

Who Was Joseph Hall's Labeo?

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In 1597 a remarkable man wrote an even more remarkable poem. Although the man in question, Joseph Hall (1574-1656), is no longer considered terribly significant, he did make his mark in literature, church politics and theology. He is now credited with creating various minor prose genres, the satire *Mundus alter et idem*, and, quite possibly, the *Parnassus* plays. In 1598, Francis Meres thought enough of him to list Hall among the best satirists in English. In 1608, he was appointed one of Prince Henry's chaplains, and he subsequently became a friend of James I. By 1640, Hall found himself exchanging broadsides with a young John Milton and, during the turmoil leading up to the English Civil War, the House of Commons declared Hall guilty of high treason over a religious controversy.

His masterpiece, however, was the poem *Virgidemiae*, which has been called (perhaps inappropriately) the first English satire. It was a remarkable poem not because of Hall's timing but because it was a Juvenalian satire: it ridiculed the private lives of real people.

Unfortunately for modern historians, Hall found it necessary to obscure the identities of his victims behind a cloud of references to antiquity (Hall XXV). Though "obscure" may be too mild a word, since there is disagreement not only about the identities of those he attacked but, in some cases, even of the identities of those he used as camouflage.

For instance, in the following lines Hall said something important about someone named Labeo. But who was Labeo?

For shame write better Labeo, or write none,

Or better write, or Labeo write alone.

Nay, call the Cynic but a witty fool,

Thence to abjure his handsome drinking bowl: (abjure = to recant)

Because the thirsty swaine with hollow hand, (swaine = poet)

Conveyed the stream to wet his dry weasand. (weasand = throat)

Write they that can, tho they that cannot d

But who knows that, but they that do not know?¹

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Various attempts have been made to identify Hall's Labeo: as Thomas Nashe, Samuel Daniel or Michael Drayton (Hall LII-LIX) on the one hand, and as the (Ancient) Romans Attius Labeo or Titidius Labeo on the other. Though why Joseph Hall would choose to associate any of the Elizabethans with a third-rate Latin translator of Homer or a shadowy painter of small panel pieces remains unclear.

I would therefore like to advance a new solution to the Labeo question, namely, that Hall's attack on Labeo was in reality an attack on the Elizabethan poet-courtier Edward de Vere, the 17th Earl of Oxford (1550-1604), and that Hall then sought to conceal his attack behind references to the great Roman jurist, Marcus Antistius Labeo (c. 50 BC - AD 18).

Consider the following parallels between the two men.

1. Like M. Antistius Labeo, the Earl of Oxford had been a student of the law, having attended Gray's Inn for several years. More important, Oxford was one of forty-two commissioners at the treason trial of Mary, Queen of Scots (Ogburn 698) and the senior nobleman on the tribunal of the Earls of Essex and Southampton in 1601 (Ward 336). Finally, he himself was a judge (Clark 98).

2. Both Marcus Antistius Labeo and the Earl of Oxford were born into wealthy, eminent and ancient families. Both received superb educations from well-known scholars; both were involved in national politics at the highest levels; and, at some point, both were out of favor with their monarchs. Both were interested in classical literature and the meaning and origin of words. Both were excellent writers, although the bulk of their works are thought to be lost. Both lost their fathers at an early age. Both found it hard to get along with the newly powerful. Finally, after difficult careers, both withdrew from political life.

3. Both men were aristocrats. In addition to being England's ranking earl, Oxford was the hereditary Lord Great Chamberlain of England. Although Labeo's family was plebian by origin, by the Age of Augustus it had firmly been placed within the aristocracy (Ferrero 169).

4. Both men were prominent, as were their fathers. When Labeo was six years old, his father, the jurist Pacuvius Antistius Labeo, took a leading part in the assassination of Julius Caesar and then committed suicide at Philippi along with Brutus in 42 BC.

The prominence of Labeo himself was second only to that of the Emperor and his family. Considering Gibbon's standard, that "arms, eloquence and the study of the civil law promoted a citizen to the honors of the Roman State," we note that Labeo not only served as a Senator and nominated candidates to the Senate, but also served the state as a jurist and wrote more than 400 books (Gibbon 277-78).

Like his father, the 16th Earl, Oxford was England's Lord Great Chamberlain and a shaping force of Tudor theater. While the 16th Earl of Oxford was the principal patron of dramatist John Bale as well as a troupe of actors, the 17th Earl was the patron of two acting companies, a poet and playwright himself, and a patron of other poets, novelists and composers throughout Elizabeth's reign.

5. Both Labeo and Oxford were viewed by their enemies as eccentric. The poet Horace denounced Labeo, calling him insane, probably due to Labeo's flair for embarrassing his monarch and patron, a flair that Oxford also enjoyed. Indeed, according to the *DNB*, "Oxford's eccentricities and irregularities of temper grew with his years."

6. Each declined a largely symbolic public position. Augustus offered Labeo the essentially honorary post of Suffect Consul and was refused (Horsfall 282). When England was threatened by the Spanish Armada in 1588, Elizabeth, through the Earl of Leicester, offered Oxford the largely honorary command of Harwich and was likewise refused (Rowse 102).

7. Labeo and Oxford headed intellectual factions. Labeo has been credited with founding the Proculians, a school of lawyers, while Oxford has been credited with leading the Euphuists, a school of writers (Ward 174).

8. Both of their chief intellectual opponents led factions. Oxford's rival, Philip Sidney, headed the Romanticists and Labeo's opponent, C. Ateius Capito, has been credited with founding the Sabinians (Kunkel 113).

9. Both men had similar stories circulate about their willfulness. It was said of Labeo that "when tribunes sent a messenger to summon him to them he told [the messenger] to tell his masters that they could seize him, but not summon him" (Buckland 822n).

Similarly, it was reported by the Spanish Ambassador, Bernardino de Mendoza, that "the Queen sent twice to tell the Earl of Oxford... to dance before the Ambassadors; whereupon he replied that he hoped Her Majesty would not order him to do so, as he did not wish to entertain Frenchmen. When the Lord Steward took him the message the second time he replied that he would not give pleasure to Frenchmen, nor listen to such a message, and with that he left the room" (Ward 161).

10. Both were and are held in high esteem for their work. M. Antistius Labeo, for instance, is the only Labeo listed in the index to *The Decline and Fall of the Roman Empire*, and the only Labeo with his own entry in *The Encyclopaedia Britannica*'s 11th and 15th Editions, the *Illustrated Encyclopaedia of the Classical World*, and *Who Was Who in the Roman World*.

Labeo has been described as one of the most innovative thinkers in the history of jurisprudence. He introduced reasoning by analogy and the use of codicilli (but not in its English sense) into Roman law. His opinions on legal matters were quoted in law digests for centuries, and his *Libri Posteriores* was

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the only posthumous publication in the history of Roman Law.

As for Oxford's achievements, the *DNB* notes he "wrote verse of much lyric beauty"—a verdict likely based on the contemporary statements of Gabriel Harvey, Henry Peacham, and others. For instance, William Webbes stated in *A Discourse of English Poetry* that, "I may not omit the deserved commendations of many honorable and noble Lords and Gentlemen in Her Majesty's Court, which, in the rare devices of poetry, have been and yet are most skilfull; among whom the Right Honourable Earl of Oxford may challenge to himself the title of the most excellent among the rest" (Ward 199). In 1598, Francis Meres would list in *Palladis Tamia* "The best for comedy amongst us," and begin with "Edward Earle of Oxford" (Ogburn 195).

11. Since attacks on "Labeo" were connected with attacks on someone called the "Cynic" or the "Athenian," it's probable that one person assumed all three titles. Thus, any claimant for the title of "Labeo" should also have been considered a claimant for the other two titles.

Traditionally, the term Athenian was applied to alumni of Cambridge University, but the Earl's claim to the title rests upon more than his educational background. For instance, the original Cynics were ancient Athenians known for criticizing their rich fellow citizens (Swain 490). Since the wealthy Lord Burghley headed a faction at court initially known as the Athenians (Guy 224, 253), Oxford's inability to get along with Burghley, father-in-law, under whose roof he once lived, would have made him the perfect Cynic.

Of course, the most famous Cynic was Diogenes of Sinope who, according to Bertrand Russell, "decided to live like a dog, and was therefore called a 'cynic,' which means 'canine.' He rejected all conventions—whether of religion, of manners, of dress, of housing, of food, or of decency.... He lived... by begging. He proclaimed his brotherhood, not only with the whole human race, but also with animals.... He had an ardent passion for 'virtue,' in comparison with which he held worldly goods of no account" (Russell 231).

Diogenes and Oxford were considered by contemporaries unorthodox in religion and dress. Both men were bankrupts and were considered by contemporaries to be without decency. In 1581, Oxford was publicly accused of "all kinds of vice and shameful treacheries, without one care of God, of honour, or of nature" (Ogburn 342). Finally, Oxford and Diogenes led intellectual factions (Euphuism and Cynicism).

12. As if publicly confirming the Roman allusions in Joseph Hall's satire, George Chapman would later link the Earl of Oxford to the grandees of Rome in his play, *The Revenge of Bussy D'Ambois*, published in 1613:

I overtook, coming from Italy,

In Germany, a great and famous Earl

Of England; the most goodly fashion'd man

I ever saw: from head to foot in form
Rare and most absolute; he had a face
Like one of the most ancient honour'd Romans
From whence his noblest family was deriv'd;
He was beside of spirit passing great
Valiant and learn'd, and liberal as the sun,
Spoke and writ sweetly, or of learned subjects,
Or of the discipline of public weals:
And 'twas the Earl of Oxford. (Ogburn 401)

13. It seems reasonable to suppose that the sobriquet "Labeo" described someone known in Elizabethan England as an Italianate Englishman, as was satirized in Gabriel Harvey's 1580 poem, "Speculum Tuscanismi" (Mirror of Tuscanism), which many think was directed at the Earl of Oxford (Ogburn 630).

14. The name Joseph Hall used to camouflage his satire had the rare Latin ending of -eo, which corresponds to the Earl of Oxford's habit of referring to himself publicly and privately with those initials. In addition to signing his letters Edward Oxenford (rather than Edward de Vere), in 1576 he signed his first seven poems, published in the anthology, *The Paradise of Dainty Devices*, with the initials "E.O."

Joseph Hall's target, Labeo, had some interesting characteristics of his own. According to Hall, the 16th century Labeo wrote sonnets "clad in English weed," was of the "wrong faith" (not to Hall's liking as a Protestant), wasted his time with alchemy and was a famous man.

When writing a sonnet Oxford used the Shakespearean, as opposed to the Italian or Petrarchan, style (Looney 386-88), was a "sometimes" Catholic, and had achieved a high degree of fame.

In addition, the Elizabethan Labeo's writings supposedly caused shame, he used a pseudonym when he wrote, and "Phoebus filled him with intelligence" (that is, with news or information).

Interestingly enough, Oxford wrote comedies (which was considered shameful in itself), he generally wrote under a pseudonym (according to the author of *The Arte of English Poesie*), and Phoebus, which was Apollo's title and means "The Bright One" or "Shining," was one of his nicknames at court (Ogburn and Ogburn 4). To quote Gabriel Harvey's words to Oxford himself: "For a long time past Phoebus Apollo has cultivated thy mind in the arts" (Ogburn 597).

An equally powerful clue is that Hall states Labeo "names the spirit of Astrophel."

This probably refers to an internationally infamous episode that took place at court between Oxford and the author of *Astrophel and Stella*, Sir Philip

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Sydney. Fulke Greville, a close friend of Sidney's, wrote that Oxford had twice called "Sir Philip by the name of 'puppy'" during their tennis court quarrel, which led to Royal intervention and an apology by Sidney (Ogburn 620).

Finally, the theory that Joseph Hall attacked Oxford also psychologically fits. After all, Hall took credit for reviving not just any literary form, but a literary form that required its author to hold the rich and famous accountable for their misdeeds. And for someone raised as a Protestant, Oxford's life would seem an endless parade of misdeeds: he not only inherited his vast wealth but was a spendthrift; he not only left his wife but had an illegitimate son; he not only was involved in the theater but wrote comedies. Nor did it help matters that Oxford was accused of killing a man and evading justice through the influence of his father-in-law, or that he liked rich foreign clothes and consorted with "lewd" friends, or that he ended his life as a Royal pensioner.

So it seems that Joseph Hall—the future Bishop of Exeter and Norwich—had a perfect target for his satire in the 17th Earl of Oxford.

Notes

1. Hall originally italicized the part underlined. His spelling has been updated and modern definitions are provided in parenthesis.

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