

CHAPTER FIVE

“To Stride a Limit”: *Imperium*, Crisis, and Accommodation in Shakespeare’s *Cymbeline* and *Pericles*

Part 2 of this book has explored how deeply the manufacture of English legal identity depended on the accommodation of alternative territorial jurisdictions that remained as yet unrationalized at common law. The case studies that make up part 3 treat the consequences of that unrationality or irrationality for the formal configuration of the jurisdictional threshold and of the legal norms that emerge from it. In this chapter, I turn to the first decade of James VI and I’s English rule, and to two late plays in which Shakespeare further tested England’s relation to the international scene by exploring the fragility of authority or *imperium* across distance. Critics of Shakespeare’s tragicomedies—a category including *Pericles*, *Cymbeline*, *The Winter’s Tale*, and *The Tempest*—have shown how these plays variously record the cultural impact of the Stuart accession to the English throne, in terms, for example, of the dramatic treatment of the royal family as a newly prominent cultural idea,¹ or in relation to the plays’ representation of tyranny as a response to the suddenly more pressing distinction between absolutist and constitutionalist rule under the Stuarts.² In sympathy with such work, but adopting a more technical perspective, I approach Shakespeare’s tragicomedies as engagements with the idea of jurisdiction at a moment when the category came under new pressure as a consequence of the political union of 1603 and in response to a still evolving construction of *imperium* as a specifically supranational authority.³ Tracing the ways in which the legal construction of international distance deployed the natural bodies of the monarch and subject, I argue that *Cymbeline* and *Pericles* treat the question of political and legal accommodation as a problem of the

threshold itself, the spatial and temporal limit that both marks jurisdiction and is produced as jurisdiction. As meditations on the invisible lines that, across imperial distance, divide and also connect, the plays cast an emergent language of international power as a language and metaphysics of relation.

IMPERIUM AS CRISIS AND ACCOMMODATION

Empire in 1603 was a contested term. The first royal proclamation after the accession of James VI of Scotland to the English throne declared him “the onely Sovereigne Lord and King of these Imperiall Crownes.” But the proclamation’s title refers in the singular to “the Crowne of the Realmes of England, Fraunce and Ireland.”⁴ A subsequent proclamation of 16 May 1603, “for the uniting of England and Scotland,” speaks of the “Imperiall Crowne of England,” while that of 20 October 1604, in which James makes known his intention to adopt the style of “king of Great Britain,” declares that England and Scotland are now united “under one Imperiall Crowne.”⁵ Did James possess one imperial crown or two, then, one empire or two? The apparent ambiguity in the idea of empire reflects the constitutional point that Scotland and England, though united after 1603 in the person of the king, remained constitutionally distinct.⁶ Most important, it speaks to a productive flexibility in the idea of *imperium* itself, a term that David Armitage has usefully mapped for the early modern period in relation to the original Roman legal category: “The Roman legacy of *imperium* to medieval and early modern Europe was threefold. It denoted independent authority; it described a territorial unit; and it offered an historical foundation for claims to both the authority and the territory ruled by the Roman emperors.”⁷ First, then, James could claim multiple imperial crowns in the sense that each of his kingdoms was possessed of independent *imperium*, a concept that in England was most famously found in Henry VIII and Cromwell’s Act in Restraint of Appeals (1533), which “declared and expressed that this realm of England is an empire.”⁸ Whatever its polemical force against Rome, this claim was the opposite of novel, since it was a commonplace in England and across Europe to define and defend national sovereignty in the Roman vocabulary of empire: as the dictum had it, *rex in regno suo est imperator*.⁹ Second, after 1603 James could (under a single imperial crown) claim *imperium* “in the form of a composite monarchy, linking disparate realms and territories under a single, supreme head.”¹⁰ More visibly than in the case of political and jurisdictional independence, this authority related to the *imperium* possessed by those “supranational polities” such as the Holy Roman Empire and the papacy “that claimed both

universal authority in the present and descent from the Roman Empire in the past."¹¹

As Armitage emphasizes, the two principal meanings of *imperium*, one pointing to national independence and the other to supranational authority, were not necessarily in conflict. A king's claim to independent *imperium* "did not suggest any intention to compete with the emperor or the pope for supremacy."¹² Nevertheless, the polemical force of the claim to independent *imperium* partly resided in the fact that it looked back to Rome just as surely as did the claim to supranational or universal authority. In J. H. Burns's telling formulation, claims to independent *imperium* were "fragmented" versions of Rome's *liberum imperium*, and as such always bore some relation to the idea of a supranational order, particularly as that was embodied by Rome's most visible successor. "Yet *the* Empire was still there," Burns writes, "and, for the jurists who shaped so much of the political discourse of the fifteenth century, that empire still provided the essential context for the deployment and discussion of ideas about political authority."¹³ In Spanish discourse, as Anthony Pagden has shown, colonial holdings in the New World were conceived as an analogue to the late Roman empire, not least because the papal bulls from 1493 ratifying Spanish possessions were justified as a donation "analogous with the Donation of Constantine."¹⁴ The ideological force of the imperial comparison was enormous, and Pagden suggests that it explains the stubborn reluctance of Spanish writers well into the seventeenth century to question the Donation of Constantine, "a document which had been shown to be a forgery as early as 1440." For the same reason, he notes as unsurprising that "Philip II should have considered taking the title of 'Emperor of the Indies' to compensate for the loss of the imperial title itself, or that, by the seventeenth century, the king of Castile was being referred to in semi-official publications as the 'Emperor of America.'¹⁵ Even though, constitutionally, *imperium* transparently identified the jurisdictional independence of the national monarchy, its most potent ideological force resided in the evocation of transnational authority.¹⁶

In the English context, James's accession to the English throne made the central tension in the concept of *imperium*, as well as the word's complex prestige, newly audible and available for political discourse. Brian Levack notes that James's dual monarchy was "often referred to as an empire," as, for example, in a 1603 panegyric by Jonson and Dekker that distinguishes between kingdom and empire ("And then so rich an Empyre, whose fayre brest / Contaynes foure Kingdomes by your entrance blest") or in a tract on the union by John Thornborough: "many Shires [make] one kingdom, many kingdomes one Imperial Monarchy."¹⁷ As James was to discover in the first

years of his reign, empire in the more expansive sense had far less to do with the law, under which England and Scotland would remain constitutionally separate for another hundred years, than with imagination. In the first place, the vocabulary of *imperium* was useful for measuring James's relative prestige both in Europe and in a developing and competitive global mercantilist economy; second, *imperium* would be a kind of shorthand for the tricky project of imagining the relation among James's kingdoms. Here the relation between Scotland and England was paramount. Wales had been integrated into the English constitution; Ireland remained, if uneasily, both colony and dependent kingdom. James's vision of two fully independent kingdoms united under one name was something other, and to realize it James required a supranational *imperium* that would not disturb the independent *imperium* of the constituent states. For English culture after 1603, Scotland embodied the tension between the two complementary aspects of empire that together looked back to the authority of Rome.

As a meditation on Stuart Britain and on the relation between England and Scotland, nation and empire, autonomy and expansion, Shakespeare's *Cymbeline* (ca. 1610) reproduces the tension within early modern *imperium*.¹⁸ In terms of its immediate topical appeal, the play uses the historical question of Britain's jurisdictional independence from the Roman empire in order to interrogate the relationship, internal to James's Britain, between the king's discrete kingdoms and the imperial whole. In its claims to supranational authority, *Cymbeline*'s Rome looks as much like James's Britain as *Cymbeline*'s Britain does. The play presents not one but two versions of the *translatio imperii* that transmitted Roman prestige westward, as well as two ways, correspondingly, of construing royal authority with respect to the subject. The play is structured around a series of doublings: two imperial rulers; two cultural milieus, Augustan Rome and the world of Renaissance merchants; and two plots, a political one taken from Holinshed and a domestic one taken from Boccaccio. Although in tragicomedy, as in tragedy, the familial is always political, *Cymbeline*'s plots are unified not only through analogy between those two spheres, but also through their shared concern with jurisdictional space, as that is produced by the threshold that both creates political conflict and makes political accommodation imaginable. Shakespeare's proposition in *Cymbeline* is that the territorial threshold dividing kingdoms from one another or a kingdom from an empire cannot be understood separately from the temporal limit that divides time into past, present, and future. And the play argues that, if constitutional crisis emerges from a mischaracterization of the spatio-temporal threshold, resolution itself can emerge only when

the threshold is acknowledged as itself a constitutive unreality, a productive fiction.

To unfold this thesis, *Cymbeline* moves around two jurisdictional and interpretive crises, one for each of the plots. In the story of Imogen and Posthumus, Iachimo invades Imogen’s chamber to counterfeit the evidence of seduction and so win his wager. In the more overtly political story, Rome invades Britain, the two sides having embraced war as a way to decide Britain’s constitutional status relative to Rome. The tensions within *imperium* underwrite and even produce both crises. In the debate at Cymbeline’s court over Britain’s refusal to continue paying tribute to Rome, the king and Caesar’s ambassador, Lucius, invoke the two complementary constructions of empire as irreconcilable alternatives, and in this way effectively speak past one another. On the one side, the king argues that Britain is free, possessed of independent *imperium*, and that the tribute demanded by Caesar is groundless at law, an effect merely of violence: “Till the injurious Romans did extort / This tribute from us, we were free. Caesar’s ambition / . . . Did put the yoke upon’s” (3.1.46–50).¹⁹ To establish his historical claim to “ful jurisdictione and fre impire within his realm,” Cymbeline appeals to two legal precedents, the first from Britain’s royal past:²⁰

Our ancestor was that Mulmutius which
 Ordained our laws, whose use the sword of Caesar
 Hath too much mangled, whose repair and franchise
 Shall by the power we hold be our good deed,
 Though Rome be therefore angry.

(3.1.53–57)

Related to this historical precedent for Britain’s freedom is the contemporary precedent of two Balkan peoples: “I am perfect,” Cymbeline tells Lucius, “That the Pannonians and Dalmatians for / Their liberties are now in arms, a precedent / Which not to read would show the Britons cold” (3.1.71–74). If Britain’s jurisdictional independence can be traced back to an ancient legal past, this passage identifies its “liberties” also as a common European legal inheritance and as part of the broader *ius gentium*. As against Cymbeline’s double legal argument, Lucius speaks for universal empire, this in terms that precisely deny to Cymbeline and all others the possibility of independent *imperium*: “I am sorry, Cymbeline, / That I am to pronounce Augustus Caesar— / Caesar, that hath more kings his servants than / Thyself domestic officers—thine enemy” (3.1.60–63). That Lucius here *pronounces* Caesar’s

enmity toward Cymbeline is significant in light of his most forceful declaration of war, a sentence that also defines the mechanics of Augustus's empire: "Let proof speak" (3.1.75). The supranational empire conceives itself as speaking, sustaining itself through the experience of a repeating and thus potentially eternal present. Cymbeline's national sovereignty, in contrast, is imagined through the application of precedent, by *reading* the texts both of its own origins and of comparative politics. As the play figures the two modes of empire or *imperium*, they parallel complementary modes of textual production (writing/speaking) and reception (reading/hearing).²¹

Out of these various oppositions, the play at its conclusion manufactures a political consensus that historically alludes both to the *pax Augusta* and to the diplomatic projects of James I, a king whose motto was *Beati Pacifici*.²² Answering the play's symbolic configuration of the imperial crisis as an opposition between speech and writing, imperial consensus is described *visually*, with the new peace projected onto the play's final image of "A Roman and a British ensign" waving "Friendly together" (5.4.481–82), as well as the seer's politic reinterpretation of the Roman eagle that "Lessened herself, and in the beams o'th' sun / So vanished; which foreshadowed our princely eagle, / Th'imperial Caesar, should again unite / His favour with the radiant Cymbeline, / Which shines here in the west" (5.4.473–77).²³ This turn from textual to visual representation coincides with the play's representation of political accommodation as something different from one of the two sides simply capitulating to the other. In this regard, what matters most is that each side becomes the spokesman for the position the other has occupied earlier. Thus Lucius's seer gives Cymbeline's empire a kind of precedence when, having the Roman eagle diminish in joining with the sun, he presents a version of the *translatio imperii* in which Britain absorbs and overpowers the universal authority to which it nominally submits.²⁴ It is similarly important that Cymbeline is the one to substitute a more recent precedent for those he had earlier used against Rome, voluntarily "promising / To pay our *wonted* tribute" (5.4.462–63; emphasis added).

More than the fact that each side thus concedes something to the other, this representation of diplomatic accord underlines the point that crisis and consensus emerge from the same ground and in the same vocabulary, this being a consequence in part of how claims to *imperium* have supported both sides of the debate. Shakespeare has earlier encapsulated this peculiar linguistic drift between the opposing positions when Cloten, asserting national sovereignty, disputes the relevance of Britain's having in the past been conquered by Rome:

"There be many Caesars / Ere such another Julius," he tells Lucius; "Britain's a world / By itself, and we will nothing pay / For wearing our own noses" (3.1.11–14). The whole problem of *imperium* as it dramatically issues in crisis can be put in Cloten's way: Britain may be a world, which is Cymbeline's point, but it is not the world, which is Lucius's. For Cloten not to hear the implication of his own language for his opponent's argument as well as his own means too that he is unable to hear the capacity of such language to negotiate between empire's two meanings and to accommodate empire's apparently incompatible spaces to one another. Having represented *imperium* in terms of distinct, related, and competitive political orders, the play concludes by finding consensus in a language that allows both orders to function separately, within spheres or jurisdictions that need not collapse into one another. For all their differences, Lucius and Cymbeline share the sense that jurisdiction is the starting point for political discourse. As the play describes it, political (as opposed to military) resolution seeks not to undermine the relevant boundaries between imperial powers, but exactly to enforce them by reimagining them in response to the crisis that the boundary itself precipitated.

Shakespeare's second plot, taken from Boccaccio's story about an Italian merchant's wager on the chastity of his wife, similarly exploits the idea of the productive boundary or threshold. No less than in the explicitly political plot, this is a boundary between competing imperial jurisdictions. Since Imogen is everywhere identified with Britain, both symbolically and in her capacity as heir, Posthumus's decision to trust the Roman Iachimo as opposed to his wife, wholly conventional in terms of the gender alliances of romance plots, is also a choice between two imperial cultures.²⁵ Iachimo's deception and Posthumus's response to it are represented in the same terms that associate British and Roman accounts of empire with writing and speaking, with Posthumus having to choose between Britain's history and the vivid presentism of Rome, which is to say the two textual methods by which *imperium* diversely constitutes itself. Posthumus has the precedent of Imogen's legal vows, her letters, and, most important, the history that has encouraged him to take up Iachimo's challenge in the first place. Overpowering these precedents is the story that Iachimo manufactures for him based on the corporeal signs he has gathered in Imogen's bedchamber:

Ah, but some natural notes about her body
 Above ten thousand meaner movables
 Would testify t'enrich my inventory. . . .

A mole cinque-spotted, like the crimson drops
 I'th'bottom of a cowslip. Here's a voucher
 Stronger than ever law could make.

(2.2.28–40)

In response to these signs, which as evidence (and notably as *blazon*) substitute a textual reality for a lived one, Posthumus adopts in relation to Britain the same position that Lucius does. In the letter instructing Pisanio to kill Imogen, Posthumus writes, “I speak not out of weak surmises, but from proof as strong as my grief and as certain as I expect my revenge” (3.4.23–24). Echoed here are both Lucius’s spoken pronouncement and his proof. Simultaneously legal proof and a proof that is nothing more than Posthumus’s experience of his self-absorbed grief, it is cognate with Lucius’s earlier narrowing of Cymbeline’s historical evidence to presentism and force: “Let proof speak” (3.1.75).

Iachimo draws Posthumus away from Britain by speaking in Augustus’s way in the sense, also, that the evidence by which he undermines Posthumus’s own version of the past works through its irreducible presence. First, it is present physically as the stolen bracelet, the material sign of Posthumus’s and Imogen’s fidelity. Once stolen, the bracelet enters a different and parodic economy: as a commodity carried by a merchant beyond Britain’s borders for the purpose only of undoing Britain’s prestige, it reverses the ideals of national mercantilism. Second, Iachimo makes his evidence present to Posthumus in the rhetorical sense of *energeia*, which Aristotle associates in the *Rhetoric* (3.11.1) with speech that brings the thing represented vividly before the hearer’s eyes.²⁶ It is as speech that Iachimo makes Imogen’s secret mole persuasive in the case against her. More specifically, his rhetoric makes the signs vivid by drawing Posthumus into the memory of his own desire, his sexual dissatisfaction—Posthumus will lament of his wife that “Me of my lawful pleasure she restrained” (2.4.161)—and his secret distrust of Imogen’s virtue:

If you seek
 For further satisfying, under her breast—
 Worthy the pressing—lies a mole, right proud
 Of that most delicate lodging. By my life,
 I kissed it, and it gave me present hunger
 To feed again, though full. You do remember
 This stain upon her?

(2.4.133–39)

Iachimo's evidence persuades because, as imperial pronouncement, it delivers in speech vivid textual versions of the case—the desire, satisfaction, and the guilt—that it pretends only to be reporting.

THRESHOLD SPACE, THRESHOLD TIME

When Iachimo steals into Imogen's bedchamber to manufacture his case against her (2.2.10–51), his violence differs from Lucius's violence toward Britain in being cowardly subterfuge rather than an open and declared invasion. And yet as violations of British jurisdiction, the two acts are imagined according to remarkably similar topologies. The play represents Iachimo's jurisdictional intrusion by means of the trunk out of which he enters the scene and into which he exits it. The trunk functions in two ways. First, its presence on the stage visually imports Rome and Italy into Britain, thereby representing (and in different terms even effecting) Rome's invasion of Britain, which as public crisis brings Posthumus home only to transform him, in a subjective jurisdictional crisis, into a traitor. The trunk also stands, however, for the kind of resolution that the play ultimately discovers: supposedly containing gifts in silver for the emperor, this room within a room is a powerful symbol of the ultimate absorption of Rome into Britain, as represented by Lucius's seer in the image of the eagle who "Lessened herself, and in the beams o'th'sun / So vanished" (5.4.473–74). Like the categories of empire or jurisdiction themselves, the trunk is doubly the locus, then, of crisis and accommodation. Iachimo supplements this visual argument when, returning into the trunk at the scene's conclusion, he says how eager he now is for morning to come: "To th' trunk again, and shut the spring of it. / Swift, swift, you dragons of the night, that dawning / May bare the raven's eye! I lodge in fear" (2.2.47–49). "Lodge" is an ethical and political term: the trunk houses him, but in fear; alternatively, it is fear itself that houses him. To lodge in fear is to be accommodated, but not quite. Iachimo's trunk thus becomes a parodic symbol of that political accommodation whose structure the play pursues so doggedly. As the instrument that effects the rift between Posthumus and Britain by lodging Iachimo in Imogen's chamber, it is, quite literally, political *accommodation* constituted as crisis rather than resolution.

The trunk is the play's most powerful signifier of outside and inside. As Iachimo's lament suggests by linking jurisdictional space to fear, the trunk invokes the *time* of threshold as well as its space: to lodge in fear is to live antiheroically in relation to time, not so much in the present as in useless orientation to the future. Shakespeare fills in the description of fear's scope in

his treatment of Belarius and the king's two sons, who in pastoral Wales live at the limit of Cymbeline's legal jurisdiction. Being outside the law means for them having one of two relationships to time and to heroic virtue (Lat. *virtus*, "power"). Misinterpreting Cloten's appearance as a sign that Cymbeline is pursuing him, Belarius tells the boys that "I fear some ambush. / . . . We are held as outlaws" (4.2.67–69). For Belarius, the law is fully constitutive of his family's life, his fear being an expression of that subjection. Guiderius provides a different account of what being outside the law means for time, eschewing his foster father's fear for the practical work of the present:

The law
Protects not us, then why should we be tender
To let an arrogant piece of flesh threat us,
Play judge and executioner all himself,
For we do fear the law? What company
Discover you abroad?

(4.2.126–31)

According to this argument, fear must extend only as far as the law's limits, in the sense, first, that those outside the law's protection are not bound to respect it, to hold it in fear, to tolerate a threat like Cloten's merely because of his law. Second, the law works by instilling a fear of consequences, and thus meets its own limit in its capacity to work, or not, on the subject in that way. Fear, Guiderius argues, pertains to the future, not to the present: Cloten's arrogant threat is real only to the extent that the outlaws, out of fear for what the law might do, grant him as judge a jurisdiction that need not belong to him.

Guiderius again connects time and virtue in response to Belarius's wild imagining that, should the three of them join battle against the Romans, Cymbeline's men "may drive us to a render / Where we have lived, and so extort from's that / Which we have done, whose answer would be death / Drawn on with torture" (4.4.11–14). Guiderius pulls the old man out of these futures back into the radical present: "This is, sir, a doubt / In such a time nothing becoming you / Nor satisfying us" (4.4.14–16). As Guiderius imagines the time of heroism here, his father's doubt "in such a time" is not only unworthy of the old man, but unbecoming, too, in the special sense that it unmakes Belarius by placing him outside the time and present in which, exclusively, becoming happens.

As Guiderius has it, the present only is the place of action and of being. By means of a set of puns involving Iachimo's trunk, Shakespeare grounds this fundamental thesis for the play in a metaphysical account of the temporal

threshold. After Iachimo has convinced Imogen to keep safely the plate and jewels intended as a "present for the Emperor," he tells her that he is consigning the trunk in which they are stored "only for this night," since he must leave the following day (1.6.187,198). Imogen protests, but Iachimo replies that the delay caused by coming to see Imogen has already put him behind schedule with respect to the timing of the gift: "I have outstood my time, which is material / To th' tender of our present" (1.6.207–8). The curious "outstood"—the OED gives this passage as the first use of "outstand" in the temporal sense of "stay to or beyond the end of"—works here chiefly through the exclusion of its implied opposite. Iachimo has overstayed his time in the sense that he now stands *outside* it rather than *inside* it; he stands outside his time, therefore, insofar as he no longer inhabits it as an *instant*: he is no longer present to his own present. (In a different register, this is fully cognate with Guiderius's objection to Belarius that, in time, the present rather than the future is what matters, and that to live in the future is not to *be* in time at all.) The second half of the statement Shakespeare gives to Iachimo repeats the first, now in terms reminiscent of Book 11 of the *Confessions*, where Augustine accounts for the present as a threshold that the mind, capable of anticipation and memory, oversees as the limit between past and future, a temporal reality without temporal extension.²⁷ Shakespeare recasts this philosophical point through two puns on *tender* and *present*. Time, he tells Imogen, "is material / To th' tender of our present," that is, relevant to the offer of the gift. But time is material to the present also in a philosophical sense, since although time comprehends past, present, and future, it subtends only the present. In an Aristotelian metaphysics, matter is the substratum of that which form brings into being; by analogy time is material to "our present" in the sense of materially supporting only the present, since it is only the present that exists at all, the past having ceased to be and the future having not yet come into being. Taking "tender" to mean "tendering," therefore, we can hear that the temporal present is being said to offer something for which time is material. And through a substantive overtone linking "tender" to "tender state" (OED *sb.*³ B1), the present for that reason itself becomes tender. "Th' tender of our present," that is, expresses with great precision the fragility of the Augustinian instant, the thread that gives us reality and, subtended by time, divides time into its two unreal kingdoms. To outstand time, as Shakespeare's metaphor has it, is to leave the present and instant for a time that, extended into past or future, is only unreal.

Philosophically speaking, the threshold present counts because it alone is real. The whole plot of *Cymbeline* unfolds this insight as a politics of

accommodation, according to which the past and future are equally threatening or irrelevant, and the present alone efficacious; and according to which, also, the spatial fiction that is the territorial threshold disappears into its own irreducible substantiality. What, the play asks, is the spatial shape and temporal shape of political crisis and political accommodation? In declaring war over the meaning of a territorial line and the relative importance of past and present for defining a constitutional relationship, Cymbeline and Lucius fix the reality of lines that might, alternatively, function most effectively for peace by remaining undefined. Once crisis has defined the threshold (and made it solid), however, the content of the two sides constituted by that boundary becomes oddly secondary to the threshold reality. This is why the play so insistently locates the possibility of accommodation only in the threshold that has produced the crisis. Politically speaking, the threshold comes to count when jurisdictional crisis has constituted it as the singular reality.

The play analyzes the political efficacy of the threshold for dealing with crisis in terms of lines that limit or divide and lines that connect. In their first appearance in the play, the Welsh outlaws once again lay out the main terms of the argument. Reconfiguring the pastoral *topos* of hill and dale, high and low, Belarius praises the life led away from the world of princes and royal service, in terms of visual perspective:

Now for our mountain sport. Up to yon hill,
Your legs are young; I'll tread these flats. Consider,
When you above perceive me like a crow
That it is place which lessens and sets off. . . .
(3.3.10–13)

This is an argument that for Belarius cuts only one way. Turning the father's spatial argument on its head, however, Guiderius points out that only Belarius is able to make the comparison: "Out of your proof you speak. We poor unfledged / Have never winged from view o'th' nest, nor know not / What air's from home" (3.3.27–29). This is to say that Belarius, though speaking from the vantage point of his experience ("proof"), is really speaking from *outside* that experience rather than within it: in praising only the rural, Belarius has stepped outside his experience in the same way that, as an outlaw, he has stepped beyond the law. To be true to the claims of his two lives, the argument goes, Belarius needs to speak from the place where he literally can "view" both.

Guiderius fills in what this means when he concludes his speech by comparing Belarius's "quiet life" (3.3.30) to a prison whose walls are as virtual

as they are real: whatever this life is to Belarius, "unto us it is / A cell of ignorance, travelling abed, / A prison for a debtor, that not dares / To stride a limit" (3.3.32–35). If honor or virtue here is a matter of testing the threshold that divides one space from another, the interesting point is that "stride" suggests two relationships to that threshold line. First, Guiderius is insisting that, as opposed to the debtor, he and Arviragus should "step over" (OED *v.4*) the limit, which after all is a kind of fiction that depends for its force on their being afraid of it. (This is the spatial version, then, of his later argument that Cloten's threatening presence is only as real as the outlaws allow it to be.) Second, "stride" hints at the act of walking the limit, in the sense of striding along a line and so measuring it (OED *v.5*). To stride a limit involves daring to test its efficacy in the world, but also to ask after the nature of its extension. The limit is the place and vantage point from which one can see all that the limit divides.

The political meaning of Guiderius's claim is tested and materialized in the battle with the Romans, where victory comes to Cymbeline only when the Welsh outlaws, in stopping the Britons' terrified retreat, teach them a proper relation to the threshold line. "This was strange chance," as a Briton lord puts it, "A narrow lane, an old man, and two boys" (5.3.51–52).²⁸ With Iachimo's trunk in the domestic plot, the lane is the play's most important symbol for the substantial threshold. "Close by the battle, ditched, and walled with turf" (5.3.14), it is in two ways the extended version of the limit that Guiderius desires "to stride." First, its topography is such as to give "advantage" (5.3.15) to Belarius who *bestrides* the line in order to block it: "Athwart the lane / He with two striplings . . . / Made good the passage" (5.3.18–23). Second, when the Romans are routed and made to return up the "strait pass" they have earlier "damned / With dead men hurt behind" (5.3.11–12), their strides (now *along* the limit) measure their defeat, just as earlier their strides seemed to measure victory:

forthwith they fly
 Chickens the way which they stooped eagles: slaves,
 The strides they victors made; and now our cowards,
 Like fragments in hard voyages, became
 The life o'th' need. . . .

(5.3.41–45)

In obverse relation to the Romans, the once cowardly Britons here notably *become* their own lives, in the same sense that allowed Guiderius earlier to

accuse Belarius of expressing an unbecoming doubt, a doubt that, by forfeiting the present, negates the possibility of being.

The space of the lane thus offers the Britons victory also as a temporal threshold, an answer to Belarius's way of being in time or, equally, to Iachimo's when he tells Imogen he has "outstood" his time in Britain. The lane narrows time to the present or instant, the time of heroism or cowardice. Indeed, *stand* is the word that both wins the day and emblemizes the mechanics of the productive threshold. Repeated ten times in Shakespeare's doubled presentation of the battle as staged action (5.2.11–18) and as Posthumus's report of that action (5.3.1–63), the Britons' courageous "stand" geometrically opposes their earlier and cowardly "lengthened shame" (5.3.13), "stand" being a *point* that is at once spatial, temporal, and ethical. Those layers coincide in Belarius's threat to the retreating Britons: "Stand, / Or we are Romans, and will give you that / Like beasts which you shun beastly . . . / Stand, stand" (5.3.25–27).²⁹ Emphasizing the efficacy of the word in relation to place, Posthumus insists that it is "With this word, 'Stand, stand,' / Accommodated by the place, more charming / With their own nobleness" that the trio successfully won the soldiers back (5.3.31–33). Just as Iachimo's trunk unheroically lodges him in fear, here the threshold limit—the extended lane and the narrowed instant—accommodates the heroes, and in so doing returns those who through fear had "turned coward" (5.3.35) to their proper place and time and virtue.

Recalling how the anonymous lord describes this moment—"This was strange chance: / A narrow lane, an old man, and two boys" (5.3.51–52)—we can see that Shakespeare further elaborates the metaphysics of the temporal and spatial threshold that is the play's major theme by connecting it to the distinction between native and foreign. In a play so concerned with representing the political alien, why might chance, too, be called strange? Once "banished" from Britain (1.1.8) and so placed, like the Welsh outlaws, beyond its laws, Posthumus can in Italy be only "stranger" (1.4.27). In Britain, conversely, it is Iachimo who is foreign, a status Shakespeare puts under comic pressure in the scene in which Cloten learns of the merchant's presence at court:

<i>First Lord:</i>	Did you hear of a stranger that's come to court tonight?
<i>Cloten:</i>	A stranger, and I not know on't?
<i>Second Lord (aside):</i>	He's a strange fellow himself and knows it not.

(2.1.30–34)

The pun links Iachimo’s foreignness to Cloten’s comic lack of self-knowledge concerning his own strangeness or unaccountability. Shakespeare again tests the word’s two meanings against each other when Belarius declares that he does not know what Cloten’s presence at the imperial margin means for the outlaws: “Yet still it’s strange / What Cloten’s being here to us portends, / Or what his death will bring us” (4.2.182–84). If Cloten is strange because he is in some way alien to himself, here Cloten’s presence is strange for being as yet unreadable, strange because its significance really belongs to the future but already, weirdly, inhabits the present. In this context, the anonymous lord’s “strange chance” takes on a highly charged meaning as a description of the British victory in and on the lane. Politically, a stranger is not merely an outsider, but an outsider who for the moment finds himself or herself inside. By analogy to that spatialized category, chance is temporally strange. When Lucius insists to Cymbeline that Britain won through “chance of war. The day / Was yours by accident” (5.4.75–76), his formulation works by compressing the whole day into that fall and instant; the seer will similarly speak of the “stroke / Of this yet scarce cold battle” (5.4.469–70). Chance or accident is strange because it compacts temporal extension into an instant, making time foreign to itself by bringing an extraneous future into the radicalized present, as something that is there without fully belonging.

Chance or “hazard” (4.4.46) opens the way to accommodation because it reconfigures the threshold that issued in crisis. Time can heal, however, only as extension, not as threshold. This is why at the play’s conclusion Cymbeline casts peace not as an event in the present, but as a state that joins the present and future, going forward as act, promise, and memory:

My peace we will begin; and Caius Lucius,
Although the victor, we submit to Caesar
And to the Roman empire, promising
To pay our wonted tribute. . . .
(5.4.460–63)

We can note how as diplomatic speech, political accommodation here answers an earlier moment that similarly linked the past, present, and future, but which there marked political crisis. After Lucius has declared war on behalf of Caesar, and pronounced Caesar Cymbeline’s “enemy” (3.1.63), the British king responds in language that, though fastidiously diplomatic, seems also curiously generous: “I know your master’s pleasure, and he mine. / All the

remain is, ‘Welcome’” (3.1.83–84). The welcome, which as “well come” is a declaration about the immediate past, *remains* because it has yet to be said, and only enters the present (at the precise moment of “is”) when Cymbeline utters it. In this mixing of temporalities, Cymbeline’s gesture recasts the clumsier and more explicitly threatening charge to Lucius that Cloten has just spoken: “His majesty bids you welcome. Make pastime with us a day or two longer. If you seek us afterwards in other terms, you shall find us in our salt-water girdle” (3.1.76–78). The temporal joke here is that Cloten’s welcome (issued under the dominant sign of his threatening “afterwards”) would have Lucius in the future make a present time into *past* time. While these welcomes emblemize the compression of time into crisis, Cymbeline’s declaration of peace at the end of the play designates it as something that has a beginning, thereby folding the radicalized present back into an extended temporality and continuous time.

ROBERT CALVIN AND THE LIGAMENTS OF EMPIRE

To extend *Cymbeline*’s analysis of jurisdiction as a threshold that crisis makes substantial, and from which accommodation and resolution must issue, Shakespeare looks to the category of allegiance as that which connects persons across jurisdictional distance. If, with respect to a threshold reality, the play asks what allows for continuity and what threatens it, this is also to ask, in a different register, after the nature of constancy. I mean constancy in the ethical sense that Cymbeline’s queen has in mind when she angrily identifies Pisanio as “thou that stand’st so for Posthumus” (3.5.56). In the context of the play’s usage elsewhere, “stand” here figures Pisanio’s continued allegiance to his exiled master as both a temporal and spatial state of being. And as the queen points out when trying to tempt Pisanio to betray his master, that places his allegiance in an apparently antagonistic relation to his master’s status in exile:

Return he cannot, nor
Continue where he is. To shift his being
Is to exchange one misery with another,
And every day that comes comes to decay
A day’s work in him. What shalt thou expect
To be depend on a thing that leans,
Who cannot be new built nor has no friends
So much as but to prop him.

(1.5.53–60)

The question the play raises through Posthumus's exile is whether allegiance and fidelity can transcend distance. Does the servant remain bound to the master across distance? More centrally, how does Posthumus remain bound to Imogen as husband and subject once he leaves the kingdom with which she is identified? In terms of the queen's rebuke to Pisanio, is the exiled Posthumus a leaning house or, just possibly, a leaning compass?³⁰ Thus the story of Posthumus's exile and its impact on him and on those who remain at home relocates the imperial threshold in those structures that bind across distance or fail so to do. This is an *imperium* constituted not just by the line dividing kingdom from empire but also by the lines through which autonomous *imperium* is transformed and extended into its transnational counterpart.

As the warp and weft of empire, these two lines came together around the legal issue of the union of Scotland with England, specifically in the case of the *Post-Nati (Calvin's Case)*, a land case brought forward in 1608 and decided in the Exchequer Chamber before an assembly of all the high court judges. In this test case engineered by the Crown, it was resolved that those of James's Scottish subjects born after his accession to the English throne were born also within the allegiance of the king of England, and were thus capable of inheriting land there. In an important reading of *Cymbeline's* self-conscious topicality in relation to the politics of Union, Leah Marcus links Posthumus Leonatus through his name with the Scots and specifically the *post-natus* of 1608, arguing that his "beleaguered marriage" and exile figure James's "faltering national union."³¹ Extending her account of the case's importance for *Cymbeline*, I shall look at the arguments underpinning the decision, in order to show how, by casting the problem of *imperium* in terms of the conjunction of a temporal and a territorial threshold, they produced, like the play, a model of political continuity grounded in ethical constancy.

The *post-nati* at the center of the case were those born in Scotland after the accession of James to the English throne. As Sir Edward Coke formulates it in the seventh part of his *Reports*, the "question of this case as to matter in law was, whether Robert Calvin the plaintiff, being born in Scotland since the crown of England descended to his majesty, be an alien born, and consequently disabled to bring any real or personal action for any lands within the realm of England."³² The judges' decision for the plaintiff (and the Crown) allowed James to achieve judicially some of what he had aimed at through a full constitutional union of the two kingdoms, a project the Commons had failed to ratify in 1607. Since an alien was defined as one "born out of the ligeance of the king, and under the ligeance of another," the critical question was

whether after 1603 James was, with respect to the allegiance owed him, one king or two.³³ As Sir Edwin Sandys put it at the Great Conference on Union held between the two houses of Parliament on 25 and 26 February 1607, did “subjection to one king make all the people born within the places of that subjection to be naturalized over all places of that king’s subjection”?³⁴ In that the crowns of Scotland and England remained legally distinct and yet united in the single person of the king, how was the relation between allegiance and law to be construed? Arguing for the plaintiff, Francis Bacon noted for the court that “the depth of this question” was “whether this privilege and benefit of naturalization be an accessory or dependency upon that which is one and joint, or upon that which is several.”³⁵

The first thing to note here is that, although the implications of the legal decision in *Calvin’s Case* were allowed in Scotland, there was never a reciprocal case argued there explicitly to guarantee the rights of the English *post-nati* in Scotland. At a practical level, the reason was that the urgency of the question was felt much more in one direction than the other. In terms of legal theory, moreover, the Scots would have had *ab initio* less difficulty in imagining the claim of the English *post-natus* than did the English common law in relation to the Scottish *post-natus*. On the one hand, insofar as Scottish custom construed dominion less in terms of physical territory than in deep relation to the king’s power as *dominus*, a change in the extent of the king’s dominion would seem logically to pull along, as it were, the subjects in all territories pertaining to him.³⁶ At common law, on the other hand, in which the kingdom was imagined so powerfully as territory, the spatial limit between kingdoms was necessarily more critical for the constitutional account of allegiance after Union.

As in *Cymbeline*, the legal case revolved around two distinct threshold realities. So Bacon opened his speech on behalf of the plaintiff by pointing to the case’s singular importance whether measured by “place, that reacheth not only to the realm of England, but to the whole island of Great Britain” or by “time, that extendeth not only to the present time, but much more to future generations.”³⁷ In relation to the first, Lord Chancellor Ellesmere eloquently argued for the impossibility of dividing allegiance into two, by reflecting on the territorial limit as a fictive legal reality that should not be construed as being more real than the king:

Nay shortly, Can any man bee a true subject to king James as king of England, and a traitor or rebel to king James as king of Scotland? Shall a foote breadth, or an inch breadth of ground make a difference of birth-right of subjects borne under one kinge? Nay, where there are not any

certain bounds or limits knowne at all, but an imaginary partition wall, by a conceived fiction in Lawe? It is enough to propound these and such like Questions, whereof many more might bee remembered: they carry a sufficient and plaine answer in themselves: *Magis docet qui prudenter interrogat* [He teaches more who asks questions intelligently].³⁸

Second, as the name *post-natus* suggests, the legal consideration of Union involved not only this line between Scotland and England, but also the further threshold that divided James’s subjects into the two temporal domains of before and after. Because the two parties came to issue on the status only of the *post-natus*, it is unsurprising that the court attended principally to the relation of sovereign authority and subjection to the jurisdictional and territorial threshold between James’s distinct kingdoms. That said, I will argue that where the temporal limit was theorized in relation to the distinction between the *ante-* and *post-natus*, the lawyers and judges confronted an irrationality or gap in their reasoning, without fully resolving it.

To reach the conclusion that allegiance does not follow national contingencies, the court defined it as variously belonging to nature. At the Conference in 1607, the attending judges laid out the legal infrastructure according to which allegiance and laws could be detached from one another. Allegiance, for example, was said to be “before laws,” since “if a heap of people meet together so near, that they appoint a king, there allegiance is before they have laws proclaimed or prescribed.”³⁹ This was Bacon’s argument, too, that natural law is prior to human, and that, by analogy with the natural and “original” submission to a father’s authority, the operation of human law could not “evacuate or frustrate” the claim exerted by allegiance on those it bound.⁴⁰ Similarly, allegiance was said to be “after laws” in the sense that it does not change as laws change, such that if “the king be expelled by force and another usurps, yet the allegiance is not taken away, though the law be taken away.”⁴¹ This same reason underlay the court’s logical but astonishing resolution that those born under “one natural obedience” as natural subjects of the two kingdoms would retain their status in the event that the two kingdoms should, according to the laws of descent, be divided again by a failure of James’s line, “for that naturalization due and vested by birth-right, cannot by any separation of the crowns afterward be taken away.”⁴² Allegiance was furthermore said to extend beyond law, since “[i]f the king go out of England with a company of his servants, allegiance remaineth amongst his subjects and servants, although he be out of his own realm, whereto his laws are confined”; similarly, it “extends as far as defence, which is beyond the circuit of laws.”⁴³

The most important among these positions was that “allegiance followeth the natural person, not the politick.”⁴⁴ This was powerfully argued in terms of the “connexion” constituted by a subject’s implicit or explicit oath of allegiance in exchange for the king’s oath of protection. In Coke’s formulation, allegiance was the ligament that connected minds or souls to one another, a “*vinculum fidei*,” a “*ligamentum, quasi ligatio mentium*”: “As the ligatures or strings do knit together the joints of all the parts of the body, so doth ligeance join together the sovereign and all his subjects, *quasi uno ligamine* . . . for as the subject oweth to the king his true and faithful ligeance and obedience, so the sovereign is to govern and protect his subjects . . . so as between the sovereign and subject there is ‘*duplex et reciprocum ligamen*.’”⁴⁵ Allegiance is the connection between minds as that also binds together the state’s body. But as it emerges here, this latter body is something other than a body politic, since it is a body made up of radically personalized bodies bound to one another through allegiance.⁴⁶ For the connection constituted by the reciprocal oaths could exist only between natural bodies, as Ellesmere argued in relation to the subject: “This bond of Allegiance whereof we dispute, is *Vinculum fidei*; it bindeth the soule and conscience of every subject, severally and respectively, to bee faithfull and obedient to the King. And as a Soule or Conscience cannot be framed by Policie; so Faith and Allegiance can not be framed by Policie, nor put into a politike body. An oathe must be sworne by a naturall bodie; homage and fealtie must bee done by a naturall bodie; a politike body cannot doe it.”⁴⁷ In relation to the relative claims of the king’s distinct laws and his single person, the important point here is that the subject’s natural body can be in relation only to the king’s natural body, which alone is capable of receiving the oath of allegiance and offering the oath of protection. The governing distinction at issue—between James’s diverse kingdoms and the single person in whom their crowns were united—was recast in terms of the distinction between the king’s two bodies.⁴⁸

Bacon invoked that theory to answer an objection raised first in the 1607 Conference, and then by the respondents in the case of 1608. According to the civil-law rule of *duo jura* concerning the relationship between person and office, it was argued, the allegiances to James as king of Scotland and as king of England were to be treated as distinct: “when two rights do meet in one person, there is no confusion of them, but they remain still in the eye of law distinct, as if they were in several persons [*cum duo jura concurrunt in una persona aequum est ac si essent in diversis*].”⁴⁹ Repeating what the judges had said informally in 1607, Bacon claimed that however valid this was as a

rule not only of the civil law but also of “common reason,” it faltered where the mortal body somehow affected the nature of the artificial one, that is, “in cases where there is any vigour or operation of the natural person.” Although in corporations generally, “the natural body is but *suffulcimentum corporis corporati*, it is but as a stock to uphold and bear out the corporate body,” this was profoundly not true for the Crown, in that between the king’s natural and artificial bodies there was a “mutual and reciprocal intercourse . . . that these bodies have the one upon the other.”⁵⁰ Most familiar is the impact of the politic body on the natural, such that, for example, the former “induceth the natural person of the king with these perfections: that the king in law shall never be said to be within age; that his blood shall never be corrupted; . . . that his body in law shall be said to be as it were immortal; for there is no death of the king in law, but a demise as it is termed.”⁵¹ As raised in *Calvin’s Case*, however, the question involved the obscurer impact of the natural body on the politic: “But on the contrary part let us see what operations the king’s natural person hath upon his crown and body politic.”⁵² The “dignity of the natural person of the king” operated, for example, to cause “the crown to go by descent, which is a thing strange, and contrary to the course of all other corporations.” Similarly the king’s natural body enabled the law to say “it is treason to compass the death of the queen or of the prince,” even though “[t]here is no part of the body politic of the crown in either of them,” the categories of wife and son being “*nomina naturae*.”⁵³ The king’s mortal body here assumes political importance in opposition to the corporate body. Because the natural body not only supported a legally effective corporate identity, but also was itself legally efficacious, Bacon and the judges avoided the implications of *duo jura*, a rule grounded in the absolute distinction between person and office.

One of the most interesting ways in which the court described the nature of the ligament or string connecting king and subject was by analogy to the family, which in Coke’s report comes powerfully to stand for the inviolable relation between noncorporate bodies that are naturally bound to one another. Having shown that allegiance is due the king by the law of nature, Coke is concerned to show why “*jura naturalia sunt immutabilia*,” unaffected by local or municipal law, and thus why allegiance to a natural person extends beyond even national boundaries.⁵⁴ He argues that the bond of allegiance is inviolable in ways analogous to the familial bond. If a man is outlawed, for example, the king will have his property, including all wardships, except where the ward is the outlaw’s own son or daughter, “for nature hath annexed it to the person of the father,” a status in nature that the law cannot take away.

Similar priority is given at law to the natural bond between husband and wife:

Now if he, that is attainted of treason or felony, be slain by one that hath no authority . . . in this case his eldest son can have no appeal, for he must bring his appeal as heir, which being *ex provisione hominis*, he loseth it by the attainder of his father; but his wife, if any he have, shall have an appeal because she is to have her appeal as wife, which she remaineth notwithstanding the attainder, because "*maris et foeminae conjunctio*" is "*de jure naturae*." . . . So if there be a mother and daughter, and the daughter is attainted of felony, now cannot she be heir to her mother for the cause aforesaid; yet after her attainder, if she kill her mother, this is parricide and petit treason; for yet she remaineth her daughter, for that is of nature.⁵⁵

The distinction between the legal categories (ward, heir, outlaw) and the natural ones (son, wife, daughter) is interesting in light of a play like *Cymbeline* that, at the level of plot, so carefully weaves together familial and political allegiance. In the legal discourse as reported by Coke, we see the court appealing to the family in order to ground (from natural law, but for common law) the legal principle and political argument about allegiance that, in reverse order, the play encodes in its representation of Posthumus's unsettled relation to the royal family.

To return briefly here to Shakespeare, *Cymbeline*'s analysis of the threshold reality responds to the theoretical problem posed by the territorial threshold that legally separated James's imperial kingdoms by measuring its impact on political subjectivity. The judges' description of allegiance as the reciprocal *ligamen* connecting minds and bodies powerfully resonates with *Cymbeline*'s account of Posthumus's exile. Posthumus's physical departure from England is the subject of an exchange between Imogen and Pisanio. When he tells her that his master remained on deck "so long / As he could make me with this eye or ear / Distinguish him from others" (1.3.8–10), the play is inviting the audience to speculate on whether Posthumus will or can remain distinctly himself in his new surroundings. Imogen also raises this question when she worries lest the "shes of Italy should . . . betray / Mine interest and his honour" (1.3.30–31). Given the play's conflation of Imogen and Britain, and its description of Posthumus in relation to her royal status, Posthumus and Imogen are both implying the territorial question asked in *Calvin's Case*: does allegiance trump distance or distance, allegiance? If Posthumus should

remain loyal, it will be, as Pisanio says, through his soul remaining linked to Britain in a way that transcends physical distance: “how slow his soul sailed on, / How swift his ship” (1.3.13–14).

Most remarkably, the play casts this representation of allegiance in terms of perspectival distance. In response to Pisanio, Imogen provides a visual emblem of the force binding her husband to her, figuring his departure in terms of the lines that represent and compress depth onto a plane. She imagines herself on England’s shore:

I would have broke mine eye-strings, cracked them, but
 To look upon him till the diminution
 Of space had pointed him sharp as my needle;
 Nay, followed him till he had melted from
 The smallness of a gnat to air, and then
 Have turned mine eye and wept.

(1.3.17–22)

Imogen’s imagery links the lovers through lines that have their source in her eyes and meet in Posthumus’s body. Taken together, Pisanio’s and Imogen’s images figure the plot in terms of a limit that mirrors the shore as threshold: will the fragile line connecting the two bodies even to the sharp point of diminution and disappearance be sustained across distance, or must it crack, too, like Imogen’s “eye-strings”? These strings are the ocular muscles that “crack” under severe strain, but they are also the strings or lines of connection, which threaten to break at the moment the viewed object melts “to air.” The visual mechanics here, which repeat the scene’s ethical argument, answer the *ligatio mentium*, the ligatures and strings of allegiance, as the structure that may or may not adequately bind persons across distance. In the image of persons bound to one another, *Cymbeline* is here capturing not just the problem of uniting James’s kingdoms, but also the fragility of the legal forms that in 1608 subtended that imperial vision of Britain.

The argument that allegiance trumps law applied only to the *post-natus* and not the *ante-natus*, the subject born under allegiance to James at the time he was king of Scotland only. Certainly, political reasons underlay the decision to try the case in the form in which it was brought forward, since the English feared the possibility of Scottish interference in the economy, and may have been chiefly concerned with the generation of Scots that accompanied James to London. As a case involving a three-year-old, *Calvin’s Case* would have seemed less immediately threatening. In the view of Sir Edwin Sandys,

however, who spoke in Parliament against the legal claims of the *post-nati*, the distinction between the *ante-* and *post-nati* was theoretical nonsense: “for the subjection is now all one. Therefore, the law that should make a difference is not reasonable; and because the law is confessed to be, that those before born be not naturalized, therefore the law must also be, if it retain the same reason, that those born after are not naturalized.”⁵⁶ Sandys’s syllogism might, of course, have worked in reverse, applying the fact that the *post-nati* were naturalized in England to derive the conclusion that the *ante-nati* were, as well. In the event, another logic than his was followed.

As the judges ruled the matter, the temporal threshold was as essential to the shape of a given person’s political subjectivity as the spatial one. Coke reports as the court’s decision that there are three “incidents” that make for a subject born: first, that “the parents be under the actual obedience to the king”; second, that “the place of his birth be within the king’s dominion”; third, that the “time of his birth is chiefly to be considered; for he cannot be a subject born of one kingdom that was born under the ligeance of a king of another kingdom, albeit afterwards one kingdom descend to the king of the other.”⁵⁷ Clarifying the reason underlying this last point, Coke adds that time is “of the essence of a subject born; for he cannot be a subject to the king of England, unless at the time of his birth he was under the ligeance and obedience of the king. And that is the reason that Antenati in Scotland (for that at the time of their birth they were under the ligeance and obedience of another king) are aliens born, in respect of the time of their birth.”⁵⁸ Underlying this near tautology is the double claim that political subjectivity is possible only as allegiance to some king, and that natural allegiance must remain always singular, it being impossible to be born under the allegiance of more than one king. The allegiance of a Scot born during Elizabeth’s reign was not transferable to the new English king, because natural allegiance, fixed at birth, neither shrinks nor grows in response to the accidents of time. Thus, where Ellesmere invokes the inscrutable limit between jurisdictional territories to argue for the absurdity of dividing the king’s allegiance against itself, Bacon looks to the equally radical *instant* as the threshold that binds the law by producing a distinction that goes beyond law: since the “law looketh not back: and therefore cannot, by any matter *ex post facto*, after birth, alter the state of the birth,” the law may privilege only “those which drew their first-breath under the obeisance of the king of England.”⁵⁹

Whatever the apparent logic of these arguments regarding the *ante-nati*, they are not fully compatible with the arguments concerning the *post-nati*. With respect to the latter, the court ruled that allegiance is due by natural law

to the king in his natural capacity and not to the king in his political capacity: those born into the allegiance of James of Scotland at the time he was king of England were thus born subjects also in England. With respect to the former, the court ruled that descent of the English Crown to James could not make the *ante-natus* “subject to that crown to which he was alien at the time of his birth,” which is to say that the king’s natural capacity was circumscribed by his political capacity.⁶⁰ It is not incidental, then, that here the language of subjection turns from the person of the king to the Crown. That turn makes visible a certain irregularity in the court’s metaphysics. Insofar as those born on both sides of 1603 continued equally to owe allegiance only to one sovereign, why in the case of the *ante-natus* should allegiance due the king in his natural capacity be trumped by the legal or political capacity? Why, in other words, was the question put in terms of the *ante-natus*’s subjection and allegiance to the political Crown, when that construction of allegiance had to be purged from the account of the *post-natus* in order for the court to resolve the case in Calvin’s favor?⁶¹ The terms in which the 1608 case was brought forward obscured this fundamental gap in the court’s treatment of the relative efficacy of natural and legal categories in relation, respectively, to the territorial and temporal thresholds. To put the anomaly in terms of the king’s body, the court’s account of the *ante-natus* in the context of its main decision regarding the *post-natus* meant this: the natural body that trumped the *territorial* threshold between kingdoms was itself trumped by the *temporal* threshold that, in time, divided the natural from the natural-political.

This is significant for *Cymbeline* because of the play’s construction of royal subjectivity in terms of the temporality of the heir, that is, the heir’s relation to the threshold moment that separates a natural from a political identity. The play insistently conflates the national and personal in the figures of Imogen and, as the final scene unfolds, of Guiderius, too. Importantly, the heir is constitutive of kingship itself. In chapter 19 of his *Leviathan* (1651), Thomas Hobbes gives classic formulation to the paradoxical situation in which the child thus creates the father, saying that there can be “no perfect forme of Government, where the disposing of the Succession is not in the present Sovereign.”⁶² In Hobbes’s account of elective kingship, the general implications of this become clear, since if the elective king “have Right to appoint his Successor, he is no more Elective, but Hereditary. But if he have no Power to elect his Successor, then there is some other Man, or Assembly known, which after his decease may elect a new. . . . If it be known who have the power to give the Soveraigntie after his death, it is known also that the soveraigntie was in them before.”⁶³ In *Cymbeline*’s representations there is the similar argument

at the threshold moment of the king his father’s death. To be “perfect what” is to be a *quodlibet*, and to occupy what Giorgio Agamben calls a “whatsoever” reality, a space of particularity that through the lack of its own specificity holds the general within it as the negative space of potentiality.⁶⁴ Guiderius is royal identity caught by a temporality that continues to keep the political form separate from the natural body. If as imputed sovereign and *post-natus*, Imogen and Posthumus figure the relation across jurisdictional distance between those bodies knit together by the ligaments of empire, Guiderius grounds the play’s description of the *ante-natus*, not because Guiderius allegorizes the *ante-natus*, but because as heir he gestures toward the *sovereign*’s natural body in relation to the *ante-natus*: a sovereign body that, perfectly itself and perfectly singular, is at the same time politically unformed and undifferentiated, held by time toward the threshold instant of its fulfillment.

MARKET PLACES

In her account of *Cymbeline* in relation to the world of the *Aeneid*, Heather James has noted the anachronistic mixing of Augustan Roman and Boccaccio’s Italian merchant milieus as one of the play’s most striking features.⁶⁵ Similarly, Patricia Parker argues that, in the final scene, Iachimo’s submission to Posthumus necessarily complicates the politics of *Cymbeline*’s submission to Augustus, especially since Iachimo is so closely associated with a post-Roman Italian culture essentially contemporary with that of Jacobean England.⁶⁶ In the context of the play’s fascination with the limits that dynamically structure political encounter, this mixing of time and genre comes more sharply into focus. Boccaccio’s characters inform the dynamics of the play, not simply as figures anachronistic to the classical context, but also as merchants. In Boccaccio’s original story, trade is the narrative strategy through which the distances dictated by the romance plot can be crossed, so as to allow for narrative resolution in the form of long-separated characters being reunited. Focusing as it does on the question of Posthumus’s allegiance to a highly personalized royal authority, *Cymbeline* carries the traces of Boccaccio’s merchant narrative. As a traveler in foreign parts, a subject who must be both subject and no subject, the early modern merchant, like Posthumus, functioned imaginatively to extend the sovereign’s *imperium*. This was necessarily provisional. As J. G. A. Pocock notes, empire in opposition to *regnum* was throughout the period “a term which tended to move towards lower levels of organization,” to looser forms of political control.⁶⁷ As we have been seeing, this was so in part because early British empire had less to do with territory than with the unquantifiable

lines connecting prince and subject: like the gullible Posthumus and like the *post-natus*, the merchant was the too-weak instrument for the extension of the royal body across distance.

Even more powerfully than in *Calvin's Case*, allegiance across national boundaries was at issue in the 1606 case of Impositions (*Bate's Case*), which Constance Jordan has usefully linked to *Cymbeline* in terms of the relation of the prerogative to the dangerously unstable operation of conscience.⁶⁸ My interest is in its delineation of an imperial subjectivity split within itself. In the case, James sought legal justification for imposing duties beyond the traditional poundage on goods imported into the realm through his royal ports. The question was whether the royal prerogative gave the king the right to impose on currants imported from Venice an extra “5 s. a hundred for impost,” over and above the poundage imposed by statute.⁶⁹ John Bate's overriding argument, repeated in the 1610 parliamentary debates over new impositions, was that the common law prevented a subject from being taxed without consent of Parliament. “[F]or if there be a right in the king to alter the property of that which is ours without our consent,” one member of Parliament in 1610 declared, “we are but tenants at his will of that which we have.”⁷⁰

Even though some of the presiding judges in *Bate's Case* expressed astonishment that “any subjects would contend with the king, in this high point of prerogative,” they did not argue that that the king's prerogative was in fact above the common law.⁷¹ As Glenn Burgess has stressed, the question was formulated instead as a matter of jurisdiction: “The king's right to impose customs duties was a matter of *absolute* prerogative, not because this gave the king rights over or against common law, but because it gave him rights outside it.”⁷² This argument depended on being able to construe the relationship between Bate and the king in such a way that it fell outside the common law. Representing the Crown in the 1610 debates, Francis Bacon thus made a distinction between two kinds of duty: “the question is *de portorio*, and not *de tributo*, to use the Roman words for explanation sake; it is not, I say, touching any taxes within the land, but of payments at the ports . . . where *claves regni*, the keys of the kingdom, are turned to let in from foreign parts, or to send forth to foreign parts; in a word, matter of commerce and intercourse, not simply of carriage or vecture.”⁷³ In another formulation he declared that “the reason for the imposition is whatsoever concerne the government of the kingdome as it hath relation to forrayne parts.”⁷⁴ One way in which the case could be turned toward foreign parts and thus toward the prerogative was by thinking of the law *de rebus*, rather than *de personis*. Chief Baron Fleming's judgment

is explicit on this: "That the king may impose upon a subject, I omit; for it is not here the question, if the king may impose upon the subject or his goods; but the impost here is not upon a subject, but here it is upon Bates, as upon a merchant, who imports goods within this land . . . and at the time when the impost was imposed upon them, they were the goods of the Venetians, and not the goods of a subject, nor within the land."⁷⁵ Fleming sets out, in relation to two kinds of threshold, two ways in which the imposition does not involve a subject's property. First, until the duty is paid, the currants that Bate bought remain foreign, the property of the Venetians. Second, and more remarkably, Bate the subject is divided in himself from Bate the merchant.

Fleming's distinction between Bate and Bate, not dissimilar to that drawn in *Calvin's Case* between, for example, a natural son and a legal heir, is the more striking in that an alternative interpretation runs through the judges' statements. Under the hypothesis that the currants did belong to the subject Bate and were a subject's property at the time of imposition, the judges made the case follow the prerogative, rather than the common law, by figuring Bate as subject only in a circumscribed way, bound in this instance exclusively to the king's person. Justice Clark draws a distinction between the case at hand and a possible precedent involving a patent for playing cards: "And for the case of Darcy, for the monopoly of cards, it is not like; for that is of a commoditie within the land, and betwixt the patentee and the king, and not between the king and the subject."⁷⁶ The distinction here is between personal and legal capacities. A patentee is bound to the king in a legal relationship, as though between offices. But like Robert Calvin, so Clark's argument goes, John Bate is bound to the king in a personal subjection, and not according to an artificial construct such as the patent connecting grantor and patentee (or, to invoke *Calvin's Case*, a political relationship involving the king as king of England).

Relevant here is Clark's earlier allusion to the "recompense and valuable satisfaction" which the merchant receives in return for the payment of duties: "for he hath the king's protection within his ports, and his safe conduct upon the land, and his defence upon the sea."⁷⁷ Fleming expands the latter point: the king "is also to defend the merchants from pirates at sea in their passage. Also by the power of the king they are to be relieved, if they are oppressed by forraign princes, for they shall have his treaty, and embassage."⁷⁸ Subject or no subject, then, there is a payment owed the king that, according to the operation of the reciprocal oaths of allegiance and protection, remains outside the strict scope of common law, yet within the king's jurisdiction. In 1610 Yelverton makes explicit the nature of the merchant's relation to the common law: "Wee are where the common law cannot judge. The merchant . . . is not

under the protection of the lawe, thoe under the protection of the King. . . . He is under the jurisdiction of the King by the lawe of nations. . . . The King [is the] onely lord of the sea.”⁷⁹ When he imports the currants, Bate is a subject bound by an allegiance not to the king’s laws but purely to the king’s person.

To bring Bate’s property under the royal prerogative, the court thus specified Bate paradoxically as both a subject bound to a personalized king, and as no subject but only a merchant. We must not do away with the tension between these two parts of the judicial decision. Discrepancies in the reasoning of the different judges are to be expected, especially given the court’s desire to cover all possible legal angles and so treat the question in terms, for example, of both *res* and *persona*. Most important, the merchant’s structurally ambiguous position within early imperial culture enables his complex legal subjectivity to emerge in the case. Necessary to a politics of expansion, of empire, and even of diplomacy, the merchant both fashions and potentially threatens expanded *imperium*, exactly by crossing into a space where allegiances become muddy and possibly subversive. How far should we take the implication of currants that at law belong to the Englishman Bate and simultaneously to Venice? In terms of Shakespeare’s representations, what are the implications of a Posthumus who repeatedly trades Italian and English clothes? In other words, what does an imperial subjectivity look like? Like Guiderius, whose subjectivity is in waiting and therefore bridges a temporal threshold, Posthumus Leonatus and John Bate become subjects when the imperial spaces they move between are internalized and reproduced as distinct capacities experienced as a fracture in the legal constitution of the self.

W A T E R M A R K S

The judicial insistence in *Bate’s Case* that the king protects the merchant subject from pirates identifies the sea as an important space for the articulation of empire: *per marem* but not *ultra mare*—beyond the scope of English common law, but not yet within another national jurisdiction. I now turn to this space as a special instance of the threshold reality, in order to explore how the ocean as limit emerges as the protagonist of romantic tragicomedy. Like *Cymbeline*, Shakespeare’s *Pericles* is deeply concerned with political crisis and accommodation, specifically with the impact of alternative powers on a sovereign authority. *Pericles* interestingly extends *Cymbeline’s* engagement with the jurisdictional threshold by focusing on the ocean as the most visible space on and through which international relations are forged. What is the nature of this distended limit? Cognate with *Cymbeline’s* analysis of the thin bonds

between the bodies that make up an imperial polity, *Pericles* represents the process by which maritime distances between states disrupt the integrity of sovereign authority itself, in order ultimately to enable its production in a new form. In this way, Pericles’s journeys on the Mediterranean replicate attempts by James VI and I to imagine on the sea the legal basis for an authority functional beyond Britain’s territorial limits. Although the sea was the most powerful of all marks of jurisdictional difference, it remained itself an ambiguous legal quantity and thus enabled the blurring of distinction necessary to the transformation of a national identity into an imperial one.

For practical and strategic reasons, the mapping of the ocean’s contestable space was as fluid as the ocean itself. In 1613 William Welwood, professor of civil law at St. Andrews, included in his *Abridgement of All Sea-Lawes* a response to Hugo Grotius’s *Mare liberum* of 1609, in which Grotius had argued that the sea was common to all, thereby defending the Dutch East India Company’s right to trade against the Portuguese claim of *dominium* over the marine trade routes. Grotius’s argument had implications for English commerce in that James was eager to restrict Dutch fishing off the English and Scottish coasts.⁸⁰ Arguing against Grotius and in support of the extension of territorial jurisdiction into proximate or coastal waters, Welwood repeats Grotius’s scoffing remark that any pretense to private possession of the seas must rest, finally, on marine boundaries established neither by nature nor by the hand of man, but simply and ridiculously by “an imaginarie or fantastick line.”⁸¹ With such lines, Grotius had hypothesized, a geometer or astronomer could lay claim to all the earth and heavens. Welwood, however, finds the imaginary more persuasive. He concedes the point that islands like Guernsey or sands or rocks or other “visible marks above water” most explicitly index the “bounds (or laying-out the limits) of the divisible parts” of the sea, and thus most efficiently enable possession. But God, he says, has also endowed men with understanding and allowed them with “the helps of the compasse, counting of courses, sounding, and other waies, to find forth, and to designe *finitum in infinito*, so farre as is expedient, for the certain reach and bounds of seas, properly pertaining to any Prince or people.”⁸²

The navigator’s fantastic lines become effectual only if human intention can, of itself, underwrite real extension. And Welwood claims this is so: on the land, he notes, possession is sufficiently marked by entry onto one part of it “with a minde to possesse all the rest thereof, even to the due marches.” The same principle can be applied to possession on the sea, even to its natural limits: “And what can stay this to be done on sea, as well as on land?”⁸³ But the obvious problem with so employing the imaginary or the intentional is

that it might not correlate with the real. In a response to Welwood written around 1614, but printed only in 1872, Grotius writes that imaginary lines, precise though they be, cannot effect appropriation except in conjunction with a “corporeal act” of possession: by a fleet, in other words, or (in narrowly adjacent waters) by coastal guns.⁸⁴ As the truism has it, possession is nine-tenths of the law. Welwood himself is closer to this eminently practical position than his rhetoric sometimes implies; thus, having defended a theory of intentional sovereignty, he must finally suggest what the actual limits naturally due a prince or people are. He invokes the classic formulation from the civil law: “Which bounds *Bartolus* hardly extends and allows for Princes & people at the sea side, an hundreth miles of sea forth from their coasts, at least; and justly, if they exercise a protection and conservacie so farre.”⁸⁵ In that final qualification, we are back to Grotius’s de facto subordination of jurisdiction to force. Welwood’s reference to the need for “protection and conservacie” does not undo his theoretical assertion that coastal seas pertain really to the adjacent territory, but it helps to formulate the crucial problem for a national representation of the sea: how to designate a space that can be intended as sovereign, but is manifestly open to the operation of alternative powers.

Although no answer can satisfactorily exclude the primacy of force, in the early seventeenth century James attempted to identify a less skeptical ground for authority by linking marine sovereignty with the natural continuity of the king’s natural person. From the perspective of national law, the terms of the attempt are hardly surprising: given that the common law is the law of the *land*, it was only through the king’s natural capacity that a norm could be imagined that might comprehend the sea as a legal space. The critical question for James’s program, however, was how the prerogative associated with the king’s natural body might operate on the sea with respect not only to national law, but also to international law. For only in that sense could the royal person circumvent the problem of alternative corporate claims on the ocean and thereby generate a version of sovereignty able to subvert the ocean’s contestability. We can trace James’s program to extend British sovereignty onto the sea in two proclamations concerning marine waters proximate to the British coast. On 1 March 1605 James issued a proclamation “for revocation of Mariners from forreine Services” in the hope of preventing his subjects from disrupting the peace recently negotiated with Spain in the Treaty of London (19 August 1604) through their “warlike Services of any forraine State upon the Sea.”⁸⁶ Included here were the privateers who, carrying letters of marque against Spain, had retreated after 1604 to the United Provinces and were aiding the Dutch in their ongoing encounters with Spain. Since Spain

and the Provinces were still at war, the proclamation also laid down certain principles to be followed by royal officers and subjects in cases where ships belonging to the two nations came into conflict. Specifically, it was James’s concern to delineate as neutral water his “Ports, Havens, Rodes, Creekes, or other places of our Dominion, or so neere to any of our sayd Ports or Havens.”⁸⁷ To aid his officers in enforcing that neutrality, he “caused to be sent to them plats [charts] of those Limits, within which we are resolved that these Orders shall be observed.”

There was nothing innovative in this declaration. The maritime historian T. W. Fulton writes that areas of the sea in close proximity to a country “were recognised as belonging to it, in the sense at least that hostilities of belligerent men-of-war or the capture of prizes were forbidden within them; they were ‘sanctuaries’ under the jurisdiction and protection of the adjoining territory.”⁸⁸ The plat to which the proclamation refers was a broadside engraved by Thomas Hood, which had been prepared by the Trinity House at the request of Sir Julius Caesar, judge in the High Court of Admiralty (fig. 9). Along with an explanatory textual “schedule,” it was formally presented on 4 March 1605, after which both map and schedule were circulated by the king’s printer, Robert Barker, under the title *Of the Head-lands of England*.⁸⁹ Used in conjunction with the textual explication, which identified twenty-seven crucial headlands, the map demarcated twenty-six areas of neutral water, defining those reserved waters as “all the Sea coasts within a streight line drawn from one Headland to the next Headland, throughout this Realme of England.” Like their fantastic counterparts invoked a decade later by Welwood, these straight lines—imaginary also, even to the extent of not appearing on the Trinity House chart—marked a sovereignty in the sense that they designated the waters as being under the jurisdiction of the adjoining territory. As a material artifact, then, and not least because of its clotted record of coastal place names (a cartographic feature most familiar from the portolan charts or rutters that served coastal navigators), the chart is remarkable for representing England as an edge, projected outward onto a spectral and even elastic beyond.

The areas delimited by the imaginary lines between headlands were known as the “King’s Chambers.” John Selden noted the intensely personal character of James’s claim to these waters in his *Mare clausum*, a treatise on sea sovereignty written in part around 1618 as a response to Grotius, but published only in 1635 at a time when Charles I was pushing his claims over the sea farther even than his father had done.⁹⁰ Thus Selden personalizes the chambers by transforming them into domestic space: “Wee have very great

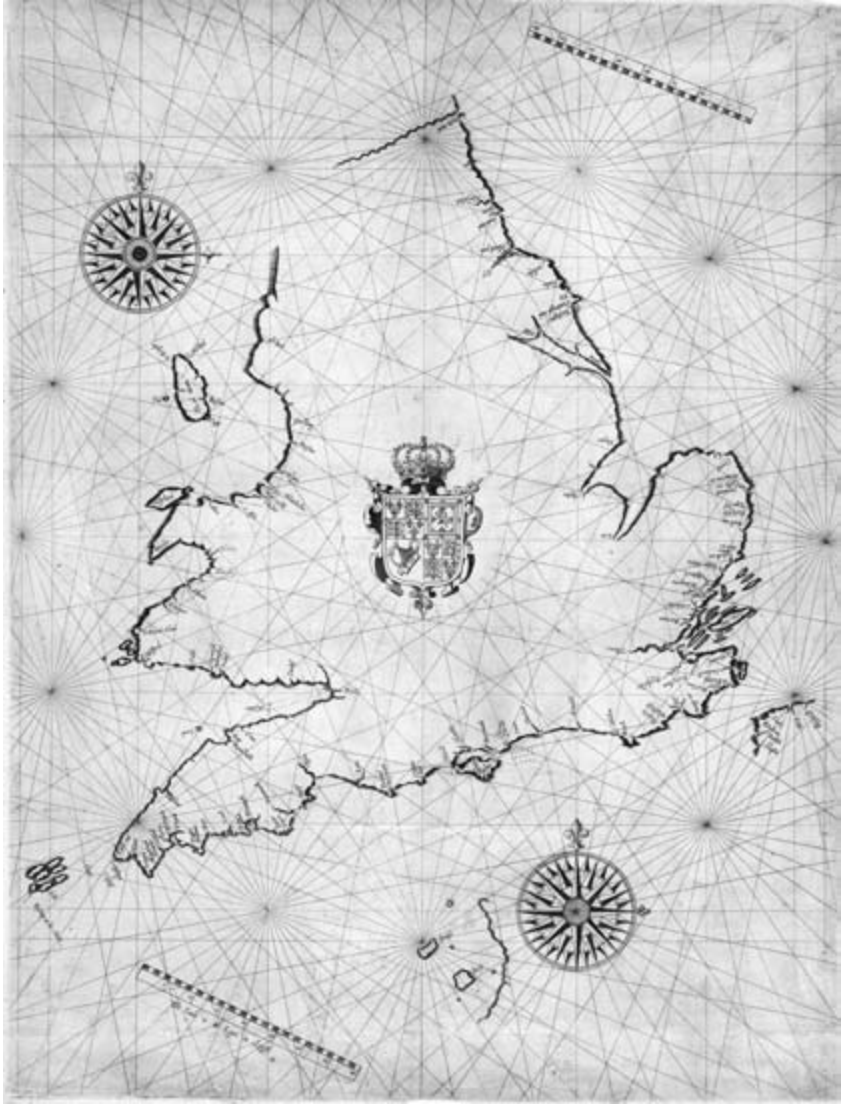


FIGURE 9 Thomas Hood, map of the English headlands. From [*A Note*] of the *Head-lands of England* (London, 1605). STC 10019.5. By permission of Houghton Library, Harvard College Library.

Creeks of Sea cut off by these lines from the Sea round about, which they call *Regias Cameras* THE KINGS CHAMBERS, and the Ports Roial. Even as in an hous the inner private Rooms, or Chambers, or Closets, which in barbarous Latin are wont to bee termed *Camerae*, are reserved for the Master.”⁹¹ The chambers, set off by “these lines,” are private rooms, and controlled not by the law but by the king’s person.

Most important for the present argument, Selden’s use of the 1605 proclamation clarifies the nature of James’s policy concerning marine jurisdiction insofar as it deforms a central aspect of that policy, transforming a carefully constructed royal authority into a more absolute but also less flexible power. For Selden, the proprietary nature of the chamber metonymically implies the king’s dominion over an extended territory: “and as the Citie of *London* hath of old been called in our Law the *Chamber of the King of England*, whereby the rest of his Dominion round about is set forth [*dominio eius . . . designato*], as it were by the use of a more narrow Title: So these Creeks, though very large, beeing called by the like name and limited at the pleasure of the Kings of *England*, do in like manner shew his Dominion [*dominium*] over the rest of the Sea.”⁹² In arguing that James’s invocation of the Chambers’ “more narrow Title” implied “in like manner . . . his Dominion over the rest of the Sea,” Selden is arguing that the king has property in the northern seas. But this was retrospectively to read James’s project as more radical than it was, since nowhere had James claimed in respect of the waters more than imperial jurisdiction (*imperium*). By circumventing the operative distinction between *imperium* as the reach of legal authority and *dominium*, to which pertain the most direct and absolute rights of use (including the critical right of exclusion), Selden is able to use the Jacobean proclamation to claim for Charles a sovereignty “of the most absolute kind,” a sovereignty carrying with it the broader rights pertaining to *dominium*.⁹³

James’s less absolute claim in 1605 was no less strategic for being so modest in comparison with Selden’s version of things. Understood in the context of the *arcana imperii* and of James’s deliberate mystification of the royal prerogative as a way exactly to enlarge his rights, his marine program is notable in that the personalized language of royal jurisdiction exclusive of *dominium* was sufficiently flexible on the sea to instantly and incontrovertibly compass not only Spain and the United Provinces within British waters, but all the world, though only in a circumscribed way: so long as a ship of “what Nation soever . . . bee within those our Ports and places of our Jurisdiction, or where our Officers may prohibite violence,” it was “understood to be under our protection.”⁹⁴

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The potential scope of that traditional and theoretically unremarkable claim became clear in 1609, when James attempted to encourage English fishing by imposing restrictions on the massively more successful Dutch fishery. In May of that year James issued a “Proclamation touching Fishing,” resolving that “no Person of what Nation or qualitie soever, being not our naturall borne Subject, bee permitted to fish upon any of our Coasts and Seas of Great Britaine, Ireland, and the rest of the Isles adjacent, where most usually heretofore any Fishing hath bene, untill they have orderly demanded and obtained Licenses from us.”⁹⁵ Although reminiscent of a traditional Scottish tax, the so-called “assize-herring,” the 1609 tribute was innovative in being applied to foreigners.⁹⁶ James justified his action by declaring that foreign fishing had disrupted not only his royal prerogative but also the relationship of allegiance between him and his subjects:

Whereas we have bene contented since our comming to the Crowne, to tolerate an indifferent and promiscuous kinde of libertie to all our friendes whatsoever, to fish within our Streames, and upon any of our Coastes of Greate Britaine, Ireland, and other adjacent Islands, so farre forth as the permission or use thereof might not redound to the empeachment of our Prerogative Royall, nor to the hurt and damage of our loving Subjects, whose preservation and flourishing estate wee hold our selfe principally bound to advance before all worldly respects: So finding that our connivence therein, hath not onely given occasion of over great encroachments upon our Regalities, or rather questioning of our Right, but hath bene a meanes of much dayly wrongs to our owne people that exercise the trade of Fishing . . . Wee have thought it now both just and necessary . . . to prevent those inconveniences, and many others depending upon the same.⁹⁷

Coastal jurisdiction here is marked as the affirmation, first, of the prerogative, and second, of the bond between king and subject, according to which the king is “bound” by an oath of protection, and the subject by an oath of allegiance. As we have seen, the legal relationship thereby constituted, the double *ligamen* connecting king and subject, had already served James well, both in *Bate’s Case* and in *Calvin’s Case*.

As against those earlier instances of allegiance’s legal efficacy, however, in the proclamation of 1609 the weight of James’s personal bond with his subjects fell exactly on foreign fishermen, on those who were not his subjects at all, and would thus normally be bound only within the geographic confines

of a territorially conceived *dominium*. Here was the crux. To make plausible a shift of obligation from subject to alien, to allow *imperium* to operate with the force of *dominium*, James emphasized in phrases like “our Coasts and Seas” the idea of a geographical limit to his claims, even as he kept the precise extent of the limit strategically vague.⁹⁸ The proximate sea is constructed, then, as a space that enables a personal relationship independent of place to operate in an unusual way. Through a delicate balancing act, a sea that is not property generates, because of the king’s obligations to the subject, a further obligatory relationship between the king’s person and the foreign. This is, in part, how the royal chambers had operated in the earlier proclamation from 1605: foreign ships, because of their geographical proximity to the coast, could be “understood” to be under the king’s protection and so within the scope of an otherwise irrelevant personal relationship.⁹⁹ Understood or imagined to be. Along with the conceptual lines or “strings” connecting the king’s mind to other minds, the geographical lines demarcating the royal chambers (and, more loosely, the proximate seas) jointly provided a way to think of the sea as a site where, through the operation of a personalized royal authority, obligatory international relationships could be generated as radically natural.

The strategy did not convince those who did not want to be convinced. In the long negotiations that ensued between Britain and the United Provinces, it was clear from the beginning that the legal position adopted by James would never satisfy the Dutch. Unsurprisingly, in his answer to the claim that James could exclude foreigners from his coasts as from his land, Grotius focused exactly on the distinction between *dominium* and *imperium*, in order to expose the pretensions of the English claims in the North Sea.¹⁰⁰ The *imperium* that James claimed was moot, Grotius argued, and since it was absurd to claim *dominium* over water, it was absurd also to exclude foreign fishing. In the context of this kind of argument, grounded as it is in the operative legal distinction between the two central terms, James’s invocation of a geographically charged *imperium* seems at the level of legal theory remarkably astute, even if rather too optimistic.

A document preserved in the papers of Sir Julius Caesar provides important evidence for supposing that the king and council developed a jurisdictional argument exclusive of *dominium* not through lack of foresight, but as a deliberate choice. Written in Caesar’s hand, “Notes touch. the Fissing uppon the costs of great Britaine” appears to be a memorandum drawn up in council on 12 April 1609 (fig. 10).¹⁰¹ As T. W. Fulton points out, it lays out the principles that would find formal expression in the proclamation James issued a month later.¹⁰² Fulton, however, neither transcribes the text nor notes that in several

places it has been emended, also in Caesar's hand. These emendations are important not only because they make their way into the final text of the proclamation—to this extent, the memorandum can best be thought of as a draft of the central part of that later document—but also because they record how James's jurisdictional strategy emerged at a given point in the council's discussion and was chosen over alternative formulations in which the role of the king's person and prerogative was far less visible. I shall highlight the most important emendations by quoting the document first in its earlier version, then in its revised form.

The first major emendation gives us a useful sense of the document's own history. In the first draft of the first article, Caesar writes: "First, albeit we purpose to confer with the Fishermen touch. the seasons of all the Fissings upon our coasts, yet wee al nowe advise, thinke it fit, that the proclamation take effect from the first of August next." With emendations, the article read as follows: "First, having confedered with the Fishermen touch. the seasons of all the Fissings upon his majesties coasts, wee think it fit, that the proclamation take effect from the first of August next." Given the shift in time and mood between the two versions, it seems clear that Caesar originally wrote the notes before the conference with the fishermen was held, that he continued to use the document, and that the major revisions date to just after that conference was held.¹⁰³ As I read the document, then, it records changes across a relatively short period of time in the council's thinking about how best to make the argument for excluding foreigners from waters near the English coast.

The other emendation of substance in the first article hints at a change in policy, since in the shift from "our coasts" to "his majesties coasts" the argument against the foreigners is more forcefully located in the king's person. The changes to the second article of the memorandum seem to be similarly motivated. In the first version of the second article, Caesar notes that, according to the proposed proclamation of 1 August: "from that day forward it shall not be lawfull for any strangers or strange bottoms to fish upon those our coastes & seas which we understand to extend into the [*illegible insertion*] seas from the lande the space of 100 miles, & into which wee understand to extend so farr into the seas of greate Britaine & Ireland & the Isles adjacent, where usually heretofore any fissing hath bene, untill they have obteyned license for the same from the king of Great Britain etc." With corrections, this article read as follows: "that from that day forward it shall not be lawfull for any strangers not being the kings naturall borne subjects to fish upon those his majesties coastes & seas of greate Britaine & Ireland & the Isles adjacent, where most usually heretofore any fissing hath bene, untill they have obteyned license

for the same from the king of Great Britain etc. without specification of any certeine limits of leagues or miles.” Again, “our coastes” becomes “his majesties coastes.” “Strange bottoms” is struck out, probably to emphasize that the issue at hand is the presence of persons, and only incidentally of their vessels. The personalization of the argument is underlined through the additional qualification of “strangers” as “not being the kings naturall borne subjects,” a phrase that stands behind the final wording of the printed proclamation, which orders that no person “being not our naturall borne Subject, bee permitted to fish.” (The May proclamation also preserves “most usually heretofore” as opposed to the earlier draft’s “usually heretofore”).¹⁰⁴

Most interesting in the April memorandum is that the emended version omits the attempt in the first draft to specify the extent of national waters to 100 miles, this being a rule imported from Bartolo da Sassoferrato (Bartolus), the fourteenth-century jurist and commentator on Roman civil law. That change leads to the addition of the explicit statement at the end of the article that the seas should be named “without specification of any certeine limits of leagues or miles.” Although it is possible to read this last qualification as a hyper-compensatory emendation, it seems more likely that it is Caesar’s “extra-textual” reminder to substitute a generality about the prerogative for the greater certainty of Bartolus’s rule. All in all, the document tells the story of how one model of asserting England’s claim over the ocean gave way to another. Turning from a model of right grounded in measurable distances and national interests to a politics of vagueness centered in the king’s personal bond with his subjects, the document records the discovery of a highly fluid and, as Grotius would insist, highly unstable means to place the law in the space beyond which it pertained.

Richard Helgerson has delineated in chorographical descriptions of England the gradual displacement of royal authority onto an idea of Britannia as the land itself, as, for example, in the maps of Drayton’s *Poly-Olbion* (1613) or the Ditchley portrait of Elizabeth (ca. 1592), which shows her standing on a map of England.¹⁰⁵ In my argument, we are seeing the mechanics whereby royal authority was simultaneously relocated onto the ocean, as a central part of the ideological belief, explored by Armitage, that Britain “was an empire of the seas.”¹⁰⁶ We can think, for example, of the frontispiece to Camden’s 1607 Latin and 1610 English *Britannia* (fig. 11). This is an imperial image: the four parts of James’s British dominion, England, Scotland, Wales, and Ireland, are each represented, as they are in the quarterings of his royal coat of arms. They are, moreover, materially linked through the lines extending outward from the compass rose. Such compass markings were critical to both the production



FIGURE 11 Frontispiece to William Camden, *Britannia* (London, 1607). By permission of the University of Chicago Library, Special Collections Research Center.

and use of marine charts, since through the loxodromes, or oblique windlines extending from the compass rose, mariners were able to discover for any point the available winds, and so set a course. As David Waters explains, a working chart showing the winds radiating from a group of related compasses would appear “to be covered with a medley of criss-cross lines” until it became clear

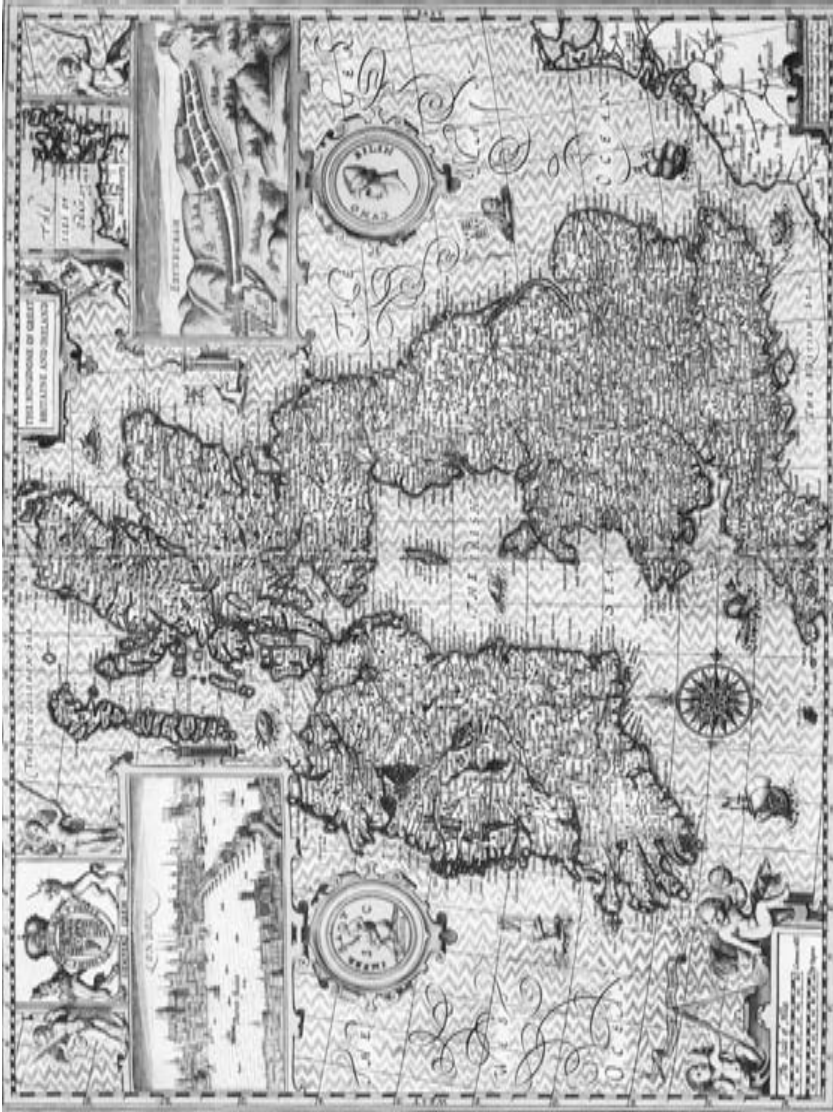


FIGURE 12 Map of Great Britain and Ireland, from John Speed, *The Theatre of the Empire of Great Brittain* (London, 1611). London, British Library, G.7884. By permission of the British Library.

that each of those lines "was a rhumb or wind."¹⁰⁷ But as a set of imaginary lines thus corresponding to a natural phenomenon, the loxodromes could also represent a political argument, expressing jurisdiction across the water as prior and natural rather than artificial.

Not surprisingly, then, the compass rose on Camden's map strongly resembles the sun, another symbol of James's British and transnational authority. In one of his treatises on the union of Scotland and England, for example, John Thornborough compares the idea of political union to "the Sunne in the midst of heaven, among the Stars; and as the Stars take light of the Sun, so al blessings of Weale publique proceede from this sacred, & thrice happy union into the name of great Brittain, whose glorious light shineth to all."¹⁰⁸ In Ben Jonson's "Panegyre, on the Happy Entrance of James," the king similarly becomes the "the glory of our western world," whose "thousand radiant lights . . . stream / To every nook and angle of his realm" (ll. 3–6).¹⁰⁹ In another of Thornborough's treatises on Union, finally, the sun analogizes the relationship of the king to his diverse subjects, in a manner that highlights the powerful connotations of lines that, as in a compass rose, emanate from a center: "Do not divers Sunne beames come from one Sunne, and all they of one nature? Are not divers lines drawne from one Center, and all be of one fashion? . . . And may not divers people under one Prince, though they are divided in persons, yet be united in lawes?"¹¹⁰

The symbolic connection between the compass rose and a mapped politics of jurisdiction is beautifully embodied in John Speed's 1611 atlas, *Theatre of the Empire of Great Brittain*. The atlas guides the reader on how to read the compass rose as an emblem of royal *imperium*. In the general map of James's whole kingdom, Speed represents four medallions, three of which are manifestly imperial: in the upper left, the royal coat of arms; midway down, an imperial Britannia in emulation of a Roman medallion; on the right, an image taken from a coin pictured in Camden's *Britannia* and representing Cunobilis, the original Cymbeline and the first king to unite all of Britain (fig. 12). Grouped as it is with these three, the fourth medallion, the compass rose, absorbs their imperial significance. To extend this initial association, the atlas manipulates the symbol in a variety of ways. The compass rose is shown, for example, in a map of Lancashire next to the portraits of the four Lancastrian kings, themselves embedded in a rose-emblazoned frame (fig. 13). Above them, James's personal motto, *Beati Pacifici*, is translated into English. The compass rose can be seen here as James's more imperial version of the union of the white rose and red by Henry VII. In a map of Warwickshire, Speed includes in the left margin an image of the compass rose



FIGURE 13 Detail, map of Lancashire, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G7884. By permission of the British Library.

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FIGURE 14 Detail, map of Warwickshire, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G.7884. By permission of the British Library.



FIGURE 15 Detail, map of Northamptonshire, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G.7884. By permission of the British Library.

suspended from a decorative frame above a geometer’s compass (fig. 14). In the following map of Northamptonshire, the frame and geometer’s compass have stayed, but the compass rose has been replaced with what can therefore be considered to be its equivalent: the royal arms (fig. 15). Similarly, in the map of Rutlandshire, Speed includes on the left margin a highly stylized



FIGURE 16 Detail, map of Rutlandshire, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G.7884. By permission of the British Library.



FIGURE 17 Detail, map of Rutlandshire, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G.7884. By permission of the British Library.

compass rose, recognizable through the fleur-de-lis that traditionally marked north (fig. 16). In the right margin of the same map and in the same framing device, he substitutes the royal arms (fig. 17). The symbolic conflation of the compass rose and the royal is firmly in place by the time we reach a dazzling example of the point in the general map of Wales (fig. 18). Here the compass rose, emptied of all its traditional marks other than the loxodromic lines, has become identical with the royal arms that now occupy its gutted center. In a heraldic table conveniently and strategically printed at the beginning of the atlas, Speed designates these arms, generically identifiable as royal, as belonging specifically to the ancient Welsh princes.¹¹¹ In a map of Cardiganshire in Wales, a medallion suspended from a frame and hovering



FIGURE 18 Detail, map of Wales, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G.7884. By permission of the British Library.



FIGURE 19 Detail, map of Cardiganshire, from Speed, *Theatre of the Empire of Great Britaine* (London, 1611). London, British Library, G.7884. By permission of the British Library.

over the Irish Sea makes the same political point (fig. 19). Here represented is a compass rose obscured by the superimposed Welsh Crown. Since Henry had been created Prince of Wales in 1610, the year preceding the publication of the atlas, the rose in the Welsh maps thus describes both James's imperial authority and Henry's widely admired commitment to the extension of British influence through exploration, trade, and military force.

Speed's atlas provides a lesson in the transformation of a mariner's cartographic tool into a symbol of imperial sovereignty. That representational

fluidity is appropriate since the compass rose itself transforms the sea. It does so symbolically, and to the extent that, through its imaginary lines extending from a center, it delineates the central logic of early British empire, a jurisdictional strategy through which contestable space beyond the law could be structured as natural possession. Under the influence of writers like Grotius and Selden, we think of *dominium* as the ultimate ground for international relations. But James’s invocation on the sea of a jurisdiction exactly exclusive of *dominium* should not be understood as some still imperfect version of the more exacting argument ultimately made by Selden on behalf of James’s son. A map depicting Lancashire from Camden’s 1607 *Britannia* makes the point (fig. 20). Here is the compass rose operating as it does in Speed, subtended by an impressively large geometer’s compass. Camden’s map indicates that it has been reengraved from the original designed by Christopher Saxton for his 1579 cartographic collection; crucially, however, that earlier map shows suspended over the Irish sea, not a compass rose, but Elizabeth’s arms (fig. 21). The presence in the later map of the compass rose, rather than King James’s arms, may relate simply to the relative cost of engraving the two symbols. But as transmitted material artifacts, Saxton’s and Camden’s maps embody also gently competing ideologies. As a representation of royal authority, the rose is both more indirect and more powerful than the arms. The overriding fact for British imperial thinking in the Tudor and early Stuart periods was the absence of *terra nullius*, uninhabited territory over which, according to natural law, a discoverer could press a national claim to mere *dominium*.¹¹² To move out beyond national borders was necessarily to move into alternative jurisdictions or into spaces like the sea in which direct containment was impossible. Empire was a matter, instead, of meeting the foreign with sufficient art to “naturally” accommodate it without loss of advantage or prestige.

DISPLACING SOVEREIGNTY

First printed in 1609, Shakespeare’s *Pericles* is now accepted as a collaborative work with George Wilkins, author of *The Painefull Adventures of Pericles Prince of Tyre*, a prose redaction of the story printed in 1608 (in advance of the Quarto) to capitalize on the successful production of the play earlier that year.¹¹³ The most striking dramatic feature of the play (and one reason, surely, for its popularity in the decades following its first production) is its virtuoso fracturing of action across so many state boundaries.¹¹⁴ As a journey across the eastern Mediterranean, the play is both a tour and a *tour de force* of exoticism. This structure is thematically crucial, since *Pericles* represents

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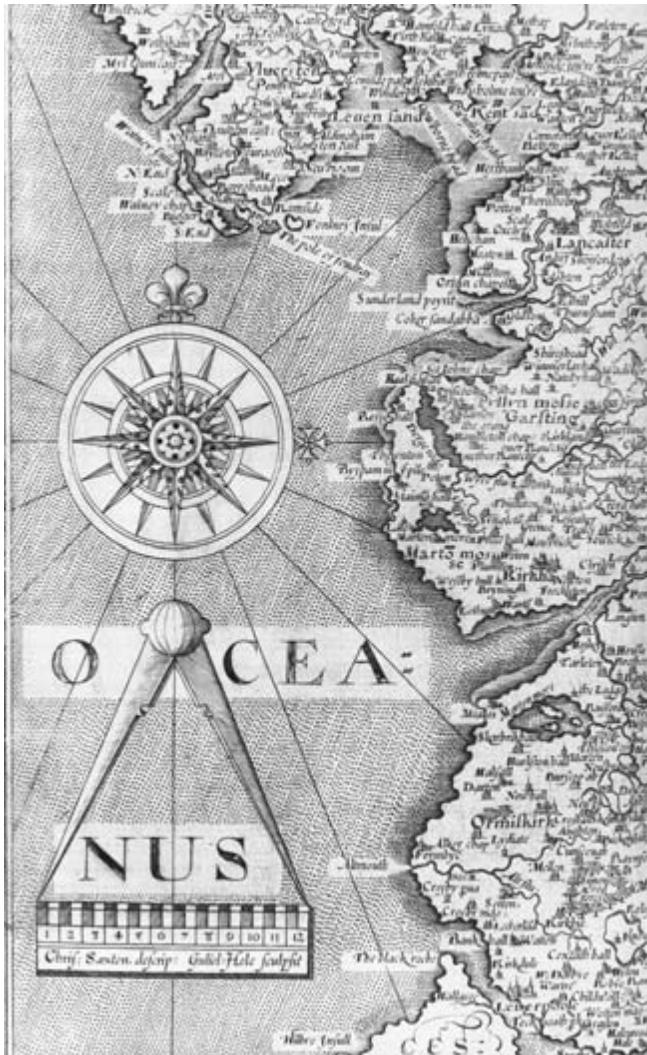


FIGURE 20 Detail, map of Lancashire, from William Camden, *Britannia* (London, 1607). By permission of the University of Chicago Library, Special Collections Research Center.

the extension of authority across distance, the agent of that extension being the sovereign himself, cast by the contingencies of tragicomedy into territorial jurisdictions other than his own. Most important, Pericles is cast onto the sea, the marine distance separating his own territory from those alternative ones. Destabilized by his journeys, Pericles refers to the sea itself as a “watery



FIGURE 21 Detail, map of Lancashire, from Christopher Saxton’s atlas (London, 1579). London, British Library, G.118.e.1. By permission of the British Library.

empire” (2.1.49), a place itself of only unstable sovereignty. This small detail points to how the play finds political significance in the liminal shore and liminal ocean themselves, rather than only in the spaces they separate.¹¹⁵ Geographical detail serves a topological argument: what chiefly matters in the proliferation of Mediterranean territories is that they all have coasts.¹¹⁶ As facilitator of Pericles’s story, and as the play’s political arena, the sea is both

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place and nonplace, a negative place that is productive as the source rather than the site of meaning and action.

The hero's name speaks to the play's engagement with the idea of the ocean. In earlier versions of the story, including John Gower's *Confessio amantis* and Laurence Twine's mid-Tudor *Patterne of Painefull Adventures* (reprinted 1607), Pericles is known as Apollonius of Tyre. The change of name points us to North's Plutarch, from which, as Macdonald P. Jackson notes, Shakespeare took "all six of the Greek names in *Pericles* which do not derive from Gower—Pericles, Cleon, Philemon, Escanes (or Aeschines), Simonides, and Lysimachus."¹¹⁷ The argument that Shakespeare used Plutarch because Pericles there exemplifies a kind of patience, a virtue that Shakespeare's character embodies more fully than Apollonius does, is surely right but not quite sufficient.¹¹⁸ Read against King James's attempts to consolidate and theorize Britain's legal control of its proximate waters, Shakespeare's use of Plutarch takes on another dimension, since Athenian Pericles was remembered in early modern Europe, not only for his funeral oration, but also for a speech in which he strongly promoted Athenian naval power and identified the state with that power. Prince Pericles's exemplary patience thus assumes political content as the affect of the sovereign in waiting for his imperial destiny.

Thirty years before the play's performance, John Dee used Pericles in his *General and Rare Memorials Pertayning to the Perfect Arte of Navigation* (1577), a treatise arguing that Queen Elizabeth should establish a "Pety-Navy-Royall" as a means to secure the coastal seas for English merchants and fishermen, and thereby protect the "*Publik-Weale*, of this Kingdom."¹¹⁹ Throughout the text, Dee refers to Pericles's speeches on behalf of marine power, thereby making him an active spokesman for a revitalized Tudor *imperium*: "What wold that Noble, Valiant, and Victorious Atheniensien PERICLES, say, yf, now, he were lyving, and a Subject of Authority, in this Brytish Kingdom? . . . Who, taught by word, and proved in effect, *Vnam Pecunia parandae rationem putandam, Naues quamplurimas habere* [that the one method of obtaining money which should be considered is having many ships]."¹²⁰ A page later, Dee explicitly makes Pericles an exemplar for the "Subject of Authority" whom Dee imagines to have the power to effect political change: "*O Pericles*, thy life (certainly) may be a pattern and Rule to the higher Magistrates (in very many points) most diligently, of them, to be imitated."¹²¹ Dee's most forceful use of the Greek orator comes late in the treatise, when he appeals to some "Brytish, or English Pericles" to put his political platforms into effect, probably intending this title for Christopher Hatton, to whom the treatise is dedicated.¹²² Ultimately, Dee was thinking of the queen herself,

but Elizabeth, ignoring the platform laid out in the *Memorials*, pressed no jurisdictional claim over the northern seas, probably because of her concern to protect her subjects' trade and fishing interests by opposing all foreign pretensions to *mare clausum*.¹²³ In the event, Dee's call for a "Brytish, or English Pericles" would be answered only by the Stuarts and not, at least initially, by recourse to a stronger navy. Dee's text is highly suggestive for Shakespeare's play: like Plutarch's orator and Dee's British hero, and like King James himself who was in the process of constructing a useful version of the sea by tracing on it the lines of an elastic authority, Pericles uses the sea in the service of a delicately balanced *imperium*. Shakespeare's new name speaks to the play's interest in the new authority fashioned on the sea.

As in *Cymbeline*, the central terms of *Pericles* are jurisdictional. At the end of Act 2, Pericles faces one in a long line of adventitious obstacles the play throws in his way. King Simonides of Pentapolis plays a trick on the recently shipwrecked prince, whom he believes to be simply a knight and gentleman of Tyre. Although he wishes the knight and his daughter to marry, Simonides accuses Pericles of having "bewitched" his daughter Thaisa into an inappropriate desire. Pericles protests. The terms of the following exchange between the two sovereigns embody the play's jurisdictional theme:

Simonides: Traitor, thou liest.
Pericles: Traitor?
Simonides: Ay, traitor.
Pericles: Even in his throat, unless it be the king,
 That calls me traitor, I return the lie.
 (2.5.53–55)

Pericles's personal honor is at stake. His sword, he says, will prove that anyone who accuses him of being a "rebel to [Thaisa's] state" is "honour's enemy" (2.5.60–62). In the double meaning of "state," however, and particularly in the juxtaposition of "traitor," "rebel," and "enemy," the prince converts his honor into a political argument about the continuity of his jurisdiction. Francis Bacon would have understood Pericles's position. In his speech on behalf of Robert Calvin, Bacon presented the mirror image of the same point: a Scotsman "subject to the natural person of the king, and not to the crown of England," could by law be no enemy to the king or to the subjects of England. "Or must he not," Bacon continues, "of necessity, if he should invade England, be a rebel and no enemy, not only as to the king but as to the subject?"¹²⁴ By insisting that he is no *traitor*, Pericles calls Simonides on the matter of legal categories, thereby defining his allegiance as his own, and

marking his “state” and authority as independent of the jurisdiction within which he now finds himself through the accidents of romance. In this light, Pericles’s qualification, “unless it be the king,” assumes a sly second meaning. Here Pericles acknowledges that there are sovereign authorities before which matters like private honor become necessarily negligible. But to the extent that he can himself be the king referred to, Pericles is articulating the ground precisely of a public but secret resistance to that alternative authority. In a moment of high diplomacy, Pericles protects his life by saying that he will not, in this particular case, give the lie, even as he preserves his own sovereign integrity by secretly doing so. Submitting to Simonides, Pericles marks his submission in part as a reconfirmation of Tyre’s own sovereign *imperium*.

The plot of *Pericles* is “marked by a series of disasters at the local level which are somehow righted by the play’s larger design.”¹²⁵ As a special instance of this pattern, the play repeatedly demonstrates how an apparent concession on the part of the prince preserves and even extends his sovereignty. When Cleon of Tarsus, for example, is told that Pericles’s ships have been sighted off his coast, he misreads the fleet as an emblem of war and thus the bluntest form of international engagement:

Some neighboring nation,
Taking advantage of our misery,
Hath stuffed the hollow vessels with their power,
To beat us down, the which are down already,
And make a conquest of unhappy me . . .
(1.4.64–67)

In fact, Pericles’s ships, stuffed with grain that will feed the starving population, stand for a subtler bond, one grounded in beneficence and, on the other side, in gratitude and deference; as Tarsus’s savior, Pericles will speak not of legal debt, but of love and the kind of reciprocity central to natural rather than artificial law: “We do not look for reverence, but for love, / And harbourage for ourself, our ships and men” (1.4.97–98). That said, in one respect Pericles’s request is no request at all. The allusion to harborage recalls an important passage in Book 1 of the *Aeneid*, where Ilioneus complains to Dido about her treatment of the sea-weary Trojans: “What race of men is this? What country is so barbarous as to permit this custom? We are denied the welcome of a dry beach [*Quod genus hoc hominum? quaeve hunc tam barbara morem / permittit patriam? hospitio prohibemur harenae*]” (1.539–40).¹²⁶ These lines were a *locus classicus* for early discussions of natural law and the *ius gentium*; in his defense

of the freedom of trade and navigation, for example, Hugo Grotius turned to Virgil’s passage as an embodiment of “that law of hospitality which is of the highest sanctity” and as evidence that all nations hold the seas in common.¹²⁷ When Pericles asks for harborage, he is asking for something that cannot really be refused him, in which case Cleon’s favor generates no real obligation in the receiving party. As in his verbal exchange with Simonides, Pericles himself remains free even as he enters the political union.

However informal the bond between Pericles and Cleon, it constitutes a highly charged and unequal relationship, an effect of the play’s erosion of the boundaries among the political, diplomatic, economic, and military. When Pericles returns to Tarsus to deposit Marina there, his language of princely love seems newly inflected as politics.¹²⁸ Cleon refers to his “duty” (3.3.23) toward Pericles as a kind of inevitable logic binding Pericles’s princely intentions and thought to Cleon’s thought for Marina:

Fear not, my lord, but think
Your grace that fed my country with your corn—
For which the people’s prayers still fall upon you—
Must in your child be thought on.

(3.3.18–21)

Speaking of Marina, furthermore, Pericles tells Cleon that “Here I charge your charity withal, / Leaving her the infant of your care” (3.3.14–15), where “charge” and “charity” both expose the complex economic realities that underlie the idealized political alliance that Pericles has put in place through his generosity. In Twine’s *Patterne of Painefull Adventures*, one of Shakespeare’s two principal sources, Apollonius’s wheat is even more explicitly implicated in the realities of exchange. There the prince initially sells his stored wheat to the starving inhabitants for “no more than I bought it for in mine owne Countrey, that is to say, eight peeces of brasse for every bushell.”¹²⁹ The really telling point is that Apollonius can be so precise as to price. As Steven Mullaney notes, Twine’s text is explicit on the need to expel the implications of money’s having so entered the diplomatic equation: “But Apollonius, doubting lest by this deede, hee should seeme to put off the dignity of a prince, and put on the countenance of a merchant, rather than a giver, when he had received the price of the wheate, hee restored it backe againe to the use and commoditie of the same Cittie.”¹³⁰ As gift returned, “the brass coin effaces the course of its circulation and restores Apollonius’s princely countenance.”¹³¹ The circle of exchange disguised as nonexchange completes itself when the civic population

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transmutes the brass coins into a brass statue representing Apollonius in a military chariot, “holding corn in his right hand, and spurning it with his left foot.”¹³² As Mullaney argues, the “flurry of brass coins serves to remind us that a gift is never merely a gift.”¹³³ That as commodity or gift Apollonius’s wheat is literally repaid in the same coin emblematically links diplomacy and trade, making both of them versions of that conquest which Cleon feared and the chariot emblemizes. Although *Pericles* erases Twine’s blunter demystification of princely sovereignty, the shape of Cleon’s obligation to Tyre’s prince remains similar. Indeed, Cleon’s initial reading of Pericles’s ships turns out to be just shy of prescient: sixteen years on, Pericles is poised to launch a marine invasion of Tarsus, in response to Cleon’s lack of gratitude (5.1.239–40). Only Diana diverts him to Ephesus.¹³⁴

Cleon’s passivity in the face of his fear of conquest acknowledges that legal authority is inevitably a matter of strength as much as of any theoretical claim to jurisdiction. Like Cleon, Pericles experiences a melancholic fear of Antioch: though Antiochus’s “arm seems far too short to hit me here,” he says, “Yet neither pleasure’s art can joy my spirits, / Nor yet the other’s distance comfort me” (1.2.8–10). As the play ultimately has it, however, Pericles is the one to stretch his imperial arm across the water. Extending his authority outward from Tyre more subtly than through conquest, he will encompass Tarsus as a kind of subordinate confederate, as well as Pentapolis and Mytilene, which enter the circle of his authority through his own and Marina’s marriages.¹³⁵ Romantic delay and dispersion turn out to be politically strategic. If the play begins with Pericles’s disastrous choice to bind himself to Antiochus and to the terms of Antiochus’s riddling wager, it presents thereafter a series of subtler negotiations between the prince’s authority and his subjection to the foreign. As we have seen in his exchanges both with Simonides and with Cleon, the same physical displacement that threatens to disperse his goods and his royal identity enables the reproduction of that identity in an altered form. Pericles imposes his imperial authority on the Mediterranean not by conquest but by making the right marriages, and most of all by moving across the water, often with the trappings of a merchant: with wheat or with the “full bags of spices” that he places in his wife’s casket before consigning it to the ocean, and which seem a treasure to those in Ephesus who discover them when the casket or chest is tossed up on their shore (3.2.64). In light of King James’s enabling extension of the prerogative across Britain’s proximate waters, and in light of the judgment in *Bate’s Case*, the political efficacy of Pericles’s marine exile can thus be understood to recast the place of the king’s natural body in the structure of trade relations and of British *imperium* more generally.

In representing the political consequences of Pericles's trials on the sea and in states other than his own, Shakespeare and Wilkins make the prince's accommodation of the jurisdictional other seem both aggressive and deferential. A final instance of that dynamic involves the play's interest in the alternative names available to authority: prince, king, regent, governor. At the end of the first scene in Act 5, Pericles offers Marina in marriage to Lysimachus: "for it seems you have been noble towards her" (5.1.248). Ironically elided in Pericles's formulation is Lysimachus's earlier attempt to coerce Marina into prostitution: "Come, bring me to some private place. Come, come" (4.5.95). It is also true that a governor may not be quite the best match for a princess. But when Pericles introduces his future son-in-law to Thaisa, he renames him: "This prince, the fair betrothed of your daughter, / Shall marry her at Pentapolis" (5.3.72-73).¹³⁶ Central to this deferential elevation is the nature of the contract required by Pericles to preserve his own prestige, even as he recognizes and accommodates in Lysimachus a useful alternative to his own royal self. To the extent that the new designation of Lysimachus comes to seem natural, it constitutes a symbolic resolution to the confusion that generates the play's action, the misnaming at the heart of Antiochus's incestuous relationship with his daughter: "*He's father, son, and husband mild; / I mother, wife, and yet his child*" (1.1.69-70). Rejecting this initial confusion of names as unnatural and unlawful, Pericles embraces the second mixing of names as necessary to the legal constitution of his new authority.¹³⁷

At issue in the marriages that bring Pericles two of his kingdoms, and in the play's close concern with naming, is the acknowledgment that international bonds are forged less through natural law than according to contract, whereby named parties enter into a named and stable relationship. At the same time that James was trying to exercise an innovative jurisdiction over the northern seas, England was engaging the United Provinces on the matter of access to the East Indian spice trade, over which the Dutch had by now a virtual monopoly. In this debate, curiously enough, the English came to occupy a position directly opposed to the one articulated in respect of the northern fisheries. Arguing from the natural freedom of commerce, as set forth in *Mare liberum*, they insisted that, whatever the Dutch role in liberating the Indian seas from the Portuguese, the English were now as much entitled as they to trade in the islands. At a London conference in 1613, Grotius himself answered the charge. The issue was not the natural freedom of the seas, nor the natural freedom of commerce, but rather, he said, the exclusive nature of the trading contracts that the Dutch East India Company had made with the island sovereigns, contracts that the English could not legally impede. According to these, Grotius said,

the island princes had granted exclusive trading rights in exchange for Dutch protection against the Portuguese.¹³⁸ The terms of this commercial contract correspond closely to those of the natural bond between king and subject, as articulated by James in 1609. But the shift in emphasis from natural law toward an artificial obligation allowed the Dutch a more certain solution to the problem of competing interests than had been available to James (and a more rigid one, perhaps, than he would have entertained).

Grotius's discursive shift to contract clarifies the importance of naming for the early trade empires. For a nation's success in trade depended not so much on the extension of the sovereign self as on its proliferation, the identification and designation of the alternative sovereign parties who could effect the stabilizing and advantageous agreement. The acts of naming in *Pericles* are contractual, but they show how the stable contract becomes the site also for the more flexible construction of relative international prestige. And that is a delicate matter. To put the problem in the symbolic cartographic terms we have earlier mapped out, even if the compass rose describes the natural extension of a national authority, it remains unclear what happens when lines from two roses intersect. Partly, names happen. At times these names seem explicitly strategic, as in one complaint made by English merchants about their Dutch republican competitors in the Indies:

[A]s they [the Hollanders] hinder our trade, so they forbear not (which I cannot but write with stomacke) the honour of our King and kingdome, as presuming somtimes to call themselves *English*, and pretend Embassage, and presents from his Majesty, which they did to the King of *Siam*. In other places calling the Crowne and State of *England* into comparison, which made the King of *Achem* aske captaine *Best* whether the King of *England*, or the King of *Holland* were the greater Monarke.¹³⁹

If the point here is that the Dutch become more successful traders by becoming English, that is so because the names available to the English monarchy more effectively or efficiently mirror the king of Achem's authority than do the Dutch republican names. Equally, of course, the meeting of nations was shaped by the names belonging to the Eastern sovereigns. In 1607 the English East India Company requested from James royal letters to the various Eastern princes, each written according to his own particular style: "The most puissant Prince . . . of Suratt"; "The Highe and Mightie Kinge of the Molloccos"; "The Right Honorable the Sabander of Luntor."¹⁴⁰ The differences between such names mark the priority of the local for the mercantile

encounter. Unsurprisingly, this concession to the local was often controlled even as it was articulated. When James sent a letter in 1604 to “the greate and mightie kinge of Bantam, & of the dominions and territories adjoining,” he was acknowledging in that name a sovereignty like his own, a royal identity necessary to British trade. But James did not, as he would in the case of Spain or France, refer to this royal alternative as brother, an omission whose significance is noted at the bottom of a copy of the letter preserved in the first Letter Book of the East India Company: “Note that the Kinge writeth him not brother.”¹⁴¹ The familial is too prestigious, perhaps, or too perilous a mark. Like Prince Pericles’s recognition as suitor that the names Antiochus offers him are dishonorable, or like his elevation of his future son-in-law Lysimachus, James’s linguistic negotiation established, as favorably as it might, the terms of the contractual, imaginary line that was to serve a newly complex *imperium* by preserving an integrated sovereign self across distance, even as that self was dispersed.

MARINE EFFECTS: LIMIT BELONGING

In the plot that sees Pericles’s submission to alternative powers reinscribe the source of his own authority, water is both medium and actor. When he abandons Tyre, his delegation of authority to Helicanus is mirrored by his abandoning land and law in favor of a sea and nature to which even kings are subject: “Wind, rain and thunder, remember earthly man / Is but a substance that must yield to you, / And I, as fits my nature, do obey you” (2.1.2–4). Yet the waters that here bereave Pericles “of all his fortunes” (2.1.9) also return to him the armor (already rusted) that admits him to Simonides’s court and ultimately to a royal and international marriage. If the sea becomes the deep source of Pericles’s reconfigured authority, it is also the narrative engine for the romance plot, in the sense that the sea delivers onto the play’s coasts the various devices that allow the plot to advance: Pericles’s waterlogged body and then his armor in Pentapolis; Thaisa’s coffin in Ephesus; the pirates that rescue Marina from Tarsus only to transport her as a slave to Mytilene’s brothels. The margin of the sea is the play’s most potent topographic symbol and topological reality, marking, for example, the place Dionyza intends to use against Marina: “O’er the sea-margent / Walk with Leonine” (4.1.25–26).¹⁴² In the poem that Pericles includes in Thaisa’s coffin, he meditates on the place where sea and land meet: “*Here I give to understand / If e’er this coffin drives a-land / I King Pericles have lost / This queen, worth all our mundane cost*” (3.2.67–70). Cost is Pericles’s worldly fortune, but also his coast. And

the message means that Thaisa's death is deterritorialization in the extreme, the sea's overpowering of the very idea of that land he imagines the coffin reaching.

The play thematizes the coast or liminal shore according to a legal vocabulary that organizes the indefinable limit between land and sea by distinguishing among kinds of property derived from the sea. When Cerimon's servant says of Thaisa's coffin that the sea "Did . . . toss up upon our shore this chest; / 'Tis of some wreck" (3.2.50–51), his supposition that there has been a shipwreck identifies the chest itself as *wreccum maris*, goods that John Cowell notes belong by common law to the monarch: "This wreck being made, the goods that were in the shippe, being brought to land by the waves, belong to the King by his prerogative. And thereupon in many bookes of our common lawe, the very goods, so brought to land are called wreck."¹⁴³ At common law, in other words, it is not so clear as Cerimon suggests that the gold he hopes to find in the chest is his at all: "If the sea's stomach be o'ercharged with gold, / 'Tis a good constraint of fortune / It belches upon us" (3.2.56–58). Fortune is, perhaps, what one makes of it.

The second point is that the sea is said to "toss up" the chest, an important detail in light of the decision in *Sir Henry Constable's Case* of 1601, in which Constable brought an action of trespass against one Gamble. Constable had inherited from his father a grant of wreck (by letters patent) in a manor on whose shore goods, comprising twelve shirts and five cloaks, were found between the high and low watermarks ("*inter fluxum & refluxum maris*"). The goods had been seized by Gamble on behalf of the Lord Admiral, and the question was whether these fell under the Admiral's jurisdiction or, as Constable argued, the common law's (and thus, according to the grant, his). As reported by Coke in 1605 in the fifth part of his *Reports*, the court defined *wreccum maris* exclusively as those goods driven onto the shore by the sea (over which consequently the Admiral had no jurisdiction)—this in contradistinction to those goods that did pertain to the Admiral as, variously, *flotsam*, *jetsam*, and *lagan* (or *ligan*). The distinction among these other categories involves the nature of the sailors' intention for the goods, *flotsam* being goods that float off a wrecked ship; *jetsam* being goods thrown overboard in an effort to save them, notwithstanding which the ship perishes; and *lagan* being goods that would sink to the bottom of the sea, so "*ponderous*," as Coke writes, "*que ils sink al bottom, & les maryners al intent de eux reaver [re-avoir] lye a eux un boye, ou corke, ou auter tiel chose, que ne voet sinke, issint que ils poient trouver eux arrere.*"¹⁴⁴ Thus when Cerimon notes that the chest is "wondrous heavy" (3.2.53) and closely "caulked and bitumed" (3.2.59), and asks "Did the sea cast

it up?” (3.2.53), his remarks seem to depend on the distinction between wreck and, specifically, lagan. The scene further complicates the coffin’s proximate legal history when, having discovered Thaisa’s body within, Cerimon wakes her, since neither wreck nor floating goods were said to be forfeit should any living creature at all escape the wreck and reach shore alive: “*si home, chien, ou chate, escapes vives.*”¹⁴⁵ In waking Thaisa, Cerimon is undoing the basis of the property claim that up to that point has energized the coastal scene and the characters’ shared fantasy.

As opposed to Thaisa’s chest, Pericles’s armor is brought onto the shore in a net by fishermen in Pentapolis, and thus, oddly, as both a kind of lagan and wreck. Through their labor, the fishermen blur the boundary between wreck and floating goods, converting the latter form of property into the former. In so doing, they become imperial agents in the manner of John Bate, whose imported currants could similarly be said variously to *belong* according to where they variously were. In a familiar imperial move, after identifying the armor as his own, Pericles nevertheless defers to those who recovered it, and instead of claiming it by right—he is alive and the armor was his—indicates that he means to “beg of you, kind friends, this coat of worth” (2.1.132). One fisherman gladly surrenders the armor, but another makes a strikingly direct ethical claim that, in light of the difficulty of categorizing property at the shore’s edge, seems also to be a legal one: “Ay, but hark you, my friend, ‘twas we that made this garment through the rough seams of the waters. There are certain condolences, certain vails. I hope, sir, if you thrive you’ll remember from whence you had them” (2.1.144–48). Finally, in one of the play’s most cogent legal moments, as the pirates steal Marina from the “sea-margent” where Leonine means to kill her, one of them shouts, “A prize, a prize” (4.1.89), thus technically claiming her according to the laws of war and the *ius gentium*. The point here is not only that Marina is made into property, but also that the pirates are claiming jurisdiction at the sea’s margin, just as the Admiralty had done in *Sir Henry Constable’s Case*. (In that case the decision, against Constable, was that between the high and low water marks, although the soil pertain to the manor, the common law and the Admiral have “*diversum imperium*,” sharing jurisdiction “*interchangeablement*” depending on the ebb and flow of the sea.)¹⁴⁶

The shore is a place, then, whose topography vividly makes belonging a difficult problem for adjudication. The play’s analysis of the difficulty reaches its culmination in the representation of Marina’s political and ethical subjectivity, the play’s most complex achievement. If Pericles’s travel disrupts the clarity of jurisdictional boundaries, Marina, born as she is on the ocean, resists

legal categorization altogether. Shakespeare makes this point in topographical terms in Marina's riddling response to her father's question as to her origins:

Pericles: You're like something that—what countrywoman?
Here of these shores?

Marina: No, nor of any shores.
Yet I was mortally brought forth and am
No other than I appear.

(5.1.93–96)

To be born on the sea is to belong to no shore. Marina here posits an identity split off from the categories that territorial law requires to make sense of the world. In Pentapolis, Pericles is repeatedly designated as foreign, a “stranger” (for example, 2.2.41, 2.3.65), but it is Marina who is the play's most perfect stranger, in the sense that, strictly speaking, the circumstances of her birth make her foreign to place in general. To Pericles's question, “Where do you live,” Marina replies, with general force, “Where I am but a stranger. From the deck / You may discern the place” (5.1.105–6).

The ocean is a place, but not. Caught between a double negation—no, not from Mytilene nor from other shores—Marina is unable to express her origins because her origin is a place of nonbeing. That is why she can punningly say that she was “mortally brought forth,” this being a direct reprise of Lychorida's sense, at the time of Marina's birth in the storm, that the sea, for those who can sense it, is for dying: “Here is a thing too young for such a place, / Who if it had conceit would die” (3.1.15–16). Yet Marina's claim that nevertheless she is “no other than I appear” insists on an integral identity in spite of her territorial and ontological estrangements. Like the ocean itself, Marina poses a problem for law's normativizing account of belonging even more extreme than that posed for the common law by the liminal space of marine ebb and flow. Politically, Marina is her father's daughter, and, even more than he does, she stands for a relation to place antithetical to that instantiated by the play's various sovereign authorities. Take, for example, Lysimachus, Marina's future husband, and his response to Helicanus's request that he identify himself:

Helicanus: First, what is your place?
Lysimachus: I am governor of this place you lie before.
(5.1.17–18)

In addition to the quibble on office and geography, the exchange indexes the sovereignty effected through territorial division only so as then to subordinate

it to the topological relation of place to *non*place, of Mytilene to the sea that, in contrast to Lysimachus's place, Helicanus and Pericles are said to occupy. It is this latter space (which is, we might say, always "before" or "this side" of place) that Marina radicalizes as the source of her own strange identity.

On land, the tragicomic brothel reconstitutes for Marina the sea's displacing energies. Marina's charged relation to her estrangement in these rooms is nowhere clearer than in Lysimachus's failed seduction of her. Eager only to possess her, Lysimachus urges Marina not to fear his power and position, and instead to split his natural from his political body, not least because, as the play teasingly implies, those bodies are differently sensed and one of them is fully unequal to the occasion: "my *authority* shall not *see* thee, or else look friendly upon thee. Come, bring me to some private place. Come, come" (4.5.83–95, emphasis added). But these comic lines are also exceptionally dark. "Place" works here as a generic, a lexical cue for the scene of prostitution that the law both puts in place and disavows. The play repeatedly designates the brothel in this way, with a cumulative pressure that makes the placedness of the word disappear into emptiness, a frightening particularity that is also empty of specific content: "such a place as this" (4.5.2); "a place of such resort" (4.5.84–85); "this unhallowed place" (4.5.104); "this place" (4.5.183). Lysimachus asks, furthermore, for privacy, a category that in relation to place functions for him as the promise that here, in this place, his desire to possess her can be fulfilled, but for Marina as the danger of entering a zone of *privation*. Marina refuses. As the source of her identity, nonbeing is exactly not its site. In this equation she resembles her father, whom the generative sea is forever returning to the places of his story. The small exchange between Marina and her future husband thus parodically amplifies Marina's self-absenting from shore and territorialized space as the very condition of her integral self-belonging.

Displaced and yet in space, Marina is a creature of the limit itself. To say, as she does to her father, that she lives "Where I am but a stranger. From the deck / You may discern the place" insists on her liminality as foreigner but also on the foundational liminality of her origins. For the act of discernment that allows Pericles to locate the "honest house" where she now teaches the citizens of Mytilene is not reversible, given that the place of her birth on the water must remain, from whatever perspective, indiscernible and undifferentiated. In the terms I have charted out in *Cymbeline*, where the spatio-temporal threshold is the place from and on which to gain perspective, here the *distended limit* of the ocean is that which, conversely, cannot be seen. No one in the play inhabits space (although not place) more fiercely and privately than Marina, for the reason that the public belonging against which Lysimachus measures his idea of the private is not hers. Child of the sea as she is, this lack is also the

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source of her peculiar authority, a relation to self and ground that identifies her as exemplary daughter to her father, whose sovereign reach is similarly produced as the limit disruption of a singular identity and, insistently, its re-integration as sovereign potential.

It is not coincidental that the *literary* authority represented in the play is similarly produced out of the negative: “To sing a song that old was sung / From ashes ancient Gower is come” (1.0.1–2), the play’s choric ghost announces. Mullaney locates in Gower’s old tale, “forever timely and uncontaminated by historical or cultural contexts,” Shakespeare’s attempt to define a theater that is itself “free from history and from historical determination.”¹⁴⁷ Locating the same vivid authorizing energy in culture itself, Jeffrey Masten has excavated the play’s complexly patriarchal account of literary and political authority, as both are fashioned in tension with the erotics of family and friendly dramatic collaboration.¹⁴⁸ I want to bring these two accounts of Gower’s authorizing presence together by noting how dramatic authority in the play is imagined as a radical potential inside Gower’s poetic authority: as with Marina’s impossibly deterritorialized identity, to come from ashes is to come, phoenix-like, from a version of mortality that is yet rich with potential. *Pericles* identifies jurisdictional heterogeneity as the source of the prince’s reconfigured and tragic *imperium*, as the source of his daughter’s comic resistance to the dangerous houses she falls into, and as the source of the deterritorialized identities that the play constitutes in Pericles as his waiting and in Marina as the privacy of her estrangement. In negotiation with the concept of jurisdiction that everywhere subtends the play’s thematics, the same plurality through which authority and ontology are destabilized so as to find themselves in newly concentrated form makes “Gower” possible, makes possible the poet’s flight across distance onto a *stage* enlivened, as by an author, by the play of history against the space of what remains unseen.