

Legal drama in shakespeare's henry

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On the topic of war, revered American statesmen Benjamin Franklin exclaimed, "There never was a good war or a bad peace." Nonetheless, war (and its legal backdrop) has been the subject of countless plays, historical narratives, and fictional dramas. Justification of war through antiquated laws and principles is at the core of reasoning in Shakespeare's Henry V.

Chronicling the reign of King Henry V through the Battle of Agincourt, Shakespeare begins his play with a commentary by the Archbishop of Canterbury and the Bishop of Ely, followed by a session of counsel in Act I, Scene I between Canterbury and Henry himself. Notably, Canterbury discusses the Salic laws of the Ancient Franks, Germanic tribes whose ruling domain once included France and most of Western Europe. Canterbury reassures King Henry that his claim to the French throne cannot be halted by the confines of the ancient Salic laws prohibiting lines of succession in Germany through female ancestry. Relying on ecclesiastical support, King Henry accepts Canterbury's legal interpretation of monarchical succession in France as a means for invasion and to legitimize the lineage of his great-uncle Edward III. The beginning of King Henry's campaign against France is a continuance of the brooding conflict now known as the Hundred Years' War, dating back to 1337. More importantly, King Henry's claim to the French throne through the defunct Salic laws is an interpretation by Shakespeare of historical events, legal precedents, and fifteenth-century writings. Theodor Meron, an international lawyer and legal historian, interprets Shakespeare's language in Henry V as well as the legal writings available to Shakespeare during his lifetime in his essay for *The American Journal of International Law* entitled "Shakespeare's Henry the Fifth and the Law of War." On the subject of Canterbury's claims, Meron asserts: The modern reader cannot but marvel

at the craftsmanship and timelessness of Canterbury's legal arguments: Territorially, Salic land does not mean France but a specific area in Germany. The law was wrongly interpreted as applying to France. Since the Salic lands became a French possession under the reign of Charles the Great, 421 years after the death of the supposed author of the Salic law — the Frankish King Pharamond — its continued vitality is in doubt. French kings themselves have succeeded to the crown, in Shakespeare's words, through "the right and title of the female." They are therefore precluded from invoking the law against Henry. Finally, Henry's claim is bolstered by the Old Testament, which explicitly commands that "[i]f a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter." The Biblical argument should not necessarily be viewed as exclusively theological; it may have been presented under the law of nature, or *jus natural*. (6)Meron's statements unwind Canterbury's speech in order to disseminate the legal standing of King Henry's conquest and the furtherance of the war. Canterbury's reassurance of Henry's cause ensures the blessing of the church in England along with the support of the native English inhabitants and nobility. Meron continues his overview of Canterbury's speech by mentioning the writings of Holinshed and Hall, noted legal thinkers in the common law tradition known to Shakespeare during the time Henry V was being produced (6). Holinshed and Hall appear throughout Meron's essay in order to make connections between Shakespeare and the legal influence evident in his writing. King Henry's desire to have the legal impetus through family lineage tips the scale in his decision to further the conquest of France. Clearly, the legal tradition in England plays an enormous role in the affairs of state, as evidenced by the proceedings at court between Henry and his

advisors. Shakespeare's command of the international legal principles of Holinshed and Hall contributes immensely to the development of the play's plot and the relationship between the warring monarchs and nobles. War, even in ancient times, needed the support of the population to ensure a smooth reign. For example, Richard II, while fighting in Ireland, was subjected to a coup led by Henry V's father, Henry Bolingbroke. As such, the domestic issues related to taxation and the happiness of the nobility can transform the decision making of any monarch. However, an examination of Salic law and Shakespeare's understanding of just war are the primary concerns of this paper. Understanding the legal background in Shakespeare's writing is imperative in separating fact from fiction as well as in making sense of the history of Henry V's reign. Henry's causes for the renewal of hostilities with France are both secular and religious. Meron breaks down the need for both secular and religious reasoning in the following manner: In addition to assuring himself of the legitimacy of his claim, Henry needed to be satisfied that the war that might be necessary to secure that claim... was grounded in a just cause. The question was important for spiritual reasons (the immortality of his soul) and for such secular reasons as the validity of the title that he and his troops would acquire over the spoils of war; their enjoyment of combatant privileges; their protection by the laws of war; and in consequence of these considerations, his ability to raise troops and to sustain their morale. (7) Despite his demagogic status in England, Henry was cognizant of the need to have constant reinforcements and the support of his nobles if he was to be successful for the duration of the campaign. Henry's father, Henry IV, was able to succeed to the throne in part because of Richard's lack of support for

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his costly wars with Ireland. Henry was therefore always aware of popular judgment of his rule; his support was strong among the English people and nobility, thereby allowing for a smooth transition from peacetime to war. Jus gentium, Latin for the "law of nations", is an underlying legal principle that is a precursor to our understanding of the United Nations ("Jus Gentium"). France and England in the play are connected in their understanding of the law that binds all nations. Meron argues that scholars writing on the idea of jus gentium during Shakespeare's time see the reclaiming of property as a "defensive, not an aggressive war" (8). Essentially, the Plantagenet line of English kings finds itself seeking out its rightful ownership of France in a defensive fashion. Interpretation of law today could lead one to think the exact opposite of what the scholars would have seen addressed in sixteenth-century England. In Act 2, Scene IV of the play, Exeter, as the ambassador from Henry's party, enters the court of King Charles to convey Henry's final message before the commencement of battle. Exeter gives King Charles a final opportunity to abdicate the throne and asserts Henry's claim through legal standing: "That you divest yourself and lay apart / The borrowed glories that by gift of heaven, / By law of nature and law of nations" (2. 4. 78-80). Asserting the "law of nations", Exeter makes certain that King Charles is fully aware of England's reasoning for invasion and does not hesitate in his delivery of the message. Although both sides claim the same legal principles, the Shakespearean play lends us the point of view of Henry and company concerning the legal standing of invasion. Exeter's speech directly references the common law principle of jus gentium that Meron discusses in his essay, which was a topic of discussion in the works of Holinshed and Hall during Shakespeare's time. Title to the lands of France is the ultimate goal of

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Henry's campaign. From a legal standpoint, Henry's major concern for the justification of his campaign is worldwide recognition of his claims. If impropriety or unjust reasons were to surface, Henry's claims would come under major attack by other European leaders and could potentially jeopardize his entire cause. Aware of the implications of an offensive attack against France, King Henry directs the Archbishop of Canterbury before deliverance of his speech in a very stern, expeditious manner, directing him to "Therefore take heed how you impawn our person / How you awake our sleeping sword of war; / We charge you in the name of God take heed" (1. 2. 21-23). The responsibility of the war in Henry's mind falls on the legal interpretation of Canterbury in establishing the lineage of the Plantagenet dynasty and its connection to the French monarchy. Henry understands the seriousness of unjust war and its potential effects on the stability of the English throne. Massive blood loss on both sides is imminent in an invasion of France and must be seen as justifiable in the minds of Englishmen and Europeans. Canterbury's translation of the Plantagenet lineage bears the responsibility, in Henry's mind, of being the catalyst for the invasion of France for the purposes of bringing the entire country under English rule. War between France and England was continual for over one hundred years and halted only briefly before Henry V's invasion thanks to a series of truces. Meron elaborates on the political climate between France and England to show the impact of prior engagements and the history of the Hundred Years' War: Actually, Henry's invasion of France in August 1415 did not start a new war but continued the war that legally was still extant. The Hundred Years' War was renewed with the collapse in 1369 of the Treaty of Brétigny (1360) after the rejection, or "defiance," by France of Edward III's ultimatum. Since

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then, the conflict had been interrupted only by truces, which, according to medieval doctrine, suspended, but did not end, the war. Because truces suspended the fighting for an agreed period of time only, it was not even necessary, as a matter of law, to declare war when they came to an end.

(14)A state of war continued to exist before and after the invasion of France by Henry. Henry's uncompromising stance on keeping a truce with France is clearly a historical norm between the two countries that does not surface directly in the play but is important to understanding the events leading up to Shakespeare's Henry V. Henry Bolingbroke's deposing of Richard II along with Richard's conquests in Ireland left a void in the hostilities between France and England that would be exacerbated during Henry V's conquest.

Henry's desire to restore Plantagenet rule in France is a legacy of Edward III, not Richard or his father. Following Henry's victory at Agincourt and his impending marriage to Catherine of Valois, King Charles VI delivers a notable speech in Act 5, Scene 2 of the play in the presence of the Lancastrian King Henry, daughter Catherine, and other assorted French and English

nobleman: Take her, fair son, and from her blood raise up / Issue to me, that the contending kingdoms / Of France and England, whose very shores look pale / With envy of each other's happiness, / May cease their hatred, and this dear conjunction / Plant neighbourhood and Christian- like accord / In their sweet bosoms, that never war advance / His bleeding sword 'twixt England

and fair France. (5. 2. 320-327)Cessation of hostilities occurs with the marriage of Henry and Catherine for his lifetime, with much history to follow between both countries, and especially for the English monarchy. Desiring to end further fighting and concede to the invading Henry, Charles asserts his desire for peace with the union of Henry and Catherine and subsequent

happiness with the birth of a future heir for both kingdoms. Establishing Henry as the heir to France, Charles appeases the ambitious king and leaves the play to end with a happy marriage and a brief peace. Salic law (and its interpretation by Canterbury) thus preempts the invasion of France and results in Henry's defeat of the French at Agincourt and Charles's offering of Catherine's hand in marriage to produce the heir of the kingdoms of France and England. International law in Shakespeare's Henry V provides the inspiration and spirit for the recreation of a period in English history during the Hundred Years' War in which England would see one of its only major wins at the Battle of Agincourt. Shakespeare's rendition of Henry's reign leading up to and beyond the Battle of Agincourt is insightful and is a highlight in the English literary canon. Particularly intriguing is the legal compass by which King Henry recommences hostilities with neighboring France through use of the antiquated laws of the Salic Franks. Henry's successful campaign against the French in the play is a product of the legal drama developed from the very beginning and was very much on the mind of Shakespeare during its composition. Peace between France and England was short-lived before fighting was to begin again, but the causes of war and its conduct from an international law perspective are major factors in the decision process to break the truce and restore the Plantagenet dynasty in France. The laws of nations and men push the intrepid Henry to realize the potential that seemed to be nonexistent in his youth, allowing him to surpass the victories of his noble father Bolingbroke and bring glory to England. Laws created by men can carry the errors of man, but they are nevertheless subjects that should be studied and critiqued through the ages to gain an understanding of the history of our planet. Works Cited:" Jus Gentium." Def. <https://assignbuster.com/legal-drama-in-shakespeares-henry-v/>

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