented in the three scholarly editions of Elizabeth's poetry, all with varying levels of certainty concerning authorship. For the purpose of this thesis, eight of these poems will be considered to be authored by Elizabeth, as each of these have been published in multiple editions by different editors who regard them as being authored by Elizabeth herself.²²⁶ Poetry for the Elizabethans, as argued by Ilona Bell, "was the preferred medium for exploring complex thoughts and feelings that could not be expressed straightforwardly or openly", and for this reason Elizabeth's poetry forms part of this chapter's examination of the reticent Queen's views on monarchy, even with the challenges presented by her scattered canon.²²⁷

One of the earliest themes in Elizabeth's poetry was that of suspicion, and the effect that suspicions could have upon those in positions of power; indeed, this theme is one which predated her accession to the throne in 1558. Following the failed uprising led by Sir Thomas Wyatt against Mary Tudor with the intention of replacing her with her sister Elizabeth in 1554, Elizabeth was first placed under arrest in the Tower of London before being moved to Woodstock. While she had confessed nothing, nor had there been any evidence, Elizabeth was suspected of being involved in the plot.²²⁸ During her imprisonment at Woodstock she composed two poems. One is very well known and is said to have been incised into a window with a diamond; it is simple sounding yet rather complex.²²⁹

Much suspected by me,
Nothing proved can be.
Quod Elisabeth the prisoner.²³⁰

²²³ Leicester Bradner (ed.), *The Poems of Queen Elizabeth I* (Providence, Rhode Island: Brown University Press, 1964), 75-76.

²²⁴ May, *S.W.*

²²⁵ Marcus, Mueller and Rose, *C.W.*

²²⁶ The Frame Poem, The Diamond Poem, No Crooked Leg, The Doubt of Future Foes, Verse Exchange with Sir Thomas Heneage, On Monsieur's Departure, Verse Exchange with Sir Walter Raleigh, and Song on the Armada Victory.

²²⁷ Ilona Bell, *Elizabeth I: The Voice of a Monarch* (New York: Palgrave Macmillan, 2010), 145.

²²⁸ Susan Brigden, *New Worlds, Lost Worlds: The Rule of the Tudors 1485-1603* (London: Penguin, 2000), 201-203.

²²⁹ Bell, *Elizabeth I*, 52.

²³⁰ Elizabeth, Poem 2 ("The Diamond Poem"), *S.W.*, 4.

In this poem, suspicions demand proof before being acted upon. While Mary Tudor's Council suspected Elizabeth, there was no evidence of treasonous dealings, therefore she should not be treated as guilty of any action even in the face of their own suspicions. However, even without evidence, suspicions could have serious repercussions for those who were the focus of those suspicions, as the poem's very location implies, for while nothing had been proven against her, she was imprisoned and felt compelled to write such a poem on the window that looked out onto the freedom of the world that she was denied. To Elizabeth, suspicions of her motivations could be seen as doubting her word of honour, a matter that remained precious to her following her accession to the throne. The theme of suspicion was revisited by Elizabeth in her poem, 'No Crooked Leg', which was written in the last page of Elizabeth's French Psalter in her own hand.²³¹ The exact date of composition is uncertain, as is the case with much of Elizabeth's poetry, but it is thought to date from either the 1560s or the 1570s, and was possibly written for Robert Dudley, the earl of Leicester, after a falling out.²³² In its much later history, the psalter was given to Queen Elizabeth II as a wedding gift and, as a result, is now within the Royal Library at Windsor Castle.²³³ The poem itself focuses upon physical defects and deformities commonly considered to render a person ugly; however, the poem argues that such defects are insignificant compared to flaws of the mind, or as she wrote, "As is the inward, suspicious mind".²³⁴ Elizabeth had a long history with the harm caused by suspicions. As a Princess, suspicions over her potential involvement with plots against Mary almost led to her death and during her reign, they undermined her chosen policies with doubt. For Elizabeth, as shall be discussed below in the terms of her correspondence with James VI, royal honour and the keeping of one's word was an important part of being a monarch, a part which suspicion could dangerously undermine.

A close relation to the theme of the risk of suspicion was that of falsehoods, and how they could threaten a kingdom's trust in its monarch. Elizabeth's writings project the view that her strongest defense against harm was the love of her people, and that her life was to be given in service of them. In the aftermath of the Northern Rebellion, Elizabeth wrote 'The Doubt of Future Foes' which, unlike her other poems, was circulated freely during the 1570s.²³⁵ The Northern Rebellion occurred in 1569, eighteen months after the arrival of Mary Stuart into England, and involved the uprising of the Catholic earls of Westmoreland and Northumberland

²³¹ Marcus, "Queen Elizabeth as a Public and Private Poet", 144.

²³² Marcus, Mueller and Rose, *C.W.*, 132 n. 1.

²³³ Bell, *Elizabeth I*, 105.

²³⁴ Elizabeth, Poem 3 ("No Crooked Leg"), *S.W.*, 5.

²³⁵ May, *The Elizabethan Courtier Poets*, 47.

in an attempt to replace Elizabeth with Mary as England's queen.²³⁶ The focus of the poem is on the ambitions of the rebels and Mary Stuart's role within the rising, referred to in the poem as "The daughter of debate".²³⁷ However, one of the early sections raises the issues of a subject's faith, and the threat posed by rumours to such faith:

For falsehood now doth flow
And subjects' faith doth ebb,
Which should not be if reason ruled
Or wisdom weaved the web.²³⁸

In this extract from the poem, Elizabeth meditates on the risk of falsehoods and rumours upon her people and their faith in her. While reason and wisdom should prevent such falsehoods to influence them, she acknowledges that it was not the case in the Northern Rebellion. Instead, those who rebelled were guided by ambition and pride, which allowed the falsehoods to lessen the faith of her people in her rule. Within a largely illiterate society, rumours held an important part in the conduct of politics, that could influence the actions of all involved regardless of their veracity.²³⁹ Elizabeth strongly argued in her correspondence to James, as will be discussed later, that a king must be seen to be the king, and not to allow their actions to provoke suspicion amongst their subjects. Suspicions could provide an avenue for the promotion of falsehoods that threatened a monarch's connection to their people, a connection which Elizabeth held was fundamental in enabling the exercising of the royal prerogative.

One theme that Elizabeth repeatedly revisited in her poetry was that of fortune, how it altered the right state of things and how it could be held at bay. In the early modern period, fortune was thought to be controlled by Fortuna, the ancient goddess of luck and chance, and was a common figure in the poetry of the period. In the Renaissance she was typically associated with the wheel of fortune, whose rotation could drastically change the circumstances of any individual.²⁴⁰ Elizabeth first wrote of the changeable nature of fortune in the 'Frame Poem' during her imprisonment at Woodstock in 1555.

Oh fortune, thy westing, wavering state
Hath fraught with cares my troubled wit,

²³⁶ Helen Castor, *Elizabeth I: A Study in Insecurity* (London: Allen Lane, 2018), 52; John Guy, *The Tudors: A Very Short Introduction* (Oxford: Oxford University Press, 2000), 76; K. J. Kesselring, *The Northern Rebellion of 1569: Faith, Politics and Protest in Elizabethan England* (New York: Palgrave Macmillan, 2007), 1.

²³⁷ Elizabeth, "The Doubt of Future Foes", *C.W.*, 134.

²³⁸ Elizabeth, "The Doubt of Future Foes", *C.W.*, 133.

²³⁹ Kesselring, *The Northern Rebellion of 1569*, 145.

²⁴⁰ Arndt Brendeke and Peter Vogt, "Late Fortuna and the Rise of Modernity", in *The End of Fortuna and the Rise of Modernity: Contingency and Certainty in Early Modern History*, ed. by Arndt Brendeke and Peter Vogt (Berlin: Walter de Gruyter GmbH, 2017), 1-2.

Whose witness this present prison late
 Could bear, where once was joy flown quite.
 Thou caused'st the guilty to be loosed
 From bands where innocents were enclosed
 And caused the guiltless to be reserved,
 And freed those that death had well deserved.
 But herein can be nothing wrought.
 So God send to my foes as they have thought.²⁴¹

Elizabeth's poem commented on how fortune had resulted in the upturning of the proper order of things, with the guilty at liberty and the innocent enclosed. While the poem concluded with a call for God to reverse the touch of fortune, the work carries with it an impression of fortune being an often-uncontrollable thing, and similar to the effect of suspicions upon a person's honour, could undermine a person's standing.

A later poem by Elizabeth meditates further upon the effect of fortune, although in the case of this poem, Elizabeth's relationship to fortune has evolved from her Woodstock days. In 1587, Sir Walter Raleigh, one of Elizabeth's favorites, felt his position was under threat from the rise of Robert Devereux, the earl of Essex, at court. Essex was highly charismatic and made a rapid rise to a prominent favourite of Elizabeth, a rise which diminished Raleigh's standing in the court.²⁴² Raleigh voiced these fears in an untitled poem to Elizabeth which argued that blind fortune had taken her favour away from him.²⁴³ Amongst his meditation on the power of fortune, Raleigh wrote:

Then will I leave my love in Fortune's hand;
 Then I will leave my love in worldlings' band,
 And only love the sorrows dure to me –
 Sorrow, henceforth, that shall my princess be –

 And only joy that Fortune conquers kings.
 Fortune, that rules the earth and earthly things,
 Hath taken my love in spite of virtue's might:

²⁴¹ Elizabeth, Poem 2 ("The Frame Poem"), *S.W.*, 2.

²⁴² Janet Dickson, *Court Politics and the Earl of Essex, 1589-1601* (London: Pickering & Chatto, 2012), 2; Paul Hammer, *The Polarisation of Elizabethan Politics: The Political Career of Robert Devereux, 2nd Earl of Essex, 1585-1597* (Cambridge: Cambridge University Press, 1999), 58, 68; Alexandra Gadsja, *The Earl of Essex and Late Elizabethan Political Culture* (Oxford: Oxford University Press, 2012), 4-5.

²⁴³ Marcus, Mueller and Rose, *C.W.*, 307 n. 1; Sir Walter Raleigh to Elizabeth, *C.W.*, 307-308; May, *The Elizabethan Courtier Poets*, 317.

So blind a goddess did never virtue right.

With wisdom's eyes had but blind Fortune seen,
Then had my love, my love forever been.
But love, farewell – tough Fortune conquer thee,
No fortune base nor frail shall alter me.²⁴⁴

In Raleigh's poem, Elizabeth had been drawn away from him by the fickle hand of blind Fortune, a foe he could not combat. However, while Elizabeth had been swayed by Fortune's intervention, he argues that his virtues would not be altered should Fortune turn her attentions to him. Elizabeth responded to Raleigh's fears with a poem of her own, which sought to ease his fears for his position in court, but which also commented upon fortune and monarchy:

No Fortune base, thou sayest, shall alter thee?
And may so blind a witch so conquer me?
No, no, my pug, though Fortune were not blind,
Assure thyself she could not rule my mind.
Fortune, I know, sometimes doth conquer kings,
And rules and reigns on earth and earthly things,
But never think Fortune can bear the sway
If virtue watch, and will her not obey.²⁴⁵

In her reply to Raleigh, here addressed as "pug", her nickname for him, Elizabeth argues against the influence of Fortune upon her. While she does not claim for monarchical immunity to fortune, indeed she seems to accept that it plays a role in the lives of monarchs, she argues that virtue and a clear mind would hold fortune at bay. The belief that Fortune could be influenced was not uncommon during the Renaissance, with many holding that if an individual acted with either *fortitudo* or *prudencia*, Fortune could be swayed.²⁴⁶ As in her earlier poem at Woodstock, fortune could cloud the mind and result in the harming of others and create burdens for others to bear. In her poems, it is the prudent and virtuous who can avoid the entrapment of fortune, suspicion, and falsehoods, and became part of her consideration of a monarch's undertaking of their duty.

²⁴⁴ Sir Walter Raleigh to Elizabeth, *C.W.*, 308.

²⁴⁵ Elizabeth, "Verse Exchange with Sir Walter Raleigh", *C.W.*, 308-309.

²⁴⁶ Brendecke and Vogt, "Late Fortuna and the Rise of Modernity", 2; Niccolò Machiavelli, *The Prince* (London: Penguin, 2003), XXV, 79-81.

Of Elizabeth's numerous courtships, her final one with François Duke of Anjou was one of her most notable. Elizabeth's courtship with Anjou began in 1572, but until 1579 the matter was more or less a diplomatic exercise to maintain the Anglo-French relationship in the face of conflict with Spain.²⁴⁷ However, from 1579 the courtship took on a more serious cast with Elizabeth becoming interested in pursuing the marriage itself, rather than just using it as a diplomatic tool.²⁴⁸ Elizabeth's long-standing desire to first meet a suitor before she committed to marriage was unchanged and as a result it was agreed that certain matters such as religious differences would be left unresolved until the two could meet.²⁴⁹ Previously this demand had led to courtships failing, but in this instance it did not as Anjou visited Elizabeth in the final two weeks of August 1579.²⁵⁰ While the marriage negotiations continued, the Privy Council was divided and many objected to the match.²⁵¹ The Anjou courtship also led to public outpourings of objections to the match in the form of pamphlets, ballads and sermons.²⁵² Two years later as the negotiations slowly continued in their convoluted way Anjou made a second visit to England, this one lasting for three months from 31 October 1581 until February 1582.²⁵³ It was during this visit that Elizabeth claimed that she would marry Anjou, though soon after her declaration her ladies, Privy Council and Court erupted in opposition.²⁵⁴ With almost insurmountable opposition to her intention to marry Anjou, Elizabeth withdrew from the project and when he departed England he took with him her last chance at marriage. While it could be argued that Elizabeth was using the Anjou courtship solely as a diplomatic tool, Doran has convincingly shown that Elizabeth was serious about her intention to marry him, particularly between 1579 and his last departure in 1582.²⁵⁵ It was in the aftermath of Anjou's final departure, and the end of what would be her final courtship, that Elizabeth wrote one of her most significant poems and one which meditated on the demands that her role as queen placed upon her personal wants.

²⁴⁷ Doran, *Monarchy and Matrimony*, 130.

²⁴⁸ Doran, *Monarchy and Matrimony*, 154.

²⁴⁹ Bell, *Elizabeth I*, 149.

²⁵⁰ Bell, *Elizabeth I*, 148; Doran, *Monarchy and Matrimony*, 162.

²⁵¹ Doran, *Monarchy and Matrimony*, 160-161.

²⁵² Susan Doran, "The Queen's Suitors and the Problem of the Succession", in *Elizabeth: The Exhibition at the National Maritime Museum*, eds. Susan Doran and David Starkey (London: Chatto & Windus in Association with the National Maritime Museum, 2003) 69.

²⁵³ Bell, *Elizabeth I*, 148; Doran, *Monarchy and Matrimony*, 186.

²⁵⁴ Doran, *Monarchy and Matrimony*, 187.

²⁵⁵ Doran, *Monarchy and Matrimony*, 11, 154-194; Other views of the Anjou Courtship are presented in MacCaffrey, *Queen Elizabeth and the Making of Policy*, 243-266; Elton, *England under the Tudors*, 324-325; David Loades, *Elizabeth I* (London: Hambledon and London, 2003), 207-214.

One of Elizabeth's most well-known poems is generally referred to as 'On Monsieur's Departure', and it relates to this final courtship. The poem itself does not survive today in any sixteenth-century copy, but scholars such as Marcus and Steven W. May argue that there is sufficient evidence to firmly attribute it to Elizabeth. However, because the poem was highly personal it is not believed to have circulated during her lifetime.²⁵⁶ The exact circumstances of the poem's composition is unsure as the title given to it could have been a late addition, indeed it only appears on three of the five surviving manuscripts. However, the poem and its commonly assigned title appear to match the circumstances of the final departure of François de Valois, the duke of Anjou, who was to be Elizabeth's final suitor. As a result of this likely association between the poem and the departure of Anjou, 'On Monsieur's Departure' has been dated to around 1582.²⁵⁷ 'On Monsieur's Departure' seems to represent two intertwined issues, those being Elizabeth's sadness at the failure of her last courtship and the weight of her duty as Queen. Elizabeth's struggle with the need to reject the Anjou's marriage proposal that she wished she could accept is often discussed amongst the scholarship as the primary feature of the poem.²⁵⁸ The secondary issue which has been commented upon is Elizabeth's struggle with her duty. Giovanni Iamartino and Angela Andreani, Bell, and May describe the issue being Elizabeth's internal struggle with the needs of her role as England's monarch and her individual self as a woman.²⁵⁹ However, I argue that in the poem Elizabeth struggles with a deeper concern which added to her distress of the situation, that is the theory of the King's (or in this place Queen's) two bodies, the very theoretical basis of her rule.

The first section of 'On Monsieur's Departure' sees Elizabeth despairing at the need to turn down the Anjou courtship and the weight of performing her duty as queen.

I grieve and dare not show my discontent;
 I love and yet am forced to seem to hate;
 I do, yet dare not say I ever meant,
 I seem stark mute, but inwardly do prate,
 I am, and not; I freeze, and yet am burned,
 Since from myself another self I turned.²⁶⁰

²⁵⁶ Marcus, "Queen Elizabeth as a Public and Private Poet", 148; May, *The Elizabethan Courtier Poets*, 136 n. 58.

²⁵⁷ Bell, *Elizabeth I*, 145; *C.W.*, 302.

²⁵⁸ Bell, *Elizabeth I*, 153.

²⁵⁹ Giovanni Iamartino and Angela Andreani. "In the Queen's Name: The Writings of Elizabeth I Between Public And Private Communication", in *The Language of Public and Private Communication in a Historical Perspective*, eds. Nicholas Brownlees, Gabriella Del Lungo and John Denton (Newcastle Upon Tyne: Cambridge Scholars Publishing, 2010), 124; Bell, *Elizabeth I*, 153; May, *The Elizabethan Courtier Poets*, 136.

²⁶⁰ Elizabeth, Poem 6 ("On Monsieur's Departure"), *S.W.*, 12.

The line “I am, and not; I freeze and yet am burned”, is generally taken to indicate her being burned by her desire yet forced to freeze the motion of the betrothal with the focus being upon the second part of the line's construction.²⁶¹ However, with this interpretation the words “I am, and not” are often overlooked for the second part of the line concerning the loss of her courtship, and the meaning of these words can be traced back to the theory of the King's two bodies. The king's two bodies was a popular political theory within England which spread through Edmund Plowden's *Reports*, though the basis of the theory predated him.²⁶² The basic conception of the theory was that a king possessed two bodies, the body natural which they were born with and the body politic which could never die, was not touched by age, and, in the case of Elizabeth, was not restricted by the body natural's gender.²⁶³ Elizabeth, when faced with the closure of what would be her last courtship was firmly confronted with the theoretical foundation to her rule. She was inherently a woman, a fact that she did not deny nor hide. However, in order to operate authoritatively as monarch in her own right she had to separate herself into two aspects, the body natural and the body politic as the theory conceptualised the monarch, in order to maintain her rule at a time where the political discourse considered female rule to be against the natural order of the world.²⁶⁴ In Elizabeth's poem ‘On Monsieur's Departure’ she faces the situation directly. In her female poetic persona Elizabeth states her womanhood, and yet she, as a monarch, is also not. The result of this is that she must subjugate her own wants as an individual woman to her own self, the masculine body politic that she represents.

The theory of the king's two bodies provided an ideal solution to the questions surrounding a woman's right to rule as it did not deny Elizabeth's physical gender as a woman. While it did not permit other women to circumvent established gender norms, it did permit Elizabeth to rule as upon her accession to the throne, as the body politic superseded her body natural.²⁶⁵ For this reason Elizabeth favoured the use of the king's two bodies theory as it did

²⁶¹ Bell, *Elizabeth I*, 156.

²⁶² Anne McLaren, “Political Ideas: Two Concepts of State”, in *The Elizabethan World*, eds. Susan Doran and Norman Jones (New York: Routledge, 2014), 106; Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1981), 7; Axton, *The Queen's Two Bodies*, 20.

²⁶³ Kantorowicz, *The King's Two Bodies*, 4, 7-9.

The Scottish ambassador to Elizabeth's court Sir James Melville also commented on the divided nature of kingship and Elizabeth's position in England when he said to her “Ye think gene ye wer married ye wald be bot Quen of England, and now ye ar King and Quen baith; ye may not suffer a commander.” Sir James Melville, *Memoirs of his Own Life* (Bannatyne Club: Edinburgh, 1827), 122.

²⁶⁴ Natalie Tomas, “Alfonsina Orsini de' Medici and the 'Problem' of a Female Ruler in Early Sixteenth-century Florence”, *Renaissance Studies* 14, No. 1 (March 2000): 71.

²⁶⁵ Allinson, “Conversations on Kingship”, 132-133.

not deny her the right to rule, merely that any impediments such as her gender were erased upon her becoming Queen.²⁶⁶ While this theory provided an important foundation to her rule, it also impacted significantly upon Elizabeth as a woman, a monarch and furthermore as a poet.²⁶⁷ It is within her poetry that a glimpse of Elizabeth's struggles with the realities of the duality placed upon her by the crown can be seen. Summit has argued that within her poetry Elizabeth framed herself as a woman first and foremost.²⁶⁸ But alongside her distinctly female persona is also the ever-present duality of the body politic, and it is the tension between these two which influenced her private works.

The tension between competing aspects of Elizabeth's person as expressed within 'On Monsieur's Departure' is further reflected by her choice of Petrarchan rhetorical techniques, such as the contradiction inherent in "I freeze, and yet am burned", to shape her words. Petrarchan poetry in the sixteenth century could be concerned with a number of subjects, but generally it tended to be used for love poetry, particularly that of "hopeless love for an unresponsive subject", which was the original topic of the form.²⁶⁹ While love is generally the focus of Petrarchan poetry, this is not to say that each expression of love was true. Some authors used Petrarchan poems as practical demonstrations of their development as poets rather than the object of their love.²⁷⁰ Furthermore, scholars such as Arthur Marotti have argued that Petrarchan poetry was more an expression of politics than love, with the poet appealing to the unattainable mistress reflecting the relationship between a client and a patron.²⁷¹ However, while acknowledging the appropriateness of such an analysis of Petrarchan poems in certain situations, Heather Dubrow has argued that it can be taken too far:

Like most correctives, these statements demonstrate both the polemical benefits and the intellectual limitations of hyperbole. The tendency to read love as a decoy for another subject may well remind us of the type of allegorical temper that sees allusions to religious ideas virtually

²⁶⁶ McLaren, "Political Ideas", 106.

²⁶⁷ Constance Jordan, "States of Blindness: Doubt, Justice, and Constancy in Elizabeth I's "Avec l'aveugler si estrange"", in *Reading Monarch's Writing: The Poetry of Henry VIII, Mary Stuart, Elizabeth I, and James VI/I*, ed. Peter C. Herman (Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 2002), 115.

²⁶⁸ Summit, "'The Arte of a Ladies Penne'", 108.

²⁶⁹ Gordon Braden, "Petrarchism and Its Counterdiscourses: The Sonnet Tradition from Wyatt to Milton", in *A Companion to Renaissance Poetry*, ed. Catherine Bates (Hoboken, New Jersey: Wiley Blackwell, 2018), 251.

²⁷⁰ Braden, "Petrarchism and Its Counterdiscourses", 251.

²⁷¹ Arthur F. Marotti, "'Love is Not Love': Elizabethan Sonnet Sequences and the Social Order". *English Literary History* 49, no. 2 (1982): 398; Heather Dubrow, *Echoes of Desire: English Petrarchism and its Counterdiscourses* (Ithaca, New York: Cornell University Press, 2018), 3, 10; Braden, "Petrarchism and Its Counterdiscourses", 257.

everywhere; in the case at hand, the equivalent of the original, transcendental signified is politics.²⁷²

For while some Elizabethan poets used Petrarchan poetry as a way to express political relationships within the patronage system, and with the monarch that they pursued for favour, this is not the only interpretation of such poems. As Heather Dubrow notes, “both Petrarchism and anti-Petrarchism are indeed often about subjects like politics, history, or the relationships among men, but they are always-and often primarily-about love, desire, and gender as well”.²⁷³

Elizabeth’s choice of Petrarchan poetry to express her complex thoughts in ‘On Monsieur’s Departure’ should be approached with careful consideration. While the form itself could imply a straightforward reading of either impossible love, or a demonstration of poetical skill; a more nuanced reading which takes into account the circumstances of its composition suggests such an approach is too simplistic. Elizabeth distrusted her courtiers’ uses of Petrarchan poetry to portray her as the distant object of their affection in order to negotiate their subjection to a female ruler, thus making it unlikely for her to choose the form as the vehicle for her own expression of rhetorical skill.²⁷⁴ The private nature of the manuscript further discounts the poem as an example of Elizabeth showing off as it did not circulate in her lifetime and was thus a poor demonstration of her skill if that was indeed her intent.²⁷⁵ Furthermore, choice of form for ‘On Monsieur’s Departure’ itself demonstrates a challenge to the interpretation of it as either a demonstration of skill or declaration of lost love, as Petrarchan poems were generally written by men in which they possess agency over the silent object of their affection.²⁷⁶ Indeed, in Petrarchan poetry it is normally “the male poet who creates the sequence and literally and metaphorically utters its last word”.²⁷⁷ In ‘On Monsieur’s Departure’, Elizabeth takes the place of the poet, writing her last word on her courtship with Anjou which had so recently ended. However, as the poet’s position within a Petrarchan verse is male, Elizabeth takes the place as a king as she explores the conflict within her own self brought by her required assumption of the role of monarch. The unresponsive subject of the poem is both Anjou who had departed, and Elizabeth herself as a woman. This use of Petrarchism is further enhanced by the very nature of such poems which describe struggles between conflicting concerns, typically involving comparisons between helplessness and

²⁷² Dubrow, *Echoes of Desire*, 10.

²⁷³ Dubrow, *Echoes of Desire*, 10.

²⁷⁴ Bell, *Elizabeth I*, 22.

²⁷⁵ Marcus, “Queen Elizabeth as a Public and Private Poet”, 148; May, *The Elizabethan Courtier Poets*, 136 n. 58.

²⁷⁶ Dubrow, *Echoes of Desire*, 11.

²⁷⁷ Dubrow, *Echoes of Desire*, 56.

control, impotence and agency, failure and success.²⁷⁸ It is therefore argued that ‘On Monsieur’s Departure’ was Elizabeth’s written expression of conflict that the assumption of the king’s two bodies theory had caused within her, and her choice of a Petrarchan poem with which to express that sentiment was to be found in its relationship to conflict and gender roles, rather than public demonstration of technical skill.

The subjection of her own wants based upon the needs of the body politic is the theme of a second poem written by Elizabeth but not as well known as ‘On Monsieur’s Departure’. The poem in question has no formal name and was written in a book by Elizabeth. It was then copied into a book owned by Sir Thomas Heneage, a gentleman of Elizabeth’s Privy Chamber.²⁷⁹ This poem is brief, consisting of six lines in Latin and a subsequent six lines of English translation, yet it carries with it a sense of what Elizabeth would thread through her better-known poem.

A hapless kind of life is this I wear,
Much watch I dure, and weary, toiling days,
I serve the rout, and all their follies bear,
I suffer pride, and sup full hard assays,
To others’ will my life is all addressed,
And no way so as might content me best.²⁸⁰

In this poem Elizabeth writes of her life of service to her people and kingdom, the work and need to fulfil the expectations of those around her. It ends with her pointed lines that her life, lived within the framework of monarch and its dictates, demanded her to subject part of herself and her wishes. As in *On Monsieur’s Departure*, this poem carries the thread of her living a life and a rulership dictated by the theory of the King’s two bodies, a theory which enabled her to rule but which also necessitated the submersion of part of herself to fulfil her duty, an understanding which formed part of her conception of what it was to be an English monarch.

The most “private” of Elizabeth’s written forms is paradoxically where the succession appears the least. Indeed, the single reference to the succession amongst her poems appears in ‘The Doubt of Future Foes’ where it is only alluded to. She concluded this work as follows:

My rusty sword through rest
Shall first his edge employ
To pull their tops who seek such change

²⁷⁸ Dubrow, *Echoes of Desire*, 23.

²⁷⁹ May, *S.W.*, 11.

²⁸⁰ Elizabeth, Poem 5b (“Verse Exchange with Sir Thomas Heneage”), *S.W.*, 10.

Or gape for future joy.

Vivat Regina²⁸¹

The above work was written following the Northern Rebellion, and much of the poem is concerned with the issues it raised, such as the ambitions of subjects who risk a kingdom's peace. However, these final lines also highlight the fact that one of their aims was connected to the succession. The rebellious Englishmen had plotted to free Mary Stuart and marry her to the Duke of Norfolk, thus making her a fit successor to the throne.²⁸² In her poem, Elizabeth first threatens those who challenge her rule with her "rusty sword", a firm reminder that while she was a Queen, she was determined to rule as firmly as a masculine king. The poem concludes that the succession and those who agitated for its establishment sought "future joy" only at the risk of England's current prosperity, and the stability of her kingdom was not something Elizabeth was ever prepared to risk.

Letters

While Elizabeth wrote her poetry with the intention that her works remain uncirculated, and therefore the poems could be considered the most "private" of her writings, her poetic works were small in number by comparison with her other written outputs. Correspondence was a vital means of communication, and one which Elizabeth utilised extensively during her lifetime. Correspondence during the early modern period was one of two main methods of communication, with the other being face to face conversation which has left little traces of its passing today. For this reason, Elizabeth's correspondence will be used to understand her ideas concerning royal prerogative and government in England, and, as shall be explained her correspondence should be considered to occupy a place between the "private" sphere of her poetry and her "public" airing of her speeches.

Letter writing in the early modern period was not a straightforward process; in fact, all aspects of the process from authorship to rhetorical presentation and transportation carried social meaning. A letter could be written by the hand of the letter's signatory, could be dictated to a secretary or scribe, or even constructed by a secretary from notes given to them by the intended signatory.²⁸³ For this reason, there were distinctions made between letters based upon

²⁸¹ Elizabeth, "The Doubt of Future Foes", *C.W.*, 134. (*Vivat Regina* translates as "Long Live the Queen")

²⁸² Kesselring, *The Northern Rebellion of 1569*, 36-37.

²⁸³ James Daybell, *The Material Letter: Manuscript Letters and the Culture and Practices of Letter-Writing, 1512-1635* (New York: Palgrave Macmillan, 2012), 23.

the mode of composition. Letters are generally divided into two broad groupings: autograph letters, written by the signatory, and scribal letters, constructed by another writer, usually a secretary, to be signed by the person who wished to send the letter.²⁸⁴ The choice of what type of letter was to be sent was not necessarily an indication of illiteracy or lack of consideration, as social conventions governed much of the letter writing process. It was relatively common that a letter intended for a social inferior was a scribal letter, whereas those letters for close friends and family would be autograph.²⁸⁵ Letters composed by monarchs for other monarchs could be either scribal or autograph depending upon the preference and intention of the monarch in question.²⁸⁶ Furthermore, an individual's use of a scribal letter did not remove their authorial control completely, as they were often reviewed by the signatory before the affixing of the signature and the letter's dispatch. However, it must be noted that such practices depend entirely upon the signatory's literacy and their familiarity with the letter's rhetorical form.²⁸⁷ In addition to the composition of a letter, its materiality would be carefully considered with every element containing a trace of meaning for the recipient, including the use of space on the page, the paper's quality, and the colour and size of the seal used to close the letter.²⁸⁸

Once a letter had been constructed it needed to be dispatched. Typically, letters were carried either by the postal service or by messengers. During the sixteenth century, the postal service was slow and often unreliable, raising concerns about misplaced letters or intercepted missives.²⁸⁹ Generally it took at least three days for a letter to travel from London to York, and on average one week for a letter to make the journey between London and Edinburgh.²⁹⁰ The frustrations of delay caused by the slow transportation of letters were added to by social anxieties surrounding the reciprocal nature of letters. Gary Schneider states, "The basic logic of letter writing - that is, the timely reciprocity of exchange - presupposed that correspondents strove to maintain stable social intercourse and communicative continuity".²⁹¹ The interrupting or breaking of a correspondence exchange could indicate deeper issues within the relationship

²⁸⁴ James Daybell, *Women Letter-Writers in Tudor England* (Oxford: Oxford University Press, 2018), 63-64.

²⁸⁵ James Daybell, "The Materiality of Early Modern Women's Letters", in *Women and Epistolary Agency in Early Modern Culture, 1450-1690*, eds. James Daybell and Andrew Gordon (New York: Routledge, 2016), 62.

²⁸⁶ Allinson, "'These Latter Days of the World': The Correspondence of Elizabeth I and King James VI, 1590-1603", 4-5.

²⁸⁷ Daybell, *Women Letter-Writers in Tudor England*, 84-86.

²⁸⁸ Daybell, "The Materiality of Early Modern Women's Letters", 67; Daybell, *The Material Letter*, 11.

²⁸⁹ Gary Schneider, *The Culture of Epistolarity: Vernacular Letters and Letter Writing in Early Modern England, 1500-1700* (Newark: University of Delaware Press, 2005), 51.

²⁹⁰ Schneider, *The Culture of Epistolarity*, 82; E. John B. Allen, *Post and Courier Service in the Diplomacy of Early Modern Europe* (The Hague: Martinus Nijhoff, 1972), 16.

²⁹¹ Schneider, *The Culture of Epistolarity*, 84.

maintained through the exchange of letters.²⁹² Within this environment of authorial and material meanings, slow transportation and reciprocity, correspondence was not a simple exchange of pieces of paper but instead a passage of ideas that had been given form to act when the involved parties could not do so themselves.

It has been estimated that during Elizabeth's lifetime she may have written as many as 3,000 letters.²⁹³ In light of what has been discussed above concerning composition practices, many of the letters written by Elizabeth may not have been written entirely by herself but may instead have been collaborative works. However, this does not prevent her correspondence being used to trace her ideas or actions. Several scholars, including Rayne Allinson, Susan Doran, Giuliana Iannaccaro and Alessandra Petrina, have argued that while Elizabeth may not have constructed her scribal letters, they still represent her will as she maintained authorial control.²⁹⁴ Elizabeth amended drafts, countermanded amendments and was known to request letters be rewritten to change a single word which altered her intended meaning.²⁹⁵ In addition to these collaborative works Elizabeth was well known for writing her own autograph letters. Taken as a whole the large number of letters written either by Elizabeth entirely or on her behalf presents too large a pool of materials to adequately treat in this thesis. For such a reason a single correspondence relationship shall be considered, that shared between Elizabeth and James VI of Scotland. While Elizabeth maintained correspondence exchanges with a number of monarchs around Europe, the one she shared with James was lengthy and sizable. From its thirty-year duration an estimated 260 letters survive today, with an average of three to four letters a year being exchanged providing a distinct corpus for the purpose of this thesis.²⁹⁶ Furthermore, this relationship was perhaps unique amongst her other correspondences as Elizabeth took on the role of mentor to her young godson and it is clear from her instructing tone that Elizabeth was using her letters specifically to prepare him for the possibility that he would one day succeed her as England's monarch.

²⁹² Schneider, *The Culture of Epistolarity*, 84, 88.

²⁹³ Rayne Allinson, "'These Latter Days of the World': The Correspondence of Elizabeth I and King James VI, 1590-1603", *Early Modern Literary Studies* Special Issue 16 (2007): 3; Susan Doran, "Elizabeth's Religion: The Evidence of Her Letters", *Journal of Ecclesiastical History* 51, No. 4 (2000): 701.

²⁹⁴ Rayne Allinson, *A Monarchy of Letters: Royal Correspondence and English Diplomacy in the Reign of Elizabeth I* (New York: Palgrave Macmillan, 2012), 26-27; Doran, "Elizabeth's Religion", 700-701; Giuliana Iannaccaro and Alessandra Petrina, "To and From the Queen: Modalities of Epistolography in the Correspondence of Elizabeth I", *Journal of Early Modern Studies*, No. 3 (2014): 7.

²⁹⁵ Doran, "Elizabeth's Religion", 700.

²⁹⁶ Rayne Allinson, "The Letters of Queen Elizabeth I and King James VI: Kingship, Kinship and the Politics of Counsel" (University of Melbourne: MA Thesis, 2006), 19; Allinson, *A Monarchy of Letters*, 167.

Before continuing to discuss the lengthy correspondence exchanged between Elizabeth and James it is worth noting the earlier correspondence Elizabeth shared with another Scottish monarch, that is Mary Stuart, James' mother. Mary Stuart was the only surviving child of King James VI of Scotland and Mary of Guise. Mary acceded the Scottish throne when she was six days old and when she was five years old she was sent to France to be raised in the French royal household following her betrothal to François, the Dauphin of France. Mary and François married on 24 April 1558 and in the following year François acceded the French throne following the death of his father, making Mary the Queen of France as well as Scotland.²⁹⁷ Soon afterwards the two new queens commenced a correspondence. However, this exchange was relatively cool in tone and conducted through scribal letters rather than in their own hands.²⁹⁸ The first surviving holograph letter from Mary dates to 4 January 1562, four months following her return to Scotland. Elizabeth's side of the early correspondence is difficult to untangle as most of her letters from the early period have now been lost.²⁹⁹ What is perhaps most notable from the correspondence exchanged between these two queens regnant is that the driving force was Mary Stuart. Elizabeth herself was often hesitant to commit to the exchange and following Mary's arrival in England Elizabeth allowed the exchange to fall silent by refusing to reply to Mary's letters. Elizabeth's refusal to correspond with Mary became a prominent feature of the exchange following 1571 and the discovery of her involvement in the Ridolfi Plot.³⁰⁰ It was after this discovery that Elizabeth abandoned the pretense that letters to Mary were exchanged between two equal queens regnant or that there was any hope of rehabilitating Mary to her Scottish throne. For though the letters continued intermittently, they were not those of two equally sovereign monarchs. Instead, Elizabeth turned her diplomatic correspondence towards the young King of Scotland, James VII.

The correspondence officially began in 1572 although, as James was six years old at the time, this was undertaken in his name and presumably he had no practical involvement in the process. However, a regular correspondence started in the late 1570s, increasing over time as he gained full control over his kingdom.³⁰¹ The correspondence was conducted mostly in their own hands through autograph letters, thus demonstrating the importance both placed upon their relationship, as it was not uncommon for some monarchs to use scribal letters to

²⁹⁷ Julian Goodare, "Mary [Mary Stewart] (1542–1587), Queen of Scots", *Oxford Dictionary of National Biography*, (2004); Accessed 10 January 2022.

<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-18248>.

²⁹⁸ Allinson, *A Monarchy of Letters*, 73.

²⁹⁹ Allinson, *A Monarchy of Letters*, 73, 75-76.

³⁰⁰ Allinson, *A Monarchy of Letters*, 77-79, 91; Goodare, "Mary [Mary Stewart] (1542–1587), Queen of Scots".

³⁰¹ Allinson, "These Latter Days of the World", 3.

communicate with other monarchs.³⁰² This relationship was founded upon their shared blood descent from Henry VII, the very blood that made James a claimant on the English throne, as well as Elizabeth's role as James' godmother.³⁰³ The final connection these two educated individuals shared was that they were both monarchs. While the correspondence between Elizabeth and James has now received some measure of study from historians – notably Rayne Allinson, and Janel Mueller – their works have not fully interrogated certain threads within the correspondence exchange.³⁰⁴ These historians have noted Elizabeth's tendency to offer advice to James, often unsolicited and generally ignored. Allinson argues that in her letters Elizabeth wished to impart upon James the art of good English government and successful kingship.³⁰⁵ While this is certainly true, the contents of Elizabeth's letters of counsel can be considered further. Elizabeth's words of counsel to James, in English government and kingship, were not independent of the woman who produced them but rather shaped by her. These words were drawn from her experiences and knowledge as England's monarch with an understanding that unless something radical occurred James would succeed her. This thesis expands upon Allinson's work and argues that Elizabeth drew from her knowledge as England's monarch to offer counsel, mediated though it was through the complexities of early modern letter practices, and through this counsel she can provide us with a glimpse of her views on royal prerogative and government, as she tried to prepare James for his potential succession.

Elizabeth's letters to James were filled with advice which was often forcefully phrased by Elizabeth, who took advantage of her age and long experience as a monarch to assume the typically masculine role of the counselor to her younger godson and cousin.³⁰⁶ The pattern of advice was established early in the correspondence. When he was sixteen, James indicated to Elizabeth that he would be open to being counselled by her in the establishment of his adult government. While this letter was likely written under the direction of others, as he had fallen under the control of a pro-English group in the Ruthven Raid, and the letter itself has been lost,

³⁰² Mueller, "To My Very Good Brother the King of Scots", 1065.

³⁰³ Allinson, "These Latter Days of the World", 8.

³⁰⁴ Allinson, "The Letters of Queen Elizabeth I and King James VI"; Allinson, "These Latter Days of the World"; Rayne Allinson, "Conversations on Kingship: The Letters of Queen Elizabeth I and King James VI", in *The Rituals and Rhetoric of Queenship: Medieval to Early Modern*, eds. Liz Oakley-Brown and Louise J. Wilkinson (Dublin: Four Courts Press, 2009); Allinson, *Monarchy of Letters*; Mueller, "To My Very Good Brother the King of Scots".

³⁰⁵ Allinson, "The Letters of Queen Elizabeth I and King James VI", 78; Allinson, *Monarchy of Letters*, 181.

³⁰⁶ Gemma Allen, "Women as Counsellors in Sixteenth-Century England: The Letters of Lady Anne Bacon and Lady Elizabeth Russell", in *Women and Epistolary Agency in Early Modern Culture, 1450-1690*, eds. James Daybell and Andrew Gordon (New York: Routledge, 2016), 81-82; Allinson, "These Latter Days of the World", 14; Iannaccaro and Petrina, "To and From the Queen", 72.

much can be uncovered by Elizabeth's response to this now missing letter.³⁰⁷ Elizabeth wrote a favourable response to James' letter, expressing satisfaction at the request for advice in his government's affairs:

youe meane hereafter to depend much upon our good advice and counsell for the setling of your affaires and the ordering of such causes of importaunce as do neerest concerne youe, we cannot but most frendlie and willinglie accept to yeld unto you, in that sorte also, the best helpe and furtheraunce we can, to the satisfyeing of your expectation³⁰⁸

Elizabeth's willingness to act the counsellor was one that she never relinquished for the length of the correspondence, regardless of the occasional irritation James expressed at the almost continuous stream of advice and criticism that flowed to him from the English Queen. Indeed, of the 120 letters analysed for this thesis, the majority composed by Elizabeth contain some sort of advice to James. There were a number of topics that Elizabeth wrote about when giving advice, and she returned repeatedly to certain key areas which appear to have held some significance to her. While these could be considered as instances of Elizabeth seeking to exert control over Scotland, I argue that these were key concerns for Elizabeth as a monarch of England and ones which she sought to educate James on in preparation for the possibility that he would succeed her. As this education was drawn from her own experiences as a queen, the letters have much to tell us about her understandings of the duties and responsibilities of an English monarch.

A quality which Elizabeth held in high regard for a monarch was that of honour and the upholding of their word, and it forms a thread that weaves throughout her correspondence with James.³⁰⁹ In one of her earliest letters to James, written in August 1583, she stated,

Among your many studies, my dear Brother and Cousin, I would Isocrates' noble lesson were not forgotten, that wills the Emperor his sovereign to make his words of more account than other men their oaths, as meetest ensigns to show the truest badge of a Prince's arms.³¹⁰

³⁰⁷ Steven G. Ellis and Christopher Maginn, *The Making of the British Isles: The State of Britain and Ireland 1450-1660* (London: Pearson, 2007), 251-252; Jane E.A. Dawson, *Scotland Reformed 1488-1587* (Edinburgh: Edinburgh University Press, 2007), 311- 312.

³⁰⁸ Elizabeth to James, 18 October 1582, *Letters*, 2-3.

³⁰⁹ Elizabeth Tunstall, "Of Honour and Innocence: Royal Correspondence and the Execution of Mary, Queen of Scots", *Melbourne Historical Journal* 47 (2019/20): 63; Allinson, "Conversations on Kingship", 143.

³¹⁰ Elizabeth to James, 7 August 1583, *L.Q.E.*, 159.

This letter tied a king's word to his honour, which was judged to be more binding than most oaths. Furthermore, honour was connected to the reputation of the monarch. John Cleland, an early Stuart writer, considered honour to be "not in his hand who is honoured, but in the hearts and opinion of other men, who either haue seene his merits, or heard of his renowne, and good reputation".³¹¹ Honour was maintained in a number of ways, but, as in many areas of early modern life, there were important distinctions between how honour was upheld based upon the individual's gender. Men could maintain their honour through strength in battle during war, or in times of peace through self-assertiveness, maintaining one's word and being held in high esteem by the public.³¹² For women, their honour was upheld through demonstrations of modesty, chastity and piety, all of which could be harmed by a loss of their public reputation.³¹³ Honour was not an insubstantial consideration to either Elizabeth or James, as when issues were made into questions of kingly honour in their correspondence it was more difficult for the recipient to reject the request that their honour be upheld. On two occasions during their extensive correspondence James sought to transform matters of political necessity into matters of honour, those being before the execution of Mary Stuart and during the Valentine Thomas affair, a complicated diplomatic situation which arose when James was implicated in a widely disbelieved plot by Valentine Thomas to assassinate Elizabeth, but on both occasions he was unsuccessful.³¹⁴

Elizabeth's letters argue that kingly honour could only be fully understood by other monarchs, and that while they should take advice from their councillors on such matters, those councillors could never fully understand the unwritten code of monarchy. In the lead-up to the conclusion of the Anglo-Scottish Treaty of Berwick in 1586, James sent Elizabeth a request for an instrument confirming his place in the succession. The instrument would have been a formal document which James could have used to support his claim on the English throne. Elizabeth responded to this request in March 1586 forcefully rejecting his instrument as she would continue to do to any matter touching the succession. However, her rejection raised the issue of councillors, and their ability to understand the honour of kings:

³¹¹ James Cleland, *Hērō-paideia, or the Institution of a Young Noble Man* (Oxford: 1607), p. 179.

³¹² Mervyn James, *English Politics and the Concept of Honour 1485-1642*, (Oxford: Past and Present Society, 1978) 4, 7-8; Carole Levine, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power*, 2nd edn. (Philadelphia: University of Pennsylvania Press, 2013), 76.

³¹³ Merry E. Wiesner-Hanks, *Women and Gender in Early Modern Europe*, 3rd edn. (Cambridge: Cambridge University Press, 2008) 25; Levin, *The Heart and Stomach of a King*, 76.

³¹⁴ Tunstall, "Of Honour and Innocence", 62-63; "Elizabeth Tunstall, "The Paradox of the Valentine Thomas Affair: English Diplomacy, Royal Correspondence and the Elizabethan Succession". *Parergon* 38, No. 1 (2021): 82-83.

Must so great doubt be made of fre goodwyl and gift be so mystrusted that our Sign Emanuel must assure? No my deare brother teache your new raw Counselars bettar manner than to advise you suche a paring of ample meaning. Who should doubt p[er]formance of a King's offer? What dishonour may that be demed? Follow next your own nature for this never came out of your shoppe.³¹⁵

Elizabeth places the blame for what she considered to be an impertinent questioning of her royal honour on James' councillors. While this could be considered to be a rhetorical trope to provide James with a way to renounce his previous letter without causing harm to his own honour, the matter could also be seen as a situation of instruction from one monarch to another. She asks upon what right a councillor has to question a monarch's honour, a matter that only fellow monarchs could understand. She calls for him to judge such matters based upon his own royal nature rather than the words of others. James' response to this rebuke was to argue that his request was not to impugn her honour but for her to demonstrate the honour in which she held him.³¹⁶ While the matter of the instrument faded from their letters following 1586, the theme of honour, and poor counsel on matters of kingly honour, remained a prominent thread throughout the correspondence.

While the issue of honour and the kingly code was key to the letters discussed above, the matter of false counsel from councillors was another reoccurring theme in Elizabeth's letters of advice. An undated letter written by Elizabeth to James outlines her approach to counsel and counsellors:

yet I beleave your worde, a[nd] feare no others hate, with the opinion that being wise, and used to many humours you wyl haue skil not to look what the[y] be but what the[y] say, and not to suppose that wicked folkes can be made true counselars, nor that they shal euer prospier that lean to rotten aides³¹⁷

In this letter she argues that James will need to draw upon his own wisdom and experience to judge what is best, and not to rely only upon the words of others. She also warns that for his own prosperity he needs to ensure that his counsellors are honourable and trustworthy. For Elizabeth, the matters of kingly honour were only truly comprehended by other monarchs; honour was to be upheld by the monarch through honest dealings and not be swayed by advice,

³¹⁵ Elizabeth to James, March 1586, BL, Add MS 23240, fol. 39r.

³¹⁶ James to Elizabeth, 1 April 1586, BL, Add MS 23240, fol. 41r.

³¹⁷ Elizabeth to James, Unknown Date, *Letters*, 175.

regardless of that advice's honourable origins. It is in these letters that we can see Elizabeth's view of her own royal honour and approach to counsel, and a view that she sought to impart to James in their letters.

In the late 1580s and during the 1590s Elizabeth and her government became concerned about James' management of Scotland.³¹⁸ In this period Scotland experienced political unrest as the result of a power struggle between three men: John Maitland of Thirlestane, the Earl of Huntly and the Earl of Bothwell. Maitland was a close advisor to James and served as a leading member of his government. However, through his efforts on James' behalf he came to be considered as an opponent to the nobility and their hereditary rights.³¹⁹ George Gordon was the sixth Earl of Huntly. He was an influential magnate in northern Scotland who pursued numerous political intrigues with the intention of removing Maitland from his position and returning Catholicism to Scotland.³²⁰ Francis Stewart was the Earl of Bothwell and a Protestant, though his religious beliefs did not prevent him from aligning himself with Huntly if it were politically advantageous.³²¹ The manoeuvring of these men, particularly Huntly and Bothwell, led to political instability within Scotland and became of increasing concern to the English with the discovery of the Brig o' Dee affair and the Spanish Blanks plot. In February 1589, letters from Huntly, Bothwell and a number of Scottish Catholic nobles to Philip II of Spain, outlining Scottish support for an invasion of England, were intercepted. James considered the matter as minor and took no action beyond briefly holding Huntly in Edinburgh Castle.³²² Soon afterwards, Huntly mustered an army to re-establish his position and to remove Maitland from his position but surrendered when confronted by James's army outside of Aberdeen.³²³ The events of the Brig o' Dee affair were more or less repeated in the Spanish Blanks plot in

³¹⁸ Elizabeth Tunstall, "The Correspondence of Elizabeth I and James VI in the Context of Anglo-Scottish Relations, 1572-1603", (University of Adelaide: MPhil Thesis, 2016), 53; Susan Doran, "Loving and Affectionate Cousins? The Relationship between Elizabeth I and James VI of Scotland 1586-1603", in *Tudor England and its Neighbours*, eds. Susan Doran and Glenn Richardson (New York: Palgrave Macmillan, 2005), 209-211, 214-215.

³¹⁹ Keith M. Brown, *Bloodfeud in Scotland, 1575-1625: Violence, Justice and Politics in an Early Modern Society*, (Edinburgh: John Donald Publishers, 1986), 148; Ruth Grant, "The Brig o' Dee Affair, the Sixth Earl of Huntly and the Politics of the Counter Reformation", in *The Reign of James VI*, ed. Julian Goodare and Michael Lynch (Phantassie: Tuckwell Press, 2000), 99; Maurice Jr. Lee, *Great Britain's Solomon: James VI and I in His Three Kingdoms* (Chicago: University of Illinois Press, 1990), 100.

³²⁰ Grant, "The Brig o' Dee Affair, the Sixth Earl of Huntly and the Politics of the Counter Reformation", 93-94, 101.

³²¹ MacCaffrey, *Elizabeth I*, 307-308.

³²² Maurice Jr. Lee, *John Maitland of Thirlestane and the Foundation of the Stewart Despotism in Scotland* (Princeton: Princeton University Press, 1959), 181-183.

³²³ Lee, *John Maitland of Thirlestane and the Foundation of the Stewart Despotism in Scotland*, 186-187; T.G. Law, "The Spanish Blanks and Catholic Earls, 1592-94", in *Collected Essays and Reviews of Thomas Graves Law*, ed. P. Hume Brown (Edinburgh: University Press, 1904), 251-252.

1593.³²⁴ In this plot a number of blank documents bearing the seals of Huntly and a number of other Scottish noblemen were intercepted. The intention was for the documents to be filled with the specific terms of an agreement yet to be finalised concerning the landing of thirty thousand Spanish soldiers in Scotland.³²⁵ The issue of the Spanish Blanks continued to exert a profound strain on Anglo-Scottish relations until March 1585 when James drove Huntly and Bothwell into exile.³²⁶

The tumultuous political climate in Scotland, and the continuing rebellion of these lords against James' laws, led to fears from Elizabeth and her government that his persistent favouring of them was either an indication of weak kingship at best, or of Catholic conversion at worst. As a result, her letters were often pointed calls for James to act rather than to merely speak of future actions, "God forbid you should lose the reputation of a kinglike rule that so unlyke a king wold work your own reproche. For they be actions no words wich paynts out ~~truely~~ kings truly in their coulours."³²⁷ Her advice for the form his actions should take was that he uphold the laws of Scotland and proclamations of his government, and to "finish this treason w[ith] justice".³²⁸ Elizabeth's concerns for the breaking of laws and the administering of justice are further elaborated in another letter using figurative language that was a common feature of her letter writing practice: "I wishe your Good providence may be duly executed for else lawes rese[m]ble Cobwebbes whence great bees get out by breaking and small flies stikes fast for weakness."³²⁹ In this quote she expresses concern that should laws be unenforced they undermine the kingdom as a whole, easily broken by the strongest of subjects and restraining only those who are weak. The failure to uphold the laws also denied a monarch the opportunity for displaying kingly mercy: "What thanke may the guie your marcy whan no crime is tried? What bond shal tye ther profert loyalty if no precedent offencis past be acknowledged by confession?"³³⁰ Without offenders being tried for their crimes it denied the monarch the opportunity to demonstrate mercy and to return straying subjects to loyalty. While the laws were established according to a kingdom's traditions, Elizabeth held that it was a monarch who was the best judge of their own kingdom's laws: "let all men knowe that Princes know best

³²⁴ Law, "The Spanish Blanks and Catholic Earls, 1592-94", 252.

³²⁵ Lee, *John Maitland of Thirlestane and the Foundation of the Stewart Despotism in Scotland*, 256.

³²⁶ Law, "The Spanish Blanks and Catholic Earls, 1592-94", 275; MacCaffrey, *Elizabeth I*, 316; Lee, *John Maitland of Thirlestane and the Foundation of the Stewart Despotism in Scotland*, 283; Doran, 'Loving and Affectionate Cousins?', 214.

³²⁷ Elizabeth to James, 19 May 1589, *The Cecil Papers*, 133/91.

³²⁸ Elizabeth to James, 19 May 1589, *The Cecil Papers*, 133/91.

³²⁹ Steven W. May (ed.), *Queen Elizabeth I: Selected Works* (New York: Washington Square Press, 2004), xix; Elizabeth to James, 15 October 1586, BL, Add. MS, 23240, fol. 53v.

³³⁰ Elizabeth to James, October 1593, *Letters*, 92.

their own Lawes and misiuge not that you knowe not.”³³¹ Additionally, Elizabeth associated a failure to uphold the laws to be a sign of deficient government on the part of the monarch which would lead to civil disorder: “I haue not so smal a parspectiue in my neighbors actions, but I haue foresene some wicked euent to folowe a careles government.”³³² In her letters of advice, Elizabeth’s position on a monarch’s maintenance of justice within their kingdom was further connected to two interlinked concerns, that of restraining over-mighty subjects and the need for a monarch to protect themselves.

The prominence of the Scottish Catholic Lords combined two of Elizabeth’s greatest concerns and prompted a significant amount of advice within her letters. Elizabeth had personally experienced the troubling difficulty of rebellious Catholic nobility in the Northern Rebellion of 1569 which was led by the Catholic Earls of Westmoreland and Northumberland.³³³ She wrote of the risk to the maintenance of law and good government, but in this context, she stressed the particular risk of overmighty subjects flouting those laws destabilising a kingdom’s government, and bringing risk to the monarch’s life:

For Godz loue, look throw no spectacles to your owne safety. Your yees be younge, you nideth not haue a clere sight in your so nye a cause, and let you counseil see that wyl not easely be begiled in making to smal regard of that wiche toucheth life - yea, of a king! For overgreat audacitie wyle brede, to a mynde that may be sone perswaded that all is wel, to do the boldlar a wicked act”³³⁴

Elizabeth’s letter expressed her thought that James’ tolerance of his nobility’s plots threatened not only his kingdom but also his own life, and that should their actions continue to be excused it could lead to greater difficulties over time. Or as she wrote on another occasion:

And as to touching your home causes, I assure you they neede much a kings eye, and are to greate slenderly to be governid. Yf you wold trust true warnings, you would have kept your subiects, yea your greatest, in better awe and more feare than they be. For Gods sake and your own surety, looke better to your kingdom than you have don. Boldnes will make to many rulars, if no kings; *nimia familiaritas generat contemptum*.³³⁵

³³¹ Elizabeth to James, January-February, BL, Add. MS, 23240, fol. 58r.

³³² Elizabeth to James, Unknown Date, *Letters*, 173.

³³³ Kesselring, *The Northern Rebellion of 1569*, 1-4.

³³⁴ Elizabeth to James, May 1583, *Letters*, 82.

³³⁵ Elizabeth to James, 16 April 1590, *The Cecil Papers*, 133/95.

As Elizabeth's Latin words to James state, she thought that too much familiarity breeds contempt, and that he showed far too much leniency with his nobility. Elizabeth felt that James' personal attachment to certain lords had blinded him to the risks that they posed to his own safety, especially in light of their repeated rebellions against his rule. Many of Elizabeth's concerns were driven by her own fears of the vulnerability of England's porous border with Scotland to the interference of foreign military incursions or outlawed Catholic priests, concerns which made her berate James over his lack of action on the matter.³³⁶ However, while concerns over the vulnerability of the border may form the core of her strong statements on the controlling of overmighty subjects to ensure a monarch's safety and through it the security of their kingdom, they were also essential considerations for any monarch. These sentiments would have been apparent to Elizabeth from the instability of her childhood, the rebellions during her sister Mary's reign, and in the disorders of Mary Stuart's reign in Scotland. Furthermore, dangers from overmighty subjects would have grown stronger as Protestant England became increasingly isolated politically and diplomatically from the majority of its Catholic neighbours. In this context, her advice to James should not be reduced to terms of fear and paranoia but rather taken as an element of Elizabeth's understanding of her royal responsibilities and how inaction could be a risk to both herself and her kingdom as a whole.

While Elizabeth often focused upon the deep concerns of kingship – honest dealings, maintaining the law, overmighty subjects and kingly honour – she also touched upon the importance of appearances. In June 1594 she wrote to James accepting his explanation for a recent agitation in their correspondence which had led to insults being exchanged between the two monarchs referring to seduced kings and queens.³³⁷ Within this letter is the following curious sentence: "We Princes are set on hiest stage, where lookes of all beholders verditis our workes; neither can we easely dannee in nets, so thick as may dimme their sight."³³⁸ Within this letter, Elizabeth envisages monarchs as being on a stage and the world around them as the theatre audience. She stresses the importance of a monarch's representation and image of kingly rule beyond the words that they may utter as they perform the roles that their birth and God has cast them into. While they are actors and utter their lines, they must also be seen to act the part or they may lose the faith of their people. In her comment to James, Elizabeth took

³³⁶ Tunstall, "The Correspondence of Elizabeth I and James VI in the Context of Anglo-Scottish Relations, 1572-1603", 56.

³³⁷ Elizabeth to James, 22 December 1593, TNA, 52/51, fol. 75; James to Elizabeth, 13 April 1594, *The Cecil Papers*, 133/123; Elizabeth to James, May 1594, BL, Add MS 23240, fols. 132r-132v; James to Elizabeth, 5 June 1594, *The Cecil Papers*, 133/125; Elizabeth to James, TNA, SP 52/53 f.69.

³³⁸ Elizabeth to James, June 1594, TNA, SP 52/53 f.69.

the opportunity to inform him of an unwritten aspect of monarchy, that of the monarch being judged just as much for the appearance of how they perform their duty as much as for it being done. From this line of correspondence, we can see the importance of image and perception in Elizabeth's conception of her role and what it meant to be a monarch.

Elizabeth's reminder of the importance of image to a monarch leads to a familiar refrain in her letters to James to act as the king he was. Elizabeth based her advice upon her experience as England's monarch, stating to James in one of her letters, "Think me, I pray you, not ignorant what beco[m]eth a king to do".³³⁹ Her firm belief in how she considered a monarch should act prompted her to berate James on a number of occasions, often in an exasperated manner as if surprised that he could not see how his actions could be perceived. Elizabeth's occasionally frustrated tone has led to scholars such as Wallace T. MacCaffrey describing her letters to James as "patronizing, even hectoring".³⁴⁰ However, Elizabeth argued that James risked showing himself as unworthy and could therefore lose the support of his people if he did not act in a manner as was befitting a king: "God forbid you should lose the reputation of a kinglike rule that so unlyke a king wold work your own reproche. For they be actions no words wich paynts out ~~truly~~ truly kings truly in their coulours."³⁴¹ On another occasion she accused him of falling asleep in the conduct of his duties as monarch, allowing the encroachment by others into his kingly rule, "Awake therefore deere brother out of yo[u]r long slomber, and deale like a king who will ever raigne alone in his owne."³⁴² The encroachment of others into the kingly domain featured in another letter where Elizabeth challenged James' conciliar approach to rule, arguing that he should "never rule *precario more* when you may rule *regis regula*."³⁴³ Translated, Elizabeth's words were that a monarch should never rule by way of entreaty when he could rule in the manner of a king. In a burst of frustration in 1593, Elizabeth wrote bluntly to James urging, "For your own sake play the kinge, and lett your subjects see you respedt your selfe, and neither to hyde or to suffer danger and dishonnor."³⁴⁴ Fundamentally, these exhortations to rule as a king illustrate a central aspect of her understanding of monarchy, one which continuously frustrated her own councillors. That is, while a monarch was restricted by the laws that they had sworn to uphold, by their responsibilities to their people as represented

³³⁹ Elizabeth to James, January 1593, BL, Add MS 23240, fol. 109r.

³⁴⁰ Wallace T. MacCaffrey, *Elizabeth I: War and Politics 1588-1603* (Princeton: Princeton University Press, 1992), 305.

³⁴¹ Elizabeth to James, 19 May 1589, *The Cecil Papers*, 133/91.

³⁴² Elizabeth to James, 16 March 1588-9, *The Cecil Papers*, 133/82.

³⁴³ Elizabeth to James, March 1593, *C.W.*, 369. The Latin translates as follows, *precario more*: by way of entreaty, *regis regula*: in the manner of a king.

³⁴⁴ Elizabeth to James, 22 December 1593, TNA, SP 52/51 f.75

by Parliament, and to the requirement that they listen to the advice of their councils, they were nevertheless the sole ruler of their kingdom and it was their duty to God to do so in the manner of a king than be subject to those that served them.

In Elizabeth's letters to James, the succession was not often raised directly and did not feature prominently within their correspondence overall. The succession is touched upon in seven of Elizabeth's letters to James, and none discuss the matter bluntly.³⁴⁵ In most circumstances, Elizabeth does not even refer to the succession itself by name. In one of the earliest letters in the correspondence, during the negotiations for the Anglo-Scottish Treaty of Berwick, Elizabeth wrote, "I dare thus boldly affirm that you shall have the better part of this bargain."³⁴⁶ The bargain is assumed to be the alliance between England and Scotland, yet, with the primary advantage initially being the security of England through peace with Scotland, her words might appear hollow. However, Elizabeth's consideration of the bargain was likely more long-term than the conclusion of the alliance. With England and Scotland formally at peace, the chances of James eventually succeeding Elizabeth slightly improved as it would have been unthinkable for England to accept the king of an enemy kingdom as their monarch. In Elizabeth's letters it appears that she thought James' succession was likely, though that was only if he did nothing to upset the sensibilities of the English beforehand. Elizabeth replied to a letter from James which had expressed his satisfaction at her safety following Essex's Rising in 1601. In this letter there is a small trace of the succession and an apparent warning. She wrote

yet this I must tell you, that as I marvel much to have such a subject privy thereof, so doth my affectionate amity to you claim at your hands that my ignorance of subject's boldness be not augmented by your silence; by whom you may be sure you shall never obtain so much good as my good dealing can afford you³⁴⁷

Her veiled words were commenting upon a network of supposedly secret correspondence which James had been engaged with. The correspondence was conducted with the Earl of Essex and his circle who fell into disgrace following the rising.³⁴⁸ The correspondence presented a

³⁴⁵ Elizabeth to James, March 1586, BL, Add MS 23240, fols. 38r-39v; Elizabeth to James, May 1586, BL, Add MS 23240, fols. 45r-45v; Elizabeth to James, May 1594, BL, Add MS 23240, fols. 32r-132v; Elizabeth to James, 4th January 1598, *L.Q.E.*, 257-258; Elizabeth to James, 1 July 1598, *L.Q.E.*, 258-259; Elizabeth to James, 21st August 1600, *L.Q.E.*, 278-279; Elizabeth to James, April 1601, *L.Q.E.*, 287-288.

³⁴⁶ Elizabeth to James, March 1586, BL, Add MS 23240, fols. 38r.

³⁴⁷ Elizabeth to James, April 1601, *L.Q.E.*, 287-288.

³⁴⁸ Pauline Croft, *King James* (New York: Palgrave Macmillan, 2003), 45; Doran, "James VI and the English Succession", 38-39.

risk for James as it was undertaken to further his claim on the succession and could have fallen under the *Act for the Queen's Safety*, a move which could have formally barred him from the throne. Elizabeth's warning to him in this instance, as in her others, was both subtle and yet clear: he should not seek to meddle in the succession or he might risk the very thing that he sought, and Elizabeth would be unable to protect him from his own actions.

Elizabeth's lengthy correspondence with James does raise the question as to whether she considered him to be her successor, or possibly even used her letters to declare for him the English throne. In her article on the correspondence, Mueller strongly argues for such an interpretation, going as far to state that Elizabeth gave James the right to succeed her through her letters.³⁴⁹ However, this may be taking matters further than the evidence sustains as Elizabeth did not state in any of her letters that James would be her successor. Instead, it is highly probable that Elizabeth thought James was likely to succeed her and thought it prudent to begin mentoring him in her understandings of the monarch's role within English government. These letters, therefore were a demonstration of Elizabeth's acceptance of James as her probable successor, and her commitment not to infringe upon his claim, but did not in themselves explicitly signify him as her heir, for in the end she left the resolution of the succession to the determination of time.

Speeches

Of all of Elizabeth's various written works, the most public that she produced were her speeches. Unlike her privately held poems which did not circulate widely, and contrary to her letters to James which were generally meant for only one recipient, her spoken meditations were to be heard by many of her subjects and attributed directly to her. However, while the intentions of each form of writing were vastly different, the issues of authorship and accuracy of our versions still causes significant difficulty for historians seeking to interact with the words of Elizabeth I. One of the greatest challenges inherent in the use of Elizabeth's speeches is their manner of construction and transmission to us. Traditionally, editors and historians who have used Elizabeth's speeches have assumed that Elizabeth wrote her speeches before delivering them.³⁵⁰ However, it is now thought that the majority of Elizabeth's speeches which she delivered personally were impromptu and only written down by her or others after the fact. A

³⁴⁹ Mueller, "'To My Very Good Brother the King of Scots'", 1067.

³⁵⁰ Leah S. Marcus, "From Oral Delivery to Print in the Speeches of Elizabeth I", in *Print, Manuscript & Performance: The Changing Relations of the Media in Early Modern England*, eds. Arthur F. Marotti and Michael D. Bristol (Columbus: Ohio State University Press, 2000), 35.

prominent example of this would be Elizabeth's rebuke to the Polish Ambassador which she delivered on 25 July 1597, examined by Janet M. Green. This impromptu reply was delivered in Latin and well received by her subjects who witnessed her speech and recorded it for wider distribution.³⁵¹ Those speeches we have that she wrote before their presentation appear to have been delivered by others on her behalf.³⁵² Elizabeth maintained control over the authorship of her speeches. She wrote those speeches which were presented on her behalf and rewrote those that had been presented, either by others or by herself.³⁵³ Additionally, some of Elizabeth's speeches have been transmitted to us through the recording of them by those who heard her speak, a problematic situation as there was no workable or standardised system of short hand during the sixteenth century.³⁵⁴ However, this is not to say that such sources are entirely inaccurate, as a key feature of early modern education was the training of memory, which could enable speeches or sermons that lasted for over an hour to be later recalled for recital or recording.³⁵⁵ The memory skills of most educated Elizabethans should have been capable of reasonably recalling Elizabeth's speeches, which for the most part were relatively short; for example, the Tilbury Speech could be presented in under three minutes and her longer speeches were less than fifteen minutes.³⁵⁶

The convoluted nature of the transmission of Elizabeth's speeches, how they were prepared, delivered and then recorded, has led to the authenticity of many of her orations being questioned. In order to outline some of the challenges touched upon, the Tilbury Speech, one of Elizabeth's best-known orations, will be examined. On 9 of August 1588, Elizabeth visited the army encampment at Tilbury which had gathered to repel the Spanish Armada should it have landed. While at the camp, Elizabeth is said to have given a rousing speech,³⁵⁷ from which the following passage is taken:

I know I have the body but of a weak and feeble woman, but I
have the heart and stomach of a king, and of a king of England
too, and think foul scorn that Parma, or Spain, or any prince of

³⁵¹ Janet M. Green, "Queen Elizabeth I's Latin Reply to the Polish Ambassador", *Sixteenth Century Journal* 31, no. 4 (2000): 987-988.

³⁵² Marcus, "From Oral Delivery to Print in the Speeches of Elizabeth I", 35-37.

³⁵³ Bell, *Elizabeth I*, 7.

³⁵⁴ May, *S.W.*, xxiii.

³⁵⁵ Bell, *Elizabeth I*, 69.

³⁵⁶ Janet M. Green, "'I My Self': Queen Elizabeth I's Oration at Tilbury Camp", *The Sixteenth Century Journal* 28, no. 2 (1997): 423; Leah S. Marcus, "Collaboration in the Parliamentary Speeches of Queen Elizabeth I", in *Gender, Authorship, and Early Modern Women's Collaboration*, ed. Patricia Pender (Cham, Switzerland: Palgrave Macmillan, 2017), 57.

³⁵⁷ Green, "'I My Self'", 421.

Europe should dare to invade the borders of my realm, to which rather than any dishonor shall grow by me, I myself will take up arms, I myself will be your general, judge and rewarder of every one of your virtues in the field.³⁵⁸

Scholars such as Susan Frye and Frances Teague have argued that the Tilbury speech did not occur, or at least not in the form that we are familiar with.³⁵⁹ The basis of the argument against its authenticity is that our main copy of its presentation was not written until the seventeenth century and there are no eyewitness reports of her words.³⁶⁰ However, recent editors of Elizabeth's writings disagree with this conclusion, including it in their collections of her writings.³⁶¹ Moreover, a number of other scholars have also argued convincingly for its authenticity. According to these scholars, Dr Leonell Sharp, the author of our main version of the text and the chaplain of the Earl of Leicester, is known to have been present with Elizabeth in the camp at the time of her oration and in close proximity with her. Additionally, there are five further accounts of Elizabeth speaking to her troops at Tilbury, in which, while they are not exact copies of the speech, many of their points do match.³⁶² The Tilbury Speech also shares some features of other speeches by Elizabeth, in particular her desire to live only for the protection of her people, a theme which will be explored further below. The current consensus in the scholarship is that while the words that we have of her Tilbury address may not be entirely accurate, they are thought to be reasonably close to what she said.

In addition to the difficulty of establishing what Elizabeth said when she spoke to her people, how many speeches she gave is also a problematic question.³⁶³ It is thought that Elizabeth gave either eighteen or nineteen speeches, of which fourteen survive. Eleven of these she delivered herself, while others were delivered on her behalf.³⁶⁴ Of these speeches, the majority were in English and presented to either Parliament or parliamentary delegations with

³⁵⁸ Elizabeth, Speech 10 ("The Tilbury Speech"), 9 August 1588, *S.W.*, 77.

³⁵⁹ Susan Frye, "The Myth of Elizabeth at Tilbury", *The Sixteenth Century Journal* 23, No. 1 (1992): 95-114; Frances Teague, "Queen Elizabeth in Her Speeches", in *Gloriana's Face: Women, Public and Private, in the English Renaissance*, eds. S. P. Cerasano and Marion Wynne-Davies (Hemel Hempstead: Harvester Wheatsheaf, 1992), 63-78.

³⁶⁰ Frye, "The Myth of Elizabeth at Tilbury", 95.

³⁶¹ *C.W.*; May, *S.W.*

³⁶² Steven W. May, "Queen Elizabeth to Her Subjects: The Tilbury and Golden Speeches", in *Elizabeth I and the 'Sovereign Arts': Essays in Literature, History, and Culture*, eds. Donald Stump, Linda Shenk, and Carole Levin (Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 2011), 125-141; Green, "'I My Self'", 421-445.

³⁶³ Teague, "Queen Elizabeth in Her Speeches", 66.

³⁶⁴ Allison Heisch, "Queen Elizabeth I: Parliamentary Rhetoric and the Exercise of Power", *Signs* 1, no. 1 (1975): 31.

the Tilbury speech being a notable exception.³⁶⁵ Four other speeches that we can confidently attribute to her were presented in Latin, these being her scolding of the Polish ambassador in 1597 and her university orations. The various means of production, presentation and recording of the speeches delivered by Elizabeth, in addition to the uncertainty surrounding the number of speeches that she presented, have made it challenging to scholars seeking out the authentic voice of Elizabeth from her writings. As Marcus states, “The one form we most assuredly do not have is the speeches as she actually gave them, with the tone, the inflection and gestures she brought to her delivery of them.”³⁶⁶ However, while we have lost much through the centuries of transmission, they still remain a significant source in our attempts to understand her approaches to sixteenth-century politics and events.

Certain themes that were prominent in Elizabeth’s other forms of writing were threaded throughout her speeches, one of which was, once again, the theory of the King’s two bodies. In one of her first speeches following her accession to the throne, Elizabeth stated “as I am but one body naturally considered, though by His permission a body politic to govern”.³⁶⁷ In this speech, her usage of the King’s two bodies is ungendered and merely points to the elevation of an individual to the throne through God’s will. However, not long afterwards Elizabeth added her own gender into the mix. During the first Parliament of her reign, in 1559, Elizabeth was presented with a petition that she marry and establish the succession.³⁶⁸ Elizabeth chose to address the matter herself rather than leave it to others, stating that, despite “being a woman wanting both wit and memory, some fear to speak and bashfulness besides”, as she occupies “the princely seat and kingly throne wherein God (though unworthy) hath constituted me” she would speak.³⁶⁹ Her words on that occasion were to soothe the concerns of her Parliament and to promise in good time to marry. However, it was her contrast between the respectable silence of a woman and the needs of the “princely seat” that set the King’s two bodies into starkly visible form.³⁷⁰ Elizabeth contrasted the two images, that of the weak woman and the strong masculine ruler, on numerous occasions, but none more familiar than the Tilbury Speech already discussed where she stridently proclaimed sharing the heart and stomach of a masculine

³⁶⁵ Janel Mueller, “Virtue and Virtuality: Gender in the Self-Representations of Queen Elizabeth I”, in *Form and Reform in Renaissance England: Essays in Honor of Barbara Kiefer Lewalski*, eds. Amy Boesky and Mary Thomas Crane (Newark: University of Delaware Press, 2000), 221.

³⁶⁶ Marcus, “From Oral Delivery to Print in the Speeches of Elizabeth I”, 33.

³⁶⁷ Elizabeth, Speech 2, January 1559, *S.W.*, 34.

³⁶⁸ J. E. Neale, *Elizabeth I and Her Parliaments 1559-1581* (New York: W. W. Norton & Company, 1966), 47-50.

³⁶⁹ Elizabeth, Speech 3, 28 January 1563, *S.W.*, 37.

³⁷⁰ Elizabeth, Speech 3, 28 January 1563, *S.W.*, 37.

king despite her being a woman.³⁷¹ The duality of being bound by the social conventions of womanhood while also fulfilling the masculine role of a monarch was a prominent point of Elizabeth's speeches. The duality found its most clear expression when she made use of the King's two bodies theory, but was also found in the realms of learning, an area she held to be of great importance to rulers.

Elizabeth was a highly educated woman and a sovereign queen, yet this did not entirely remove the restrictions placed upon women in Tudor England. During the sixteenth century, women were instructed to be chaste, obedient and silent, an expected norm which was difficult for a female monarch to negotiate.³⁷² One of the means to circumvent the restrictions upon women publicly engaging in such activities as speaking or writing was to utilise the rhetoric of modesty.³⁷³ Elizabeth was familiar with this rhetoric and used it on a number of occasions, most notably during her university visits in the 1560s. The first of these visits was to Cambridge in August 1564. In her speech marking the occasion, Elizabeth stated that her "feminine modesty" would normally prevent her from speaking before such a gathering, but that she was encouraged by her people to give one.³⁷⁴ At Oxford two years later, in September 1566, she elaborated on her earlier expression of modesty:

For a long time, truly, a great doubt has held me: Should I be silent or should I speak? If indeed I should speak, I would make evident to you how uncultivated I am in letters; however, if I remain silent my incapacity may appear to be contempt.³⁷⁵

Elizabeth's statement of incapacity should be taken as a genuflection towards expected womanly modesty in a masculine center of learning rather than a factually based statement, as Elizabeth had been given a complete humanist education which included acquisition of languages, reading the classics, and the use of rhetoric.³⁷⁶ Indeed, for the most part, Elizabeth considered the image of the educated ruler to be an important aspect of her self-representation.³⁷⁷ Furthermore, as Linda Shenk has argued, the very nature of her university speeches can be seen as a subversion of traditional gender roles as by speaking in Latin in a

³⁷¹ Elizabeth, Speech 10 ("The Tilbury Speech"), 9 August 1588, *S.W.*, 77.

³⁷² Mary Thomas Crane, "'Video et Taceo': Elizabeth I and the Rhetoric of Counsel", *Studies in English Literature, 1500-1900* 28, no. 1 (1988): 2.

³⁷³ Patricia Pender, *Early Modern Women's Writing and the Rhetoric of Modesty* (New York: Palgrave Macmillan, 2012), 3.

³⁷⁴ Elizabeth, "Queen Elizabeth's Latin Oration at Cambridge University", 7 August 1564, *C.W.*, 87.

³⁷⁵ Elizabeth, "Queen Elizabeth's Latin Oration at Oxford University", 5 September 1566, *C.W.*, 90.

³⁷⁶ Crane, "'Video et Taceo'", 4; J. E. Neale, *Essays in Elizabethan History* (London: Jonathan Cape, 1958), 134.

³⁷⁷ Bell, *Elizabeth I*, 9.

masculine space of learning Elizabeth emphasised her standing as an educated and capable ruler.³⁷⁸ In contrast to Elizabeth's display of modesty at the universities, in Parliament she presented herself as a highly educated ruler fitting with the Renaissance ideal.³⁷⁹ She stated, "I am supposed to have many studies, but most philosophical. I must yield this to be true: that I suppose few (that be no professors) have read more."³⁸⁰ Elizabeth's speeches were often adapted to suit the audience which she addressed, in some circumstances displaying appropriate modesty, whereas in others firmly taking up the ideal of the educated ruler. Elizabeth's reign was in many respects bound by such dualities, expressed most clearly in the King's two bodies theory, and which influenced her writing, speeches and her conception of monarchy.

An element of kingship, which, while also gendered within the Tudor period, appears to have provided less difficulty for Elizabeth was the matter of kingly honour and keeping one's word. As Elizabeth emphasised in her letters to James, honour and the upholding of a monarch's word was vital for a monarch in order to maintain their rule. At the proroguing of Parliament in April 1563, Elizabeth addressed the gathered members, "Since there can be no duer debt than princes' word, to keep that unspotted for my part, I was one that would be loath that self thing that keeps the merchant's credit from craze should be the cause that princes' speech should merit blame and so their honor quail."³⁸¹ In this speech, Elizabeth compared a monarch's honour to a merchant's credit, as both needed to be unspotted to ensure that their commitments were regarded as trustworthy. Elizabeth carefully minded her honour and considered the maintenance of her word vital to upholding it, for if a monarch did not keep their word to their subjects, their subjects would lose faith in their rule and future promises. A sign of her frustration with those doubting her words, which highlights her commitment to keeping her word when given, can be found in her response to a joint delegation from the Lords and Commons of Parliament who had petitioned her to marry and establish the succession in November 1566. She pointedly told them, "A strange order of petitioners that will make a request and cannot be otherwise ascertained but by the prince's word, and yet will not believe it when it is spoken!"³⁸² The difficulty of the succession issue and her marriage led some of

³⁷⁸ Linda Shenk, *Learned Queen: The Image of Elizabeth I in Politics and Poetry* (New York: Palgrave Macmillan, 2010), 4, 134, 137.

³⁷⁹ Iamartino and Andreani, "In the Queen's Name", 122.

³⁸⁰ Elizabeth, "Queen Elizabeth's Speech at the Closing of Parliament", 29 March 1585, *C.W.*, 182.

³⁸¹ Elizabeth, Speech 4, 10 April 1563, *S.W.*, 42; Craze in the sixteenth century could refer to a flaw, breach or defect, "Craze, n.", *OED Online*, (Oxford University Press, Accessed June 2021), <https://www.oed.com/view/Entry/43993?rkey=4e4Ccm&result=1>.

³⁸² Elizabeth, "Queen Elizabeth's Speech to a Joint Delegation of Lords and Commons", 5 November 1566, *C.W.*, 95.

her people to doubt her word, a matter of extreme frustration for Elizabeth, and one which could not be easily negotiated as there were too many conflicting ideas about each problem. However, regardless of her difficulty in Parliament and with her council on the succession, Elizabeth held within her writings that her word was an intrinsic part of her honour, and it was something she was determined to uphold throughout her reign.

A theme interwoven throughout Elizabeth's speeches was that of kingship, but in particular the challenges inherent upon those who wore the crown and the inability for those who were not themselves a monarch to fully comprehend its nature. In her stinging rebuke of the presumptuous Polish ambassador, Paul de Jaline, who had sought to lecture her in her own responsibilities in July 1597, Elizabeth argued in Latin, "and as concerning yourself, you seem to have read many books, but the book of princes you have not so much as touched, but show yourself utterly ignorant what is convenient between kings."³⁸³ As she wrote in her letters to James, a king was the only one who could understand what a king should do, and who could understand the burdens of rule. Elizabeth reflected upon this theme in what is known within the scholarship as the 'Golden Speech' which she delivered to a delegation from Parliament on 30 November 1601:

I know the title of a king is a glorious title, but assure yourself that the shining glory of princely authority hath not so dazzled the eyes of our understanding but that we well know and remember that we also are to yield an account of our actions before the great judge. To be a king and wear a crown is a thing more glorious to them that see it than it is pleasing to them that bear it. For myself, I was never so much enticed with the glorious name of a king or royal authority of a queen as delighted that God had made me His instrument to maintain His truth and glory and to defend this kingdom, as I said, from peril, dishonour, tyranny, and oppression.³⁸⁴

In her 'Golden Speech' Elizabeth clearly outlines the divide between those outside observers dazzled by the crown and those who must sit upon the throne beneath the weight of the crown. Throughout Elizabeth's speeches and her poetry, the crown and the responsibilities that accompanied it carry great weight and demand some level of sacrifice of the individual who

³⁸³ Elizabeth, "Queen Elizabeth's Latin Rebuke to the Polish Ambassador, Paul de Jaline", 25 July 1597, *C.W.*, 333.

³⁸⁴ Elizabeth, Speech 11 ("The Golden Speech"), 30 November 1601, *S.W.*, 87.

wears it. It was a weight that Elizabeth declared that she was willing to bear for her people and it became a consistent theme throughout her speeches.

Elizabeth's role as monarch was ultimately depicted by her as one of service, rather than of enjoyment, and it was for her people she continuously dedicated her service in her speeches. At the closing of Parliament in April 1593, Elizabeth stated that, "For before God and in my conscience, I protest (whereunto many that know me can witness) that the greatest expense of my time, the labor of my studies, and the travail of my thoughts chiefly tendeth to God's service and the government of you, to live and continue in a flourishing and happy estate."³⁸⁵ In this statement she brings together her imagery of the educated monarch and the duty of monarchy for the continued welfare of her people. While she did not place any limitations upon her commitment to her kingdom, Elizabeth was open to the limitations of mortality upon her stewardship of her people. In her 'Golden Speech' of 1601, a few years before her death, she stated, "neither do I desire to live longer days than that I may see your prosperity, and that's my only desire."³⁸⁶ From her speeches, it is apparent that Elizabeth viewed her role as one of service and duty, one which she thought could only be fully understood by other monarchs; however, as her writings present her work as service undertaken for the good of her people, she also expressed a desire not to live beyond when she could support them as their Queen.

It was in her speeches, the most public of all the genres of writing that she used, that Elizabeth most clearly engaged with the issue of the succession. In five of Elizabeth's known speeches the succession formed an important component.³⁸⁷ The reason for this prominence, is that for the most part these were responses to the agitations of her parliament that required a direct comment upon the matter. In her speeches, Elizabeth committed to marrying for the good of her kingdom and through such a marriage establish the succession, particularly during the first half of her reign. Such a commitment did not satisfy her parliament and they continued to agitate for a formal limitation and declaration of the succession, a topic which shall be discussed further in Chapter Four. Elizabeth used her speeches to argue a contrary point, as she said before the Parliamentary delegation in 1566, "The second point was the limitation of the

³⁸⁵ Elizabeth, "Queen Elizabeth's Speech at the Closing of Parliament", 10 April 1593, *C.W.*, 331.

³⁸⁶ Elizabeth, Speech 11 ("The Golden Speech"), 30 November 1601, *S.W.*, 84.

³⁸⁷ Elizabeth, "Queen Elizabeth's First Speech before Parliament", 10 February 1559, *C.W.*, 56-60; Elizabeth, Speech 3, 28 January 1563, *S.W.*, 37-41; Elizabeth, "Queen Elizabeth's Speech to a Joint Delegation of Lords and Commons", 5 November 1566, *C.W.*, 93-98; Elizabeth, Speech 6, 2 January 1567, *S.W.*, 47-51; Elizabeth, Speech 7, 15th March 1576, *S.W.*, 52- 60.

succession of the crown, wherein was nothing said for my safety, but only for themselves.”³⁸⁸ For Elizabeth there were clear risks inherent in the naming of a successor, risks she herself experienced as her sister’s heir. In her speeches, Elizabeth was consistent in her stance on establishing a line of succession should she die without children. She argued persuasively that a named successor did not ensure either a kingdom’s stability or security, or that of its monarch, as was demonstrated during the reign of Mary Tudor.³⁸⁹ For Elizabeth, the succession was to be left in God’s hands, and until the time of her death she would rule for England’s present benefit.

While Elizabeth held very firm ideas about monarchy and the responsibilities of a monarch to their people, she did not deny the roles of other institutions within the kingdom’s government. In the highly fraught 1566-7 session of Parliament, the succession question became entangled with that of the House of Common’s traditional liberties, particularly that of freedom of speech, a matter which will be explored in greater depth in Chapter Four. Elizabeth closed the session with her own speech after the official response had been given on her behalf by the Lord Keeper. As she responded to the question of liberties, she argued, “God forbid that your liberty should make my bondage, or that your lawful liberties be infringed.”³⁹⁰ This was directed towards those who had pushed their liberties further than was the norm, to such an extent that they infringed upon her royal prerogatives.³⁹¹ As far as Elizabeth was concerned, the Commons needed to respect certain limits, as she herself had to do. Their enthusiasm for greater freedoms had come at the cost of her restriction, something which was as unacceptable as her limiting their liberties. In this speech, as in others, Elizabeth presented herself as a woman bound to her duty as monarch, her personal self often subjected to her queenly persona under the King’s two bodies theory, and as this duality had to exist within herself it also existed within the kingdom as a whole. In her speech to the 1567 Parliament Elizabeth made her authority over her people clear, when she challenged any who doubted that “a Prince that is head of all the body may not command the feet not to stray when they would slip”.³⁹² She was the head of the kingdom, not to be commanded by the feet as she described the situation in her speech, but she relied upon her loving people to succeed as a monarch and in this speech, she reminded her Parliament that they relied upon her too.

³⁸⁸ Elizabeth, “Queen Elizabeth’s Speech to a Joint Delegation of Lords and Commons”, 5 November 1566, *C.W.*, 96.

³⁸⁹ Elizabeth, “Queen Elizabeth’s Speech to a Joint Delegation of Lords and Commons”, 5 November 1566, *C.W.*, 93-98; Elizabeth, Speech 6, 2 January 1567, *S.W.*, 47-51.

³⁹⁰ Elizabeth, Speech 6, 2 January 1567, *S.W.*, 48.

³⁹¹ Neale, *Elizabeth I and Her Parliaments 1559-1581*, 167-173.

³⁹² Elizabeth, Speech 6, 2 January 1567, *S.W.*, 48.

While the precise wording of Elizabeth's speeches may not be entirely accurate, and the punches delivered in her original presentation may be pulled in later recordings, they still remain important examples of Elizabeth's words. Elizabeth's speeches can provide some insight into her considerations of royal prerogative and government throughout her reign, particularly when considered alongside her letters and her poems.

Elizabeth's Theory of Kingship

Unlike other monarchs, such as James VI for example, Queen Elizabeth I never produced a treatise of kingship. However, as this chapter has demonstrated, she did write extensively across a number of genres, and within her writings the topic of kingship was ever present. Each form of writing had its own constraints upon how Elizabeth expressed her views, and she considered carefully what she wrote as it could have been used against her. However, this does not make her writings without notable features, nor does it remove their ability to provide us with a glimpse into her understandings of kingship and government. Traditionally, Elizabeth's writings have been approached as distinct genres, an approach which this chapter has followed up to this point in order to make best use of the scholarship on each genre of Elizabeth's writings. However, as each form of writing was produced by the one author, this thesis will now analyse these genres together so as to seek a deeper understanding of both Elizabeth's writings and her consideration of kingship, presenting her thoughts in a theory of kingship. It also seeks to highlight Elizabeth as a thinker in her own right.

While this section focuses upon kingship, it must be noted that queenship has been a substantial field of scholarship for some time and has been influential in the consideration of Elizabeth's reign and the nature of monarchy under a female ruler.³⁹³ Carole Levin began this work in her significant book, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex*, which considered how Elizabeth used the expectations of society concerning her gender to her own advantage.³⁹⁴ Levin's work was followed by such historians as Anne McLaren and Mary Thomas Crane, who have argued that gender was one of the defining forces within

³⁹³ Notable volumes in this field include Levin, *The Heart and Stomach of a King*; McLaren, *Political Culture in the Reign of Elizabeth I*; Natalie Mears, *Queenship and Political Discourse in the Elizabethan Realms* (Cambridge: Cambridge University Press, 2005); Liz Oakley-Brown and Louise J. Wilkinson (eds.), *The Rituals and Rhetoric of Queenship: Medieval to Early Modern* (Dublin: Four Courts Press, 2009); Alice Hunt and Anne Whitelock (eds.), *Tudor Queenship: The Reigns of Mary and Elizabeth* (New York: Palgrave Macmillan, 2010); Helen Matheson-Pollock, Joanne Paul and Catherine Fletcher (eds.), *Queenship and Counsel in Early Modern Europe* (Cham, Switzerland: Palgrave Macmillan, 2018); as well as the important *Queenship and Power* series edited by Charles Beem and Carole Levin.

³⁹⁴ Levin, *The Heart and Stomach of a King*.

Elizabeth's reign.³⁹⁵ While the importance of gender cannot be underestimated and has served as a motivator for new studies on Elizabeth and other queens, the importance of gender should also not be overstated. Natalie Mears argued that, while Elizabeth was no "prisoner of her gender", it was still a matter of concern for a number of her Councillors, though their concern did not alter how Elizabeth herself approached her role. Furthermore, slander based upon her gender was often used to criticise Elizabeth.³⁹⁶ However, Mears argues that generally Elizabeth sought to diminish any apparent issues raised as a result of her gender.³⁹⁷ As has been shown above, the issue of Elizabeth's gender was complex. In her most private form of writing, that is her poetry, Elizabeth represented herself as a woman who struggled with the masculine nature of her role. However, in her letters to James, Elizabeth took on the persona of a king and did not refer to herself as a queen within their lengthy correspondence. Elizabeth's speeches also mirrored this emphasis of masculine monarchy but also did not deny her own gender, which was plainly obvious to any who witnessed her speak. For this reason, Elizabeth's thoughts on her role as England's monarch should be considered her theory of kingship, and distinct from queenship, as she thought of herself as wielding the same masculine authority as her father, rather than that of a queen.

Threaded throughout Elizabeth's writings were a number of elements which, when placed together, describe her understanding of her role as England's queen. For Elizabeth the crucial concern for a monarch was the need to contain destabilising forces within a kingdom through the upholding of the law, restraint of overmighty subjects and the negation of falsehoods and rumours. In her letters to James, Elizabeth wrote on numerous occasions of the importance of maintaining justice, and the undermining effects of shielding powerful subjects from the law. Maliciously created hearsay, as well as the ambitions of noble subjects, eroded the trust held by the people for their monarch. Such concerns featured particularly strongly in her poem 'Doubt of Future Foes'.³⁹⁸ These subverting forces of powerful subjects with no fear for the law who could challenge a ruler though the use of rumour were a significant concern for all monarchs, and for Elizabeth particularly in light of her vulnerable position as both a Protestant and a female ruler. Furthermore, the danger from such forces was added to by the threat of Mary Stuart as a rallying point for the dissatisfied during her captivity in England. However, while Elizabeth's writings demonstrate her concern for the need to maintain justice

³⁹⁵ McLaren, *Political Culture in the Reign of Elizabeth I*; Crane, "Video et Taceo".

³⁹⁶ Mears, *Queenship and Political Discourse in the Elizabethan Realms*, 258, 268-269.

³⁹⁷ Mears, *Queenship and Political Discourse in the Elizabethan Realms*, 271.

³⁹⁸ Elizabeth, "The Doubt of Future Foes", *C.W.*, 133-134.

to prevent the destabilising effect of lawless nobles, she placed more weight upon two further twinned elements of kingship to maintain her rule, that of honour and the strength of a king's word. In her letters and her speeches, the honour of a monarch was tied to the need for a monarch to maintain their word. Elizabeth held that her word once given, to her people or to James, should not be doubted. To doubt her given word on a matter was to question her honour. In her writings, Elizabeth argued that she would hold her kingdom at peace thorough the upholding of England's laws and the restraint of overmighty subjects, and by maintaining her word her people could place their trust in her rather than falsehoods which sought to undermine her authority as Queen.

The King's two bodies theory is prominent, though expressed quite differently, within each genre of Elizabeth's writing. In Elizabeth's poetry the theory is the source of difficulty and some pain. Her poems tell of the internal struggle between her female self and the requirements that the masculine role of king places upon her life. From her poems there is some sense of regret at the need to deny parts of herself, such as within 'On Monsieur's Departure', and the need to live her life according to the wishes of others, as is the case with the 'Verse Exchange with Sir Thomas Heneage'.³⁹⁹ The more somber struggle between her personal desires and the role of Queen that is prevalent within her poetry does not appear within her other forms of writing, which adds further weight to the consideration of these pieces as being intended to remain private possessions of the Queen, or at least amongst a select audience of close acquaintances. While the troubled contemplation from the poems does not extend further into other forms, the king's two bodies theory is used within her speeches in a profoundly different manner. Elizabeth uses the theory in her speeches as a form of foundational statement for her rule. It becomes a public statement for the duality of not only the role of king, but in her specific case, for female rule. Allinson notes that it was used by her counselors as the basis for her rule following her accession.⁴⁰⁰ However, it was also a prominent feature of her speeches and utterances which enabled her to assume the masculine role of monarch without denying the reality of her feminine self, a duality which became the heart of English monarchy for the duration of her reign. Such a prominent display of this duality is best known in her *Tilbury Speech*, and its statement of being physically a woman but possessing a king's heart.⁴⁰¹

³⁹⁹ Elizabeth, Poem 6 ("On Monsieur's Departure"), *S.W.*, 12; Elizabeth, Poem 5b ("Verse Exchange with Sir Thomas Heneage"), *S.W.*, 10.

⁴⁰⁰ Allinson, "Conversations on Kingship", 132-133.

⁴⁰¹ Elizabeth, Speech 10 ("The Tilbury Speech"), 9 August 1588, *S.W.*, 77.

While the king's two bodies theory was threaded throughout Elizabeth's poems and speeches, it was conspicuously absent from her correspondence with James. In Elizabeth's letters to James she consistently projected herself as a masculine king, something which she did not do in her other writings.⁴⁰² The reason for this is based in part upon Elizabeth's need to maintain an equal status with James in the sense of both being acknowledged monarchs in control of their own kingdoms. However, in addition to this need for commonality of their status, the nature of their correspondence, or at least how Elizabeth considered the nature of their correspondence, is fundamental to the absence of the king's two bodies theory. When Elizabeth wrote her letters to James, she often assumed the role of counsellor to a younger monarch. Elizabeth wrote to advise him of kingship, not in general terms, but instead very specifically and from the standpoint of England's monarch. Her letters were instructional and in many cases sought to specifically guide James on his duty as a king. However, while her instructions may not have been entirely appropriate for Scotland's political climate, Elizabeth was not instructing James for the purpose of ruling Scotland. Instead her instruction was given with an understanding that James was likely to be her heir and that he needed to be taught the bounds of kingship in England which were admittedly very different to Scotland. As these letters of instruction were for a future male king, Elizabeth took on the persona herself rather than base her words upon the duality of the king's two bodies, to provide an example for James of what was fitting for an English King.

In addition to the duality of the king's two bodies, which formed a foundational consideration for Elizabeth's kingship, there was a further duality in Elizabeth's writings. This duality placed on the one hand a belief that only kings could truly understand what were appropriate actions for a king to take and, on the other, a consideration that a monarch's life was dictated in part by how their actions appeared to their people. Elizabeth's rebuke to the Polish ambassador that he was ignorant in the books of kings and how they should conduct themselves did not stand on its own, as she had previously commented on the very same point to James in their correspondence.⁴⁰³ For her, the words of counsellors should be considered, but ultimately they were not to be blindly followed, as they were not kings themselves and could only be fully aware of the appearance of kingship rather than the lived experience of a monarch. For while the experience of being a monarch was not known to others, the public appearance of monarchy was widely known and seen. Elizabeth commented upon appearances

⁴⁰² Allinson, "Conversations on Kingship", 134

⁴⁰³ Elizabeth, "Queen Elizabeth's Latin Rebuke to the Polish Ambassador, Paul de Jaline", 25 July 1597, *C.W.*, 333.

in her poems, her letters and her speeches. Her letters to James stressed the importance of a monarch being seen to perform their duties, rather than to simply say that it would be done. She placed a monarch upon a metaphorical stage in her letters, a metaphor which she also used in her speeches, stating

for we princes, I tell you, are set on stages in the sight and view of all the world duly observed. The eyes of many behold our actions; a spot is soon spied in our garments, a blemish quickly noted in our doings. It behooveth us therefore to be careful that our proceedings be just and honourable.⁴⁰⁴

Her poetry also commented upon appearances, as is the case with ‘On Monsieur’s Departure’ where she contrasted what she felt internally with what she must, or must not, show in public.⁴⁰⁵ Elizabeth writes about how a monarch is judged for their public appearance regardless of the social status of the viewer. It stands in stark contrast to the point that only other kings could fully understand the responsibilities of a king, and it is an inherent duality in Elizabeth’s monarchy and conception of her rule. She personally was the only one who could understand the situation she found herself in, yet she had to conform to the ideas that others had concerning the appearance of an English monarch. This duality of monarchy was something that her writings explored and today can show us how she sought to manage the challenges inherent within her role as Queen.

Ultimately, regardless of the challenges presented by an often contradictory existence as a female monarch in the sixteenth century, Elizabeth considered her primary role as monarch to be in the service of her people. In her writings Elizabeth argued that it was for them that she endured the difficulties of a fractured self brought about by her necessary embrace of the theory of the King’s two bodies, that she sought to uphold her honour and her word. She contended that the maintenance of England’s laws were for the good of her people beyond those overmighty subjects that would seek to challenge their monarch, and that peace was better for the kingdom than the instability of falsehoods and rumours. This is not to say that England was a paradise, nor does it diminish the substantial social ills that challenged the kingdom in the later years of her reign; however, it does present an idea of how Elizabeth perceived of her role as England’s monarch. Ultimately, this chapter has argued that, from an analysis of recurring themes within Elizabeth’s poetry, letters, and speeches, a coherent theory of kingship can be

⁴⁰⁴ Elizabeth, Speech 8, 12 November 1586, *S.W.*, 65.

⁴⁰⁵ Elizabeth, Poem 6 (“On Monsieur’s Departure”), *S.W.*, 12.

extrapolated which could be situated alongside the treatises of kingship produced by other monarchs. This is not to say that her ideas on kingship were unique, but rather that they did form a set of ideas which Elizabeth used in her writings on monarchy which has not been previously outlined. A theory of kingship which Elizabeth sought to pass onto James in preparation for his potential succession should circumstances lead him to the throne.

Chapter Three – The Privy Council: A Monarchical Republic?

After the monarch, the Privy Council was considered to be the most important institution in the English government. The Privy Council was a group of men chosen by their monarch to provide advice on matters of state and policy. The scholarship on the Elizabethan Privy Council has argued that the Privy Council's actions displayed elements of monarchical republicanism, or rather the belief that, under Elizabeth, England was not a sovereign monarchy but was instead a mixed polity, one under which authority was shared between the monarch, the Privy Council and Parliament. This chapter will interrogate the idea of whether there was effectively a monarchical republic in Elizabethan England. I argue that monarchical republicanism was embraced by the Privy Council as a reaction to their unease over female monarchy and out of desperation to establish the succession. This chapter will examine the actions of the Privy Council through three case studies which directly relate to the succession. In 1562 Elizabeth fell gravely ill with smallpox, and, although she recovered, her illness caused significant anxiety amongst the Privy Council. In response to Elizabeth's health scare, the Privy Council, led by William Cecil, sought to pass an interregnum plan through Parliament based upon a conception of mixed polity government. The failure to pass the interregnum plan left the succession undecided and provided the background to my second case study. Following the assassination of the Protestant leader William of Orange in 1584 by a Catholic supporter of King Philip II of Spain, the Privy Council again sought to force Elizabeth's hand to determine the succession. Cecil, now Lord Burghley, worked alongside Walsingham to create the Bond of Association in the lead-up to a Parliamentary session, during which Burghley once again sought to pass an interregnum scheme. These plans failed to gain Elizabeth's approval and the Bond was weakened at her insistence when it became enacted as the Act for the Queen's Safety. In 1587, Mary Stuart's execution warrant became the focus of the greatest clash between the Queen and her Privy Council regarding what type of government England had, and this clash forms the third case study. The Privy Council took independent action to dispatch the warrant against its monarch's commands, an act permitted under a monarchical republic but not a sovereign monarchy. The aftermath of Mary Stuart's execution clearly demonstrated that, while the Privy Council initially operated under the conception of monarchical republicanism in order to satisfy their concerns with female monarchy and an undecided succession, England was firmly ruled by a monarch who would not accept any insubordination by her most trusted advisors.

This chapter through, its examination of the Privy Council's actions prior to 1587, argues that the Privy Council's adoption of monarchical republicanism was founded upon their anxieties about the succession and their concerns over female monarchy. While the Privy Council embraced monarchical republicanism, it is argued that such an interpretation of English government had no legal foundation, and, more importantly, no support from Elizabeth herself. Following Mary Stuart's execution monarchical republicanism fell into disgrace and was not used by the entire Privy Council again during Elizabeth's reign. However, this chapter contends that, while monarchical republicanism did not dominate the Privy Council as it did before Mary Stuart's execution, it was still an influential component in the thinking of individual Privy Councillors. Though the examination of two Privy Councillors, the Earl of Essex and Sir Robert Cecil, this thesis challenges Guy's argument that monarchical republicanism was not a feature of the Privy Council in the 1590s, and that its continued usage by individual Privy Councillors was driven by the unsettled succession.

The Privy Council and the Monarchical Republic

While Elizabeth ruled England and carefully guarded her prerogatives, she herself did not handle the full complexity and minutiae within the various institutions of her government, as this role was overseen on her behalf by her Privy Council. The Privy Council as understood by the Elizabethans was a relatively recent creation, with its first recorded meeting being held on 10 of August 1540 during the reign of Henry VIII, and its own seal not being granted until the 20th of May 1555.⁴⁰⁶ It had itself developed out of the Council Attendant used during Henry VII's reign, which consisted of at least 227 men during his reign, though it is unlikely they ever assembled as a single body.⁴⁰⁷ Therefore, when Elizabeth took the throne there was no firmly fixed organisation or set membership for the Privy Council, just a basic understanding of how the council should function, and this enabled her to select one of her choosing.⁴⁰⁸ Elizabeth chose not to fill her Privy Council entirely with nobility nor to provide token membership in name only. Her council for the most part included administrators and officers of her court, with only a few important nobles. As her reign progressed, the nobles on the council decreased and

⁴⁰⁶ Michael Barraclough Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies* (Berkeley: University of California Press, 1971), 15-16.

⁴⁰⁷ Penry Williams, *The Tudor Regime* (Oxford: Clarendon Press, 1979), 422; Natalie Mears, "The Council", in *The Elizabethan World*, eds. Susan Doran and Norman Jones (New York: Routledge, 2014), 59; David J. Crankshaw, "The Tudor Privy Council, c.1540-1603", (Cengage Learning EMEA, 2009).

⁴⁰⁸ Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, 16.

only one bishop ever sat upon the council.⁴⁰⁹ Elizabeth's Privy Council was one that, from the outset, was shaped to fulfill an administrative and managerial role, one which was further assisted by its manageable size.

One of the immediately notable features of Elizabeth's Privy Council throughout her reign was its size. Elizabeth's Privy Council was smaller than had been the case with either Edward VI or Mary I, or indeed would be the case with her successors.⁴¹⁰ A total of fifty-eight men served on Elizabeth's Privy Council across her forty-five-year reign.⁴¹¹ In 1558 there were eighteen members of the council. The number of councillors fell to thirteen in January 1573, before rising to twenty members by September 1586, which was the highest it would get to in terms of membership. It was slowly reduced by July 1596 to only nine members and when Elizabeth died the council had a total of fourteen members.⁴¹² From its already smaller membership numbers, the number of those that attended meetings of the council could fluctuate widely based upon who was present at court. From 1558 until 1570 there were usually between five and eleven members present, whereas in the 1590s there were between four and nine.⁴¹³ Meetings were regularly held wherever Elizabeth, and therefore the court, was currently located.⁴¹⁴ During the earlier part of Elizabeth's reign they were held on three days each week but by the end of her reign the council was meeting almost daily as a result of the demands of war with Spain.⁴¹⁵ It was also not common after 1540 for the monarch to be present at meetings of their council, an approach which Elizabeth maintained and therefore she cannot be said to have presided over their meetings.⁴¹⁶ The small membership of the Privy Council enabled it to maintain a level of agility that had been difficult to maintain in the earlier form of the council. Furthermore, as Elizabeth did not oversee their meetings, the Privy Council should be seen as distinct from her in their comprehension of government rather than joined together "as if they were the front and rear legs of a pantomime horse."⁴¹⁷

While it was still a relatively young institution, by the time of Elizabeth's reign the Privy Council was one of the central institutions within England's government and was second

⁴⁰⁹ Penry Williams, *The Later Tudors: England 1547-1603* (Oxford: Oxford University Press, 1995), 133.

⁴¹⁰ G. R. Elton, "Tudor Government: The Points of Contact. II. The Council", *Transactions of the Royal Historical Society* 25 (1975): 207; Alan G. R. Smith, *The Government of Elizabethan England* (London: Edward Arnold, 1967), 13.

⁴¹¹ Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, 17.

⁴¹² Crankshaw, "The Tudor Privy Council, c.1540-1603".

⁴¹³ Smith, *The Government of Elizabethan England*, 14.

⁴¹⁴ Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, 164.

⁴¹⁵ Williams, *The Tudor Regime*, 31.

⁴¹⁶ Crankshaw, "The Tudor Privy Council, c.1540-1603".

⁴¹⁷ Patrick Collinson, "The Monarchical Republic of Elizabeth I", in *Elizabethan Essays* (London: Hambledon Press, 1994), 39.

only to the monarch in importance.⁴¹⁸ The Privy Council's roles within government were wide-ranging and varied: it advised the monarch, undertook routine administration and coordinated different areas of English government.⁴¹⁹ The principal secretary was the key member of the Privy Council, as it was his responsibility to organise its agenda and to ensure that the decisions made were carried out.⁴²⁰ One of the central elements of the Privy Council's responsibilities, and the aspect most debated within modern scholarship, was the giving of advice to the monarch. However, this is also the most difficult to trace today as much of their advice would have been given verbally to Elizabeth and has thus left little to no trace on the surviving records.⁴²¹ While the council did come to their own conclusions concerning policy and would advise Elizabeth accordingly, the final decision as to whether the policy would be adopted rested with Elizabeth, and she refused to relinquish her prerogative.⁴²² For, while Elizabeth as a monarch was required to receive counsel, she was under no obligation to accept that counsel, which proved to be a significant sticking point.⁴²³ As, while Elizabeth's councillors considered that their advice should always be followed, it was Elizabeth's prerogative to decide based upon that advice, and not to be controlled by it. The disparity between these two positions was aggravated by the political circumstances and the uncertainty brought upon the polity by the ongoing succession question, a disparity which caused some to contemplate the relationship between subject and monarch, and at certain points to act upon it.

The role of the Privy Council during the Tudor period has given rise to a number of significant scholarly debates over the years; however, the debates regarding its capacity for independence of action in its own right and the idea of an Elizabethan monarchical republic are the most significant to this thesis. Patrick Collinson initiated this new approach to the Privy Council in his notable essay, "The Monarchical Republic of Elizabeth I".⁴²⁴ This essay argued that there was an element of republican thought shared by members of Elizabeth's council, particularly by men such as William Cecil, who sought to manage the affairs of England. Collinson's paper argued that this element of republican thought in Elizabethan England was brought on by the rule of a woman and the ongoing succession question, which prompted her council to seek ways to have their Queen rule according to their counsel. His bold statement

⁴¹⁸ Smith, *The Government of Elizabethan England*, 13.

⁴¹⁹ Williams, *The Later Tudors*, 131-132.

⁴²⁰ G. R. Elton, *England Under the Tudors*, 3rd edn. (London: Routledge, 1991), 409-410.

⁴²¹ Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, 52.

⁴²² Smith, *The Government of Elizabethan England*, 7; Williams, *The Tudor Regime*, 33.

⁴²³ Hannah Coates, "The Moor's Counsel: Sir Francis Walsingham's Advice to Elizabeth I", in *Queenship and Counsel in Early Modern Europe*, eds. Helen Matheson-Pollock, Joanne Paul and Catherine Fletcher (Cham, Switzerland: Palgrave Macmillan, 2018), 189.

⁴²⁴ Collinson, "The Monarchical Republic of Elizabeth I".

that “Elizabethan England was a republic which happened also to be a monarchy: or vice versa”, set off a new wave of scholarship which sought to explore the nature of this proposed monarchical republic.⁴²⁵ Collinson expanded on his ideas within a second essay, “The Elizabethan Exclusion Crisis and the Elizabethan Polity”. Much of his essay is devoted to the question of whether the attempts by England’s political class to exclude Mary Stuart from the succession was an “exclusion crisis”, such as would occur during the next century under the Stuarts. Collinson pointed to the crisis of Mary Stuart and the undecided succession as being the instigator of a number of constitutional initiatives, none of which were implemented, but whose existence demonstrate how the situation prompted reconsiderations of the relationship between a monarch and their people.⁴²⁶ Collinson’s ideas of a monarchical republic within which the Privy Council had some element of independent action in situations it felt were of vital importance to the kingdom, regardless of the monarch’s wishes, has prompted other scholars to re-examine the nature of the council and its role in Elizabethan government.

Collinson’s essays, which proposed the possibility of the Elizabethan Privy Council operating in an independent manner given the right circumstances, were taken up by John Guy in his discussions of the relationship between monarchy and council. Guy conceptualised Elizabeth as having two reigns and in his chapter “The 1590s: The Second Reign of Elizabeth I?” he argues that there was a distinct difference in the political approach by the Privy Council before and after 1585.⁴²⁷ He agrees with the mixed polity, or monarchical republic, model for Elizabethan government prior to the execution of Mary Stuart, stating that, given that it was “shaped by the élite of the Privy Council, it was tantamount to what Professor Collinson has called “a monarchical republic”.⁴²⁸ However, in his opinion, after Mary Stuart’s execution, government took on a more imperialistic sovereignty in which independent action was not taken by the council. Guy restated his case in his “Monarchy and Counsel: Models of State” where he again pointed to 1585 or 1587 as the key point of change for the conception of

⁴²⁵ Collinson, “The Monarchical Republic of Elizabeth I”, 43. Works which built upon Collinson’s idea of Monarchical Republicanism include: John Guy, “The 1590s: The Second Reign of Elizabeth I?”, In *The Reign of Elizabeth I: Court and Culture in the Last Decade*, ed. John Guy, (Cambridge: Cambridge University Press, 1995); Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558-1569* (Cambridge, Cambridge University Press, 1998); John F. McDiarmid (ed.), *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson* (Aldershot: Ashgate, 2007); John Guy, “Monarchy and Counsel: Models of State”, in *The Sixteenth Century, 1485-1603* ed. Patrick Collinson (Oxford: Oxford University Press, 2013).

⁴²⁶ Patrick Collinson, “The Elizabethan Exclusion Crisis and the Elizabethan Polity”, in *This England: Essays on the English Nation and Commonwealth in the Sixteenth Century* (Manchester: Manchester University Press, 2011).

⁴²⁷ Guy, “The 1590s”.

⁴²⁸ Guy, “The 1590s”, 13.

Elizabethan government and the Privy Council. Guy argued that, following the execution, Cecil's ideological energies completely faded as he became an increasingly elderly figure on the council, and that other key members died, prompting the end of the monarchical republican conception of government, at least for the rest of Elizabeth's reign.⁴²⁹ While the year of 1585 and the execution of Mary Stuart in 1587 do appear to mark a significant shift in the approach of the Privy Council to government, it is not likely to have been solely attributed to the old age or death of certain members and may have been the result of something far more significant, as this chapter will explore.

Another scholar who has used Collinson's monarchical republican conception of Elizabethan politics is Stephen Alford. Alford's *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558-1569* examines the early period of Elizabeth's reign with a particular focus upon William Cecil. Alford supports the classification of the early Elizabethan polity as a monarchical republican which was run by its Privy Council in a conciliar manner. His argument is that the succession issue prompted Cecil, and those on the council to consider the relationship that existed in England between a subject and their monarch.⁴³⁰ Furthermore, Alford considered that Cecil "was part of a political tradition which emphasized the role of parliament and council in the governance of the realm".⁴³¹ Alford's sizable contribution to this debate on the nature of the Elizabethan government and the Privy Council unfortunately concludes before the key 1585-1587 period identified by Guy and as such does not discuss Guy's idea of a transformation in approach during the latter part of Elizabeth's reign. The work by Collinson, and built upon by Guy and Alford, was significant in altering how scholarship now views the Privy Council and the relationships within the Elizabethan structures of government. However, while the importance of monarchical republicanism is undeniable, the concept of monarchical republicanism is still open to modification and needs further consideration, particularly regarding the nature of its usage and whether it truly fell into disuse following 1587.

Under a monarchical republican conceptualisation of Elizabethan government, the Privy Council, assisted at times by Parliament, sought to undertake semi-independent action beyond the boundaries set by Elizabeth as England's monarch. Guy argued that, following the execution of Mary Stuart, "the establishment view was that sovereignty resided in the queen alone: the 'mixed polity' was incompatible with a monarchical state. This marked a change. For

⁴²⁹ Guy, "Monarchy and Counsel: Models of State".

⁴³⁰ Alford, *The Early Elizabethan Polity*.

⁴³¹ Alford, *The Early Elizabethan Polity*, 210.

hitherto the ‘ascending’ and ‘descending’ interpretations of royal supremacy had coexisted peacefully.”⁴³² However, this view should be interrogated. Did such contradictory viewpoints really coexist peacefully as Guy puts it or were they contested between the Queen and her Privy Council? This chapter examines three key points during Elizabeth’s reign – the interregnum scheme created by Cecil before the 1563 Parliament, the Bond of Association and a second interregnum scheme in 1584-5, and the dispatch of Mary Stuart’s execution warrant in 1587 – to interrogate the conception of a monarchical republic and the point of change identified by Guy. It will be argued that the Privy Council did hold quasi-republican views driven both by the unsettled succession and their belief that a female monarch should follow the advice of her male councillors. Furthermore, while 1587 was a significant turning point for the political conception of England’s government by the Privy Council, it was not based upon the death or the aging of men on the council, but upon the display of authority by a Queen to her council’s encroachment on her prerogative.

A Mixed Polity and the Succession, 1562-1564

The vulnerability of a kingdom ruled by an unmarried monarch with no children was brought clearly into focus in 1562 when Elizabeth fell ill, and it prompted her Privy Council to contemplate what would occur should she die before the succession was established. In October 1562 Elizabeth fell gravely ill with smallpox and for a time it was feared that she would die.⁴³³ As Elizabeth lay unconscious, William Cecil, then her Principal Secretary, was summoned to meet with the Privy Council to discuss what would happen should she not survive, and primarily who should succeed her. The Council did not reach a solution and Elizabeth recovered shortly afterwards.⁴³⁴ However, the Queen’s brush with death highlighted to the Privy Council the weaknesses of a regime which relied upon the life of a childless monarch to sustain it and made the consideration of the succession just as vital as the Queen’s marriage negotiations. For even if Elizabeth should wed there was no guarantee that she would have children, or even survive to have them as her recent illness made abundantly clear.⁴³⁵ As Elizabeth refused to establish the succession herself using her royal prerogative, and did not

⁴³² Guy, “The 1590s”, 12.

⁴³³ Rayne Allinson, “Parables and Dark Sentences: The Correspondence of Sir William Cecil and William Maitland (1559–73)”, in *Secretaries and Statecraft in the Early Modern World*, ed. Paul M. Dover (Edinburgh: Edinburgh University Press, 2016), 104.

⁴³⁴ Neale, *Elizabeth I and Her Parliaments 1559-1581*, 87.

⁴³⁵ Susan Doran and Paulina Kewes, “The Earlier Elizabethan Succession Question Revisited”, in *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, eds. Susan Doran and Paulina Kewes (Manchester: Manchester University Press, 2014), 21.

permit the discussion of this matter beyond the negotiations for her marriage, the Privy Council felt they needed to find a way to force their sovereign's hand, or at least to compel her to act on a matter that they perceived as vital to the continued wellbeing of the kingdom. If approached from the perspective that England was a mixed polity, the solution was relatively clear, at least to the Privy Council. Therefore, shortly following Elizabeth's recovery, in early November of that year, the writs for Parliament were dispatched as the Privy Council sought to combine with Parliament to induce their reluctant monarch to follow their council regardless of her own desires.

When considering if the concept of mixed polity was applied practically to government, or whether England was a monarchical republic during the Elizabethan period, the intellectual climate of the time must first be considered, and its connections to those at the heart of Elizabeth's government, such as the men of her Privy Council. Explorations of this large field of study could start at many points, as debates about the nature of government were not new in the Elizabethan period, but, since John Knox's writings on the right of women to govern were critical to the English debate on the topic, this thesis will commence its discussion with his *The First Blast of the Trumpet Against the Monstrous Regiment of Women*. Knox's tract prompted a number of works which sought to support the right of women to rule, yet as shall be discussed, only within a firmly controlled framework.

In 1558, England, Scotland and France were governed by Catholic women, either queens in their own right or regents for their children. To many within these kingdoms, but particularly to the Protestants who were suppressed, female rule was an acute challenge as they judged their sufferings to be further compounded by the problematic nature of women. Indeed, arguments against the legitimacy of female rule were not unusual for the time, and when John Knox published his tract he was not particularly original in his approach.⁴³⁶ Knox's work was more theoretical in nature than political.⁴³⁷ However, while Knox aimed *First Blast of the Trumpet* against what he saw as the unjust rule of Mary Tudor in England, it took on political significance for Elizabeth's rule as it was published only two months before her ascension.⁴³⁸ Knox argued that the rule of women was unnatural and that

⁴³⁶ Patricia-Ann Lee, "A Bodye Politique to Governe: Aylmer, Knox and the Debate on Queenship", *The Historian* 52, no. 2 (1990): 242.

⁴³⁷ Constance Jordan, "Woman's Rule in Sixteenth-Century British Political Thought", *Renaissance Quarterly* 40, no. 3 (1987): 432; Lee, "A Bodye Politique to Governe", 258.

⁴³⁸ Jacqueline Broad and Karen Green, *A History of Women's Political Thought in Europe, 1400-1700* (Cambridge: Cambridge University Press, 2009), 96.

To promote a woman to beare rule, superiorite, dominion or empire aboute any realme, nation or citie is repugna[n]t to nature, co[n]tumely to God, a thing most contrarious to His reuealed will and approued ordina[n]ce, and finallie it is a subuersion of good order, of all equitie and iustice.⁴³⁹

According to Knox women's "sight in ciuill regiment, is but blindness: their strength weaknes: their counsel foolishenes: and iudgement, phrenesie, if it be rightlie considered."⁴⁴⁰ While a woman could inherit her father's "possession, substance, patrimonie, or inheritance", there was a fundamental difference between normal inheritance in Knox's eyes and accession to the throne, arguing that "to place a woman in authoritie aboute a realme, is to pollute and p[ro]phane the royall seate, the throne of iustice, which oght to be the throne of God: and that to mainteine them in the same, is nothing els but continuallie to rebell against God."⁴⁴¹ To Knox there was no place for a woman to rule over men in any capacity nor to exert political authority.

Knox's arguments against female rule extended further than merely railing against the unnatural existence of female monarchs; he questioned the nature of political power under female monarchs and the right of a kingdom's subjects to reject their rulers should they happen to be women. Women rulers were, according to Knox, unable to appoint officers as they had none of the powers that God gifted to their male counterparts. Indeed, of this conception he wrote that

the authoritie of a woma[n] is a corrupted fountein, a[n]d therefore from her can neuer spring any laufull officer. She is not borne to rule over men: and therefore she cannot apointe none by her gift, nor by her power (which she hath not) to the place of a lafull magistrat. And therefore who soever receiueth of a woma[n], office or authoritie, are adulterous and bastard officers before God.⁴⁴²

Furthermore, as a female ruler held a similar nature to a usurping tyrant, her rule should be resisted by her subjects and her officers, who could not be considered to be legal, should also be condemned for their support of such a monstrous creature as a queen regnant.⁴⁴³ Following Elizabeth's accession as England's Protestant Queen, Knox maintained a firmness in his views

⁴³⁹ John Knox, *The First Blast of the Trumpet Against the Monstruous Regiment of Women* (Geneva: 1558), 9.

⁴⁴⁰ Knox, *The First Blast of the Trumpet*, 9v.

⁴⁴¹ Knox, *The First Blast of the Trumpet*, 47v.

⁴⁴² Knox, *The First Blast of the Trumpet*, 51v

⁴⁴³ Knox, *The First Blast of the Trumpet*, 51v-52.

concerning female rule and expressed surprise that she would be offended with his writings.⁴⁴⁴ Knox's views, and the man who held them, were utterly repugnant to Elizabeth as a sovereign queen. However, William Cecil appears to have held some level of esteem for him, as they corresponded until Knox's death.⁴⁴⁵ The firmness of Knox's stance against female rule was a profound problem for the new government of England under Elizabeth as it called for resistance to their queen and their actions taken on her behalf. It was in this environment that a counterpoint needed to be argued, and the idea of a mixed polity be adopted to govern.

The problems inherent in Knox's stance against female rule were understood even before Elizabeth took the throne in November 1558. Some writers such as John Calvin thought Knox's position was too inflexible, that, while female rule was generally not legitimate, there were exceptions when it was apparent that God had raised a woman to the throne.⁴⁴⁶ While Calvin did not support Knox's stance, it was John Aylmer who responded to it in 1559 in a tract of his own, *An Harborovve for Faithfyl and Trevve Svbiectes gaynst the Late Blowne Blaste, Concerninge the Gouvernme[n]t of Vvemen*. Aylmer states clearly in his work that his intention was to counter Knox's work and to justify the succession of a woman to the crown.⁴⁴⁷ He argued that it was not unnatural for a woman to rule and produced a number of historical examples to support his stance. Nor was it against God's will; indeed, Aylmer argued that to deny a woman the crown when she succeeded was to go against the will of God, as if "He sendeth a womaa[n] by birth, we may not refuse hir by violence. He stablissheth hir by lawe, we may not remoue hir by wronge. He maketh hir a head, we may not make hir a hande or foote."⁴⁴⁸ Aylmer argued that women often occupied positions of authority within a household and thus would not be completely unsuitable to ruling a kingdom, particularly if the successor to the throne had been given an adequate education which was often denied to women but one which Elizabeth was known to have received.⁴⁴⁹ In Aylmer's opinion, women were not normally monarchs, yet there was nothing inherently unnatural with their rule should God call them to do so, and, in the case of England specifically, he argued that there were safeguards to prevent the weakness of woman from damaging the realm.

⁴⁴⁴ Jordan, "Woman's Rule in Sixteenth-Century British Political Thought", 432; Lee, "A Bodye Politique to Governe", 258.

⁴⁴⁵ A. N. McLaren, *Political Culture in the Reign of Elizabeth I: Queen and Commonwealth 1558-1585* (Cambridge: Cambridge University Press, 1999), 57.

⁴⁴⁶ Lee, "A Bodye Politique to Governe", 244.

⁴⁴⁷ John Aylmer, *An Harborovve for Faithfyl and Trevve Svbiectes gaynst the Late Blowne Blaste, Concerninge the Gouvernme[n]t of Vvemen* (Strasbourg: 1559), 3-4.

⁴⁴⁸ Aylmer, *An Harborovve for Faithfyl and Trevve Svbiectes*, 15.

⁴⁴⁹ Aylmer, *An Harborovve for Faithfyl and Trevve Svbiectes*, 23, 54-55, 96.

While Aylmer's tract is often referred to in the scholarship as a defence of female monarchy, this is not a complete picture of his work for, while it supported the right for a woman to inherit the crown, it did not advocate for her right to rule as a king would.⁴⁵⁰ When discussing the structure of England's government, Aylmer describes it as "not a mere Monarchie, as some for lacke of consideracion thinke, nor a meere Oligarchie, nor Democratie, but a rule mixte of all these, wherein ech one of these haue or shoulde haue like authoritie."⁴⁵¹ Aylmer describes a view of English government which would not have been accepted by a male king, nor likely by their advisors, as it proposed significant limitations on the rights of the monarch by his subjects. His discussion of the limitations in place to confine the risks of a female monarch continued:

But to what purpose is all this? To declare, that it is not in England so daungerous a matter, to haue a woman ruler, as men take it to be. For first it is not she that ruleth but the lawes, the executors whereof be her iudges, appoynted bi her, her iustices of peace and such other officers: but she may erre in chusing such: so may a Kinge: and therefore they haue theyr counsel at their elbow, which by trauail abroad, know men howe fit or vnfit they be for suche offices. 2. she maketh no statutes or lawes, but the honorable court of Parliament: she breaketh none, but it must be she and they together or els not. 3. If she shuld iudge in capitall crimes: what daunger were there in her womannishe nature? none at all. For the veredict is the 12. mennes, whiche passe vpon life and deathe, and not hers: Onlye this belongeth to her mynisterie, that when they haue founde treason, murdre, or felonie, she vtter the paine limited in the lawe for that kind of trespasse."⁴⁵²

In other words, there was no great risk to England to have a female monarch as the laws were carried out on her behalf by judges, Parliament controlled the creation of laws, and capital cases were decided by juries of men and overseen by her ministers. Under the system of government envisaged by Aylmer, while a female ruler was not unnatural and Elizabeth was highly educated, her actions would be severely limited and restrained by her male counsellors in ways which would have been unthinkable to her male counterparts. Aylmer in effect did not support

⁴⁵⁰ A. N. McLaren, "Delineating the Elizabethan Body Politic: Knox, Aylmer and the Definition of Counsel 1558-88", *History of Political Thought* 17, No. 2 (1996): 226, 237-238.

⁴⁵¹ Aylmer, *An Harborovve for Faithfyl and Trevve Svbiectes*, 58-59.

⁴⁵² Aylmer, *An Harborovve for Faithfyl and Trevve Svbiectes*, 60-61.

a female ruler with the rights of a masculine king, but rather a new consideration of English government.

The model of government that Aylmer advocated as a justification for female rule was that of a mixed polity, within which the authority of those who surround the monarch have the ability to restrain their sovereign's prerogative. Dale Hoak has argued that Aylmer's work should be considered an argument in favour of parliamentary monarchy rather than a specific defense of female rule, which is borne out by a careful reading of the text.⁴⁵³ The conceptualisation of English government being a mixed polity appears to have been influential across the Privy Council. However, it was not just the fact that Elizabeth was a female ruler which prompted her Council to take independent action beyond the boundaries of their roles, but also uncertainty of the succession which drove them to act, brought into crystal clarity by Elizabeth's bout of smallpox in 1562. In such a circumstance the Privy Council considered it their duty to the realm to overrule their monarch's wishes, and under the mixed polity model of government theorised by Aylmer they sought to use Parliament as their tool to force Elizabeth's hand.

The 1563 Parliament was one in which the succession featured prominently and shall be discussed in greater detail in Chapter Four. However, it features in this discussion of the Privy Council as they were highly active during this Parliament and sought to use it as a vehicle to overcome Elizabeth's objections to the settlement of the succession.⁴⁵⁴ Parliament opened on 12 of January 1563 and almost immediately agitation began concerning the succession, with the Commons beginning a debate and shortly after a motion on the matter.⁴⁵⁵ Present within the Commons was William Cecil, alongside other Privy Councillors such as Sir Ralph Sadler who made a speech on the succession during this session.⁴⁵⁶ Though the precise details are uncertain, during the passage of the debates, Cecil was tasked with producing a clause to be added to an act. This clause has been discussed by Stephen Alford as an example of Cecil's thinking on English politics.⁴⁵⁷ However, its nature should be examined further as it demonstrates an independence of action by the Privy Council which was beyond its duties to

⁴⁵³ Dale Hoak, "Sir William Cecil, Sir Thomas Smith, and the Monarchical Republic of Tudor England", in *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson*, ed. John F. McDiarmid (Aldershot: Ashgate, 2007), 41.

⁴⁵⁴ Alford, *The Early Elizabethan Polity*, 105.

⁴⁵⁵ Neale, *Elizabeth I and Her Parliaments 1559-1581*, 101; *Commons Journal* 1, 62.

⁴⁵⁶ "Sir Ralph Sadler's Speech on the Succession", in *Proceedings in the Parliaments of Elizabeth I: Volume I, 1558-1581*, ed. T. E. Hartley (Leicester: Leicester University Press, 1981), 87-89.

⁴⁵⁷ Alford, "The Political Creed of William Cecil", 88-89; Alford, *The Early Elizabethan Polity*, 11-12.

its monarch, and one which may reflect its members ideal vision of English government rather than its reality.

The clause which Cecil drafted is extremely detailed and envisaged a mechanism enacted by Parliament to establish the succession should no successor be named when Elizabeth died. The interregnum clause stated:

Be it enacted by authorite of this present parlement that if the Q[ueen's] Ma[jes]ty our soveray[n] lady shuld decess (which almighty God forbydd) without issew of hir body or before the tyme any p[er]son shall be declared by authoritie of parlement to be the leeffull heyre or successor to hir Ma[jes]ty of the Imperiall crowne of this realme, that then and from thenc forth all shuch persons which shall be knowen to be of the p[re]vee Counsell to hir Ma[jes]ty shall remayne and contynew conusellores w[ith] lyke interest authorite place and degree, as at the tyme of hir Ma[jes]tes dethe.⁴⁵⁸

Should this clause have passed Parliament, the Privy Council would have had the right to assume the authority and prerogatives of the monarch should Elizabeth die without issue. Beyond acting as an interregnum government, it transgressed further into the royal prerogative by stating that the Privy Council had the right to name who should succeed and that they would continue to govern until such point as a new monarch was named, leaving open the way for unscrupulous councillors to retain power by not naming a successor. In their governance during the interregnum, the Privy Council was to be supported by the authority of Parliament.⁴⁵⁹ Ultimately, Cecil's interregnum clause of 1563 was vetoed by Elizabeth because it would have undermined her authority as a monarch.⁴⁶⁰ The failure of the clause to pass is not surprising, but the thinking which shaped this clause is, as it directly challenged the royal prerogative and utilised the mixed polity model conceptualised by Aylmer. This thinking stepped beyond the Privy Council's duty to advise their monarch and sought to manipulate a circumstance to control the prerogative of their monarch. It was an independence of action which was not technically permissible by those who served in such roles. It also aroused Elizabeth's suspicions in her Privy Councillors, a situation which was made worse by the discovery of a succession tract composed during the 1563 Parliament.

⁴⁵⁸ "Cecil Interregnum Clause", March 1563, TNA SP 12/28.

⁴⁵⁹ Cecil Interregnum Clause, March 1563, TNA SP 12/28.

⁴⁶⁰ Alford, "The Political Creed of William Cecil", 88.

Amidst the various maneuverings of the 1563 Parliament to seek a settlement of the succession question, one member decided to write and then share a succession tract outlining his thoughts on who should be the rightful heir to the English throne. The man in question was John Hales, Clerk of the Hanaper, and in the 1563 Parliament, the member for the Borough of Lancaster.⁴⁶¹ Hales had longstanding connections to important members of Elizabeth's Privy Council, including William Cecil, which would be of significance when his tract came to Elizabeth's attention.⁴⁶² The tract itself, 'A Discovrs uppon certen pointes towchinge the Enheritouce of the Crowne', is an unusual one as it is written in the form of a Parliamentary speech, yet it was never presented as such in the 1563 Parliament.⁴⁶³ Indeed, it calls for Parliament to establish the succession, calling "for as we few chosen of an infinite Multitude to treat and do these things, that shall be for the Benefit of the Commonweale, and be put in Trust for the Body of the Realme".⁴⁶⁴ Hales' tract is essentially a legal argument outlining those laws which impact upon the succession and exploring the two main claims for the throne, those being the Stuarts and the Suffolks. Hales argued in favour of Catherine Grey's claim, while firmly disputing any possible claim by Mary Stuart on the basis of her being both Scottish and removed from the succession by Henry VIII's Will.⁴⁶⁵ Hales' tract circulated widely in manuscript form and remained out of Elizabeth's hearing during the events of the Parliament.⁴⁶⁶ When Parliament was prorogued in April, the succession was still undecided, but the events of the session continued to play out over the next two years.

The following year, in early 1564, Elizabeth became aware of Hales' succession tract which firmly argued against Mary Stuart's claim on the succession. While it had been kept secret for almost a year, by April, Hales' tract was common knowledge, at least at court, with Cecil writing to Sir Thomas Smith on 27 April 1564, "here is fallen out a trouble of some matter. John hales had secretly made a booke in the tyme of this last p[ar]lement wherein he hath taken upon hym to discuss no small matter, vis. the title to this crowne".⁴⁶⁷ Elizabeth was furious that someone would write such a tract, which impinged not only on her prerogative but

⁴⁶¹ Victoria de la Torre, "'We Few of an Infinite Multitude': John Hales, Parliament, and the Gendered Politics of the Early Elizabethan Succession", *Albion* 33, no. 4 (2001): 557; Levine, *The Early Elizabethan Succession Question 1558-1568*, 63.

⁴⁶² de la Torre, "'We Few of an Infinite Multitude'", 568.

⁴⁶³ Levine, *The Early Elizabethan Succession Question 1558-1568*, 54.

⁴⁶⁴ John Hales, *A Discovrs uppon certen pointes towchinge the Enheritouce of the Crowne* (1563). BL Sloane MS 827 fol. 1 and BL Harley MS 555 fol. 1.

⁴⁶⁵ Hales, *A Discovrs*, BL Sloane MS 827 fols. 1-18; BL Harley MS 555 fols. 1-11.

⁴⁶⁶ de la Torre, "'We Few of an Infinite Multitude'", 574.

⁴⁶⁷ Sir William Cecil to Sir Thomas Smith, 27 April 1564, BL Lansdowne 102, fol. 89v.

which also posed a risk to her diplomatic relationship with Scotland.⁴⁶⁸ Elizabeth's concerns about the impact on her relations with Scotland were not unfounded, as the Spanish ambassador reported a conversation he had held with the Scottish ambassador to his King concerning Hales' tract.⁴⁶⁹ With Elizabeth aware of the work, Hales was sent to the Tower and an investigation was ordered.⁴⁷⁰

Significant questions were raised concerning who funded his work and who provided the legal advice for its construction, as it appeared to be beyond Hales' abilities.⁴⁷¹ In such a situation, Elizabeth suspected a number of her Privy Councillors had been involved, especially following their maneuvers during the previous Parliament. Her suspicions included Cecil, who wrote again to Smith on 1 May, stating "yet am I not free from suspicion".⁴⁷² Nicholas Bacon, the Lord Keeper, fell under a cloud when it was revealed that he had met with Francis Newdigate, a man heavily involved in the tract's production, who had approached a number of Privy Councillors for advice.⁴⁷³ While there was no certain evidence of Bacon's involvement beyond his unwise meeting with Newdigate, he was dismissed from court and did not regain his position until April 1565.⁴⁷⁴ Intriguingly, there are also some similarities between Hales' tract and the speech by Sir Ralph Sadler, another Privy Councillor, during the 1562 Parliament which indicates that he too could have seen a copy of Hales' tract.⁴⁷⁵ As Sadler's speech was made within session he was protected by the Parliamentary liberty of free speech which will be discussed in Chapter Four. The nature of Hales' tract and the involvement of the Privy Council is difficult to untangle today, but it is clear that there was reasonably widespread involvement. The Spanish ambassador wrote in June 1564 that "the Queen is extremely angry about it, although she signifies that there are so many accomplices in the offence that they must overlook it".⁴⁷⁶ The matter of Hales' tract eventually faded from sight. Elizabeth's Privy Council in the years 1562 to 1564 sought to establish the succession, a matter of the royal prerogative, through use of a mixed polity approach to government which featured so heavily

⁴⁶⁸ Levine, *The Early Elizabethan Succession Question 1558-1568*, 69.

⁴⁶⁹ Guzman de Silva to the King, 26 April 1565, *Calendar of State Papers, Spain (Simancas), Volume 1, 1558-1567*, ed. Martin A. S. Hume (London: Her Majesty's Stationery Office, 1892), 424.

⁴⁷⁰ de la Torre, "'We Few of an Infinite Multitude'", 581; George T. Peck, "John Hales and the Puritans during the Marian Exile", *Church History* 10, no. 2 (1941): 176.

⁴⁷¹ Robert Tittler, *Nicholas Bacon: The Making of a Tudor Statesman* (Athens, Ohio: Ohio University Press, 1976), 119.

⁴⁷² Sir William Cecil to Sir Thomas Smith, 1 May 1564, BL Lansdowne 102, fol. 93.

⁴⁷³ Tittler, *Nicholas Bacon*, 120.

⁴⁷⁴ de la Torre, "'We Few of an Infinite Multitude'", 581; Tittler, *Nicholas Bacon*, 125.

⁴⁷⁵ Hales, *A Discovrs*, BL Sloane MS 827 fols. 1-18 and BL Harley MS 555 fols. 1-11; "Sir Ralph Sadler's Speech on the Succession", in *Proceedings* 1, 87-89.

⁴⁷⁶ "Guzman de Silva to the King", 27 June 1564, *Calendar of State Papers, Spain (Simancas), Volume 1*, 360-366.

in the theorising of government under the reign of a female ruler. The Privy Council and the political theorists fed off each other, one providing the theoretical template while the other sought to enact its vision.

The final work of this period that presented Elizabethan England as a mixed polity did not appear in print for some time afterwards, but the debates and events just discussed influenced its composition and this thesis argues that it should be seen in light of those debates. Sir Thomas Smith was serving as England's ambassador to the French court in 1563 where he began work on *De Republica Anglorum*. While he was not present at the 1563 Parliament, he corresponded with Cecil during this time over the succession, and later on during the Hales matter, ensuring that the political theories which the Privy Council sought to enact became part of Smith's vision of English government.⁴⁷⁷ In Smith's view, the role of women in English society was firmly limited to domestic matters: "we do reject women, as those whome nature hath made to keepe home and to nourish their familie and children, and not to medle with matters abroarde, nor to beare office in a citie or common wealth no more than children and infants".⁴⁷⁸ However, an exception was to be made for those women who succeeded to noble titles, such as to the crown, though it was here that the ideas of a mixed polity to restrain the powers of a female monarch were echoed by Smith:

These I say have the same authoritie although they be women or children in that kingdome, dutchie or earledome, as they should have had if they had bin men of full age. For the right and honour of the blood, and the quietness and suertie of the realme, is more to be considered, than either the base age as yet impotent to rule, or the sexe not accustomed (otherwise) to intermeddle with publicke affaires, being by common intendment understood, that such personages never do lacke the counsell of such grave and discreet men as be able to supplie all other defaultes.⁴⁷⁹

It was these "discreet men" who were seeking to force their monarch's hand over the succession by use of Parliament, or as Smith describes it, "the most high and absolute power in the realme of Englande".⁴⁸⁰ The vision of England as a mixed polity where the Privy Council had the authority to do more than simply advise the monarch was, however, not entirely accurate, as

⁴⁷⁷ Hoak, "Sir William Cecil, Sir Thomas Smith, and the Monarchical Republic of Tudor England", 37-38.

⁴⁷⁸ Sir Thomas Smith, *De Republica Anglorum*, ed. Mary Dewar (Cambridge: Cambridge University Press, 1982), 64-65.

⁴⁷⁹ Smith, *De Republica Anglorum*, 64-65.

⁴⁸⁰ Smith, *De Republica Anglorum*, 78.

Elizabeth's veto and actions over Hales' tract illustrated. Yet the conception persisted in the minds of her councillors, and would lead to another confrontation over the nature of the English polity within which the succession was again the key.

The Bond and Interregnum, 1584-1585

The idea of England being a mixed polity did not fade after the failure of the 1563 Parliament to pass Cecil's interregnum scheme, and the continued anxiety over the unsettled succession drove the Privy Council to consider other ways to secure England's future. For William Cecil, who became Baron Burghley in 1571, the greatest risk to England's future was not only the unsettled succession but also the possibility that Mary Stuart, Queen of Scots, would succeed the unwed and childless Elizabeth.⁴⁸¹ Mary Stuart fled Scotland to England in May 1568, and her presence for the following nineteen years acted as a prominent reminder of the uncertain succession, as she was the closest in blood to Elizabeth and was therefore her likely successor.⁴⁸² Burghley strongly believed in the threat of a Catholic conspiracy to demolish England's Protestant settlement and that Mary would be the tool with which they would seek Elizabeth's downfall.⁴⁸³ Burghley's opinion was shared by others within Elizabeth's Privy Council, and as the years stretched onwards from Mary's arrival with the succession no closer to being established, they decided to once again push their reluctant monarch to follow their policies for the future, a push which as this section shall outline, almost led to their ruin.

1584 was a tumultuous year, with the situation appearing to grow ever more threatening both on the continent and within England itself. In June of that year William of Orange, the leader of the Dutch Protestants, was assassinated.⁴⁸⁴ His murder occurred less than a year after the Throckmorton plot to assassinate Elizabeth had been uncovered.⁴⁸⁵ With such anti-Protestant plots achieving success in the Netherlands, the Privy Council feared for Elizabeth's safety and for the future of England, as Mary Stuart was the next in line according to the hereditary principle. While they could have made an argument based upon the illegibility of aliens to inherit within England, or upon the prohibition of her succession according to Henry VIII's Will, as advocated by John Hales and the Anonymous succession tract of 1565, the legal

⁴⁸¹ Stephen Alford, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven: Yale University Press, 2008), 166.

⁴⁸² P. J. Holmes, "Mary Stewart in England", in *Mary Stuart: Queen in Three Kingdoms*, ed. Michael Lynch (Oxford: Basil Blackwell, 1988), 195.

⁴⁸³ Alford, *Burghley*, 104, 119; Malcom R. Thorp, "Catholic Conspiracy in Early Elizabethan Foreign Policy". *The Sixteenth Century Journal* 15, No. 4 (1984): 432-433.

⁴⁸⁴ Susan Doran, *Elizabeth I and Foreign Policy, 1558-1603* (New York, Routledge, 2000), 41.

⁴⁸⁵ Dean, *Law-Making and Society in Late Elizabethan England*, 63.

situation was incredibly murky, especially should Mary Stuart receive foreign military support.⁴⁸⁶ It was in this climate of unrest and conspiracy that the Bond of Association was created and sworn to. As discussed in Chapter One, the Bond was concerned with the succession by acting as a deterrent and a barrier to Mary Stuart's claim to the throne. However, the Bond needs to be considered further regarding its origins and its implications for both the Privy Council and the monarch they were sworn to serve.

The Bond of Association has a rather hazy history. It was created by Burghley and Sir Francis Walsingham in order to counter Catholic plots against Elizabeth, but far more specifically, it was to remove Mary Stuart from the succession should she be involved in any further plots.⁴⁸⁷ Elizabeth does not appear to have been aware of the Bond when it was created.⁴⁸⁸ The Bond appears almost fully formed on 19 October 1584. The early development of the Bond has left little trace in the records, though it is likely to have emerged from unrecorded conversations between Burghley and Walsingham, two men determined to prevent Mary Stuart's accession, even if it meant going beyond the restrictions Elizabeth had placed upon such interference. Two letters exchanged between Burghley and Walsingham indicate their controlling hands upon the Bond and reveal that, by the time of their writing, only the final details of its enactment remained. Burghley wrote asking if copies of the Bond should be made public, to which Walsingham replied the next day, "the more publyke the matter is made the better affect it is lyke to woorke".⁴⁸⁹ While the final details of their strategy were worked out, the Privy Council swore to the Bond at Hampton Court on 19 October 1584. Walsingham described that the signatories "upon a com[m]on consent among themselves have devised a certain instrument of association for the preservation of Hir Ma[jes]ties person whereunto they have sett to their hands and sealed and taken a corporall oth upon the Holy Evangelishes for the due observation of the contente of the same".⁴⁹⁰ The oath-taking at Hampton Court was not kept secret; in fact, the Privy Council saw to it that the Bond spread throughout England as if on a wave of loyal support for their Queen.

The circulation of the Bond was then seen to by Walsingham, who wrote to the Lords Lieutenants of the Shires to inform them of its creation and to encourage its use. The Privy

⁴⁸⁶ "The Will of Henry VIII", 30 December 1546, TNA E 23/4; Anonymous, *Allegations against the surmisid title*; Hales, *A Discovers*, BL Sloane MS 827 fols. 1-18 and BL Harley MS 555 fols. 1-11.

⁴⁸⁷ Cressy, "Binding the Nation", 217.

⁴⁸⁸ Edward Vallance, "Loyal or Rebellious? Protestant Associations in England 1584-1696", *The Seventeenth Century Journal* 17, no. 1 (2002): 2.

⁴⁸⁹ "William Cecil, Lord Burghley, to Sir Francis Walsingham", 19 October 1584, TNA SP 12/173/1 fol. 134; "Sir Francis Walsingham to William Cecil, Lord Burghley", 20 October 1584, TNA SP 12/173/1 fol. 135.

⁴⁹⁰ "The Privy Council's Copy of the Bond of Association", 19 October 1584, TNA SP 12/174 fol. 8; "Sir Francis Walsingham to [the Lords Lieutenants of the Shires]", [20] October 1584, TNA SP 12/173/1 fol. 136.

Council oath was known about in London, as “diveres good and well affected subiectes that gott knowledge therof as the Judges of the realme, the Citie of London, the heades of the Innes of Court”, and that they felt so inspired by the action that they sought “that they might be permitted in their severall charges and professions to subscribe and sett their seals to like instrument”.⁴⁹¹ After the demonstration of London’s subscription to the Bond, Walsingham stated that he thought it best to send copies to each of the Lord Lieutenants so that they could approach “the well affected gent[lemen] in that Countrey whom you shall suppose to be enclined of their own volountary accordes & disposition to enter into this necessary and dutiful association, for that it is not meant that any shalbe drawn”.⁴⁹² While the voluntary nature of the Bond was stressed, it is somewhat questionable if it actually was voluntary considering the greater emphasis placed upon swearing the Bond as an expression of dutiful, necessary and loyal service to their sovereign. The Bond was to be made as two copies for each county, with one remaining in the county and the other being sent to the Privy Council.⁴⁹³ The nature of the ceremony within which the Bond was sworn could vary but it was usually a highly public display which few would likely have refused, with the Earl of Derby reporting that “none making defaulte savinge suche as weare either aged, impotente, sick and unable to travel” when called to take the Bond.⁴⁹⁴ Derby described the occasion as follows, “I most reventlie upon my knees bare headed in the Churche toke my oath: firste, ministered by my lo[r]d Bisshop of Chester, afterwards I ministered the oathe to my Lo[r]d Busshop”, and following this the rest of the assembly also knelt before the Bishop to make their oaths.⁴⁹⁵ The solemn swearing of the Bond circulated England in a similar manner to the one described here alongside the writs for Parliament, which shall soon be discussed.⁴⁹⁶ However, the Bond’s constitutional implications first needs further attention.

The Bond was something new to English political practice and it had important ramifications for the roles of both the Privy Council and the monarch. Oaths of a similar nature to the Bond were generally used in times of Protestant crisis or anxiety as a way to deal with the possibility of the monarch’s untimely death.⁴⁹⁷ Fundamentally, the Bond dealt with two

⁴⁹¹ “Sir Francis Walsingham to [the Lords Lieutenants of the Shires]”, [20] October 1584, TNA SP 12/173/1 fol. 136.

⁴⁹² “Sir Francis Walsingham to [the Lords Lieutenants of the Shires]”, [20] October 1584, TNA SP 12/173/1 fol. 136.

⁴⁹³ “Sir Francis Walsingham to [the Lords Lieutenants of the Shires]”, [20] October 1584, TNA SP 12/173/1 fol. 136.

⁴⁹⁴ “The Earl of Derby to Robert Dudley, Earl of Leicester”, 6 November 1584, TNA SP 12/175 f. 6.

⁴⁹⁵ “The Earl of Derby to Robert Dudley, Earl of Leicester”, 6 November 1584, TNA SP 12/175 f. 6.

⁴⁹⁶ Cressy, “Binding the Nation”, 225.

⁴⁹⁷ Vallance, “Loyal or Rebellious?”, 1-2.

concerns, the succession and the management of Elizabeth's possible assassination, but, in doing so, it strayed into matters that were firmly considered part of the royal prerogative. The Bond called for the limitation of the succession by barring any from succeeding should they have been involved in Elizabeth's death. Furthermore, it called for those who swore to the Bond to seek revenge upon those same individuals.⁴⁹⁸ Elizabeth's position on the succession was clear to all involved: that it was a matter of royal prerogative and not to be interfered with without her approval. The Privy Council had not been granted any such approval, yet this Bond which swept around the kingdom sought to directly limit the succession. Additionally, the Bond sought to enact a legal basis for action should Elizabeth be assassinated and for the pursuit of the guilty parties. The uncontrolled nature of the Bond has led to it as being described as advocating a form of lynch law.⁴⁹⁹ More recently, Renee A. Pilette Bricker has argued that the Bond was not advocating a form of lynch law but was instead a quasi-legal document to be enforced by government officers who drew their authority from the Queen.⁵⁰⁰ However, this does not account for the fact that all authority fell into abeyance when the monarch died, or was killed, which was the Bond's specific activating force, and therefore those who would fulfil the Bond's intent to "pursue to death" individuals who were involved were no longer acting as government officials. Their actions would have no legal weight and would be a form of vigilante justice – a lynch law. The only way that the Bond could not be seen as vigilante justice under the legal system was if England was some form of republic or mixed polity where the officers in question continued to maintain their authority when the monarch died. However, England was a monarchy, and a clash between a Privy Council advocating a mixed polity conceptualisation of the kingdom and their sovereign Queen defending her prerogative was approaching.

In the wake of the Bond of Association came the 1584-5 Parliament, where the issue of Elizabeth's safety was among its most important concerns. As discussed in Chapter One, a method was sought to legislate the Bond to ensure its effectiveness should Elizabeth be assassinated. However, the matter was highly complex, because at its heart the Bond was interfering in the succession, a matter in which Elizabeth had strongly resisted Parliamentary involvement previously. Nevertheless, the Privy Council led by Burghley thought that with the backing of Parliament they would be able to push Elizabeth to either establish the

⁴⁹⁸ "The Privy Council's Copy of the Bond of Association", 19 October 1584, TNA SP 12/174 fol. 8.

⁴⁹⁹ Cressy, "Binding the Nation", 218; MacCaffrey, *Queen Elizabeth and the Making of Policy*, 479.

⁵⁰⁰ Renee A. Pilette Bricker "Violence, (Dis)Loyalties, and the English Subject-Citizen, 1569 – 1588" (PhD Thesis, Wayne State University, 2010), 203-204.

succession, or at the very least ensure that Mary Stuart would never succeed Elizabeth should Mary's plots work. In order to enhance the Bond in its legislated form, Burghley, this time working with Thomas Digges, sought again to enact an interregnum scheme which he felt would ensure England's security should their Queen die without a named heir.⁵⁰¹

In this heated Parliament of 1584-5, the partnership between Burghley and Digges in their attempts to create a mechanism for government without oversight is an interesting one. Thomas Digges was a mathematician and an administrator who had serious concerns about the implications of the Bond of Association.⁵⁰² He sat as a member for Southampton during this Parliament, and wrote a tract entitled 'The Daungers that may ensue by the Othe of Assotiation hereafter if it be not qualified by a convenient Act of Parliament'.⁵⁰³ Digges argued that the Bond was difficult for men of conscience and presented a clear risk in the case of a successor being barred from the throne for the actions of another of which they had been ignorant: "This Act of a straunger w[i]thout their pryvitie can not make the Lawfull successor unLawfull, neyther by Godes Lawes nor any statues Lawe yet made or known."⁵⁰⁴ This was a situation Elizabeth was said to be extremely dissatisfied with, and Digges reported a message from her to her members stating that none should suffer "for the faulte of an other, but every one beare the burden of their owen faulte".⁵⁰⁵ Furthermore, all members of Parliament when they sat swore an oath "both to hir Ma[jes]tie and Lawfull successors, And so thes two othes in this case more contrarys".⁵⁰⁶ The agony to the conscience of fulfilling their oaths to kill Elizabeth's assassins, and the risks to lawful successors who could be implicated in plots through no fault of their own, were of great significance to Digges, yet for him the full peril of the Bond was to be found in its vengeful nature and the chaos it could bring to England.

Digges felt the most pressing difficulty of the Bond was in its clauses for the pursuit of those who were implicated in the death of Elizabeth. The Bond stated that all who swore it would be committed to "never desist from all manner of forcible pursuit against such persons, to the utter extermination of them, their consorts, aiders, and abettors."⁵⁰⁷ Digges thought that this invited lawlessness, making the Bond the lynch law which scholars have since considered it to be. He wrote

⁵⁰¹ Vallance, "Loyal or Rebellious?", 3-4; Collinson, "The Monarchical Republic of Elizabeth I", 52-53.

⁵⁰² Vallance, "Loyal or Rebellious?", 3.

⁵⁰³ Stanford E. Lehmberg, *Sir Walter Mildmay and Tudor Government* (Austin: University of Texas Press, 1964), 248-249.

⁵⁰⁴ Thomas Digges, *The Daungers that may ensue by the Othe of Assotiation hereafter if it be not qualified by a convenient Act of Parliament*, BL Lansdowne MS 98, fol. 14v.

⁵⁰⁵ Digges, *The Daungers that may ensue by the Othe of Assotiation*, BL Lansdowne MS 98, fol. 15r.

⁵⁰⁶ Digges, *The Daungers that may ensue by the Othe of Assotiation*, BL Lansdowne MS 98, fol. 14v.

⁵⁰⁷ "The Bond of Association, 1584", in *English Historical Documents 1558-1603*, 961.

Breefly me thought I did behowld a confused company of all parties of the Realme, of all degrees & estates then risinge in Armes, as sutch a time as ther is no cowncell or estate in Lyfe, no Lawfull generalls, no lieuennency, No Lawfull Colonells or captaynes to guyde them in eny militare action. No presidentes, No Judges, No Sherifes, No Justices, Breeflye no officers in Lyfe or aucthoretie to mayntayne Iustice or preserve peace or w[i]th Lawfull power to com[m]ande obedience or to guyde and divert such a distracted chaos of Armed men confusedly risinge even at that time when moste need should be of greatest government direction & Justice to suppress factions decride Claymes & defent the Realme from spoyle and invasion of strangers.⁵⁰⁸

The lawlessness of Englishmen rising in arms to hunt down those they considered to have been behind the death of their monarch needed a solution, as the Bond itself in Digges' mind caused more problems than it solved. Therefore to preserve the Kingdom, Digges proposed an interregnum scheme within which the authority of officers was established beyond the life of the monarch so as to direct action against those who had killed their Queen and to prevent foreign invasion.⁵⁰⁹ On the basis of this tract, Stanford E. Lehmberg argues that the concept of an interregnum originated with Digges and it was Digges who spread it to members of the Privy Council, such as Sir Walter Mildmay.⁵¹⁰ However, as is documented in the work by Alford, and discussed in this chapter, a concept of interregnum had been considered by members of the Privy Council from at least 1563, and may have had an even earlier existence in English political discourse.⁵¹¹ Digges' tract in the hands of the Privy Council provided them with little that was not already known, or had already been considered in their previous clash with Elizabeth over the matter of an interregnum. However, in the fearful climate of the mid-1580s, the Privy Council were determined to make another attempt to settle even part of the political uncertainty which arose from the undecided succession.

Burghley had significant experience in political transitions in England which came upon the death of a monarch and a questionable line of succession. It had driven him in 1562-1564 to establish a mechanism to enable the continuation of governmental authority in the temporary absence of a monarch, and to outline how a new ruler should be chosen. Elizabeth

⁵⁰⁸ Digges, *The Daungers that may ensue by the Othe of Assotiation*, BL Lansdowne MS 98, fol. 16r.

⁵⁰⁹ Digges, *The Daungers that may ensue by the Othe of Assotiation*, BL Lansdowne MS 98, fols. 16r.

⁵¹⁰ Lehmberg, *Sir Walter Mildmay and Tudor Government*, 248-249.

⁵¹¹ Alford, *The Early Elizabethan Polity*, 111-112.

considered such attempts to be infringing not only on her prerogatives regarding the succession, but also on monarchical authority which, in these plans, was to be subject to Parliamentary control. Elizabeth's objections did not appear to faze Burghley, who revised his interregnum plans with the support of the Privy Council and Digges' tract. Burghley's new interregnum scheme was to be added onto the Bill for the Queen's Safety. The plan would enable all officers of the government to continue as had been the case during Elizabeth's lifetime and for all actions to be undertaken in the "name of the Imperiall Crown of England", rather than the monarch themselves.⁵¹² It stated that "a Grand Counsell shall be established that shall be Coevded of all the Gr[eat] officers of the realm, and of the privie Counsell and Certan other publyck officers."⁵¹³ This council was to have the power to announce Elizabeth's death, to pursue her killers, to continue to govern the realm and finally to assemble Parliament.⁵¹⁴ When assembled, this Parliament would be informed of the actions of the "Grand Counsell" up to that point and then together they would "determin and decre to who the Crown shall in best right belong and theruppo[n] shall publish the same to the realm".⁵¹⁵ Under the revised interregnum plan proposed by Burghley and supported by the Privy Council in 1585, the right to call Parliament and to determine the royal succession were to be assumed by a select group of ministers and nobility under the authority of Parliament. These were two closely guarded royal prerogatives and the attempt to assume them is something which should be considered carefully.

Elizabeth was well known for jealously guarding what she considered to be her prerogatives, prerogatives which included the right to name her councillors, to determine policy, and to establish her own succession. Most monarchs were careful with their prerogatives, but this became essential in the case of a female ruler, as her hold on the throne was always more uncertain than that of her male counterparts. As we have seen, there was a substantial amount of literature being produced and debated which considered women to be fundamentally unsuited to rule.⁵¹⁶ There were close connections between these writers who objected to women rulers, or allowed them only when controlled by counsel, and Elizabeth's Privy Council. Burghley in particular maintained significant connections with these writers and exchanged correspondence with them. The two interregnum proposals drafted by Burghley

⁵¹² "Cecil's Interregnum Clause", early 1585, TNA SP 12/176/1, fol. 67r.

⁵¹³ "Cecil's Interregnum Clause", early 1585, TNA SP 12/176/1, fol. 67v.

⁵¹⁴ "Cecil's Interregnum Clause", early 1585, TNA SP 12/176/1, fol. 67v.

⁵¹⁵ "Cecil's Interregnum Clause", early 1585, TNA SP 12/176/1, fol. 68r.

⁵¹⁶ Knox, *The First Blast of the Trumpet*; Aylmer, *An Harborovve for Faithfyl and Treuve Svbiectes*; Smith, *De Republica Anglorum*.

further reflect his deep belief that while he was a servant to Elizabeth, his duty was not restricted to obeying her commands. Instead, he thought that when Elizabeth did not follow his counsel that she was purposefully neglecting her duty, and in such circumstances he and his fellow counsellors sought the assistance of Parliament to force Elizabeth to follow their advice, actions which were not taken against male members of the Tudor dynasty. Furthermore, it was the succession and Burghley's fears of a Catholic heir to Elizabeth which drove him towards the line of insubordination. In 1584-1585, his fears of a Catholic successor to the throne and Elizabeth's intransigence on the matter led to the Bond of Association and the revived interregnum proposal against his Queen's wishes. Elizabeth saw to it that the interregnum proposal was removed from the Bill for the Queen's Safety, and that James VI was protected should Mary Stuart's actions lead her into the eventual Act's path.⁵¹⁷ However, the desperation which led the Privy Council to contemplate such extreme ideas as the Bond of Association and Burghley's revived interregnum scheme did not fade with Elizabeth's success; it merely simmered in the background until such time when the line between service and independent action was crossed.

An Execution and a Clash, 1586-1587

The passing of the *Act for the Queen's Safety* through Parliament did not remove the concerns held by many of Elizabeth's Privy Council about the risks of an unestablished line of succession. These fears were in many respects personified in Mary Stuart, the Queen of Scots. As discussed in Chapter One, Mary Stuart was the next in line for the throne if the matter was considered on the basis of hereditary succession, though her claim was significantly hampered by her status as an alien and the impediment of Henry VIII's Will which excluded the Stuart line in its entirety. Regardless of the impediments, many considered Mary to be Elizabeth's rightful heir, a situation made more difficult by her Catholic faith and her presence in England from May 1568 which made her the focus of conspiracies and plots against Elizabeth's life.⁵¹⁸ Before her departure from Scotland, Mary had been forced to abdicate the Scottish throne in favour of her son, James VI. However, she refused to accept that this abdication under pressure was legitimate, and she was treated by the English as a Queen regnant until her death at

⁵¹⁷ Nenner, *The Right to be King*, 42; Neale, *Elizabeth I and Her Parliaments 1584-1601*, 52.

⁵¹⁸ Carole Levin, *The Reign of Elizabeth I* (New York: Palgrave, 2002), 19-20; Holmes, "Mary Stewart in England", 195.

Elizabeth's command.⁵¹⁹ Her quasi-legitimate status as a Queen and potential place as Elizabeth's heir made her the focus of plots and conspiracies, a number of which she unwisely became involved in. These plots resulted in her being kept under increasingly careful watch as the years progressed, and in the conception of initiatives such as the Privy Council's Bond of Association. These measures did little to stop Mary and quite possibly made her act out of desperation when she was approached by the members of the Babington Plot.

The first traces of this plot were detected in 1586 by Walsingham, who had uncovered exchanges between the Englishman Anthony Babington and the French ambassador, Chateaufort. Walsingham did not immediately put a halt to these discussions but sought to see where their project would lead. As such, he established an apparently secret passage for communication with Mary Stuart and the outside world, but one in which he could observe their correspondence.⁵²⁰ Following an exchange of letters with Babington, Mary dictated a letter to her secretary dated 17 July 1586 which expressed her agreement to the proposed plot to free her and to assassinate Elizabeth.⁵²¹ This letter was the evidence that the Privy Council had been seeking in order to move against Mary, and it was sufficient to trigger the newly enacted mechanisms put in place by the Act for the Queen's Safety. While the timing may give rise to suspicions that the entire plot was created by the English government to destroy Mary, there is no evidence of this. The Babington Plot was a real plot agreed upon by Babington and Mary Stuart, one in which Mary's complicity was fatally revealed in her dictated letter.⁵²² Mary Stuart was tried at Fotheringhay Castle on 14 and 15 October 1586.⁵²³ The pronouncement of her sentence was not immediately given; instead, Parliament was called to hear the case against Mary and it was the only session of which Elizabeth did not personally attend the opening.⁵²⁴ This Parliament strongly urged Elizabeth to execute Mary, and it supported the Privy Council in its efforts to pressure her to do so.⁵²⁵ After a lengthy delay, Mary Stuart's death sentence was published in London on 6 December.⁵²⁶ With the death sentence proclaimed, the only thing

⁵¹⁹ Allinson, "The Queen's Three Bodies", 104.

⁵²⁰ Williams, *The Later Tudors*, 313; Stephen Alford, *The Watchers: A Secret History of the Reign of Elizabeth I* (New York: Bloomsbury, 2012), 193-194.

⁵²¹ Guy, *My Heart is My Own*, 483.

⁵²² Guy, *My Heart is My Own*, 481; Elton, *England Under the Tudors*, 368.

⁵²³ Peter Beal, "Elizabeth's Execution Warrants", in *Elizabeth I and the Culture of Writing*, ed. Peter Beal and Grace Ioppolo (London: Cromwell Press, 2007), 178.

⁵²⁴ Neale, *Elizabeth I and Her Parliaments 1584-1601*, 105.

⁵²⁵ Guy, *Tudor England*, 335.

⁵²⁶ Susan Doran, "Revenge her Foul and Most Unnatural Murder? The Impact of Mary Stuart's Execution on Anglo-Scottish Relations", *History*, 85 (2000): 595.

standing between Mary and her execution was that the warrant was unsigned, and the dispatch of this warrant was the key issue in a confrontation between Elizabeth and her Privy Council.

Elizabeth refused for a number of months to sign the warrant as she struggled with the implications of Mary Stuart's execution, and during this time the unsigned document was entrusted to William Davison who had joined the Privy Council on 30 September 1586.⁵²⁷ On 1 February, Elizabeth summoned Davison and the warrant. After reading the warrant, Elizabeth signed it and in Davison's words, "she com[m]anded mee to carry it to the Seal and to give my Lo[rd] Chancellor speciall order from her to use it as secretly as might bee".⁵²⁸ Elizabeth specified that the warrant was to be shown to none save Walsingham who was away from court.⁵²⁹ Elizabeth's position was clear, even in Davison's discourse on the matter which he wrote from the Tower in the aftermath of the event: she commanded that the signed warrant be sealed, kept in complete secrecy and not dispatched. According to Davison's 'Discourse', and Elizabeth's letter to James after the event, Elizabeth did not intend to dispatch the warrant at that stage. She was highly concerned with the implications that Mary's execution would have upon her diplomatic relations with Scotland and France, and she was not prepared to risk undermining them further in light of the growing threat from Spain. Nor was she comfortable with giving the order for the execution of another sovereign monarch.⁵³⁰

However, once Elizabeth had signed the warrant, Davison "went downe directly to my Lord Treasurer [Burghley] to whome I did Communicate the said warrant signed together w[i]th suche other p[ar]ticulars as had passed at that tyme betwixt her Highnes and me."⁵³¹ It is at this point that her Privy Council took independent action beyond their earlier attempts and sought to operate beyond the commands of their Queen. The day after the warrant was signed and sealed, Davison informed the vice-chamberlain, Sir Christopher Hatton, of the situation. They jointly visited Burghley, where it was decided that the Privy Council would meet to discuss the warrant the following day.⁵³² This meeting of the Privy Council was highly irregular, as it met not in the Council's rooms but in Burghley's chambers.⁵³³ There were eleven

⁵²⁷ William Davison, "A Discourse sent by and from Secretary Davison (being then Prisoner in the Tower of London) unto Secretary Walsingham containyng a summary report of that w[hi]ch passed betwixt her Ma[jes]tie & him in the cause of the Scottish Queen from the signing of the warrant to the tyme of his restraint". 20 February 1587. BL Cotton MS Titus C VII, fol. 48; Arthur F. Kinney and Jane A. Lawson (eds.), *Titled Elizabethans: A Directory of Elizabethan Court, State and Church Officers, 1558-1603* (New York: Palgrave Macmillan, 2014), 2-4.

⁵²⁸ Davison, "A Discourse", BL Cotton MS Titus C VII, fol. 48v.

⁵²⁹ Davison, "A Discourse", BL Cotton MS Titus C VII, fols. 48v, 52.

⁵³⁰ Tunstall, "Of Honour and Innocence", 64-65; Guy, *My Heart is My Own*, 496-497.

⁵³¹ Davison, "A Discourse", BL Cotton MS Titus C VII, fol. 49.

⁵³² Davison, "A Discourse", BL Cotton MS Titus C VII, fol. 49v.

⁵³³ Guy, *My Heart is My Own*, 496-497.

members of the Privy Council present at this secret meeting, out of a total of nineteen councillors at the time, making it a well-attended meeting.⁵³⁴ The situation of the warrant was discussed at length before it was “finallye resolved to proceede to the sending downe therof without troubling her Highnes anie farther withall aswell in regard of her Charge given to myself to lett her heare no more therof till it was don”.⁵³⁵ The execution warrant was dispatched and Mary Stuart was executed at Fotheringhay Castle on 7 February 1587. When news that the execution had occurred reached the Privy Council, they resolved not to immediately tell Elizabeth of the fact, which made her one of the last to know in the English court.⁵³⁶ Burghley informed Elizabeth of Mary’s execution in the evening of 9 February 1587.⁵³⁷ It was in this moment in which the Privy Council’s independent action was revealed, and changed the issue at hand from the fallen Queen of Scots to a question of the nature of English government.

There has been a sizable debate as to why Elizabeth was so furious about the execution of Mary Stuart.⁵³⁸ R. B. Wernham and Wallace T. MacCaffrey have argued that Elizabeth’s anger following the execution was primarily for diplomatic show, to distance herself from any fallout of the execution of a fellow Queen.⁵³⁹ However, Penry Williams and G.R. Elton have argued that, while there may have been some element of show involved, her anger was real, and her Councillors were concerned by its strength.⁵⁴⁰ When Elizabeth’s reaction to the news of Mary Stuart’s execution is discussed, it is normally placed in terms of her being horrified by the execution, filled with guilt, grief-stricken or duplicitously seeking a scapegoat.⁵⁴¹ However, there is more to the situation than Elizabeth’s personal feelings, as convoluted as they may have been. Elizabeth’s powerful reaction to the execution may not lie solely with the death of Mary Stuart, but with how her orders were disregarded so blatantly, placing her in a diplomatically difficult position.

In the immediate fallout, most of the Privy Council was in disgrace. Elizabeth ordered for Davison, the warrant’s keeper, to be committed to the Tower, which he entered on 14 February.⁵⁴² Burghley at first sought to unite with the other Privy Councillors to defend

⁵³⁴ Conyers Read, *Lord Burghley and Queen Elizabeth* (New York: Alfred A. Knopf, 1961), 368.

⁵³⁵ Davison, “A Discourse”, BL Cotton MS Titus C VII, fol. 50.

⁵³⁶ Mark Taviner, “Robert Beale and the Elizabethan Polity” (PhD Thesis, St. Andrews University, 2000), 221; Davison, “A Discourse”, BL Cotton MS Titus C VII, fol. 51v.

⁵³⁷ Alford, *Burghley*, 291.

⁵³⁸ Tunstall, “Of Honour and Innocence”, 64.

⁵³⁹ R.B. Wernham, *Before the Armada: The Growth of English Foreign Policy 1485-1588*, (London: Jonathan Cape, 1966), 383; MacCaffrey, *Elizabeth and the Making of Policy, 1572-1588*, 424-5.

⁵⁴⁰ Williams, *The Later Tudors*, 315; Elton, *England Under the Tudors*, 368-370.

⁵⁴¹ Wernham, *Before the Armada*, 383; MacCaffrey, *Elizabeth and the Making of Policy, 1572-1588*, 424-5; Williams, *The Later Tudors*, 315; Elton, *England Under the Tudors*, 368-370.

⁵⁴² Davison, “A Discourse”, BL Cotton MS Titus C VII, fols. 51v-52.

Davison and their actions in a draft of a letter to Elizabeth, but this was never sent, and it soon became clear that they were all at risk of a similar fate as Davison.⁵⁴³ The change in Burghley's position was rather dramatic, as he himself was threatened with imprisonment in the Tower.⁵⁴⁴ In his state of disgrace alongside other Councillors, Burghley wrote to Elizabeth to explain his actions, and to beg for her forgiveness. In his letter dated 17 February he wrote "wherw[i]th your Ma[jes]tie is so depely offended, I am no more to be charged than others, yet I fynd and heare by report t[ha]t your Ma[jes]tie doth w[i]th more bitter terms of displeasure co[n]dem[n] me tha[n] others", indicating that he felt himself to be singled out for her rage. However, the letter was never read by Elizabeth as she had refused it.⁵⁴⁵ Burghley wrote a number of other letters to Elizabeth which were an intriguing mix of humble submission, denial of any wrongdoing, and fear that he would not regain her favour.⁵⁴⁶ In the commission of enquiry conducted concerning the dispatch of the warrant, Burghley and his fellow councillors were closely questioned. It was not until June, four months after the execution, that Burghley began to regain his place within Elizabeth's court. It had been the longest period of disfavour for him during Elizabeth's reign.⁵⁴⁷

The issue of the Privy Council's disfavour needs to be considered further, though it has been discussed by several scholars who frame it in terms of authority and conspiracy against Elizabeth's rule. Mark Taviner argued that the "Privy Council under Burghley's directions had indeed effectively conspired against her, albeit in what they saw as her best interests."⁵⁴⁸ Taviner's argument is supported by Stephen Alford who wrote that "there is really no doubt that Burghley and his colleagues acted in effect on their own authority."⁵⁴⁹ Indeed, even John Guy in his sympathetic biography of Mary Stuart agrees, writing that Elizabeth "never intended the warrant to be actually used", but that Burghley was "utterly implacable" in his determination for Mary Stuart to be executed.⁵⁵⁰ Though these arguments are correct they miss a significant component of the situation. While questions of the authority and the right of the Privy Council to take actions on behalf of their monarch had been circulating within England for the entirety of Elizabeth's reign, as discussed at the start of this chapter, such questions and approaches fell under the conception of the monarchical republic. Under this conceptualisation,

⁵⁴³ "The Lords to her Sacred Majesty [draft]", February 1587, CP 164/10.

⁵⁴⁴ Alford, *Burghley*, 291.

⁵⁴⁵ "William Cecil to Queen Elizabeth", 17 February 1587, BL Lansdowne 102, f.4.

⁵⁴⁶ "William Cecil to Queen Elizabeth", early 1587, BL Lansdowne 102, fols. 6-8.

⁵⁴⁷ Alford, *Burghley*, 297; Read, *Lord Burghley and Queen Elizabeth*, 379.

⁵⁴⁸ Taviner, "Robert Beale and the Elizabethan Polity", 239.

⁵⁴⁹ Alford, *Burghley*, 292.

⁵⁵⁰ Guy, *My Heart is My Own*, 496-497.

England was a mixed polity where the Privy Council had enough authority to urge their monarch to actions which may have been against her inclinations. However, the execution of Mary Stuart was an instance where the Privy Council clearly stepped beyond the orders of their monarch and took independent action, putting their ideas of monarchical republicanism into practice. This independent action led to the disgrace of the majority of the Privy Council, and their fear of Elizabeth's anger led them to reconsider their own conceptions of the English political state. As Alford observed, the aftermath of Mary Stuart's execution made Burghley face his own political mortality and the absolute rule of his monarch.⁵⁵¹ When the Privy Council had been rehabilitated and brought back into their Queen's favour, with the notable exception of Davison who was stripped of his position, the matter appeared to fade away from the domestic political scene. However, there were significant differences to the ways in which the Privy Council operated after this time to what had come before it. It was as if the attempts to enact a practical monarchical republic within England had been executed alongside Mary Stuart in February 1587.

The Earl of Essex: A Militaristic Monarchical Republican?

It has been argued by Guy that the execution of Mary Stuart was a turning point for the Privy Council's role in the government of England, as it is regarded as the end point of monarchical republicanism. This argument has been based on the fact that, shortly after the rehabilitation of the Privy Council, many of its members died, and none of those who eventually filled their seats at the council table embraced the monarchical republicanism which had fired the imagination of the Councillors before them. Furthermore, the later part of Elizabeth's reign has been thought to be of a vastly different character than the earlier period, following Guy's arguments for the existence of a "second reign" of Elizabeth in the 1590s, an argument largely adopted by other scholars of the period such as Paul Hammer.⁵⁵² While scholarship generally argues for a distinctly separate nature of the 1590s and a lack of monarchical republicanism, the last two sections of this chapter will challenge this consensus. Building upon Janet Dickson's re-evaluation of the politics of the 1590s and her contention that there is actually little evidence for a factionalised Privy Council in that period, this thesis will extend her work to reconsider the Privy Council of the 1590s in order to establish if monarchical republicanism continued to be a guiding idea amongst Elizabeth's Council and

⁵⁵¹ Alford, *Burghley*, 297.

⁵⁵² Guy, "The 1590s"; Paul Hammer, *The Polarisation of Elizabethan Politics: The Political Career of Robert Devereux, 2nd Earl of Essex, 1585-1597* (Cambridge: Cambridge University Press, 1999).

what impact the succession debate had upon it.⁵⁵³ As the politics of the 1590s are convoluted, two case studies will be undertaken to explore the two concepts of monarchical republicanism and the effect of ongoing anxiety over the succession. First the matter of the Earl of Essex will be considered, as Essex was one of the dominant elements of Elizabethan politics for the 1590s until his execution in 1601. The following section will focus on Essex's perceived political rival, Robert Cecil, and his secret correspondence with James VI of Scotland which has been credited with the King of Scots' smooth accession to the English throne. These two case studies will complete this chapter's consideration of how the ideas of monarchical republicanism were influenced by the ongoing succession debate in the Privy Council throughout Elizabeth's reign, and to reconsider the scholarly separation of 1590s politics from what came before.

Robert Devereux, the Earl of Essex, was a leading figure of Elizabethan politics during the 1590s and he has generally been associated with the conception of factionalised politics and a disintegration of the Elizabethan political class from the ongoing stresses of war against Spain during the 1590s. However, while his thoughts and actions have been explored in the scholarship, particularly by Paul Hammer and Alexandra Gajda, the concept of monarchical republicanism has not been applied to this later period of Elizabeth's reign, nor to this prominent member of her court.⁵⁵⁴ This section will argue not only that Essex adopted monarchical republican ideas as he took on the role of Privy Councillor, but furthermore, that he took it to an extreme that previous Privy Councillors such as Burghley and Walsingham would never have countenanced. While exploring the entirety of Essex's career would be beneficial in fully evaluating his relationship to monarchical republicanism, for the purposes of this thesis, only Essex's Revolt in 1601, which resulted in his execution as a traitor, will be considered.

In order to understand Essex as a Privy Councillor, it is first necessary to briefly outline his background and rise in Elizabethan politics. Robert Devereux was born in 1565 to Walter Devereux and Lettice Knollys.⁵⁵⁵ While Walter Devereux was the first Earl of Essex of that creation, his family had historically been of the elite in the English nobility.⁵⁵⁶ Following his father's death in Ireland in 1576, the young Essex became a ward of the Queen and lived for a time in Burghley's house. In September 1578, Essex's mother Lettice married Robert Dudley,

⁵⁵³ Janet Dickson, *Court Politics and the Earl of Essex, 1589-1601* (London: Pickering & Chatto, 2012).

⁵⁵⁴ Hammer, *The Polarisation of Elizabethan Politics*; Alexandra Gajda, *The Earl of Essex and Late Elizabethan Political Culture* (Oxford: Oxford University Press, 2012).

⁵⁵⁵ Dickson, *Court Politics and the Earl of Essex, 1589-1601*, 1-2.

⁵⁵⁶ MacCaffrey, *Elizabeth I*, 461.

the Earl of Leicester.⁵⁵⁷ Essex first arrived at Court in late 1585, but he did not become a prominent member until October 1586 following his return from military service in the Netherlands where he had served under the command of Leicester.⁵⁵⁸ While his prominence at Court is important, it was his participation in military ventures which increased his standing in Elizabethan society and politics. Following the Netherlands expedition, Essex participated in the 1589 Portugal Expedition (without Elizabeth's leave), commanded the 1591 expedition to Normandy in support of Henry IV, and was a joint commander of the 1596 Cadiz expedition and another to the Azores in 1597, before finally serving as Lord Lieutenant of Ireland in 1599.⁵⁵⁹ Essex's long involvement in military affairs set him apart from his fellow Privy Councillors following his appointment on 23 February 1593.⁵⁶⁰ His aristocratic background and his military focus coloured his approach to politics and how he made use of monarchical republicanism.

On the morning of 8 February 1601, Essex had gathered his supporters in Essex House as he thought there was a threat from his enemies at court to assassinate him, though there is no evidence of such beyond his claims which were recorded at his trial. Elizabeth, hearing of the armed gathering at the house, sent the Lord Keeper, the Lord Chief Justice of England, the Earl of Worcester, and Sir William Knollys, three of whom had been Essex's friends, to him:⁵⁶¹

All which went in her majesty's name, and commanded the earls and their adherents very strictly to dissolve their Assemblies, and to lay down their Arms. But he knowing it very treacherously imprisoned the said Lords and Counsellors by her majesty so sent, and altogether refused her majesty's authority.⁵⁶²

Essex informed those who had been sent to him that "his life was sought, and that he should have been murdered in his bed; that he had been perfidiously dealt with; that his hand had been counterfeited, and letters written in his name; and that they were assembled there together to

⁵⁵⁷ Gajda, *The Earl of Essex and Late Elizabethan Political Culture*, 4; Dickson, *Court Politics and the Earl of Essex, 1589-1601*, 1-2.

⁵⁵⁸ Dickson, *Court Politics and the Earl of Essex, 1589-1601*, 2; Hammer, *The Polarisation of Elizabethan Politics*, 15.

⁵⁵⁹ Hammer, *The Polarisation of Elizabethan Politics*, 82, 250-252; MacCaffrey, *Elizabeth I*, 463, 465; Dickson, *Court Politics and the Earl of Essex, 1589-1601*, 2.

⁵⁶⁰ Kinney and Lawson (eds.), *Titled Elizabethans*, 4.

⁵⁶¹ Williams, *The Later Tudors*, 374-375.

⁵⁶² "The Trial of Robert Earl of Essex and Henry Earl of Southampton before the Lords at Westminster for High Treason", 43 Eliz., 19 February 1601, in *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors, Volume I*, ed. T. B. Howell (London: T. C. Hansard, 1816), 1336.

defend their lives”.⁵⁶³ They called for him to present his charges to the Queen and disarm his men, to which Essex responded by imprisoning them and leading his men out into London.⁵⁶⁴ As Essex marched in the streets of London calling for the city’s support, he shouted that his life was threatened and that the English crown was to be given to the Infanta of Spain. However, the city did not rise for him and he returned to Essex House, where he found the Privy Councillors had been released and soon after he had to surrender to face the Queen’s justice.⁵⁶⁵

The Revolt was a confused series of events which was more dangerous on account of its ideological base than its actual physical threat to either Elizabeth or the Privy Council. In fact, the disorganised nature of the Revolt has led to it being seen in a number of different ways by historians. Hammer has strongly argued that Essex intended to “stage an aristocratic intervention at court - leading a large delegation of lords into the queen's presence and "humbly" petitioning her for the arrest of the earl's enemies on charges of treason and corruption.”⁵⁶⁶ However, Susan Doran argues that, while Essex may have considered himself loyal, his Revolt was treasonous, as was his intention to force Elizabeth and her Council to follow his policies.⁵⁶⁷ Gajda adds that it was important for Essex to work within a loyalist framework when undertaking his rising, as one of his motivating factors was the succession, and it was vital that, should the succession be established as a result of his actions, it did not have any appearance of deposing Elizabeth to avoid triggering the Act for the Queen’s Safety.⁵⁶⁸ While the succession has been associated with Essex’s Revolt, until Gajda’s chapter it received little emphasis as a motivating factor. But while her chapter draws out the importance of the succession to Essex’s concerns, the work does not relate the succession to the issue of counsel beyond his demands for the removal of a number of Privy Councillors, nor does it connect it to the concept of monarchical republicanism.

Much of the information we have today concerning the Essex Revolt is drawn from the examinations of its participants and their trials after its collapse. Essex’s state trial illustrates some of his thoughts when he gathered his men to surprise the court, though it completely

⁵⁶³ “The Trial of Robert Earl of Essex and Henry Earl of Southampton”, 43 Eliz., 19 February 1601, 1341-1343.

⁵⁶⁴ “The Trial of Robert Earl of Essex and Henry Earl of Southampton”, 43 Eliz., 19 February 1601, 1341-1343.

⁵⁶⁵ Williams, *The Later Tudors*, 374-375; Examinations of Thomas Curson and Patrick Brew, 18 February 1601, TNA, SP 12/278, fol. 148; Examination of Roger Manners, Earl of Rutland, 12 February 1601, TNA, SP 12/278, fols. 73-74.

⁵⁶⁶ Paul E. J. Hammer, “Shakespeare’s Richard II, the Play of 7 February 1601, and the Essex Rising”, *Shakespeare Quarterly* 59, No. 1 (2008): 11.

⁵⁶⁷ Susan Doran, *Elizabeth I and Her Circle* (Oxford: Oxford University Press, 2015), 190.

⁵⁶⁸ Alexandra Gajda, “Essex and the ‘Popish Plot’”, in *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, eds. Susan Doran and Paulina Kewes (Manchester: Manchester University Press, 2014), 128.

failed to proceed as he had thought it would. When questioned as to his purpose for leading his men into the city, Essex stated he intended to go to the Queen and to petition for her support: “And the effect of our desires should have been, that she would have been pleased to have severed some from her majesty, who, by reason of their potency with her, abused her majesty's ears with false informations; and they were Cobham, Cecil and Raleigh”.⁵⁶⁹ Essex believed that, when presented with a force of his followers, Elizabeth would be overcome and agree to their demands, or in Dickson's words “that the Queen could be roughly wooed into following his counsel.”⁵⁷⁰ In his actions, Essex took the conception of monarchical republicanism to its furthest militaristic extent, where the monarch should follow the advice of her counsellors, even by use of the sword if necessary. Such actions were a subversion of the English political system and resulted effectively in that monarch's deposition regardless of the intent not to do so, as that monarch could no longer rule in their own right. This point was observed by the Lord Chief Justice and the Queen's Council in the trial of a number of Essex's followers, where they stated that any attempt to take authority from the monarch, or to force the monarch to use their authority as dictated by one of their subjects, was in effect to harm the queen and to deprive her of her crown, regardless of their intention not to physically harm her.⁵⁷¹ Essex's intention to force Elizabeth to remove members of her Court and Council whom he considered his enemies and to coerce her to follow his advice demonstrated the dangers of monarchical republicanism which Elizabeth herself had perceived when her Privy Council had dispatched Mary Start's execution warrant without her approval. In taking the steps that he did, Essex had no support within either the Court or the Privy Council, as they fully understood the significance of his intended Revolt, even if it failed in the streets of London.

The final element of the Essex Revolt, as pointed to by Gadja, was the ongoing succession issue, which continued to provoke significant anxiety within England. During the examination of those who had participated and witnessed the Earl's march through the streets it was clear that the succession was of equal importance to Essex as his determination to remove his perceived enemies. The Earl of Rutland testified in his examination that Essex had claimed “that the crowne of England was offered to be sold to the infanta ~~and that it was agreed the spanyard should be bought in~~”, while others testified that he had said “the Crowne of Englande

⁵⁶⁹ “The Trial of Robert Earl of Essex and Henry Earl of Southampton”, 43 Eliz., 19 February 1601, 1349.

⁵⁷⁰ Dickson, *Court Politics and the Earl of Essex, 1589-1601*, 56.

⁵⁷¹ “The Trial of Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, Sir Gilly Merrick and Henry Cuffe at Westminster for High Treason”, 43 Eliz., 5 March 1601, in *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors, Volume I*, ed. T. B. Howell, 1410.

was sold to Spayne.”⁵⁷² Essex was questioned about these statements in his trial to which he answered, “I can prove thus much from sir Robert Cecil's own mouth; that he, speaking to one of his fellow-counsellors, should say, That none in the world but the infanta of Spain had right to wear the crown of England”.⁵⁷³ Cecil, Elizabeth’s Principal Secretary, responded to this claim bluntly by stating “I do confess I have said the king of Scots is a competitor, and the king of Spain a competitor”.⁵⁷⁴ He then challenged Essex to name the councillor who had accused him of favouring the Infanta to which Essex indicated that Southampton knew the identity of that man. Southampton named Sir William Knollys, Mr. Comptroller, who was summoned to answer the charge by Essex. Mr. Comptroller when present answered, “I remember that once in Mr. Secretary's company, there was a Book read, that treated such matters; but I never did hear Mr. Secretary use any such words, or to that effect.”⁵⁷⁵ The book was most likely Persons’ *A Conference* which was discussed in Chapter One. Following this exchange, the succession faded from the trial. However, while the succession was significantly more involved in the Revolt than the trial stated, it had little to do with Cecil and everything to do with Essex.

Essex had long been concerned with the succession and had sought to align himself with James VI of Scotland whom he considered the most likely to succeed Elizabeth. Following the failed Revolt, Henry Cuffe, Essex’s secretary, confessed to the Earl’s secret correspondence with James, stating “I cannot certainly affirme how longe it hathe continued, but sure I am that it hathe ben[n] for at least these two years.”⁵⁷⁶ The correspondence between Essex and James was in fact established far earlier, in 1594.⁵⁷⁷ Shortly before the Revolt, Essex wrote to James asking him to send an ambassador, the Earl of Mar, to London in support of his planned action.⁵⁷⁸ Cuffe recalled “one part of the lettre was to p[er]suade the coming uppe of the Earle of Marre to London by the first of Februarie. And that the Earle of Essex had under his own

⁵⁷² Examination of Roger Manners, Earl of Rutland, 12 February 1601, TNA, SP 12/278, fol. 73v (The text which has been struck through was also marked as such in the manuscript); Examinations of Thomas Curson and Patrick Brewe, 18 February 1601, TNA, SP 12/278, fol. 148; Examination of Thos. Ratelyffe, 18 February 1601, TNA, SP 12/278, fol. 147.

⁵⁷³ “The Trial of Robert Earl of Essex and Henry Earl of Southampton”, 43 Eliz., 19 February 1601, 1351.

⁵⁷⁴ “The Trial of Robert Earl of Essex and Henry Earl of Southampton”, 43 Eliz., 19 February 1601, 1351.

⁵⁷⁵ “The Trial of Robert Earl of Essex and Henry Earl of Southampton”, 43 Eliz., 19 February 1601, 1352.

⁵⁷⁶ Henry Cuffe to the Privy Council, February 1601, CP 83/88.

⁵⁷⁷ Alexander Courtney, “The Scottish King and the English Court: The Secret Correspondence of James VI, 1601-3”, in *Doubtful and Dangerous: The Question of Succession in Late Elizabethan England*, eds. Susan Doran and Paulina Kewes (Manchester: Manchester University Press, 2014), 136.

⁵⁷⁸ Earl of Essex to King James VI, 25 December 1600, in *Calendar of the State Papers Relating to Scotland and Mary, Queen of Scots*, vol. 13, part 2, ed. by J. D. Mackie (Edinburgh: Her Majesty’s Stationery Office, 1969), pp. 756–57.

hand wrightten instructions to the Erle of Marre, which the Erle of Essex burnt.”⁵⁷⁹ The ambassador was to state on his arrival that

The king his master thoughte it necessary to beseche her ma[jes]tie to declare his righte to the succession of this Crowne, not because hee observed in her ma[jes]tie any wante of princely favour and affection towards him, but because hee hathe founde by infallible prooffe that somme very gracious w[i]th her ma[jes]tie, beign of extraordinary bothe power & malice, will not fayle one daye (if God prevente it not) to make theyre advantages of the vncertaintie of successiomm, not only to p[re]iudice, but also to the evident hazarde and almost inevitable ruine of the whole Ilande.⁵⁸⁰

Furthermore, Cuffe wrote that Essex, his supporters, and James thought that Sir Robert Cecil, Sir Walter Raleigh, Lord Cobham, the Lord Treasurer, the Lord Admiral, Lord Burghley, and Sir George Carew were all aligned against James’ succession and were conspiring for a Spanish claim, that “all theyre counsayles & endeavours tende to the advancement of the Infanta of Spayne to the succession[n] of this crowne”.⁵⁸¹ Following the Revolt, the English government sought to suppress all information about James’ connections to Essex in order to prevent him falling under the Act for the Queen’s Safety.⁵⁸² This matter was made easier by the fact that a number of secret papers were burnt by the Earl at Essex House on the day of his Revolt.⁵⁸³ James hesitated before sending his ambassador to England and, as such, they arrived after Essex’s execution. As a result of the delay, the official mission of the embassy was to congratulate Elizabeth on her survival against the Revolt and to manage outstanding diplomatic issues, leaving any public mention of the succession to slide.⁵⁸⁴

Following the work of Guy, the 1590s has been portrayed as a period distinct from the earlier years of Elizabeth’s reign, and in a similar way, the Earl of Essex’s career has been viewed to be one dominated by factionalism.⁵⁸⁵ However, through this reading of Essex’s actions it is clear that he represented an outspoken continuation of the ideas which had preceded him regarding the counsel of his Queen, and he represented a militarisation of the monarchical

⁵⁷⁹ The Examination of Henry Cuffe, 2 March 1601, TNA, SP 12/279, fol. 7.

⁵⁸⁰ Henry Cuffe to Sir Robert Cecil, March 1601, CP 83/99_2.

⁵⁸¹ Henry Cuffe to Sir Robert Cecil, March 1601, CP 83/99_2.

⁵⁸² Gajda, *The Earl of Essex and Late Elizabethan Political Culture*, 40.

⁵⁸³ Gajda, “Essex and the ‘Popish Plot’”, 125.

⁵⁸⁴ Tunstall, “The Paradox of the Valentine Thomas Affair”, 85-86.

⁵⁸⁵ Guy, “The 1590s”; Hammer, *The Polarisation of Elizabethan Politics*; Gajda, *The Earl of Essex and Late Elizabethan Political Culture*; Dickson, *Court Politics and the Earl of Essex, 1589-1601*.

republican conception of English government which other scholars have argued disappeared following the execution of Mary Stuart in 1586. In fact, the reason for the general disappearance of monarchical republicanism amongst the Privy Council following the dispatch of that execution warrant was not so much the case of old councillors dying and those who followed not taking it up, but instead a case of those Privy Councillors remembering Elizabeth's fury when they disobeyed her command, and most likely sharing that knowledge with those who joined their ranks to ensure that they knew the boundaries of their roles. Essex was unwilling, however, to be bound to his Queen's service when he thought he knew better, and his career shows a pattern of his determination to force his sovereign to follow his counsel. Finally, it was in his concern over the succession, and his determination to settle the matter in favour of James, which drove him to the streets and to rebel. The succession issue captured all of his fears about evil councillors, enemies in the court, and a Queen he considered to have been led astray. These fears resulted in the militarised monarchical republican Essex Revolt in 1601, an approach which failed to win support and resulted in the Earl of Essex's execution on Tower Hill.

The Secret Correspondence and Monarchical Republicanism, 1601-1603

With the execution of the Earl of Essex, militarised monarchical republicanism failed as a means to force the settlement of the succession, but it did not erase monarchical republicanism nor anxieties concerning the succession from Elizabeth's Privy Councillors. The final years of Elizabeth's reign, 1601 to 1603, appear in the scholarship for both the Queen's reign and for the issue of the succession almost as a footnote. Historians tend to argue that the secret correspondence that Sir Robert Cecil, Elizabeth's Principal Secretary and the son of William Cecil, Lord Burghley, established with James VI of Scotland following the fall of Essex smoothed the way for James' eventual accession and thus concluded the succession debate.⁵⁸⁶ As argued by Hurstfield, the correspondence enabled Cecil "to instruct James in the duties which would one day await him in London and, secondly, to ensure that James was never again tempted to seize power before his time."⁵⁸⁷ However, this has been questioned by Alexander Courtney who has pointed out that, while it is generally assumed that the correspondence between Cecil and James settled the succession issue, it is not explained how

⁵⁸⁶ Courtney, "The Scottish King and the English Court", 135; J. Hurstfield, "The Succession Struggle in Late Elizabethan England", in *Elizabethan Government and Society: Essays Presented to Sir John Neale*, eds. S. T. Bindoff, J. Hurstfield and C. H. Williams (London: Athlone Press, 1961), 392-392; Guy, *Tudor England*, 452-454.

⁵⁸⁷ Hurstfield, "The Succession Struggle in Late Elizabethan England", 392.

they actually achieved their purpose.⁵⁸⁸ This section will build upon Courtney's work in interrogating the secret correspondence and its role in the concluding chapter of the long-running Elizabethan succession debate. However, while the correspondence is usually seen as the mechanism for the smooth accession of James to the English throne, this chapter will consider the secret correspondence in a different light, that is, as a final, almost silent expression of monarchical republicanism from Elizabeth's Privy Council.

As we have seen, Essex had been secretly corresponding with James concerning the succession and had called for James to send an embassy to London in support of Essex's planned confrontation with Elizabeth's government. James hesitated in sending his embassy and heard of Essex's failed rebellion before they were dispatched, which changed the instructions for his ambassadors. Publicly, the intention of James' embassy was to manage a number of outstanding issues of Anglo-Scottish diplomacy, a number of which were connected with the succession, such as the ongoing Valentine Thomas affair which had implicated James in a widely disbelieved plot to murder Elizabeth.⁵⁸⁹ However, the ambassadors, the Earl of Mar and Edward Bruce, the Abbot of Kinloss, had received further instructions which were to be kept secret from Elizabeth. In these, James instructed them to "use then all means ye can to get me a party there", or a group of supporters for his claim, while they were in London.⁵⁹⁰ Furthermore, James advised them to sound out "Master Secretary, who is king there in effect".⁵⁹¹ At the beginning of May, Mar and Bruce met with Cecil at Dutchy House on the Strand to discuss the matters of their embassy and to discuss James' position.⁵⁹² As a result of this meeting, a correspondence was commenced, though it was to be maintained in strictest secrecy. To assist in maintaining the security of the letters, a simple cypher was created to disguise the identity of the correspondents before the return of Mar and Bruce to Scotland in May 1601.⁵⁹³ Under this cypher, Cecil was 10, James 30 and Elizabeth 24.⁵⁹⁴ Furthermore, Cecil and James only directly corresponded occasionally, with the majority of the exchange being maintained through the use of intermediaries such as Henry Howard on the English side

⁵⁸⁸ Courtney, "The Scottish King and the English Court", 134-135.

⁵⁸⁹ Tunstall, "The Paradox of the Valentine Thomas Affair", 85-86; Sir Robert Cecil to the Master of Gray, April 1601, TNA, SP 52/67, fol. 92.

⁵⁹⁰ James to the Earl of Mar and Edward Bruce, Mid-February 1601, in *Letters of King James VI & I*, ed. G. P. V. Akrigg (Berkeley: University of California Press, 1984), 170.

⁵⁹¹ James to the Earl of Marr and Edward Bruce, 8 April [1601], in *Letters of King James VI & I*, 175.

⁵⁹² Courtney, "The Scottish King and the English Court", 139.

⁵⁹³ Alan Haynes, *Robert Cecil, Earl of Salisbury, 1563-1612: Servant of Two Sovereigns* (London: Peter Owen, 1989), 89.

⁵⁹⁴ P. M. Handover, *The Second Cecil: The Rise to Power, 1563-1604, of Sir Robert Cecil, later first Earl of Salisbury* (London: Eyre & Spottiswoode, 1959), 235-236.

and Kinloss on the Scottish side.⁵⁹⁵ However, while most of the letters were composed by others, there were a number written by both Cecil and James which will be considered here.

The secret correspondence exchanged between James and Cecil between May 1601 and March 1603 was not extensive, though it was significant. Today there are thirteen letters which are known to have formed part of the exchange, though it is highly possible that a number of letters have been lost over time. Of these thirteen letters, seven were written by James and six were composed by Cecil.⁵⁹⁶ The correspondence itself was commenced by James, who most likely wrote the first letter around May 1601 following the return of his ambassadors to Scotland. In the letter, James suggested using Henry Howard as their “sure & secreate enterpretoure” in the “opening up of euerie one of thaire myndis to another”. He then sought to stress that he had not been involved in Essex’s rebellion, and that “essex had neuer any dealing with him quhiche was not most honorable”.⁵⁹⁷ James’ protest that he had not had any underhanded dealings with Essex is somewhat questionable, especially considering his preparedness to send his embassy to London to support Essex’s position before judging it was unwise. However, it was a useful position to take when reaching out to Cecil, a man whom James had considered to be resolutely decided against his claim to the English throne. Indeed, in a later letter, James informed Cecil that he had been informed that Cecil’s previous “syllence did proceede not of dewtie to youre souueraine but out of unquenchable malice against me”.⁵⁹⁸ Cecil cautiously accepted James’ correspondence, and, while it has been considered in light of the succession, its connection to the concept of monarchical republicanism has not been examined.

In response to James’ letter, Cecil wrote a long response of his own which emphasised both the need for secrecy and his approach to the role of counselor. Secrecy was highly important, not only because of the content of the letters but also because of the fact that, as Elizabeth’s Principal Secretary and a member of her Privy Council, any secret correspondence with the monarch of another kingdom was treasonous.⁵⁹⁹ Cecil wrote in his first letter to James that, should the correspondence be discovered and Elizabeth be informed, it “would preiudice me in her ma[jes]tes iudgment”.⁶⁰⁰ The risk of discovery, though, was evidently not sufficient to prevent Cecil from engaging in his clandestine correspondence with James. This first letter

⁵⁹⁵ Courtney, “The Scottish King and the English Court”, 139.

⁵⁹⁶ John Bruce (ed.), *The Correspondence of King James VI of Scotland with Sir Robert Cecil and Others in England during the Reign of Queen Elizabeth* (London: J. B. Nichols and Sons, 1861).

⁵⁹⁷ James to Cecil, 1601, CP, 135/54.

⁵⁹⁸ James to Cecil, 1601, CP, 135/59.

⁵⁹⁹ Croft, *King James*, 48.

⁶⁰⁰ Cecil to James, 1601, CP, 135/55.

outlined his reasoning, and it was a clear expression of monarchical republicanism of the type which had earlier motivated his father to operate beyond Elizabeth's commands. Cecil wrote that it was appropriate for "faythfull ministers to conceale sometyme booth thoughts and actions from Princes, when they are perswaded it is for their owne greater service".⁶⁰¹ As expressed here, Cecil considered part of the Privy Councillor's role was to enact those policies that they considered were to be of the greatest benefit of their monarch, regardless of their monarch's opinion of those policies. When it was clear that the monarch objected, as Elizabeth had regarding the succession, Cecil thought it was the Privy Councillor's prerogative to still pursue the matter, though as a matter of necessity it needed to be kept completely secret in order to best serve their monarch. As such, Cecil's correspondence with James over the succession was in itself an expression of monarchical republicanism, though one far more subtle than the militaristic version recently used by the Earl of Essex in his rebellion.

As has been noted, the succession was a key component of the correspondence exchanged between Cecil and James. In his first letter to James, Cecil took great pains to stress that James' continued pressure and agitation on the succession was not benefiting his cause. He wrote that

I perceave when that naturall day shall come, wherein your feast may be lawfully proclaymed (w[hic]h I doe wich may be long deferred) such shall appeare the Equitye of your mynd to all men, as those shall not be reiected (as wantinge their wedding garment) whoe have not falslye or vntymely wrought for future fortunes.⁶⁰²

In this advice Cecil warned James not to risk his succession to the English throne through his attempts to secure it before Elizabeth's death. Furthermore, Cecil advised James

your best approach towards your greatest end, is by your ma[jes]ties cleare and temperate courses, to secure the heart of the Highest, to whose sex and qualitye nothinge is soe improper as ether needles[s] expostulations, or over much curiositie in her owne actions. The first, shewing vnquietnesse in your selfe; the second challengng some vntymely interest in hers⁶⁰³

Cecil here advised that Elizabeth found James' continued pressure concerning the succession as improper and distasteful, and therefore James would be wise to temper his enthusiasm for

⁶⁰¹ Cecil to James, 1601, CP, 135/55.

⁶⁰² Cecil to James, 1601, CP, 135/55.

⁶⁰³ Cecil to James, 1601, CP, 135/55.

the topic in his dealings with her. Finally, to conclude his points on the succession and James' previous approach to the matter, Cecil argued that "Whoesoeuer therefore perswades your ma[jes]tie that it is necessarie for you to be to busy, to prepare the vulgar beforehand, little understands the state of this question", or in other words to stop listening to those who advocated action before Elizabeth's death.⁶⁰⁴ Furthermore, in a later letter Cecil wrote that the succession was "so perilous to touch amongst vs, as it setteth a mark vppon his hedd for ever that hatcheth such a byrd".⁶⁰⁵ Cecil's advice was to let the succession fade from James' diplomatic exchanges with Elizabeth and England officially. In place of widespread or official support, James should trust in his claim being supported by Cecil and others when the time was right, as continuous agitation would only risk undermining his claim.⁶⁰⁶ James accepted this advice, responding that "all my actions for aduaucing of my lawfull future hoapes by youre aduyce euen as ye uaire one of my owin counsaillouris allreaddie".⁶⁰⁷ With the succession fading from the Anglo-Scottish diplomatic exchange as a result of Cecil's advice, the ongoing succession debate slowly diminished. While no successor was publicly declared at this stage and the matter was still a source of some agitation within parts of the court, Cecil had determined to guide the Privy Council towards a smooth transition of the most likely successor. However, this is not to say that James, or even Cecil, fully controlled the English Government in the final years of Elizabeth's reign through their secret correspondence.

James did not have a sophisticated conceptualisation of the English government and he held the questionable belief that Elizabeth and her policies were controlled by her Privy Councillors on the basis of her gender. It was this view of the English government which led to his entanglement with Essex and influenced his general approach to relations with England.⁶⁰⁸ James' understanding was not accurate, however, and, as Doran has pointed out, the "contemporary libel that the Secretary totally ruled Elizabeth and the privy Council was wide off the mark."⁶⁰⁹ It also opened up James to be manipulated by the very men he thought were manipulating Elizabeth on his own behalf.⁶¹⁰ An example of this can be found in his directions to Cecil regarding the possibility of peace between England and Spain. James objected to any peace before his accession as it would have been "most perrelouse for my iust

⁶⁰⁴ Cecil to James, 1601, CP, 135/55.

⁶⁰⁵ Cecil to James, 1601, in *The Correspondence of King James VI of Scotland with Sir Robert Cecil and Others in England during the Reign of Queen Elizabeth*, 13.

⁶⁰⁶ Cecil to James, 1601, CP, 135/55.

⁶⁰⁷ James to Cecil, 1601, CP, 135/59.

⁶⁰⁸ Courtney, "The Scottish King and the English Court", 135-136.

⁶⁰⁹ Doran, *Elizabeth I and Her Circle*, 295.

⁶¹⁰ Courtney, "The Scottish King and the English Court", 147.

clame in particulaire”.⁶¹¹ It has been suggested that, as a result of James’ instructions, Cecil objected to peace in the final years of Elizabeth’s reign.⁶¹² However, as Pauline Croft has convincingly argued, Cecil and others on the Privy Council thought that a necessary precondition for any peace with Spain was the conclusion of conflict with Ireland, something which was not achieved until six days after Elizabeth’s death in 1603.⁶¹³ While the appearance of Cecil’s actions seemed to indicate he was following James’ directions, and those who corresponded with James were keen to point it out, it was not the reality of the situation. Instead, Cecil continued to follow English policy which the Privy Council had determined, and one supported by their Queen and not influenced by James, that is, the conclusion of the war in Ireland. James’ belief in his ability to control Elizabeth’s Privy Councillors led to him being left open to manipulation, and to the influence of monarchical republicanism which had proven to be such a difficulty to Elizabeth for the entirety of her reign.

A Monarchical Republic or Succession-Driven Presumption?

The Tudor monarchy was not a monarchical republic, nor was it really a mixed polity as the political theorists favoured in their depiction of English governmental structures. Smith’s *De Republica Anglorum* presented an England which was idealised to suit the conceptions of men struggling with the upending of their world order by the accession of a female ruler.⁶¹⁴ The arguments which sought to either delegitimise or support female rulers, such as those made by Knox or Aylmer, were intellectual constructions, as England’s governance was at that time based upon the notion of descending authority which was incompatible with their ideas.⁶¹⁵ Makku Peltonen argues that “a dominant section of the political nation from Lord Burghley onwards could conceive of England - under highly exceptional circumstances at least - as a ‘Polish style’ elective monarchy or as ‘a mixed polity’.”⁶¹⁶ I would add to this statement, at least regarding the reign of Elizabeth, that the exceptional circumstances which drove Englishmen to contemplate republican solutions was the Elizabethan succession question. This question prompted loyal Privy Councillors to first attempt to force their sovereign’s hand and

⁶¹¹ James to Cecil, 1602, CP, 135/76.

⁶¹² Doran, *Elizabeth I and Her Circle*, 297-298.

⁶¹³ Pauline Croft, “*Rex Pacificus*, Robert Cecil, and the 1604 Peace with Spain”, in *The Accession of James I: Historical and Cultural Consequences*, eds. Glenn Burgess, Rowland Wymer and Jason Lawrence (New York: Palgrave Macmillan, 2006), 143-147.

⁶¹⁴ Smith, *De Republica Anglorum*.

⁶¹⁵ Knox, *The First Blast of the Trumpet*; Aylmer, *An Harborovve for Faithfyl and Treuve Svbiectes*; Makku Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570-1640* (Cambridge: Cambridge University Press, 1995), 4-5.

⁶¹⁶ Peltonen, *Classical Humanism and Republicanism in English Political Thought*, 49.

then to disregard her orders. It was the succession, and the widely held fear of war inevitably following Elizabeth's death, that prompted them to assume that their theories of mixed polity existed, an assumption which almost led to their almost complete disgrace, or, in the case of Essex, his execution. It has been argued by a number of scholars that Elizabeth treated William Davison as a scapegoat to free herself from the guilt of Mary Stuart's execution.⁶¹⁷ However, it is far more likely that she used Davison as a highly pointed warning to her remaining councillors as to the consequences of directly disregarding her commands, as Davison had done when he took the warrant straight to Burghley.

It has been argued by Guy that, with the death of the elder Privy Councillors, those who had joined Elizabeth at the beginning of her reign to establish a Protestant English state, the council took on a new character.⁶¹⁸ However, it was not a sudden replacement of the old with the new as change of membership occurred over a number of years, and Guy's argument, that age carried away the firebrands leaving only lesser men with little desire to embrace the earlier ideology to fill the council, is somewhat questionable.⁶¹⁹ Of the nineteen men who were Privy Councillors when Mary Stuart's execution warrant was dispatched in 1587, thirteen lived until 1590 and seven served beyond 1595. At the time of Elizabeth's death, her Privy Council had only twelve men serving on it, three of whom had been on the council in 1587.⁶²⁰ There is an alternate reason for why the idea of monarchical republicanism faded as the prominent motivating theory of government in England following the death of Mary Stuart, and it has little to do with the age of the Privy Council. Instead, I argue that the ideas of monarchical republicanism faded because they had never existed in reality, that when applied to a practical situation they ran counter to English law by countermanding their monarch. Those men who remained on the council had been forcibly shown by Elizabeth that their actions had strayed close to treason, a situation which they refused to fall into again. The younger generation which joined the council did not emerge or work in a vacuum, but rather would have been informed of the risks that came with straying from their role of royal advisors to take independent action, and they took heed of this warning.

While the example provided to the elder Privy Councillors of the result of overstepping their roles though independent action served its lesson, that does not mean that the theory of monarchical republicanism entirely vanished from sight. Instead, it simply changed form. This

⁶¹⁷ Tavinor, "Robert Beale and the Elizabethan Polity", 242; Williams, *The Later Tudors*, 315; Elton, *England Under the Tudors*, 370.

⁶¹⁸ Guy, "The 1590s".

⁶¹⁹ Guy, "Monarchy and Counsel", 134-136.

⁶²⁰ Kinney and Lawson (eds.), *Titled Elizabethans*, 2-4.

thesis has shown that on at least two occasions the theory of monarchical republicanism was embraced following the death of Mary Stuart, though in each instance it was expressed in a different manner. Robert Devereux, the Earl of Essex, led a Revolt through the streets of London in an attempt to force his own advice upon Elizabeth. In this action, the theory of monarchical republicanism which had been used by the elder Privy Councillors to dispatch Mary Stuart's execution warrant was militarised. Essex had throughout his career shown an inclination for monarchical republicanism, however, on those occasions he found no support amongst his fellow Privy Councillors to operate so openly against Elizabeth's commands. Following Essex's execution, Robert Cecil engaged in a secret correspondence with James VI concerning the succession. Within Cecil's first letter there was a prominent statement concerning monarchical republicanism, which stated it was the duty of a minister to do what was necessary in the service of their monarch, even if it was against their sovereign's wishes. In this Cecil showed that monarchical republicanism continued to influence members of the Privy Council, but unlike earlier in Elizabeth's reign it was to be kept secret as open expression of such a conceptualisation of government carried significant risk.

In general, the warning extended to the younger generation of Privy Councillors of the fallout from Mary Stuart's execution can be seen most clearly in the letters between Burghley and his son Robert Cecil. Burghley, as has been discussed at length in this chapter, was a firm proponent of monarchical republicanism, particularly regarding the need to establish the succession. However, following his lengthy spell of disfavour and the threat of being sent to the Tower, he stopped using his earlier strategies based upon mixed polity political theories. Burghley also began to advise his son to follow Elizabeth's rulings rather than take up his own earlier practices which were based on monarchical republicanism. In 1596, Burghley wrote to Cecil:

I do hold and will allweiss this courss in such matters as I differ in opinion from hir Majesty as long as I may be allowed to gyve advise. I will not chang my opinion by affurmyng the Contrary for that war to offend God to whom I am sworn first, but as a servant I will obey hir Ma[jes]ty's commanndment, and no wise contrary the same, presuming that she be God's cheff minister hear it shall be God's will to have hir commanndmentes obeyed after that I have performed my

dutye as a Counsellor, and shall in my hart wish, hir Commandmentes
to have such good successes, as I am sure she intendeth.⁶²¹

This advice stated quite firmly that, while a councillor should advocate what they thought best, eventually they were required to implement their monarch's policy regardless of their own opinion of it. Their service was to seek the success of that policy, and not to allow their own contrary opinions to undermine their actions. Burghley's advice was completely contrary to his own earlier actions regarding the succession, when his interregnum schemes and the sending of the execution warrant forced his own conceptions of policies over those his monarch had directed. For the most part, this was advice that Robert Cecil took firmly to heart as a councillor, and he operated as Elizabeth's loyal servant for the final years of her reign. However, as has been shown, Cecil was influenced by monarchical republican thought and while he accepted he could not go directly against Elizabeth's wishes, there was little to stop him from undertaking actions in secret which he considered to be in his Queen's best interests. In doing so, he remained true to the advice of his father, the long serving Lord Burghley, who wrote to his son that he should "serve God by servyng of the Quene for all other service is in dede bondage to the Devil", and, as was the case with his father, he chose to serve in his own way.⁶²²

The execution of Mary Stuart proved to be a turning point during Elizabeth's reign for a number of reasons. It has functioned in the historiography as a key moment when things change: England was tenuously at peace with Spain but at war with Spain not long afterwards; the plots against Elizabeth were to replace her with Mary before her execution and following it they had little focus beyond seeking Elizabeth's death; and finally, before the sending of her execution warrant there existed within England a monarchical republic which faded from prominence upon Elizabeth learning of Mary's death. This chapter has explored five key periods during which Elizabeth's Privy Council sought to undertake actions to establish the succession against their monarch's wishes, seeing England as a quasi-monarchical republic in which they had as much right as their monarch to take independent actions. However, this right did not exist beyond the theoretical tracts in which they circulated. Instead, England was a monarchy where the monarch determined the course of action and her council was obligated to obey, regardless

⁶²¹ "William Cecil, Lord Burghley, to Sir Robert Cecil", 13 March 1596, in *The Letters of Lord Burghley, William Cecil, to his Son Sir Robert Cecil, 1593-1598*, ed. William Acres (Cambridge: Cambridge University Press, 2017), 218.

⁶²² "William Cecil, Lord Burghley, to Sir Robert Cecil", 10 July 1598, in *The Letters of Lord Burghley, William Cecil, to his Son Sir Robert Cecil, 1593-1598*, ed. William Acres (Cambridge: Cambridge University Press, 2017), 293.

of whether that monarch happened to be a woman. When the Privy Council dispatched the signed warrant for Mary's execution, they knowingly took action independent of their monarch's directions. They disregarded her orders that the signed document remain secret and when they sent it, they kept the truth of the matter from her until several days after the execution had been carried out. In this instance, the Privy Council conspired against their monarch, a serious enough action, but they also did so in a matter that fell directly under the royal prerogative, that being the succession. Elizabeth's fury at her councillors can be traced to this misconduct which strayed perilously close to treason. They had presumed to act independently out of their anxiety over the undecided succession but in doing so had disobeyed their monarch, risking both their standing and their lives, as William Davison discovered. While scholars such as Guy and Collinson pinpoint 1557 as the end of monarchical republicanism during Elizabeth's reign, this chapter argues that it did not just fade away with the aging of its advocates; instead, it was forcibly opposed by their monarch who reminded them that ultimately they served at her pleasure and not the other way around. Furthermore, on at least two further occasions monarchical republicanism was embraced by members of the Privy Council, though, unlike earlier in Elizabeth's reign, these instances were not broadly supported within the Council as they remembered the lesson provided by Elizabeth following the execution of Mary Stuart in the true structure of Elizabethan government.

Chapter Four – Parliament: To Legislate or Advise the Succession?

The government of sixteenth-century England was a complicated system of often overlapping spheres of authority. The highest authority in England was the monarch, but they could not manage the governance of their realm alone. As examined in the previous chapter, the Privy Council served as the monarch's general administrative body, both developing and implementing policies. There were some areas of governance which the Privy Council could not administer, and for those things they turned to Parliament. Parliament has long been an important institution in the English, and then later in the British, Kingdom. However, Parliament during Elizabeth's reign was significantly different to its modern equivalent and, for that reason, this chapter will begin by exploring Parliament as it functioned during the Elizabethan period. Across Elizabeth's reign there were thirteen sessions of Parliament and the succession featured in eight sessions. This thesis classifies these eight sessions as the Succession Parliaments and will demonstrate how the political community as represented by Parliament agitated for the provision of certainty in the form of an established succession. Parliament's primary role was to create legislation in all areas of English society. There were numerous attempts to legislate the succession, but without direct royal support such legislation was unsuccessful. The second role of Parliament was to provide advice to the monarch on any issue of importance to the realm as a whole, generally through the delivery of a petition to the monarch. Parliaments during Elizabeth's reign consistently petitioned Elizabeth to establish the succession, or to limit it by excluding candidates from the succession, neither of which was achieved. While the legislation and petitions were the main results of Parliamentary concerns over the succession, they were not the only effects seen within the two Houses. An unintended side effect of Elizabeth's determination to retain control over the succession debate was a challenge from the Commons over their liberty of freedom of speech. The agitation over freedom of speech, led by the enthusiastic Wentworth brothers, was rather peripheral to the succession debate itself, but it was driven by the anxiety shared by many members of Parliament.

Elizabethan Parliament and its Historiography

Before discussing how the Succession issue was debated within Parliament it is important to discuss what Parliament was, as it was significantly different to our modern

institution which bear the same name. Parliament was referred to during the sixteenth century as being a meeting of the three estates of England – the Monarch, the Lords Spiritual and Temporal, and the Commons – which met together to represent the kingdom as a whole.⁶²³ Fundamentally, the English Parliament consisted of three parts, the Monarch, the House of Lords and the House of Commons. As in all other areas of English society during the Tudor period, the monarch was the most crucial component of Parliament: the calling, proroguing and dissolving of a Parliament could only be done by the monarch. The reasons for calling Parliament could vary, but generally it was done to manage specific political situations, to produce required legislation, or to request a subsidy.⁶²⁴ Much of the activity within the sessions did not directly involve the monarch other than the occasional message to indicate their wishes or to halt progression on unfavorable legislation. The most influential tool at a monarch's disposal beyond the limitation of a session's length was the ability to veto completed bills. No bill produced by the combined Houses could become law without the monarch's assent. However, this was used cautiously by Elizabeth, as across her reign she vetoed seventy-two bills of an estimated five hundred bills.⁶²⁵ The situation was well described by Norman Jones who wrote that "the monarch controlled and defined much of what parliament did, calling it and deciding which of its acts to accept into law."⁶²⁶ Elizabeth held a vital role in regards to Parliament, yet the majority of the work undertaken during its sittings was done within the two Houses without her present.

Of the Houses within Parliament, the House of Lords was the more prestigious, yet today its deliberations are the lesser understood of the two. The reason for this situation concerning the sittings of the Elizabethan House of Lords is because of the scarcity of evidence that has survived. The main source of information is the House of Lords Journal, which assumed a fixed form from 1536, but is very vague on the details of the sessions. It outlines the opening events of Parliament, the bills under consideration, and the attendance for each day, but that is the extent of its commentary.⁶²⁷ There are no surviving records of any debates which occurred within the Lords, nor are there private members' journals to fill in the blanks.⁶²⁸

⁶²³ Michael A. R. Graves, *Elizabethan Parliaments 1559-1601*, 2nd edn. (London: Longman, 1996), 2; G. R. Elton, *The Parliament of England, 1559-1581* (Cambridge: Cambridge University Press, 1986), 18-19; Williams, *The Later Tudors*, 136.

⁶²⁴ Smith, *The Government of Elizabethan England*, 26.

⁶²⁵ Seel and Smith. *Crown and Parliaments*, 22; Graves, *Elizabethan Parliaments*, 68.

⁶²⁶ Norman Jones, "Parliament and the Political Society of Elizabethan England", in *Tudor Political Culture*, ed. Dale Hoak (Cambridge: Cambridge University Press, 1995), 235.

⁶²⁷ Elton, *The Parliament of England*, 7.

⁶²⁸ T. E. Hartley, *Elizabeth's Parliaments: Queen, Lords and Commons 1559-1601* (Manchester: Manchester University Press, 1992), 1.

As a result of these deficiencies, all that is currently possible is a superficial understanding of what occurred within the Lords and its role within Parliament. The House of Lords was made up of hereditary peers and bishops. As they sat in each session of Parliament, unlike the members of the Commons, the Lords had significant experience with the procedures of Parliament. It was also a smaller House, with the Lords having between eighty to ninety members each session.⁶²⁹ In the task of crafting legislation, the Lords were assisted by the presence of judges and legal assistants within their chamber, a presence which was not shared with the Commons.⁶³⁰ The Speaker for the House of Lords was typically either the Lord Chancellor or the Lord Keeper.⁶³¹ It was their responsibility to give the opening speech for Parliament which outlined the reasons for its sitting, and provided the Queen's response at the closing of the session.⁶³² While it is difficult to uncover precisely the events which transpired in the House of Lords during Elizabeth's Parliaments, the Lords undoubtedly played a significant part in each session and would have been far more visible than today's shadowy traces would imply.

The third element of Parliament, the House of Commons, is by far the most considered of the three and definitely the most debated. The Commons were considered by J. E. Neale to be the source of organised and increasingly oppositional groups which sought to pressure Elizabeth to follow their desired policies. Neale's views, which shall shortly be discussed in greater detail, have been largely discredited by succeeding Parliamentary historians, yet the importance of the Commons remains.⁶³³ The members of the Commons were elected, though election should possibly be considered to be a misleading term as possibly up to a third of members were assisted in their election by patrons and others were selected by their shire or local council.⁶³⁴ Once in the House, the Commons would elect a Speaker to act on their behalf, although, like the elections of members, this was not a true election in any sense as the Speaker was decided upon by the Privy Council before the session.⁶³⁵ Throughout Elizabeth's reign the Speaker was generally a respected lawyer and was never themselves a member of the Privy Council.⁶³⁶ During the opening of Parliament, the Speaker would petition the monarch for what

⁶²⁹ M. A. R. Graves, "Managing Elizabethan Parliaments", in *The Parliaments of Elizabethan England*, eds. D. M. Dean and N. L. Jones (Oxford: Basil Blackwell, 1990), 49; Graves, *Elizabethan Parliaments*, 29.

⁶³⁰ Hartley, *Elizabeth's Parliaments*, 109.

⁶³¹ Graves, "Managing Elizabethan Parliaments", 52.

⁶³² Elton, *The Parliament of England*, 26, 126.

⁶³³ Norman L. Jones, "Parliament and the Governance of England: A Review", *Albion* 19, No. 3 (1987): 327.

⁶³⁴ Graves, "Managing Elizabethan Parliaments", 49; Jones, "Parliament and the Political Society of Elizabethan England", 230.

⁶³⁵ Smith, *The Governance of Elizabethan England*, 39.

⁶³⁶ Graves, *Elizabethan Parliaments*, 86.

was coming to be seen as the traditional privileges of the Commons – the speaker’s access to the monarch, freedom from arrest, and freedom of speech.⁶³⁷ When these were granted, the Commons would begin their deliberations. The work of the Commons was slow as they had two seemingly contradictory problems: the sheer size of the House and, simultaneously, significant absenteeism.⁶³⁸ Although the Commons increased in size as Elizabeth’s reign progressed, from 400 members at the beginning to 462 members by her final Parliament, many members were regularly absent from sittings.⁶³⁹ The lack of productivity caused by these two issues within the Commons led the Privy Council to use a number of individuals to speed up the process and oversee the House on their behalf. These men, who M. A. R. Graves termed ‘men-of-business’, were not “yes-men” nor even a formal network and were fully able to take independent actions should they choose.⁶⁴⁰ The history of the Commons is better understood than that of the Lords as more materials have survived which detail the sessions. Like the Lords, the Commons produced a Journal to record their sessions. Unfortunately, the Commons Journals from 1585 until the end of Elizabeth’s reign were lost during the 1630s and we are reliant upon extracts imperfectly copied from them by Sir Simonds D’Ewes.⁶⁴¹ These Journals can be supplemented from 1571 by the appearance of members’ diaries, which may have originally been written as reports for William Cecil following his elevation to the Lords in that year.⁶⁴² Because of the larger variety of sources the Commons have often been considered to be the most important aspect of the Elizabethan Parliament, yet in reality it was simply one part which needed to work with the Lords in order to achieve its aims.

Fundamentally, Parliament was a place for the creation of laws, not for politics. In order for any Statute to be enacted, there was a lengthy procedure which had to be undertaken. By the Elizabethan period it had become general practice for each proposed Statute, at that stage called a bill, to receive three readings in both the Lords and the Commons.⁶⁴³ Most bills could be introduced into either House, with a few notable exceptions such as the naturalization of children which began in the Commons or the restitutions of blood, usually in the form of a

⁶³⁷ David Dean, “Image and Ritual in the Tudor Parliaments”, in *Tudor Political Culture*, ed. Dale Hoak (Cambridge: Cambridge University Press, 1995), 265.

⁶³⁸ Graves, *Elizabethan Parliaments*, 35.

⁶³⁹ Graves, “Managing Elizabethan Parliaments”, 41.

⁶⁴⁰ Graves, “Managing Elizabethan Parliaments”, 51, 55; M. A. R. Graves, “The Management of the Elizabethan House of Commons: The Council’s ‘Men-of-Business’”, *Parliamentary History* 2 (1983): 19.

⁶⁴¹ Elton, *The Parliament of England*, 3; David Loades, *Power in Tudor England* (Houndmills: Macmillan, 1997), 92.

⁶⁴² Loades, *Power in Tudor England*, 92; D. M. Dean, “Revising the History of Tudor Parliaments”, *The Historical Journal* 32, no. 2 (1989): 407.

⁶⁴³ Hartley, *Elizabeth’s Parliaments*, 23.

reversal of an act of attainder, which began in the Lords.⁶⁴⁴ The first reading of a bill was a recital of the entire text of the proposed legislation, some of which could take up to two hours to read.⁶⁴⁵ At this point, the question was asked as to whether the bill should be committed for further consideration; if this was rejected, the House would then be asked if it should be engrossed, which meant that that bill was written on parchment. If engrossment was also rejected it was taken that the entire bill was rejected; if engrossment was successful, the engrossed document would form the final statute. When a bill was committed, the committee would report back any changes. If the changes were substantial a new bill, *nova billa*, would be produced and the whole process would begin again. If the changes were minor, the revisions would be read alongside a summarization of the bill during the second reading, before the House was asked if it was to be engrossed. If it was approved for engrossment there would be a third reading, this time a summary before a vote. Once a bill had been read three times and approved it was sent to the other House to repeat the process there.⁶⁴⁶ Generally speaking, debate on bills occurred after the second reading but in some instances it followed the first reading.⁶⁴⁷ Bills which passed both Houses were held by the Lords until the close of the session when they were either assented to or vetoed by Elizabeth.⁶⁴⁸ While there were occasions where the procedure varied, this outline describes the common passage of the majority of bills through Parliament, and one of its main purposes as an institution. However, there was a secondary purpose for the calling of Parliament, which was the giving of advice to the monarch on matters of significant concern. It is in this area of Parliamentary activity where politics features most prominently, and where debate has been significant in the historiography of Elizabethan Parliaments.

The history of the Elizabethan Parliaments has long been a topic of interest to historians and, as such, is too lengthy to be considered in its entirety within this chapter. For many scholars, their consideration of Elizabethan Parliamentary history has begun with the works of J. E. Neale. Neale's arguments concerning the Elizabethan Parliaments were most clearly expressed in his most important books, the two-volume history of *Elizabeth I and Her Parliaments* originally published in the 1950s.⁶⁴⁹ Neale's stated purpose of these works was to "reveal the significance of the Elizabethan period in the constitutional evolution in England,

⁶⁴⁴ Elton, *The Parliament of England*, 59, 91-92.

⁶⁴⁵ Graves, "The Management of the Elizabethan House of Commons", 16.

⁶⁴⁶ Dean, *Law-Making and Society in Late Elizabethan England*, 21-22.

⁶⁴⁷ Elton, *The Parliament of England*, 88-89.

⁶⁴⁸ Elton, *The Parliament of England*, 89.

⁶⁴⁹ Neale, *Elizabeth I and Her Parliaments 1559-1581*; Neale, *Elizabeth I and Her Parliaments 1584-1601*.

and, more specifically, to banish the old illusion that early-Stuart Parliaments had few roots in the sixteenth century.”⁶⁵⁰ His guiding purpose strongly influenced the two volumes, with Elizabethan Parliaments being presented as the site of increasing political conflict between the Queen and the House of Commons. The Commons, in Neale’s view, was increasingly assertive of its rights to the detriment of the House of Lords. Furthermore, Neale argued that the Commons were led in many instances by what he termed a ‘Puritan Choir’ which sought to force more extreme legislation upon their reluctant monarch. Neale’s arguments concerning Parliament were widely accepted by scholars and remained the orthodoxy until the 1970s when his work began to be challenged in a number of ways.⁶⁵¹ However, the traditional image created by Neale of an increasingly assertive Commons transforming Parliament primarily into a site of political conflict between the people and their monarch still carries some influence.

In the 1970s and 1980s, Neale’s interpretation, which was then the orthodoxy, was disputed by G. R. Elton. Through a number of articles and books Elton slowly chipped away at Neale’s conflictual view of Parliament and replaced it with a new interpretation. In 1974, Elton’s article “Tudor Government: The Points of Contact. I. Parliament” argued for a new approach within which Parliament should be viewed as a meeting place between monarch and people where it could serve as a site of mediation and stability.⁶⁵² Elton’s views of Parliament continued to develop and in his 1979 article “Parliament in the Sixteenth Century: Functions and Fortunes”, he argued for Parliament to be seen primarily as a legislative institution in place of the traditional site of political conflict.⁶⁵³ Finally, in 1986, Elton’s views of Parliament found their fullest expression in his highly significant book, *The Parliament of England, 1559-1581*, within which he outlined its legislative and cooperative functions as the dominant features of Elizabethan Parliaments.⁶⁵⁴ While he noted that political issues did arise in certain debates, the conception of an organised oppositional group, Puritan or otherwise, was firmly dismissed.⁶⁵⁵ Elton’s arguments concerning the nature of Elizabethan Parliament were highly persuasive and over time have gone from being seen as revisionist to the foundations of a new historiographical orthodoxy.

⁶⁵⁰ Neale *Elizabeth I and Her Parliaments 1559-1581*, 11.

⁶⁵¹ Hartley, *Elizabeth’s Parliaments*, 1; Graves, *Elizabethan Parliaments*, 19-21.

⁶⁵² G. R. Elton, “Tudor Government: The Points of Contact. I. Parliament”, *Transactions of the Royal Historical Society* 24 (1974): 183-200.

⁶⁵³ G. R. Elton, “Parliament in the Sixteenth Century: Functions and Fortunes”, *The Historical Journal* 22, no. 2 (1979): 255-278.

⁶⁵⁴ Elton, *The Parliament of England*.

⁶⁵⁵ Elton, *The Parliament of England*, 353.

Elton was not alone in his reconsideration of Elizabethan Parliaments in the 1980s, as his initial articles were followed shortly thereafter by significant additions of others. M. A. R. Graves' article from 1983 furthered important discussions concerning the management of the House of Commons, and in his findings, it was not so much a Puritan Choir but rather an unofficial Privy Council network of what he termed "men-of-business". These men, all of whom held connections to individual privy councillors, served as assistants or influencers to speed up the work in a notoriously slow House of Commons, or to assist in the passage of selected bills. However, in Graves' view, these men did not form any sort of official party, nor were they bound to follow the Privy Council's directions, with many taking an independent path with certain bills which could run counter to the Privy Council's objectives.⁶⁵⁶ The focus on Parliamentary management and legislative procedures which was at the core of the revisionists' arguments remained a central feature within the scholarship, though over time the issue of politics slowly returned. T. E. Hartley and Norman L. Jones have both written extensively on Parliament during Elizabeth's reign, and, while their works are dominated by what can be called the normal business of Parliament, political issues do emerge as a burst of energy from the pattern of cooperation.⁶⁵⁷ Jones expanded on Elton's view of Parliament as the appropriate space for political concerns to be managed, writing that "when the realm's pain, or the monarch's hunger, became too great a Parliament was called to assuage the pangs."⁶⁵⁸

Throughout the 1980s, Elizabethan Parliamentary scholarship had slowly been reconsidering its view of Parliament. During this time, Neale's view of Parliament as a site fragmented by conflict was replaced by Elton's generally cooperative legislature, yet the issue of politics remained a live concern for historians. The works of Graves, Hartley and Jones, although significantly focused upon the revisionist concerns of legislation, began to move towards a synthesis of the two extreme interpretations. This synthesis found its best expression in David Dean's *Law-Making and Society in Late Elizabethan England: The Parliament of England, 1584-1601*. In this book, Dean argues that Parliamentary history should not be considered as solely a political space as Neale envisaged, nor as one singularly focused upon legislation and procedures as the revisionists contend. Instead, he argues for a combination of the two, though veering slightly towards the revisionists with an emphasis upon the purpose of Parliament as a legislating assembly. He contends that debates of a political nature did happen

⁶⁵⁶ Graves, "The Management of the Elizabethan House of Commons"; Graves, "Managing Elizabethan Parliaments"; Graves, *Elizabethan Parliaments*.

⁶⁵⁷ Hartley, *Elizabeth's Parliaments*; Jones, "Parliament and the Governance of England"; Jones, "Parliament and the Political Society of Elizabethan England".

⁶⁵⁸ Jones, "Parliament and the Governance of England", 346.

but were not the agitations of an organised opposition to the crown or Neale's Puritan Choir. Rather, in many cases the agitation could be considered as the Houses of Parliament voicing advice to their monarch on contentious issues, such as the succession during Elizabeth's reign, even when such advice did not eventuate in legislation.⁶⁵⁹ Dean's approach to Parliament enables the political debates of the sessions to exist more comfortably alongside its acknowledged purpose as a law-making institution by including in its definition the responsibility for giving advice to the monarch. It is Parliament's role as an advice-giving institution and its role as a legislator during the Elizabethan period to which we now turn, before considering how the ongoing succession question impacted on the course of Elizabeth's Parliaments.

Legislation: Limiting the Succession?

As will be discussed below, the succession was an important feature of most of Elizabeth's Parliamentary sessions. However, the ways in which Parliament sought to manage the succession differed from session to session. Fundamentally there were two main approaches; the creation of specific legislation to either outline the succession, or to at least exclude undesired claimants, and petitioning Elizabeth to settle the matter herself. The creation of legislation to establish the succession was the ideal outcome for many Elizabethan Parliamentarians, as it would remove the uncertainty from the situation. However, legislation which directly interfered with the succession was not generally supported by Elizabeth and thus most attempts to legislate failed. There were only three statutes which touched upon the succession which were assented to by Elizabeth, those being the Act of Recognition of 1559, the Treasons Act of 1571 and the Act for the Queen's Safety of 1585, all of which will be considered in detail below. While there was little success in Parliament's attempts to legislate the succession, it was a highly significant area of its activity and should be closely considered when considering how it sought to manage the ongoing problem of the Elizabethan succession debate.

Before considering individual legislative attempts to establish the succession it is important to consider Parliament's role regarding the succession. Elizabeth herself consistently argued that the succession fell under her prerogative and should not be interfered with by Parliament. However, it was a difficult position to maintain as Parliamentary legislation was

⁶⁵⁹ Dean, *Law-Making and Society in Late Elizabethan England*.

widely considered to be the appropriate means to settle the succession. Sir Thomas Smith, a member of the Commons and an English ambassador to France, in outlining the areas of society and law within which Parliament could intervene wrote that Parliament could “giveth formes of succession to the crowne”.⁶⁶⁰ His position was supported by other writers who outlined the practices and roles of the English Parliament. John Hooker, a member of the Commons and contributor to the second edition of Holinshed's *Chronicles*, considered the purpose of Parliament to be for the management of issues of significance to the realm as a whole. Amongst the “weightie & great causes” he listed for the calling of Parliament, he considered the “the establishing of succession” as one of importance.⁶⁶¹ The position of Smith and Hooker was further supported by Arthur Hall, a member of the Commons, who wrote that “the authority therof doth stretch to them all, to take away life, inheritaunce, yea of the Crowne of this Realme”.⁶⁶² Writings of these sort were not entirely unfounded in their argument that Parliament could enact legislation or validate matters of the succession. Hall’s work discussed Parliamentary involvement in the depositions of Edward II and Richard II.⁶⁶³ However, the Succession Acts of Henry VIII which were discussed in Chapter One would have provided more substantial precedents to Parliamentary involvement in the succession than the murkier cases called upon by Hall. Based upon the precedents of the Succession Acts, Parliament could legislate the on the succession, but there was a key element which prevented the creation of an Elizabethan Succession Act: the royal assent. As Hooker described it, the “three estates may ioyntly and with one consent or agreement: establish and enact any Laws, orders & Statutes for the common welth, but beeing deuided, and one swaruing from the other: they can do no thing”.⁶⁶⁴ As such, the two Houses could create Bills to be presented to Elizabeth, no Bill was

⁶⁶⁰Smith, *De Republica Anglorum*, 79; Mary Dewar, “Introduction”, in *De Republica Anglorum*, ed. Mary Dewar (Cambridge: Cambridge University Press, 1982), 1-2; Ian W. Archer, “Smith, Sir Thomas (1513–1577), Scholar, Diplomat, and Political Theorist.” *Oxford Dictionary of National Biography*. 23 September 2004; Accessed 22 June 2021. <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-25906>.

⁶⁶¹ John Hooker, *The order and vsage of keeping of the parlements in England, collected by Iohn Vowel alias Hooker gentleman* (London: 1572), E1v; S. Mendyk, “Hooker [Vowell], John (c. 1527–1601), Antiquary and Civic Administrator”, *Oxford Dictionary of National Biography*, 23 September 2004; Accessed 22 June 2021, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-13695>.

⁶⁶² Arthur Hall, *A letter sent by F.A. touchyng the proceedings in a priuate quarell and vnkindnesse betweene Arthur Hall, and Melchisedech Mallerie gentleman, to his very friende L.B. being in Italie. VVith an admonition to the father of F.A. to him being a burgesse of the Parliament, for his better behaiour therein* (London: 1576), E1v; Michael A. R. Graves, “Hall, Arthur (1539–1605), Translator and Politician”, *Oxford Dictionary of National Biography*, 23 September 2004; Accessed 22 June 2021, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-11943>.

⁶⁶³ Hall, *A letter*, C2v, C3v-C4r.

⁶⁶⁴ Hooker, *The order and vsage of keeping of the parlements in England*, G4r.

made Statute without her assent, and, without her, Parliament could not establish the succession through legislation, although this did not stop the members from trying.

Parliament's attempts to legislate on the succession were generally unsuccessful, and often not pursued. The Act of Recognition of 1559, the Treasons Act of 1571 and the Act for the Queen's Safety of 1585 were the only successful attempts to create a statutory solution to the succession, with a fourth bill against Mary Stuart vetoed by Elizabeth at the close of session in 1572. The three Acts which successfully passed Parliament which were concerned with the succession did not seek to outline any specific line of succession beyond Elizabeth. Indeed, beyond the Act of Recognition, claimants to the throne were not typically named. Parliamentary legislation concerning the succession was of a different nature, and in many respects could be considered to be a set of potentially exclusionary Acts which would impact the succession only under specifically listed circumstances, most of which related to the assassination of Elizabeth. While these Acts sought to legislate on the succession to the extent with which they were permitted by Elizabeth, they also sought to firmly establish within statute the right of Parliament to intervene in the succession beyond the previously established precedents of Henry VIII's reign. Parliamentary legislation was thought to be a suitable vehicle for the establishment of the succession; however, without Elizabeth's assent all that could be achieved was an Act of Recognition and two exclusionary Acts.

Petitions: Advising the Succession

While legislation was the ultimate aim of Parliamentary attempts to have the succession established, it was not the most common method utilised. Parliaments had two main means for managing issues which troubled the realm: the creation of legislation and the petitioning of the monarch. While the legislating function of the Elizabethan Parliament has received significant attention in the scholarship as discussed above, the use of petitions has been considered less, although it served an equally important role in Parliamentary business.⁶⁶⁵ Fundamentally, Parliamentary petitions "always directly addressed the queen and, by definition, always contained a request or an appeal, but in a way that emphasized the hierarchy between the queen and the petitioners."⁶⁶⁶ John Hooker's description of Parliament considered the giving of advice to be a key reason for the summoning of Parliament, alongside its legislative functions.

⁶⁶⁵ Lena Oetzel, "Debating, Petitioning and Legislating. Criticizing the Monarch in Elizabethan Parliaments", in *Criticising the Ruler in Pre-Modern Societies - Possibilities, Chances, and Methods*, eds. Karina Kellermann, Alheydis Plassmann and Christian Schwermann (Göttingen: Vandenhoeck & Ruprecht, 2019), 280 n.62.

⁶⁶⁶ Oetzel, "Debating, Petitioning and Legislating", 279-280.

He wrote that a monarch “of necessitie ought to haue the aduise and counsel of all the estates of his Realme”.⁶⁶⁷ Advice provided by Parliament was generally presented to the monarch in the form of a petition, which outlined the specific concern and how the Houses thought the monarch could rectify the problem. The petition itself could be read to Elizabeth by a delegation from the Parliamentary House which was issuing the petition, or be presented to her in written form.⁶⁶⁸ Overall, petitions were the most consistent method used by both Houses to seek a resolution on a matter which they held grave concerns about. However, as was the case with the Privy council’s advice, the monarch was not bound to follow any advice of their Parliament, though they were required to formally respond to the petitions of their Parliaments.⁶⁶⁹ Petitions were an important feature of Parliamentary business which acted as the means for the Houses to provide their monarch with advice on issues critical to the kingdom’s security or stability, such as was the case with the succession during Elizabeth’s reign.

Petitions formed a significant part of Parliament’s response to the ongoing Elizabethan succession issue and their desire to have the matter settled in some manner. Out of the eight Parliamentary sessions which this thesis considers to be Succession Parliaments, petitions on issues connected to the succession featured in six sessions. Furthermore, in one of those six sessions multiple petitions were presented to Elizabeth. Each petition took a somewhat different approach as it grew out of its contemporary political context and responded to what were the main concerns at that time regarding the succession. For that reason, a number of the petitions focused on the issue of Mary Stuart and her claim to the throne, whereas others were more generally concerned with the establishment, or at least limitation, of the succession as a whole.

As Parliament held dual roles during the Elizabethan period, that is to legislate and to advise the monarch, it was through a petition to the monarch, Parliamentary advice took form, serving to outline the problem and to propose an action for the monarch to resolve it. For much of Elizabeth’s reign Parliament continuously petitioned Elizabeth to settle the uncertainty surrounding the succession. Their solutions varied, proposing first for her to marry, then advocating its establishment though legislation, and finally by at least removing Mary Stuart from the line of succession. None of these petitions were ultimately successful in persuading their Queen to work with them in the constitutional experiment of outlining the succession as

⁶⁶⁷ Hooker, *The order and vsage of keeping of the parlements in England*, E1r.

⁶⁶⁸ Oetzel, “Debating, Petitioning and Legislating”, 280.

⁶⁶⁹ Graves, “Managing Elizabethan Parliaments”, 45.

her father had done in his Succession Acts. However, these petitions were a significant feature of Elizabeth's Parliaments, and this advisory role of Parliament should be considered alongside its legislative function when examining the long-running Elizabethan succession problem.

The Succession Parliaments

Across Elizabeth's reign there was a total of ten Parliaments with thirteen sessions, as when a session was prorogued it was not considered the end of that Parliament.⁶⁷⁰ Each of these sessions dealt with a number of issues, even if the government's intention was for it to focus on a single matter such as was the case in 1572.⁶⁷¹ However, it was not uncommon for a single concern or debate to overshadow the others, or for an issue to weave its way around the actions of a session. The succession was one such issue which continuously appeared within the two Houses of Parliament. Out of the thirteen sessions, the succession was debated, petitioned, or legislated in eight of them. Within this thesis I argue that these eight sessions should be considered to be Succession Parliaments, and that when taken together, they show how the members sought to use Parliamentary solutions to resolve the long-running succession debate. Each one of these Parliaments sought to manage the succession in a different manner and as such will be explored individually, with attention paid to the passage of bills or the presentation of petitions as they form much of our evidence for the importance of issues in Parliament at that time.

The first Parliament session for Elizabeth's reign, which sat from 23 January until 8 May 1559, saw the soon-to-be regular appearance of the succession or its related concerns into the business of the two Houses. The primary focus of this first session of Parliament was the creation of what is now referred to as the Elizabethan Religious Settlement. However, shortly into February, two different motions were started which related to the succession. The first Act which touched on the issue of royal succession during Elizabeth's reign was focused not upon who should succeed her, but instead her own accession to the throne. This Act was primarily intended to solidify Elizabeth's grip on the throne, but it contained several elements which speak to Parliament's views of how Elizabeth came to succeed her sister, Queen Mary I. The Act set out that Elizabeth was "in verye dede and of most meere right ought to bee by the Lawes of God and the Lawes and statutes of this Realme our most rightfull and lawfull Sovereigne

⁶⁷⁰ Smith, *The Government of Elizabethan England*, 26.

⁶⁷¹ Sir Simonds D'Ewes, *The Journals of all the Parliaments During the Reign of Queen Elizabeth, both in the House of Lords and the House of Commons*, ed. Paul Bowes (London: printed for John Starkey at the Mitre in Fleetstreet near Temple-Bar, 1682), 206-224.

leige Ladie and Quene”.⁶⁷² While Elizabeth’s hereditary claim was stated, with her being “rightlye lynallye and lawfully discended and come of the Bloodd royall of this Realme of Englande”, it was not the only basis for her right. Alongside Elizabeth’s blood descent, Parliament emphasised its own role in their new Queen’s claim to the throne through an Act “made in the xxxvth yere of the reigne of yo[u]r said most noble father king Henrye theight, Entituled, An Acte concerning theestablishement of the Kinges Majesties Succession in the Imperiall Crowne of this Realme”, also known today as Henry VIII’s Third Succession Act which was discussed in Chapter One.⁶⁷³ The Act of Recognition set out that, while Elizabeth did hold a hereditary claim to the English throne, the support of her father’s Succession Act was needed to ensure her claim was upheld. The clear appeal to the Third Succession Act also provided a useful precedent for future discussions of the succession, even at this early stage when it was thought that Elizabeth would marry. Furthermore, as defined by the Act, Elizabeth became Queen not only by hereditary succession but more significantly by Parliamentary statute. By placing this emphasis upon Parliament’s role in Elizabeth’s succession, Parliament effectively argued that it had previously authorised a royal succession, which created a precedent should they seek to do so again in the future. As Elizabeth’s reign progressed and the anxiety grew concerning the succession, members of Parliament increasingly sought to have new legislation made to secure the future succession as it had previously done so to provide for their own Queen’s accession.

The reasons for the Act of Recognition may not be immediately apparent today but early in Elizabeth’s reign it was seen as an important means to bolster the new Queen’s hold on the throne. As discussed in Chapter One, the succession for the English throne was incredibly murky as a result of Henry VIII’s marital history and succession Acts. The difficulty which these issues presented to those who sought to succeed Elizabeth has been outlined, but it must be remembered that these same concerns impacted on Elizabeth’s own accession in November 1558. Elizabeth was made illegitimate under the Second Succession Act in 1536.⁶⁷⁴ She was then returned to the succession in 1544 by the Third Succession Act, but crucially this Act did not remove her illegitimacy.⁶⁷⁵ With Elizabeth’s legitimacy and right to the throne coloured by Henry VIII’s succession Acts, there were challenges to her claim early in her reign,

⁶⁷² “An Acte of Recognition of the Quenes Highnes Title to the Imperyall Crown of this Realme”, 1 Eliz. I c. 3, in *Statutes of the Realm* 4, Part 1, 358.

⁶⁷³ “An Acte of Recognition of the Quenes Highnes Title to the Imperyall Crown of this Realme”, 1 Eliz. I c. 3, in *Statutes of the Realm* 4, Part 1, 358.

⁶⁷⁴ 28 Hen. VIII c. 7, PA HL/PO/PU/1/1536/28H8n7 Public Act.

⁶⁷⁵ 35 Hen. VIII, c. 1, PA HL/PO/PU/1/1543/35H8n1 Public Act.

mostly from the Continent. The main opposing claim to Elizabeth's succession during the initial years following her accession was that of Mary Stuart, who was Queen of Scotland and following her marriage on 24 April 1558 also the Dauphiness of France.⁶⁷⁶ As a consequence of Mary's position in the French Court, France strongly supported her rights to the English throne instead of Elizabeth. French diplomatic efforts sought to gather support for Mary's claim, with French ambassadors petitioning the Pope to name Elizabeth illegitimate and Mary as England's true queen.⁶⁷⁷ Furthermore, by 16 January 1559 Mary and her husband Francis were concluding their correspondence with the titles "King and Queen Dauphins of Scotland, England and Ireland", and also using the royal arms of England alongside those of France and Scotland.⁶⁷⁸ With Mary's rival claim being supported by France, Elizabeth's grip on the English throne looked highly vulnerable. In such a circumstance it was logical for a Parliamentary Act to be created to add further support to Elizabeth's accession.

The bill which became *An Acte of Recognition of the Quenes Highnes Title to the Imperyall Crown of this Realme* received its first reading in the Lords on 1 February.⁶⁷⁹ Its passage through the Lords and then the Commons was relatively smooth, passing both Houses by 1 March 1559, taking around a month to pass both Houses.⁶⁸⁰ More prominent in the session than this piece of legislation was a petition which originated in the Commons on 4 February.⁶⁸¹ While the Commons initiated the petition, they were joined by the Lords to jointly request that Elizabeth marry.⁶⁸² As Elizabeth had just acceded the throne and was expected to marry, the petition was concerned only with her marriage rather than the succession itself. Unfortunately, the petition, delivered to Elizabeth on 6 February, has since been lost.⁶⁸³ However, some details can be uncovered through a consideration of Elizabeth's response to the petition which was delivered to the Commons four days later.⁶⁸⁴ Of the petition, Elizabeth wrote that it "consisteth of three parts", and her answer "shall depend of two".⁶⁸⁵ Elizabeth spoke of her currently unwed state and her satisfaction with an unmarried life which she could have previously traded for security during her sister's reign by accepting a marriage arranged by her sister's Privy

⁶⁷⁶ Alford, *The Early Elizabethan Polity*, 53-54; Dawson, *Scotland Reformed 1488-1587*, 197.

⁶⁷⁷ "Carne to the Queen", 31 Dec 1558, *Calendar of State Papers Foreign, Elizabeth, 1558-1589*, Vol. 1, (London: Longman, Green, Longman, Roberts and Green, 1863) 54-55.

⁶⁷⁸ "Francis II and Queen Mary to Lord Fleming", 16 Jan 1559, *Calendar of State Papers Foreign, Elizabeth, 1558-1589*, Vol. 1, 91; Guy, *Tudor England*, 269; Dawson, *Scotland Reformed 1488-1587*, 197.

⁶⁷⁹ D'Ewes, *Journals*, 18.

⁶⁸⁰ *Commons Journal* 1, 54, 56; *Lords Journal* 1, 546; D'Ewes, *Journals*, 18, 19, 47, 49.

⁶⁸¹ *Commons Journal* 1, 54.

⁶⁸² D'Ewes, *Journals*, 45.

⁶⁸³ *Commons Journal* 1, 54; D'Ewes, *Journals*, 45.

⁶⁸⁴ *Commons Journal* 1, 54; D'Ewes, *Journals*, 46.

⁶⁸⁵ Elizabeth, "Queen Elizabeth's First Speech Before Parliament", 10 February 1559, *C.W.*, 56.

Council. In direct response to the petition, Elizabeth thanked them for the form of petition as was “simple and containeth no limitation of place or person.”⁶⁸⁶ Elizabeth stressed her determination to marry only someone who would ensure the security of England and, if she remained unwed, placed her faith in God to provide a suitable heir at a suitable time.⁶⁸⁷ Elizabeth’s response to this first petition, which focused only on marriage, is our only guide for the contents of the original petition. From her response it is clear that the issue of her marriage was already seen as a concern, even though she had been Queen for less than five months, and her coronation had been only a month before the session. Within the petition and Elizabeth’s response, the succession featured in its traditional guise as a request for Elizabeth to marry in order to provide an heir, thus securing the English succession for another generation. Over time, the petitions changed form and the appeal for Elizabeth to marry became of lesser significance to the desire of Parliament for the succession to be formally established. Thus, during the 1559 session, the succession was discussed in two ways: firstly, through a statute which highlighted the institution’s role in Elizabeth’s accession, and secondly through the Houses’ right to petition their monarch. This initial session outlined the main two approaches Parliament would take regarding the succession during Elizabeth’s reign: the proposing of legislation and the giving of advice through petition.

As we saw in Chapter Three, late in 1562 Elizabeth fell gravely ill with smallpox, causing significant anxiety to her Privy Council. The result of this anxiety was the summoning of Elizabeth’s second Parliament which sat from 11 January to 10 April 1563, and it is unsurprising that the succession featured prominently in this session as a result. Agitation within the two Houses started soon after and took two forms; one was William Cecil’s interregnum plan already discussed, and the second was through two Parliamentary petitions. Unlike in the previous session where the focus was on Elizabeth’s marriage, in the 1563 session the succession was considered to be just as vital. The first mention of the matter was on 16 January when an unnamed member of the Commons made a motion concerning the succession.⁶⁸⁸ By 19 January the Commons were selecting members of the House to draw up articles for a petition to Elizabeth to marry and establish the succession, a petition which was delivered by the Speaker on 28 January.⁶⁸⁹ The Commons’ petition sought to frame their petition as a response to Elizabeth’s intention for Parliament, claiming that she had “summoned

⁶⁸⁶ Elizabeth, “Queen Elizabeth’s First Speech Before Parliament”, 10 February 1559, *C.W.*, 57.

⁶⁸⁷ Elizabeth, “Queen Elizabeth’s First Speech Before Parliament”, 10 February 1559, *C.W.*, 57-58.

⁶⁸⁸ *Commons Journal* 1, 62.

⁶⁸⁹ *Commons Journal* 1, 63, 64, D’Ewes, *Journals*, 83; “Commons’ Petition”, 28 January 1563, in *Proceedings* 1, 90-93.

this parliament principally for stablisheng some certen limitacion of th'imperiall crown of your realme” following her illness.⁶⁹⁰ This had certainly not been Elizabeth’s intention, but it was a useful fiction for the Commons to use when approaching a subject as sensitive as the succession. The Commons called for Elizabeth to marry, but until such time she should follow the precedents from her father’s reign, “where by the statute which your most noble father assented unto of his most princely and fatherly zeale to his most loving subiectes for limitacion of succession of the imperiall crowne of this realme”.⁶⁹¹

While the Lords did not join formally with the Commons in their petition, on 1 February the Lords delivered their own petition to Elizabeth. The Lords stated that their petition concerned two matters: the first, that “it wold please your Majestie to dispose your self to marry, where it shall please you, with whom it shall please yow” and the “second, that some suche certen limitacion might be made how th'Imperiall crowne of this realme shuld remain if God call your Highnes without any heire of your body”.⁶⁹² The Lords took their case further by arguing for Parliament as the most suitable location for the succession to be determined, stating “the aptnes and oportunity of the time, by reason of this parliament, whereby both such advice, consideration and consent as is requisite in so great and weighty cause, may be better had and used now then at any other time when no parliament is”.⁶⁹³ In this session, the matter of the succession was seen to be just as vital to the preservation of England as Elizabeth’s potential marriage. These two petitions present a unified view of the need to establish succession but, as the Lords make clear, they advise for the limitation of the succession to be undertaken though Parliament. Furthermore, both Houses considered the most appropriate means to achieve such was though petitioning their monarch to resolve the matter. Both petitions led to nothing as, in the closing speech delivered by the Lord Keeper, Elizabeth reconfirmed her intention to marry and her disinclination to establish a clear line of succession though Parliamentary statute.⁶⁹⁴ Neither petition proved to be successful, but they showed the movement of concern from Elizabeth’s marriage to the establishment of a clear line of succession, and that such should be managed through Parliament. The 1563 session of Parliament was prorogued rather than dismissed, thus ensuring the same members were to return when Parliament was recalled three years later, many of whom considered the succession as being unfinished business.

⁶⁹⁰ “Commons’ Petition”, 28 January 1563, in *Proceedings* 1, 91.

⁶⁹¹ “Commons’ Petition”, 28 January 1563, in *Proceedings* 1, 92-93.

⁶⁹² “[House of Lords] Lords’ Petition”, 1 February 1563, *Proceedings* 1, 59.

⁶⁹³ “[House of Lords] Lords’ Petition”, 1 February 1563, *Proceedings* 1, 59.

⁶⁹⁴ “Closing Proceedings and Speeches”, 10 April 1563, *Proceedings* 1, 112.

When Parliament was recalled on 30 September 1566, the matter of the succession became a significant issue of the session almost from the outset. Not long into the session, on 18 October, John Molyneux, member of Nottinghamshire, made a motion in the Commons for the revival of their previous petition that Elizabeth establish the succession. The House generally agreed with his motion, though Sir Ralph Sadler, a Privy Councillor, argued against it, stating that Elizabeth's determination was to marry.⁶⁹⁵ Debate within the Commons was apparently divided, with the *Journals* stating that the Privy Council declared to the House that Elizabeth had indicated she would marry and that the matter should be left to her, while the majority of the House argued that their previous petition should be revived. Furthermore, this time the Commons were determined to join formally with the Lords in the presentation of their petition, a move agreed to by the Lords.⁶⁹⁶ While the intended joint petition was not completed nor delivered there is a draft which remains in Cecil's hand which provides us with a rough idea about how the matter was to be approached.⁶⁹⁷ Unlike with the previous petitions, the draft petition is particularly humble. It acknowledged Elizabeth's hesitations in naming a successor and asks that "almighty God to grant yow such oportunity of tyme with removing the impedimentes which at this tyme hath stayed your Majestie".⁶⁹⁸ However, before the petition could be delivered Elizabeth responded to the agitation within Parliament by calling a delegation from both Houses to the court on the afternoon of 5 November so she could speak with them.⁶⁹⁹ Her speech informed the joint delegation from Parliament that neither her answer, nor her commitment regarding her marriage and the succession, had changed. However, she reserved the right to determine both as matters of her prerogative and that they were not to be managed in Parliament.⁷⁰⁰

Elizabeth's speech did not satisfy the Commons and on 8 November the antiquary William Lambert, member for Aldborough, made a motion for the limitation of the succession.⁷⁰¹ The following day Elizabeth sent an express commandment that the matter be dropped, which sparked a significant question of privilege.⁷⁰² On 11 November, Paul Wentworth moved to question the House as to whether Elizabeth's commandment had

⁶⁹⁵ *Commons Journal* 1, 74; D'Ewes, *Journals*, 124.

⁶⁹⁶ *Commons Journal* 1, 75; D'Ewes, *Journals*, 125.

⁶⁹⁷ "Proposed Petition of the Commons" 16 November 1566, *Proceedings* 1, 155-157.

⁶⁹⁸ "Proposed Petition of the Commons" 16 November 1566, *Proceedings* 1, 156.

⁶⁹⁹ *Commons Journal* 1, 76; *Lords Journal* 1, 638-639, 641; D'Ewes, *Journals*, 103-108.

⁷⁰⁰ Elizabeth "Queen Elizabeth's Speech to a Joint Delegation of Lords and Commons", 5 November 1566, *C.W.*, 94-98.

⁷⁰¹ *Commons Journal* 1, 76; D'Ewes, *Journals*, 128.

⁷⁰² *Commons Journal* 1, 76; D'Ewes, *Journals*, 128.

infringed upon the House's liberty of freedom of speech.⁷⁰³ The matter continued to impact on the affairs of the session until 25 November, when Elizabeth rescinded her commandment barring discussion on the succession.⁷⁰⁴ After the command was rescinded, the succession and questions about the liberty of free speech faded from the session's *Journals*, with no further mention before the Parliament's dissolution on 2 January 1567. This session was highly volatile, with the succession becoming a focus for both Houses who joined together to petition their Queen for a resolution. It also instigated a significant clash over the liberty of freedom of speech within Parliament which will be discussed in detail later in this chapter.

Parliament was not called again until 1571, when it sat from 2 April until 29 May. While this session was not as concerned with the succession as had been the case with the previous two sessions, it was still a feature and is considered one of the succession Parliaments for this thesis. Neither the succession nor Elizabeth's potential marriage became the topic of petition during this session; instead, it appeared in the debate over what would become the 1571 Treasons Act. The bill was given its first reading on 9 April in the Commons and after its second reading on 12 April it was committed.⁷⁰⁵ Before being committed, the bill was strongly debated within the House, and it is in this debate that much of the significance of this Parliament lies.⁷⁰⁶ During the debate, the question was raised as to whether claiming the crown during Elizabeth's life by a potential claimant should be considered.⁷⁰⁷ The role of Parliament in determining the succession was also raised in the debate with one member concluding

that it were horrible treason in his conscience to say that parliament hath not authority to determine of the crowne, for then woulde ensue not alone the annihilating of the statute of 35 Henry 8 but that statute made in the first yeare of her Majestie's raigne of recognicion should alsoe be made voyd.⁷⁰⁸

While both of these points will be discussed in more detail below, it is significant to note that the Commons were seeking to enact some form of legislation which strayed into Elizabeth's prerogative over the succession, and that Parliament felt it already held a role in the establishing of the succession. The bill was read for the third time in the Commons on 27 April and it

⁷⁰³ "Paul Wentworth's Questions on Privilege", 11 November 1566, *Proceedings* 1, 154; *Commons Journal* 1, 76; D'Ewes, *Journals*, 128.

⁷⁰⁴ *Commons Journal* 1, 78; D'Ewes, *Journals*, 130-131.

⁷⁰⁵ *Commons Journal* 1, 83, 84; D'Ewes, *Journals*, 159.

⁷⁰⁶ "Anonymous Journal", *Proceedings* 1, 212-218.

⁷⁰⁷ "Anonymous Journal", *Proceedings* 1, 212.

⁷⁰⁸ "Anonymous Journal", *Proceedings* 1, 216.

received its first reading in the Lords the following day.⁷⁰⁹ After the bill was read three times in the Lords, a proviso was added requiring it to return to the Commons on 9 May. It went through another committee in the Commons and a conference with the Lords before it was rewritten on 17 May.⁷¹⁰ It then passed through both Houses and received royal assent at the end of session before the Parliament's dismissal.⁷¹¹ The Treasons Act of 1571 transformed aggression against Elizabeth in the context of the succession into treason and sought to restrict such traitors from succeeding to the throne. While this Act did not seek to directly establish the succession, it was shaped by the continued political anxieties of the issue and showed a willingness to explore Parliament's legislative role in the succession's management.

The 1571 Treasons Act was an important piece of legislation and one which has particular significance when considered for its implications to the succession. The Act was concerned with making certain actions taken against Elizabeth – in word, thought or deed – treasonous. However, the actions listed are all concerned with either Elizabeth's current right to the throne, or to the succession itself. At no point in the Act is there an attempt to outline the succession so it cannot be considered explicitly a Succession Act, but it did have direct implications to any potential claim. The Act stated that

thay and every of them so offending shalbe utterly dysabled during their naturall Lyves onely, to have or enjoye the Crowne or Realme of England, or the Stile Title or Dignitie thereof at anye tyme in Succession Inheritance or otherwyse after the Decease of our said Sovereigne Ladye as yf suche p[er]son were naturally dead⁷¹²

The Act functioned in many respects as a precautionary exclusionary succession statute as, while it did not directly intervene in the succession, it did seek to exclude certain claimants, and to protect Elizabeth from those who might seek to assassinate her to further the claims of others. The mechanism in place was intriguing as it specifically compared those who had their claims disabled to those who had died. This is significant, because it would protect the traitor's heir in the succession, as claimants who were found guilty under the Act passed their claims to their heirs as if they had died, whereas normally a traitor's heir could not succeed to their parent's claim if they had been found guilty of treason. In addition to the exclusionary clause,

⁷⁰⁹ *Commons Journal* 1, 86; *Lords Journal* 1, 677.

⁷¹⁰ *Lords Journal* 1, 681-694; *Commons Journal* 1, 88-89; D'Ewes, *Journals*, 146, 184.

⁷¹¹ "An Acte whereby certayne Offences bee made Treason", 13 Eliz. I c. 1, 1571, in *Statutes of the Realm* 4, Part 1, 526-528.

⁷¹² "An Acte whereby certayne Offences bee made Treason", 13 Eliz. I c. 1, 1571, in *Statutes of the Realm* 4, Part 1, 527.

the right of Parliament to legislate the succession was also covered in the *Treasons Act*. It stated that those who argued that Parliament “ought not to directe the Ryght of the Crowne of England”, or that Elizabeth “with and by the auctoritye of the Parlyament of England is not able to make Lawes and Statutes of suffycient force and valyditie to lymit and bynd the Crown of this Realme, and the Descent Lymitac[i]on Inheritaunce and Government thereof”, would be found guilty of treason.⁷¹³ By enacting this clause, Parliament created a foundation for its claims to participate in managing the royal succession which went beyond the appeal to precedent which it had previously relied upon. The Treasons Act of 1571 was a significant piece of legislation as it sought to exclude traitors from the succession and to establish in law the right of Parliament to participate in the settlement of the succession.

The Fourth Parliament of Elizabeth’s reign sat from 8 May until 30 June 1572 and was called to advise the Queen on a single matter of importance. In late 1571 the Ridolfi Plot had been uncovered, which had involved Mary Stuart and the Duke of Norfolk conspiring against Elizabeth with the assistance of the Spanish ambassador Guerau de Spes. As a result of this plot, Parliament was called for the express purpose of protecting Elizabeth through the creation of legislation and to provide advice.⁷¹⁴ The Lords took the lead in the matter of Mary Stuart on 12 May by calling for the Commons to send a group of forty-four members to join with twenty-one from the Lords in “Committees in the great Cause” to consider the matter.⁷¹⁵ The Commons determined that Mary Stuart’s actions required a legislated response and set to work on two bills. One was to charge the Queen of Scots with treason, whereas the second would remove her from the succession.⁷¹⁶ On 28 May, Elizabeth sent word to the Commons that, of their two bills, she favoured the second one, which was restricted to removing Mary from the succession rather than executing her, and she urged them to proceed with it.⁷¹⁷ Fulk Onslow took notes of some passages from it in his Parliamentary Journal, which is one of our few sources today concerning the contents of this bill. He records that the bill stated

That whereas Marie co[m]monly called Queene of Skottes hath bene manifestly convicted of all the treasons aforesaid, she may for that cause be made unable, unwoorthie and uncapable of all suche title and interest to the crowne of England as she with her adherentes upon a

⁷¹³ “An Acte whereby certayne Offences bee made Treason”, 13 Eliz. I c. 1, 1571, in *Statutes of the Realm* 4, Part 1, 527.

⁷¹⁴ Williams, *The Later Tudors*, 260-261.

⁷¹⁵ *Lords Journal* 1, 706; *Commons Journal* 1, 94, 96; D’Ewes, *Journals*, 206.

⁷¹⁶ *Commons Journal* 1, 97; D’Ewes, *Journals*, 214-215.

⁷¹⁷ *Commons Journal* 1, 98.

vaine and uncertaine hope founded upon uncertaine and doub[t]full causes should ymagine her to have⁷¹⁸

This bill took as its basis the *Treasons Act* which had received its assent the previous year and activated its exclusionary clauses regarding the succession. Furthermore, the bill stated that

nothing saide or done in this acte shalbe interpreted or expounded any kinde of wayes by implication to allowe or confirme any right, claime or interest towching the succession of the crowne of England to anye person or persons whatsoever any thing in this act to the contrarie notwithstanding⁷¹⁹

This proposed clause is significant as, while the bill set out to exclude Mary Stuart from the succession, it was actively seeking to ensure that it did not legislate the validity of her claim on the succession by excluding her. The bill was read for the first time in the Lords on 31 May. Its passage through the Lords was swift and it was sent to the Commons on 5 June.⁷²⁰ After being committed and being taken to joint conference with the Lords the bill received its third reading and assent on 25 June.⁷²¹ On 30 June Elizabeth prorogued Parliament. Before she did so, Elizabeth gave the royal assent to a number of bills, but the one against Mary Stuart was not one of them.⁷²²

In addition to these legislative efforts of the 1572 session of Parliament, at the end of May the Houses jointly petitioned Elizabeth to reach a resolution on Mary Stuart, either by her execution or removal from the succession.⁷²³ On 26 May, a joint delegation presented their arguments to Elizabeth on the matter of Mary Stuart in a petition, and their advice for its resolution.⁷²⁴ The petition presented both biblical precedents and civil law arguments for the execution of Mary Stuart, or at the very least her exclusion from the succession.⁷²⁵ Elizabeth's response, as shown above, indicated a distinct preference for a legislated solution which removed Mary from the succession without executing her. However, when the session concluded, that bill was vetoed and ultimately the petition was unsuccessful, as had been the case with all previous petitions relating to the subject of the succession. In this session of Parliament, the Houses used their now familiar method of approaching the succession, that is,

⁷¹⁸ "Fulk Onslow's Journal of Proceedings in the House of Commons", PA, BRY/1/fol. 4v.

⁷¹⁹ "Fulk Onslow's Journal of Proceedings in the House of Commons", PA, BRY/1/fols. 5r-v.

⁷²⁰ *Lords Journal* 1, 715, 717; *Commons Journal* 1, 100; D'Ewes, *Journals*, 200.

⁷²¹ *Commons Journal* 1, 100, 101, 102; *Lords Journal* 1, 721; D'Ewes, *Journals*, 224; "The Bill which Passed both Houses against the Queen of Scots", 25 June 1572, *Proceedings* 1, 302-310.

⁷²² D'Ewes, *Journals*, 204.

⁷²³ "Arguments against Mary Queen of Scots", 26 (?) May 1572, *Proceedings* 1, 274-290.

⁷²⁴ "Arguments against Mary Queen of Scots", 26 (?) May 1572, *Proceedings* 1, 274-290.

⁷²⁵ "Arguments against Mary Queen of Scots", 26 (?) May 1572, *Proceedings* 1, 274-290.

by petitioning the monarch, but more significantly they also explored more direct methods through the drafting of legislation on the issue for the first time during Elizabeth's reign, even if it was ultimately unsuccessful.

As discussed in Chapters One and Three, the fifth Parliament of Elizabeth's reign, which ran from 23 November 1584 to 29 March 1585, is highly important when considering the Elizabethan succession debate. As the writs for Parliament calling for the election of members circulated around England, they were accompanied by the Bond of Association, an oath which bound those who swore it to hunt down any who hurt their Queen, and which was enthusiastically taken up across the Kingdom. The statute, produced for the provision of Elizabeth's safety, and outlining how England would react to her assassination, was to be a key piece of legislation from this Parliament. It was also to be the third and last piece of legislation assented to during Elizabeth's Parliaments which touched on the succession. The bill was first introduced to the Commons on 14 December and after its second reading the following day it was engrossed.⁷²⁶ On 18 December the bill's passage took an unusual turn, as following a message from Elizabeth requesting that they consider further the mechanisms for the judgement of a pretended heir and its relationship with the Bond of Association, the bill was placed with a committee for further consideration.⁷²⁷ The bill's reshaping in committee appears to have been substantial, though it is hard to precisely trace, given what records remain today. A new bill for Elizabeth's safety was introduced to the Commons on 3 March 1585. It was committed again after its second reading on 5 March but was able to be engrossed and read on 6 March.⁷²⁸ By 10 March the bill had been taken up to the Lords and had received its first reading. Its passage through the Lords was significantly smoother than it has been in the Commons, with its third reading occurring on 13 March with only a slight amendment "in the 44th line; that is, after this Word 'lest', put out 'so as', and in place thereof put in "foreseeing that"". ⁷²⁹ The bill was returned to the Commons where it was read again and approved.⁷³⁰

The bill, *An Act for Provision to be made for the Suertie of the Queenes Majesties most Royall Person, and the continuaunce of the Realme in Peace*, or more commonly called the Act for the Queen's Safety, formed the basis of the trial and eventual execution of Mary Stuart in 1587.⁷³¹ As was the case with the Treasons Act, the Act for the Queen's Safety sought to

⁷²⁶ D'Ewes, *Journals*, 339-340.

⁷²⁷ D'Ewes, *Journals*, 341.

⁷²⁸ D'Ewes, *Journals*, 362-363.

⁷²⁹ *Lords Journal* 2, 95-97; D'Ewes, 323-324.

⁷³⁰ D'Ewes, *Journals*, 367.

⁷³¹ "An Act for Provision to be made for the Suertie of the Queenes Majesties most Royall Person, and the continuaunce of the Realme in Peace", 27 Eliz. I c.1, 1575, in *Statutes of the Realm* 4, Part 1, 704-705.

remove anyone from the succession who sought Elizabeth's death in order to further their own claims. It stated that "all persons, againste whome such sentence or Judgement shall be so gyven and published, shall be excluded and dishabled for ever to have or clayme, or to pretende to have or clayme, the Crowne of this Realme".⁷³² However, this Act went further in its specific description of the way such a person would be tried, and then executed, for seeking Elizabeth's death. The conspirators' heirs were also mentioned in this Act, though they would only be impacted if they had been "any wise assenting or privie" to the plot against Elizabeth.⁷³³ The Act for the Queen's Safety further emphasised the resultant risks of plotting against Elizabeth, but as with the Treasons Act it did not establish the succession in legislation; instead, it provided for limited exclusions from the succession in certain circumstances.

Elizabeth's sixth Parliament sat from 29 October 1586 until 23 March 1587, and it was the second Parliament of her reign to have been summoned for the express purpose of considering what to do with Mary Stuart. The discovery of Mary's involvement in the Babington Plot and her subsequent trial was not sufficient to persuade Elizabeth to order her cousin's execution. As a result, the Privy Council convinced Elizabeth to summon Parliament to receive the advice of the realm as represented by the two Houses of Parliament.⁷³⁴ In the opening of Parliament the Lord Chancellor declared

that the meer cause for which this Parliament had been so suddenly called at this time, was upon the discoveries of the late most great and horrible Treasons plotted for the taking away of her Majesties Life, and the subversion of true Religion, and that one great offender therein did yet remain, touching whose punishment her Majesty did crave their faithful advice⁷³⁵

The debate and outrage over Mary Stuart dominated the actions within Parliament that November. On 4 November the Commons formed a committee to write a petition to Elizabeth on what they termed the "great Cause", and on 7 November they invited the Lords to send a delegation from their House to join their committee.⁷³⁶ The joint committee produced a petition to Elizabeth which a delegation from the two Houses presented to their Queen on the afternoon of 12 November. This petition called for Elizabeth to ensure the safety of herself and her

⁷³² "Act for the Queen's Safety", 27 Eliz. I c.1, 1575, PA, HL/PO/PU/1/1584/27Eliz1n1 Public Act.

⁷³³ "Act for the Queen's Safety", 27 Eliz. I c.1, 1575, PA, HL/PO/PU/1/1584/27Eliz1n1 Public Act.

⁷³⁴ Guy, *My Heart in My Own*, 483; Tunstall, "Of Honour and Innocence", 59-60.

⁷³⁵ D'Ewes, *Journals*, 391.

⁷³⁶ D'Ewes, *Journals*, 379, 393-394, 395; *Lords Journal* 2, 119.

Kingdom by executing Mary Stuart, for, as far as Parliament was concerned, removing her from the succession was no longer a viable option.⁷³⁷

Elizabeth delayed her answer and, in the meantime, both Houses continued to debate possible actions to take against the Queen of Scots. The petition was sent to Elizabeth in writing on 25 November to prompt a response and more unusually it was also entered onto the Roll of Parliament.⁷³⁸ Elizabeth's reply to the petition was in her own words "an Answer answerless", and shortly afterwards on 2 December the session was adjourned until the next year, by which time Mary Stuart had been executed at Fotheringhay Castle.⁷³⁹ The petitioning by Parliament in the case of Mary Stuart, both in this session and the 1572 session, strongly emphasised the ongoing inherent risks from an unsettled succession and the plots by a potential claimant to the throne. As was discussed in Chapter Three, the resolution of the Mary Stuart situation was achieved by independent action by the Privy Council, not through any action motivated by Parliamentary petition. This made the petition of the 1586-1587 session of Parliament as unsuccessful as previous attempts to seek resolutions on matters relating to the succession, but it did not prevent it from being used as the primary means of expressing their continued concern. While the session continued until 23 March, neither Mary Stuart nor the succession featured any further in its debates. The sixth Parliament was in many respects the last succession Parliament, though the matter did briefly appear in one final session.

The seventh Parliament of Elizabeth's reign contained no debate concerning the succession; however, the eighth Parliament of Elizabeth's reign which sat from 19 February to 10 April 1593 did and was to be the last session where the succession question featured. It was not a significant cause for debate as in the 1563 or 1566 sessions, nor was it approached obliquely through legislation as was the case with the 1571 Treasons Act or the 1585 Act for the Queen's Safety. Instead, from what records survive today, the matter was relatively small and quickly handled. Shortly after the session opened, on 24 February Peter Wentworth and Sir Henry Bromley, both members of the Commons, delivered a petition to the Lord Keeper. They requested that the Lords join with them in petitioning the Queen to establish the succession and presented a bill drawn by them on the matter.⁷⁴⁰ Unfortunately, neither the petition nor the bill they prepared have survived. When Elizabeth heard of the matter, she

⁷³⁷ "Petition of Lords and Commons for the Execution of Mary Queen of Scots", 12 November 1586, *Proceedings* 2, 244-247.

⁷³⁸ *Lords Journal* 2, 124; D'Ewes, *Journals*, 380.

⁷³⁹ Elizabeth, "Queen Elizabeth's Second Reply to the Parliamentary Petition Urging the Execution of Mary, Queen of Scots", 24 November 1586, *C.W.*, 200; *Lords Journal* 2, 125; D'Ewes, *Journals*, 382.

⁷⁴⁰ D'Ewes, *Journals*, 470.

swiftly expressed her dissatisfaction. The following day the Commons were called before the Lord Treasurer, Lord Buckhurst and Sir Thomas Heneage, all members of the Privy Council, to inform them of the Queen's displeasure, "Whereupon Mr *Peter Wentworth* was sent Prisoner unto the Tower; Sir *Henry Bromley* and one Mr *Richard Stevens*, to whom Sir *Henry Bromley* had imparted the matter, were sent to the Fleet, as also Mr *Welch* the other Knight for *Worcestershire*."⁷⁴¹ With the main agitators sent by the House to various places of incarceration, the succession faded from the sessions of Parliament and did not reappear within their debates for the remainder of Elizabeth's reign.

As has been shown, the succession featured prominently in the events or debates of eight out of the thirteen sessions of Parliament during Elizabeth's reign. While it was contested in a number of ways, and approached differently in most sessions, this thesis argues that they present a grouping of Succession Parliaments which should be considered together in order to understand the continuation and extent of the succession debate in the Elizabethan period. By this new grouping of Parliamentary sessions as Succession Parliaments, it is clear that Parliament was considered the appropriate place for England's political class to express their collective anxiety over an uncertain succession. From the discussion above it is clear that Parliament sought to approach the succession in two ways, that is, through petition and by legislation. These two methods sought to utilise the two primary functions of Parliament to manage a potential threat to their future political stability. The remainder of this chapter will focus on how the succession affected Parliamentary action itself by a consideration of freedom of speech in the Commons, an issue which arose out of the succession debates during the Elizabethan Parliaments.

Freedom of Speech: An Unintended Effect of the Succession

The origins of freedom of speech as it existed within Parliament are difficult to pinpoint with any degree of certainty. Following the election of the Speaker of the Commons, he was presented to the monarch in the upper House. Speakers would first claim to be insufficient to the task they had been elected for, a formality which was always answered by the monarch stating that they were to perform the duty they were elected for.⁷⁴² After this disabling speech the Speaker would make four petitions. These petitions were for the Speaker's access to the monarch, freedom from arrest, permission for the Speaker to correct their own errors and for

⁷⁴¹ D'Ewes, *Journals*, 470.

⁷⁴² Dean, "Image and Ritual in the Tudor Parliaments", 265.

the freedom of speech.⁷⁴³ The form of these petitions and the responses will be discussed shortly, but first the murky origins of the petition for freedom of speech need to be explored. It is thought that the first appeal for freedom of speech was made by Sir Thomas More who served as the Commons' Speaker in 1523.⁷⁴⁴ However, the first record of such a petition did not appear in the Lords' *Journal* until 1542.⁷⁴⁵ Before the formal petition for freedom of speech, it was common for the Speaker to ask the monarch to forgive their Commons for any unintended offence which might occur in the session.⁷⁴⁶ The request for forgiveness in advance would have been a useful way to seek the monarch's understanding, and hopefully satisfy them should the Commons stray into offence during debate. How precisely the request for forgiveness was transformed into a petition for freedom of speech within the House of Commons is today unclear and may be beyond our ability to determine from the remaining evidence.

By the time of Elizabeth's Parliaments, freedom of speech was established within the formal petition made by the Speaker of the Commons. When considering the form of Parliamentary procedure Sir Thomas Smith wrote that "the speaker requireth certain requests of the prince in the name of the commons", amongst which was "that they might franckely and freely saye their minds in disputing of such matters as may come in question, and that without offence of his Majestie."⁷⁴⁷ According to Smith, once delivered, the petitions would be answered by the Chancellor on the Monarch's behalf.⁷⁴⁸ While the petitions could take a number of different forms, it is useful to consider an example before analysing the intention of these opening appeals for freedom of speech. Thomas Williams was the Speaker for the Commons in the 1563 Parliament, and he presented the petitions as follows:

Further I am to be a Suitor to your Majesty, that when matters of importance shall arise, whereupon it shall be necessary to have your Highness Opinion, that then I may have free access unto you for the same; and the like to the Lords of the Upper House. Secondly, That in repairing from the nether House to your Majesty, or the Lords of the Upper House, to declare their meanings, and I mistaking on uttering

⁷⁴³ Elton, *The Parliament of England*, 130.

⁷⁴⁴ J. E. Neale, "The Commons' Privilege of Free Speech in Parliament", in *Tudor Studies: Presented by the Board of Studies in History in the University of London to Albert Frederick Pollard*, ed. R. E. Seton-Watson (London: Longmans Green & Co, 1924), 267; Graves, *Elizabethan Parliaments*, 7.

⁷⁴⁵ David Colclough, *Freedom of Speech in Early Stuart England* (Cambridge: Cambridge University Press, 2005), 131.

⁷⁴⁶ Colclough, *Freedom of Speech in Early Stuart England*, 132.

⁷⁴⁷ Smith, *De Republica Anglorum*, 80-81.

⁷⁴⁸ Smith, *De Republica Anglorum*, 81.

the same contrary to their meaning, that then my fault or imbecillity in declaring thereof be not prejudicial to the House, but that I may again repair to them, the better to understand their meanings, and so they to reform the same. Thirdly, That the Assembly of the Lower House, may have frank and free Liberties to speak their Minds, without any Controulment, Blame, Grudge, Menaces or Displeasure, according to the old antient Order. Finally, That the old Priviledge of the House be observed, which is, that they and theirs might be at Liberty, frank and free, without Arrest, molestation, trouble or other damage to their Bodies, Lands, Goods or Servants, with all other their Liberties, during the time of the said Parliament; whereby they may the better attend, and do their Duty; all which Priviledges I desire may be Inrolled, as at other times it hath been accustomed.⁷⁴⁹

This version of Williams' petitions in D'Ewes' *Journals* presents us with a significantly detailed recording of the petitions as they are often only briefly recorded by stating that the Speaker "made the accustomed Petitions".⁷⁵⁰ The freedom of speech was presented by Williams as a liberty for the members of the Commons to freely discuss issues within the House without fear of censure. The definition of freedom of speech is rather loose, with no certain restrictions. However, the liberty was not unrestricted, and the boundaries of the right were typically outlined in the response made by the Lord Keeper.

In considering the response made to the Speaker's customary petitions, the answer of the Lord Keeper in the 1563 Parliament is revealing:

And for the fourth part, being your Petitions, which be also four; for the first being for free access to her Person, she granteth it, not doubting of your discretion to use it, as rath [rare] as may be, not out of time, nor yet without they be matters of great importance. For the second, that if you mistake their meanings, that they may notwithstanding redress the same, without prejudice to them; this also she granteth, although unneedful, for that she trusteth you will not offend therein; And for the third, to have free Speech she granteth also, so that it be reverently used. And to the last point, for them and theirs to be free, without

⁷⁴⁹ D'Ewes, *Journals*, 65-66.

⁷⁵⁰ *Commons Journal* 1, 62.

disturbance, she is pleased therewith; howbeit great regard would be therein had, not thereby to avoid or delay their Creditors, but to be well used, according to the meaning of the first grant thereof.”⁷⁵¹

In this response of the Lord Keeper in 1563, freedom of speech was granted to the Commons, as it was each time it was petitioned for. However, the Lord Keeper states that the right should not be abused. As the liberty was taken at times to extremes by the Commons’ determination to consider matters which Elizabeth had forbidden to be debated, the warning was made more firm. In the 1581 response the Lord Chancellor “concluded with a special Admonition, that the House of Commons should not deal or intermeddle with any matters touching her Majesties Person, or Estate, or Church Government” and in 1589 he admonished “them not to extend the said priviledges to any unreverent and misbecoming speech”.⁷⁵² The responses to the Speakers’ petitions each session sought to present a workable meaning for the Commons in regard to the liberty of freedom of speech, but as it was still relatively undefined issues of importance could push members of the Commons to explore the extremities of their right.

The petitions made by the Speaker of the Commons and discussed by Smith occurred in almost every session of Elizabeth’s Parliament. Indeed, out of thirteen sessions there were only two sessions at which the petition for freedom of speech was not made, occasions which were unusual.⁷⁵³ The first occasion occurred in 1566. This session had been progued from the 1563 session during which time the Speaker had died, necessitating the election of a new Speaker. Richard Onslow, the new Speaker, inexplicably made only two petitions rather than the four. He appealed for access to Elizabeth and to be forgiven if he misreported the actions of the Commons, completely neglecting freedom of speech and freedom from arrest.⁷⁵⁴ A similar situation arose in the 1581 Parliament where the previous Speaker had died between sessions, but in this case the new Speaker, John Popham, made the four customary appeals.⁷⁵⁵ The second occasion when the petitions were not made was rather more straightforward. The 1576 Parliament was the second session of the Parliament which originally sat in 1572 and as such there was no formal opening or presentation of the Speaker.⁷⁵⁶ With its regularity of practice, the appeal for freedom of speech appears to have been considered a traditional part of Parliament by the Elizabethan period. This ritual of petition and response contained the

⁷⁵¹ D’Ewes, *Journals*, 66.

⁷⁵² D’Ewes, *Journals*, 269, 421.

⁷⁵³ D’Ewes, *Journals*, 16, 65-66.

⁷⁵⁴ D’Ewes, *Journals*, 98.

⁷⁵⁵ D’Ewes, *Journals*, 268-9.

⁷⁵⁶ D’Ewes, *Journals*, 226-227.

foundation of the concept of freedom of speech within Parliament, yet that foundation was only vaguely defined. With its malleable meaning and inexact definition, the liberty became the source of contestation by a number of members of Elizabeth's Parliaments, and the succession often served as the impetus for such debates.

Freedom of speech, which existed as an Elizabethan Parliamentary privilege, was substantially different to how we understand it today. Technically speaking, freedom of speech was considered a liberty rather than a privilege, even though it was grouped with the traditional privileges of the Commons. Parliamentary privileges were protections for members while they served as members, whereas Parliamentary liberties were seen as required in order for members to properly perform their duties.⁷⁵⁷ While the petition for freedom of speech was never denied, it never meant unrestricted speech.⁷⁵⁸ Conversely, as seen above, the response to the Speaker's petitions came to include attempts to exclude some areas of debate from the liberty to speak. In many respects, the monarch's view of freedom of speech was important to its interpretation within the session, and how their representative responded to the Speaker's petitions. Elizabeth maintained that both Houses had the right to freely debate any private matter placed before it, but matters of the royal prerogative were only to be debated if they were placed before the Parliament to consider by her or her Privy Council. Some members of Elizabethan Parliaments held a contrary view and maintained that any issue was fit to be debated, regardless if it was officially introduced to the session or not. Prerogative issues included religion, foreign policy, Elizabeth's marriage and the succession.⁷⁵⁹ Furthermore, there was an important distinction between liberty and licence.⁷⁶⁰ While the distinction was important, the demarcation was not always apparent in the midst of Parliamentary debate. In fact, the only area of speech which could be clearly considered licence and not covered by the liberty was slander against the monarch.⁷⁶¹ Freedom of speech was a rather vague liberty at the beginning of each Parliament of Elizabeth's reign, but while it was seen as a traditional right for the Commons it was open to substantial interpretation, which became a source of contention during the Parliamentary debates on the succession.

When considering freedom of speech in Elizabethan Parliaments, the brothers Wentworth are inescapable and indeed they have long been the topic of scholarly debate. Neale wrote extensively on the Wentworth brothers, particularly on the actions of Peter Wentworth,

⁷⁵⁷ Graves, *Elizabethan Parliaments*, 46-47.

⁷⁵⁸ Elton, *The Parliament of England*, 341-342.

⁷⁵⁹ Graves, *Elizabethan Parliaments*, 49.

⁷⁶⁰ Neale, "The Commons' Privilege of Free Speech in Parliament", 274.

⁷⁶¹ Colclough, *Freedom of Speech in Early Stuart England*, 135.

which Neale threaded through his works to support his arguments of a combative and Puritan Commons.⁷⁶² Neale's works generally presented the Wentworth brothers as two men before their time who took a determined stance for the liberty of free speech for the Commons against royal opposition.⁷⁶³ Elton disagreed with Neale concerning the significance of the Wentworths, arguing that neither were embraced by their fellow members of the Commons, nor were their causes.⁷⁶⁴ Scholarship now regards the Wentworths, and Peter in particular, as being unrepresentative in their determination for a wider application of the liberty of freedom of speech.⁷⁶⁵ However, as in many matters which find their foundation in the Neale/Elton debates concerning the nature of Parliament and the significance of certain members, the extremity of either view is not suitable and the reality most likely lies between these two viewpoints. Peter Wentworth participated in five sessions of Parliament.⁷⁶⁶ He had a far more troubled Parliamentary career and is considered to have been more of an activist than his brother.⁷⁶⁷ His outspoken nature and persistence led to him being either imprisoned or sequestered in the 1576, 1586-7 and 1593 sessions.⁷⁶⁸ On one of these occasions, which will be discussed in detail, he was sent to the Tower of London by the other members of the Commons before he could complete the delivery of his speech.⁷⁶⁹ Paul Wentworth was a younger brother of Peter, though his engagement with Parliamentary freedom of speech came earlier than his brother, in the 1566 session. The actions of the two Wentworth brothers and their arguments in favour of freedom of speech addressed a key question of Parliamentary privilege and, while they may have been unrepresentative, they were not alone in arguing for the widening of that liberty in response to an unestablished succession.

The tumultuous 1566 session of Parliament saw the first interaction of the Wentworths with the concept of freedom of speech within the House. As discussed in the section above, following agitation and a petition from both Houses to establish the succession, Elizabeth sent

⁷⁶² J.E. Neale, "Peter Wentworth", *The English Historical Review* 39, no. 153 (1924): 36-54; Neale, *Elizabeth I and Her Parliaments 1559-1581*; Neale, *Elizabeth I and Her Parliaments 1584-1601*; Neale, "The Commons' Privilege of Free Speech in Parliament".

⁷⁶³ Graves, *Elizabethan Parliaments*, 42.

⁷⁶⁴ Elton, *The Parliament of England*, 346.

⁷⁶⁵ Hartley, *Elizabeth's Parliaments*, 125.

⁷⁶⁶ Patrick Collinson, "The Religious Factor", in *The Struggle for the Succession in Late Elizabethan England: Politics, Polemics and Cultural Representations*, ed. Jean-Christophe Mayer (Montpellier: Institut de Recherche sur la Renaissance, 2004), 254.

⁷⁶⁷ Elton, *The Parliament of England*, 347.

⁷⁶⁸ Graves, "Managing Elizabethan Parliaments", 41

⁷⁶⁹ Wallace T. MacCaffrey, "Parliament: The Elizabethan Experience", in *Tudor Rule and Revolution: Essays for G. R. Elton from his American Friends*, eds. Delloyd J. Guth and John W. McKenna (Cambridge: Cambridge University Press, 1982), 145; Collinson, *Elizabethan Essays*, 66-67.

a commandment that the topic should not be debated within Parliament.⁷⁷⁰ On 11 November, Paul Wentworth, the member for Buckingham, “moved whether the Queen's Commandment was not against the Liberties”.⁷⁷¹ As he spoke, Paul Wentworth raised the following three questions:

Whether hyr hyghnes' com[m]anwdment, forbyddyng the lower howse to speake or treate any more of the successyon & of any theyre excuesses in that behalffe, be a breache of the lybertie of the free speache of the howse or not?

Whether mr Controller, the Vicechamberlaine & mr Secretarye, pronowncyng in the howse the sayd com[m]anwdment in hyr hyghnes' name, are of awthorytye suffycient to bynde the howse to scylence in that behalffe, or to bynde the howse to acknowledge the same to be a direct & sufficient commawndment or not?

Yf hyr hyghnes' sayd com[m]awndment be no breach of the lybertie of the howse, or yf the com[m]awndment pronownced as afore is sayde be a suffycient com[m]awndment to bynd the howse to take knowledge theroff, then what offence is it for anye of the howse to err in declaryng his opynyon to be otherwyse?⁷⁷²

Wentworth's questions went straight to the heart of the matter, firstly questioning if the monarch held the right to restrict the debate within the Commons, then if the monarch was permitted, who had the authority to bind the House, and finally if such a right existed for the monarch, would it become an offence to break those restrictions on speech. Wentworth's questions prompted debate within the House, “continuing from Nine of the Clock till Two Afternoon: And then, resolved to cease till the Morrow; the House did rise.”⁷⁷³ The matter then faded from the record for the session. Paul Wentworth's questions were one of the earliest attempts by a member of the Commons to define freedom of speech as it applied to Parliament.⁷⁷⁴ The significance of these questions has been debated between Neale and Elton, with Neale emphasising their importance to Parliamentary development and Elton arguing that

⁷⁷⁰ *Commons Journal* 1, 75-76; D'Ewes, *Journals*, 125-128.

⁷⁷¹ David Dean, “Wentworth, Paul (1534–1594), Member of Parliament”, *Oxford Dictionary of National Biography* (23 Sep. 2004; Accessed 18 Nov. 2020), <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-29050>; *Commons Journal* 1, 76.

⁷⁷² Paul Wentworth's Questions, 11 November 1566, SP 12/41, fol. 33.

⁷⁷³ *Commons Journal* 1, 76.

⁷⁷⁴ Neale, “The Commons' Privilege of Free Speech in Parliament”, 282.

the questions were of minor importance.⁷⁷⁵ While the questions appear to have had little lasting effect on the succession beyond the debates they sparked on that day, they were not irrelevant. The length of the debate on 11 November indicates that Wentworth was not alone in his concerns, and while these questions form the only known interaction with the issue of freedom of speech by Paul, they were strongly taken up by his elder brother Peter who was driven to seek a definition to further the succession debate.

Peter Wentworth had sat in the 1572 session of Parliament which had been prorogued. The disinclination of Elizabeth to follow the advice of her Parliament as expressed in its petitions concerning Mary Stuart and her direction to stop certain pieces of legislation against Mary had irritated Wentworth. While I do not consider the 1576 session to be a succession Parliament, it was Wentworth's frustrations over failures of the previous session to address the succession, and the questions about freedom of speech raised by his brother in response to the limiting of debate on the succession, which drove him. Peter Wentworth delivered a speech on 8 February 1576, right at the beginning of the session, on the topic of freedom of speech. As it occurred at the beginning of the session, it is best considered in light of the previous session's concerns, rather than what would pass in the session after his speech was delivered. His opening, "sweet indeed is the name of libertye and the thing it selfe a value beyond all inestimable treasure", highlights the importance he placed on the liberty of free speech.⁷⁷⁶ His speech argued for the importance of freedom of speech to the proper functioning of Parliament, and the preservation of monarch and kingdom.⁷⁷⁷ Wentworth's speech is difficult to clarify, but he stresses the damage that a lack of liberty in speech could cause to the realm if it was restricted at the command of a monarch, such as had occurred in the previous session, and he specifically refers to the debates concerning the Scottish claim on the succession.⁷⁷⁸ His "unreverent and undutiful words uttered by him in this House" shocked the Commons, and he was immediately sequestered to be examined by a committee that afternoon.⁷⁷⁹

Wentworth's examination was undertaken by all members of the Privy Council who were members of the Commons in the Star Chamber.⁷⁸⁰ Wentworth's examination contained a number of interesting points, the first of which is possibly the most intriguing. When

⁷⁷⁵ David Dean, "Wentworth, Peter (1524–1597), Member of Parliament", *Oxford Dictionary of National Biography* (23 Sep. 2004; Accessed 18 Nov. 2020)

<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-29051>

⁷⁷⁶ "Peter Wentworth's Speech", 8 February 1576, in *Proceedings* 1, 425.

⁷⁷⁷ "Peter Wentworth's Speech", 8 February 1576, in *Proceedings* 1, 425–426.

⁷⁷⁸ "Peter Wentworth's Speech", 8 February 1576, in *Proceedings* 1, 428.

⁷⁷⁹ D'Ewes, *Journals*, 226.

⁷⁸⁰ D'Ewes, *Journals*, 241.

questioned, Wentworth asked if they did so “as councellers to her Majesty” or “as committees from the House”. He argued that if they were questioning him as Privy Councillors he would refuse to answer them, as he was protected by the liberty of free speech within the Commons. He only answered their questions after they stated they were asking as members of the Commons.⁷⁸¹ When questioned about where he had heard discussion of the succession and religion to form the basis of his speech, he stated that he had written it “two or three years agoe, prepared against this time”.⁷⁸² Wentworth had dwelt on the matters from the previous session which strongly informed his speech and his stance regarding liberty of speech within the house, including his disapproval of royal messages to the House while it was sitting. He argued that if “the message be against the glory of God, against the prince’s safetye or against the libertie of the parliament house whereby the state is maintained, I neither may nor will hold my peace”.⁷⁸³ In Wentworth’s defence, he argued that freedom of speech was not only a liberty of Parliament to be granted by the monarch but also one to be maintained at all times within the House for the defence of religion and the state, a defence in which the succession played a key part. However, Wentworth’s arguments were not firmly founded on Parliamentary practice, as the examining committee pointed out. The sending of messages to the House was a well-established practice used by a number of monarchs before Elizabeth.⁷⁸⁴ Wentworth’s examination presents a man driven by his conviction in the liberty of free speech, but more importantly, his firmness was rooted in his determination that the succession should be argued within the House and not be prevented by any messages from Elizabeth.⁷⁸⁵ On 9 February, the committee which examined Wentworth reported to the Commons, after which the Commons voted to have him imprisoned in the Tower. He remained there until 12 March, just a few days before the end of the session, when he was returned to the House to apologise for his speech and rejoin the Commons.⁷⁸⁶ The 1576 session of Parliament cannot properly be considered a succession Parliament, but Peter Wentworth’s outspoken words on freedom of speech trace their origins to the session before held in 1572. The restrictions Elizabeth sought to place on debate concerning the succession triggered Wentworth’s forthright speech, one which tied liberty tightly to a carefully guarded royal prerogative.

⁷⁸¹ “Peter Wentworth’s Examination”, 8 February 1576, in *Proceedings* 1, 435.

⁷⁸² “Peter Wentworth’s Examination”, 8 February 1576, in *Proceedings* 1, 436.

⁷⁸³ “Peter Wentworth’s Examination”, 8 February 1576, in *Proceedings* 1, 437.

⁷⁸⁴ “Peter Wentworth’s Examination”, 8 February 1576, in *Proceedings* 1, 437.

⁷⁸⁵ “Peter Wentworth’s Examination”, 8 February 1576, in *Proceedings* 1, 437-439.

⁷⁸⁶ D’Ewes, *Journals*, 244, 260.

Peter Wentworth again raised the issue of freedom of speech in the 1586-1587 session of Parliament. As discussed above, this session was focused upon the final answer to the problem of Mary Stuart. On 1 March 1587, Wentworth asked the Speaker of the Commons for leave to read a number of questions concerning the liberty of free speech.⁷⁸⁷ The Speaker denied him the right but said he would consider the questions first before presenting them to the House.⁷⁸⁸ After pocketing Wentworth's questions, the Speaker did not move for his questions to be posed to the House.⁷⁸⁹ The questions themselves are not founded upon any specific matter beyond the procedures and rights of Parliament. They lead from a logical foundation which none could disagree with, in this case "whether the p[rin]ce and state can be mainteyned w[ith]out this court of parliament", through a number of questions which were increasingly unfounded in Parliamentary tradition until the final one, "whether he or they be not to be esteemed, reputed, & used as enemyes unto god, the p[rin]ce, & state, that shall doo any thing to infringe the liberties of this honourable councell".⁷⁹⁰ The questions were not well received and he was again imprisoned in the Tower.⁷⁹¹ However, the reason for imprisonment is somewhat uncertain; T. E. Hartley argued that it was possible that Wentworth was sent to the Tower for discussing matters of state outside of Parliament during the session, where the liberty of free speech did not apply.⁷⁹² While these questions were solely concerned with defining the boundaries of freedom of speech as it existed within Parliament they grew out of Wentworth's previous arguments for the privilege, and his ongoing concern over the succession which drove him to speak out again in his final session of Parliament.

The final Parliament attended by Peter Wentworth was the 1593 session. In this Parliament, Wentworth did not make any great argument for his right to speak freely; instead, he simply used freedom of speech as he had previously argued it was to be defined. On 25 February, just days after the opening of the session, Wentworth and Sir Henry Bromley gave the Lord Speaker a petition concerning the succession and informed him they had prepared a bill for that purpose.⁷⁹³ The next day, after hearing of Elizabeth's displeasure that the succession was again being discussed within Parliament without her leave, it was decided to

⁷⁸⁷ "Peter Wentworth's Speech and Questions on the Liberties of Parliament", 1 March 1587, *Proceedings* 2, 320.

⁷⁸⁸ D'Ewes, *Journals*, 410.

⁷⁸⁹ D'Ewes, *Journals*, 411.

⁷⁹⁰ "Peter Wentworth's Speech and Questions on the Liberties of Parliament", 1 March 1587, BL Lansdowne, 105, fol. 182.

⁷⁹¹ Dean, *Law-Making and Society in Late Elizabethan England*, 100-101.

⁷⁹² Hartley, *Elizabeth's Parliaments*, 138.

⁷⁹³ "Anonymous Journal", *Proceedings* 3, 68.

imprison the main agitators and, as such, Wentworth was sent to the Tower.⁷⁹⁴ Peter Wentworth's final use of the freedom of speech, or what he had consistently argued that the liberty should be defined as, was to seek the establishment of the succession in direct conflict with Elizabeth's wishes on the matter. The definitions which the Wentworth brothers sought to establish for the liberty of freedom of speech never gained much ground within Elizabethan parliaments. Instead, the Wentworth brothers' arguments were reflective of the larger impact of the ongoing issue of the succession. As while Elizabeth was determined to leave the succession unsettled, her people sought to find ways to work around her, even if it meant stretching some concepts beyond their original bounds to establish it. Parliamentary freedom of speech was one such concept, where the members of the Commons such as the Wentworth brothers pushed to establish a definition for an established liberty well beyond its original purpose, which, though unsuccessful, is still an important element in considering the effects of the succession in Elizabethan England.

⁷⁹⁴ "Anonymous Journal", Proceedings 3, 68; D'Ewes, *Journals*, 470-471.

Conclusion

As 1603 began it became clear to Elizabeth's court that her life, and her reign, was approaching its end. In January the Queen caught a cold, though she briefly recovered to travel to her palace at Richmond.⁷⁹⁵ However, by 28 February, Elizabeth was again ill and her Privy Council was summoned to attend her.⁷⁹⁶ It is not clear what occurred during those final days of Elizabeth's life as accounts may have been shaped by the need to support the peaceful accession of her successor. In one such account, Elizabeth was visited on 23 March by Charles Howard, the Lord Admiral, Robert Cecil, her Principal Secretary, and Thomas Egerton, the Lord Keeper, and "they in the name of all the rest of her Counsell came unto her to know her pleasure who should succeed."⁷⁹⁷ Elizabeth's response to their question was "my seat had bene the seat of kinges, and I will haue no Rascall to succede mee. And who should succede mee but a king", a response which those present took to mean James should be her successor.⁷⁹⁸ The following day, Elizabeth lay near death and could no longer speak. The three Privy Councillors returned to her and Cecil once more asked her "if you remaine in your former resolution and that you would haue the King of Scotts to succeed you in your kingdome, show some signe unto us".⁷⁹⁹ Without words Elizabeth responded by "suddainely heauing her selfe upwards in her bed and pulling her armes out of bed shee held both her hands ioyntly to geather ouer her head in manner of a crowne" to signify her assent.⁸⁰⁰ After her Privy Councillors departed that final time, on "wednesday the 24th of marche about 3 of clock in the morning (beinge our lady ever) at w[hi]ch tyme she died."⁸⁰¹ Not long afterwards a proclamation was read by Cecil in Whitehall and other key points around London to share the news that their long-reigning sovereign had died and was to be succeeded by James VI of Scotland.⁸⁰² The Privy Council met with members of the nobility which were present in London at the time in order to oversee the necessary transition from one reign to the next as the Council's authority had lapsed with Elizabeth's death.⁸⁰³ Once matters were seen to, many of the Privy Council and members of the nobility made their way north to meet their new monarch. Cecil was

⁷⁹⁵ BL Cotton MS Titus C VII, fol. 57 (A second copy of this account is found in BL Sloane MS 1786, fols. 3b-6).

⁷⁹⁶ BL Cotton MS Titus C VII, fol. 57.

⁷⁹⁷ BL Cotton MS Titus C VII, fol. 57v.

⁷⁹⁸ BL Cotton MS Titus C VII, fol. 57v.

⁷⁹⁹ BL Cotton MS Titus C VII, fol. 57v.

⁸⁰⁰ BL Cotton MS Titus C VII, fol. 57v.

⁸⁰¹ BL Cotton MS Titus C VII, fol. 57.

⁸⁰² Haynes, *Robert Cecil, Earl of Salisbury, 1563-1612*, 93.

⁸⁰³ BL Cotton MS Titus C VII, fol. 57v; Hayes, *Robert Cecil, Earl of Salisbury, 1563-1612*, 92.

amongst them and met James for the first time at York on 18 April.⁸⁰⁴ And with the arrival of James, the Elizabethan period came to a close and the succession debate reached its final resolution.

Elizabeth had ruled England for more than forty-four years and throughout her reign the succession was an ongoing source of anxiety for her kingdom. While the eventual accession of James was smooth, until the time of Elizabeth's death it was unclear if that would be the case. The succession was a complicated business as a result of Elizabeth's unmarried state and the complicated marital history of her father Henry VIII. With the succession unclear, and indeed, there being no fixed rule concerning the succession, numerous claimants were supported or opposed by the Elizabethan political class. In order to negotiate the complicated legal web, and to advocate for certain claimants, a number of succession tracts were produced across Elizabeth's reign. While these tracts have generally been divided into groupings of early or late succession tracts, this thesis has argued that it is not the most beneficial way in which to approach them. Instead, they should be considered in terms of their production, either printed or manuscript, as each form had a different purpose. The majority of succession tracts were never printed and circulated only in manuscript form within select elements of Elizabethan society connected to either the Privy Council or to Parliament. Today, such tracts would be considered policy papers, created to inform debate as to the likely candidates and the legal impediments for each claim. The smaller grouping of succession tracts, the printed tracts, were intended to serve a more general public and the majority of these works were produced outside of England. The nature of the succession tracts was shaped by the fact that the majority of the succession tracts were intended to inform debate within the Privy Council and Parliament. Unusually, during this period of religious division, the succession tracts were not heavily influenced by religious arguments but were instead primarily focused upon legal issues and impediments, as well as discussion of each claimant's connection to the English succession. The implications of English common law, the Will of Henry VIII, the numerous Succession Acts of Henry VIII, and the Act for the Queen's Safety were argued in minute legalistic detail to seek a way to establish the succession. However, the debate within the succession tracts came to no conclusion beyond calling for Elizabeth to establish the succession, something she was profoundly unwilling to do.

Elizabeth's experiences before she became Queen were influential upon her approach to the succession and her understanding of her role as England's monarch. Through a

⁸⁰⁴ Handover, *The Second Cecil*, 299.

consideration of Elizabeth's writings, this thesis has explored her view of these matters, a view which is often absent from any discussion of the Elizabethan succession debate within the scholarship. While Elizabeth was highly educated, she never wrote her own treatise of kingship as other monarchs such as James VI did. However, she did engage extensively with the written word and through close consideration of her poetry, her correspondence with James, and her speeches, it is possible to outline Elizabeth's theory of kingship. This theory of kingship shows Elizabeth as a thinker in her own right, and presents her thoughts of her role as that of a masculine king in a distinct manner from queenship which features prominently in scholarship today. For Elizabeth, her primary role was to serve her people and to maintain the laws of her kingdom. Yet, as a woman, she had to embrace the theory of the King's two bodies in order to fulfill the requirements of the traditionally masculine role of king, sometimes at the expense of her own personal wishes. While she did not dwell on the succession within her writings, it is possible to discern some of her thinking on the matter. For the most part, Elizabeth refused to comment on the succession save for when a direct response was required. As such, the majority of her statements on the succession were within her speeches responding to petitions from Parliament where she committed to marrying early in her reign and stressed the risks of a named successor. Her letters and poetry contain few traces of the succession beyond her concerns and warnings of the risks inherent in naming an heir, risks which she had personally experienced during the reign of Mary I. Even though she often disguised her meaning, Elizabeth's writings have much to tell us about her views of monarchy and government as she sought to rule England in her own right. However, while Elizabeth herself wanted to prevent the succession from exercising undue influence upon her reign, the same cannot be said for the two main institutions of her government.

The Privy Council was the most important institution within the English government following the monarchy, and for it the succession proved to be the impetus for a reconsideration of its relationship with the crown. As a result of Elizabeth's refusal to establish the succession, members of her Privy Council sought to maneuver their Queen into accepting their advice. It was this tendency that led Collinson to argue that Elizabethan England was a monarchical republic, or, in other words, a mixed polity under which authority was shared between the monarch, the Privy Council and Parliament.⁸⁰⁵ The majority of the scholarship on this topic maintains that, while there was some level of monarchical republicanism before the execution of Mary Stuart, following her death, ideas of a monarchical republic faded from the Privy

⁸⁰⁵ Collinson, "The Monarchical Republic of Elizabeth I", 43.

Council. However, this thesis has found that monarchical republicanism continued to exist beyond the execution of Mary Stuart, but that it took different forms following that pivotal event. When the execution warrant was dispatched without Elizabeth's express approval or knowledge, her rage forced the Privy Council to reflect on the boundaries of their positions and the prohibitions against independent action as their authority was drawn from her. As a result, many members of the Privy Council did not engage in independent action which went beyond the boundaries of their roles again. However, there were a number of examples of monarchical republicanism being embraced, of which this thesis examined two. Robert Devereux, the Earl of Essex, led his failed Revolt throughout the streets of London in an attempt to force Elizabeth to follow his advice, particularly that regarding the succession and her choice of Councillors. This militarised monarchical republicanism failed, as it attracted little support from any level of Elizabethan society, but it emphasised Elizabeth's previous concerns of the risks inherent in the theory of the monarchical republic. The final display of an attempt at monarchical republicanism was as subtle as Essex's approach was blatant. Sir Robert Cecil's secret correspondence with James established a connection with England's future king and calmed his anxieties concerning the succession. However, while the letters have been noted for their impact on the succession, the monarchical republican nature of them has not. For in these letters Cecil expressly stated that it was appropriate for "faythfull ministers to conceale sometyme booth thoughts and actions from Princes, when they are perswaded it is for their owne greater service", a fitting description of the monarchical republicanism which the succession had caused to be so pervasive within Elizabeth's Privy Council throughout her entire reign.⁸⁰⁶

The final area considered in this thesis was Parliament, an important institution in Elizabethan England and one where the long-running anxiety over the succession found a prominent outlet. Parliament held the important role of creating legislation or providing advice to the monarch regarding specific issues. The succession has been discussed at various points in the sizable scholarship which has focused on the Elizabethan Parliaments, but the extent of its influence upon its sessions has not been commented upon. Of the thirteen sessions of Parliament during Elizabeth's reign, eight featured debate or motions concerning the succession. These Succession Parliaments saw the political class of Elizabethan England agitate for Elizabeth to establish the succession. Parliament had two main tools to attempt to settle the succession, those being the creation of legislation or the petitioning of their Queen. However, neither of these methods achieved any success and Parliament was not involved in

⁸⁰⁶ Cecil to James, 1601, CP, 135/55.

the conclusion of the persistent problem. The agitation within Parliament for Elizabeth to settle the succession had an unintended side effect of initiating a debate concerning the liberty of freedom of speech. Freedom of speech had a set purpose to enable the debate of set issues, but, through the desire to see the succession established, the Wentworth brothers sought to push its definition beyond its original restrictions. While they failed to have the liberty of freedom of speech extended, it was an important issue and one which arose as a result of the Elizabethan succession debate.

This thesis has focused upon four areas which were impacted by the succession, those being the written succession debate and the legalities of succession, Elizabeth's writings, the Privy Council and Parliament. However, this does not mean that the impact of the succession debate was limited to these areas. Indeed, the succession and the anxiety concerning it affected many areas of English life and society, from the manner in which the debate circulated in the public sphere to the traces left behind in Elizabethan portraiture. An examination of these topics and associated areas would be fruitful to deepen our understanding of the period, as the succession was a critical element in Elizabethan thought and politics. Furthermore, while this thesis has been focused upon the English and Elizabethan understandings of the succession debate, a study of the Scottish view of the succession, and how it was remembered following the accession of James I in both kingdoms, would be highly valuable.

Throughout Elizabeth's forty-four year reign, the question of who would succeed her was a constant source of anxiety for her kingdom and a point of contention between the Queen and her people as for her there were far more risks inherent in naming a successor than leaving it unsettled. The succession was a live issue which found no resolution until Elizabeth's death and James VI of Scotland's peaceful accession to the English throne. While the topic of the succession has been discussed at points throughout the extensive historiography on Elizabethan England, a sustained consideration of the succession across the entire reign of Elizabeth has rarely been the focus of works. A number of particularly notable edited collections have recently increased our knowledge of the later Elizabethan succession debate, such as the volume edited by Doran and Kewes, and another edited by Jean-Christophe Mayer, but, with the exception of Axton's book, scholarship on the topic has not previously presented a sustained study of the succession for the entirety of Elizabeth's reign, which this thesis has sought to address. Furthermore, the effects of the succession on the ways in which England's political classes considered its government has not previously been discussed in detail. This thesis has shown that the succession debate exerted a profound impact upon the Elizabethan Privy Council and Parliaments, with both institutions exercising almost continuous pressure

upon their Queen to name an heir. While Elizabeth understood their concerns, her experiences during Mary I's reign demonstrated a number of risks in what her people urged her to do, and as such she chose not to follow their advice on a matter which impacted her so closely. When considering the Elizabethan succession debate, the scholarship generally divides it into two periods, an early debate and a later debate. However, this thesis has found that the succession continued to be debated throughout Elizabeth's reign without pause. The focus of the debate may at points change, and the candidates advocated for shift over time, but the concern over who would succeed Elizabeth was a constant thread which was woven throughout her reign. Ultimately, the succession debate was settled by time rather than by a conclusive argument, and on the answer of the Queen. Elizabeth, when questioned on the succession the day before her death, is said to have replied that only a King could succeed her to England's throne.⁸⁰⁷ And with the accession of James VI of Scotland as James I of England, it proved to be so.

⁸⁰⁷ BL Cotton MS Titus C VII, fol. 57v.

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