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THE INTERNATIONAL LAW ISSUES IN THE ENGLISH RENAISSANCE PLAY 'EDWARD III'

The article makes an overview of the legal and especially international legal issues in the play "Edward III", written around 1592-1593 and first published in 1595. These issues in the context of the play are presented in the artistic form which makes them still eligible for scholarly analysis in the field of law; their employment in the play also serves the propagandistic purposes. The conclusion is that the scope of international legal themes in the play is a rather vast one, the main of them being probably the justice of the cause of war, the fate of war victims, including the treatment of prisoners, and the observation of obligations taken in the relations with the enemy. The necessity to comply with these obligations is proclaimed. The play does not condemn the recourse to war and the conquest, but reflects the understanding of the horrors of war and the value of mercy, although the latter may also serve the purposes of conquest and propaganda.

Keywords: the history of international law, international law in fiction, legal consciousness, laws of war, war victims, legal undertakings, international law in the Middle Ages.

The English Renaissance play 'Edward III' (or 'The Reign of Edward III', or 'The Reign of Edward III, King of England'), written around 1592-1593 and first published in 1595, usually attracting attention nowadays because of the supposed participation of William Shakespeare in its composing as a collaborator, depicts in dramatic form the outbreak and several episodes of the 'Hundred Years' War'. The more immediate goal of the play, however, is to exploit the patriotic feelings of its first audience inspired by the defeat of the Spanish Armada in 1588 and to celebrate the virtues associated with the Order of the Garter, of which King Edward III (1312–1377) was the founder. This leads to the fact that international law, or rather its European feudal equivalent, is abundantly present in the play, although it is certainly shown and interpreted in artistic and evidently pro-English (that is, partial) manner. The play provides some source material for research in the field of legal and especially international legal consciousness, characteristic both of the period of the events described (as presented in the play's sources) and of the period of the play's creation.

The historical context, structure of the play and its artistic deviations from the historical course of events were summarized, in particular, by G. Melchiori¹, while the life and policy of Edward III, which present the play's subject matter, were recently studied, for example, by D. Jones², W.M. Ormord³, J. Sumption⁴ and others.

The purpose of this article is to make an overview of the issues of international law and related to them as they are presented in the play and as they appear to the eye of a modern legal scholar.

The main historical events shown in the play are the declaration of war in 1337, the naval battle at Sluys in 1340, the land battles at Crécy in 1346 and at Poitiers in 1356, all these being English victories, and, among others, the English capture of Calais in 1347. For the purposes of dramatic performance the action in play is largely compressed in time, making the course of historical development occupy a shorter period than in fact it did, and many of the play's events are shown with historical inaccuracies (for example, in the play the French adversary to Edward on the French throne is King John II only, although in history there were successively two of them, Philip VI and John II; Prince Edward, known as 'the Black Prince', is always a youth in the play, though in historical time he was a boy at the time of the start of the play's action; at the time of the battle of Poitiers King Edward is shown besieging Calais, not

¹ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge: Cambridge University Press. Hereafter in this article the division of play into acts and scenes is given according to this edition.

² Jones, D. (2012). *The Plantagenets: The Kings who made England*. London: Harper Press.

³ Ormord, W.M. (2012). *Edward III*. New Haven and London: Yale University Press.

⁴ Sumption, J. (2016). *Edward III: a heroic failure*. London: Penguin Books.

in London, where he was historically, and several historical characters in the play are left alive past the time of death of their historical prototypes). However, such inaccuracies were conventional practice at the time of the play's creation and first performances, and they generally do not affect the legal issues of the play too much to render the overview and analysis of these issues impossible, although the statement of poetic license is often needed.

Among the international law-related themes, touched by the play, are the treatment of a foreign fugitive of high rank, the declaration of war based on the claim to a foreign throne and the rejection of feudal allegiance, the negotiations before a major battle, including mutual accusations of the parties to the conflict and their respective answers, the alliances and the use of mercenaries in war, the treatment of war victims, including the fate of prisoners and the feudal obligations in respect of the question whom they shall be handed in to, the law during the siege, the observation of the laws of chivalry, especially of a given oath, towards an enemy.

Besides, there are several episodes devoted to the issues mostly concerning the observation of internal rules and order, but at the same time related to the general concept of the play and helping to understand, how the characters interpret the applied rules. These are namely the episode of knighting of the young English Prince Edward, where it is proclaimed what is expected of a knight according to the rules of the era, and that of King Edward's effort to seduce the Countess of Salisbury, which invokes, among other ideas, the possible conflict of feudal allegiance on one hand with religious and moral duties on the other and the necessity to overcome one's passions in order to become a successful leader. The role of public opinion in the process of war waging also has its share of attention, though rather small, in the play.

The foreign fugitive of high rank is Robert of Artois (1287–1342), famous as the instigator of the hostilities between England and France, banished from France and harboured in England by Edward III. He appears at the very beginning of the play as an honourable guest of the English king and gives Edward a pretext to show royal generosity: Edward creates him the Earl of Richmond proclaiming that in this way Robert shall enjoy 'as great a seignory'¹ as he has lost in France. Robert becomes the initiator of Edward's laying dynastic claim on the French throne and remains throughout the play Edward's supporter and ally.

The legal grounds for the war in the play are centered on Edward's dynastic claim to the French throne, based on his being a descendant of Philip IV of France, Edward's maternal grandfather; because of this claim Edward in the play refuses to perform the homage to the new French king for the Duchy of Aquitaine, thinking himself to be superior. Historically, however, in 1329 Edward did perform the informal homage to the that-time King of France Philip VI, and the legal pretext for the outbreak of the conflict is generally considered to be supplied by Philip's confiscation of the Duchy of Aquitaine from Edward in response to the latter's hospitable treatment towards Robert of Artois and unwillingness to extradite him. The version of events in the play as excluding any well-founded sanction against the English king from the French side eliminates the possible accusations against Edward as the one who started the war illegally and on the contrary pursues with constancy the idea of pure and undoubted legitimacy of the English dynastic claim. Certainly the play does not dwell too much upon the question whether the French had the right to establish their law of succession so as to exclude legally the descendants on female line, eliminating thus Edward's claim.

The theme of war as a legal dispute and the just reason for it receives its further development in the scene of the meeting between the monarchs of France and England, each of them ahead of their troops and allies, before the battle of Crécy, when the two belligerent kings exchange monologues, containing mutual accusations of injustice (Act 3, Scene 3). The French King (in the play it is John II) accuses Edward III of having come for pillage, Edward III replies that on the contrary he has come for the crown. One might recall in this context Dante's persuasion that the just war cannot be waged in pursuance of material interests². The exchange acquires a feature of public relations management, when developing into the addresses of both kings to their respective troops. The arguments with the help of which the French King encourages his man are: 1) that Edward is a foreigner; 2) that Edward is likely to become a tyrant if he prevails; 3) that Edward is a wanton monarch devoted to his pleasure. The English King from his part encourages his troops to clear him 'of that scandalous crime'³, that is of false accusations. This

¹ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge: Cambridge University Press, 59.

² Алигъери, Д. (1999). *Монархия*. Москва: Канон-пресс-Ц – Кучково поле, 80.

³ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge: Cambridge University Press, 125.

scene may be said to combine the elements of traditional exchange of swearing before the battle and of presentation of the parties' positions in a legal dispute. It is worth noting that the French King's argument, that he is a more suitable king for this land, being its native, for which argument the play uses such words as 'natural king'¹, does not receive any special rebuff from King Edward and is expected to be overcome by Edward's rights, proven by his future victories.

The theme of alliances and the use of foreign military help is present throughout the play. Starting with the appearance of Robert of Artois at its very beginning it then evolves with the news that King David of Scotland has betrayed his league with the English (in history not a league, but a truce), and then with David himself proclaiming the conditions of his alliance with France, which are not to enter in any accord with the English and to continue attacking the English lands until France gives an order to halt ravaging (Act 1, Scene 2). Later on the Emperor and people from 'Netherland' are mentioned as the allies to Edward (Act 3, Scene 1)². The idea of Edward's alliance with the Emperor is jokingly played upon in the episode where the English King falls in unrequited love with the Countess of Salisbury: he wishes that the favourable answer to his seeking came from the lady, not from the probable political ally, thus giving preference to his personal inclinations of love passion, and not to the demands of political necessity (Act 2, Scene 2). The French King has among his allies the King of Bohemia John of Luxemburg, who is killed at Crécy; he also names as his confederates the kings of Denmark and of Sicily, and fighting on his side are mercenaries from Poland and Moscow, who have come to his aid together. The French king speaks with contempt of the allies to Edward, meanwhile expressing too much reliance on his own supporters (Act 3, Scene 1). Later on in the play the French loss in the battle of Crécy is attributed to the behaviour of the Genoese mercenary archers (Act 3, Scene 4), and the Comte de Montfort swears allegiance to Edward as an act of gratitude for his restoration as the Duke of Bretagne (Act 4, Scene 1). (Historically he vice versa supported the claim of Edward in hope that Edward would support his). It may be concluded that in the context of the play the allies and foreign aid are seen as a usual and important feature of war, stressing its scale and the international influence of the main parties to the dispute, but at the same time the allies may be unreliable, dangerous and, even if faithful, not crucial for the outcome of the war, the true fate of the conflict being God's judgment and depending on the justice of the cause.

The treatment of war victims, especially of prisoners, may be considered one of the main themes of the play. It includes the treatment of all the population, which has come into an adversary's power during the conflict, and is also related to the legal relations of which war prisoners may be an object. The theme starts in the play with the episode of the Scottish siege on the castle of the Countess of Salisbury, where King David of Scotland and Sir William Douglas both make plans as to who of them shall possess the lady and her jewels after the castle is taken (Act 1, Scene 2). Later on the theme develops in France, when Prince Edward reports to his father Edward III on both his campaigning methods and his treatment of the French population, vividly distinguishing two types of treatment:

'Some of their strongest cities we have won— As Harfleur, Lo, Crotoy and Carentan— And others wasted, leaving at our heels A wide, apparent field and beaten path

Yet those that would submit we kindly pardoned, For who in scorn refused our proffered peace Endured the penalty of sharp revenge. '

And this leads Edward to the following remark:

'KING EDWARD

Ah, France, why shouldst thou be this obstinate Against the kind embracement of thy friends? How gently had we thought to touch thy breast And set our foot upon thy tender mould,

But that in froward and disdainful pride Thou, like a skittish and untamed colt, Dost start aside and strike us with thy heels.' (Act 3, Scene 3)³

This sigh we must judge to be rather cynical. For the first audience of the play it might have meant that the just claim as the cause of war for Edward III led to the legality of his cruel treatment of the resisting French as a form of punishment for disobedience by their really lawful sovereign. At the same time we cannot subscribe to this point of view.

The theme of war victims reaches its highest point in the famous episode of the English siege of Calais and the burgess of Calais, who nearly escape death on Edward's orders and their escape is

¹ Melchiori, G. (Editor) (1998) *Edward III*. Cambridge: Cambridge University Press, 124.

² Melchiori, G. (Editor) (1998). *Edward III*. Cambridge: Cambridge University Press, 106.

³ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge: Cambridge University Press, 118-119.

credited on Queen Philippa's pleading. On the basis of the relevant Calais scenes one may assume that three rules of the **law during the siege** are applied: 1) first, peaceful solution and capitulation should be offered to the town 2) the town's resistance may be only considered lawful, when it is reasonable, that is, with the reasonable hope of receiving help from the town's allies, 3) if the besieged town finally capitulates, but the adversary finds its resistance to have been unreasonable and unlawful, the adversary's right to punish the town is acknowledged. The last point is the one that authorizes Edward to threaten with death the elected six burgesses of Calais (the 'Supplicants' of the play), who have come to sacrifice their lives for the benefit of their town's salvation. But the following dialogue between King Edward and his wife Philippa uncovers the play's claim for mercy at war even if cruel laws of war are accepted:

'QUEEN PHILIPPA

Ah, be more mild unto these yielding men!

It is a glorious thing to stablish peace, And kings approach the nearest unto God By giving life and safety unto men. As thou intendest to be king of France, So let her people live to call thee king. For what the sword cuts down, or fire hath spoiled, Is held in reputation none of ours.

KING EDWARD

Although experience teach us this is true— That peaceful quietness brings most delight When most of all abuses are controlled

Yet, insomuch it shall be known that we As well can master our affections As conquer other by the dint of sword, Philip, prevail: we yield to thy request— These men shall live to boast of clemency, And, tyranny, strike terror to thyself. ' (Act 5, Scene 5) ¹.

It can be concluded, that mercy is believed to be both a virtue and a valuable political tool at war, where cruelty is more frequently expected, that terror at war, though considered legal, is still recognized as a form of terror and thus as an expression of the negative, and that being the master of one's passions is a worthy equivalent and a prerequisite for being a successful conqueror.

The material of the play also covers other situations, where the captive feature and behaviour towards them is shown, as setting free the captive, who has done service to the captor (provided that the captor is believed to be acting legally as the defender of his right) (Act 3, Scene 3), or an agreement of a captor with a captive (Act 4, scene 1), or the question whether Copland, who has captured the King of Scotland possesses the right to decide whom this high-ranking captive shall be handed in to, Queen Philippa or King Edward himself (Act 5 Scene 1). It may be assumed that the treatment of the victims of war and of prisoners in the play serves to create the image of the conqueror, testifying either to his barbarity or to his inclination to show magnanimity.

Neatly connected to the theme of victims and prisoners is the theme of **the observation of the laws of chivalry, namely keeping a promise to an enemy**. This theme is elaborated upon in the episode of the safe-conduct, that the Earl of Salisbury (the husband of the lady, that King Edward unsuccessfully tried to seduce in England,) receives from the French Prince Charles with the view to pass through the French territory and join his sovereign King Edward at the siege of Calais. Captured by the French, the Earl faces the danger of being executed on the French king's orders, but the prince insists on the safe-conduct defending his own promise to the enemy. The idea proclaimed here is that an obligation, arisen from the given word, cannot be overstepped by wartime necessity, the power of a higher authority or feudal signor, and that, on the contrary, this higher authority becomes bound by the personal obligation of the inferior. Notably, to support his argument in favour of the given word, the French heir alludes to the English side of the conflict, that is, to the English heir and his father, as an example of conduct in a situation alike, and the French king uses the word 'precedents' in answering him: 'Dwell'st thou on precedents? Then be it so'. (Act. 4, Scene 5)². (G. Melchiori interprets 'precedents' here as 'applying the rules (of chivalry)')³.

Among the other episodes of the play, devoted to legal and moral issues, which concern its central theme, the knighting of Prince Edward enumerates the good wishes for the future knight and proclaims his life goals. These add up to a successful conquest, displaying one's valiance and contributing to one's honour, joined with the ability to reject and overcome totally one's 'base affections' (Act 3, Scene 3)⁴. The episode of the Countess of Salisbury has several aspects of importance within the broad context

¹ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge:Cambridge University Press, 162-163.

² Melchiori, G. (Editor) (1998). *Edward III*. Cambridge:Cambridge University Press, 154

³ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge:Cambridge University Press, 154, footnote.

⁴ Melchiori, G. (Editor) (1998). *Edward III*. Cambridge:Cambridge University Press, 126.

of the play. Firstly, King Edward, having come to rescue the Countess from the Scots, changes into a threat himself, when desires to seduce her. Then the episode becomes a display of conflict between an oath, given to God, and that, given to one's sovereign, this being the contradiction, that Edward tries to employ against the lady's father, when inducing him to help the King with conquering the Countess. Yet the father of the Countess manages to outwit the King, coming out of this contradiction with the predominance, given to the oath to God, and the Countess herself, acting with wit and resolution, overcomes the King's offensive insistence. As a result, what could have become King Edward's crime, leads him to the victory over himself, needed for the successful pursuit of his military conquest. Meanwhile, the role of a married man in love with another's wife inspires Edward to contemplate, which sin is greater, that of war or that of lust: 'The sin is more to hack and hew poor men Than to embrace in an unlawful bed The register of all rarities ... ' (Act 2, Scene 2)¹ Generally, the whole episode is about the conflict of rules with passions, where rules must prevail, and it also uses the rhetoric of war in the situation of love, half conventionally, half ironically.

The theme of the public opinion's role in war is displayed in connection with the expressions of the French population's mood and their reaction to King Edward's conquest. Some are scared, other prepare to oppose the invaders, but still they take into account the justice of the cause of war, and King Edward's cause is considered in the play to be all just, because of his French parentage (Act 3, Scene 2). Another potent influence on the public opinion in the play is prophecy, which outlines the future events and impresses people's imagination, setting their minds in advance.

Remarkably, although the play ends with the English capture of the French king, which would lead to the efforts of peace regulation, rather favourable for the English side, no specific attention in much detail is given to the London treaties of 1358 and 1359. This proves, that for the play to glorify the valiance of the ancestors is actually more important, than to show a dispute for the crown being resolved by military means. The closing speech of Prince Edward clearly makes a connection between the military achievements of XIV century and the international situation at the end of XVI century. The memories of these victories, according to the play, should serve as a warning for other possible enemies, among which Spain and Turkey are expressly named (Act 5, Scene 1).

Being, as it was noted from the start, a strongly pro-English and propagandistic play, advocating King Edward's cause in the war with France, the play is not an anti-war work and does not condemn conquest as itself ('conquer where thou com'st'² is a friendly appeal addressed to Prince Edward). Yet the idea of a just cause of war is paid due respect and, as shown by Queen Philippa's urging to express mercy, the horror of war is understood.

To conclude, one may assume, that the analysed play 'Edward III' (circa. 1592-1593) presents a rather broad picture of the international legal consciousness, establishing a connection of the epochs of its plot (XIV century) and of its first spectators (XVI century). Presented in an artistic form, these elements are likely to impress the audience and take part in forming its attitude towards the play's events and characters. The audience of the modern epoch is able to view the issues of the play within the context of its present and to establish its own link in time, while making the comparison and stating both similarities and differences in understanding. The play being devoted to the theme of war, its dominating legal themes are the just cause of war and the treatment of war victims, the latter reflecting the understanding of the war horrors. The depiction of international law issues in the play is in no way impartial and is heavy marked by the propagandistic goal, but still the play stresses the necessity to observe the law in the relations with the enemy, although this last theme also serves the propagandistic purposes.

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¹ Melchiori, G. (Editor) (1998).. *Edward III*. Cambridge:Cambridge University Press, 1001-101.

² Melchiori, G. (Editor) (1998) *Edward III*. Cambridge:Cambridge University Press, 126.