

# Legal Hybridity in Shakespeare: Revisiting the Post-Colonial in *The Tempest* and *Cymbeline*

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**Abstract.** If post-colonialism figures among the decisive political and intellectual movements of the 20<sup>th</sup> century, then ‘hybridity’ is rapidly distinguishing the 21<sup>st</sup>. Where post-colonial theory had focussed on destruction and appropriation, hybridity focuses on exchange, examining the processes of mutual discovery and influence between imperial and vassal cultures. Never has a literary classic—already several hundred years old—so powerfully spurred an historical movement as did Shakespeare’s *Tempest* for mid-20<sup>th</sup> century post-colonialism. (A leading figure like the Martiniquais poet and statesman Aimé Césaire would altogether re-write the play to mirror that simultaneously political and intellectual revolution.) This essay witnesses the progression of post-colonial theory into the new century. If *The Tempest* long stood as ‘the’ post-colonial drama in the Shakespearean corpus, it can now re-join the lesser known *Cymbeline*, which was written around the same time and serves largely as a companion piece. Together the two plays elicit the distinctly hybrid nature of cultural exchange within imperial power structures.

**KEYWORDS:** colonialism, hybridity, imperialism, law and literature, legal hybridity, legal theory, post-colonialism, Shakespeare

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## Legal Hybridity in Shakespeare: Revisiting the Post-Colonial in *The Tempest* and *Cymbeline*

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*Our courtiers say all's savage but at court;  
Experience, O thou disprov'st report!*<sup>2</sup>

### 0. Introduction

The study of legal hybridity is by definition inter-disciplinary. The distinctness of any given socio-scientific discipline will already have faced age-old doubts, but makes no sense at all if we are to understand hybridity. Authors in the late 19<sup>th</sup> and early 20<sup>th</sup> century sought to grasp law as a closed system, hence as a self-contained scholarly discipline. Today, by contrast, we are more inclined to view a legal regime as, so to speak, fluidly quasi-autonomous. Law's fundamental concepts, principles, and practices draw their meanings within broader social contexts.<sup>3</sup> As cultures mingle, a pluri-disciplinary standpoint lends itself to exploring both the formal and the informal, both the institutional and the social processes that merge to create legal systems.

Since the mid-20<sup>th</sup> century, post-colonial studies have focussed on the destruction or subjugation of cultures through imperial power. The notion of hybridity equally recognises imbalance and coercion within colonial dynamics; but it emphasises transformations at both

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<sup>2</sup> *Cym* 4.2.33-34

<sup>3</sup> See generally, e.g., Cotterrell 1992; Ehrlich, 1989; Goyard-Fabre, 2000; Vanderlinden 1996.

ends of, or rather along the entire spectrum of those dynamics. It also covers experiences beyond conventional settler colonialism. Hybridity certainly arises through imposition and coercion, but proceeds also through strategic self-interest or indeed through ambient and diffuse assimilation. Today, for example, a state seeking to regulate the internet may adopt rules already implemented by the US, perhaps because of material benefits of so doing, or perhaps because US dominance leaves few other feasible options. Alternatively, such a state may devise its own rules, but already steeped in technological concepts generated within US internet practice, an influence which might well be seen as cultural imperialism. Distinctions between (a) the coercive imposition of a norm, (b) the free choice to embrace that norm, and (c) the assimilation of it through diffused concepts or values, are not always manifest even within cultures, let alone across cultures (see Figure 1).



**Figure 1<sup>4</sup>**

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<sup>4</sup> Drawing by Sempé, 1984, p. 8.

Even within full-fledged colonial contexts, it may not always be apparent which doctrines or practices the coloniser imposes coercively, which ones the colonised accepts willingly from the coloniser, which ones the coloniser accepts willingly from the colonised, which ones diffuse spontaneously from the coloniser to the colonised, and which ones diffuse spontaneously from the colonised to the coloniser. Those concepts of ‘imposition’, ‘coercion’, ‘acceptance’, ‘willingness’, ‘diffusion’, and ‘spontaneity’ turn out to be more matters of judgment than matters of fact, and can breed considerable controversy. Today, for example, the question as to whether human ‘rights’ are an alien imposition *by* the West, or are a welcome borrowing *from* the West, or were indeed already part of this or that culture before the West ever arrived, appears far from settled. Answers to that kind of question often end up linked to the position on human rights that a given protagonist wishes to achieve from the outset.

In this article, I shall probe William Shakespeare’s *The Tempest* and *Cymbeline* for insights into legal hybridity first emerging in early modernity, as European colonialism is newly underway. Both late plays present a ‘Jacobean’ Shakespeare, attentive to the emerging 17<sup>th</sup> century politics of absolute sovereignty with which European colonialism will become closely linked. In Section 1, I review a progression from classical humanist, to post-colonial, and then to hybridity readings of late Shakespearean political drama. In Section 2, I revisit, from a hybridity standpoint, a Shakespearean challenge to the myth of savagery as lawlessness, used to justify European conquests of non-European lands. In Section 3, I recall well-known theories of colonialism as symbolised through sexual conquest, again contrasting the hybridity perspective. In Section 4, I examine broader themes of mutual cultural exchange. In Section 5, I argue that *Cymbeline*’s shift to a hybridity model represents broader historical challenges to pre-existing political and legal assumptions.

## 1. Humanism, Post-Colonialism, Hybridity

Classical humanist interpretations of art seek to identify experiences—‘truths’—that transcend time and place, history and culture. Rarely has humanism staked that claim more confidently than in readings of classical drama, from Shakespeare through to Corneille, Racine, or Schiller. One generation of pupils after another has snoozed through lessons in which Hamlet, Horace, Britannicus, or Don Carlos strut as universal figures plunged into universal struggles against universal obstacles.

For ages a work like *The Tempest*, too, had been read as a universal fable, unfolding in a fairy-tale nowhere because its humanist themes of self-realisation and reconciliation could presumably be discovered everywhere. A deeply wronged yet instinctively paternal Prospero, so it was thought, seeks only to nurture his untainted daughter Miranda. He fruitlessly strives to civilise the ungrateful ‘native’ Caliban. And he aims only to redress injustices wrought upon his lost Milanese domain, preparing it for enlightened rule under a meticulously initiated Ferdinand, son of the Neapolitan King Alonso.<sup>5</sup>

That humanist-universalist perspective has, since the mid-20<sup>th</sup> century, faced dogged attacks. Feminism, new historicism, cultural materialism, and post-colonial studies have dissected that ‘universal’, seeing in it not the self-actualising lives of humans on all four continents, but rather a rhetorical strategy for naturalising privilege within repressive hierarchies, strategically justifying existing power structures under the mantel of a self-evident moral code.<sup>6</sup> With the tide of 1960s de-colonisation movements, new understandings of Prospero’s isle were afoot. The Martiniquais Aimé Césaire re-wrote the play, calling it *Une Tempête* (1969), and bearing the hallmarks of anti-colonialist critique associated with

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<sup>5</sup> See critically, e.g., Skura, 2004, p. 817.

<sup>6</sup> Cf., e.g., Skura, 2004, pp. 818-19.

Frantz Fanon's *Peau noire, masques blancs* (1952) or *Les Damnés de la Terre* (1961).

Césaire gives voice to a Caliban politically and psychologically colonised, yet having gained critical consciousness of the mental processes of colonisation, as he rebels against European domination.

But are those altogether recent insights? Did Césaire's Caliban ever really differ from Shakespeare's? Or is Césaire quarrelling with a naïvely humanist *Tempest* that was never Shakespeare's to begin with? Following pathways traced by Michel Foucault, Jacques Derrida, or Judith Butler (as reflected in the literary criticism of John Dollimore, Terence Eagleton, Stephen Greenblatt, Graham Holderness, Paula Pugliatti, and many others), no one today can easily read *The Tempest* other than as the story of a politically absolutist patriarch practicing pervasive surveillance and control upon a commodified daughter and a degraded, brutalised Caliban, all in preparation to transform his Milan—England, of course—from a factious medieval backwater into the engine of a modern, global empire.

By the late 20<sup>th</sup> century, readings and performances of *The Tempest* were passing from classical humanism to more critically-minded post-colonial approaches. Its regime of power was increasingly deemed violent and oppressive. That approach contrasts with humanist readings, which viewed Prospero's realm as generally benign, and saw actual or threatened violence, if at all, only in the supposed savagery of the colonised.<sup>7</sup> Domination within Prospero's brave new world runs in one direction only. It emanates from the privileged European male, exercised upon his underlings. Of course, Prospero's Milan has itself become subordinated within the Neapolitan king's imperial structure—but, should Prospero's plot succeed, no more than Elizabeth's England will become 'subsumed' within James's Britain, only to emerge as dominant after all.

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<sup>7</sup> See, e.g., Brown, 1994, pp. 80-81; Barker and Hulme 2002, p. 205. Like all such methodological divisions, of course, we should not overdraw that between humanist and post-colonial critique. Skura, for example, reminds us that not all traditional humanist scholars overlook Prospero's oppressiveness or Caliban's suffering. See Skura, 2004, pp. 817-18.

The edgier a political barb, the more an early modern writer must encode it. The techniques of political hegemony that Prospero is perfecting—controlling bodies by engineering minds—become packaged as the play’s famous ‘magic’. Meanwhile, in a tell-tale sign of the late Shakespeare’s newly Jacobean world, that sovereign absolutism which Prospero is confecting, he also dissimulates through an accusation against his usurping brother Sebastian: ‘he needs will be / Absolute Milan’.<sup>8</sup> Sebastian’s political subordination under Naples is, of course, from Milan’s standpoint, patently non-absolutist.<sup>9</sup> Over his own little shipwrecked domain, it is rather our avocational island sage who manufactures his hermetically sealed absolutism.

Power descends from this 17<sup>th</sup> century autocrat upon Miranda, who remains vigilantly preserved as endogenous to a culture of European supremacy<sup>10</sup>, anticipating the ethnically pure enclaves that white overlords would later form within their colonial outposts.<sup>11</sup> That same power descends upon Caliban, indigenous yet enslaved, and rendered culturally exogenous within his own land.<sup>12</sup> It descends upon Ariel, Prospero’s culturally appropriated agent.<sup>13</sup> Most importantly—at least, for Prospero’s designs—power descends upon that

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<sup>8</sup> *Tmp.* 1.2.108-09.

<sup>9</sup> That mode of ironic self-revelation is by no means unique. Recall the disguised and spying Henry V’s jibe at a common foot soldier ‘you speak this to feel other men’s minds’ *H5*, *H5*, 4.1.120-21. Recall indeed Antonio’s slur, ‘The devil can cite Scripture for his purpose.’ *MV* 1.3.95.

<sup>10</sup> Prospero reproaches Caliban, ‘Thou didst’t seek to violate / the honour of my child’. *Tmp.* 1.2.347-48. That accusation is traditionally taken to suggest attempted rape. Cf., e.g., Orgel, Introduction 1987, pp. 28-29; Vaughan and Vaughan 2011, p. 60. Caliban by no means denies having wished sexual intercourse, at least to counter the colonial invasion by ‘peopl[ing]’ the island ‘with Calibans’. *Tmp.* 1.2.349-50. Presumably, however, any form of miscegenation would, from Prospero’s and Miranda’s viewpoint, violate her ‘honour’, even if Caliban’s actual conduct had consisted of nothing more than non-intrusive courtship. On anxieties about hybridisation, similar to those about miscegenation, see works cited in this chapter, text accompanying note 81.

<sup>11</sup> See, e.g., Couperus, 1900.

<sup>12</sup> *Tmp.* 1.2.332-44, 363-64.

<sup>13</sup> *Tmp.* 1.2.270-71, 294-96.

Milanese-Neapolitan socio-political microcosm, that ‘ship of state’, which he lures into his dominion, a vessel carrying Europe’s highest and lowest social orders, all burst out into a revealing conflict with each other.

The sudden arbitrariness of social relations upon that ship, as a lowly boatswain impudently commands a king and his noble retinue<sup>14</sup>, raises precarious questions about the integrity of the seemingly natural hierarchy topped by Prospero, and of the seeming superiority and inferiority of the rival cultures subsumed within it. Caliban rebels from the periphery of power, but resistance, he forever learns anew, is futile. Meanwhile Ariel<sup>15</sup>, and even Miranda<sup>16</sup> or Ferdinand<sup>17</sup>, may well rebel closer to power’s source, but with no greater success.<sup>18</sup> Those colonial dynamics had already been well prepared in another of the later dramas, *Antony and Cleopatra*, in which an Egyptian culture and its customs all fall prey to a Roman—decoded: ‘European’—imperial project.

Those post-colonial readings by no means lack universal elements of their own. The adjective ‘Global’ has ended up appended to ‘Shakespeare’ as if it were an honorific, like ‘Professor’ or ‘Doctor’, yet with greater awareness of its post-colonial context. Macbeth today walks and talks in Burundi, China, or Uruguay with the same panache he had once flaunted in a ‘Scotland’ propped up inside an early Jacobean ‘Globe’. Such approaches

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<sup>14</sup> *Tmp.* 1.1.20-48. Cf., e.g., Barker and Hulme 2002, p. 202. That theme largely distinguishes the later ‘Jacobean’ from the earlier ‘Elizabethan’ Shakespeare. In the early and middle plays, class divisions are constantly challenged, and mobility at times evident, yet the overall socio-legal order remains intact. The 17<sup>th</sup> century, by contrast, leads Western Europe towards the consolidation of nation states, in which monarchs, at least for a time, achieve greater absolutism. Class divisions beneath them become more random, as is perhaps best captured by *All’s Well That Ends Well*.

<sup>15</sup> *Tmp.* 1.2.42-44.

<sup>16</sup> *Tmp.* 1.2.467-76.

<sup>17</sup> *Tmp.* 1.2.465-67.

<sup>18</sup> For a review of scholarship on *The Tempest* from post-colonial, feminist, Foucauldian, and other critical perspectives, see generally, e.g., Vaughan and Vaughan 2011.



largely depart, however, from the naïve universalisms of traditional humanist readings. In an age when a ‘universalism’ looks like little more than a particularism with an army—and yet that insight had already emerged in Shakespeare<sup>19</sup>—we view history as a succession of particularisms, clashing yet also combining to generate human cultures in flux and often in crisis. In a bygone humanist era, foreign troupes used performances of Shakespeare to tell *our* ‘universal’ stories. In a post-colonial era, they use the playwright to tell *their own* ‘universal’ stories. That is where hybridity theory enters, ushering us into a subsequent era of Shakespearean readings, and of legal theory: from the classical humanist to the post-colonial, and then to the ‘post-post-colonial’. The ‘universal’ neither survives in its traditional, unilaterally Western forms, nor altogether perishes under the post-colonial onslaught. Universalism instead becomes an arena of constantly interacting cross-culturalisms.

Throughout the years in which *The Tempest* had emerged as ‘the’ Shakespearean play for post-colonial critique,<sup>20</sup> *Cymbeline* went mostly ignored. That neglect results in part from its lesser stage popularity. More importantly, *Cymbeline* was readily overlooked because it could never so easily fit mid-20<sup>th</sup> century assumptions about colonialism as an affair of sheer one-way domination. *Cymbeline* directly challenges such readings. It presents a more ambiguous, two-way or even multilateral panorama of imperial relationships. If *The Tempest* is ‘the’ post-colonial play, then *Cymbeline* is ‘the’ hybridity play.

In *Cymbeline*, neither law nor society proceed with the one-way dynamics of superiority and inferiority, at the levels of both formal dominance and informal attitudes, which we witness in the more conventionally colonial setting of *The Tempest*. *Cymbeline*’s loci of power and culture are polycentric. They are geographically and politically unstable, mutually

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<sup>19</sup> See, e.g., *Antony and Cleopatra*, 4.6.5 (Octavius Caesar declaring, before his triumph over Marc Antony’s faction, ‘The time of universal peace is near.’)

<sup>20</sup> See, e.g., Skura, 2004, p. 817

shaping each other. *The Tempest's* new world may seem prophetically fixed upon an early modern present, with Ireland as well as Mediterranean or Caribbean locations long cited as its 'real' site.<sup>21</sup> But *Cymbeline's* present is less mysterious. A conquered Wales is expressly included among the play's main sites. The plot moreover rehearses the same contemporary, imperial power dynamics against the background of an historical predecessor, a time when Britain is itself a vassal of Rome.

The most important touchstone for imperial politics among Renaissance intellectuals is Roman history. In all Shakespearean political drama, of course, past events mirror the dramatist's own time. Only in *Cymbeline*, however, is that juxtaposition rendered almost pedantically explicit, as if the dramatist is spelling out that we scour history for critical templates of current affairs. Through a dual temporality, allowing Shakespeare to fashion a simultaneously ancient and contemporary plotline, *Cymbeline* presents a hybrid Britain as simultaneously colonising and colonised. Its ancient story shows a colonised Britain rebelling against Roman imperial power. Its modern one shows Britain incorporating that same imperial ethos into its own conquest over Wales, a Wales standing in for Ireland as well as other prospective conquests near or far. Law and culture become both imposed by and imposed upon *Cymbeline's* Britain.<sup>22</sup> It is surely those ambiguous intercultural relationships (see Figure 2), different from the more conventional domination pattern of *The Tempest* or *Antony and Cleopatra*, which have left *Cymbeline* ignored within post-colonial readings of Shakespeare.

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<sup>21</sup> See, e.g., Vaughan and Vaughan 2011, pp. 39-54 (reviewing theories about the location of Prospero's Island)

<sup>22</sup> Cf. Heinze, 2009a.

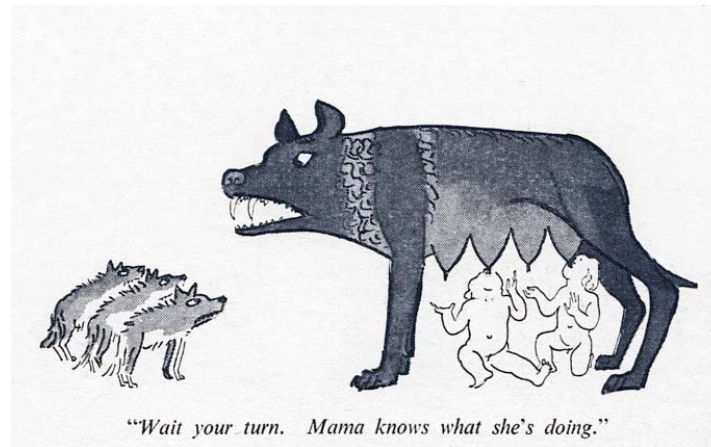


Figure 2<sup>23</sup>

Although schools of legal realism have long construed law within informal as well as formal norms and processes, legal hybridity depicts that ‘real’ as multi-cultural. Multi-culturalism arises sometimes through benign, spontaneous interactions, as in *The Comedy of Errors* when, in tourist mode, Antipholus of Syracuse sets off to ‘view the manners’ of Ephesus, to ‘[p]eruse the traders, gaze upon the buildings’.<sup>24</sup> Just as often, however, cultural interface issues from violence. When, after *The Tempest*’s end, Prospero abandons the island, he will leave behind a Caliban bruised by years of servitude, yet conscious of the perils of justice and injustice in the world beyond its shores. In *Cymbeline*—even leaving aside a happy end which seems deliberately implausible, culminating as it does in the suspiciously nonchalant reconciliation of colonial overlords with their underlings—the cultivation of critical social, political and legal consciousness proceeds through breaches of cultural insularity, experiences of cultural interface. Sometimes those experiences are peacefully constructive, sometimes they are fortuitously violent.

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<sup>23</sup> Drawing by ffolkes, 1967, p. 341

<sup>24</sup> *Comedy of Errors*, 1.2.12-13.

## 2. 'Mulmutius who made our laws'

'This island's mine'<sup>25</sup>, spews Caliban, first emerging on stage, at Prospero. Those words might sound like the rant of any of the disgruntled vassals who populate Shakespearean drama<sup>26</sup>, seemingly amplified by the underling's garden-variety 'laziness': 'There's wood enough within.'<sup>27</sup> Caliban continues, however, by reciting a lineal interest in the land, the very hallmark of rule-of-law legality as embodied above all by the European aristocracy: 'This island's mine by Sycorax my mother, / Which thou tak'st from me.'<sup>28</sup> Caliban's claim is entirely of the type that constitutes ownership and dominion in Shakespeare's Europe; and of the type rehearsed elsewhere in the corpus—often less plausibly, but with more institutional and military power behind it<sup>29</sup>—with the dual aim of establishing title and challenging any subsequent usurpation of it. Caliban includes both elements. *The Tempest*, then, by no means lacks hybridity of its own. Caliban appropriates and turns the language of European law, the European language of institutional power and public right, back at the European. Still, that is as far as Caliban will ever benefit from hybridity. He learns the European language with which to name injustices inflicted by the European. He names them in European terms, and in that he learns to understand justice as the European understands it, yet he cannot overcome them.<sup>30</sup>

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<sup>25</sup> *Tmp* 1.2.331.

<sup>26</sup> Cf., e.g., Heinze, 2009b, pp. 247-58.

<sup>27</sup> *Tmp* 1.2.314.

<sup>28</sup> *Tmp* 1.2.331-32. Cf., e.g., Barker and Hulme 2002, p. 204.

<sup>29</sup> *Henry V* famously recites the corpus's most specious lineal and Biblical land claim to justify England's invasion of France. *H5*, 1.2.35-100.

<sup>30</sup> But see Barker and Hulme, 2002, p. 206 (noting Caliban's success in complicating Prospero's plans).

John Locke would later define colonised peoples as primitive, precisely through their supposed incapacity to recognise proprietary rights in land.<sup>31</sup> But had Shakespeare already challenged that myth? Caliban may well find ‘civilised’ European languages good for nothing but ‘to curse’<sup>32</sup>, but deploys the most important language of all, the language of European law<sup>33</sup> against the European who has simultaneously imposed and violated it. Caliban lacks a European status of legal personhood both within his conventional relationship to Prospero of master and servant<sup>34</sup>, but also of coloniser and colonised. Prospero’s dismissal of Caliban’s claim ‘is itself performative of the discourse of colonialism, since this particular reticulation of denial of dispossession with retrospective justification for it, is the characteristic trope by which European colonial regimes articulated their authority over land to which they could have no conceivable legitimate claim.’<sup>35</sup> *The Tempest* strongly links those two sets of socio-legal relationships, the former offering a template for the latter. Prospero’s ‘civilisation’ elicits the rule of law as a regime reserved for an exclusive set of full-fledged legal subjects, normatively justifying an exploitative labour regime: ‘We cannot miss him: he does make our fire, / Fetch in our wood and serves in offices / That profit us.’<sup>36</sup> Prospero’s is a regime of coercion, both crude and subtle<sup>37</sup>, in which, as the dramatist suggests elsewhere, ‘strong possession’ prevails ‘much more than . . . right’.<sup>38</sup> Shakespeare

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<sup>31</sup> Locke 1988, ch.5, secs. 41-49.

<sup>32</sup> *Tmp* 1.2.363.

<sup>33</sup> See Heinze, 2012 (examining the role of manipulated language in law).

<sup>34</sup> See Heinze, 2009b, pp. 234-35 (applying Hegel’s concepts of master and servant).

<sup>35</sup> Barker and Hulme 2002, p. 204.

<sup>36</sup> *Tmp* 1.2.311-13. Cf., e.g., Barker and Hulme 2002, p. 204.

<sup>37</sup> See Heinze, forthcoming 2016.

<sup>38</sup> *King John* 1.1.40. Cf., e.g., Braunmuller, 1989, pp. 50-51; Giddens 2005, pp xlix-l. A parallel can also be drawn to Richard II’s snipe, just before his deposition, at Bolingbroke: ‘They well deserve to have, / That know the strong’st and

almost anticipatorily responds to Locke that even if ‘primitives’ *did* speak the language of European land law, exactly as Caliban has learned to do, they would still be posited as uncivilised, and deprived of their land, on other spurious grounds. Caliban’s ability to protest in the language of European legal and political concepts allows us to locate in *The Tempest* a critique of emerging colonialism, as opposed to a blithe endorsement of or complicity in it, just as *The Merchant of Venice*, *Othello*, and even *Titus Andronicus* admit critical stances towards the racism or anti-Semitism directed at The Prince of Morocco, Shylock, Othello, or Aaron.

In *Cymbeline*’s politically climactic scene, Caius Lucius, an emissary of Caesar Augustus, has arrived in Britain to demand a hefty annual tribute, still unpaid as part of Britain’s geminating rebellion against Roman rule. In terms admittedly more elaborate than Caliban’s, Cymbeline’s core claim is nevertheless identical: ‘We do say then to Caesar / Our ancestor was that Mulmutius which / Ordained our laws’.<sup>39</sup> Within an imperial framework, law emerges as a hallmark of the civilised. Yet like Caliban to Prospero, Cymbeline—otherwise scarcely linked to Caliban, as surface appearances so strongly differentiate them—turns that reasoning back upon the imperial power. Cymbeline insists to Rome that Britain had been civilised, it had possessed its own native law, before Rome had ever arrived. In hybrid mode, he speaks Roman legalism back to Rome, incorporating the language of the empire in order to challenge it. Britain had not been a lawless place to which law was brought, but instead, in hybrid mode, became a locus of imperial law layered upon Britain’s pre-existing indigenous law.

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surest way to get.’ *R2*, 3.3.198-99. Construing strictly Caliban’s lineal claim, Prospero does indeed ‘depose’ him. See this chapter, text accompanying note 42.

<sup>39</sup> *Cym* 3.1.52-54. Cf. Rackin, 1990, p. 4 (noting that ‘[t]he ideology of the “Ancient Constitution”’ had emerged in early modernity ‘to assert the antiquity of English liberties in order to legitimate a new political consciousness.’)

Like Caliban, *Cymbeline* depicts the loss of Britain to Rome as an act of non-law, of law-defeating violence, albeit paraded as rationality and civilisation. It is those ancient, native British laws which ‘the sword of Caesar / Hath too much mangled’.<sup>40</sup> The forthcoming rebellion becomes a defensive violence, a violence of redress, a violence against violence, a violence to un-do imperial violence, in contrast to the violence with which Britain subdues Wales. Accordingly, the ‘repair and franchise’ of Rome’s destruction of the Britons’ laws ‘Shall by the power we hold be our good deed, / Though Rome be therefore angry.’<sup>41</sup> Caliban aspires to such rebellion, but enjoys only a parody of it in the plot he contrives with the buffoon Stephano against Prospero. Yet another deception from within the empire comes to mock the colonial subject.

Caliban sometimes hints at a golden-age story of life before the European father and daughter had arrived, back in the days when he could still call himself, at any rate applying European rules, ‘mine own king’.<sup>42</sup> Locke will theorise the non-existence of that principle, indeed of law itself, among non-Europeans in order to justify the ‘introduction of law’, that is, the imposition of a European order, within the ‘new’ world. *Cymbeline* nonetheless impugns the illegitimacy of that manoeuvre on the Romans’ part. Both *Cymbeline* and Caliban invoke the empire’s own legal rules to show how it is the empire that turns those embodiments of political rationality into arbitrariness.<sup>43</sup> What links them is the drive to speak the language of the empire against the empire.

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<sup>40</sup> *Cym* 3.1.54-55.

<sup>41</sup> *Cym* 3.1.55-57.

<sup>42</sup> *Tmp* 1.2.342. On lineal succession, Caliban would indeed have been king between the times of Sycorax’s death and Prospero’s arrival (*Tmp* 1.2.279-84). Cf., e.g., Barker and Hulme, 2002, p. 203.

<sup>43</sup> See Heinze, 2012 (examining the relationships between rationality and arbitrariness in legal and political language).

The politically foundationalist mythmaking<sup>44</sup> is vintage. Caliban's life had undoubtedly been better before Prospero's arrival (although it was then Ariel who had fallen victim to Sycorax<sup>45</sup>). Similarly, Cymbeline now recites his own national creation myth: 'Till the injurious Romans did extort / This tribute from us *we were free*'.<sup>46</sup> That story, too, has a golden-age quality, the said Mulmutius, invoked now in his law-giving capacity for the second time, being a legendary figure.<sup>47</sup> 'Mulmutius made our laws, / Who was the first of Britain which did put / His brows within a golden crown.'<sup>48</sup> To be sure, Cymbeline's inadvertent suggestion of a primordial autocracy—Mulmutius was not 'elected', nor 'proclaimed', nor 'anointed', but rather 'called Himself a king'<sup>49</sup>—slightly clouds the 'freedom' narrative.

What robs the Britons of that ancient freedom is, on Cymbeline's rendition, the imperial 'Caesar's ambition, / Which swelled so much that it did almost stretch / The sides o' th' world.'<sup>50</sup> Cymbeline omits, of course, his own domination over Wales—spoken of in terms identical to those directed by Prospero against Caliban<sup>51</sup>—not to mention the bondage he imposes in imprisoning his daughter Imogen for her debatable breach of obedience.

Similarly, when Prospero fastidiously recites his brother's usurpation of Milan and

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<sup>44</sup> Cf. Heinze (forthcoming 2016).

<sup>45</sup> *Tmp* 1.2.257-91.

<sup>46</sup> *Cym* 3.1.46-47. (emphasis added). Cf. Pitcher, 2005, p. lxi (observing, 'In *Cymbeline* there are rewritten stories and untrue histories in every scene.')

<sup>47</sup> See editor's note at *Cym* 3.1.53, Oxf<sup>4</sup>, p. 155.

<sup>48</sup> *Cym* 3.1.57-59. Parallels can be drawn to the 'sceptered isle', 'band of brothers' and similar speeches and images in the English histories sketching myths of primordial unity. Cf., e.g., Heinze, 2013, pp. 111-12. Cf. also, e.g., Heinze, 2009a, p. 376.

<sup>49</sup> *Cym* 3.1.59.

<sup>50</sup> *Cym* 3.1.46-47.

<sup>51</sup> See this chapter, text accompanying note 2. Cf. Heinze, 2009a, p. 387-88.



opportunist delivery of it to an imperial Naples, he omits reference to his own mirror-image overthrow of Caliban's sovereignty.

Does British 'freedom' in *Cymbeline* flow merely from the domination of the local imperialist as opposed to the domination of the distant one? Does Prospero 'civilise' his island merely by replacing one autocrat, Sycorax, with another, himself, even while he will decry his overthrow in Milan by his brother (a series of overthrows<sup>52</sup> spoofed in Caliban's hope that Stephano will overthrow Prospero)? Be that all as it may, just as Caliban exclaims to Prospero, so does *Cymbeline* to Rome, that law, the hallmark of 'civilisation', had indeed existed, in the form recognised by the colonising power itself, before the empire arrived. British law in *Cymbeline* emerges as a hybrid of Roman law built upon a previously existing British law.

Caliban's 'acquisition' of law remarkably mirrors his 'acquisition' of language. Both *lex* and *lingua* become markers of a civilisation he is presumed to lack, a presumption based not on their absence so much as on Prospero's discounting of them. He turns out to learn—European—language through a process of cross-cultural exchange, a *quid pro pro*, the hallmark, at least as among privileged European males, of formally equal contractual reciprocity. Caliban possesses what many an intellectual property lawyer would call 'local knowledge'. Like his lineal claim itself, that knowledge becomes devalued and then appropriated, since, in exchange for learning the 'culture' of Prospero's language, Caliban has surely provided the information about 'nature' more essential to survival,

When thou cam'st first,

Thou . . . / wouldst . . . / teach me how

To name the bigger light and how the less,

. . . and then I loved thee

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<sup>52</sup> Cf., e.g., Barker and Hulme, 2002, p. 204.

And showed thee all the qualities o'th' isle,  
The fresh springs, brine pits, barren place and fertile.<sup>53</sup>

Caliban concludes the idea with an ironic image of reciprocity, 'Cursed be I that did so!'.<sup>54</sup> The curse is rendered in exchange for the deception he experiences once Prospero's conduct proves non-reciprocal: 'You taught me language, and my profit on't / Is I know how to curse.'<sup>55</sup> Hybridity proceeds, as in many colonial situations, through exchange. Yet the model of exchange remains by no means that of the classical contractual paradigm of two formally equal actors each disposing of full-fledged legal personality. Instead, what might between two Europeans have been Caliban's private-law property rights over the isle's resources faces the same fate as any public-law rights he ought to have in lineal succession over the land's sovereignty. The name 'Caliban' indeed recalls 'cannibal'<sup>56</sup>, the kind of savagery attributed by the coloniser to the native, yet for which the play offers not a hint of evidence. Caliban's existence comes to be defined by the European perception of him. It is 'Prosper', by contrast, who consumes the native's time and resources to his own benefit and to the vassal's detriment.

### 3. 'My youth I spent much under him'

Also in conversation with Lucius, Cymbeline's adopted son Cloten—given his socio-political rank, the arch-knucklehead in the Shakespearean corpus—offers resistance with

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<sup>53</sup> *Tmp* 1.2.332-38. The eminent mid-20<sup>th</sup> century Shakespeare scholar Frank Kermode displays the traditional humanist interpretation: 'The colonists were frequently received with this kindness, though [the natives' –EH] treachery might follow.' Kermode treats 'treachery', as Barker and Hulme observe, 'as if this were simply a "fact" . . . without seeing that to speak of "treachery" is already to interpret, from the position of colonizing power, through a purported "description".' Barker and Hulme, 2002, pp. 204-05.

<sup>54</sup> *Tmp* 1.2.339.

<sup>55</sup> *Tmp* 1.2.362-63.

<sup>56</sup> See Orgel, 1987, pp. 25-26; Vaughan and Vaughan, 2011, pp. 30-36, 59-62.

words less erudite than his step-father's. Cloten rattles off a simplistic nationalist myth of self-sufficiency, bolstered even by an ethnically stereotypical jab at Italians' noses, which Shakespeare might well have heard, particularly among anti-Catholic contemporaries: 'Britain is / A world by itself; and we will nothing pay / For wearing our own noses.'<sup>57</sup> This is at best the 'resistance' of the Little Englander. Cloten will later assume the role of the British imperialist interfacing with the Welsh vassal. On a chance encounter, he immediately takes Guiderius for a—by definition—lawless Welsh peasant through a similarly unthinking stereotype: '[W]hat are you / That fly me thus? Some villain mountaineers? / I have heard of such. [...] Thou art a robber, / A law-breaker, a villain. Yield thee, thief.'<sup>58</sup> Impermeability to cross-cultural exchange equates, in Cloten, with overt stupidity.

Cloten's astute mother, Cymbeline's second wife and the play's conspicuously unnamed 'Queen', makes the same point in shrewder, sinister terms. Far from a Britain breathing the air of freedom away from Rome, she depicts an independent Britain through the nationalist, geographically claustrophobic imagery of being 'ribbed and paled in'.<sup>59</sup> That image anticipates the dawning era of absolute sovereignty, of Bodin and Hobbes, whereby the political and legal regime comes to be grasped as impenetrable, reiterating, albeit more astutely, her son's disdain of influences outside the British court. Appealing to a nostalgic Elizabeth cult under James I, and recalling the glory of triumph over the Spanish Armada, Shakespeare has the Queen portray an admittedly more probing vision, but still of Britain as 'a world by itself',

Remember, sir, my liege,

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<sup>57</sup> *Cym* 3.1.12-14.

<sup>58</sup> *Cym* 4.2.72-77

<sup>59</sup> *Cym* 3.1.19.

The kings your ancestors, together with  
The natural bravery of your isle, which stands  
As Neptune's park, ribbed and paled in  
With oaks unscalable and roaring waters,  
With sands that will not bear your enemies' boats,  
But suck them up to th' topmast. A kind of conquest  
Caesar made here, but made not here his brag  
Of 'Came and saw and overcame'. With shame—  
That first that ever touched him—he was carried  
From off our coast, twice beaten; and his shipping,  
Poor ignorant baubles, upon our terrible seas,  
Like eggshells moved upon their surges, cracked  
As easily 'gainst our rocks.<sup>60</sup>

Cymbeline, his Queen, and Cloten unite, then, in opposing Rome. If Cloten speaks irrational xenophobia, however, and his mother absolutist nationalism, Cymbeline's language is different. In cosmopolitan and hybrid mode, Cymbeline challenges Rome like a Roman. Cymbeline rejects the empire, but, he will soon openly avow, it is an empire from which Britain has had much to learn, and that has spurred within Britain a consciousness of equal sovereign authority—echoed, again, by Caliban only through parody.

Lucius leaves the court uttering the words of the oppressive, violent empire: 'War and confusion / In Caesar's name pronounce I 'gainst thee. Look / For fury not to be resisted.'<sup>61</sup> With imperial manners, however, Lucius meticulously distinguishes between that hostile

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<sup>60</sup> *Cym* 3.1.16-29.

<sup>61</sup> *Cym* 3.1.64-66.

political gesture and a code of personal honour. He maintains a diplomatic courtesy, which, Shakespeare goes out of his way to display, Cymbeline returns in kind.<sup>62</sup> Cymbeline recalls a time of political cooperation with Rome, and his personal pride taken in it: ‘Thy Caesar knighted me’.<sup>63</sup> The admitted anachronism, orders of chivalry being medieval and not Roman, evokes a simultaneously personal and political rapport idealised through values of absolute, indeed ontological, and quasi-kindred loyalty. It suggests deep cultural intermingling, which is echoed in other elements of the play: for example, the names of the British characters randomly distributed between local and Graeco-Roman types, sometimes blended in the same person, as the King’s son Aviragus has been raised as ‘Cadwal’, while his brother Guiderius has gone by the name of ‘Polydore’, and Imogen will assume the Latinate name ‘Fidele’.

‘Knighting’ is conventionally performed through a genuflection, an image which Cymbeline then follows up in bathetically sexual terms with the recollection, ‘my youth I spent / Much under him’.<sup>64</sup> With or without the bawdy allusion, that image portrays an intimate past shared by the two men, a theme echoed in the eroticism among cultural-political adversaries, alternating between enmity and admiration, in some of the other political dramas, e.g., between Coriolanus and Aufidius, or, albeit in a vein of unilateral conquest, between Henry V and Kate. Although ages and dates are left somewhat vague and often anachronistic, Cymbeline suggests a ‘youth . . . spent . . . under’ an at least somewhat older Caesar, the traditional posture of the older male assuming the sexually active, and the younger, the passive position. Yet the symbolic power relation, recapitulating that of empire and vassal, is hinted by Cymbeline in terms of both political domination and genuine

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<sup>62</sup> *Cym* 3.1.67, 83-84.

<sup>63</sup> *Cym* 3.1.68.

<sup>64</sup> *Cym* 3.1.68-69. On Caesar’s ‘swelling’, see this essay, text accompanying notes 50 and 71.

attraction, in arch-opposition both to the outright sexual exploitation to be practiced by Giacomo upon Imogen, to the European fear of miscegenation directed at Caliban, or to the association of Cleopatra with prostitution (although her erotic liaison with the defeated Mark Antony displays greater parity, even intermittent dominance on the Egyptian's part). That ambiguity, standing in for the uneasy yet inevitable blending of cultures under imperial rule, will become one of the play's central themes, when Giacomo undertakes the symbolic sexual ravishing of Cymbeline's daughter.

That hybrid ambiguity of empire contrasts with the rigidly, one-way colonial dynamics of *The Tempest*, where inter-ethnic sexuality retains the taboo<sup>65</sup> already present in *Titus Andronicus*, *The Merchant of Venice*, or *Othello*. Cymbeline, by contrast, boasts, 'of him [Caesar] I gathered honour'.<sup>66</sup> That honour gained from a personal and indeed erotic bond with Caesar becomes not only a point of pride, but also the selfsame, paramount Roman value which Cymbeline will then deploy in his rebellion against Rome. Cymbeline notes uprisings elsewhere in the empire: 'the Pannonians and Dalmatians for / Their liberties are now in arms, a precedent / Which not to read would show the Britons cold; / So Caesar shall not find them.'<sup>67</sup> He concludes, that very honour, 'Which he [Caesar] to seek of me again perforce / Behoves me keep at utterance [i.e., to the utmost]'.<sup>68</sup>

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<sup>65</sup> *Tmp* 1.2.347-50. As Brown observes, 'the proof of Prospero's power to order and supervise his little colony is manifested in his capacity to control . . . his *subjects*' sexuality, particularly that of his slave [Caliban – EH] and his daughter', attesting 'Prospero's triumphant ordering of potentially truant or subversive desires in his body politic.' Brown 1994, p. 81 (author's emphasis). Skura adds that 'Caliban's attempted rape of Miranda can be seen as an expression not merely of sexual but also of territorial lust'. Skura, 2004, p. 818 (citing Orgel).

<sup>66</sup> *Cym* 3.1.69.

<sup>67</sup> *Cym* 3.1.72-75. Cf. Heinze, 2009, pp. 376-77.

<sup>68</sup> *Cym* 3.1.70-71.

#### 4. 'Poor tributary rivers'

Giacomo's name, contemporary Italian and not ancient Roman, allows Shakespeare not only in Britain but also in Rome to paint a panorama of early modern Europe as not only spatially but also temporally hybridised. An imperial domain facilitates characters' vast geographical movements in the play, tirelessly leaping between Britain and Italy as if one were just down the road from the other. History, too, is in motion, hybridising culture on its way. With Europe's classical revival already long underway by Shakespeare's time, ancient sources of politics and culture blend willy-nilly with contemporary ones.<sup>69</sup> The poet's dawning 17<sup>th</sup> century dwells, so to speak, just down the road from Mediterranean antiquity, as displayed generally by the wealth of Graeco-Roman and classical plots, themes, sources, images, and allusions in the Shakespearean corpus and throughout Renaissance, Baroque, and Neo-Classical art. Shakespearean hybridity is, in that sense, a hybridity of hybridity. It revisits an already deeply hybrid classical antiquity (as captured in the present volume in Gareth Sears's chapter), intertwined with the hybridity of early modern Europe.

Cymbeline may be launching a rebellion, but his daughter's bedchamber stands replete with Roman art: 'it was hanged / With tapestry of silk and silver; the story / Proud Cleopatra when she met her Roman.'<sup>70</sup> Such a 'story', as we are seeing, remains altogether well embedded in the play. It, too, is a story of Rome's sexual *qua* imperial conquest in the vassal state of Egypt, where 'Cydnus swelled above the banks'<sup>71</sup>. At the room's chimney we find a rendering of 'Chaste Dian bathing', recalling another classical scene of erotic intrusion.<sup>72</sup> Imogen falls off to sleep with yet another, and particularly terrifying Ovidian tale

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<sup>69</sup> See, e.g., Rackin 1990, pp. 1-5.

<sup>70</sup> *Cym* 2.4.68-70.

<sup>71</sup> *Cym* 2.4.71

<sup>72</sup> *Cym* 2.4.82

of sexual conquest. 'She hath been reading late, / The tale of Tereus. Here the leaf's turn'd down / Where Philomel gave up.'<sup>73</sup>

Mirroring her father's youthful days, Imogen, too, faces a Roman world imperially, sexually predatory, yet at the same time culturally abundant and alluring. Admittedly, she too is not beyond uttering an anti-Roman ethnic stereotype, albeit in a moment of outrageous provocation by Giacomo.<sup>74</sup> Like her father, however, her British world is nonetheless immersed in the Roman. That British court in revolt against Rome remains suffused by Roman-Italian values and aesthetics, as if Shakespeare is paying a cultural tribute to that same Renaissance Italy which much of his Protestant, English nationalist audience rebukes.<sup>75</sup> No such open embrace of European culture is heard from Caliban, who only ever suffers at its hands. In Salman Rushdie's words, however, 'the empire writes back'. It is to this supposed savage that Shakespeare gives *The Tempest's* most eloquent verses in that European language which Caliban claims to despise,

Sometimes a thousand twangling instruments  
Will hum about mine ears; and sometime voices,  
That, if I then had waked after long sleep,  
Will make me sleep again, and then, in dreaming,  
The clouds methought would open and show riches  
Ready to drop upon me, that when I waked

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<sup>73</sup> *Cym* 2.2.44-46. That Roman story would lay the ground for Lavinia's victimisation in the crudely decadent-imperial drama *Titus Andronicus*. See, e.g., Waith 1994, pp. 27-28. The tale of Tereus and Philomel becomes all the more potent in an early modern Europe where women's legal or social safeguards against rape are unreliable at best, even if a royal princess could, of course, enjoy greater protection.

<sup>74</sup> *Cym* 1.6.152 (referring to a 'stew' of Roman sexual degeneracy). Cf. Heinze, 2009, pp. 386.

<sup>75</sup> See, e.g., Giddens 2005, pp. xlix.



I cried to dream again.<sup>76</sup>

Hybridity may remain stronger, or at any rate more benign, in *Cymbeline* than in *The Tempest*, but thus far it still seems to flow mostly from Rome to Britain—the British assimilating Roman culture, but not *vice versa*. It is in *Cymbeline*'s parallel politics, Britain over Wales, that an empire is shown susceptible to learn from the political underling. A heretofore sheltered Imogen had grown up hearing only the myths of civilised courtly life as opposed to the savagely rural. Wandering dangerously through rural Wales disguised as a peasant boy, Imogen marvels at the welcome and the refuge with which she is greeted.<sup>77</sup> Imogen realises that an empire, including her own, 'breeds monsters', while the vassal nation—she hints that, under local law, Wales is bound to funnel that same kind of 'tribute' into the British court which Cymbeline now refuses to send to Rome—offers something 'sweet'. 'Th'imperious seas breeds monsters; for the dish / Poor tributary rivers as sweet fish.'<sup>78</sup>

Meanwhile, in a parallel journey, Imogen's husband Posthumous finds in the empire a refuge, a place of escape from persecution by the king in Britain. If Caius Lucius bears the oppressive face of empire, the patrician Philario bears its benign, cosmopolitan face. Philario receives Posthumous into his Roman *domus*, which stands as a mythologised *pax romana* in miniature, gathering under his roof Roman, Gallic and British subjects—even if Giacomo will exploit that situation, re-asserting empire's more predatory side, when he plots to diminish Posthumous through the seduction of Imogen.

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<sup>76</sup> *Tmp* 3.2.135-42.

<sup>77</sup> See this chapter, text accompanying note 2.

<sup>78</sup> *Cym* 4.2.35-36.

## 5. 'New heaven, new earth'

That layering of imperial dynamics, with Britain presenting both a conquered nation and a conquering empire, brings the complexities, ambiguities, and contradictions of hybridity into focus more clearly than in any other play in the corpus, in contrast not only to *The Tempest* but also to other imperial plotlines. Owen Glendower may boast of his English-language fluency, yet in the highly defensive posture of an ultimately defeated Welsh nationalism. Kate may marry Henry V, yet only thereby regaining a residual influence over her wholly defeated France. Cleopatra may have seduced Julius Caesar and may adore Mark Antony, yet always asserts her cultural difference, her orientalist 'Egyptian-ness' with relish.

Although Shakespeare, from his earliest works, displays a knowledge of natural sciences at a level generally typical of educated individuals of his time, a momentous departure surfaces in *Cymbeline*. In his convulsive dream, Posthumous's sees his four deceased family members attending the Roman god Jupiter.<sup>79</sup> That sequence has been taken to hint at Galileo's recent observations of the planet Jupiter orbited by four moons, news that rapidly spread through Europe. The metaphysical, i.e., simultaneously material and moral deterioration of the medieval Christian, Aristotelian-Ptolemaic worldview pervades the Renaissance and the Shakespearean corpus, but what now transpires is God's unified empire, which had once enveloped our static and eternal earth, giving way to a multi-imperial universe. Jupiter 'rules' its four 'vassal' moons, just as it, corresponding to our earth and its moon, travels as vassal under the rule of the sun. Gone is that pristine, universal macrocosm, that unified, Great Chain of Being already nostalgically recited by Ulysses in *Troilus and Cressida*<sup>80</sup>. Replacing it is a multiple layering of ever-shifting macro- and microcosms. Unsurprisingly, it is in these later, Jacobean plays that social, national, and class differences

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<sup>79</sup> *Cym* 5.3.124-216

<sup>80</sup> *Tro* 1.3.84-133. Cf. Heinze, 2009b, p. 252.

are not merely in tension—which we already find in the poet’s earliest writings—but in perilous contingency, mutation and interchange, and indeed in an active process of cultural as well as material hybridity.

Meanwhile, Cymbeline’s Queen, a powerful woman replacing the sorceress type of earlier plays, has turned chemistry student—mixing, hybridising substances in order to discover their potential combinations and latent properties<sup>81</sup>, undermining any Biblical view of fixed and eternal ‘types’ created by God’s will. As with cultural hybridity, some such admixtures can become salutary, others combustible, indeed lethal. A new society recapitulates a new cosmos, just as the earlier one had reproduced its own.

*The Tempest* certainly sets up a similar imperial layering, since Milan under Prospero’s brother has acquired a vassal status under the King of Naples, in parallel to Prospero’s conquest of his Island. Still, no comparable tapestry of hybrid cultures appears to match that of *Cymbeline*. To the contrary, Prospero’s fixed project is to shift Miranda, like Henry’s Kate, into a marriage within that larger imperial structure. After Shakespeare, the French classical dramatists Corneille and Racine will carry the torch of imperially layered, culturally hybridising plotlines, also frequently echoing modern politics through ancient histories.<sup>82</sup> They will confirm that consciousness of political and cultural hybridity as a European one—all the more remarkably, since neither of them would have had any knowledge of the Shakespearean stage. Both will synthesise, as does Shakespeare in England, local *versus* imperial political struggles as processes germane to the formation of the post-Westphalian state.

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<sup>81</sup> *Cym* 1.5.6-23. Cf. Orgel, 1996, p. 46; Pitcher, 2010, pp. 55-56.

<sup>82</sup> Cf. Heinze 2010.

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