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"THE LORD THAT COUNSELED THEE TO GIVE AWAY THY LAND": THE WARDSHIP CONTROVERSY IN THE FIRST QUARTO VERSION OF *KING LEAR*

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BRIDGET M. BARTLETT

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“THE LORD THAR COUSELED THEE TO GIVE AWAY THY LAND”: THE WARDSHIP CONTROVERSY IN THE FIRST QUARTO VERSION OF *KING LEAR*

A THESIS APPROVED FOR THE DEPARTMENT OF ENGLISH

BY

Dr. David Anderson, Chair

Dr. William Endres

Dr. Daniel Ransom

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Table of Contents

Abstract v

Introduction 1

Background 3

Evidence the Play Concerns the Wardship Controversy 8

Instability and Disrupted Familial Bonds 8

Callousness and Corruption 12

Future Poverty 16

Pity and Identification 18

Expanding Pity 19

Drawing Attention to the Need Underlying Wardship 22

Willfulness 24

Edgar's "Good Pity" 25

Lear's Humble Acceptance "Good Pity" 26

Albany's Unproductive Pity 27

Conclusion 28

Abstract

This thesis argues that the 1608 First Quarto (Q) version of William Shakespeare's tragedy *King Lear* responds to then-ongoing popular agitation in England against the institution of wardship. Q implicitly affirms routinely-made complaints about wardship routinely but also implicitly critiques the popular agitation against the wardship system for failing to recognize the importance of wardship. After providing background information on the unpopularity of wardship, this thesis details ways in which Q references and reiterates common critiques about wardship and then explains how Q ultimately emphasizes the goodness and importance of having a system for providing care and guidance to those who lack the wisdom or rationality needed for independence.

"What reason (saies one to his friend) has your Lord to keepe a foole? He hath no reason at all, answered the other."

-- *Iests to Make you Merie*, Thomas Dekker and George Wilkins, 1607

Introduction

The above jest alludes to the medieval and early modern European practice of keeping a person with an intellectual disability, or a "natural fool," as a member of a wealthy household. Although there were general expectations about the role a natural fool was supposed to play in a home or at court, natural fools were fundamentally kept out of charity on the understanding that they lacked the rationality and wisdom they would need in order to live safe and productive independent lives (Otto 5, 32-33). One of the roles both natural fools and non-intellectually-disabled professional fools, or "artificial fools," could play was that of an "antiflatterer" with license to point out the faults of a king or other leader (Hager 290; Prentki 14-15). The Fool in Shakespeare's *King Lear* is a licensed "antiflatterer" who relentlessly suggests that his king is a genuinely foolish person who cannot live independently and fend for himself.

During Shakespeare's lifetime, an intensely unpopular legal body called the Court of Wards and Liveries[1] was responsible for overseeing, and delegating responsibility for, the affairs of individuals who owned property but were regarded by the law as incompetent (whether because of age, intellectual disability, or mental illness) to make their own decisions about their lives and assets. The primary objective of both the Court of Wards and countless individuals whom the Court made guardians was to make a profit (Bell 18-19, 114, 119-20, 122-23), and the

[1] Frequently called merely the Court of Wards. The Court of Wards ceased to function in any capacity in 1642 (Bell 150), but the institution itself was not legally done away with until 1660 (166).

Court of Wards and the wardship system in oversaw were frequently criticized for not prioritizing the welfare of wards and the protection of their property (18-19).

Emotionally-charged condemnations of mistreatment and exploitation within the wardship system appeared within a decade of the Court's creation in 1540 (Hurstfield, "Corruption" 32) and continued to mount as the sixteenth century progressed, but the height of outrage at wardship and the Court coincided with much of William Shakespeare's career. Several critics have, in fact, noted the significance of the wardship controversy in relation to *All's Well that Ends Well* (ca. 1598-1608) (Ellerbeck; Harmon, "'Lawful Deeds;'" Ranald; Reilly; Shin), and Terry Reilly has linked the comedy specifically to an unsuccessful 1604 attempt by some members of Parliament to abolish the Court.[2] The 1604 push to do away with the Court of Wards failed, but agitation against it persisted and much of the outrage, if not all of the problems, associated with the Court were ameliorated in 1611 when King James I issued the "Instructions and Directions given by His Maiestie, under his Great Seale of England, Bearing Date the 9. Day of Ianuary 1610. to the Master and Counsell of the Court of Wards and Liveries."[3] When Shakespeare's play *King Lear* first appeared in print, it was in quarto form as the *History of King Lear* in 1608 – after the failed attempt at abolition but before the 1610 reforms quelled public agitation. *King Lear* features a mad king and shows how disaster can happen when people are separated from their families, cut off from their inheritance, not guided by good counsel, or not afforded the basics needed for survival. With these facts in mind, I argue that in the First Quarto version of *King Lear* (Q) Shakespeare sympathetically acknowledges the injustices popularly

[2] See also Heather Dubrow's discussion of guardianship and *Richard III* and Patrick H. Murphy's argument that *Venus and Adonis* comments on its 20-year-old dedicatee's then-ongoing efforts to delay and ultimately avoid a guardian-arranged marriage until he turned 21 and would be free to choose a spouse for himself. See Pauline Croft for a detailed account of the unsuccessful push for legislative change in 1604.

[3] Until the adoption of the Gregorian calendar in 1752, Lady Day (March 25) marked the official beginning of the new year in England. By modern dating, the "Instructions" actually date from early 1611.

associated with the wardship system but also stresses the importance of having a way to provide the immature and irrational with protective and caring guardians. Q implicitly suggests that the popular agitation against wardship and the Court of Wards was unproductive, wrongly focused on resenting the wardship system instead of encouraging, and recognizing the importance of, good guardianship.

Shakespeare makes this moderating argument in Q in two steps. First, Q implicitly concedes the validity and gravity of frequent criticisms of the wardship system; throughout Q, textual evidence echoes the complaints and worries about wardship expressed in contemporaneous criticisms. Second, Q implicitly critiques popular criticism of wardship; Q challenges a tendency in wardship-related complaints and criticisms of the late sixteenth and early seventeenth centuries to stew in resentment by reminding the audience that all human beings are weak and need guidance and assistance. Q expands audience identification with wards to more vulnerable, ostensibly less relatable individuals so that audience members are made aware of human being's need for, and responsibility to, one another.

Background

The Court of Wards and Liveries was created in 1540 to handle the increasingly high number of transactions resulting from a scheme aimed at transforming the obsolete feudal institution of wardship into an income source for the English crown (Bell 2). The Court of Wards and Liveries generated revenue through sales of wardships (that is, allowing people to purchase the right to be an individual's guardian and control the individual's property) and the accompanying rights to decide whom the wards would marry, through the leasing of wards' lands, and through the collection of fees and fines charged for partaking in the various stages of the sundry transactions handled by the court (Bell 36; Hurstfield, "Lord Burghley as Master" 98-

99). But, as J. Hurstfield explains, by the late 1500s "[w]ardship had come to mean in practice the authority to seize and exploit the land at the expense of the minor; and his marriage was being sold in the open market" ("Lord Burghley as Master" 95).[4]

The exploitation of wards and their property was recognized as significant systemic problems by 1549 when the Protestant preacher and martyr Hugh Latimer alleged that people were "stealing … wards to marry their children to," with the aim of thereby wrongfully gaining permanent possession of the wards' lands (qtd. Hurstfield "Corruption" 32). Yet it was not until 1611 that James I acknowledged that accusations of wards being treated like chattel and deprived of their inheritance were borne out "by common experience" (1). In the introduction of the 1611 "Instructions," the king acknowledges

> That … the Custody of the bodies and lands of Our Wards, have bene committed to such persons … as … have bene careless of their education, married some in meane places, committed wasts and spoiles upon their Lands, and in the ende have exacted greater summes of money, for the marriages of such Wards, then they ought to have done … And whereas … much of the profit that you [the Court of Wards officials] would have raised for Us, hath bene diverted to divers Sutors and Committees, who by obscuring the trueth of the Wards estate, and by misinforming of the Court therein, have raised greater profit, then was intended … so as, both Wee have received lesse then otherwise Wee should have done, and the Wards found little ease in many cases… (1-3)

Popular attacks on the wardship system did not share James I's concern with whether wardship-related proceedings were contributing enough to the royal coffers, but there was a widespread

[4] The right to make decisions as to the ward's marriage always accompanied a wardship, but, as Bell consistently makes clear, the rights over marriages were regarded as distinct privileges which existed in tandem with the wardships.

impression that minors who were to inherit from a deceased father, or "young heirs" as they were sometimes called (Prior, "George Wilkins and the Young Heir" 34), were suffering because of greed and mismanagement on the parts of both the Court of Wards officials and the guardians. In particular, critics perpetuated a narrative in which a ward endured a youth of exploitation and sometimes neglect which finally culminated in a disastrously unhappy forced marriage and a life of poverty (e.g., Coke; Norden 75; Rastell; Whetstone). A useful example of how perceptions of wardship translated into popular anti-Court of Wards sentiment is George Wilkins's 1607 play *The Miseries of Inforst Mariage*.[5] Like the anonymous *A Yorkshire Tragedy* (1608), *The Miseries* is based upon the true crimes of Walter Calverley (Blayney 477), a drunken, indebted, and unhappily married gentleman who in 1605 murdered two of his children and attempted to murder his wife. [6] Calverley had been a ward when he was young, and while a ward he had been compelled by his guardian to abandon his engagement to a neighbor's daughter and to wed the guardian's granddaughter instead (Lee 265). In Wilkins's dramatic rendering of events, the unhappiness stemming from this 'inforst mariage' is what propels the man's debauchery and, eventually, his plan to murder his family. As a passage from Wilkins's *Miseries* shows, more than love and marital bliss were at stake even when a narrative focused on a ward's marriage. The guardian, Lord Faulconbridge intends for his niece and his ward, Scarborrow, to wed, but Scarborrow reveals that he has already contracted himself to marry another young woman, whom

[5] *The Miseries* was in fact a play in the King's Men's repertoire (Wilkins front cover; Folger Shakespeare Library), and scholars now agree that Wilkins was the collaborator of Shakespeare's who wrote the first two acts of *Pericles, Prince of Tyre* (1608) (Cohen 2866; Potter 2873). Shakespeare would have been familiar with *The Miseries* and aware of its subject matter's richness for dramatists.

[6] "Inspired by" is arguably more appropriate for *The Miseries* than "based upon" is. While Calverley's crimes play out in *A Yorkshire Tragedy*, Wilkins's central character is only able to plan to murder his family before all tragedy is averted at the last moment. Glenn H. Blayney speculates that the extant version of *The Miseries*, with its happy ending, may be a result of revisions to an earlier version with an ending more faithful to the real-life Calverley tragedy (477, 480).

he loves. Lord Faulconbridge's response is to order his steward to travel to Scarborrow's property and

> Fell me his wood, make havocke, spoyle and wast.
>
> *Exit steward*
>
> [*to Scarborrow*] Sir you shall know that you are Ward to me,
>
> Ile make you poore inough: then mend your selfe.
>
> ...
>
> **Lord.** Contract your selfe and where you list,
>
> Ile make you know me Sir to be your guard.
>
> **scar.** World now thou seest what tis to be a ward.
>
> **Lord[.]** And where I meant my selfe to have disburst
>
> Foure thousand pound, upon this mariage
>
> Surrendred up your land to your owne use,
>
> And compast other portions to your hands,
>
> Sir Ile now yoke you still.

Attention is drawn to the great power of guardians to control and even harm wards and their property, and, whether or not real guardians were as vindictive as the fictional Lord Faulconbridge is, the passage does portray rather accurately the unhappiness and financial dangers to which a ward could be subjected by a self-interested guardian. Lord Faulconbridge both threatens to reduce Scarborrow's life to one of poverty at present as a way to pressure him to be obedient to his guardian and marry that guardian's kinswoman, and he warns Scarborrow that he will never take over control of his own inheritance if he is resolute in refusing to marry the spouse his guardian has chosen for him. The situation makes for an emotional dramatic

moment, but Scarborrow's pitiful "World now thou seest what tis to be a ward" reminds us that this was a contemporary social issue which tugged at the heartstrings of many.

The Court of Wards was also responsible for the affairs of those individuals who had been deemed idiots and lunatics (Bell 128; Hurstfield, "Corruption" 31), but these individuals were not considered or discussed in texts attacking the Court of Wards or bemoaning the institution of wardship. The narrative typified by *The Miseries* gave no consideration to the idiots and lunatics under wardship who would almost certainly never marry or gain control of their property, and in the 1611 "Instructions" King James only reminds the Court of Wards officials of their duty to protect the interests of "Ideots and Lunatickes, and their estates" in a single sentence at the very end of a five-page-long preamble sympathetically recognizing the hardships faced by young heirs (5). Idiots and lunatics were technically members of two distinct classes of legally incompetent individuals with differences from one another and from minors in how they were to be treated under the law, but in practice distinctions soon became blurred (Bell 129) and being found by a panel of jurors to be either an idiot or a lunatic resulted in a set of circumstances quite similar to those of young heirs (Bell 129-30; Hickey 137-38n13; Hurstfield, *The Queen's Wards* 75). Wardships of incompetent adults were less profitable since idiots and lunatics almost never married (Bell 130; Hurstfield, "Lord Burghley as Master" 99), and Bell reports that the wardships of idiots and lunatics were attended by fewer potential abuses since marriage and education would not have been concerns for them (130). Still, idiots and lunatics would have been vulnerable to mistreatment in ways a nearly-of-age youth of sound mind like Scarborrow would not have been. Idiots and lunatics were largely ignored in complaints about the wardship system, but, and the latter part of this paper will show, their needs and experiences were far less removed from those of sound mind that was generally supposed. By emphasizing the different

groups' commonalities, Shakespeare draws attention to the folly and impulsivity that unites them all in the need for benevolent guardians.

Evidence the Play Concerns the Wardship Controversy

Before I show why Q ultimately makes a moderating argument which affirms the rightness and necessity of wardship's role in society, it is necessary to show that Q does, indeed, concede or support the arguments and complaints routinely made by the Court's critics. Some of the repeated criticism echoed in Q concern emotional trauma, underhanded and greedy behavior on the parts of both the Court and guardians, wards' future financial and material welfare, and compelled marriages.[7]

Instability and Disrupted Familial Bonds

When William Cecil, Lord Burghley, wrote in 1593 that a proposed law that would have removed the children of recusants from their parents' custody at eight years of age would make the government appear excessively cruel (Underwood 197), he had ample reason to make that claim. Burghley was then Master of the Court of Wards and Liveries and subject to vitriol for the Court's role in, among other things, separating children from their surviving family members (Dutton 355). Two of the most significant changes ordered by the 1611 "Instructions" were that the Court (by then under the mastership of Burghley's son Robert Cecil, 1st Earl of Salisbury) should make some effort to place wards with relatives and that families of young heirs would be given a monthlong preemption following the father's death to gather funds and purchase relatives' wardships before other would-be guardians were allowed to sue for the young heirs'

[7] A major and longstanding criticism regarding wardship which is notably not addressed at length in Q is the complaint that wards were not being provided with adequate educations. This concern for extensive formal educations may well have seemed unimportant to Shakespeare, but see Judith Owens's argument that Edmund Spenser addresses this specific wardship-related issue in Book V of *The Faerie Queene* through Artegal's upbringing by Astraea.

wardships (Bell 117, 137). Until the 1611 reforms, both the mothers of young heirs and male relatives such as uncles rarely succeeded in purchasing their relation's wardship (Dubrow 154; Pinchbeck and Hewitt 62; Roebuck 71), and Bell calls "the young heir being snatched away from his kinsfolk" a "likelihood" when the Court of Wards became involved (115).

In 1589, the writer Thomas Smith explained that a usual belief among the many who disliked the wardship system was that the young heir's surviving relatives "by all reason would have most naturall care to the bringing up of the infant and *minor*" while a non-related guardian would "have no naturall care of the Infant, but of their owne gaine" instead (124, emphasis Smith's). The opening dialogue of Q introduces the notion that there ought to be a secure and nurturing relationship of what Smith calls "naturall care" between parent and child and suggests that something is lost or missing when an approximate relationship lacks such "naturall care." These ideas are shown through the way Gloucester rhetorically denaturalizes his relationship to Edmund. Edmund is not a ward, but the situation of young wards is hinted at through Gloucester's treatment of Edmund's upbringing as an obligation and perhaps an investment rather than as a matter of "naturall care." Gloucester acknowledges that he is Edmund's father indirectly by saying that "His breeding, sir, hath been at my charge" (1.1.8). Gloucester may be responsible for directing how Edmund has been raised and educated in its being "at [his] charge," but the word "charge" carries other senses here, as well. First, the use of the word "charge" can be read as emphasizing the financial cost to Gloucester in providing for Edmund's upbringing. Second, "charge" can be read as implying that providing for Edmund's upbringing was a responsibility with which Gloucester considers himself 'charged,' rather than one he takes on as a matter of course because of "naturall care." Gloucester's description of Edmund's origins further the impression that Gloucester may view his provisions of support for Edmund as distinct

from unquestioned willing support for (legitimate) children. Gloucester frames Edmund as the son of a mother with no husband ("had indeed, sir, a son for her cradle ere she had a husband for her bed") (13-4), contrasts this "whoreson" (22) with his "son by order of law" (18), and even goes as far imagining Edmund as responsible for his own birth by saying that "this knave came something saucily into the world before he was sent for" (20-21)). Gloucester denaturalizes his relationship to, and care for, Edmund by evading responsibility for the young man's birth and existence and by assigning them, instead, to others. By rhetorically presenting himself as someone who takes on the serious responsibility of the upbringing of someone else's fatherless child, Gloucester positions himself as more like a distant and perhaps stingy guardian to Edmund than like his father.

Lear, for his part, begins the play by essentially officiating over the sale of his own wardship. Whatever a guardian did with his ward's lands or money, the ward would nominally still be heir and have any titles he possessed. Further, it appears that the public felt strongly that the ward should be maintained in a lifestyle commensurate with his nominal positions of rank and authority (Lodge; Hall 41). Lear, similarly, keeps "The name and all the additions to a king" while "The sway, revenue, execution of the rest" go to the people who are now actually in charge (1.1.121-22). The idea that Lear has unwittingly limited himself in a bad way is further suggested when Gloucester observes that the king is now, by his own doing, "Confined to exhibition" (1.2.24). "Exhibition" was a term used for a small annuity-like set of disbursements that came out of a ward's income for his own upkeep (Bell 122). By using the word "exhibition" Q suggests not only that Lear is like a ward because he controls land in name only, but also because it associates Lear's situation with the experiences of wards who were only allotted a small amount of the money that was actually theirs.

The problem of young wards being taken from their mothers, in particular, was raised as a major reason for abolition during the 1604 controversy in Parliament over the Court of Wards (Bell 118; Croft 43), and Q alludes specifically to the pain of these partings both because of and in spite of the absence of mothers from the play.[8] Shin observes that *All's Well* illustrates "mothers' powerlessness in the wardship system" through the Countess of Roussillon being excluded from the making of decisions regarding her son's life and future (350). The sense that mothers have no voice or power when their children are in wardship is amplified in Q, a play about fathers and their children, by the complete absence of mothers and, as Stephen Greenblatt notes, of "the alternative authority of a mother" (2317). Cordelia does bear a resemblance to a mother figure, however, when she seeks to protect and care for the childlike Lear. In her final conversation with her sisters before departing with France, for example, Cordelia's words suggest the same maternal powerlessness demonstrated through the Countess of Roussillon in *All's Well*. *All's Well* begins with the Countess expressing her grief at "delivering my son from me" (1.1.1) to be the King's ward and, as her son Bertram adds, "evermore in subjection" to his new guardian (5). Cordelia uses similarly solemn language when she tells Goneril and Regan that she "commit[s]" Lear to them (1.1.261). Additionally, guardians were sometimes called "committees" (Bell passim), and Cordelia sounds rather like a mother being forced to surrender care and responsibility for her child to a guardian when she unhappily "commit[s]" Lear to individuals who respond to her with the harsh words "Prescribe not us our duties" (265).

Wardships were frequently resold one or more times at higher and higher prices after initially being purchased from the government (Bell 119; Hurstfield, "Lord Burghley a Master"

[8] Other members of Parliament reportedly presented evidence that wards were not actually rent from their mothers at a tender age, although Bell writes that this counterclaim is difficult to verify (118), but, whatever the truth, the idea that little children were being separated from their families was believed widely enough and laden with enough pathos to make it a major point in the argument against the Court's continued existence.

96), and Q joins critics of the wardship system in associating wardship more generally with instability and suggesting that that instability is not good for wards. A 1579 law dictionary, for example, explains that when a property owner dies and leaves an underage heir, "the poore childe may bee tossed, and tumbled, chopped and chaunged, bought & sold like a Jade in Smithfild" (Rastell). The change in circumstances following the love test is profoundly upsetting to Lear, who describes this unexpected turn of events as him being "wrenched from [his] frame of nature / From the fixed place" (1.4.252-53). Lear expresses this feeling of being violently and abruptly pulled from a secure and predictable situation after Goneril complains to him about the conduct of his rowdy and undisciplined men. A large part of what seems to drive Lear to the state of frenzied madness he exhibits in the middle of the play is his daughters' demands that he dismiss some or all of his knights. Lear's plans for retirement were suddenly dashed when Cordelia refused to cooperate in the love test. Having given up most of what he enjoyed before announcing his retirement and now not having what he had planned to trade for it, his retinue is all he has that is familiar and loyal.

Callousness and Corruption

Bell emphasizes that wards often faced emotional and even material hardships as a consequence of profit-seeking being the primary motivation to become a guardian and because the expectation that they raise as much money as possible made it impossible for Court of Wards officials to take actions to prevent or stop exploitative behavior on the part of guardians (18-19, 66, 173). The lawful operations of the Court of Wards and its official primary goal of money-making could well have been enough on their own to generate a public perception of the Court as callous and wicked, but these attributes were compounded by widespread awareness of corruption involving Court officials. In particular, the public rightly (Bell 35; Hurstfield, "The

Profits" 58) believed that bribery and favoritism could impact an individual's success or failure in obtaining a wardship (Bell 37). We can see the profit-focused culture of the Court of Wards, evinced in both its legal and illegal dealings, reflected in Lear's love test and in Goneril and Regan's responses to it.

Like the corrupt Court of Wards officially standing for fairness and justice, Lear half pretends that he is giving equal portions to his daughters. But he reveals that he has already decided on giving the richest portion of his territory to his favorite daughter (1.1.73-74) and putting himself in her care (1.1.108-09). The package of choice lands and responsibility for the individual who is to remain the nominal owner of them constitute something very like a wardship, and Lear demands excessive payment for it. Cordelia rightly notes that the extent of love demanded exceeds what is reasonable and that it is unjust for Lear to demand that excessive payment. Where Court of Wards officials may have demanded personal payments that put the total expense of a suitor for a wardship far beyond what he owed in lawful fees and prices (Bell 33), Lear demands grandiose professions of love.

Regan and Goneril's flattery toward the king reflects the corruption and bribery of the Court of Wards and the behavior and ambitions of the social climbers who would essentially try to outbid all others when a wardship was for sale (Bell 58). The requesting and granting of wardships appears to have transpired largely through written correspondence (Jones), but theatre audiences may have imagined such transactions as looking much like Lear's demand "Which of you shall we say doth love us most, / That we our largest bounty may extend, / Where merit doth most challenge it" (1.1.43-45). In addition to suitors for wardships securing a "largest bounty" by dishonestly paying undue sums of money to court officials, the granting of wardships as rewards or in exchange for bribes, or where an official felt that "merit" warranted such a gift, was another

variety of corruption found in the Court of Wards's activities (Bell 58; Hurstfield, "Corruption" 34). Regan and Goneril, on the other hand, win Lear's wardship to their "professed bosoms" (261) by complying with the unfair system of bribery and personal favors.

It is possible that the favoritism we see in Lear's love test is what Lodge and Coke each had in mind when they cynically referred to wards being "begged by" people interested in gaining custody. In the Middle Ages – before idiots were under the purview of the Court of Wards - 'begging a fool' had long been the term use to describe the act of an individual courtier or noble asking the king to grant him custody of an idiot and ownership of the idiot's property (Billington 33; Otto 33). Though the term appears to have ceased to be used formally around the time of this change, it remained a part of the popular lexicon and continued to appear in texts such as jestbooks well into the seventeenth century (e.g., Wit *and Mirth Chargeably Collected* by John Taylor in 1628; *Poor Robin's Jests* by "Poor Robin" in 1667). Goneril brings both the formal medieval use and the derisive early modern use to mind when she calls her ward-like father foolish and says that she "will take the things she begs" (1.4.232) when she struggles to have him comply with her wishes.

The Fool's reference to begging fools or wards earlier in the same scene suggests that Goneril and Regan have far more power over Lear than Goneril lets on, and her use of the word "begs" seems sneaky and dishonest in the wake of the Fool's lines about begging. The Fool enters mimicking Lear giving money to "Caius," but the Fool's commentary is not merely about payment for services. In addition to denoting the distinctive cap or hood of a fool, "coxcomb" also sometimes served as a metonymy for a fool or jester. Kent has remained in the kingdom in order to serve and, ideally, counsel Lear. Lear once again gives himself away to another's care when he commits to being served by "Caius" by paying him ahead of time for his service. The

Fool likewise entrusts a coxcomb to this hireling. The Fool then makes the point that Lear is the coxcomb, or fool, he is committing to another's care quite clear by repeatedly implying that Lear is a fool. The following lines are of particular importance.

> The lord that counseled thee
>
> To give away thy land,
>
> Come place him here by me;
>
> Do thou for him stand.
>
> The sweet and bitter fool
>
> Will presently appear,
>
> The one in motley here,
>
> [*pointing to* LEAR] The other found out there. (1.4.128-35)

In this little song, the Fool identifies Lear as both a fool and "The lord that counseled [himself] / To give away [his own] land" (1.4.128-29). In other words, the Fool calls Lear a fool and connects his being a fool to his giving away of his lands and (at 1.4.137) his titles. Having established Lear as a fool whose person and property can be begged of the monarch, the Fool uses a reference to "begging a fool" to help show that Regan and Goneril are now the ones who hold power. The Fool implies that Lear has gotten himself in a situation like that which might be experienced by a young heir by telling Lear that "thou mad'st thy daughters thy mother" (1.4.157-58). Their power is shown to extend even further when the Fool gives away his 'coxcomb' and tells Lear to "beg another of thy daughters" (I.iv.99-100). Again, Goneril appears dishonest when she speaks of "tak[ing] the things she begs" (I.iv.232) as though she is left with no option but to forsake more humble conduct for force since the Fool has already pointed out that she and Regan actually have the power and authority now.

Future Poverty

Reaching the age at which a young heir could begin the process of working towards gaining control of his property by no means meant that an heir transitioned easily to secure financial independence. The large fine imposed for refusing to marry as directed while in wardship could "for ever keepe your fortunes weake," as a sympathetic but powerless kinsman explains to Scarborrow in *The Miseries*. Moreover, an heir had to elect to go through the expensive process of 'suing his livery," which entailed multiple stages of transaction and as many fees (Bell 15, 36; Hurstfield, "Lord Burghley as Master" 98-99). Wards did not automatically gain control of their inheritance when they came of age, and they never would get it if costs or other factors prevented them from successfully suing their livery. Smith writes that opponents of wardship believed that, in cases in which the former ward did successfully gain control of his inheritance,

> hee who had a Father, which kept a good house, and had all thinges in order to maintaine it, shal come to his owne, after he is out of wardshippe, woods decaied, houses fallen downe, stocke wasted and gone, Lande let foorth and plowed to the baren, and to make amendes, shall pay yet one yeares rent … and sue [for his lands], beside other charges, so that not of many yeares, and peradventure never hee shall bee able to recover, and come to the estate where his father left it. (125)

The public perceived Court of Wards beurocratic processes as too slow and too expensive (Bell 134-35) as well as heartless (Bell 116, 133, 135), and there was little confidence that good outcomes would result from the system and authorities which were charged with providing guardianship to those who needed it.

Wards often submitted to being *"*maried to whome it pleaseth his garde, wherof ensue many evels,*"* (Rastell) because to refuse meant paying a fine of varying and apparently arbitrary, but always large, sum of money to the guardian or else never being able to gain possession of their inheritance and being banned from their own lands (Bell 125-26). The Fool's pun on Kent's words "altogether fool" (1.4.139) serves as a critique of the loss of lands fools and others in the wardship system were liable to face. In saying that "lords and great men will not let" him have a monopoly on folly, and if he had such a monopoly "they would have part in't, and the ladies too. They will not let me have all the fool to myself" (1.4.140-42). The Fool indicates how motivated guardians could be to cheat their wards and gain permanent control of a ward's lands, even referencing the role of unwelcome marriages in permanently securing wards' property by adding "and the ladies too."

Edgar and Cordelia's experiences of dispossession resonate most clearly with the narrative, perpetuated by *The Miseries* and other texts from the years preceding the 1610 "Instructions," of the unjustly treated young adult ward. Both Edgar and Cordelia are ordinary young people who seem likeable and virtuous, and both unjustly lose the privileges and comforts that their fathers' "naturall care" should afford them. Cordelia's dedication to maintaining integrity with regards to her affections and Lear's response dispossessing Cordelia and angrily telling her "Then thy truth be thy dower" (1.1.93) strongly resembles Lord Faulconbridge's "Contract your selfe and where you list" and retributive material deprivation of Scarborrow when Scarborrow wishes to remain true to his desired future spouse. And Edgar is disinherited, and his "name is lost, by treason's tooth / Bare-gnawed and canker-bit" (5.3.117-18). The experiences of Lear and other characters, however, are also linked to the plights of wardship, and

those less obvious connections offer deeper insights into the realities of the institution of wardship.

Pity and Identification

Commiseration with wards like Wilkins's Scarborrow is an effect but not an end in itself in Q. Extant texts from the period show that fellow feeling for likeable young heirs already existed, the considerable amount of scholarship on the role of pity in *King Lear* shows that the play treats the feeling in a deep and probing way. Despite all the understanding Q shows for the complaints made by critics of the wardship system, the play does not settle on resentment of the powerful or a simple rejection of guardians and the role they play, as other texts from the period do. Rather, Q portrays wardship as a necessity connected to other people and a Christian worldview, and it ultimately calls for a reorientation of wardship-related criticism from focusing on stewing over the existence of suffering and on resenting the powerful and towards a benevolent paternalism highly conscious of the need all humans have for guidance and protection.

This paternalistic kind of compassion is what Edgar calls "good pity" (4.6.211). It is frequently accepted among critics (St. Hilaire) that Edgar develops the capacity for "good pity," and that Lear develops something similar or identical, by gaining what Geoffrey Aggeler calls a "heightened awareness of human depravity… as well as a growth in understanding of human vulnerability and how man's sins expose his bestial nature" (322). Recalling, as this awareness does, the idea that all human beings are utterly helpless creatures who must rely on the guidance and salvation given by a loving and benevolent God, "good pity" is humbling even as it implies power and responsibility in the one doing the pitying. It is out of love that "good pity" seeks to check the impulses toward bad behavior made present by original sin or folly. It calls on

everyone to recognize the existence and interconnectedness of humans' responsibility to those who are weaker while in turn reminding them that they, too, are weak and dependent. This sense interconnectedness of responsibility and human wretchedness relies on identification of the powerful with the vulnerable, and Q encourages this identification and the resultant recognition of a common human neediness by blurring categorical distinctions that could prevent people from feeling deep empathy with others. Regan tells Gloucester that Edmund "is too good to pity" him (3.7.89), but Q shows that no one is so good or superior that they cannot identify with the wretchedness of other people.

Critics, whether reading *King Lear* as a play about the positive moral development of its central characters or as something communicating a more cynical message to the audience, agree that developing empathy for the poor and marginalized is a moral victory achieved over the course of the play (St. Hilaire 483). Q encourages the audience to recognize the foolishness and vulnerability in themselves and the play's highborn characters at least as much as it encourages us to see the respect-deserving humanity of more dignified characters in madmen. The characters who rave and suffer on the heath during the storm confuse distinctions between mature, competent individuals, on the one hand, and various categories of legally incompetent individuals, on the other, and they are also associated with an essential humanity.

Expanding Pity

Q draws attention to the commonalities of all people most clearly through characters' observations that humans are all creatures with the same animal-like needs and vulnerabilities. Clothing, an indicator of a person's rank and role in society, is repeatedly referenced in Q as something which obscures the baseness of its wearer more thoroughly the finer it is. But Lear points out that clothing and the order and comforts of civilization which they represent are but

accommodations (3.4.94) and "lendings" (96). "[T]he thing itself," (3.4.93-94) – the essential human – is invariably what nakedness reveals it to be. Humans are reminded at once of both original sin and the natural flaws of their physical existences by that same nakedness Adam and Eve felt compelled to hide. Q takes advantage of that connection, using both literal nakedness and other forms of exposure to reveal the common wretchedness of all persons.

Q challenges barriers specifically to identification with idiots and lunatics by drawing attention to the permeability of distinctions between the mentally competent and incompetent. Allison P. Hobgood and David Houston Wood write that "perfect somatic balance - known as eukrasia - was a method for denoting typical human functionality in the Renaissance, even as it anticipated the impossibility of individuals ever fully measuring up" and explain that "inevitable deviations from a psychophysiological standard" could and did impact anyone – citing Romeo and Orlando as examples of "ostensible normates" who "are nonetheless often given over, among other things, to deviant passions and wildly vacillating humors" (33). In Q, Lear seems to drift in and out of madness, the Fool's status as a natural fool (an idiot) or an artificial fool is unclear, and it seems possible that the 'ostensible normate' Edgar may slip into actual insanity as some suspect Hamlet does when he assumes his "antic disposition" (1.5.173). Lindsey Row-Heyveld has noted the prevalence of idiocy, lunacy, and ambiguous mental difference – frequently accompanied by some degree of uncertainty as to whether the mental affliction is wholly genuine, wholly affected, or somewhere in between those two poles – in early modern revenge tragedy, and she finds that these conditions played an important role of making such plays more tolerable for audiences by injecting scenes of violence and cruelty with moral ambiguity and diminished culpability (74). Revenge tragedies are predicated on the very sense of retributive justice which St. Hilaire identifies as something which is interrogated and critiqued in

King Lear and against which several critics have pitted the play's vision of pity (495). The lack of clarity as to whether any given decision made by Lear is a sinful act of pride and selfishness or an innocent, though destructive, result of the natural forces causing madness creates a lack of clarity between acts of madness being compelled by a physical or psychological affliction and sinful acts being compelled by the affliction of original sin.

Q is full of suggestions that minor wards have needs and limitations, as well as experiences, like those of idiots and lunatics, and creating a link between the mental and moral flaws that can cause poor decision-making or bad conduct helps Q emphasize the immaturity of young heirs because young wards would be considered able to sin long before the law deemed them mature enough to be trusted to make wise choices. As the above discussion of the allusions to "begging a fool" in Act 1, scene 4 helps to illustrate, Q hints strongly at the plights of mentally disabled wards. The Fool references being found incompetent during adulthood at least as much as he refers to children having guardians when he implies that Lear is a half-wit because he "hast pared [his] wit o'both sides, and left nothing i'th' middle" (1.4.171-72). The line suggests that Lear made his witlessness evident through a bad decision, and a pun on "pared" gives this line yet more meaning. Like a natural fool granted to a master, each half of Lear's "pared" wit is paired with a controlling daughter. The Fool builds on this pun in his next sentence, when he sees Goneril approaching and says, "Here comes one o'th' pairings" (1.4.172-73). Furthering the sense that a person under wardship lacked freedom or was not his own person are the Fool's suggestion that his "cap would buy a halter" (1.4.304) and his remark that people do not take fools seriously or heed their input if they have things to say about managing land ("Prithee tell him so much the rent of his land comes to, he will not believe a fool" (1.4.122-23)). Besides echoing complaints that a ward was treated "like a Jade in Smithfild" (Rastell) or "an Oxe, or

other Beaste" (Smith 124), the Fool suggests the feeling of constraint and of being controlled by another which Wilkins dramatizes as highly distressing. Once we identify the presence of the idea of idiots and lunatics in the play's subject matter, it is easy to see the grievances of these individuals as being present along with those of young heirs. For example, the Fool's question as to "whether a madman be a gentleman or a yeoman" (3.6.8-9) is absurd because any man found to be a madman is dispossessed; not only is the mad gentleman in circumstances no better than those of a mad yeoman, but the loss of their lands means neither one can properly be called a yeoman.

Drawing Attention to the Need Underlying Wardship

If the audience retains the popular attitude of resentment towards guardians, the Court of Wards, and the cruelties of both and they learn to see that wrongs are also done to helpless idiots and lunatics, the mock trial on the heath promises to be gratifying. By reversing the usual roles and allowing the marginalized to hold their oppressors accountable, the trial is poised to do a kind of fierce protest work. The injustices of guardians and the Court of Wards is made almost literal when Goneril and Regan are tried by the court in absentia, with no ability to defend themselves or speak on their own behalves. Even Lear's calling Goneril and Regan "she-foxes" (3.6.17) points toward a satisfying and straightforward attack on the status quo and the powers that be. Richard Dutton has traced the use of the sobriquet "Fox" for both members of "what was often characterized as the *regnum* (or *imperium*) *Cecilianum*" (Dutton 357); that is, the great power and numerous offices (including that of Master of the Court of Wards and Liveries, which was the most criticized, according to Dutton (355)) held first by Lord Burghley and then by his son Robert Cecil. The fox reference, then, may heighten the sense of an attack on those with power in the wardship system by alluding specifically to Robert Cecil, who was Master of the

Court of Wards and Liveries when *King Lear* was composed - and possibly to negative attitudes about the Cecils' power and use of it.

As Roger Warren notes, however, the mock court officials derail their own proceedings, "laps[ing] from their 'judicial' roles to the other roles which they habitually play" (46). "Poor Tom," for instance, responds "Let us deal justly" when charged by Lear with hearing Goneril and Regan's trial, but then immediately starts singing (3.6.30-37). These figures of incompetence cannot even maintain the outward show of being responsible and functioning members of the public, let alone reach a just and reasonable ruling. The strange outbursts of those at the mock trial show how little control they have over themselves, and their failure to carry out the process of justice because of their wild impulses suggests that civil society requires both restraint and proxy representation for those who are incompetent.

The mock trial suggests that there cannot be justice when those who can and should oversee the welfare of the legally incompetent do not. Within the play and as a part of it, the mock trial and its degeneration into chaos demonstrate that even the semblance of a just and ordered social system cannot be maintained when the entities with responsibilities towards the most vulnerable members of society fail to fulfill their responsibilities. Harmon, having previously discussed *All's Well* in connection with the wardship controversy, briefly mentions the institution of wardship in a later article on *King Lear*. Harmon explains that the function guardianship was ultimately that the king acted as a "safeguard against" the possibility of the vulnerable being dispossessed and having their lands ruined and argues that *King Lear*, in portraying a king who is himself of unsound mind, is a play reveals that "the legal institution that should protect the forfeiture, the waste, the dispossession, is one and the same as that which has caused the forfeiture, waste, and dispossession: … and there is nothing to stop the devastation

that ensues or the dissolution that results" ("'Slender Knowledge'" 406). As Rebecca Munson has noted, *King Lear* explores the connection between having sovereignty over one's own mind and having sovereignty over a country or territory. What the devolution of the mock trial and the general chaos stemming from Lear's bad decisions show is just how important it is for civil society that more rational individuals serve as representatives for those who are too irrational to make good decisions for themselves and for the people around them.

Willfulness

Goneril and Regan maintain a posture of enforcers of tough love and pious rule-following in their treatment of Lear, and Regan describes the disruptive, impulsive, and uncooperative attitude of Lear in response to them and their rules as "willful" (2.2.469). 'Willful' is, indeed, a helpful word when drawing commonalities between the sinner to needs guidance and salvation from God and the child, idiot, or lunatic who needs guidance and protection from wiser human beings. It was a theological commonplace to suggest that all sins were rooted ultimately in pride because committing a sin meant that the sinner privileged her own judgment over God's wisdom and direction for him or her. People who make poor choices because they are unwise may not be sinning in every case, but they fail to understand, or refuse to accept, that they ought to have their will checked by the guidance and counsel of others.

A common early modern proverb slyly referenced early in the play explains why, according to Q, idiots, lunatics, and minors – and Lear – need guardians. That proverb is "A fool's bolt is soon shot."[9] Lear calls attention to his foolish willfulness in Act 1, scene 1 by expressing his decisiveness in treating Kent harshly for offering counsel with the words "The

[9] In *Henry V* (c. 1599), the Duke of Orlèans not only recites this saying, but also references the fact that it is a familiar proverb (3.8.109-10). Some other instances of the proverb's use by notable writers of the period appear in Robert Greene's 1583 book *Mamillia* (21), Thomas Nashe's 1589 pamphlet "Mar-Martine," and the 1608 version of Robert Armin's jestbook *A Nest of Ninnies*.

bow is bent and drawn; make from the shaft" (127). Goneril and Regan recognize that Lear is afflicted by "unruly waywardness" (1.1.286) and "unconstant starts" (1.1.288). Even Gloucester notes that Lear made his decisions "Upon the gad" (1.2.25). In other words, Lear, like a fool, a lunatic, or a minor, is, indeed, willful.

A dysfunctional court of law such as that performed on the heath serves as an excellent representation of irrationality because being rational means being able to deliberate and judge. Of the mock trial, Derek Dunne writes that "such a trial without the oversight of a jury is of a piece with Lear's earlier refusal to listen to the counsel of others" (523-24). Q emphasizes how dramatics the immediate consequences can be when someone cannot or does not deliberate before making decisions. Recall that the Fool identifies Lear as both a fool and "The lord that counseled [himself] / To give away [his own] land" (1.4.128-29). Rational people can act as guides and counselors to those who cannot make good decisions.

Edgar's "Good Pity"

Edgar learns to be a wise guide for others by evolving out of his own egoism. Though he is never as impulsive as Lear tends to be, Edgar does, as Kenneth J. E. Graham observes, display "scared self-preservation" before suffering makes him aware of the needs of others (452). It is through his experiences with the sufferings of the vulnerable that Edgar becomes "pregnant to good pity" (4.6.209-11). He says as much and does so after speaking at some length about empathy and identification with those who suffer. For evidence that Edgar needed to gain "good pity," Aggeler points to instances earlier in the play in which evil occurs because Edgar, who is the elder brother and so should be the leader and role model, "naively permits himself to be led by Edmund," who is the younger brother (321). By the end of the play, Edgar has developed a new and subtler form of group leadership, which employs intelligence … and changeable role-

play to achieve what bluster or brute force cannot" (Brown 28). Edgar in fact finishes his statement about having "good pity" by directing Gloucester to be led by him (211-12). What I wish to emphasize is how this "good pity" translates into Edgar's new willingness and ability to lead the (literally and, by extension, figuratively) blind with responsibility and good judgment.

Lear's Humble Acceptance "Good Pity"

Although Q does not conclude with Lear becoming a better or more level-headed, king, he still gains a new understanding of human wretchedness and the importance of "good pity." Many critics argue that Lear dies having learned compassion or pity, but Phoebe S. Spinrad claims that Lear "quickly forgets" what he learned if he did learn anything at all (232) and Barbara Estrin argues that Lear reverts to his former tyranny at the end of the play (170-71). Lear, in fact, reveals that he recognizes a new perspective without gaining the ability to behave or think in a wiser way by admitting that he is "a very foolish fond old man" (4.7.62) and "old and foolish" (4.7.86) and by advising Cordelia that he suspects that he is "not in [his] perfect mind" (4.7.64) and that she "must bear with" him (4.7.85). In other words, Lear recognizes that he is not wise enough to make go decisions alone and that he must surrender himself to the rule of a benevolent guardian, a loving lord and savior.

Dennis Brown recognizes that Lear retains an immature willfulness at the end of the play, arguing that "the 'coronet of flowers' emblematises the phantasy nature of Lear's enduring leadership" and noting that "[a]t one and the same time he knows he is not 'ague-proof' and yet indulges fancies of ultimate power" (29). Brown calls this combination of acknowledgment of weakness and persistence in having power "Lear's phantasy-world where the drive toward some ultimate justice has frozen into repetition-compulsion" (33), but progress toward the good is only

necessarily impeded by Lear's foolishness and impulsivity if he exists in isolation. Lear relies on Cordelia, and she, being in her right mind, can guide him and help him pursue the good.

Albany's Unproductive Pity

Although Edgar has learned to exercise a judicious and paternalistic or 'good' pity, the character vested with authority at the end of Q has not done so and his decisions reflect the fact that he still embodies a more emotive form of pity which myopically focuses only on the sorry state of those who happen to be suffering.[10] For all the poetic justice one might ascribe to Albany's plan to give his "absolute power" back to Lear (5.3.294-96), it is a wildly imprudent plan rooted in a bad or unproductive kind of pity which he has displayed throughout Q. Albany embodies the popular unproductive bad pity to which Edgar's "good pity" serves as a corrective.

As Albany's act of poetic justice suggests, this unproductive kind of pity serves to support a satisfying and simple narrative about good and evil. In Act 4, scene 2, Albany identifies character traits or roles or people and then predicts what will occur. Albany tells Goneril that someone who can be so cruel to her own father "perforce must whither / And come to deadly use" (4.2.33-37). He identifies people by roles, calling Goneril and Regan "Tigers, not daughters (4.2.41) and Lear "A father and a gracious agèd man (42). He says that "Humanity must perforce prey on itself / Like monsters of the deep" (50-51). Albany asks Edgar not to continue recounting his story of miseries, saying "I am almost ready to dissolve, / Hearing of this" (5.3.199-200). Albany's highly emotive pity accompanies a tendency to understand the world and its events through established narratives and black-and-white morality.

[10] In fact, although Albany takes on an authoritative posture by announcing his decisions and speaking the play's final lines in Q, he undercuts his own power (as Lear did in Act 1, scene 1) by using that power to give it away – first to Lear (5.3.294-96), and then to Edgar and Kent (315-16).

Albany's reliance on established stories, along with his emotional criticisms of cruelty other characters justify and rationalize, may explain why Goneril interrupts his Act 4, scene 2 criticism and predictions with the strange remark "No more, the text if foolish" (38). Like those who complained about the wardship system, however, pointing out specific faults and suggesting that they should not exist are all that Albany does for the most part. Shakespeare implicates those who participate in resentful criticism of the Court of Wards in Goneril's perceptive comment that Albany is "a moral fool, [who] sits still and cries, / 'Alack, why does he so?'" (4.2.59-60). Feeling bad for wards and feeling bad about their situations only ignores the need to provide minors and others with poor judgement with generous and benevolent guardians.

Conclusion

Of *All's Well*, Hiewon Shin writes that while "[t]he King's severe treatment of Bertram reveals cultural fear about the wardship practice," the King is ultimately figured as "a capable guardian to Bertram, a guardian who is able to choose a suitable match with inner virtue for his immature ward" (352).[11] Q echoes *All's Well* in stressing that wards cannot be trusted to make wise decisions for themselves and that the control and guidance of a careful, thoughtful, benevolent guardian can be crucial in establishing the very long-term stability and happiness wardship so often seemed to obliterate.

Edmund's mockery of "whoremaster man" for blaming external forces or environmental factors for an individual's bad behavior may well be a jab at the outlook put forth by Wilkins, who seems to have run a brothel (Prior, "The Life of George Wilkins" 147, 148, 151), by blaming familicide on the miseries of wardship. Q responds to far more, however, than Wilkins'

[11] Shin proposes that *All's Well* may be ambivalent about the goodness or badness of wardship because a strictly negative treatment of the institution might be ill-suited to a comedy (347). The similar emphasis on the importance of wise guardians for the foolish and immature in Q suggests instead a consistent moderate stance on Shakespeare's part.

own use of plot or characters. *The Miseries* dramatizes the common beliefs about the evils of the wardship system, but Q interrogates those commonly held ideas and reminds audiences that the premise behind assigning the unwise to wiser guardians is sensible and important. Shakespeare emphasizes the point that those who want sufficient decision-making abilities need advocates to help such people live in society and to help society live with such people, but he adds a religious tone to the assertion and embeds legitimate concerns about material circumstances in a lofty spiritual context.

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