FRANCIS BACON, TITUS ANDRONICUS & BACON'S SHAKESPEARE QUARTOS DISCOVERED AT THE BACON GORHAMBURY ESTATE

By A Phoenix
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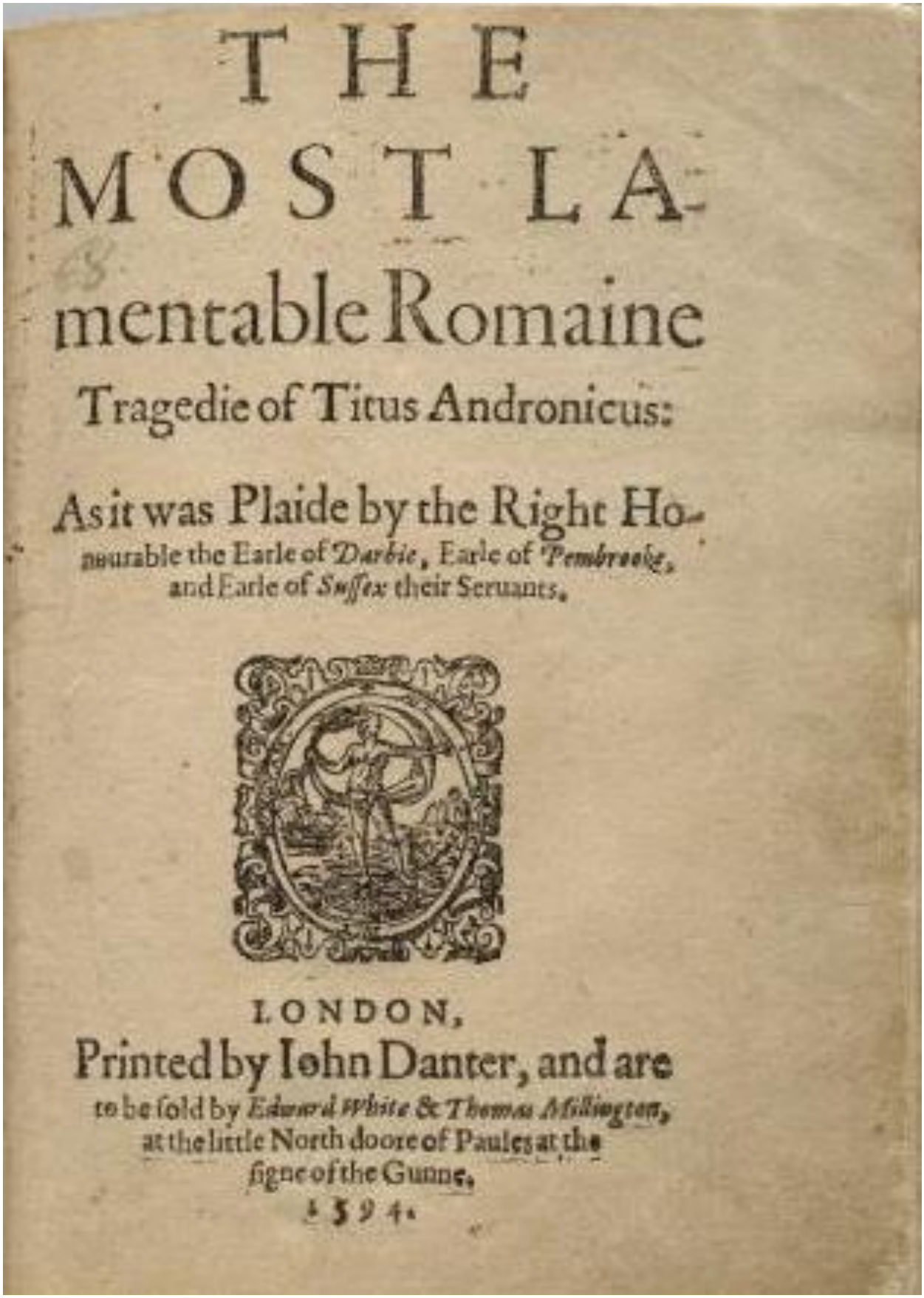
During the period Bacon was writing his first Shakespeare tetralogy (*I Henry VI*, *2 Henry VI*, *3 Henry VI* and *Richard III*) he also composed his Roman history of *Titus Andronicus*. It has been said by many orthodox scholars that *Titus Andronicus* is the first of the Shakespeare plays, and whether it is actually the first, it is certainly one of the earliest. Its exact date of composition is unknown. Various dates have been suggested generally ranging from 1588 through to 1594, the date of the publication of its first quarto published under the title *The Most Lamentable Romaine Tragedie of Titus Andronicus*, that according to its title page was performed by three different playing companies '*the Right Honourable the Earle of Darbie*, *Earl of Pembrooke*, *and the Earle of Sussex their Seruants*'.[1]Only one copy of the 1594 quarto is known to exist (it was first discovered in Sweden in 1904) which now resides in the Folger Shakespeare Library in Washington. A few years later, in 1909 a rare copy of the third quarto of *Titus Andronicus* was found among eight Shakespeare quartos at the Bacon family estate at Gorhambury most likely transferred from Bacon's personal library in the old Gorhambury House, which were transferred for safe-keeping into the care of Bodleian Library, where they still remain to the present day.[2] Could you imagine the headlines around the world if eight Shakespeare quartos were discovered in the house of Shakspere of Stratford or one of his relatives or descendants!

'Legal discourse', says Gregg, 'saturates *Titus Andronicus*; from the opening lines of the play, when Saturninus exclaims 'Noble patricians, patrons of my right,/Defend the justice of my cause with arms' (1.1.1-2), which immediately draws 'attention to the importance of the law.'[3] The play begins with Saturninus and his brother Bassianus, sons of the Roman Emperor, both setting forth their claim to succeed their father, however Marcus Andronicus, a tribune of the people, insists that the imperial crown should be placed on the head of his noble and brave brother Titus, as reward for his military victories against the barbarous Goths.

After spending some ten years fighting the enemies of Rome Titus and his four sons (Martius, Mutius, Lucius and Quintus) return in triumph with their prisoners Tamora, Queen of the Goths, and her three sons Alarbus, Chiron, and Demetrius, as well as her Moorish lover, Aaron. His entourage enters with men bearing coffins covered with black, as a devastated Titus, who has lost twenty-one of his twenty-five sons in the recent wars, prepares to bury them in the family tomb. His eldest son Lucius declares the souls of his brothers require a human sacrifice for which Titus, ignoring the pleas of mercy from Tamora, orders that her eldest son Alarbus be killed. In accordance with Roman rites Titus's sons ritually slaughter him and throw his entrails into the sacrificing fire prompting Tamora and her two surviving sons Chiron and Demetrius, to enter into a plan to avenge his death, setting in motion the theme of revenge, which structures the whole of the play.

His brother Marcus Andronicus offers Titus the crown which he refuses and declares in favour of the legitimate successor Saturninus, who after being crowned emperor in gratitude to him announces to Titus he will marry his daughter Lavinia, and make her his royal empress. Titus willingly accepts, she is however already pledged to Bassianus who supported by Titus's sons, refuses to give her up. During an ensuing scuffle Titus kills his own son Mutius, whose other son, Lucius tells Titus that Bassianus, enjoys the full support of Roman law. Saturninus seizes the opportunity to denounce his benefactor Titus and his traitorous lawless sons, and declares his intention to marry Tamora, Queen of the Goths. In an aside to Saturninus she tells him to feign friendship toward Titus and his family and take revenge later when they can safely 'massacre them all' (1:1:447), sustaining a motif of revenge resulting, in the absence of law and justice, of pain, wholesale death and destruction.



THE
MOST LA-
mentable Romaine
Tragedie of Titus Andronicus:

As it was Plaide by the Right Ho-
nourable the Earle of *Darbie*, Earle of *Pembroke*,
and Earle of *Sussex* their Seruants.

LONDON,
Printed by Iohn Danter, and are
to be sold by *Edward White* & *Thomas Millington*,
at the little North doore of Paules at the
signe of the Gunne.
1594.

Fig. 1 The title page of the unique copy of the 1594 edition of *Titus Andronicus*

THE
MOST EX-
cellent and lamentable
Tragedie, of Romeo
and *Iuliet*.

Newly corrected, augmented, and amended:

As it hath bene ſundry times publiquely acted, by the right Honourable the Lord Chamberlaine his Seruants.

LONDON
Printed by Thomas Creede, for Cuthbert Burby, and are to be ſold at his ſhop neare the Exchange.
1599.

THE
TRAGEDIE
of King Richard
the third.

Conteining his treacherous Plots againſt his brother Clarence: the pittifull murther of his innocent Nephewes: his tyrannicall vſurpation: with the whole courſe of his detеſted life, and moſt deſerued death.

As it hath bene lately Acted by the Right Honourable the Lord Chamberlaine his ſeruants.

Newly augmented,

By *William Shakeſpeare.*

LONDON
Printed by Thomas Creede, for Andrew Wiſe, dwelling in Paules Church-yard, at the ſigne of the Angell. 1602.

THE
Tragicall Hiſtorie of
HAMLET,
Prince of Denmarke.

By William Shakeſpeare.

Newly imprinted and enlarged to almoſt as much againe as it was, according to the true and perfect Coppie.

AT LONDON,
Printed by I. R. for N. L. and are to be ſold at his ſhoppe vnder Saint Dunſtons Church in Fleetſtreet. 1605.

M. William Shak-ſpeare:

HIS
True Chronicle Hiſtorie of the life and death of King LEAR and his three Daughters.

With the vnfortunate life of Edgar, *ſonne* and heire to the Earle of Gloſter, and his ſullen and aſſumed humor of TOM of Bedlam:

As it was played before the Kings Maieſtie at Whitehall vpon S. Stephans *night in Chriſtmas Holidayes.*

By his Maieſties ſeruants playing vſually at the Gloabe on the Bancke-ſide.

LONDON,
Printed for *Nathaniel Butter*, and are to be ſold at his ſhop in *Paules* Church-yard at the ſigne of the Pide Bull neere *S. Auſtins* Gate. 1608.

Fig. 2 The Bacon Gorhambury Quartos-the title pages *Romeo and Juliet* 1599, *Richard III* 1602, *Hamlet* 1605, *King Lear* 1608

THE
MOST LAMEN-
TABLE TRAGEDIE
of Titus Andronicus.

AS IT HATH SVNDRY
times beene plaide by the Kings
Maieſties Seruants.

LONDON,
Printed for Eedward White, and are to be ſolde
at his ſhoppe, nere the little North dore of
Pauls, at the ſigne of the
Gun. 1611.

THE
First and ſecond Part o
the troubleſome Raigne of
John King of England.

With the diſcouerie of King Richard Co
delions Baſe ſonne (vulgarly named, The Baſtard
Fawconbridge:) Alſo, the death of King *John*
at Swinſtead Abbey.

As they were (ſundry times) lately acted
the Queenes Maieſties Players.

Written by W. Sh.

Imprinted at London by *Valentine Simmes* for *John Helme*,
and are to be ſold at his ſhop in Saint Dunſtons
Churchyard in Fleeteſtreet.
1611.

THE
HISTORY OF
Henrie the fourth,

With the Battell at Shrewſeburie, betweene
the King, and Lord Henrie Percy, ſur-
named *Henrie Hotſpur* of the North.

VVith the humorous conceites of Sir
Iohn Falſtaffe.

Newly corrected by *W. Shake-ſpeare.*

LONDON,
Printed by *W. W.* for *Mathew Law*, and are to be ſold
at his ſhop in Paules Church-yard, neere vnto S.
Auguſtines Gate, at the ſigne of the Foxe.
1613.

THE
Tragedie of King
Richard the Se-
cond:

With new additions of the Parliament Scene,
and the depoſing of King
Richard.

As it hath been lately acted by the Kinges
Maieſties ſeruants, at the Globe.

By WILLIAM SHAKE-SPEARE.

At LONDON,
Printed for *Mathew Law*, and are to be ſold
at his ſhop in Paules Church-yard, at the
ſigne of the Foxe.
1615.

Fig. 3 The Bacon Gorhambury Quartos-the title pages *Titus Andronicus* 1611, *King John* 1611, *King Henry IV* 1613, *Richard II* 1615

Her sons Chiron and Demetrius argue which of them deserves Lavinia's love with Aaron, a forerunner of Richard III, telling them they both could have her and proposes they both rape her the next day during the hunt. Tamora and her lover Aaron meet in the woods where their lustful intimacy is witnessed by Bassianus and Lavinia who insult Tamora. Her sons Chiron and Demetrius, acting as agents of revenge, avenge their mother by raping and mutilating Lavinia, and slaying Bassianus. The relentless mechanism of revenge is also further perpetrated through her lover Aaron who falsely incriminates Titus's sons, Martius and Quintus, in the murder of Bassianus, both of whom are taken away by Saturninus to await execution.

The Judges, Senators and Tribunes enter with Martius and Quintus in chains heading to their place of execution. Titus Andronicus entreats the Judges to spare the lives of his condemned sons, and his third son Lucius, is banished for attempting to rescue his brothers. A duplicitous Aaron reports the emperor will spare his sons, in exchange for him, cutting off his right hand. A deceived Titus lets Aaron cut it off and take it away. The hand is returned to Titus with the heads of his sons, Martius and Quintus and he realises Aaron has viciously tricked him. In turn Titus vows revenge and despatches Lucius to raise an army of Goths against Saturninus and Tamora to wreak vengeance and unable to get redress in the law to achieve some kind of wild justice.

A mute Lavinia manages to identify her brutal assailants by turning the pages of a copy of Ovid's *Metamorphosis* until she reaches the story of the rape of Philomel and by holding a staff in her mouth she writes the names of her attackers in the sand. They all kneel and Marcus pronounces new vows of vengeance 'That we will prosecute by good advice/Mortal revenge upon these traitorous Goths,/and see their blood, or die with reproach' (4:1:91-93). In a scene describing a world after '*Terras Astraea reliquit*' (The Goddess of Justice has left the earth) littered with the words justice, revenge ('revengeful war'), and vengeance where there is 'no justice in earth nor in hell (4:3:50) Titus seeks redress from heaven and the gods 'To send down justice for to wreak our wrongs (4:3:52). He directs his kinsman to shoot arrows into the sky and scatter them throughout Rome and into the emperor's court with the implicit message that the gods were about to send down their bolts of vengeance for divine justice and revenge.

In the company of Empress Tamora, and her two sons Chiron and Demetrius, the Emperor Saturninus bears the arrows Titus had shot sending him flying into a violent rage 'And now he writes to heaven for his redress/See, here's 'to Jove', and this 'to Mercury',/This 'to Apollo', this 'to the god of war'/Sweet scrolls to fly about the streets of Rome!/What's this but libelling against the Senate/And blazoning our injustice everywhere?'(4:4:13-18).The emperor becomes even more alarmed when he learns the Goths led by Lucius are marching towards Rome 'Who threats in course of this revenge to do/As much as ever Coriolanus did'(4:4:67-8). In fear of knowing that the common people love Lucius, who they believe was wrongly banished, the emperor fearing the worst hangs his head. A defiant Tamora reassures Saturninus that she will enchant Titus with golden promises and deceitful words and arrange a parley with Lucius at his father's house, and with all art, persuade him not to attack Rome.

The incarnation of the evil Aaron, who had fled from Rome with his child, is captured by a soldier in Lucius's army. After Lucius has solemnly sworn he will not harm the child (whose mother is, of course, Empress Tamora) Aaron confesses the truth about his crimes and horrors that he was instrumental in planning and executing 'murders, rapes, and massacres,/Acts of black night, abominable deeds,/Complots of mischief, treason, villainies' (5:1:63-65). He tells Lucius it was Tamora's sons who murdered Bassianus and raped and mutilated his sister Lavinia 'I was their tutor to instruct them'(5:1:98) and 'played the cheater for thy father's hand' (5:1:111) which 'almost broke my heart with extreme laughter' (5:1:113). His only regret was, though 'I have done a thousand dreadful things/As willingly as one would kill a fly,/And nothing grieves me heartily indeed/But that I cannot do ten thousand more' (5:1:141-44). Hearing his confession Lucius is so shocked and mortified he has Aaron taken down, claiming

that hanging is too sweet a death for such an evil devil, and instructs his soldiers to gag Aaron to stop him from speaking any more. The messenger from Rome Aemilius arrives with an offer from Emperor Saturninus of a parley at his father's house which Lucius accepts.

In disguise, Empress Tamora and her two sons, Chiron and Demetrius, approach Titus's house where they plan to deceive him. Tamora is disguised as Revenge, and her two sons, as her ministers, Murder and Rape:

TAMORA

Thus, in this strange and sad habiliment,
I will encounter with Andronicus
And say I am Revenge, sent from below
To join with him and right his heinous wrongs.
Knock at his study, where they say he keeps
To ruminate strange plots of dire revenge.
Tell him Revenge is come to join with him
And work confusion on his enemies.

[*Titus Andronicus*: 5:2:1-8]

Tamora believes that Titus has fallen into madness through his unbearable pain and sorrow, but not being deceived, he easily sees through her disguise and pretends to be taken in with it. He agrees to her request to bring Lucius to his house for a banquet to be attended by the emperor where Titus plans to wreak his vengeance. He prevails upon her to leave her two sons Chiron and Demetrius (Rape and Murder) and as soon as Tamora leaves Titus reveals his madness was feigned and has them tied up and gagged.

He proceeds to unfold the long litany of their most foul crimes. With Lavinia beside him, he tells them that they killed her husband, for which her two brothers were falsely condemned to death, and his hand cut off. Likewise the same with Lavinia's two hands, her body mutilated and tongue ripped out, while the two of them repeatedly violated her sacred chastity. He tells them that with his remaining hand he is about to cut their vile miserable throats while Lavinia between her stumps holds a basin to receive their guilty blood. Following this he will grind their bones into dust, and with their blood make a paste, and two pasties of their shameful heads, to serve up to Tamora at the banquet 'For worse than Philomel you used my daughter,/ And worse than Progne I will be revenged' (5:2:193-94). Thus, in a scene where the word revenge or revenged is used on more than a dozen occasions, the cycle of revenge, the theme and motif that has structured the whole of the play, continues unabated, and nor yet, by any stretch of the imagination, has it fully completed its work.

In the final scene Lucius arrives at Titus Andronicus's house for the parley with Emperor Saturninus bringing with him Aaron and his child as prisoners. Titus dressed as a cook welcomes his guests to the revenge banquet and assisted by a disguised Lavinia decked with a veil over her face, he serves the meal, urging them to fill their stomachs, with the dishes placed before them. Titus then asks Saturninus whether it was just for Virginius to slay his daughter after she was raped. It was, Saturninus answers. On what grounds, asks Titus. It was right because she would never have survived her shame. Before murdering Lavinia, Titus says, using the language of the law and a lawyer 'A reason mighty, strong, effectual;/A pattern, precedent, and lively warrant/For me most wretched, to perform the like' (5:3:42-44). This statement points out Professor Anderson in '"What Is Written Shall Be Executed": "Nude Contracts" and "Lively Warrants" in *Titus Andronicus*' pointedly refers to the law of contract which he explains at some length and in impressive detail (too long here to be quoted in full) that was then occupying the great legal minds of the day, eventually officially adjudicated on in the ground-breaking landmark case, known as *Slade's Case*:

John Slade's case against Humphrey Morley from 1597 to 1602 redefined contract law from a debt-based to an assumpsit-based system (which extends legal obligation beyond the moment of contractual agreement, giving it a new temporal dimension).The distinction between the two forms of legal reasoning, as this essay has suggested in its attention to the intended and unintended consequences of obligatory language, helps make sense of the complex relationship between the promissory speech act and the staged violence-a relationship that has proven notoriously difficult to explain in accounts of *Titus Andronicus*.

…The promissory act assumes an interval that divides it from the performance which would make the contract whole. The incomplete condition that is constitutive of this new type of contract means that for the first time in English legal discourse the promissory speech act can be what J. L. Austin might call "infelicitous." Assumpsit makes evident in a legal context the constitutive failure implicit in speech acts-a failure rendered as bloody violation in *Titus*. Contractual structures were beginning to be imagined in this period as attempts "to write the future, to manage the risks that come with immersion in the social world. *Titus Andronicus* stages the temporal uncertainty of assumpsit in the unintended effects of promissory speech acts as the same time that it articulates a desire for the felicitous contract in which everything is accomplished during the moment of obligation. Significantly, the argument in *Slade's Case* makes it clear that the legal development of assumpsit has the retroactive effect to redefine past debt-based obligations as well. In theory, with the advent of assumpsit logic, debt-based obligations-or what legal theorists called "nude" contracts–were already subject to collateral matter and unusual intentions.

Rome's relationship to Titus can be characterized by a promissory temporality subject to this type of collateral matter and unusual intentions….[4]

The complicated issues and future implications inherent in the *Slade v Morley Case* (1597-1602), commonly known as *Slade's Case*, an important milestone in English contract law, where the new action of assumpsit prevailed over the limited writ of debt, had long exercised the very best legal minds in Elizabethan England. It was a complex topic of discussion and debate at the four Inns of Court, and in particular, with Bacon and other senior members of Gray's Inn, at a time when he was writing and revising *Titus Andronicus* (1589-94).

To further complicate matters the issues at stake in this important matter of English law had become a source of friction between the Court of Common Pleas who favoured the writ of debt system and the King's Bench that had developed a new assumpsit action. After years of legal-infighting Chief Justice Popham finally decided the conflict between the two courts needed to be resolved and settled upon choosing *Slade v Morley* to resolve the issue. It was decided the case would be argued before the senior major judges of England in the Exchequer Chamber. The Attorney-General Sir Edward Coke appeared for the plaintiff Slade and Doddridge and Bacon represented the defendant Morley. Important cases such as this one were often argued twice before a decision and likewise it also occurred in this case.[5] With all the complications and vested interests the case dragged on for five years before Chief Justice Popham in 1602 issued a judgement in favour of Slade.

In his notoriously unreliable report of the case issued in 1603 Coke states the judgement was unanimous, however, modern commentators maintain it was most likely a narrow 6 to 5 victory in Slade's favour. The foundation of all discussion about *Slade's Case*, points out Professor Baker, 'has been Coke's report, which is the only full report in print', and there is no account in it 'of the learned and persuasive arguments advanced by Bacon for the defendant.'[6] More recent research however by Baker has yielded a translated record of Bacon's argument taken directly from contemporary manuscripts available for the first time,[7] whose detailed knowledge of the principles involved in the *Slade Case* are adroitly woven into the text of *Titus Andronicus* so impressively illuminated by Professor Anderson (though he makes no mention of Bacon and his involvement in the case).

Returning to the play, when asked by Saturninus who raped Lavinia Titus identifies Chiron and Demetrius and reveals their heads baked in a pie that their mother Tamora had already eaten from. Titus then stabs Tamora whereupon Saturninus kills Titus and is himself slain by Lucius. To the assembled Romans, Marcus Andronicus and Lucius set out the vile crimes of Tamora, her lover Aaron, and two sons Chiron and Demetrius saying 'Now judge what cause had Titus to revenge/These wrongs unspeakable, past patience,/Or more than any living man could bear' (5:3:124-26). The joyous citizens hail Lucius as the new emperor who promises 'To heal Rome's harms and wipe away her woe' (5:3:147), in drawing to a close this legal play of law, justice, and revenge.

In his recent Arden edition of *Titus Andronicus* under the heading of '*Revenge*' Professor Jonathan Bate discusses the play in relation to Bacon's essay *Of Revenge*:

Revenge

The play's interest in political institutions is not confined to its examination of Roman government. The matter of revenge raises inevitable questions about the institutions of the law…

...The players who represent the enactment of revenge undertake the same kind of usurpation of the law as the revenger himself does. By casting revenge in the form of an elaborate public performance, the drama reveals that the public performance known as the law is also a form of revenge action….

..[The] distinction [between private revenge and legal retribution] must be made more subtly, as in fact it was by Bacon in his brief essay 'Of Revenge'. That essay begins with an apparent endorsement of the views summarized by Bowers: revenge is a kind of wild (uncultivated) justice; it puts the law out of office, so the law should weed it out; revenge is perhaps 'tolerable' if it is for a wrong which there is no law to remedy, but the method of revenge had better be one which is not punishable by law. But the conclusion is surprising: 'Public revenges are for the most part fortunate: as that for the death of Caesar; for the death of Pertinax; for the Death of Henry the Third of France; and many more. But in private revenges it is not so. Nay rather, vindictive persons live the life of witches; who, as they are mischievous, so end they infortunate' (Bacon, 73). The public revengers cited-Augustus, Severus, and Henry VI of France-proved to be, according to the official Renaissance view, good and successful rulers. If we believe that Lucius will rule Rome well, then the revenges in the final act of *Titus*, which are certainly performed very publicly, come into the category of the fortunate. Like Hieronimo and Hamlet, Titus pretends to be mad, gives the appearance of having turned his vindictiveness inward in the auto-destructive fashion of Bacon's private revengers, but in fact all along he is preparing for a public act. His revenge takes place as part of a public performance which brings about political change.

The necessity to revenge reveals the inadequacy of the law; the formulation of revenge in performance acts as a substitution for the law, simultaneously revealing the law to be itself nothing other than a performance, replete with processions, costumes, symbolic geography, dialogues, epideictic utterances, and gestures.

…*Titus Andronicus* tells the story of the failure of established legal remedies…

…Consequent upon the failure of imperial law is the revenger's establishment of an alternative procedure. Barbaric as the feast in the final scene may be, Titus still uses the language of the law: he speaks of 'precedent' and 'warrant' (5.3.43). It is as if the breakdown of established law is such that he has to create a new system of case-law, based on historical and mythological sources.[8]

This theme of revenge structures the whole of *Titus Andronicus* at every level and it is the motif that permeates its symbolism, imagery and language in a context of law and justice; whether in the absence of one or both, where one ends and the other begins, and when, where there is no law or lawful justice, a wild kind of justice, revenge:

OF REVENGE

Revenge is a kind of wild justice; which the more man's nature runs to, the more ought law to weed it out. For as for the first wrong, it doth both offend the law; but the revenge of that wrong putteth the law out of office. Certainly, in taking revenge, a man is but even with is enemy; but in passing it over, he is superior; for it is a prince's part to pardon. And Salomon, I am sure, saith, *It is the glory of a man to pass by an offence*. That which is past is gone, and irrevocable; and wise men have enough to do with things present and to come; therefore they do but trifle with themselves, that labour in past matters. There is no man doth a wrong for the wrong's sake; but thereby to purchase himself profit, or pleasure, or honour, or the like. Therefore why should I be angry with a man for loving himself better than me? And if any man should do wrong merely out of ill-nature, why, yet it is but like the thorn or briar, which prick and scratch, because they can do no other. The most tolerable sort of revenge is for those wrongs which there is no law to remedy; but then let a man take heed the revenge be such as there is no law to punish; else a man's enemy is still before hand, and it is two for one. Some, when they take revenge, are desirous the party should know whence it cometh. This the more generous. For the delight seemeth to be not so much in doing the hurt as in making the party repent. But base and crafty cowards are like the arrow that flieth in the dark. Cosmus, duke of Florence, had a desperate saying against perfidious or neglecting friends, as if those wrongs were unpardonable; *You shall read* (saith he) *that we are commanded to forgive our enemies*; *but you never read that we are commanded to forgive our friends*. But yet the spirit of Job was in a better tune: *Shall we* (saith he) *take good at God's hands*, *and not be content to take evil also*? And so of friends in a proportion. This is certain, that a man that studieth revenge keeps is own wounds green, which otherwise would heal and do well. Public revenges are for the most part fortunate; as that for the death of Caesar; for the death of Pertinax; for the death of Henry the Third of France; and many more. But in private revenges it is not so. Nay rather, vindictive persons live the life of witches; who, as they are mischievous, so end they infortunate.[9]

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5. Daniel R. Coquillette, *Francis Bacon* (Edinburgh University Press, 1992), pp. 136-43, at p.136, to whose work I am indebted.

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