

THE PRISON YEARS

DAY NINE IN THE TOWER

Sonnet 35

Thy Adverse Party is Thy Advocate 16 February 1601

*Oxford reverses the Queen's motto **A Rose Without a Thorn** ("Roses have thorns") by way of admitting that both "Moone and Sunne" (Elizabeth and Southampton, carriers of Tudor Rose blood) have been disgraced. This disgrace is the "canker" within the "sweetest bud" (most royal heir), who has committed a grievous "fault" (treason) against the Crown. Oxford accuses himself of having encouraged his royal son's Rebellion through his writings for the stage ("authorizing thy trespass with compare") and of lending his support to his son. He sums up the terrible situation in which he finds himself – having to sit on the tribunal at the trial as "thy adverse party" and voting to condemn his royal son to death, while working behind the scenes as his "advocate" or defender trying to save him from execution. By casting a guilty verdict at the trial (already part of the bargain with Cecil), Oxford becomes an "accessory" to the crime by which his son has lost any chance to gain the crown.*

Sonnet 35

Translation

No more be grieved at that which thou hast done:
Roses have thorns, and silver fountains mud;
Clouds and eclipses stain both Moone and Sunne,
And loathsome canker lives in sweetest bud.
All men make faults, and even I, in this,
Authorizing thy trespass with compare,
Myself corrupting, salving thy amiss,
Excusing their sins more than their sins are:
For to thy sensual fault I bring in sense;
Thy adverse party is thy Advocate,
And 'gainst myself a lawful plea commence:
Such civil war is in my love and hate
That I an accessory needs must be
To that sweet thief which sourly robs from me.

No longer grieve over your role in the Rebellion:
Tudor Roses and their flowing blood are disgraced;
Elizabeth and Southampton are both destroyed,
Because the royal Tudor Rose heir is stained.
You have committed treason, and so have I,
Having authorized your treason with my support.
Corrupting myself, by forgiving your crime,
Excusing your crimes more than required.
For to your willful crime I bring in rationality;
Your opponent at the trial is your defender,
And I begin to make a legal case against myself:
Such is my inner conflict as the trial approaches:
That I am forced to be an accomplice
Of my royal son, who robs his crown from me.

This verse "depicts a trial scene" - Knight, W. Nicholas, 77

1 NO MORE BE GRIEVED AT THAT WHICH THOU HAST DONE:

Do not grieve any more over your act of treason.

2 ROSES HAVE THORNS, AND SILVER FOUNTAINS MUD,

ROSES HAVE THORNS = the Tudor Rose dynasty is disgraced; an inversion of Elizabeth's motto *Rose Without a Thorn*; "Hath not thy rose a thorn, Plantagenet?" – *1 Henry VI*, 2.4.69; "And when they had platted a crown of thorns, they put it upon his head" – Matthew, 27.29;

Southampton will write to the Privy Council after the trial: "I beseech your Lordships be pleased to receive the petition of a poor condemned man, who doth, with a lowly and penitent heart, **confess** his **faults** and acknowledge his **offences** to her Majesty." - (Stopes, 225-226; Salisbury Papers, vol. XI, p. 72; "after Feb. 19, 1601"; (FULL LETTER FOLLOWING SONNET 44)

On April 5, 1603, from the Palace at Holyrood, King James will send ahead his order for Southampton's release from the Tower, addressing the Nobility, Peers and Councilors of England: "Although we are resolved as well in regard of the great and honest affection bourn unto us by the Earl of Southampton ... whom we perceive also the late *Queen our Sister*, notwithstanding **his fault** toward her, was moved to exempt from the stroke of Justice." (Essex Record Office manuscript D/DRh Z2 transcribed May 9, 2000 by Derran Charlton)

Fault appears frequently in this context within the Shakespeare royal history plays:

"For King of England shalt thou be proclaimed in every borough as we pass along; and he that throws not up his cap for joy shall *for the fault* make forfeit of his head" – *3 Henry VI*, 2.1.

"Would it might please your Grace on our entreaties to emend your fault ... Then know, it is your *fault* that you resign the supreme seat, the throne majestical, the sceptered office of your ancestors" – *Richard III*, 3.7.114-116

"Never did faithful subject more rejoice at the discovery of most dangerous treason ... My *fault*, but not my body, *pardon, sovereign*" – *Henry V*, 2.2.161-165

Or, if he were not privy to those *faults*,
Yet, by reputed of his high descent,
As next the king he was successive heir 2 *Henry VI*, 3.1.48-49

My lord, these *faults* are easy, quickly answered;
But mightier crimes are laid unto your charge,
Whereof you cannot easily purge yourself.
I do arrest you in his Highness' name,
And here commit you to my lord cardinal
To keep, until your further time of trial 2 *Henry VI*, 3.1.133-138

Clifford, devise excuses for thy *faults*...
While we devise fell tortures for thy *faults* 3 *Henry VI*, 2.6.71-72

Pardon me, Edward, I will make amends:
And, Richard, do not frown upon my *faults*,
For I will henceforth be no more unconstant 3 *Henry VI*, 5.1.103-105

To punish this *offence* in other *faults* 1 *Henry IV*, 5.2.7

And thus thy fall hath left a kind of **blot**
To mark the full-fraught man and best endued
With **some suspicion**. I will **weep** for thee,
For this **revolt of thine**, methinks, is like
Another fall of man. Their **faults** are open.
Arrest them to the answer of the **law**,
And God acquit them of their practices! *Henry V*, 2.2.138-144

BLOT = "And dost him grace when clouds do *blot* the heaven" – Sonnet 28, line 10

SOME SUSPICION = "If *some suspect* of ill masked not thy show" – Sonnet 70, line 13

WEEP = "I all alone *beweep* my outcast state" – Sonnet 29, line 2

REVOLT OF THINE = "Since that my life on *thy revolt* doth lie" – Sonnet 90, line 10

FAULTS = “Of *faults* concealed, wherein I am attainted” – Sonnet 88, line 7

LAW = “To leave poor me thou hast the strength of *laws*” – Sonnet 49, line 13

6 AUTHORIZING THY TRESPASS WITH COMPARE,

TRESPASS = The crime committed by Southampton; “A transgression; a breach of law or duty; and offence, sin, wrong; a fault” – OED, 1; “In a wide sense, any violation or transgression of the law” – OED, 2; not necessarily related to treason, however, but used by the Tudors to widen the scope of what could be called treason to include “riots” and other popular assemblies; Oxford appears to be arguing that Southampton had not committed actual treason against the Crown (but rather “misprision” of treason, a lesser crime); on the other hand, the usage of “trespass” in the Shakespeare works is often precisely related to treason or high crimes, as it was used often in the Elizabethan reign:

“And by his *treason* stand’st not thou attainted, corrupted, and exempt from gentry? His *trespass* yet lives guilty in thy blood” – *1 Henry VI*, 2.4.92-94;

“Murder indeed, that bloody sin, I tortured above the felon or what *trespass* else”
– *1 Henry VI*, 3.1

“My nephew’s *trespass* may be well forgot; it hath the excuse of youth and heat of blood, and an adopted name of privilege, a hair-brained Hotspur, governed by a spleen. All his *offences* live upon my head and on his father’s”

– *1 Henry IV*, 5.2.16-21

“This child was prisoner to the womb and is by law and process of great nature thence freed and enfranchised, not a party to the anger of the king nor guilty of, if any be, the *trespass* of the Queen” – *Winter’s Tale*, 2.2.59-63

“Once I did lay an ambush for your life,
A *trespass* that doth vex my grieved soul” – *Richard II*, 1.1.137-138

“Wilt thou not hide the *trespass* of thine own?” – *Richard II*, 5.2.88

AUTHORIZING THY TRESPASS = sanctioning or justifying and helping [behind the scenes, and particularly by my writing attributed to Shakespeare] to incite your Rebellion

WITH COMPARE = by comparison, with plays such as *Richard II*, depicting the deposition of a monarch on the stage; “Authorizing and Trespass are both legal terms” – Booth; an admission by Oxford that, in his own mind, he had sanctioned Southampton’s part in the Rebellion “with compare” or by showing the deposition of Richard the Second on the public stage; an admission that, in fact, Oxford gave his approval for Southampton to present *Richard II* at the Globe the day before the Rebellion; and that he had encouraged Southampton by depicting him as Prince Hal, for example

AUTHORIZE = “To set up as authoritative; to give legal force to; to make legally valid; to give formal approval to; to sanction, approve, countenance; to afford just ground for, justify; to vouch for the truth or reality of; to confirm by one’s authority” – *OED*

“We will, & by warrant hereof *authoriss* you to proceed” – Lord Burghley, 1571, *OED*

“Did manifestly *auctoryse* his sonne” – Udall, 1548, *OED*

“Let the Courtier ... *authorize* his Prince’s Court with Liveries” – Shelton, 1620, *OED*

“Authorize” is related to “authority” as in: “And art made tongue-tied by authority” – Sonnet 66, line 9; and it suggests being an “author”; also it relates to accrediting, as in: “A woman’s story at a winter’s fire, authorized by her grandam” – *Macbeth*, 3.4.64-65

COMPARE = by comparison; “I have been studying how I may *compare* this prison where I live unto the world” – *Richard II*, 5.5.1-2; “*Compare* our faces and be judge yourself” – *King John*, 1.1.79; “Now I perceive that she hath made *compare* between our statures” – *A Midsummer Night’s Dream*, 3.2.290; “When their rhymes, full of protest, of oath and big *compare*” – *Troilus and Cressida*, 3.2.171-172; “What things in the world canst thou nearest *compare* to thy flatterers?” – *Timon of Athens*, 4.3.321; “Shall I *compare* thee to a Summer’s day?” – Sonnet 18, line 1; Oxford may have written the deposition scene of *Richard II* (not included in printed versions until 1608) precisely for the revolt of 1601, as Massey was convinced in 1866 that “*at the pressing solicitations of Southampton, the drama of King Richard II was altered by Shakespeare on purpose to be played seditiously, with the deposition scene newly added!*” The evidence, he argued, is that “*if Shakespeare was not hand-in-glove with the Essex faction, he fought on their side pen-in-hand.*” In the new scene Richard gives up the throne with Bolingbroke in his presence, which is what Essex and Southampton had hoped to persuade aging Elizabeth to do:

With mine own tears I wash away my balm,
With mine own hands I give away my crown,
With mine own tongue deny my sacred state,
With mine own breath release all duteous oaths.

7 MY SELF CORRUPTING SALVING THY AMISS,

MYSELF CORRUPTING = compromising myself, by working in your behalf; **SALVING THY AMISS** = working to excuse your crime and save your life; healing the painful results of your crime; forgiving your crime; **SALVING** = “as one who is willing to *salve* so great an inconvenience” – Oxford’s Prefatory Letter to *Cardanus’ Comfort*, 1573

AMISS = “Then judge, great lords, if I have done *amiss*” – *1 Henry VI*, 4.1.27; (“Away from the mark ... Erroneously, in a way that goes astray of, or misses its object ... Wrongly, in a wrong way ... to act erroneously, to err ... to do wrong ... out of order: not in accord with the recognized good order of morality, society” – *OED*); “For that which thou hast sworn to do *amiss* is not *amiss* when it is truly done ... Therefore thy later vows against thy first is in thyself *rebellion* to thyself” – *King John*, 3.1.196-197, 214-215; “Have we done aught *amiss*, show us wherein, and from the place where you behold us pleading, the poor remainder of Andronici will hand in hand all headlong hurl ourselves and on the ragged stones beat forth our souls and make a mutual closure of our house” – *Titus Andronicus*, 5.3.128-133; “To my sick soul, as sin’s true nature is, each toy seems *prologue to some great amiss*” – the Queen in *Hamlet*, 4.5.17-18; “Such a sight as this becomes the field, but here *shows much amiss*” – Fortinbras, referring to Hamlet’s death as a result of the “plots and errors” mentioned by Horatio, in *Hamlet*, 5.2.408-409

8 EXCUSING THEIR SINS MORE THAN THEIR SINS ARE:

THEIR = usually emended to “thy”; **EXCUSING THEIR (THY? THESE?) SINS** = making excuses for your crime; **MORE THAN THEIR (THY? THESE?) SINS ARE** = more strenuously than should be needed, since your crimes were not as bad as the charges indicate, i.e., not really treasonous; in fact, the charges will later be reduced to “misprision” of treason, as indicated in: “So thy great gift, upon *misprision* growing” – Sonnet 87, line 11 [although there’s no official evidence that the charges *were* reduced – suggesting that, by keeping “misprision” off the record while the Queen maintained public silence, Cecil was able to prolong the threat of Southampton’s execution until James could succeed as king].

It is great *sin* to swear unto a *sin*,
But greater *sin* to keep a *sinful* oath.
Who can be bound by any solemn vow...
And have no other reason for *this wrong*

But that he was bound by a solemn oath?
A subtle *traitor* needs no sophister... 2 *Henry VI*, 5.1.182-191

When Essex was about to be executed (Sonnet 44), he referred to the Rebellion as his “sin,” confessing that “this great, this bloody, *this crying and this infectious sin*, whereby so many for love of me have ventured their lives and souls and have been drawn to offend God, to offend their sovereign, and to offend the world, which is so great a grief unto me as may be!”

THEIR SINS ... THEIR SINS: Q reads “their” in both cases, but both are most often emended to “thy” (with variations, such as: “Excusing thy sins more than their sins are.” In this regard, we might note Q’s printing of Sonnet 76, line 8 (“Showing their birth, and where they did proceed?”) and ask whether Oxford was speaking to Southampton about the words showing *his* birth: “Showing *thy* birth...”)

9 FOR TO THY SENSUAL FAULT I BRING IN SENSE:

SENSUAL = “obstinately self-willed” – *OED*

“His Lordship afterward despised and maligned at the King’s said Privy Council, following *sensual and willful* ways” – 1538, *OED*

“If any law or reason could have removed you from your *sensual opinions*” – Hall Chronicles, 1548, *OED*

“I favor no *sensual & willful Recusants*” – Burghley, 1584, re: Catholic traitors, *OED*

SENSUAL FAULT: willful crime of treason by leading the Rebellion; riotous, impulsive crime against the state; suggestive of Prince Hal and his behavior; and of Hotspur’s actions: “My nephew’s *treason* may be well forgot, it hath *the excuse of youth and heat of blood*, and an adopted name of privilege – a hare-brained Hotspur, govern’d by a spleen; and all his *offences* live upon my head and on his father’s” – *1 Henry IV*, 5.2.16-21; Southampton will write to Cecil after the trial that “*my heart was free from any premeditate treason* against my sovereign, though *my reason was corrupted* by affection to my friend [Essex] (whom I thought honest) and I by that *carried headlong to my ruin, without power to prevent it*” – (Stopes, 225-226), reflecting the viewpoint expressed in “sensual fault” of this sonnet, and supporting the view that Oxford was counseling Southampton to adopt this line of defense to save himself from execution.

FAULT = crime of treason; “O, ‘tis a *fault* too, too unpardonable! Off with the crown, and with the crown his head!” – *3 Henry VI*, 1.4.106-107

Richard: *Thy son* is banished upon good advice,
Whereto *thy tongue a party-verdict* gave:
Why at our justice seem’st thou then to lour?

Gaunt: Things sweet to taste prove in digestion sour.
You urged me as a judge, but I had rather
You would have bid me argue like a father.
O, had it been a stranger, not my child,
To smooth *his fault* I should have been more mild.
A partial slander sought I to avoid,
And *in the sentence my own life destroyed.* *Richard II*, 1.3.233-242

SENSE = rational argument on your side; i.e., Oxford is working to get the charge of high treason reduced to “misprision” of treason, as he will announce in Sonnet 87, line 11: “So thy great gift, upon *misprision* growing” (Southampton’s “gift” being his gift of life and blood)

10 THY ADVERSE PARTY IS THY ADVOCATE,

THY ADVERSE PARTY = Oxford, who will sit on the tribunal at the trial and be forced to render a guilty verdict against his son; “He speaks against me on the *adverse* side” – *Measure for Measure*, 4.6.6; **PARTY** = side in a legal case; -plaintiff or defendant; “But dare maintain the *party* of the truth” – *1 Henry VI*, 2.4.32; “To fight on Edward’s *party* for the crown” – *Richard III*, 1.3.138 (on his side); “My prayers on the *adverse party* fight” – *Richard III*, 4.4.191; “Thy son is banished upon good advice, whereto thy tongue a *party-verdict* gave: why at our justice seem’st thou then to lour?” – *Richard II*, 1.3.233-235 (part of the verdict); “Upon the right and *party* of her son” – *King John*, 1.1.34 (on his behalf); to Elizabeth: “And play the mother’s *part*” – Sonnet 143, line 12

My prayers on the *adverse party* fight *Richard III*, 4.4.191

Besides, the King’s name is a tower of strength,
Which they upon the *adverse faction* want *Richard III*, 5.3.12-13

“I have hitherto passed the pikes of so many *adversaries*” - Oxford to Robert Cecil, Oct 7, 1601

“I am very glad if it so prove, for I have need of so many good friends as I can get, and if I could I would seek all the *adversaries* I have in this cause to make them my friends” - Oxford to Robert Cecil, December 4, 1601

THY ADVOCATE = your defender. (“Your legal opponent is also your legal defender” – Duncan-Jones); Oxford is telling his son that, at the trial, he will have no choice but to render a vote of guilty; he is therefore an adverse party, but in his heart and behind the scenes he is acting as his son’s advocate; **ADVOCATE** = “One whose profession it is to plead the cause of any one in a court of justice; a counsellor or counsel ... One who pleads, intercedes, or speaks for, or in behalf of, another; a pleader, intercessor, defender ... Specially, applied to Christ as the Intercessor for sinners” – OED, the latter adding to suggestions in the Sonnets that Oxford is acting as a Christ figure, sacrificing himself in order to redeem the sins of Southampton

You’re my prisoner, but
Your gaoler shall deliver the keys
That lock up your restraint. For you, Posthumous,
So soon as I can win th’offended king,
I will be known your *advocate* *Cymbeline*, 1.2.3-7

If she dares trust me with her little babe,
I’ll show’t the King, and undertake to be
Her *advocate* to th’ loud’st *Winter’s Tale*, 2.237-39

I never did incense his Majesty
Against the Duke of Clarence, but have been
An earnest *advocate to plead for him* *Richard III*, 1.3.85-87

“We have an *Advocate* with the Father, Jesus Christ the righteous” – Biblical

King’s Advocate: “The principal law-officer of the Crown in Scotland, answering to the Attorney-General in England” - OED

11 AND ‘GAINST MY SELF A LAWFUL PLEA COMMENCE.

‘GAINST MYSELF, etc. – I now begin a legal plea against myself; “*Unto myself* who hath the crime” – Oxford poem in *Paradise of Dainty Devices*, 1576, signed E. O.

O, had it been a stranger, not *my child*..
Alas, I looked when some of you should say
I was too strict to make mine own away;

But you gave leave to my unwilling tongue
Against my will *to do myself this wrong*. *Richard II*, 1.3., 239, 243-246

LAWFUL PLEA: Working behind the scenes with Robert Cecil, Oxford is making a legal plea against himself as Southampton's father. To save his son from execution, he will deny that his son is the lawful king; "To bend the fatal instruments of war against his brother and his *lawful king*" – *3 Henry VI*, 5.1.90-90; "Edward's son, the first-begotten and the *lawful heir* of Edward king" – *1 Henry VI*, 2.5.64-66

Thy cruelty in execution
Upon *offenders* hath exceeded *law*,
And left thee to *the mercy of the law* *2 Henry VI*, 1.3.132-133

When law can do no right
Let it be *lawful* that law bar no wrong!
Law cannot give my child his kingdom here,
For he that holds his kingdom holds the law;
Therefore, since law itself is perfect wrong,
How can the law forbid my tongue to curse? *King John*, 3.1.111-116

To guard the *lawful reasons* on thy part *Sonnet 49*, line 12
My heart doth *plead* that thou in him dost lie *Sonnet 46*, line 5
How with this rage shall beauty hold a *plea* *Sonnet 65*, line 3

No more, I say. If thou dost *plead* for him
Thou wilt but add increase unto my wrath.
But when I swear, it is irrevocable.
If after three days' space thou here bee'st found
On any ground that I am ruler of,
The world shall not be *ransom* for thy life *2 Henry VI*, 3.2.290-296

On Tudor treason trials: "[The defendant] also made *a plea*. When there was more than one indictment the prisoners had to be called separately each time, to hold up their hands while each was read, and then *plead* to each ... Others said that to some indictments or parts of an indictment they wished to offer *a plea* of not guilty, yet to other charges they were willing to confess their guilt..." (Bellamy, 138)

12 SUCH CIVIL WAR IS IN MY LOVE AND HATE

CIVIL WAR = conflict between two sides of my own mind or heart; "And let our hearts and eyes, like *civil war*, be blind with tears, and break o'ercharged with grief" – *3 Henry VI*, 2.5.77-78; Oxford owes a duty to his sovereign, Elizabeth, and to the state, but also to his royal son; so there is a *civil war* within his *conscience*, much as in the following speech:

If I know how or which way to order these affairs,
Thus thrust disorderly into my hands,
Never believe me. Both are my kinsmen:
Th'one is my sovereign, whom both my oath
And duty bids defend; th'other again
Is my kinsman, whom the king hath wrong'd,
Whom conscience and my kindred bids to right. *Richard II*, 2.2.109-115

(Oxford is also glancing at the potential "civil war" that could erupt concerning succession.)

MY LOVE = my concern for your royal blood and right to the throne, as well as my paternal love for you; "From worthy Edward, King of Albion, my lord and sovereign, and thy vowed friend, I come, in *kindness and unfeigned love*" – *3 Henry VI*, 3.3.49-51; "So am I glad, moreover, to find

an especial friend constant and assured in your word, which thing I vow to God to acknowledge to you *in all faith, kindness and love*"- Oxford (notably effusive in his expressions) to Robert Cecil, May 11, 1601, three months after the date of this sonnet and two months after the Queen has spared Southampton's life, undoubtedly with help from Cecil; **HATE** = my need, at the trial, to destroy your royal claim; "Warwick, these words have turn'd my *hate* to *love*; and I forgive and quite forget old *faults*, and joy that thou becomest King Henry's friend" – *3 Henry VI*, 3.3.199-201; "By heaven, my soul is purg'd from grudging *hate*, and with my hand I seal my true heart's *love*" – *Richard III*, 2.1.9-10, "Whenever Buckingham doth turn his *hate* upon your Grace, but with all duteous *love*" – *Richard III*, 2.1.32-33; "Those lips that *love*'s own hand did make/
Breathed forth the sound that said, 'I *hate*/ ... 'I *hate*' from *hate* away she threw,/ And saved my life, saying, 'Not you'" – Sonnet 145, lines 1-2, 13-14, of the Dark Lady Series, in reference to Elizabeth sparing Southampton from execution on March 19, 1601

13 THAT I AN ACCESSORY NEEDS MUST BE

I AN ACCESSORY = I, a co-conspirator or collaborator in your crime

14 TO THAT SWEET THIEF WHICH SOURLY ROBS FROM ME.

SWEET THIEF – royal thief, Southampton, who has robbed Oxford (as well as Elizabeth and England, and more importantly, himself) of his kingship and crown

Thou hast *stolen* that which after some few hours
Were thine without offence, and at my death
Thou hast sealed up my expectation

- The King addressing his son his, Prince Hal, accusing him of stealing the crown, in *2 Henry IV*, 4.5.101-103

I do forgive thy *robbery*, gentle *thief* Sonnet 40, line 9

SOURLY ROBS FROM ME = hurtfully robs his kingship from me as father; bitterly, harshly, painfully; "Yet you Pilates have here delivered me to *my sour cross*" – the King in *Richard II*, 4.1.241; "Heart's Discontent and *sour* Affliction" – *2 Henry VI*, 3.2.301; "With clog of conscience and *sour* melancholy hath yielded up his body to the grave" – *Richard II*, 5.6.20-21