

The First Shakespearean Forgeries

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The term ‘Shakespearean forgery’ generally conjures up nineteenth-century figures such as J.P. Collier or W.H. Ireland. This paper proposes an alternative history of Shakespeare and forgery, by establishing the prevalence of forgery as a crime in Shakespeare’s own lifetime. This had a material impact on early modern players, who were frequently accused of forging documents of authentication when touring. Bringing together legislation and actual cases of forgery, I demonstrate a symbiotic relationship between authors and forgers, which then makes its presence felt in the literary output of the time, from Nashe’s pamphlet war with Gabriel Harvey to Jonson’s suspect documentation in *Bartholomew Fair*. For Shakespeare, examples from *Hamlet*, *King Lear*, and *Twelfth Night* are paired with historical cases to show how Shakespeare’s forgeries are more than just a plot device. I finish by drawing parallels between Malvolio and the Earl of Essex, himself a prominent victim of forgery, to reveal new connections made possible through a serious consideration of forgery.

When we think of Shakespeare and forgery, some obvious names spring to mind. There’s the ‘Old Corrector’ J.P. Collier, gamekeeper turned poacher, whose interpolations and emendations left their mark on Shakespeare scholarship forever.¹ Half a century earlier, William Henry Ireland’s *Vortigern and Rowena* opened on Drury Lane on 2 April 1796 and closed the same night. Yet forgery as a phenomenon does not post-date Shakespeare. If anything, forgery was at its height before Shakespeare was born. While literary forgeries concerning Shakespeare have been studied for centuries, the study of forgery *qua* forgery in relation to Shakespeare remains to be explored. This seems anomalous considering the many dramatic characters who turn their hand to forgery with astonishing ease, from Hamlet’s forged commission that proves pivotal to his deliverance, to *King Lear*’s Edmund forging of Edgar’s hand as a precursor to his supplanting of his brother. Forgery is generally considered a plot device with little greater significance: instrumental certainly, but not worthy of study in its own right. This is surprising within a critical heritage that has been rightly obsessed with Shakespeare’s acts of writing.² In what follows, I argue that rather than being incidental, forgery was a live issue of which Shakespeare and his contemporaries had first-hand experience. Recovering a contemporary history of forgery illuminates moments from Hamlet’s providential return to Malvolio’s ignominious downfall in fresh

¹ See Arthur Freeman and Janet Ing Freeman, *John Payne Collier: Scholarship and Forgery in the Nineteenth Century*, 2 vols (New Haven, 2003–2004).

² David M. Bergeron (ed.), *Reading and Writing in Shakespeare* (Newark, 1996); Frederick Kiefer, *Writing on the Renaissance Stage* (Newark, 1996); Jonathan Goldberg, *Shakespeare’s Hand* (Minneapolis, 2003); Alan Stewart, *Shakespeare’s Letters* (Oxford, 2008).

and newly relevant ways. Put simply, early modern characters resort to forgery in part because early modern authors encountered this crime on a regular basis.

After an interval of four centuries, much has been written about forgery in plays, forgery of plays, but not the culture of forgery that surrounded plays. Outside of early modern studies, the Medieval period has been hailed as a golden age of forgery.³ Alfred Hiatt's book, *The Making of Medieval Forgeries*, stretches as far as fifteenth-century England.⁴ And yet little work has been done on sixteenth- and seventeenth-century England.⁵ The problem of forgery did not disappear when Henry VIII came to power. If anything, in the growing administration of early modern Britain, every species of document was multiplied, forgeries included. An aspect that has been given attention is the counterfeiting of coinage as a literary trope, particularly in Stephen Deng's excellent *Coinage and State Formation in Early Modern English Literature*.⁶ Yet the forging of the written word with quill and ink, a medium of far more relevance to early modern authors, has been largely overlooked by literary scholars. Two important exceptions are to be found in the work of Alan Stewart and Andrew Gordon, both of whom approach the question from an epistolary perspective, and on whose work this argument builds.⁷

A taxonomy of forgery is notoriously difficult, but some distinctions are useful in framing what is to come. For clarity, I prefer the term 'forgery' over 'counterfeit' due to the much larger ambit of the latter, including 'to act', 'to copy', and 'to fake' in early modern terms. A forgery is the creation or altering of a document to appear as having originated from a source other than its actual author. I include alterations here as early modern cases often began with a genuine original the details of which were doctored to extend their use and application. Forgery as a phenomenon has not gone unnoticed in the early modern period. Social and legal historians are aware of the prevalence of this problem, and while there have been no book-length studies, there are chapters devoted to the topic that range across early modern Europe.⁸ Literary forgeries too have garnered attention, as in Anthony Grafton's transhistorical study *Forgers and Critics: Creativity and Duplicity in Western Scholarship* and more recently in the work associated with the 'Bibliotheca Fictiva' collection of Arthur and Janet Freeman now housed at Johns Hopkins.⁹ My focus here is on cases of criminal forgery that show little concern for literature, but which nevertheless help us to understand early modern literature's fixation with forgery.

A conservative list of plays from the period that feature questions of forgery includes Skelton's *Magnyfyence*, *The Marriage of Wit and Wisdom*, *The Spanish Tragedy*, *Titus Andronicus*, *The Jew of Malta*, *Julius Caesar*, *Hamlet*, *Twelfth Night*, *No-body and Some-body*, *Bartholomew Fair*, *King Lear*, *Michaelmas Term*, *The Shoemakers' Holiday*, and *The Blind Beggar of Bethnal Green*. Work has been

³ V. H. Galbraith, *Studies in the Public Records* (Edinburgh, 1949), 49, cited by M. T. Clanchy, *From Memory to Written Record: England 1066–1307* (Cambridge, 1979), 254.

⁴ Alfred Hiatt, *The Making of Medieval Forgeries: False Documents in Fifteenth-Century England* (Toronto, 2004).

⁵ *Literary Forgery in Early Modern Europe, 1450–1800*, ed. Walter Stephens and Earle A. Havens assisted by Janet E. Gomez (Baltimore, 2018) has a single chapter on William Henry Ireland in relation to pre-1800 Britain.

⁶ Stephen Deng, *Coinage and State Formation in Early Modern English Literature* (New York, 2011).

⁷ Stewart, *Shakespeare's Letters*; Andrew Gordon, 'Material Fictions: Counterfeit Correspondence and the Culture of Copying in Early Modern England', in James Daybell and Andrew Gordon (eds), *Cultures of Correspondence in Early Modern Britain* (Philadelphia, 2016), 85–109.

⁸ Most recently Miriam Eliav-Feldon, *Renaissance Imposters and Proofs of Identity* (New York, 2012); Tobias B. Hug, *Impostures in early modern England: Representations and Perceptions of Fraudulent Identities* (Manchester, 2009); Valentin Groebner, *Who are You?: Identification, Deception, and Surveillance in Early Modern Europe*, tr. Mark Kyburz and John Peck (New York, 2007). Martine Van Elk has studied cases of real-life forgery in the Bridewell Court books in the context of cony-catching pamphlets, 'The Counterfeit Vagrant: The Dynamic of Deviance in the Bridewell Court Records and the Literature of Roguery', in Craig Dionne and Steve Mentz (eds), *Rogues and Early Modern English Culture* (Ann Arbor, 2004). See also Natalie Zemon Davis' groundbreaking work *The Return of Martin Guerre* (Cambridge, 1982), plus a chapter on forgery in F. G. Emmison, *Elizabethan Life: Disorder* (Essex, 1970), 80–8.

⁹ Arthur Freeman, *Bibliotheca Fictiva: A Collection of Books & Manuscripts relating to Literary Forgery, 400BC–AD2000* (London, 2014); Earle Havens (ed.), *Fakes, Lies, and Forgeries: Rare Books and Manuscripts from the Arthur and Janet Freeman Collection* (Baltimore, 2014); Stephens et al. (eds), *Literary Forgery in Early Modern Europe* (Baltimore, 2019).

done on many of these forged letters, particularly where Shakespeare is concerned, but this is rarely in the context of actual cases of forgery (excepting Alan Stewart's work on *Hamlet*, treated in depth below). Matthew Bolton's study devoted to forgery in *Hamlet* and *Twelfth Night* offers a good example of this. Bolton's analysis is well grounded in epistolary theory and practice, using genuine early modern letters to show the complex social relations that they enact, leading to the conclusion that forged dramatic letters demonstrate 'the fluidity of authority inherent in the [letter] form'.¹⁰ Yet it is striking that a piece so historically grounded does not make reference to a single case of forgery in early modern England. This underscores the fact that while epistolary culture has gone from strength to strength in early modern studies, the threat of forgery that was integral to that culture is rarely acknowledged.¹¹

This article puts forward new connections between the forging of documents and the writing of literature, with a focus on drama where the 'counterfeiting' of identity is a prerequisite of the genre. Building on the work of Eliav-Feldon, Hug, and Groebner, it takes seriously the threat of forgery to better understand its place within early modern literature, a body of writing awash with documents of dubious authority. The more famous cases of forgery have been well documented: the 'casket letters' of Mary Queen of Scots,¹² the Spanish blanks plot in Scotland,¹³ and the infamous 'Annius of Viterbo' in Italy, described by Walter Stephens as 'the Renaissance arch-forgery'.¹⁴ These are generally treated in isolation from literature, and from each other, deemed to be exceptions to the rule of authenticity. The first point I would make is that early modern forgery extends much further down the social ladder, affecting far more than courtiers and diplomats. For this reason, I start with the pamphlet war between Thomas Nashe and Gabriel Harvey, which is conducted on a less elevated plane than royal forgeries. Nashe's attack is inflected with accusations of forgery that make it clear just how common forgery was becoming. Next I investigate cases of false documentation concerning the licence to perform required by acting companies, giving rise to the possibility of counterfeit counterfeiters. The fact that the licence to perform—one of the most valuable documents in a company's possession—was vulnerable to forgery helps us to make sense of dramatists' frequent reliance on forged documents of authority in their plays. Jonson's *Bartholomew Fair* provides a prime example, where among its many documents few or none are to be trusted, and even the Master of the Revels' hand is open to charges of falsification. I then take a more in-depth look at the early modern legislation dealing with forgery, as a precursor to pairing examples from *Hamlet*, *King Lear*, and *Twelfth Night* with recorded cases of forgery. In the case of *Twelfth Night*, I look to the contemporaneous treason trial of the Earl of Essex, embroiled in charges of forgery, and how it may have inflected Middle Templars' reception of the gulling of Malvolio in 1602. Forgery makes possible new chains of association between disparate texts and people, which would otherwise remain invisible. Underlying all these examples is the fact that the forgery of documents poses a threat to the establishment, at a moment of unprecedented dependence on the written word.

In the ongoing dispute between Thomas Nashe and Gabriel Harvey, Nashe impugns Harvey's credentials by casting a sidelong glance at a particularly prevalent sort of forgery. In *Strange News*, Nashe seeks to belittle his opponent by claiming that Harvey wrote his own letter of recommendation from one 'Master Bird'.¹⁵ Nashe goes a step further, claiming 'it is no letter,

¹⁰ Matthew Bolton, 'Every word doth almost tell my name': Ambiguity, Authority, and Authenticity in Shakespeare's Dramatic Letters, *Early Modern Literary Studies*, 15 (2011) para. 29.

¹¹ Gordon's 'Material Fictions' again provides an exception.

¹² See Gordon, 'Material Fictions', 94.

¹³ See 'The Pen's Excellencie': *Treasures from the Manuscript Collection of the Folger Shakespeare Library* (Seattle, 2002), ed. Heather Wolfe, 54 (note by Leah S. Marcus and Janel M. Mueller), as well as W. B. Patterson, *James VI and I and the Reunion of Christendom* (Cambridge, 1997), 14.

¹⁴ Walter Stephens, 'Discovering the Past: The Renaissance Arch-Forger and his Legacy', in Earle Havens (ed.), *Fakes, Lies and Forgeries*, 66–84.

¹⁵ Gabriel Harvey, This refers back to Harvey's recent publication, *Four Letters and certain sonnets* (London, 1592) that included a letter of introduction for Harvey from Christopher Bird (STC 12900.5).

but a certificate (such as Rogues haue) from the head men of the Parish where hee was borne, that Gabriel is an excellent generall Scholler.¹⁶ The ‘certificate’ in question is one of the many documents that were used as a form of identification in early modern England, usually issued by local officials. However, the parenthetical ‘(such as Rogues haue)’ implies that it is not to be trusted. Here Nashe taps into contemporary concerns about itinerants and ‘sturdy beggars’, who were thought to have easy access to forged documentation. The recently published pamphlet, *The Groundwork of conny-catching* (1592), describes the ‘Rogue’ as follows:

they will carry a certificate or pasport about them from some Iusticer of the peace, with his hand and seale vnto the same, how he hath beene whipped and punished for a vacabond according to the lawes of this Realme.¹⁷

However, ‘all this is fained, because without feare they would wickedly wander, and will renew the same, where or when it pleaseth them: for they haue of their affinitie that can write and reade.’ The paperwork is revealed to be false (‘fained’), in the same passage that the author betrays a fear of growing literacy among the lower orders. While many of the cony-catching pamphlets’ assertions of criminal underworlds are far-fetched, a concern over forged credentials appears to be well founded, considering the many cases brought before local courts of vagrants travelling on counterfeit papers. In the same year as *Strange News* was published, a case was brought against William Randall for counterfeiting passports and licences for a string of people in Langdon Hills, Essex, while in Norfolk a crippled tailor, Thomas Elmes, confessed to forging a passport and was sentenced to 2 days in the village cage with a paper that read ‘For counterfeiting of passports.’¹⁸ Henry Elkes had not been so lucky in 1586, when he was caught with a letter to the Archbishop of Canterbury recommending him for the parsonage of Hastings that counterfeited the Queen’s sign manual. For his offence, Elkes was ‘drawne to Tiburne & there hanged and quartered.’¹⁹ Paul Slack in his study of poverty in seventeenth-century Salisbury found that of 567 vagrant passports examined, 23 (4%) were forged and ‘more almost certainly went undetected.’²⁰ This includes the case of Humphrey Reade and his wife Anne arrested in 1609 ‘as rogues and had a counterfeit passport, as he confesses, which was made by a stranger under a hedge.’²¹ Such cases paint a picture of the highways and by-ways of early modern England sustaining a flourishing cottage industry in forgery. Two apprehended vagabonds claimed that in James I’s reign, there were at least six forgers working between Bristol and Salisbury—one every 10 miles.²² A Star Chamber case of 1613 lists the names of seven men suspected of aiding in the falsification and use of licences to beg in Cornwall—the list goes on.²³ Counterfeit licences were a reality in early modern England, not a literary fiction. While the cony-catching pamphlets may have exaggerated the ‘terror of the tramp’, their description of rogues making use of forged paperwork would appear to have more than a grain of truth.

For Nashe to associate classical scholar Harvey with the roguish counterfeiters being apprehended by Justices of the Peace is to attack the man on both a moral basis and a class basis. Nashe adds insult to injury by continuing ‘We will not beleue it except wee see the Towne seale sette to it’, again associating Harvey with dishonest textual practices through the discourse of forgery.

¹⁶ Thomas Nashe, *Strange news* (London, 1592), sig. C4^v (STC 18377).

¹⁷ Robert Greene, *The Groundwork of Cony-Catching* (London, 1592), sig. C^v. This pamphlet (STC 12789.5) was printed by John Danter, the same printer as Nashe’s own pamphlet.

¹⁸ Emmison, 86.

¹⁹ John Stow, *Annals of London* (London, 1618), 363 (STC 23332).

²⁰ *Poverty in Early Stuart Salisbury* (Wiltshire, 1976), 54.

²¹ Slack, *Poverty in Early Stuart Salisbury*, 42.

²² A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560–1640* (London, 1985), 143.

²³ National Archives, Records of the Court of Star Chamber (STAC) 8/17/15. There are hundreds of cases of forgery in the records of Star Chamber, from forged marriage papers (STAC 8/134/18; STAC 8/181/12), forged warrants and bonds (STAC 7/1/5; STAC 8/144/29; STAC 8/144/29; STAC 8/167/6) to forged wills (STAC 5/L45/25; STAC 8/170/12; STAC 8/88/14).

But having 'the Towne seale' is hardly a reliable indicator of authenticity. The cony-catching pamphlets even coin the term 'jarkman' to describe a rogue specialized in the counterfeiting of seals.²⁴ Such a degree of specialization seems to be borne out by the testimony of Edward Sympson. When arrested for vagrancy in 1581, he confessed that his papers were forged, and furthermore that forger Davy Bennett could counterfeit any magistrate's seal, claiming if he could see it in wax, he could carve a perfect copy.²⁵ Again, examples of seal counterfeiting and tampering are legion.²⁶ One example comes from Justice of the Peace Edward Hext, who complains to William Cecil in 1596: 'Your good Lordship may perceive by this counterfeit pass that I send you enclosed that the lewd young men of England are devoted to this wicked course of life.'²⁷ Ironically, the same year saw William Hulls tried in Kent for using a spurious licence with the forged signatures of Cecil, Thomas Sackville, the Earl of Essex, and others.²⁸ Returning to our authors, in the context of a dispute over authorial legitimacy and textual authority, it is striking that Nashe undercuts Harvey's claims to superiority by classing him instead with 'the lewd young men of England'. Travelling scholars too were subject to the Act for the Punishment of Rogues, Vagabonds, and Sturdy Beggars. Reducing Harvey to the level of a beggar, Nashe questions the veracity of Harvey's publications by association. For the insult to be effective, Nashe is reliant on a reading public that is well aware of the questionable practices of rogues and their 'certificates'. Much like the local officials trying to police the practice, Nashe's parentheses, '(such as Rogues haue)', give the appearance of containing a world of criminal forgery, which nevertheless makes its presence felt in a diverse set of literary writings.

In August 1591, while the Nashe–Harvey controversy was still brewing, a company of the Lord Chandos' Men arrived in Norwich while touring. However, they were greeted with the news that the Lord Chandos' Men had already been and gone. Yet, the newly arrived company had a licence to prove that they were in fact authorized by the Baron, claiming that 'thos that cam before were counterfetes & not the lorde shandos men.'²⁹ The first company of players appear to have simply pretended to be under the patronage of Lord Chandos to avoid being subject to the Act for the Punishment of Rogues, Vagabonds, and Sturdy Beggars. This Act stipulated that those to be classified as rogues included 'common players of interludes and minstrels wandering abroad' except those 'authorized to play, under the hand and seal of arms of such baron or personage'. It was expected for travelling companies to show authenticating paperwork to the Mayor or his clerk. This would imply that they had documentation to back up their claim. In 1584, one company of players found or stole the licence belonging to another company of players (the Earl of Worcester's Men), who had left their documents behind at an inn.³⁰ The unlicensed players then re-christened themselves the Master of the Revels Men on arrival in Leicester, to the consternation of Worcester's Men who arrived 3 days later.³¹ Without resorting to forgery, these players too succeeded in becoming counterfeit counterfeiter, using documentation not their

²⁴ Originating with Thomas Harman's, *Caveat for Common Cursetors* (London, 1567) (STC 12787), and cited in OED.

²⁵ Hindle, 'Technologies of Identification' 227, in reference to Essex Record Office Q/SR 79/82 [92 according to Beier, *Masterless Men*].

²⁶ See, for example, the forged seal of the Admiralty by Walter Hudson in 1576, *Acts of the Privy Council of England Volume 9, 1575–1577* (London, 1894), 130, cited in Hug, *Impostures*, 38; William Hudson indicted for forging a pass in 1590 'under the seals of Sir Owen Hopton, John Machan and Richard Yonge', J. S. Cockburn, *Calendar of Assize Records: Hertfordshire Indictments Elizabeth I, 76*; 'a Scriuener in Holborne was hanged, and quartered for taking the great seale of England from the olde patent and putting the same to a new' [1595], Stow, *Annals of London*, 400.

²⁷ British Library, Lansdowne MS, No. 81, Art. 6, ff 161–62. Reproduced in Frank Adyelotte, *Elizabethan Rogues and Vagabonds* (Oxford, 1913), Appendix, 167–73. Hext goes on to lament that 'none will send too or three C [hundred] myles to discover them for a whipping matter'.

²⁸ J. S. Cockburn, *Calendar of Assize Records: Kent Indictments Elizabeth I*, 394, cited in Hug, *Impostures*, 21.

²⁹ *Records of Early English Drama: Norwich*, ed. David Galloway (Toronto, 1984), 98.

³⁰ E. K. Chambers, *Notes on the History of the Revels Office under the Tudors* (London, 1906), 73.

³¹ There was not in fact a Master of the Revels' Men, although Edmund Tilney had in his role as Master of the Revels been directed to gather 12 actors into a company known as the Queen's Men in 1583. See Scott McMillin and Sally-Beth MacLean, *The Queen's Men and their Plays* (Cambridge, 1998), 194–7.

own to gain legitimacy. Another example predates these two by some 30 years. In a letter of 1552, Richard Ogle sent a letter to Cecil, advertising the fact that he has 'sent a feigned licence to the council which we took from players a thing much to be looked to and the offenders worthy punishment'.³² Ogle's letter shares with Hext's not only its recipient (William Cecil) and its content (forgery), but also its tone: outrage mixed with resignation. In accounting for forgery, we must also acknowledge the difficulties of detection. Not only are the court records used for compiling early modern crime statistics incomplete, they can only ever reveal the cases that made it to the courtroom. If the Lord Chandos' Men had chosen a different route, the Norwich clerk and modern literary critics would both be none the wiser. Furthermore, if Hext were right, and the majority chose to turn a blind eye, then the hundreds of forgery cases that made it to prosecution are only the tip of the iceberg. The three dramatic examples gathered here from three successive decades offer us a rare glimpse of how local officials dealt with the daily problems of forgery.

Examining the papers of the Master of the Revels from the seventeenth century, when record-keeping is more regular, an even stronger pattern is seen to emerge. The Earl of Pembroke, Lord Chamberlain from 1615 to 1625 and dedicatee of Shakespeare's *First Folio*, issues a letter in 1616 complaining about a recent upsurge in playing companies using official documents for fraudulent ends. He writes how numerous members of the royal playing companies:

have each of them taken forth a several exemplification or duplicate of his majesty's letters patent granted to the whole company and by virtue thereof they severally in two Companies with vagabonds and such like idle persons, have and do use and exercise the quality of playing... contrary to the true intent and meaning of his Majesty.³³

The link between players and vagabonds persists, with questionable documentation forming a common bond.³⁴ In 1624, Henry Herbert, then Master of the Revels, addresses all Mayors, sheriffs, Justices of the Peace, bailiffs, constables, and other officers of the Crown to demand:

what Companie soever shall Repai\re Vnto any of yo^r Townes Corporatt Cittyes or Bouroughes not havinge there Authoreties Confirmed by me and Sealed wth the Seale of the office of the Revalls that forth wth yo^u seize any such grant or Commission and send it to mee accordinge to those Warrants directed to yo^u heretofor.³⁵

This becomes a refrain in letters issued from the office of the Master of the Revels, even when licensing genuine companies.³⁶

Considering the simultaneous importance and suspicion attached to documents like the players' licence, it should come as no surprise that dramatic characters too pay close attention to the workings of bureaucracy. Unsurprisingly, Ben Jonson emerges as the most bureaucratically

³² National Archives, Public Record Office (PRO), State Papers 10/15, fol. 75, item 33.

³³ Chambers, vol. IV, 343–4. Thomas Swynnerton and Martin Claughton of the Queen's Men, William Perrie of the 'Children of his Majesty's Revels', and Gilbert Reason 'one of the prince his highness Players' are all singled out by name for this offence. See also Pembroke's letter of 1622 where he writes: 'I am credibly informed that there are many & very great disorders & abuses daily comitted by diu<er>se & sundry Companies of Stage players Tumblers vaulters [etc] ... by reason of certaine grants Comissions & lycences wch they haue by secret meanes p<ro>cured both from the kings Matie & also from diu<er>se noblemen', in N. W. Bawcutt, *The Control and Censorship of Caroline Drama: The Records of Sir Henry Herbert, Master of the Revels, 1623–73* (Oxford, 1996), Appendix A, 299–306.

³⁴ See, for example, Paola Pugliatti, *Beggary and Theatre in Early Modern England* (Aldershot, 2003).

³⁵ Lansdowne MS, No. 81, Art. 6, ff 161–62, reproduced in Adyellotte, *Elizabethan Rogues*, 167–73 (Oxford, 1913).

³⁶ See Bawcutt, *The Control and Censorship of Caroline Drama*, Appendix B, 307–13, where of the seven dramatic licences collected, four contain extended provisos for seizing and punishing those found without the correct documentation (B1; B3; B6; B7). Of the remainder, two (B2 & B5) are in fact spurious licences, not issued by the Master of the Revels. B4 is fragmentary (Oxford, 1996).

minded author of the period. For Jonson, paperwork fulfils an important civic function, and its abuse can have serious material consequences, whether that's the warrants that circulate in his early work *A Tale of a Tub*, or the will that underwrites much of the action in *Volpone*. Documents predominate nowhere more so than in, or at, *Bartholomew Fair*. The Induction opens with the reading of a contract by a scrivener, giving the theatrical experience itself a documentary basis. Much of the plot revolves around the marriage licence of Bartholomew Cokes and Grace Wellborn, introduced in the very first words uttered by Littlewit:

Master Bartholomew Cokes, of Harrow o'the Hill, i'the county of Middlesex, Esquire, takes forth his licence to marry Mistress Grace Wellborn, of the said place and county.

Who has control of this licence is of vital concern, due to its vulnerability to tampering; as Quarlous boasts, 'I have a licence and all, it is but razing out one name, and putting in another' (5.2.75). Elsewhere there are references to warrants (4.1.17), writs of rebellion (4.4.129), commissions of wit (Induction.89), and 'a bond of a thousand pound' (5.2.113). For a play that does not contain a single letter, it paints a detailed picture of early modern documentary culture.

In his depiction of human relations mediated by paper, Jonson is careful to show how open to penetration, or rather infiltration, those relations can be at various points. The spectre of forgery, in Gordon's evocative phrase,³⁷ affects not only the play's marriage licence, but also a document of much greater value to Jonson personally—the licence to perform. *Bartholomew Fair* could not be staged without a licence from the Master of the Revels, and it is this very document that is challenged in the penultimate scene. After the marriage plot has resolved itself for better or worse, we are left with the play-within-the-play of 'Hero and Leander'. The metatheatricality of this moment extends beyond the usual equation between world and stage, undermining the conditions of performance themselves through the licence. The roguish Leatherhead is interrupted by the Puritan Zeal-of-the-Land Busy, who challenges the lawfulness of his puppet-show:

Leatherhead: Sir, I present nothing but what is licensed by authority.

Busy: Thou art all license, even licentiousness it selfe, Shimei!

Leatherhead: I have the Master of the Revels' hand for't, sir.

Busy: The Master of Rebels' hand, thou hast—Satan's!

5.5.13

Here, we can see Jonson exploiting the slippage between 'licence' and 'licentiousness'. The ambivalence of the term destabilizes the very relations a licence is intended to shore up, leading to charges of Satanism. Richard Burt says of the licence:

Licensing created a contradiction within the Stuart hegemony... in that the Stuarts were compelled to intervene and restrain (sometimes at cross purposes...) the 'licentiousness' of the very entertainers and entertainments they themselves licensed.³⁸

Viewing the licence as a political document, Burt does not dwell on the play's investment in exposing the dangers of untrustworthy documentation. I see the crux of the matter as less do to with court politics and everything to do with forged credentials of a more local variety. Jonson creates a situation whereby neither on- nor off-stage audiences can judge whether Leatherhead's licence is 'genuine' (within the fiction of the play). This means that we cannot determine if we are watching yet another petty crime committed at Bartholomew Fair, or a struggling artist being wrongfully accused by the hypocritical Busy.

³⁷ Gordon, 'Material Fictions', 86.

³⁸ Richard Burt, 'Licensed by Authority': Ben Jonson and the Politics of Early Stuart Theater', *English Literary History*, 54 (1987), 529–60 (542).

The play's staged licence has a metonymic relation to the play licence of *Bartholomew Fair* itself, casting doubt over the Lady Elizabeth's Men own permission to perform. We saw earlier how often playing companies made use of suspect paperwork, and this problem persisted throughout the period. A quarter sessions indictment survives from 1629 for one John Jones, along with his wife and associates, entertainers who offer to perform a 'Motion with dyvers storryes in ytt', but whose licence is judged to be counterfeit: 'dictum falsum scriptum sic'.³⁹ A year later, in Dorchester we hear how '[t]his day the puppet players craued leaue to play here in this towne, & had a warrant vnder the Kings hand, yet were refused'.⁴⁰ The refusal to obey an official licence speaks to Burt's point about the competing authorities of seventeenth-century England. At a more fundamental level, it attests to a deep-rooted suspicion of any such document: 'For all the attempts to imbue early modern letters with legally verifiable authenticity, there is a rooted suspicion of paperwork per se in early modern culture.'⁴¹ Taken with the many instances of players' licences being forged or falsified above, it would seem that local authorities were right not to simply accept such paperwork at face value, as Worcester's Men had learned to their detriment. At *Bartholomew Fair's* royal performance in 1614, the epilogue steps forward to address King James directly, blurring the distinction between the literal and the metaphorical licence: 'You can tell/ If we have used that leave you gave us well;/ Or whether we to rage or licence break' (Epilogue.5–7). Through the licence, forgery must be added to the play's long list of criminal activities which Jonson sets out to satirize. And like prostitution or pick-pocketing, it would have an immediate familiarity to its seventeenth-century audiences.

If the Reformation brought in its wake a crisis of representation, it was more quotidian concerns that prompted the authorities to look to its methods of verification and detection. In an increasingly bureaucratic state, forgery was more than simply a crime, it was an affront to the very system of governance. As early as 1535 an Act is introduced concerning the forging of the King's sign manual, signet and Privy Seal, which made the offence high treason punishable by death.⁴² Stow's *Annals of London* records two early offenders, Edmond Coningsby and Edward Clifford, who 'for counterfeiting the Kings signe Manuel' are executed at Tyburn in 1539.⁴³ 1541 sees another double execution 'for counterfaiting the Kings great seale'.⁴⁴ The same year another Act made the collection of money using 'counterfeit letters or privy tokens' an offence, which was expressly not punishable by death, rather by 'imprisonment, setting upon the pillory, or otherwise'.⁴⁵ While tampering with royal signatures and seals remained a capital offence, forgery *per se* was deemed a lesser crime, deserving of discomfort and public shaming, but not death. By the time of Elizabeth's reign, it was standard to include provisions against counterfeiting in official decrees pertaining to the rogues, vagabonds, and sturdy beggars with which we began. In 1569, the Privy Council issued a directive to London Aldermen urging them to 'take good heed how to avoid the abuses of your passports', recommending that 'the passports would be so discreetly sealed, subscribed, and written, as they should not easily counterfeit the same'.⁴⁶ This seemingly did not deter the many forgers of documents operating around the country. Stow's historical account is punctuated by cases of forgery at regular intervals: one Rolfe executed 'for

³⁹ Meaning 'it was a false statement' (author's translation), *Records of Early English Drama: Hereford Worcestershire*, ed. David N. Klausner (Toronto, 1990), 394.

⁴⁰ *Records of Early English Drama: Dorset Cornwall*, ed. Rosalind Conklin Hays and C. E. McGee [Dorset], and Sally L. Joyce and Evelyn S. Newlyn [Cornwall] (Toronto, 1999), 200.

⁴¹ Stewart, *Shakespeare's Letters*, 300.

⁴² 27 Henry 8c.2.

⁴³ Stow, *Annals of London*, 228.

⁴⁴ Stow, *Annals of London*, 232.

⁴⁵ 33 Henry 8c.1.

⁴⁶ Aydelotte, Appendix A6, 152–4. That this was enforced more widely is suggested by a record of Devon Justices from 5 November of the same year, which specifies that when apprehending vagabonds 'to make strayte serche, whether they haue any letters or billes vppon them, and the same beinge founde together with certificate of the reste of their doinges in the serches, watches, and wardes, to be broughte before the nexte Iustice of the peace to be sene, vewed, and examyned by the said Iustice', Oxford, Bodleian MS Rawl. B. 285 11 verso–12, reproduced in Aydelotte, Appendix A7, 155–6.

counterfeiting the Queenes hand' (1571); an unnamed beggar 'hanged, headed, & quartered, for begging by a license, whereunto the Queen's hand was counterfeited' (1580); the unfortunate would-be parson Henry Elkes (1586); a scrivener in Holborn hanged for tampering with the Great Seal (1595).⁴⁷ The same year, five men who were caught:

for cozenage and counterfeiting of Commissions, &c. were set on the Pillory in West Cheape, some of them had their eares nailed and cut off, others that had before lost their eares were burnt in their cheekes and forehead.⁴⁸

Forgery was a high-risk, high-visibility crime in early modern England. Note how some are repeat offenders 'that had before lost their eares', so that authorities must find new body parts to mark. And yet the problem persists, as we see from the 1596 Proclamation Ordering Punishment of Persons with Forged Credentials. Here, the target is false messengers of her Majesty's chamber, the which 'counterfeit persons':

still go up and down the country with writings in the form of warrants whereunto the names of the lords and others of her majesty's Privy Council and other ecclesiastical commissioners are by them counterfeited... such is the audacious and wicked disposition of these most vile and dissolute persons as they continue more and more this practice.⁴⁹

The proclamation ends by returning to the problem of forged passports and licences used by vagabonds, recommending that local officers 'shall consider well of the said licences... whether the same be true or counterfeit'. Gordon says of this legislation, 'Elizabeth's government now took the radical step of encouraging documentary skepticism in its officeholders at the most local level.'⁵⁰ Dalton's 1618 *Country Justice* continues to warn local Justices of the Peace to be on the lookout for forged passports.⁵¹ Likewise, a set of reports of Star Chamber covering the period 1625–1629 asserts that 'the grounds of forgery were not known then so well as now.'⁵² Of the 82 cases reported on in that manuscript, eight (roughly 10%) directly concern forgery of some description, which would seem to confirm the anonymous author's concern for a rising tide of forgery: 'It hath been nothing [noted?] oftentimes in this Court that forged deeds have been damned where no party was censured for the forgery.'⁵³ It is worth underlining that the legislation listed here is specifically concerned with the forging of legal instruments and does not encompass an equally robust legislation aimed at the counterfeiting of money. Our awareness of documentary forgery deserves to be on a par with coining and clipping, when the former is of far more relevance to the materiality of early modern authorship.

In a world where licences, letters, and even royal warrants are to be examined with caution, suddenly the abundance of plots that revolve around forged letters becomes newly intelligible. Since documents are routinely in danger of falsification, then the extended description Hamlet gives of his forgery in 5.2 is not an irrelevance but a necessity, and it makes perfect sense for Horatio to ask 'How was this sealed?' (5.2.47). Both the characters and the audience know that such a document would never be accepted if it were not signed and sealed in the appropriate manner (5.2.52). Furthermore, the seemingly incidental detail of Hamlet using the seal that had

⁴⁷ Stow, *Annals of London*, 307; 335; 363; 400.

⁴⁸ Stow, *Annals of London*, 402.

⁴⁹ *Tudor Royal Proclamations, 1588–1603*, ed. Paul L. Hughes and James F. Larkin (New Haven, 1969) vol. III, no. 779 (STC 8249).

⁵⁰ Gordon, 'Material Fictions', 92.

⁵¹ STC 6205, 338 (sig. Gg2^v).

⁵² Durham, UK, Palace Green Library, Mickleton and Spearman Manuscript 65, fol.37^r. The comment comes after a father is charged with forging a deed to his own property after his son has sold the property without his approval.

⁵³ Mickleton and Spearman MS 65, fol.37^r.

belonged to Old Hamlet relates directly to the central issue of rightful inheritance and usurpation around which much of the play revolves. Does Hamlet's use of his father's signet constitute forgery when he is in fact the rightful heir to the throne? In the light of the persistence of forgery as a problem in early modern England, perhaps it is not surprising that it is the *English* king who is taken in by Hamlet's forgery.

Placing *Hamlet* within a culture of forgery helps to tie together diverse moments of the play, from Polonius urging Reynaldo to put on Laertes 'What forgeries you please' (2.1.19–20), to Claudius's description of the Frenchman Lamord: 'So far he topped my thought/ That I in forgery of shapes and tricks/ Come short of what he did' (4.7.87–9). Where these comments treat forgery metaphorically, a more literal root lies behind the utterance of the ghost. When Old Hamlet returns from the grave to call for revenge, he tells his son that there is forgery in the archive:

'Tis given out that, sleeping in my orchard,
A serpent stung me. So the whole ear of Denmark
Is by a forged process of my death
Rankly abused.

1.5.35-8

'Process' here could simply mean 'a narrative; an account; a story' (OED 4.a); this is how it is understood by the Oxford English Dictionary, which uses this quotation from *Hamlet* for illustration. However, the word also has a more technical political sense of 'A formal command, mandate, or edict, issuing from a person in authority' (OED 7). The OED illustrates this definition by quoting from a later scene of *Hamlet*: 'And England, if my loue thou hold'st at ought,..thou mayst not coldly set Our soueraigne processe, which imports at full..The present death of Hamlet.'⁵⁴ The very scene where we learn of Claudius's plot to kill Hamlet via commission uses 'process' in the more formal sense of 'command' or 'edict'. Yet, how can we be sure that Claudius's 'sovereign process' in 4.3 is so different in meaning from the ghost's 'forged process' in 1.5, when both trace their source to the throne of Denmark? Star Chamber gives several precedents for forged legal documents, stretching back to John Bonyfaunte being accused of forging a commission in Chancery and falsifying depositions in 1518, and William Underhill's forged court order from 1526.⁵⁵ A later example, from 1614, involves forgeries upon forgeries, when the defendants Thomas Quarman, John Deane (an attorney), and Richard Deane (his son) stand accused of forging a deposition in their ongoing forgery case.⁵⁶ Clearly, 'forged process' could contain a number of different meanings for early modern audiences, that were grounded firmly in the material realities of forgery, and proleptically point towards the forged commission to come. Taken together, Shakespeare's use of forgery in *Hamlet* is less a convenient theatrical shortcut to return its eponymous hero to the shores of Denmark than it is a diffuse critique of official documents' vulnerability to duplicity and duplication in the wrong hands.

King Lear's forged letter too has its real-world antecedents. Edmund's ploy to discredit his brother involves forging a letter in Edgar's name asking Edmund to conspire with him in murdering their father the Duke of Gloucester, amounting to petty treason. Stow reports a peculiar case of treasonous forgery in 1585, where one Thomas Lovelace sought the overthrow of three Lovelace brothers (his cousins) through a forged letter. Confusingly, one of the

⁵⁴ This is 4.3.56ff in the Arden edition. Tellingly, what is left out in the OED quotation is how Claudius delivers these instructions, '[b]y letters congruing to that effect' (4.3.62). These 'letters' are of course the commission that will subsequently be forged and substituted.

⁵⁵ STAC 1/562/67; STAC 10/1/42.

⁵⁶ STAC 8/49/12, see also STAC 8/62/17.

brothers was also called Thomas, creating a pair of homonyms even closer than Shakespeare's Edgar/Edmund:

The eleuenth of February, Thomas Louelace was brought prisoner from the Tower of London, to the Starre-chamber, against whom her Maiesties Attorney did informe, that the same Louelace, vpon malice conceiued against Leonard Louelace, and Richard Louelace, his cousin germanes, had falsely and deuilishly contriued and counterfeited a very traiterous Letter in the name of Thomas Louelace (another brother of the said Leonard and Richard, then resident beyond the Seas) purporting that the same Thomas should thereby incite and prouoke the said Leonard, to procure the said Richard, to execute her Highnes destruction, with other circumstances of treason.⁵⁷

The forged letter was then 'cast in an open high-way' so that on being discovered, his kinsmen 'should be drawn in question for the treasonable matter'. Edmund of course does not drop his letter, but claims that he found it 'thrown in at the casement of my closet' (1.2.60), before disingenuously trying to 'hide' it when their father arrives.⁵⁸ Multiplying the filial ingratitude of the opening scene, Edmund proceeds to tell his father of the supposedly murderous intent of his brother Edgar, succeeding where Lovelace failed and casting suspicion on his guiltless brother. Edmund's status as Gloucester's 'bastard' son only strengthens the link with counterfeit culture, replacing true issue with a false approximation.⁵⁹

In his analysis of forged correspondence from the period, Andrew Gordon observes:

The letter was a key textual instrument in the period – arguably the most wide-ranging and vital sociotext of its time and one particularly prone to being remade and reimaged through forgery.⁶⁰

As the first transgression of many, Edmund's letter is strongly allied with the criminal culture of Shakespeare's time, of which audiences were becoming increasingly wary. The year before *Lear's* first performance at Whitehall in 1606, King James himself had been the victim of treasonous forgery, when Thomas Dowglasse was committed to the Tower after being sent from the County Palatine, for 'counterfeiting the Kings Priuie signet, and for counterfeiting the Kings hand vnto Letters of his owne deuising vnto diuers Princes of Germany'.⁶¹ The crimes of Lovelace and Dowglasse may not be direct sources for *King Lear*, yet the proximity of forgery and treason is suggestive. When Shakespeare goes out of his way to plant a forged letter for which there is no known source, it is possible he is taking his inspiration not from literature but from the pages of history. Like Hamlet before him, Edgar forges an epistolary fiction with a basis in fact.

A final example of art counterfeiting life comes from one of the most celebrated moments of forgery in Shakespeare. The connections I put forward in this last section are more speculative, but are grounded in the culture of forgery established thus far. In Shakespeare's *Twelfth Night*, we see a high-ranking servant of the Lady Olivia overstepping the bounds of propriety, and ending

⁵⁷ Stow, *Annals of London*, 358.

⁵⁸ Frances Teague has pointed out that there are no forged letters in Shakespeare's sources for the Gloucester plot, 'Letters and Portents in *Julius Caesar* and *King Lear*', *Shakespeare Yearbook*, 3 (1992), 87–104 (92). Where Teague traces the motif to Cassius' forgery in *Julius Caesar*, there is equally a case to be made for non-literary sources being operative.

⁵⁹ Michael Neill argues for a link between illegitimacy and counterfeit coinage in *The Revenger's Tragedy* in 'Bastardy, Counterfeiting, and Misogyny in *The Revenger's Tragedy*', *Studies in English Literature, 1500–1900*, 36 (1996), 397–416.

⁶⁰ 'Material Fictions', 87. He goes on to give an example of how '[c]ounterfeit letters might operate effectively as libels', when in 1598 a forged letter 'circulated in multiple copies by one Annate that implicated London's comptroller of customs in the production of counterfeit coinage', 90.

⁶¹ Stow, *Annals of London*, 457.

up imprisoned at the hands of his enemies after they have forged a letter designed to humiliate him. We know this play to have been performed in Middle Temple hall on 2 February 1602, due to an entry in the diary of John Manningham (spotted by none other than John Payne Collier).⁶² Certain circumstances of the Malvolio sub-plot, I want to suggest, could have evoked for its Inns of Court audience another high-profile case of a courtier brought low, one that also involved forgery but which had a very different outcome for its protagonist, the Earl of Essex.

On 7 February 1601, Robert Devereux, 2nd Earl of Essex, saw fit to order a custom performance of a play about Richard II. This was the night before Essex's ill-fated rebellion designed to gain him access to Queen Elizabeth, who had refused to meet with him on his return from Ireland. Augustine Phillips of the Lord Chamberlain's Men was brought before the court to deny any foreknowledge on the part of Shakespeare's playing company. A volume of essays has been dedicated to *Essex: The Cultural Impact of an Elizabethan Courtier*, in which Grace Ioppolo finds direct connections to the Earl in no less than 10 English plays of the period.⁶³ These include three plays by Shakespeare: *Henry V*, *Julius Caesar*, and of course *Richard II*, although nowhere does she mention *Twelfth Night*. Ioppolo quotes from a letter that Essex writes to Queen Elizabeth in May 1600, where he expresses his fear of being put on public display:

I am gnawed on & torne by ye vilest & basest creatures vpon earth ... and shortlye they will play me in what formes they list vpon ye stage.⁶⁴

The utterance has more than a flavour of Cleopatra about it, and like Cleopatra it would prove to be more prophetic than its author realizes. I propose Malvolio as just such a figure of fun, the 'geck and gull' of Sir Toby and his accomplices. Forgery forms a common bond between Malvolio and the Earl of Essex, which would have been immediately apparent to a legally minded audience in 1602.

That the Earl of Essex had been a victim of forgery is common knowledge, and in fact this was proclaimed publicly by Essex himself during his trial in 1601. The perpetrator of one particular forgery was his previously trusted advisor, and now chief counsel for the prosecution, Francis Bacon. In his *Apologie, in Certain Imputations concerning the late Earl of Essex*, Bacon admits to manufacturing both a letter and a response between the Earl of Essex and Francis' brother Anthony concerning Essex's falling out of the Queen's favour in 1600.⁶⁵ But he insists that his intentions were well-meant: 'I have spent more time in vain in studying how to make the earl a good servant to the Queen.'⁶⁶ This is only the most well-known of several forgeries connected with the Earl of Essex towards the end of his life. Andrew Gordon has studied a related case, also brought up during Essex's trial, involving a known forger, 'Bales the Scrivenor', who had confessed that he had been 'forced to forge and counterfett my [Essex's] hand in at least twelue severall [ette]res.'⁶⁷ Here, the instigator was John Daniell, servant to the Earl, who had stolen some of Essex's letters and had them copied by Bales. Called before the Privy Council, Bales testifies that Daniell told him this was harmless fun, and 'that he ment to geue some a gull.'⁶⁸ Daniell's reasons are obscure, but nevertheless, he was sentenced to life imprisonment for his

⁶² This can be found in Collier's *Annals of the Stage*, vol. I, (London, 1831), 320 as noted by John Bruce in his preface to the edition of 1868, *The Diary of John Manningham of the Middle Temple* (London, 1868), i.

⁶³ Robert Devereux, 2nd Earl of Essex, and the Practice of Theatre', in Annaliese Connolly and Lisa Hopkins (eds), *Essex: The Cultural Impact of an Elizabethan Courtier* (Manchester, 2013), 63–80 (73–4).

⁶⁴ Ioppolo, 'Essex and the Practice of Theatre', 64.

⁶⁵ (London, 1604) STC 1111. See the case study, 'Essex and his secretaries', 71–7 in Alan Stewart and Heather Wolfe, *Letter-writing in Renaissance England* (Seattle, 2004), which describes the widespread contemporary circulation of Bacon's 'framed letters' and "confected" correspondence', 75.

⁶⁶ 'Essex and his Secretaries', 75.

⁶⁷ The National Archives, State Papers 12/278/101 fol. 171^r, 'The Arraignment of Robt Erle of Essex and Henry Erle of Southampton at Westminster the sixth of February 1600', cited in Gordon, 'Material Fictions', 102.

⁶⁸ The National Archives, State Papers 46/52, fol. 92^r, cited in Gordon, 'Material Fictions', 103.

role in the Essex forgeries.⁶⁹ This leads Gordon to see the correspondence of the Earl of Essex as constituting:

the single most significant case of the period for understanding how the rich polyvalence of the letter was exploited in the material fictions of forgery and speculative construction of treason.⁷⁰

Alongside such high-profile cases of forgery, we must not forget the humble tailor William Hulls, who had forged Essex's signature on his own licence back in 1596.⁷¹ Hulls was only pilloried and whipped for his offence, but he stands alongside Daniell, Bales, and Viscount Bacon as one of the many forgers with the Earl as their victim.

While Gordon's 'speculative construction of treason' recalls the *Lear*/Lovelace example, the 'material fictions of forgery' could be a summary of the entire Malvolio subplot. It is against such a backdrop that I want to tease out the connections between the Earl of Essex and the pompous steward of Shakespeare's play. There is an abundance of conspiracy theories tying Shakespeare to the Earl of Essex already, to which I do not want to contribute. So while I find some of the correspondences below persuasive, I am not claiming that Shakespeare had the Earl in mind when composing *Twelfth Night*. Rather, I suggest that its original Middle Temple audience may have recognized facets of the Earl's story played out in Malvolio's doomed bid for power. To begin let us look to John Manningham's diary, where after the Middle Temple revels of 1602 he writes:

At our feast wee had a play called 'Twelve night, or what you will'; much like the commedy of errores, or Menechmi in Plautus, but most like and neere to that in Italian called Inganni.

A good practise in it to make the steward beleeve his Lady widdowe was in Love with him, by counterfayting a letter, as from his Lady, in generall termes, telling him what shee liked best in him, and prescribing his gesture in smiling, his apparraile, &c., and then when he came to practise, making him beleeeue they tooke him to be mad.⁷²

We might note that Manningham's plot summary only concerns itself with the Malvolio sub-plot 'counterfayting a letter', while the Orsino-Viola-Olivia love triangle passes without comment. Shakespeare's addition to his sources includes forgery as a dominant theme, in much the same way as it is used in both *Hamlet* and *King Lear* despite being extraneous to those plays' sources.

If Manningham's diary had begun a year earlier, in February 1601 instead of 1602, a performance of a very different order might have been recorded: the trial and execution of Robert Devereux for treason. Not only had the case involved the legal luminaries of early modern London, but Essex himself had strong ties to the Inns of Court. Essex House was built on the grounds of the Outer Temple, which the Earl had fortified ahead of his abortive rebellion. The proximity to the Inns of Court would have made his fate all the more shocking to its inhabitants. Sir Henry Wotton, the Earl's Chief Secretary in Ireland in 1599, had trained at the Middle Temple.⁷³ And it was Middle Templar Sir Charles Percy who crossed the Thames on the eve of the rebellion to ask

⁶⁹ The National Archives, State Papers 46/56/1 fol. 164, cited in Gordon, 'Material Fictions', 103.

⁷⁰ Gordon, 'Material Fictions', 102.

⁷¹ Cockburn, *Calendar of Assize Records: Kent Indictments Elizabeth I*, 394 (London, 1979).

⁷² *The Diary of John Manningham of the Middle Temple*, ed. Robert Parker Sorlien (Hanover, NH, 1976), 48, fol. 12b.

⁷³ Arthur F. Kinney, *Titled Elizabethans: A Directory of Elizabethan Court, State and Church Officers, 1558–1603*, ed. Jane A. Lawson (London, 2014), 64; 'There is no evidence that he [Wotton] was involved in the Essex rebellion, but thereafter he found it prudent to go abroad', Anthony Arlidge, *Shakespeare and the Prince of Love: The Feast of Misrule in the Middle Temple* (London, 2000), 83.

for a special performance of the Richard II play.⁷⁴ Despite the fact that the Earl of Essex had died a traitor the year before Manningham begins his diary, he frequently makes his presence felt in the text, whether in the note that Essex's widow has remarried a man 'something resembling the late E[arl] of Essex',⁷⁵ or that Mr Bodley who 'hath made the famous library at Oxeford' followed the Earl until his fall in 1601.⁷⁶ As late as April 1603, Manningham notes down Thomas Overbury's opinion that Sir Robert Cecil followed the Earl of Essex's death 'not with a good mynde'.⁷⁷ So in 1602 I propose Essex as the ghost at the feast on *Twelfth Night's* first performance.

A chief source of court gossip for Manningham was Doctor Parry, royal chaplain to Elizabeth, and here is where parallels with Shakespeare's maligned steward are most pronounced. At one point Manningham records:

Dr. Parry told howe Dr. Barlowe, nowe one of hir Majesties chapleins, received a checke at hir Majesties, because he presumed to come in hir presence when shee had given speciall charge to the contrary, because shee would not haue the memory of the late Earl of Essex renewed by him.⁷⁸

This recalls the moment in September 1599 when Essex had returned from Ireland without permission and made his way directly to Nonesuch Palace:

[He] made all hast up to the presence, and soe to the Privy Chamber, and staid not till he came to the queen's bed chamber, where he found the queen newly up, the heare about her face.⁷⁹

This breach of protocol would be the last time the Earl of Essex would see his queen, although he went on to write increasingly frantic letters to her in the intervening 16 months before his death. In *Twelfth Night*, we have Malvolio's appearance cross-gartered in yellow stockings; he too interrupts his mistress alone in private, only to be rebuffed. We later see him desperately trying to write to the Lady Olivia, calling for pen, ink and paper multiple times (4.2.81; 4.2.106; 4.2.110) and begging Feste to 'convey what I will set down to my lady' (4.2.111). Unfortunately for Malvolio, Feste is also playing the part of 'Sir Topas the curate', and as Sir Toby lets us know, 'The knave counterfeits well' (4.2.19). Such webs of allusion may not make Malvolio an avatar for the Earl of Essex, but they do make the possibility of metatextual commentary at least as likely as Queen Elizabeth's self-identification with Richard II.

A more complex intertextual echo is to be found in 1595, when the Earl of Essex mounted lavish Accession Day tilts in honour of his sovereign.⁸⁰ These included the controversial masque, *Love and Self-Love*, penned by Francis Bacon, which sought to influence her majesty but did not find royal favour.⁸¹ Paul Hammer says of the event that 'Essex's 1595 Accession Day entertainment was apparently well enough known to prompt an allusion at the Middle Temple Christmas revels more than two years later'.⁸² If the Earl's entertainments were well-enough known to be

⁷⁴ Arlidge, 4–5.

⁷⁵ *Diary of John Manningham*, 231, fol. 125b.

⁷⁶ *Diary of John Manningham*, 186, fol. 97b.

⁷⁷ *Diary of John Manningham*, 236, fol. 128. The same entry notes how Overbury rails at the Bishop of London, claiming that one 'Darling, whoe... had bin convict for a counterfaiour of passes [?], was a better scholler then the bish[op], that the bish[op] was a verry knave', 235, fol. 128. The '[?]' comes from the transcription; it seems clear this is yet another reference to the forging of vagrants' passes discussed earlier.

⁷⁸ *Diary of John Manningham*, 87, fol. 38b.

⁷⁹ Quoted in Ioppolo, 'Essex and the Practice of Theatre', 65.

⁸⁰ Paul Hammer, 'Upstaging the Queen: The Earl of Essex, Francis Bacon, and the Accession Day Celebrations of 1595', in David Bevington and Peter Holbrook (eds), *The Politics of the Early Stuart Court Masque* (Cambridge, 1998), 41–66.

⁸¹ Francis Bacon, *Early Writings, 1584–1596*, ed. Alan Stewart with Harriet Knight (Oxford, 2012), 675–722.

⁸² *The Polarisation of Elizabethan Politics: The Political Career of Robert Devereux, 2nd Earl of Essex, 1585–1597* (Cambridge, 1999), 214 (with thanks to Duncan Salkeld for the reference). This was the incident where John Davies in the persona of Stradilax

alluded to in 1597, how much more topical would a reference to Essex be on the anniversary of his rebellion and subsequent execution? At the beginning of *Twelfth Night*, when characters are first being established for the audience, Olivia tells her steward 'Oh you are sick of self-love, Malvolio' (1.5.86), recalling for a Middle Temple audience another moment of chagrin for a courtier by his superior. That Malvolio goes on to become enamoured of his mistress, imagining himself 'in my branched velvet gown, having come from a day-bed where I have left Olivia sleeping' (2.5.44–6), only strengthens the connection with the Earl of Essex who infamously gained access to the Queen's private chambers.

Compounding this similarity of actions is a similarity of temperaments; both share a struggle between duty and power. A sentiment such as 'Some are born great, some achieve greatness and some have greatness thrust upon them' (2.5.141–3) is equally applicable to the firebrand Earl and the power-hungry steward. Malvolio's day-dream is less about having carnal knowledge of Olivia than it is about wielding the authority such a relationship would give him, 'to have the humour of state' (2.5.49). This precedes his finding of the forged letter supposedly from Olivia declaring 'I may command where I adore' (2.5.103), which bears a close resemblance to the fraught relationship between the Earl and his mistress. Earlier in the 'kitchen scene', Malvolio had been stifled in his attempt to exert his power over Sir Toby, who insultingly asks 'Art any more than a steward?' (2.3.112). Essex too was someone caught between wielding authority and obeying his sovereign, as is clear from any number of encounters. Aside from bursting in on the Queen in 1600, he is on record as saying in a letter to Egerton that 'the duty of attendance ys noe indissoluble diuty', which is impertinent verging on treasonous.⁸³ That Essex saw himself as being used, or even 'notoriously abused', in the service of his sovereign is clear from his complaint against Elizabeth:

I owe her ma[jes]tie the office of an Erle, and of a Marshalle of England, I have ben contented, to doe her the office of a Clarke but I can never serue her as a slave or a villaine.⁸⁴

Outbursts such as these led Sir Robert Markham to give a warning to Sir John Harington, before he went on campaign with Essex into Ireland: 'Observe the man who commandeth, and yet is commanded himselfe.'⁸⁵ While the Earl is reduced to the service of a clerk, the steward aspires to the position of Count.

Whether consciously or not on the part of Shakespeare, in Malvolio can be seen a caricature of the Queen's erstwhile favourite. Both appear to operate on the misguided belief that their mistress loves them above all else: 'I am above thee; but be not afraid of greatness' (2.5.141). Malvolio is even encouraged by his enemies to '[I]et thy tongue tang arguments of state' (2.5.147), a mistake that Essex had made himself on occasion, as with his open letter challenging the policy of peace with Spain, that led to his own *Apologie* in 1598.⁸⁶ Vengefulness is another trait the two share, as well as a rashness in public demonstrated so perfectly by Malvolio's parting shot: 'I'll be revenged on the whole pack of you!' (5.1.371). This follows his treatment at the hands of his enemies, who imprison him in a 'madhouse' and 'do all they can to face me

called himself 'Erophilos, in sawcy imitation of the greate Earle of the time'. See John Finkelpearl, *John Marston of the Middle Temple: An Elizabethan Dramatist in his Social Setting* (Cambridge, 1969), 53.

⁸³ British Library Lansdowne MS 87f. 191, cited in Gordon 'Essex's Last Campaign', 156. For a discussion of duty in relation to Essex see Gordon, "A Fortune of Paper Walls": The Letters of Francis Bacon and the Earl of Essex, *English Literary History*, 37 (2007), 319–36 (328).

⁸⁴ British Library, Royal MS 17, fols. 8v–9, cited in Gordon, 'A Fortune of Paper Walls', 328.

⁸⁵ *Nugae Antiquae*, vol. I, 288, cited in Alexandra Gajda, *The Earl of Essex and Late Elizabethan Political Culture* (Oxford, 2012), 196.

⁸⁶ See Gordon, 'A Fortune of Paper Walls', 322. See also Hammer, 'The Earl of Essex, Fulke Greville, and the Employment of Scholars', *Studies in Philology*, 91 (1994), 167–80 (174).

out of my wits' (4.2.92–3). It is even possible that Malvolio's mock madness could evoke Essex. Sir John Harington comments how:

ambition thwarted in its career, dothe speedilie leade to madnesse; herein I am strengthened by what I learne in my lord of Essex, who shyftethe from sorrowe and repentaunce to rage and rebellion so suddenlie, as well provethe him devoide of good reasone or righte mynde.⁸⁷

Malvolio too is a model of thwarted ambition. Harington continues that Essex's 'speeches of the Queen become no man who hath *mens sana in corpore sano*':⁸⁸

The evidence presented here has been circumstantial, which is precisely what lawyers at the Inns are trained to use in building a case.⁸⁹ Ultimately, I do not see *Twelfth Night* as an elaborate allegory of court politics, despite the parallels. However, a group of lawyers attending this play in the Middle Temple, almost a year to the day since the Essex rebellion, may have seen things otherwise within a culture steeped in allegory and correspondences. This was an audience that certainly included John Manningham and potentially included John Davies (who had mocked the Earl in the 1597 revels), John Marston (who wrote his own play entitled *What You Will*), Ford, and Webster, all current members of the Middle Temple in February 1602.⁹⁰ These law students and dramatists were as likely to attend a new play by Shakespeare staged in their dining hall as they were to pay attention to the revelations concerning the Earl of Essex's trial for treason in their own backyard. What led me to pursue this line of argument was the pivotal role of forgery in both Malvolio and Essex's downfall, one in a comic mode, the other in a more tragic register. At the same time, I have been arguing that forgery as a problem extended far beyond court politics or individual courtiers and was part of the daily fabric of early modern life. An attention to forgery makes possible new histories of early modern literature, linking literary invention to literal crimes. That goes for Middle Temple hall in 1602, Whitehall palace in 1606, or any number of other venues where plays were staged, and counterfeiters were in operation.

I. CONCLUSION: 'BY THIS HAND'

These are the words that Malvolio swears by when he begs Feste to help him get a letter to his mistress to clear his name (4.2.110).⁹¹ What Malvolio fails to see is that the letter has become utterly debased as a trustworthy means of communication, thanks to his own public gulling. Feste agrees to help, but not before a last Janus-faced comment: 'But tell me true, are you not mad indeed, or do you but counterfeit?' (4.2.114–5). While Malvolio may not detect the irony here, Shakespeare surely intended his audience to see the joke. 'By this hand' is an empty vow in a world where all handwriting is viewed with suspicion, in which multiple companies call themselves the Lord Chandos' Men, and a puppet-master can claim to have 'the Master of the Revels' hand for't, sir'. Such moments show us that forgery is not simply a plot device, or an empty fear of characters onstage. It was a growing concern that directly affected players themselves, members of the audience, courtiers, and even the sovereign on occasion. As a daily reality for anyone who picked up quill and ink (and some that did not), it is little wonder that forgery makes its presence felt on the early modern stage. More than that, the forgery of official documents chipped away at the edifice of early modern administration in dangerous and even treasonous ways. If the drama of early modern England is often considered subversive, the staging of forgery is doubly so.

⁸⁷ Harington, *Nugae Antiquae*, vol. I, 179.

⁸⁸ Harington, *Nugae Antiquae*, vol. I, 179.

⁸⁹ Lorna Hutson's, *Circumstantial Shakespeare* (Oxford, 2015) is the fullest account of how lawyers at the time were trained in the rhetorical methods of building compelling narratives from circumstances of time, place, opportunity, etc.

⁹⁰ Arlidge, 5.

⁹¹ Malvolio uses the same formulation at 2.3.121 also.

Shakespeare and forgery have a long history together. That history began during Shakespeare's lifetime, not after it. In recognizing the prevalence of early modern forgery, this article set out to recover the historical reality behind a literary trope. This work has the potential to alter how we view any subsequent relationship between literature and forgery. Take Collier for example, who was no stranger to the world of forgery. What must he have made of Manningham's choice of detail for his account of *Twelfth Night*: 'A good practise in it ... by counterfayting a letter'? Collier would go on to become one of the most prolific Shakespearean forgers of all time, even appending Shakespeare's name to a forged licence to play at the Blackfriars dated 1609.⁹² In forging a licence with Shakespeare's name, Collier's actions unwittingly resonated with some of the most pressing concerns of Shakespeare and his contemporaries, about the forging of authority and the instability of the written word. At a remove of centuries, the forging of Shakespeare's name may in fact be the document's most authentically early modern feature.

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⁹² San Marino, CA, Huntington Library, MS EL11754.