

Sidney's Legal Patronage and the International Protestant Cause

TIMOTHY D. CROWLEY, *Northern Illinois University*

This study brings to light a legal treatise from the mid-1580s on diplomatic and royal immunities and the authority of magistrates. Comparison of extant manuscript copies elucidates the work's authorship by John Hammond, its commission by Sir Philip Sidney, its legal argument, and its textual transmission to those who orchestrated the treason trial of Mary, Queen of Scots, in 1586. Documentary evidence from 1584 to 1585 aligns Sidney with Elizabeth I's Scottish policy, not directly with the campaign against Mary Stuart. When Sidney commissioned Hammond's treatise, this study argues, he aimed primarily to prepare himself for anticipated service as a foreign magistrate.

INTRODUCTION

MODERN BIOGRAPHIES CHARACTERIZE Sir Philip Sidney (1554–86) as an author, courtier, diplomat, knight, parliamentarian, and, in the Netherlands, military commander and governor of Flushing.¹ This study sheds new light on Sidney as the patron of pioneering legal scholarship: in the form of a manuscript treatise by John Hammond (1542–90) on Roman civil law and the broader law of nations regarding questions of jurisdiction and immunity for princes, diplomats, and magistrates. These legal topics were especially relevant to the circumstances of Mary Stuart, Queen of Scots (1542–87), during her English captivity from 1568 to 1587, and of Bernardino de Mendoza (1540–1604), Spain's resident ambassador at London, expelled in 1584 for political conspiracy on Mary Stuart's behalf amid the Throckmorton Plot of 1583. Mendoza's expulsion complemented the English regime's policy with the previous Spanish ambassador, Guerau de Spes (d. 1572), and with Mary Stuart's ambassador John Lesley (1527–96), bishop of Ross, both expelled from London for conspiring on her behalf in the Ridolfi Plot

For patient and helpful advice on drafts of this study, I am indebted to David Gehring, Lara Crowley, Donna Hamilton, Henry Woudhuysen, Roger Kuin, Rob Stillman, and the anonymous readers for *Renaissance Quarterly*.

¹ Among modern biographies, see especially Wallace; Stewart, 2000; with Howell, 1968; Duncan-Jones, 1991. For useful synopses of biographical data, see Woudhuysen, 2004; Stewart, 2015, 41–49. For a survey of modern biographical approaches, see Stewart, 2015, 49–56.

Renaissance Quarterly 71 (2018): 1298–350 © 2018 Renaissance Society of America.

of 1571.² The context of 1583, though, prompted the Privy Council of Elizabeth I (1533–1603) to commission professional legal opinions on diplomatic immunity by the Protestant Italian and French jurists Alberico Gentili (1552–1608) and Jean Hotman (1553–1636), who both defended Mendoza's immunity from English jurisdiction and later published treatises on the privileges and responsibilities of ambassadors.³ Both Gentili and Hotman already knew Sidney in the early 1580s, as clients of his uncle, Sir Robert Dudley (1533–88), First Earl of Leicester.⁴ In 1585, Gentili dedicated his treatise *De Legationibus* (On embassies) to Sidney, lauding him as the ideal ambassador.⁵ Gentili's and Hotman's commentaries on diplomatic rights by civil law and the law of nations proved seminal for theorizing international relations. Hammond's treatise complemented their scholarship in discussing international law following the Throckmorton Plot. Its chief innovation was to address the topic of diplomatic immunity as important but ancillary to a central focus on the vexed question of royal immunity, relevant directly to Mary Stuart herself. In previous centuries, royal immunity had been taken for granted, without extensive formal analysis of the legal topic.

Hammond's treatise aimed to define political privilege by identifying discrete realms of legal sovereignty. In this regard, it complemented the *République* (1576) of Jean Bodin (1530–96), although it discussed that general topic less extensively and reached a conclusion different from Bodin's defense of absolute monarchy. Hammond wrote his treatise in English rather than in Latin, an unusual circumstance for civil-law discourse. One extant copy notes that it was originally commissioned by Sidney.⁶ This little-known claim has been associated with Sidney's fiction of the late 1570s and early 1580s, but the manuscript evidence requires

² Adair, 17–18, 20–21, 47–49, 131–32; Mattingly, 204, 239, 269–82 (esp. 277); Van der Molen, 49–50, 103, 279n35; Posthumus Meyjes, 1990, 20; Alford, 2012, 174, 176–77. For detailed study of Anglo-Spanish diplomacy in 1571–72, see Retamal Favereau, 1972, 119–359 (Spanish trans. Retamal Favereau, 1981, 87–241); Parker, 189–221; Questier, 142–49; Crowley, 2015a, 908, 919–20.

³ Gentili, 1585; Hotman, 1603a and 1603b.

⁴ For the biographical connections with Leicester and Sidney, on Hotman, see Posthumus Meyjes, 1990, 14, 17, 21–27, 29, 31–36, 38, 40, 213, 215–16; also Sidney, 2012, 1:xliv, 2: 1021–22, 1054–55, 1060–63; Rosenberg, 150–51, 269–70, 288–89; Van Dorsten, 1962, 84–87, 90–91, 99, 155; Adams, 1995, 475–76, cf. 191n401, 198n418, 220n467, 258n539, 265n550, 430 (“Mr. Ottamon”), 448 (“Doctor Attaman”); Woudhuysen, 1996, 220–21; Beal, 2002, 30–31. On Gentili, see Van der Molen, 44–51; Rosenberg, 137, 150n61, 286–92; Posthumus Meyjes, 1990, 14, 17–20, 23; Adams, 1995, 212; Gentili, 1964, 22a, 25a, 27a, iii–vii (esp. vi). Italicized letters following a page number indicate columns on the page.

⁵ Gentili, 1585, sigs. *ii^r–*iv^r; trans. in Gentili, 1964, iii–vii.

⁶ British Library (hereafter BL), Additional (hereafter Add.) MS 48027 (Yelverton MS 31), fol. 396^v.

further examination, both within the document that names Sidney and in another extant copy of Hammond's treatise. This study reevaluates the material circumstances of these two manuscript copies, substantiating the case for Sidney's patronage more precisely in relation to textual transmission. From that textual analysis, new perspectives arise on the legal argument itself as a response to an anonymous shorter text. The evidence connects Hammond's argument both to Sidney as patron and to the inner regime of Elizabeth I. In considering political and personal motives for the commission and the copying of Hammond's treatise in the mid-1580s, this study reassesses Sidney's seemingly disparate activities from summer 1584 to summer 1585 in relation to the Parliament of 1584–85. In doing so, it argues that Sidney commissioned Hammond's legal opinion with various factors in mind: the Throckmorton Plot and Mendoza's diplomatic immunity; English fears of further conspiracy and prospective criminal justice against Mary Stuart following the 1584 Bond of Association and the 1585 parliamentary Act for the Queen's Surety; the precarious state of international Protestant alliances in 1584–85; and, most importantly for Sidney, his own prospective future as a foreign magistrate.

This argument's focus on the politics of jurisdiction in 1584–85 constitutes a shift in approach to the documentary evidence for Sidney's legal patronage. Published surveys of Sidney as a literary patron have not mentioned Hammond or his work.⁷ The manuscript claim for Sidney's legal patronage was discovered in an unpublished study by Henry Woudhuysen that affirms the topic of civil law as generally relevant to Leicester's and Sidney's concerns with Protestant rebellion in the Netherlands of the late 1570s, observes legal language of international jurisdiction within Sidney's *Old Arcadia* (1578–81), and notes the intellectual context of Gentili and Hotman in 1583 with an eye to Leicester as patron.⁸ Subsequent biographies of Sidney have noted the Hammond connection without interpretive commentary, claiming general dates of 1585 or 1586, most recently hinting at a circumstantial relation to Sidney's involvement with Anglo-Scottish diplomacy in summer 1585.⁹ This emphasis on diplomacy in the mid-1580s complements the recent citation of Hammond's treatise within a literary comparison of Gentili's works on diplomacy and warfare with plotlines Sidney added to his incomplete *New Arcadia* (ca. 1583–85). That brief reference posits the important premise that legal patronage helped Sidney prepare himself intellectually for future diplomacy.¹⁰

⁷ Buxton; Van Dorsten, 1981; Brennan, 1988, xi–xii, 15, 38–54; Parry, 177–79; Celovsky, 261, 267–69.

⁸ Woudhuysen, 1980, 72–73 (cf. 288–92).

⁹ Stewart, 2015, 47. The other references appear in Duncan-Jones, 1991, 287; Woudhuysen, 2004, 564a.

¹⁰ Warren, 50 (cf. 33, 37, 49). On Gentili and Sidney's fiction, see also Craigwood.

In building upon this idea, the present study addresses Hammond's full argument on diplomatic immunity in relation to royal immunity, revealing its rhetorical structure as a response to an anonymous legal argument that supported the English indictment of Mary Stuart for treason. Hammond's treatise refutes some legal premises of that anonymous argument and refines others, holding the use of civil-law sources to a high professional standard. Hammond's pioneering discussion of royal immunity highlights diverse concepts and contexts of international law from the ancient Roman Empire to sixteenth-century Europe. Hammond's conclusion, notably, does not defend the prospect of Mary Stuart's indictment for English treason by any specific codified law in its own right. Rather, in the end, it concedes a natural-law right to political self-defense amid the precepts of Roman civil law and the law of nations. There Hammond's treatise specifies political conspiracy as grounds for self-defense, while citing traditional English treason law and emphasizing the danger of defining treason too loosely. These qualifications, together with a consistent emphasis on demarcating the authority of magistrates, convey on Hammond's part a measured consciousness of the 1584 Bond of Association and its impact on the new legal circumstances that arose in 1585 as the Act for the Queen's Surety, regarding Privy Council jurisdiction on matters of conspiracy and treason. These perspectives on the text and context of Hammond's treatise provide a new framework within which to assess more precisely Sidney's motives for patronage.

Through analysis of Hammond's treatise in this context—with an eye also to Robert Beale (1541–1601), a clerk of the Privy Council who collected a copy of it around the time of Mary Stuart's indictment, in 1586—Sidney's little-known parliamentary activities in 1584–85 acquire new coherence in relation to his diplomacy and other advocacy for the international Protestant cause. The manuscript evidence for Hammond's treatise indicates a commission by Sidney and indirect reception not only by Beale but also by Sidney's father-in-law, Sir Francis Walsingham (ca. 1532–90), who was Elizabeth I's principal secretary of state, and by the queen's chief counselor, Sir William Cecil (1521–98), Baron Burghley and lord treasurer. Burghley acted as Mary Stuart's "nemesis," masterminding the legal prosecutions against her in 1568 and in 1586 for political and religious reasons.¹¹ From 1572 onward, he sought her execution, in collaboration with Walsingham and Beale.¹² The transmission of Hammond's legal opinion to these men in the mid-1580s signals its status as an ingredient within the Elizabethan regime's crucible of policy and political theory. Before, during, and just after the Parliament of 1584–85, Burghley and Walsingham pursued legal and extralegal means

¹¹ Guy, esp. 10, 396–497 (quotation from chapter 29 title); Alford, 2008, esp. xi–xii, 260–95; cf. Adams, 2009.

¹² See Alford, 2012; with Taviner, 185–243.

to indict Mary Stuart for treason, while at the same time recruiting clients to formulate new political and legal theories for justifying both this campaign against the Queen of Scots and the Elizabethan regime's anticipated military intervention in the Netherlands. These strategies within Elizabeth I's inner circle at this crucial juncture of her reign have prompted recent historians to dub her regime a "monarchical republic."¹³ This context provides a new impetus for reconsidering Sidney's own legal interests and political policies. Solicitation of an expert legal opinion need not imply agreement with its argument. Evidence gaps obscure Sidney's precise thoughts on Mary Stuart's legal immunity, and history precludes his views on her trial in 1586 and her execution in 1587, because he died in the Netherlands during her trial. Yet a comparison of Sidney with Hammond and Beale in the parliamentary context of 1584–85 helps shed light on how Sidney balanced international law, English statute law, political and professional expediencies in England and mainland Europe, religious ideology, and his own moral sensibilities.

This new biographical approach to Sidney and the Parliament of 1584–85 bears broader implications regarding Sidney in relation to both Elizabeth I and Mary Stuart amid diplomacy of the late 1570s and early 1580s. The currently prevailing views on Sidney and these two queens converge within a study by Blair Worden that mentions the manuscript reference to Sidney's legal patronage as an aside to its thesis on Sidney's fiction as topical allegory: that is, an argument for Sidney as a zealous "forward Protestant," rooted in the biographical premise that his advocacy for defending an international Protestant cause, especially in the Netherlands, propelled him toward a consistent opposition to Elizabeth I's policies on Mary Stuart and on a prospective English alliance with the French Duke of Anjou, Francis Valois (1555–84).¹⁴ On Sidney and Anjou, that interpretation has been revised substantially. Amid changing European politics in 1580–81, as Anjou gained sovereignty in the Netherlands of the northern States General, Leicester's and Sidney's shared policy in opposing his marriage negotiations with Elizabeth I shifted remarkably toward open support for an English alliance with him, whether or not he married Elizabeth I.¹⁵ Whatever the queen's personal views on Anjou might have been amid their public engagement in 1581, she lavished money upon him in 1581 and 1582 as an indirect means to help sustain the rebel provinces' Protestant identity.¹⁶ Then and in the mid-1580s, her policy in the Netherlands complemented that of Leicester and Sidney. This revised perspective on Sidney's policy

¹³ Collinson, 1987b, 413–24; Lake, 2015. For the broader context of historiographical debate on this concept of "monarchical republic," see also McDiarmid; Younger; Jones, 2015; Lake, 2016; Dauber, 1–152.

¹⁴ Worden, xxii, 181 (see 171–83, cf. 16, 304–05, 282n9, 328–31).

¹⁵ See Crowley, 2015b, esp. 40–45.

¹⁶ See Holt, 113–65, 177, 195–97; Doran, 1996, 176–92; cf. Crowley, 2015b, 50–51.

regarding Anjou in 1578–82 prompts a reconsideration of Sidney's policy on Mary Stuart, now including Hammond and Beale as points of reference.

In applying the revised perspective on Sidney and Elizabethan foreign policy to the case of Hammond's treatise, this study reconsiders certain premises of Sidney biographies in recent decades: that is, a supposed loss of royal favor in 1579–80 and a conscious effort by the queen to keep Sidney at bay politically, a resulting disillusionment on Sidney's part, and the idea that Leicester became a political liability for Sidney in the early 1580s.¹⁷ Recent scholarship rooted in wide-ranging documentary evidence suggests otherwise. Elizabeth I's cautious and indirect activism with the Netherlands complemented her regime's policy of diplomacy in Germany and Denmark to monitor and promote a broad-based international Protestant cause, for which aim Sidney's 1577 embassy to Germany proved a crucial turning point.¹⁸ In the early 1580s, Sidney and Beale served as experts on German affairs for the Elizabethan Privy Council and for foreign emissaries seeking to build upon the work of Sidney's 1577 embassy.¹⁹ Elizabeth I showed consistent favor toward Sidney as a valued courtier and diplomat, especially in the early 1580s, with extraordinarily generous free financial gifts to help defray his expenses.²⁰ Sidney's activism for an international Protestant cause proved consistent in policy from the late 1570s through the mid-1580s. In 1584–85, this study argues, Sidney's foreign policy cohered with that of Elizabeth I regarding Scotland, France, and the Netherlands. Based on the politics of mainland Europe in these years, she and her regime prepared for Leicester to lead open military aid to the Dutch rebel provinces. Sidney's Scottish diplomacy of 1585 supported his queen's policy for securing a Protestant English succession, in favor of an alliance with Mary Stuart's son, King James VI (1566–1625). In 1584–85, there is no evidence for direct involvement by Sidney in the campaign of Burghley and Walsingham against Mary Stuart, despite Sidney's circumstance of living in Walsingham's household. When Sidney commissioned Hammond's treatise on international law and the authority of magistrates—amid royal favor and loyalist

¹⁷ See Levy, esp. 8, 11–12; McCoy, 1979, esp. 12–14; Worden, esp. xxii–xxiii, 41–43, 65–69, 112–14; Stewart, 2000, esp. 3, 7, 251–52; Brennan, 2006, 69–98 (esp. 78–79, 84–91, 93–97).

¹⁸ See Kaufman; Gehring, 2013, esp. 55–61, 74–75; with Crowley, 2014; cf. Crowley, 2015b, 43–44. These perspectives revise the views on Sidney's 1577 embassy in Howell, 1968, 33–37, 39–47; Cohen, 1969, 168, 172–75; Howell, 1975, 31, 33; Raitt, 119; and Stewart, 2000, 167, 170. On Elizabeth I and German theology in this context, see also Gehring, 2015, 304–05; with Schofield, 186–204; Stillman, 2008, 18–20.

¹⁹ See Gehring, 2013, 92–99 (cf. 8, 12–13, 151–52); with Philippe du Plessis Mornay to Sidney, July 1583, in Sidney, 2012, 2:1066–69, esp. 1066.12–15, 1068.16–19 (translation) (citations to this work include volume and page numbers, and, where necessary, line numbers); on Beale's expertise, see also Gehring, 2016, 10–16 (cf. 51–108).

²⁰ See May; with Bell, 1974, 400, 403; Crowley, 2015b, esp. 56–59.

devotion to the international Protestant cause, including efforts to secure a Protestant English succession—his primary concern was not his father-in-law's campaign with Burghley against Mary Stuart but, rather, a strategic preparation for his own anticipated service under Leicester as a foreign magistrate in the Netherlands. Sidney acquainted himself with an expert legal opinion on complex issues of international jurisdiction in 1584–85 for his own sake as a prospective governor in the Dutch rebel provinces, expecting that soon he would wield legal authority and military command at a crucial site of European political and religious conflict.

MANUSCRIPT EVIDENCE: DATES AND CONTEXTS

Hammond's treatise on international jurisdiction survives in two known manuscript witnesses, both scribal copies in distinct English secretary scripts (with Latin quotations in italic script) and both connected to the Elizabethan Privy Council. The copy that mentions Sidney resides in the British Library within a volume of Beale's papers containing many documents relevant to Mary Stuart.²¹ At the end of this scribal copy's text, prior to a final secretarial docket that Beale provided for the document as a whole, there appears a separate note in Beale's hand: "This was written as I haue herd by *Doctor* Hamond: at the request of *Sir* Philipp Sidney" (fig. 1).²² A final postscript in Beale's hand then reaffirms Hammond's authorship without qualification (fig. 2), as does a marginal note in his hand at the beginning of this copy (fig. 3). Although Beale admits he learned of Hammond's authorship and Sidney's commission secondhand ("as I haue herd"), his clear confidence in the authorship claim gives reason to infer a similar confidence in his source of knowledge for the claim of Sidney's patronage. Beale's final docket, which reaffirms Hammond's authorship, dates the legal document within the topical context of Mary Stuart's treason trial: "Written before the going of the lordes and other her *Majesty's* Commissioners to Fotheringay" (fig. 2). Mary Stuart arrived at Fotheringhay, Northamptonshire, on 25 September 1586; the commissioners of her legal trial (consisting of Privy Counsellors and selected nobles) went there on 11 October 1586, and Beale traveled there from London to deliver the verdict of her guilt for treason on 19 November 1586.²³ Beale's language implies that Hammond's treatise was "Written" sometime prior to 11 October 1586 and that Beale's scribal copy was produced near that time. Beale's other postscript referred to the work's original patron as "*Sir* Philipp Sidney" (fig. 1) sometime after Sidney was knighted, in January 1583.²⁴ So, from Beale's

²¹ BL, Add. MS 48027, fols. 380^v–397^v.

²² All transcriptions are my own, with italics indicating expansion of shortened forms.

²³ Leader, 559, 468n3, 598; Collinson, 1987a, 36; Basing, 73; Bell, 2004, 520*b*.

²⁴ For this dating of Sidney's knighthood, see Wallace, 288; Lawson, 716 (cf. 234–35, 243, 255, 263, 277, 285, 304, 342–43); cf. BL, Lansdowne MS 678, fols. 24^v–25^r.

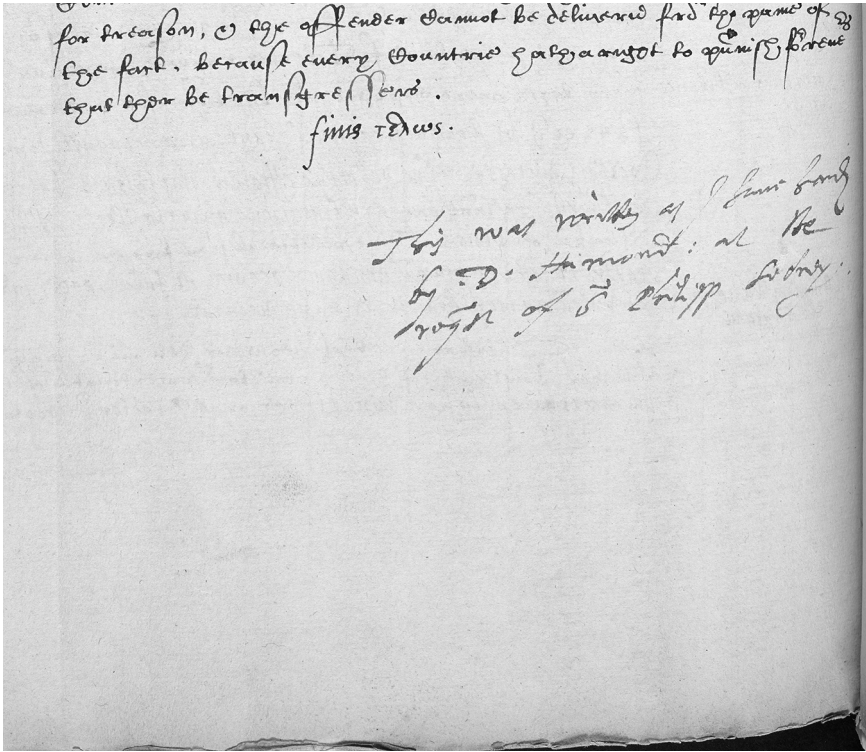


Figure 1. Beale's ascriptions of authorship to Hammond and original commission to Sidney. BL, Add. MS 48027 (Yelverton MS 31), fol. 396^v (detail). Courtesy of the British Library.

notations alone, his scribal copy and probably Hammond's composition can be dated within the mid-1580s.

The other extant copy of Hammond's legal treatise, preserved at Kew in the National Archives among state papers pertaining to Mary Stuart, bears further witness to the text's transmission history within the Elizabethan regime.²⁵ The *Calendar of the State Papers relating to Scotland and Mary, Queen of Scots* provides an abridged modern rendition of this document's text, citing it as a copy "in the hand of Burghley's clerk" and imposing a date of October 1586.²⁶ Though collected in the nineteenth century among papers on Mary Stuart from 1586, the document itself bears no date. According to current specialists on the secretariats of Burghley

²⁵ The National Archives (hereafter TNA), State Papers (hereafter SP) 53, vol. 20, fols. 71^r–89^r (doc. 23, pp. 4–37). This document consists of two parts, as explained below. I provide pagination by the document number, too, because that is the number of record in the State Papers Online database.

²⁶ Boyd, 9:127, 143.

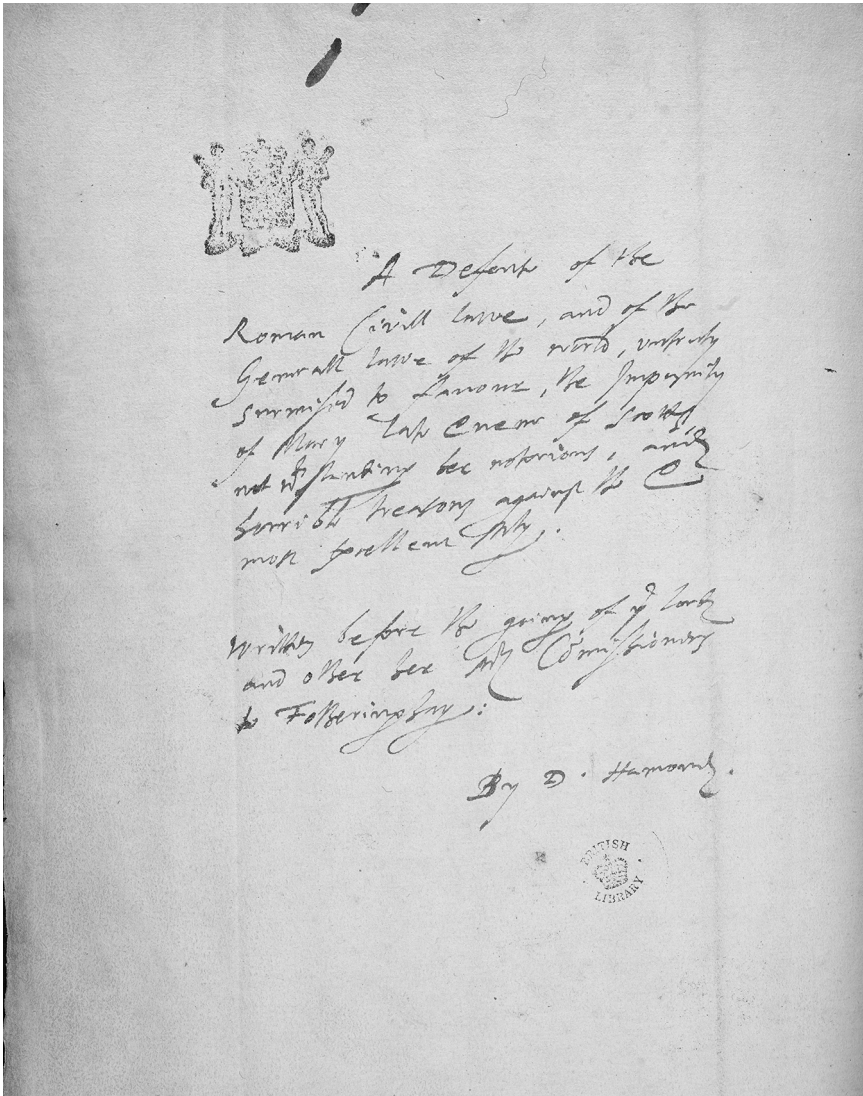


Figure 2. Beale's title and docket for his copy of Hammond's treatise. BL, Add. MS 48027 (Yelverton MS 31), fol. 397^v. Courtesy of the British Library.

and Walsingham, this manuscript's handwriting does not fit that of their senior secretaries, but the document almost certainly reached the desk of Walsingham, who likely shared it with Burghley.²⁷ Its contents include Hammond's treatise and a short anonymous argument against Mary Stuart's legal immunity within England,

²⁷ For this perspective, I am indebted to personal correspondence with Stephen Alford, as well as to the expertise of Hannah Coates.

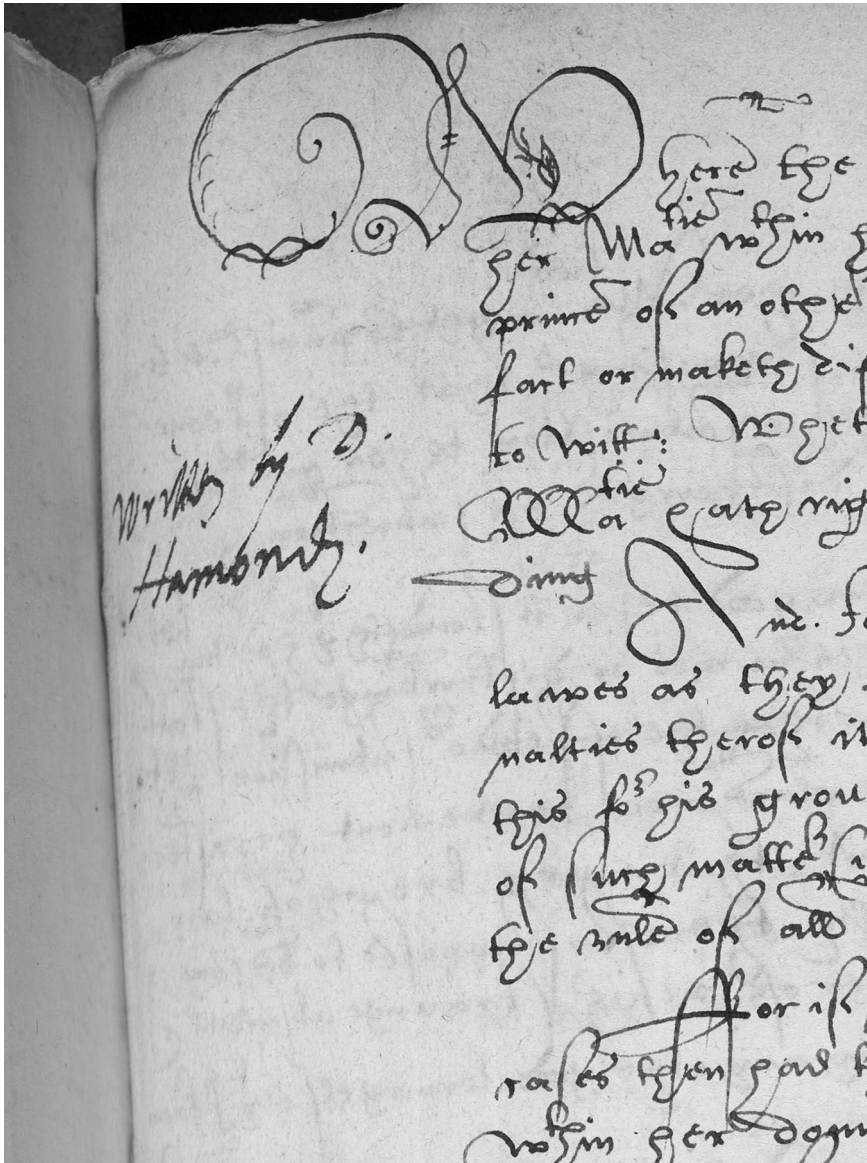


Figure 3. Beale's marginal note on Hammond's authorship. BL, Add. MS 48027 (Yelverton MS 31), fol. 380^r (detail). Courtesy of the British Library.

to which Hammond's work responds. Both items in this volume are written in the same scripts, copied together by the same hand as two discrete documents. Clear evidence for this division appears in the manuscript's scribal and secretarial notations. At the foot of the third page, the initial argument's last sentence ends with a mark indicating the conclusion of a paragraph (fig. 4). Then, at the head of the

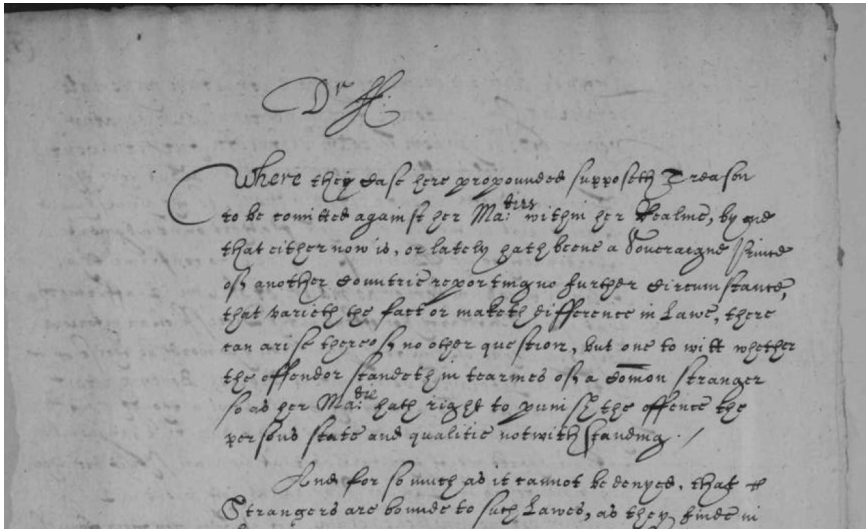


Figure 5. Beginning of Hammond's treatise. TNA, SP 53, vol. 20, fol. 72^v (doc. 23, p. 4) (detail). Courtesy of the National Archives.

Collation of the two textual witnesses for Hammond's treatise suggests that the copy owned by Beale derived from that of Walsingham and Burghley (probably consulted by both). Both scribal copies are neat and professional, with little variation. Yet when the copy from Walsingham's papers corrects its own language, the text of Beale's copy tends to follow those corrections. For example, toward the beginning of Hammond's commentary, "~~pointe~~ argument" becomes "argument."³² The most significant instance of this pattern occurs within a crucial portion of Hammond's conclusion, analyzed below. Exceptions to this scribal trend prove minor in content. This inference of transmission from Walsingham or Burghley to Beale complements Beale's note indicating a secondhand knowledge of the legal treatise's authorship by Hammond and its commission by Sidney. Although the material evidence provides no direct commentary on the context in which Sidney commissioned Hammond's treatise, a likely scenario comes into focus through working backward from these records of its transmission history with an eye to biographical and political contexts.

Most likely, Walsingham procured a copy of Hammond's treatise for himself and Burghley from Sidney's papers, then informed Beale of the legal document's original production, probably while supplying his own text of Hammond's work

³² TNA, SP 53, vol. 20, fol. 73^r (doc. 23, p. 5, middle of page); BL, Additional MS 48027, fol. 380^r (last line).

for copying in 1586–87. Beale was a clerk of the Privy Council and a trusted client of Burghley and Walsingham. He had been Walsingham's close political associate for more than a decade; the two men's wives were sisters, and they both owned homes in London and in Barn Elms.³³ Sidney had married Walsingham's daughter in September 1583 and lived for the first two years of his marriage in Walsingham's houses at London and Barn Elms.³⁴ This living arrangement helped assuage Sidney's perennial debts, while also keeping him near the heart of diplomatic intelligence.³⁵ One can be sure that Sidney and Walsingham regularly discussed the matter of Mary Stuart's captivity during this time. Walsingham would have had access to Sidney's papers, including Hammond's legal opinion, before and after his son-in-law's death in mid-October 1586. In that year, Walsingham discovered Mary Stuart's complicity in the Babington Plot and thus had more motivation than ever to collect the anonymous argument against her and Hammond's response, then share them with Beale as material relevant for the legal prosecution. This scenario would help explain Beale's docket connecting his copy of Hammond's text to the context of Mary Stuart's trial, including its statement on a terminus ad quem of October 1586. Thus, by this biographical logic, the manuscript transmission of Hammond's legal opinion would have proceeded from Hammond to Sidney, then from Sidney's papers to Walsingham and Burghley, and then from them to Beale.

The full docket for Beale's copy of Hammond's treatise clarifies Beale's own complicity in the political agenda of Burghley and Walsingham against Mary Stuart, while also framing the questions of context and intentions for Sidney's legal patronage. At the end of the document, after Beale's postscript mentioning Hammond and Sidney, he describes the treatise as follows: "A defense of the Roman Civill lawe, and of the Generall lawe of the world, vntruly surmised to fauour the Impunity of Mary late Quene of Scottes, not withstanding her notorious, and horrible treasons against the *Queen's* most excellent *Majesty*" (fig. 2). Here Beale conveys his own political antagonism toward Mary Stuart's conspiratorial activities, which he deems "notorious, and horrible treasons" against Elizabeth I. His language in assessing Hammond's treatise, though, proves more ambiguous. He defines its legal foundations clearly: by "the Generall lawe of the world," Beale means the law of nations (*ius gentium*). Yet the adjective "surmised" could point

³³ For this background, see Taviner, 67–68, 78–80, 84, 87–95, 102–03, 127, 149–52, 154–55, 168–69, 174, 178–83, 208–09. Cf. Nicollier de Weck, esp. 226–27; Pulman, 150–72 (esp. 153–54), 176; Bell, 2004, 520a–21a.

³⁴ Wallace, 291, 294; Woudhuysen, 2004, 563b; cf. Stewart, 2000, 251; also Read, 1925, 3:436.

³⁵ May, 261; cf. Crowley, 2015b. For comparative data on Walsingham's intelligence network in relation to those of Burghley and Leicester, see Bleiweis, 136–93, 332–63, 375–95; cf. Read, 1925; Alford, 2012.

in two directions with “defense” as its referent. If Beale means that Hammond’s treatise construes its own argument in favor of Mary Stuart’s legal immunity from English jurisdiction, then the wording of this docket imposes a distance between Hammond’s treatise and Beale’s reception of it. On the other hand, if Beale means “vntruly surmised [by others],” then this description implies an agreement with Hammond on Beale’s part, contrasted with what unnamed other people have supposed Hammond’s argument to be.³⁶ Either way, the language and tone of Beale’s docket convey his political agenda of legally indicting the former Queen of Scots for treason. He viewed her as a threat to the Elizabethan regime and to England’s Protestant identity.

As early as 1572, Beale had impressed upon Burghley and Walsingham various political and religious imperatives for an aggressive policy seeking not only Mary Stuart’s exclusion from the English succession but also her execution.³⁷ In this copy of Hammond’s treatise, Beale penned his glosses on authorship, patronage, and a terminus ad quem during or after Mary Stuart’s trial, probably in late 1586 or early 1587. If written in 1586, his adjective in the title “Mary late Quene of Scottes” would mean “formerly”; if written after 8 February 1587, it would indicate her death. In either context, Beale’s titular docket for his copy of Hammond’s treatise conveys a consciousness of debate over its argument’s implications regarding Mary Stuart, whether the disagreement be his own with Hammond or, instead, others’ with him and Hammond. From the analysis of Hammond’s treatise below, it can be inferred that Beale probably condoned Hammond’s argument and would have valued it as a resource for defending the Elizabethan regime’s execution of Mary Stuart. This motive could partly explain Beale’s choice to collect Hammond’s treatise alone, without the shorter and less sophisticated anonymous argument to which it responds. Beale’s glosses claim that Sidney commissioned Hammond’s argument sometime earlier than when Beale’s copy was made. These perspectives on the work’s transmission history provide a useful framework for asking, when did Sidney seek Hammond’s legal opinion? For what purposes did he do so? To what extents did his motives for patronage and his interpretation of Hammond’s treatise cohere with or diverge from Beale’s later investment in collecting a copy of it?

Though these questions about Sidney’s legal patronage cannot be answered with certainty, they can be contextualized more precisely amid politics of jurisdiction involved with the Parliament of 1584–85 in relation to Mary Stuart. This Parliament proved momentous in issuing two statutes that redefined En-

³⁶ For this potential reading, I am indebted to a conversation with David Gehring.

³⁷ BL, Add. MS 48049 (Yelverton MS 54), fols. 340^r–357^r (Beale’s draft); BL, Cotton MS Titus F.3, fols. 302^r–308^r (copy). See Taviner, 185–99 (esp. 192–95); Alford, 2012, 129–31.

English treason law. The 1585 Act for the Queen's Surety defined as treasonous any conspiracy against Elizabeth I. A complementary statute of 1585 targeted English Jesuits and their affiliates as traitors to the Crown. Both laws emerged as matters of national defense in reaction to the failed Throckmorton Plot of 1583. The Act for the Queen's Surety was conceived largely in relation to an extraparliamentary oath, the Bond of Association, generated by Burghley and Walsingham and circulated widely throughout England prior to the commencement of Parliament in November 1584.³⁸ The statute against Jesuits took a firm stance on the increasingly controversial question of expatriate English Catholics, defining them as English subjects. The Bond of Association aimed to unite the English regime and the English populace under an oath of mortal vengeance upon anyone who might undertake or benefit from the murder of Elizabeth I, specifying claimants to the English throne and excluding from the succession such offenders and their heirs. The parliamentary Act for the Queen's Surety legally substantiated this preemptive call for justice with an important shift in terms: if an heir to the throne were proven innocent of collusion with conspiracy or rebellion, then he or she could retain the claim to dynastic succession. This English statute targeted most directly Mary Stuart and her son, James VI of Scotland—proactively so, in case of further plotting on behalf of her status as heir apparent to the English Crown. Yet, like Mendoza, neither Mary Stuart nor James VI was an English subject. Hence the impetus for legal opinions on international jurisdiction in relation to the new statute law on conspiracy as treason.

Sidney and Hammond both served in the Parliament of 1584–85, which, given this circumstance and other indirect biographical connections, seems plausible as the context wherein Sidney commissioned Hammond's commentary on international law. Hammond's knowledge of civil law had been commended to Sidney's uncle, the Earl of Leicester, by Gabriel Harvey (1553–1631), who also studied civil law and enjoyed Leicester's patronage.³⁹ Sidney knew Harvey. It has been suggested that they first met at Cambridge in 1571, although Sidney probably went to court in the latter half of that year, after leaving Oxford; so, the connection most likely began through Leicester in 1577.⁴⁰ In January 1577, as Sidney prepared for his influential diplomatic mission to Germany, he consulted with Harvey on

³⁸ See Dean, 63–70; Cressy, 217–26, 233–34; Gray, 446–56. On the Bond's authorship, Alford, 2008, 255–57; cf. Collinson, 1994, 70; Adams, Bryson, and Leimon, 144b–45a. For the two statutes' texts, see *Statutes of the Realm*, 4:704–05, 706–08; cf. Elton, 76–80, 424–27. Jesuits were deemed traitors by royal proclamation in 1582: Hughes and Larkin, 2:488–91.

³⁹ Woudhuysen, 1980, 72 (cf. 132–81 on Harvey and Leicester, esp. 137 on Hammond).

⁴⁰ Wallace, 105–07 (esp. 107); Woudhuysen, 1980, 135–36, 179; Stewart, 2000, 66–67, 168–69.

the practical utility of ancient Roman historiography by Livy (Titius Livius, 59 BCE–17 CE).⁴¹ Hammond's treatise also highlights Livy's *Ab urbe condita* (History of Rome from its foundation), among many other sources on Roman civil law, in discussing questions of diplomatic and royal immunity. Its commission marks a later instance of Sidney's strategic intellectual preparation for imminent political service involving complex international relations. Given the circumstantial biographical connections from 1577, it can be conjectured that before or during the Parliament of 1584–85 either Harvey or Leicester brought to Sidney's attention Hammond's expertise in civil law, and that Sidney might have met Hammond in person amid parliamentary service in the early months of 1585. Hammond was chancellor of the diocese of London and served in the House of Commons on committees debating a petition for ecclesiastical reform levied by Beale, for which the House of Lords's committee included Leicester, Burghley (lord treasurer), and Sidney's brother-in-law, Sir Henry Herbert (ca. 1538–1601), Second Earl of Pembroke.⁴² These men could have alerted Sidney to Hammond's legal expertise. Sidney served on committees treating various economic concerns, as well as on a committee for the Jesuits bill that passed through the Commons and the Lords.⁴³ In this context of 1584–85, amid seminal parliamentary debates on politics of jurisdiction, it makes sense that Sidney would request a professional commentary on international jurisdiction from Hammond, whom he might have met recently in person.⁴⁴

Whereas Sidney possessed some knowledge of international law, Hammond and Beale were employed consistently by the Privy Council for their legal expertise. While traveling Europe in the early 1570s, Sidney took it upon himself to gain knowledge of Roman civil law: the name "Philippo Sidneyo nobile Anglo" (Philip Sidney, noble Englishman) appeared among the witnesses for a doctoral exam in civil law taken by the Catholic Englishman and future Jesuit priest John Hart (d. 1586) in Padua, 7 June 1574.⁴⁵ There, at a young age, Sidney showed an

⁴¹ Jardine and Grafton, 35–40; Stewart, 2000, 168–69.

⁴² D'Ewes, pp. 340*a*, 341*b*, 343*b* (sigs. Xx2^v, Xx3^r, Xx4^r); Hartley, 2:167 (cf. 2:45); cf. Mousley, 243*b*; Dean, 116. On Beale in this context, see also Brooks, 2010, 7–8.

⁴³ D'Ewes, pp. 288*b*, 337*a*, 339*b*, 346*b*, 352*b*, 356*a*, 370*a* (sigs. Oo4^v, Xx1^r, Xx2^r, Yy1^v, Yy4^v, Zz2^v, Bbb1^v); Fuidge and Clarke, 384*a*; Wallace, 313–15 (esp. 314); Howell, 1968, 78–80 (esp. 80).

⁴⁴ On ensuing controversy over jurisdiction with political and religious authority, see Brooks, 2008, 93–161. Cormack's distinct emphasis on jurisdiction and literature does not include Sidney.

⁴⁵ Archivio di Stato, Padua, Notarile 5007, fol. 27^v; Martellozzo Forin, 1:601–02 (entry 927). See Woolfson, 129; cf. Stewart, 2000, 120, 338nn28–29. On Hart, see Murphy; Harrison, 2000, esp. 19; Harrison, 2004, 233; Alford, 2012, 80, 91, 94–98, 117–18. I thank Jonathan Woolfson for an image of the document and for bringing my attention to the modern edition.

intellectual interest in international law, combined with an irenic sensibility regarding English Catholics. A decade later, the aristocratic English scholar Henry Howard (1540–1614) discussed ancient Roman civil law with Sidney in personal correspondence. Howard, a suspected Catholic under house arrest for his involvement in the Throckmorton Plot, cited directly the *Corpus juris civilis* (Body of civil law) of Justinian I (ca. 482–565) and then alluded to it playfully amid his appeal to Sidney for aid toward clearing Howard's name and thus increasing his domestic liberties.⁴⁶ Howard assumed in Sidney at least some facility with such legal discourse, though probably not much familiarity in comparison with Howard's academic authority as a reader of civil law at Cambridge.⁴⁷ Hammond, in contrast with Howard, wielded an unquestionably loyalist position of legal authority in the early 1580s. The Privy Council frequently recruited Hammond for religious examinations due to his professional experience not only in Chancery but also in High Commission and other tribunals for ecclesiastical jurisprudence. For that purpose, Hammond sometimes collaborated with Beale and with Burghley's long-standing parliamentary client Thomas Norton (d. 1584), of *Gorbuduc* literary fame: most notably with the interrogation and torture of the Jesuit priest Edmund Campion (1540–81), whose execution became emblematic amid polemical debate of the 1580s.⁴⁸

On religious politics as a legal matter, Hammond and Beale shared similar individual ideologies but acted with different public personas. In 1583, it was Hammond's legal opinion on papal authority and the international ramifications of Elizabeth I's 1570 excommunication that Burghley commissioned while preparing the regime's polemical defense of its actions against English Catholics, entitled *The execution of justice in England* (1583).⁴⁹ In 1583–84, the Privy Council sought Hammond's opinion on Beale's legal opposition to articles of conformity for religious worship imposed by the archbishop of Canterbury, John Whitgift

⁴⁶ Howard to Sidney, 27 August 1584, in Sidney, 2012, 2:1084–87, esp. lines 66–87. On Howard and the Throckmorton Plot, see Alford, 2012, 152–78; Andersson, 144–50; cf. Kuin's notes in Sidney, 2012, 2:1084–87.

⁴⁷ On this background for Howard, see Croft, 2004, 366*b*; Andersson, 35–37.

⁴⁸ *Acts of the Privy Council*, 13:144–45 (cf. 37–38, 152–54, 164–65, 171–72, 176–77, 249); Harrison, 2000, 44–50; Heath, 110–11, 123, 136–37, 143–44, 181–82, 212–14 (docs. 31, 34–37). On Hammond's relevant legal background, see also White, 957*a*; Walker, 39–40; Shaw, 499–500; Graves, 1994, 210; Axton, 194*a*. For interpretive debate on these three men's personas and ideological commitments as torturers, see Brewerton, 122–26 (esp. 122–23); with Strype, 1:401–02; Rigg, 5*a–b*; Heath, 142–47 (cf. 139, 283*n*198); Graves, 1994, 249–52, 276–77 (cf. Alford, 2012, 97–98).

⁴⁹ BL, Add. MS 48063 (Yelverton MS 69), fols. 65^r–74^v (see Beale's glosses at fol. 65^r); Read, 1960, 566*bn*76; Alford, 2008, 248 (see 241–51); cf. Heath, 283*n*181. For the text of Burghley's treatise, see Kingdon, 1965. Latin, French, Italian, and Dutch translations followed in 1584.

(ca. 1531–1604), who aimed to suppress nonconformist Protestant preaching. Hammond agreed with Beale and with Burghley that Whitgift's new measures were impractical and extreme, and he shared with both men the view that English episcopal authority existed not for any divine right of its own but, rather, due to royal supremacy and the statute of 1559 on religion. Yet in the Parliament of 1584–85, Hammond's legal opinion, or at least his public political persona, proved more moderate than Beale's on the question of reforming ecclesiastical jurisdiction.⁵⁰

In this heated context of late 1584 and early 1585, more than in January 1577, questions remain about Sidney's motives for legal patronage. He was certainly privy to the campaign of Burghley, Walsingham, and Beale against Mary Stuart, mainly via Walsingham. At the same time, knowing the queen's mind on ecclesiastical jurisdiction, like Walsingham more than Burghley or Beale in 1584–85, Sidney tactfully avoided confrontation on that religious issue, whether or not he and Walsingham shared with Elizabeth I or with each other the same theology or specific views on worship within the English church.⁵¹ Perhaps it was Hammond's similar political caution that drew Sidney toward his legal expertise over that of Beale. Beale, like Sidney, sought knowledge of international law for its utility in political service, and he had studied extensively for decades, perhaps beginning in 1558–59, amid a correspondence with Francis Baudouin (1520–73), a professor of civil law at the University of Heidelberg.⁵² Through sustained legal scholarship, Beale commanded more expertise than Walsingham, who had studied at Padua in the mid-1550s.⁵³ Thus Walsingham likely sought Beale's

⁵⁰ BL, Add. MS 48064 (Yelverton MS 70), fols. 25^v–29^v; Collinson, 1967, 257–58; Kernan, 80–84 (cf. 512–16, 551–52, 621n48, 647, 713; also White, 957*b*); Dean, 116. On Beale, see especially Beale to Whitgift, April 1584, in BL, Add. MS 48039 (Yelverton MS 44), fols. 1^r–39^v (Beale's draft); also Beale to Whitgift, 7 May 1584, in BL, Lansdowne MS 42, fols. 181^r–182^v (Whitgift's copy for Burghley; Strype, 3:91–98); Brooks, 2010, 7–8; Taviner, 152–53; Henderson and Hasler, 412*b*–13*a*. On Burghley in this regard, see Kernan, 84–87; Alford, 1998, 210, 215; Collinson, 2006, 506; cf. Usher. On the parliamentary religious settlement of 1559, see Jones, 1982.

⁵¹ For this contrast between Burghley and Walsingham in reaction to Whitgift, see Doran, 2015, 233, 248. On Walsingham, see also Read, 1925, 3:411–14; and, for qualification of the radical Protestant character traditionally and persistently ascribed to him by modern historiography, see Cohen, 1965, 86–91, 104, 121, 157; Adams, 2012, 60*d*–61*a*.

⁵² David Gehring, "The Making of a Puritan Mind: The Case of Robert Beale," unpublished paper presented at the University of Birmingham, 8 February 2017. I thank Dr. Gehring for sharing this unpublished research, which revises the speculation about Padua in Taviner, 54 (cf. 59; also Collinson, 2006, 502). On Baudouin, see Duquesne; Turchetti; Russell.

⁵³ On Walsingham in this regard, see Read, 1925, 1:17–27 (cf. 3:438–39); Woolfson, 62, 121–22, 280–81 (cf. 4, 16, 48, 134–35).

opinion on the Hammond document in 1586, at which point Beale procured his own copy. Beale's copy was designed for usability, adding subject headings for easier navigation of the text, as well as scholarly marginal glosses. Sidney knew Beale through mutual friendships, including both Walsingham and Sidney's mentor Hubert Languet (1518–81), whom Beale had introduced to Walsingham in 1571 and whom Walsingham had introduced to Sidney in 1572.⁵⁴ Yet upon meeting Beale in 1578, after Languet's urgent recommendation, Sidney's cautiously gracious response suggests a lack of personal affection toward Beale on Sidney's part: "For Beale I will do whatever friendly service I can," Sidney wrote to Languet, "partly because he deserves it but mostly because of your commendation."⁵⁵

In foreign policy, although Sidney's and Beale's diplomatic sights in mainland Europe complemented each other, Sidney had distinct political horizons. Sidney had been groomed for diplomacy and prospective governance his whole life by elite ministers of the English Crown. His father, Sir Henry Sidney (1529–86), served as president of the Council of Wales and the Marches since 1560, was a member of the queen's Privy Council from 1575, and represented the Crown three times as lord deputy of Ireland, thus wielding political and religious authority as a magistrate within three distinct realms of Elizabeth I's sovereignty.⁵⁶ When Henry Sidney composed a memoir of his Irish service in 1583, he probably aimed for Philip to become lord deputy.⁵⁷ Philip Sidney already had maintained a privileged social status throughout mainland Europe, as both the son of a viceroy to Elizabeth I and a favored nephew to Leicester. The former credential allowed him to speak directly with sovereign princes as peers.⁵⁸ Sidney's connection to Leicester helped him cultivate a close relationship with leaders of the Dutch rebel provinces, especially William I, Prince of Orange (1533–84), who held Leicester

⁵⁴ Nicollier de Weck, 226–27; Osborn, 46–47. Osborn, 67–70 (esp. 68), claims that in Paris, August 1572, Beale and Sidney took refuge at Walsingham's house during the Saint Bartholomew's Day Massacre. Although Sidney was there amid the massacre (Stewart, 2000, 86–91, esp. 88–89), Beale almost certainly was not, because that summer Leicester and Burghley had installed him as a clerk for the Privy Council: see Taviner, 104–05, cf. 79, 192–93, 309.

⁵⁵ Languet to Sidney, 15 February 1578, and Sidney to Languet, 1 March 1578, in Sidney, 2012, 2:809.17–28 (trans. 811.21–35), 816.75–77 (trans. 819.95–97, quoted here). Sidney's text reads, "Ego Belo omnia Amica quæ potero officia præstabo. tum ob sua merita tum præcipuè ob tuam commendationem." On Beale and Sidney in relation to Languet's religion and politics, see Nicollier de Weck; with Stillman, 2008, esp. 153 (cf. 20–21, 226). My emphasis here qualifies only slightly those studies' views on a shared milieu.

⁵⁶ See Crankshaw, 296–97; Williams, 249–75 (cf. 85–105); Brady, esp. 113–58; Hutchinson, 71–90, 102–03; with MacCaffrey, 2004.

⁵⁷ See Shepard.

⁵⁸ Van Dorsten, 1962, 49; Osborn, 454; Gehring, 2013, 55.

and Sidney in high esteem and briefly intended that Sidney marry his daughter in 1577.⁵⁹ From the deaths of Orange and Anjou in summer 1584 to the official Anglo-Dutch alliance established at Nonsuch in summer 1585, the Elizabethan regime's support for a broad-based international Protestant cause, implemented covertly but consistently since the French Wars of Religion had commenced in 1562, suddenly leaned toward the prospect of a public military intervention in the Netherlands led by Leicester.⁶⁰ When Sidney commissioned Hammond's treatise on international jurisdiction, was he motivated more by his own prospective role in the Low Countries with Leicester than by Walsingham's campaign with Burghley and Beale against Mary Stuart? This question frames both the analysis of Hammond's treatise and the ensuing discussion of Sidney's politics in 1584–85 with an eye to the Elizabethan regime's foreign policy and patronage.

HAMMOND'S LEGAL OPINION

Hammond's treatise addresses the nature of international jurisdiction regarding sovereigns, magistrates, ambassadors, and private foreigners, from the ancient Roman Empire to sixteenth-century Europe, concluding with an anomalous emphasis on English treason law. Its material context in the copy probably owned by Walsingham reveals a rhetorical engagement with the question of Mary Stuart in relation to English treason law, but Hammond's work itself does not directly address that topic. The brief anonymous argument against Mary Stuart to which Hammond responds begins with an assertion that the former Queen of Scots has committed "high Treason" against both Elizabeth I and "the whole State of this Realme," amid which circumstance the only matter in question remains that of jurisdiction for legal trial and punishment.⁶¹ By "high Treason" the author presumably means Mary Stuart's involvement with the Throckmorton Plot, which had occurred prior to the new language on conspiracy as treason in the Act for the Queen's Surety. This *ad hominem* premise of guilt remains uncontested both in this text and in Hammond's response. Indeed, Hammond avoids any direct references either to Mary Stuart or to Mendoza, focusing exclusively on the legal issues. Perhaps this approach by Hammond implies a tacit recognition of the

⁵⁹ On that brief prospect of marriage, see Kuin, 1993; with Crowley, 2014, 92–93. Orange might have known Leicester personally since the siege of St. Quentin in September 1557: Adams, 2004a, 95a.

⁶⁰ See Adams, 1998b; with Trim, 1999 and 2005; but revise Trim's emphasis on Calvinism with Kaufman; Gehring, 2013. Croft, 2005, published in tandem with Trim, 2005, contests its thesis, leaning toward the traditional historiography on Burghley and Elizabeth I (esp. Read, 1913, 1925, 1955, and 1960; see also MacCaffrey, 1981; Wernham; Leimon).

⁶¹ TNA, SP 53, vol. 20, fol. 71^r (doc. 23, p. 1); cf. Boyd, 9:127.

1585 parliamentary statute and thus a production date thereafter. Or, rather, Hammond's professional sensibilities prompted him to discuss the issue of treason only via the legal topic at hand: jurisdiction and the question of royal immunity. In this regard, the context of his authorship could have been before, during, or after the Parliament of 1584–85. Hammond's legal argument conveys a high professional standard in critiquing and refining the prior claims against Mary Stuart, while also a tacit but acute consciousness, at least in the treatise's conclusion, of the political crisis and new legal circumstances in 1585.

The anonymous competing argument entails four premises. First, it concedes that Mary Stuart has not "expressly" submitted herself to the English jurisdiction of Elizabeth I, claiming instead that she has done so "priuilie" by default: "For as soone as euer she committed any Treason in England thereby ipso facto she did against the Queenes Maiesties superioritie and submitted her selfe to the Queenes Ma[ies]ties iurisdiction."⁶² As sources for this first premise, the argument quotes from Domitius Ulpianus (d. 228) and from Paolo di Castro (1360?–1441). Then the text addresses very briefly a second civil-law premise: that someone who is not a legal subject of a given realm cannot be indicted for treason therein. Quoting from Boniface Vitalinus, this argument contests that premise, claiming without a clear explanation that Mary Stuart could be held liable for treason against Elizabeth I within England despite not being an English subject.⁶³ A third point of argument cites the legal position of Pope Clement V (Raymond Bertrand de Got, 1264–1314, r. 1305–14) in contesting the sentence of treason against King Robert of Naples (ca. 1275–1343) issued by Emperor Henry VII (1275–1313) in 1313. Here the author applies to that case a slippery logic and rhetoric of jurisdiction, asserting rather mischievously that, regarding Mary Stuart, even "the Pope her holy Fathers owne iudgment" validates prospective punishment by Elizabeth I for criminal offenses within England.⁶⁴ The document's concluding section highlights the legal premise that ambassadors could lose diplomatic immunity in cases of criminal offense, deploying it as a platform for the thesis that Mary Stuart remains liable to criminal punishment as a former Scottish monarch residing within Elizabeth I's realm: "She is here in England though in name and dignitie a Prince, yet towching Iurisdiction a priuate person" now "extra regnum" while her son James VI rules Scotland.⁶⁵

⁶² TNA, SP 53, vol. 20, fol. 71^r (doc. 23, p. 1); cf. Boyd, 9:127.

⁶³ TNA, SP 53, vol. 20, fol. 71^v (doc. 23, p. 2); cf. Boyd, 9:127.

⁶⁴ TNA, SP 53, vol. 20, fols. 71^v–72^r (doc. 23, pp. 2–3); cf. Boyd, 9:127. Boyd's rendition omits Latin quotations here. On the fourteenth-century historical and legal background, see Pennington, 165–201.

⁶⁵ See TNA, SP 53, vol. 20, fol. 72^r (doc. 23, p. 3); cf. Boyd, 9:128. Boyd's rendition omits portions of this section.

Hammond refutes the first premise and refines the second. His introductory section frames the question at hand, reiterating the supposition of treason (but not judging it) and emphasizing that the legal stakes revolve around the issue of royal immunity within an international context. A hypothetical concession ensues as a preliminary judgment of the opposing argument. If a person of princely status residing abroad were indeed susceptible to foreign laws to the same degree as “a common stranger,” Hammond claims, then “the doubt” at hand (i.e., prosecution of Mary Stuart for treason) could indeed be “fully resolved”; and, if it were possible to prove that central premise, the opposing author might have provided “more apt and pertinent matter” than what appears in the arguments as they stand.⁶⁶ Then Hammond dismisses outright the other author’s first premise as illogical to the point of “verie strange absurditie, and neither by the Lawe warrantable, nor by any other good learning.” That proposed “fancy of voluntarie submission,” Hammond emphasizes, transgresses not only logic but also ethics of natural law: “if offences may binde where submission doth not, and againe submission where no hold ~~can~~ may be taken of the offence, it cannot be possibl[i]e true that euerie offence worketh a submission: for it is a matter in nature monstrous, that the effect should at any time be seuered from the cause.” He explains that the other author’s citation of Paolo di Castro misrepresents a distinction between “priuiledge” and “common right” regarding the jurisdiction of magistrates within ancient Roman civil law. The contexts Castro discusses entail “subjectes of the Romane Empire, and not any that is forreiner to that State”; thus, the opposing author’s “deuice of secret submission” regarding Mary Stuart proves, in Hammond’s view, “as needles, as in it selfe it is sencelesse.”⁶⁷ On the second premise levied upon a quotation from Boniface Vitalinus, Hammond again corrects his opponent’s misrepresentation of source material. He explains that Vitalinus, as well as other more authoritative sources such as Oldrado da Ponte (d. 1335), articulates a premise whereby if a private foreign visitor to a sovereign realm were caught in conspiracy against its monarch or regime, while not bound legally to either in any way as a subject, then legally the person could be punished as a criminal but not under charges of treason. Thus, Hammond emphasizes, the opposing author’s point constitutes a rhetorical corruption of the legal thought, and the issues at stake remain diplomatic and royal immunities.⁶⁸

⁶⁶ TNA, SP 53, vol. 20, fol. 72^v (doc. 23, p. 4), cf. Boyd, 9:128; BL, Add. MS 48027, fol. 380^r.

⁶⁷ See TNA, SP 53, vol. 20, fols. 72^v–74^r (doc. 23, pp. 4–7), cf. Boyd, 9:128–29; BL, Add. MS 48027, fols. 380^r–381^v. In this section, Boyd omits various portions of Hammond’s text. Here the TNA copy’s original diction, “can,” appears in the BL copy, rather than its correction, “may”: TNA, SP 53, vol. 20, fol. 73^v (doc. 23, p. 6); BL, Add. MS 48027, fol. 381^r. On Castro, see Lepsius.

⁶⁸ TNA, SP 53, vol. 20, fols. 74^r–75^r (doc. 23, pp. 7–9); cf. Boyd, 9:129–30; BL, Add. MS 48027, fols. 380^v–382^r.

For the opposing argument's third and fourth premises, Hammond provides more-extensive and subtle responses. On Pope Clement V's opposition to the edict condemning King Robert of Naples for treasonous rebellion against Emperor Henry VII, Hammond explains that the argument partakes retroactively in a *politique* legal maneuver of that early fourteenth-century context. Canon lawyers had provided Pope Clement V with a politically expedient argument for legal immunity predicated on the premise that King Robert was from Sicily and thus not under the imperial jurisdiction of Henry VII. Eminent civil lawyers of the fourteenth century, including Baldus de Ubaldis (1327–1400), had debunked that premise in relation to the Neapolitan king's circumstances. The late sixteenth-century argument for prosecution of Mary Stuart cites that fourteenth-century precedent with a reference to (as Hammond puts it) "Robert king (as he saith) of Cicilie," and thereby invests itself rhetorically and politically in the same game of smoke and mirrors regarding jurisdiction and treason. Historical circumstances matter for legal judgment, Hammond maintains, and if King Robert's Neapolitan sovereignty did exist within the compass of Henry VII's imperial jurisdiction, then the treason charge could be upheld.⁶⁹ This historical example proves significant for recognizing how Hammond's response to the third premise complements the legal distinctions he draws in responding to the fourth and most important premise, which occupies the majority of his treatise.⁷⁰ Therein, Hammond's commentary—like those of Gentili and Hotman on diplomatic immunity, written at nearly the same time—proves pioneering.

Hammond's argument highlights the law of nations relevant to ambassadors (*ius gentium*) as a matter distinct from specific tenets of ancient Roman civil law. For the concept of diplomatic immunity, Hammond begins with Livy's *Ab urbe condita*, claiming that its account in book 2 of the conspiring emissaries sent to Rome by former king Lucius Tarquinius Superbus (d. 495 BCE) conveys an impression of *ius gentium* that protects ambassadors not only from local jurisdiction for criminal punishment, but also from the broader legal right to enact retributive justice against an enemy. He deploys this ancient example toward a broader discussion of the issue, including references to the sixteenth-century controversy wherein a gentleman named Maraviglia (a.k.a. Merveilles), an Italian-French secret agent

⁶⁹ See TNA, SP 53, vol. 20, fols. 75^r–76^v (doc. 23, pp. 9–12); cf. Boyd, 9:130–32; BL, Add. MS 48027, fols. 382^r–383^v. On Baldus, see Canning; Fredona. On sixteenth-century legacies of such earlier legal debate, especially Machiavelli and Bodin, see Pennington, 269–88. On the matter of Robert's kingdom, a marginal gloss in Beale's copy of Hammond's treatise cites alternate sources including Machiavelli: BL, Add. MS 48027, fol. 382^v.

⁷⁰ This fourth section occupies TNA, SP 53, vol. 20, fols. 76^r–89^v (doc. 23, pp. 12–37); cf. Boyd, 9:132–43; BL, Add. MS 48027, fols. 383^v–396^v.

of King Francis I (1494–1547) in Milan, was executed by the Duke of Milan's order. Hammond contests the stance on this issue taken by a 1574 polemical treatise, *Le reveille-matin des François et de leurs voisins* (The wake-up call for Frenchmen and their neighbors), as well as a complementary premise of the anonymous English argument against Mary Stuart, which claims that ambassadors are susceptible to foreign jurisdiction for criminal offenses. Here Hammond notes distinctions among ancient Roman legates, tribunes, and ambassadors, and he emphasizes that the case of Maraviglia's execution in Milan did not involve an official emissary or ambassador of France. Regarding official ambassadors who conspire against a sovereign where they reside, Hammond concedes that a breach of *ius gentium* validating criminal punishment could occur in the instance of an ambassador personally taking arms against the local sovereign.⁷¹ This emphasis on jurisdiction in relation to military aggression complements Hammond's concluding section, on international law for princes.

On this ultimate question of royal immunity from foreign jurisdiction, Hammond claims that the matter has not been debated explicitly due to its presumed existence throughout history, and for this reason he ventures a more extensive and tentative discourse on ancient Roman civil law, including the jurisdiction and military command of sovereign magistrates (*imperium*), in relation to natural law regarding self-defense. In sources cited by the other author, he explains, "the difference of persons priuate and publique sheweth not who is punishable or who is not punishable, but who hath exercise of iurisdiction and who hath none."⁷² From here, Hammond tacitly addresses the opposing argument's final and most essential emphasis that Mary Stuart, while in status a prince of royal birth, no longer rules Scotland. Hammond distinguishes between "royall dignitie" and "royall authoritie," the latter including *imperium* among monarchs and magistrates. Whereas royal dignity should be recognized and upheld everywhere, and while sovereign command cannot be exercised outside of one's own realms, the issue for Hammond lies not in legal submission to another jurisdiction but rather in a mutual "equitie" of immunity and liability that this treatise articulates in relation to nonroyal "Strangers" within a foreign realm, who "should be for their owne partes harmeles[,] and reason it were there should be as well al-

⁷¹ TNA, SP 53, vol. 20, fols. 76^v–80^v (doc. 23, pp. 12–20); cf. Boyd, 9:132–34; BL, Add. MS 48027, fols. 383^v–387^v. Here Boyd's text involves numerous omissions. For a concise account of the incident in Milan, see Hervey, 90–92. For the French treatise with which Hammond disagrees, see Cosmopolite (pseud.); also Kingdon, 1988, 70–87.

⁷² TNA, SP 53, vol. 20, fol. 81^r (doc. 23, p. 21); cf. Boyd, 9:134 (bottom); BL, Add. MS 48027, fol. 388^r. Here Boyd's version omits Hammond's preceding discussion of the legal sources.

lowed order to reforme them, as their is prouicion & regarde to defende them.”⁷³

Immediately following that claim, addressing this thorny question of criminal “reforme” at least regarding common persons, Hammond grants that natural law allows for public vengeance upon heinous criminal offenses by nonsubjects, for which the procedure lies in the hands of magistrates. The question of princes, though, warrants extensive discussion and qualification of legal principles and historical examples. Political hierarchy matters in civil law, Hammond notes, including immunities and privileges for magistrates with *imperium* beyond those of prefects, for instance. Diverse cases cited range from ancient examples outlined in histories by Sallust (86–35 BCE) and Plutarch (45–120 CE) to commentary on prisoners of war under Charles V (1500–58) and Francis I. For the latter topic, Hammond emphasizes that, legal right aside, “nature and ciuilitie” lean toward “moderat[i]on.”⁷⁴ On the famous case of Jugurtha according to Sallust, Hammond distinguishes between “Pollicie” and “iustice” with an eye to the Roman Republic’s “equitie” in upholding the political integrity of its public assurance for Jugurtha’s safe passage.⁷⁵ Such equitable judgment does not grant license for future criminal offense. By these calculations, Hammond concedes that “forreine Princes[,] notwithstanding any graunte of safetie, be in iustice and reason subject to all degrees of correcti^on,” at which point he reiterates his earlier emphasis on mutual equity between resident foreigners and sovereign rulers, extending it now to the specific topic of treason.⁷⁶

This concession by Hammond regarding limits of royal immunity, based on a shift in focus from international jurisdiction per se to a reciprocal equity in international law, serves as a foundation for his treatise’s conclusion, which conveys a message of moderate self-defense in policy. He reminds readers that the tyrannies exercised by certain Roman emperors substantiate the danger of defining treason too loosely. Then, prior to citing English statute law on treason from 1352, in the reign of Edward III (1312–77), Hammond claims,

⁷³ TNA, SP 53, vol. 20, fol. 83^v, 83^r (doc. 23, pp. 26, 25); cf. Boyd, 9:137, 136 (bottom); BL, Add. MS 48027, fol. 390^v, 390^r. Boyd’s omissions include, shortly before this quoted passage, a clause wherein Hammond claims that his definition of resident foreigners as temporary subjects (“subditus temporalis or fortuitus”) versus regular subjects “no waie disturbeth any of the diuersities which *Monsieur* Bodin or any other putteth betwixt a stranger and a subiect”: TNA, SP 53, vol. 20, fol. 83^r; BL, Add. MS 48027, fol. 390^r. See Bodin, pp. 100–22, sigs. g2^v–h5^v (book 1, chap. 7).

⁷⁴ TNA, SP 53, vol. 20, fols. 79^v–80^r (doc. 23, pp. 30–31); cf. Boyd, 9:139; BL, Add. MS 48027, fols. 392^v–393^r.

⁷⁵ TNA, SP 53, vol. 20, fols. 87^r–88^r (doc. 23, pp. 33–34); cf. Boyd, 9:140; BL, Add. MS 48027, fol. 394^{r-v}.

⁷⁶ TNA, SP 53, vol. 20, fol. 88^{r-v} (doc. 23, pp. 35–36); cf. Boyd, 9:141 (bottom); BL, Add. MS 48027, fol. 395^v.

Therefore haue those Countries dealt more prouidently which haue not lefte the Construction of this Cryme to the uncertainty of these generall wordes, Qui maiestatem læserit [he who would injure his/her majesty], &c or as Bracton our Countryman descrybeth the same, Quod contra personam ipsius Regis præsumptum est [that which is performed/dared against the king's own person], but doe admitt punishment by that title only for factes certaine, as for practising the death of the Prince, leauyng warr within his Realme[,] conspyring within his Realme enimies, and such like perticularly allowed either by ancient Custome, or expresly sett downe by lawe, whereof y^e Countrie of England is a most happie paterne.⁷⁷

Here Hammond deploys a cautionary concession probably written in the context of 1584–85, most likely just before or just after the parliamentary Act for the Queen's Surety. Hammond explicitly cites only the old treason law; yet according to his account, beyond regicide and armed rebellion, breaches of immunity include conspiracy against the monarch in its own right. Whereas England's tradition of treason law applied directly to subjects of the realm, in 1585 it had been "expressly set down by law" that conspirators against the Crown could be punished unofficially and even legally prosecuted for treason by a jurisdiction more elastic than just that of the monarch. In the first legal phrase Hammond quotes here, "Qui maiestatem læserit," the term *maiestatem* can be interpreted to mean the monarch or perhaps instead the dignity of the royal office. In the context of 1584–85, the Bond of Association's public authorization of vigilante justice against treasonous conspiracy may help explain both the diction and the underlying anxiety of Hammond's earlier language in characterizing due criminal punishment, for individuals and for the state, by order of natural law ("the Lawe of all ages"), as "libertie of iust reuenge, comitting for the most parte the execucion thereof into the handes of the Magistrate for auoyding confusion."⁷⁸ Self-defense falls within the category of "naturall actions, wherein difference of a Countrie maketh no diuersitie," Hammond concludes, and England possesses the laws and the mettle to defend itself from treasonous conspiracy and prospective foreign invasion. In doing so, though, the English regime should proceed with caution, privileging both "factes certaine" and the standard channels of authority.⁷⁹

⁷⁷ TNA, SP 53, vol. 20, fol. 89^r (doc. 23, p. 37); cf. Boyd, 9:142 (bottom); BL, Add. MS 48027, fol. 396^{r-v}. Here Boyd's rendition of the TNA text omits its crucial phrase, "conspyring within his Realme enimies," which the BL copy retains as "conspyring with his enimies" (fol. 396^r). For the 1352 treason law, see *Statutes of the Realm*, 1:319–20.

⁷⁸ TNA, SP 53, vol. 20, fol. 83^r (doc. 23, p. 25 [bottom]); cf. Boyd, 9:137 (top); BL, Add. MS 48027, fol. 390^{r-v}.

⁷⁹ TNA, SP 53, vol. 20, fol. 89^r (doc. 23, p. 37); cf. Boyd, 9:142 (bottom); BL, Add. MS 4827, fol. 396^r.

This shift in Hammond's legal argument toward political policy conveys a delicate balance of Roman civil law, the broader law of nations rooted in natural law, English statute law, political expediency in the current moment of crisis, and Hammond's own moral sensibilities. Hammond's balanced but anxious legal consciousness pierces to the heart of the 1585 political crisis regarding Mary Stuart's English captivity. She had signed the 1584 Bond of Association, and the 1585 Act for the Queen's Surety was designed to hold her accountable for conspiracy against the Elizabethan regime as a matter of treasonous activity. Yet if she were immune to domestic English law by civil law and the law of nations, then she should not be held to trial (much less condemned to execution) by the English statute of 1585. The anonymous opinion, paired with Hammond's among Walsingham's papers, attempts to circumvent that legal obstacle outright. Hammond's response partly resists and partly revises that argument against Mary Stuart by eliding her name and circumstances while holding the issue of royal immunity to a high professional standard of legal judgment. Hammond's conclusion softens the edges of a European legal tradition that normally would thwart action against Mary Stuart by default, while at the same time expanding the range of treasonous activity in England to include conspiracy against the Crown. In the crucial passage quoted above, the copy of Hammond's text among Walsingham's papers preserves material evidence regarding its own source text suggesting that Hammond viewed the legal parameters of such treason as circumscribed geographically within England. The scribal revision within the copy from Walsingham's papers, which was adopted in Beale's scribal copy, eliminates the English geographical boundary: "conspyring with his Realme enimies."

THE ELIZABETHAN REGIME AND SIDNEY'S POLITICS

Both the conclusion of Hammond's argument and this textual revision within its transmission history complement recent historiography on policy formation and legal patronage at the heart of the Elizabethan regime in 1584–85. Private transactions of legal patronage by the queen's chief counselors emanated from covert inner-regime policy negotiations that were formulated at least partly in reaction to polemical attacks in the public sphere (by exiled English Jesuits, among others). This process of policy formation impacted parliamentary politics. Recent scholarship has connected the regime's pending military intervention in the Netherlands of 1584–85 with a continuum of diverse polemical exchange and policy negotiation involving Mary Stuart from the early 1570s through the 1580s that revolved around accusations of tyrannous evil counsel within the Elizabethan regime.⁸⁰ A wave of propaganda in summer

⁸⁰ Lake, 2016, 69–333.

1584, for instance, firmly distinguished Elizabeth I from her chief counselors. Polemical works of this moment, most notably the treatise known as *Leicester's Commonwealth* (1584), construed themselves as loyalist appeals for legitimate dynastic succession in England, arguing for the preservation of Mary Stuart's status as heir apparent, followed by her son, James VI of Scotland.⁸¹ At least to some degree, that polemical campaign galvanized Burghley's experiments with the Bond of Association and a hypothetical interregnum plan in 1584–85. Amid the Parliament of 1584–85, aiming to exploit and even transcend the Bond of Association, Burghley drafted a proposal for new measures that would allow the Privy Council to extend its jurisdiction into a liminal period between monarchs were Elizabeth I to be assassinated, granting a hypothetical temporary authority to summon Parliament and prosecute conspirators for treason.⁸² According to Burghley's proposal, this Magnum Consilium Corone Angliæ (Great Council of the English Crown) would be formed from the Privy Council and Parliament to judge the law of succession and appoint the next monarch.⁸³ This measure, which met with resistance from the queen and did not make its way into the parliamentary bill for her safety, would have helped protect the Protestant regime from total collapse if a conspiracy killed the queen, while also empowering the Privy Council to take legal action against Mary Stuart were she involved.⁸⁴

This political context of 1584–85 also prompted a political think tank of sorts among certain clients of Burghley, Walsingham, and Leicester. The texts produced, some as manuscripts and some for print, bear witness to an experimental period of testing political theories for the sake of policy formation and propaganda. These arguments against the English succession of Mary Stuart and James VI applied and revised diverse angles of appeal: natural law, broad views of human history (including scripture) and the law of nations, English royal prerogative rooted in common law, the authorizing powers of Parliament and magistrates, and comparison with political and legal structures of authority in Germany, Scotland, and France. These works' incorporation of Protestant resistance theories helped justify English intervention in the Netherlands from a more moderate religious perspective than had been deployed against Mary Stuart in a parliamentary campaign of 1572; yet these arguments of the mid-1580s still could not provide a firm legal foundation for magisterial

⁸¹ *Ibid.*, 116–52.

⁸² Collinson, 1987b, 413–24 (cf. Collinson, 1994, 87–92); Crankshaw, 273–74; Alford, 2012, 136–38 (cf. 7, 48, 187–92, 248); Lake, 2016, 162–67.

⁸³ See Collinson, 1987b, 420–21.

⁸⁴ Gray, 453–56; Lake, 2016, 168–72.

breach of sovereign authority within England.⁸⁵ This negotiation of law and policy amid the atmosphere of political crisis in 1585 brings into focus the conclusion of Hammond's treatise on international jurisdiction, which purposefully but cautiously blurs the lines of Roman civil law for the sake of a natural-law appeal justifying English political self-defense against international conspiracy within England. The textual revision noted above within Hammond's conclusion suggests a desire on the regime's part to amplify the scope of Hammond's legal argument. That implicit agenda fits the regime's political motives for other legal patronage at this time, as well as Walsingham's and Beale's motives for collecting copies of Hammond's treatise in 1586–87.

Sidney's commission of Hammond's treatise in 1584–85 occurred in this moment of legal and theoretical self-examination within the Elizabethan regime, probably more in relation to himself and Leicester with an eye to the Netherlands than to Walsingham and the question of Mary Stuart. In 1584–85, Sidney most likely anticipated that he would soon be sent to the Netherlands with Leicester to serve as a secondary or tertiary military commander and foreign magistrate. The deaths of Anjou and Orange in summer 1584 precipitated a new phase of crisis for Elizabethan foreign policy, leading to the military intervention of 1585. The summoning of Parliament on 22 October 1584 followed the Privy Council's decision by consensus two days earlier: England would begin forming a military alliance with the Dutch provinces, whether or not France joined.⁸⁶ Hence the convergence of policy objectives and legal interests summarized above for the Elizabethan inner regime. Documentary evidence suggests that the only hesitation within the Privy Council regarding Sidney's appointment with Leicester in 1585 was on Burghley's part in deciding between Sidney and his own son, Sir Thomas Cecil (1542–1623), for the governorships of Brill (in Holland) and Flushing (in Zeeland).⁸⁷ Dutch ambassadors negotiating the two treaties of Nonsuch specifically requested Sidney for Flushing.⁸⁸ That request complemented unofficial earlier calls from the Dutch rebel provinces, throughout the late 1570s and early 1580s, seeking English aid led by Leicester and Sidney.⁸⁹ Given Sidney's connections in the Netherlands, presumably he learned at least generally of the new Dutch statutes established for the provinces of Holland in 1580, Zeeland in 1583, and Utrecht in

⁸⁵ See Lake, 2015. For a condensed account presented within the broader discursive context, Lake, 2016, 207–28 (cf. 193–206). On the 1572 context, see especially Bowler; also Collinson, 1987b, 407–13; Lake, 2016, 23–68.

⁸⁶ Adams, 1998b, 23–24 (cf. 19).

⁸⁷ See TNA, SP 84, vol. 5, doc. 4; with Wallace, 332–33n4.

⁸⁸ Poort, 26–28.

⁸⁹ Strong and Van Dorsten, 1–19; cf. Collinson, 1987b, 405.

1584. These statutes constituted Protestant revision of Roman law.⁹⁰ Sidney's political ambition involved governance in these provinces as a foreign magistrate, and he probably knew little about the specific workings of Dutch parliaments and local magistrates.⁹¹ Thus, before, during, or shortly after England's Parliament of 1584–85, it makes sense that Sidney would commission an expert opinion on international law relevant to Mary Stuart, to European diplomacy, and, most significantly, to the general nature and parameters of magistrates' authority.

Whereas Hammond's argument in demarcating political jurisdiction helps explain the regime's motives for collecting his treatise in 1586, the work's content does not explicitly connect Sidney's motives to Mary Stuart. Hammond emphasizes the importance of maintaining authorized channels of political authority, but his conclusion on self-defense against conspiracy does not specify an executive authority for punishing treason. After the parliamentary legislation of 1585, that function was not restricted to Elizabeth I alone. The Act for the Queen's Surety imposed a broader definition of treasonous activity including prospective heirs to the Crown, such that the Privy Council and Parliament could put such persons on trial without requiring the monarch's permission, and this new law motivated Walsingham to seek incriminating evidence against Mary Stuart.⁹² From August 1586, when Walsingham reported to his queen on Mary Stuart's complicity in the Babington Plot, he, Burghley, and Beale avidly pursued her execution as a means of securing England's Protestant identity amid and beyond the Elizabethan reign. They proceeded from the Privy Council's jurisdiction, with their queen's tacit support despite her major reservations about the execution itself.⁹³ It is worth conjecturing that at the conclusion of Hammond's treatise, with its turn toward political policy, he bore in mind this aspect of Privy Council jurisdiction: probably in 1584–85 (likely 1585), after the Bond of Association and shortly before or after the parliamentary bill for the queen's safety became statute law in March 1585. Hammond's concern about due legal procedure by magistrates complemented the treatise's conclusion, since the Privy Council functioned as the highest court in Elizabethan England. When Walsingham and Beale collected copies

⁹⁰ Witte, 1992, 160–63; cf. Witte, 2012, 213–15; Van der Heijden, 161–63.

⁹¹ For this Dutch context, see Koenigsberger; cf. Van Gelderen.

⁹² See Alford, 2012, esp. 136–38, 193–94, 206, 213–15, 217–18. In 1585, Burghley invested over £800 in Crown funds for Walsingham's secret-service work on the queen's behalf. Bleiweis, 47–48; cf. Read, 1925, 2:371.

⁹³ McLaren, 224–27; Guy, 486–97; Alford, 2012, 227–28, 235–40 (cf. 243). On material evidence for Elizabeth I's reluctance regarding the execution warrant, see Beal, 2007, 178–91 (cf. 195–200); also Taviner, 209–11, 296–97.

of Hammond's treatise in 1586–87, they faced a real circumstance of "*factes certaine*" for Mary Stuart "conspiring with" various "enemies" to the English Crown from within England, with evidence already in hand for the Privy Council's legal proceedings of 1586.⁹⁴ The Babington Plot involved a double agent among servants of Sidney's wife within Walsingham's own household, but at that point Sidney was already in the Netherlands.⁹⁵ No evidence links Sidney directly to the campaign against Mary Stuart pursued by Burghley, Walsingham, and Beale.

Regarding James VI, on the other hand, evidence for Sidney's Anglo-Scottish diplomacy of 1585 connects him with Elizabeth I's policy more directly than with that of Walsingham and Burghley. The queen's Scottish policy of 1584–85 operated in tandem with her French policy, for which she employed Sidney directly. From summer 1584, following Anjou's death, Elizabeth I sought support from Henri III of France (1551–89) while negotiating a new alliance with the Dutch rebel provinces.⁹⁶ She sent Sidney as her emissary to Paris, but Henri III evaded contact while Sidney was still en route.⁹⁷ The French ambassador in London, Michel de Castelnau (1518–92), Lord of La Mauvissière, proved apt not only in highlighting Sidney's French title as a gentleman of the royal bedchamber but also in connecting Sidney's embassy to Anglo-Scottish politics.⁹⁸ From summer 1584, Elizabeth I also sought a new alliance with James VI. In winter 1584–85, amid Scottish diplomacy, she steered the Act for the Queen's Surety away from Burghley's and Walsingham's language in the Bond of Association, allowing James VI a possibility of retaining his right to the English succession if his mother were convicted of treasonous conspiracy but he were innocent.⁹⁹ In summer 1585, for a new phase of Anglo-Scottish diplomacy concurrent with Anglo-Dutch negotiation of the treaties signed at Nonsuch, Elizabeth I sent as an em-

⁹⁴ TNA, SP 53, vol. 20, fol. 89^r (doc. 23, p. 37); cf. Boyd, 9:142 (bottom); BL, Add. MS 48027, fol. 396^v.

⁹⁵ On this status of Robert Poley within Walsingham's household, see Thomas Morgan to Mary Stuart and Gilbert Curll, 18 January 1586, in Boyd, 8:197; Thomas Morgan to Mary Stuart, 21 March 1586, in Boyd, 8:273–74; and Charles Paget to Mary Stuart, 31 March 1586, in Boyd, 8:292; with Read, 1925, 3:21–22; Alford, 2012, 198; Martin, 52; cf. Jensen, 85; Beal, 2002, 49n148.

⁹⁶ Adams, 1998b, 21–23; Adams, 2003, 46c–47a; Adams, 2004b, 316–19.

⁹⁷ BL, Cotton MS Galba E.6, 252^r–254^v; Wallace, 308–09; Crowley, 2015b, 58–59.

⁹⁸ Castelnau (Mauvissière) to Henri III, 16 July, 28 July, and 28 August 1584, in Teulet, 3:289–305. On Sidney's French title, see Osborn, 54; Stewart, 2000, 81–82, 129–30, 339n60. Elsewhere in July 1584, Mauvissière emphasized Sidney's family: Stewart, 2000, 257–58.

⁹⁹ On these individuals' policies in context, see Doran, 2015, 94–103 (cf. 83–87), 241–42, 270–72. On this distinction between the Bond of Association and the Act for the Queen's Surety, see also Guy, 474–76; Loades, 169–70, 174n32; Gray, 453–56.

issary Sidney's friend and fellow ambassador from 1577, Edward Wotton (1548–1628), who discussed new terms for an Anglo-Scottish defensive league against the newly allied Catholic powers of Spain and France. From England, Sidney contributed regularly to that diplomatic mission as an intermediary between Wotton; the Scottish rebel Archibald Douglas (ca. 1555–88), Eighth Earl of Angus, residing in England by tacit consent of the Elizabethan regime; and James VI's ambassador Patrick Gray (ca. 1550–1611), Master of Gray. Sidney supported Angus while also advocating the settlement of an annual English pension for James VI to help secure his loyalty to the Elizabethan regime.¹⁰⁰

This diplomacy built upon Sidney's decade-long interest in meeting and serving James VI as Elizabeth I's prospective Protestant successor.¹⁰¹ Sidney was proactive within his interpersonal network. In July 1583, presumably in preparation for a Scottish embassy that Walsingham undertook in August 1583, Sidney had reconnected with Angus, whom he had met at London in 1581, while also opening lines of correspondence with Angus for Jean Hotman and for Jacques Ségur de Pardaillan (d. 1589), an emissary from the Protestant king of Navarre, Henri Bourbon (1553–1610).¹⁰² In summer 1585, Elizabeth I's pension offer to James VI had nearly doubled (from £2,500 to £4,000) since Walsingham's embassy, when he had acted coldly toward James VI while encouraging rebellion among the anglophile Scottish lords, including Angus.¹⁰³ In sharp contrast with Walsingham

¹⁰⁰ On Sidney in this context, see Wotton to Walsingham, 28 May, 5 June, 26 June 1585, in Boyd, 7:649–50, 659–60, 676–77; Gray to Walsingham, 31 May and 27 June 1585, in Boyd, 7:651–52, 679; Walsingham to Wotton, 23 May, 18 June, 28 July, 26 August, 4 September, 10 September, 30 September 1585, in Bain, 643–44, 654–55, 662–63, 684–85, 693–95 (cf. xxxvi, 678), 697 (cf. xxxvi), 705; [Gray] to Douglas (Angus), 3 June and 21 August 1585, in Hatfield House (hereafter HH), Cecil Papers (hereafter CP), vol. 163, fol. 114^{r-v} (doc. 84), fols. 147^r–149^r (esp. 149^r) (doc. 110); Laird of Arbroath to James Hudson, 31 July 1585, in Boyd, 8:48–49; anonymous, 14 August 1585, in Boyd, 8:66–67; Hume, 2:341; Wallace, 320–22; MacKay, 1188; Read, 1925, 2:237–51 (esp. 238, 242); Howell, 1968, 103–07; Stewart, 2000, 262–63.

¹⁰¹ See John Seton to Sidney, 2 September 1575, in Sidney, 2012, 1:514–15 (cf. Osborn, 355–56; Stewart, 2000, 152–53); and Sidney to George Buchanan, October 1579, in Sidney, 2012, 2:920.5–8 (cf. Phillips, 33–34, 36–37; Worden, 108; Beal, 2002, 19–22).

¹⁰² Étienne LeSieur (Sidney's secretary) to Douglas (Angus), 29 July 1583, HH, CP, vol. 13, fols. 41^r, 42^v (doc. 24); Wallace, 298; Stewart, 2000, 262. On Sidney and Angus in 1581, see Woudhuysen, 1996, 301 (cf. Hume, 2:278–79; Sidney, 1973a, xvii; MacKay, 1187*b*; Hewitt, 624*a*). On Ségur's mission, see Gehring, 2013, 92–97; with Mornay to Sidney, July 1583, in Sidney, 2012, 2:1066–69, esp. 1066.12–15, 1068.16–19 (trans.); and Adams and Greengrass, 160–61 (cf. 173, 176, 183 on Sidney). This connection with Walsingham's embassy is my own.

¹⁰³ See Doran, 2015, 270–71, with 95–96 (cf. Loomie, 2004, 374*b*); on the 1583 embassy, Adams, Bryson, and Leimon, 142*b*–43*a* (cf. Stewart, 2003, 73).

in 1583, Sidney's diplomatic charisma in 1585 left a positive impression upon the Scottish king.¹⁰⁴ In this respect, at this point of crisis for the Elizabethan regime, Sidney's diplomacy supported his queen's policy with James VI.¹⁰⁵ This summer of 1585, Hammond probably wrote or had written recently his treatise for Sidney.¹⁰⁶ Given a lack of other data on Sidney and Mary Stuart in 1584–85, it seems that Sidney chose to channel his activism on the English succession more toward the queen's Scottish policy than toward that of his father-in-law.

Amid Sidney's diplomacy on behalf of the international Protestant cause, which included the security of England's Protestant identity, documentary evidence suggests that he sympathized personally with potential victims of the 1585 statute laws on treason while strategically balancing that concern with rewards of royal favor. In August 1583, Castelnau claimed to Mary Stuart that Sidney had voiced personal sympathy toward both her Catholicism and her circumstances.¹⁰⁷ Privately, in March 1585, Sidney commiserated in great friendship and religious sympathy with the Catholic aristocrat Lady Elizabeth Kitson (1547–1628, née Cornwallis).¹⁰⁸ This act of irenic compassion occurred a month after Sidney's involvement with the Jesuits-bill committee.¹⁰⁹ No record of Sidney's vote survives, but surely he recognized the political difference between radical and moderate Catholicism.¹¹⁰ Certain family members were Catholics of various social ranks, including aristocrats in England and Spain.¹¹¹ Sidney and his father knew and admired Campion, whose missionary project

¹⁰⁴ For evidence of James VI's favor toward Sidney, see Wallace, 322; also Laird of Arbroath to James Hudson, 31 July 1585, in Boyd, 8:49; William Asheby to Walsingham, 26 August 1588, in Boyd, 9:600.

¹⁰⁵ Here I resist the claims for a gap between Sidney's policy and that of his queen in Howell, 1968, 103–07.

¹⁰⁶ Stewart, 2015, 47; with my claims on dating above.

¹⁰⁷ HH, CP, vol. 162 (doc. 27), fols. 21^r–22^v; Bossy, 1991, 23; cf. Bossy, 2001, 77; Beal, 2002, 23–24.

¹⁰⁸ Sidney to Lady Kitson, 28 March 1585, in Sidney, 2012, 2:1090–91 (cf. 1:xlvi; Greville to Lady Kitson, 2:1091–92). Kuin's date of 1585 revises that of 1581 posited in Feuillerat, 3:134–35; Duncan-Jones, 1996, 94–95; Stillman, 2014, 103, 105. Stillman usefully revises Duncan-Jones's speculation of crypto-Catholicism for Sidney.

¹⁰⁹ For the parliamentary record, see D'Ewes, p. 352*b* (sig. Yy4^v); Fuidge and Clarke, 384*a*.

¹¹⁰ On this distinction in the 1580s, see Questier, 157–69.

¹¹¹ See Nydam, 53–70, 79. On Sidney's first cousin Jane Dormer, Duchess of Feria, and her son Lorenzo Suárez de Figueroa, who both lived in Spain, see Loomie, 1963, 94–128; Rodríguez-Salgado (cf. Nydam, 63–65); Crummé. On Anthony Browne, Viscount Montague, a prominently Catholic aristocrat related to Sidney and the Dormers by marriage (Nydam, 65–66), see Questier.

with Robert Parsons (1546–1610) coincided with the Anjou marriage negotiations, and whose execution for treason in 1581 sparked ongoing international controversy.¹¹² Earlier that year of Campion's arrest and death, Sidney had served on a parliamentary committee regarding increased fines for Catholic recusancy.¹¹³

Whatever votes Sidney cast in the parliamentary contexts of 1581 and 1585, amid his most desperate financial need, Elizabeth I granted him a royal patent whereby he would benefit financially from the forfeiture of convicted Catholics' properties in the early 1580s.¹¹⁴ Sidney claimed that amid pressure from his creditors and personal distaste for benefiting from others' misfortune due to religious difference, he would need at least £3,000 from that funding source to justify the "clamor" he would receive as a consequence (presumably among his Catholic family members and associates).¹¹⁵ The gains for Sidney were considerable when they came: probably close to his target of £3,000 by 1586.¹¹⁶ Most conspicuously, an extant "Note of money Leviable vppon the Recusantes and Clergy" allocates £2,000 to Sir Philip Sidney, alongside the same amount to Sir Thomas Cecil and £8,000 to Leicester.¹¹⁷ These payments probably came toward the end of 1585, when Leicester, Sidney, and Cecil were the three Englishmen assigned positions of military command for the Dutch rebel provinces. Leicester could supply many of his own troops through English retinues and neo-feudal authority in Wales.¹¹⁸ For Cecil and Sidney, the Crown funded companies of conscripted soldiers. Sidney's company of two hundred footsoldiers on the queen's payroll was Welsh, probably due to his father's position as president of the Council of Wales and the Marches.¹¹⁹ That Welsh company at Flushing supplemented twenty companies of Walloons and Flemings in Sidney's regiment provided and funded by the States-General.¹²⁰ There in the Netherlands lay Sidney's ambitions and the regime's for him.

This perspective prompts a reconsideration of the premise that if Sidney voted in favor of the 1585 treason law against Jesuits and their associates, per-

¹¹² See Duncan-Jones, 1996, 85–93; with Stillman, 2014; on Campion's mission in relation to the Anjou marriage negotiations, also McCoog; Lake and Questier.

¹¹³ *Journals of the House of Commons*, 119b–20a; cf. Fuidge and Clarke, 383b–84a.

¹¹⁴ Crowley, 2015b, 56–57; cf. May, 259.

¹¹⁵ Sidney to Leicester, 28 December 1581, in Sidney, 2012, 2:1049–50.1–21.

¹¹⁶ Wallace, 272n3; cf. Bell, 1974, 400.

¹¹⁷ TNA, SP 12, vol. 165, fol. 135^r. Here and alongside the docket, this manuscript contains later scholarly glosses dating Sidney's knighthood to 1583, but the financial record itself bears no date.

¹¹⁸ Adams, 1974; Adams, 1975; Adams, 1998a, esp. 162–67, 170–79, 186–97.

¹¹⁹ Adams, 1974, 132–33; Kuin, 2012, 46–47, 51.

¹²⁰ On the regiment, see Trim, 2002, 362–63.

haps the impetus was at least partly personal, tied to a perception of Jesuit authorship for the 1584 polemical treatise in dialogue commonly dubbed *Leicester's Commonwealth*.¹²¹ This anonymous treatise on the English succession probably was authored at least partially by Parsons, who had escaped England after his missionary campaign with Campion, and it proved the most infamous and influential work of that summer's anti-regime polemical campaign.¹²² *Leicester's Commonwealth* was printed at mainland European presses first in English and then, a year later, in French and Latin versions; it circulated widely in manuscript; and it was targeted for suppression by a royal proclamation of October 1584 and by a parliamentary bill against libelous books.¹²³ Sidney wrote his *Defense of Leicester* in 1584 as a direct response to *Leicester's Commonwealth*, and this context associates him with the politics of polemic emphasized above. Yet Sidney's own argument avoided any discussion of specific policy or political theory, focusing instead on the personal character of Leicester, his relation to Leicester, and the anonymous libeler's unethical character, thus foregrounding Sidney's family honor and the general nature of libel.¹²⁴

Sidney's text, intended for print but not published until the eighteenth century, responded not to the political crisis of succession and Privy Council jurisdiction but rather to family circumstances targeted briefly within *Leicester's Commonwealth*: generally, the Dudley-Sidney family's honor, and, specifically, Leicester's second marriage, of 1578, and the recent death of his son, Robert Dudley Jr. (1581–84), Lord Denbigh, whom *Leicester's Commonwealth* mentions in tandem with Sidney.¹²⁵ The tragic death of young Lord Denbigh brought for Sidney a renewed status as heir apparent to the consolidated Dudley inheritance of Leicester and Leicester's elder brother, Sir Ambrose Dudley (ca. 1530–90), Third Earl of Warwick, and thereby also new security to Sidney's financial and political future.¹²⁶ The *Defense of Leicester's* forceful emphasis on Dudley ancestry complements a Sidney-family pedigree roll produced for "Sir Phillipe Sidney knight" in the mid-1580s: compiled after Sidney's knighthood and marriage by Leicester's client Robert Cooke

¹²¹ Duncan-Jones in Sidney, 1973b, 123–24.

¹²² See Lake, 2016, 116–52; with Nelson.

¹²³ See Peck; Beal, 2013, "Anon. *Leicester's Commonwealth*"; Hughes and Larkin, 2:506–08; Dean, 71–72.

¹²⁴ Peck, 250–51. For the *Defense of Leicester's* text, see Sidney, 1973b, 123–41; Peck, 249–64 (cf. 8–9). Lake, 2016, 231, does not discuss it due to its reticence on policy.

¹²⁵ Peck, 81 (on Sidney and Denbigh), 95–96, 202–03n77 (on Leicester's marriage), 231 (French version on Sidney, cf. 233, 263n1). For a comparison of the English, French, and Latin versions, see Tenison, 5:141–61. Sidney's *Defense of Leicester* was first printed in Collins, 1:62–68 (sigs. R2–S4).

¹²⁶ On the consolidated inheritance, see Adams, 2004a, 102a–b; cf. Crowley, 2015b, 32.

(d. 1593) and penned at least partly by Robert Glover (1544–88), a herald connected with Burghley and Walsingham to whom one of the regime's manuscript responses to *Leicester's Commonwealth* has been ascribed.¹²⁷ This pedigree roll concludes with a large heraldic device surrounded by captions listing personal histories of diplomatic and political service for Sidney, his father, and a purported fourteenth-century ancestor, Sir William Sidney (fig. 6).¹²⁸ Here, as with the commission of Hammond's treatise, Sidney's motives seem entrenched in the confluence of his financial and family circumstances with his foreign policy and his personal political ambition. Perhaps ambition and foreign policy came at the expense of English Jesuits. In the Parliament of 1584–85, whatever Sidney's individual vote and intent might have been, the statute against Jesuits imposed another measure of religious intolerance for the sake of political stability in deference to the queen's supremacy over the English church, this time asserting more forcefully her jurisdiction over expatriate English subjects.

In the Parliament of 1584–85, Sidney served on the Jesuits-bill committee with his close friend Fulke Greville (1554–1628) and with Beale,¹²⁹ and all three men would have viewed that legislation against English Jesuits as justified at least partly by their shared concern with the prospective collapses of English and international Protestantism in 1584–85. That context warranted new parliamentary activism. Whereas Leicester and Walsingham did not normally manipulate parliamentary appointments for specific ideological reasons, in 1584 they actively recruited for the House of Commons based at least partly, it seems, on sympathy for intervention in the Netherlands.¹³⁰ Financial investments with parliamentary stakes also complemented this political concern. Walsingham, Beale, and Sidney's father all held shares in the English mining industry, and consistent parliamentary opposition to the iron mills' consumption of woodlands near London had prevailed for the first time in 1581.¹³¹ Hence Philip Sidney's participation in the 1584–85 committees on timber

¹²⁷ Bodleian Library, MS Eng. b. 2152 (R). I thank Nigel Ramsay for informing me in personal correspondence that Glover contributed to this pedigree roll and that the extent of his contribution has yet to be determined. On Cooke's other connections to Leicester and to Sidney, see Day; Kingsford, 1914, 253–56; Kingsford, 1925, vi–vii, 304; McCoy, 1989, 36–40, 46–47, 55, 56. For Glover's connections and the authorship claim, see Ramsay in Glover and Milles, xiii–xiv; Ramsay, 499*a–b*; cf. Lake, 2015, 261; Lake, 2016, 208.

¹²⁸ For the antiquarian genealogy versus an earlier Sidney pedigree by Cooke with this same ancestral claim, see Kingsford, 1914, 251–56; cf. Kingsford, 1925, v–xi, 304.

¹²⁹ D'Ewes, p. 352*b* (sig. Yy4^v).

¹³⁰ Adams, 1989, 218–19 (cf. 228–30).

¹³¹ See Crossley (cf. Hammersley, 597); Donald, 35, 53–54, 71–73, 189–90 (cf. 133–34; Bell, 2004, 520*a*); Bell, 1974, 153–54, 394; Graves, 1994, 376–77 (cf. 365); Graves, 1996, 82.



Figure 6. Pedigree roll for Sir Philip Sidney. Bodleian Library, MS Eng. b. 2152 (R), bottom leaf. Courtesy of the Bodleian Library.

and on the preservation of woods near Cambrook in the Sidneys' home county of Kent.¹³² In 1583–84, the political component of Sidneian financial investment in the iron industry had been amplified, given Philip Sidney's appointment as an officer of the Ordnance, for which his official duties included overseeing the defensive military concern of repairs at Dover Harbor ordered by parliamentary statute in 1581, a supervision involving the transport of munitions and other ironwork for which supplies were low.¹³³ These activities at

¹³² See D'Ewes, p. 337a (sig. Xx1^o), p. 370a (sig. Bbb1^o); cf. Graves, 1996, 82, 122, on Henry Sidney in 1581.

¹³³ Wallace, 289–90; Howell, 1968, 83–84 (esp. 84); cf. TNA, SP 12, vol. 175, fols. 167^v–169^r. On the project at Dover in the early 1580s, see *Statutes of the Realm*, 4:668 (cf. Dean, 243); Ash, 55–86. The connection between investments in the Ordnance and the iron industry is my own.

Parliament and the Ordnance coincided with Sidney's thoughts on global strategy for England's defense, which included a cooperation with English Catholics toward emigration to transatlantic colonies that could help England remain securely Protestant and also compete with Spanish imperial expansion.¹³⁴ The concern for colonial ventures in relation to political and religious stability helps explain Sidney's participation in the 1584–85 parliamentary committee on letters patent for Walter Raleigh (1554–1618) regarding transatlantic exploration and plantation.¹³⁵

If in early 1585 Sidney anticipated a position as magistrate in the Dutch rebel provinces, as argued above, then his interest in a transatlantic naval venture later that year can be read in a new light. In the first week of September 1585, he and Greville traveled to Plymouth to converse with Sir Francis Drake (1540–96) and Dom Antonio (1531–95), the prior of Crato and pretender to the Portuguese throne, about those two men's imminent West Indies voyage. Sidney knew Drake from the parliamentary committee on Raleigh's letters patent, and he had collaborated with Dom Antonio in 1581.¹³⁶ Dom Antonio arrived 7 September 1585, when letters from him and Sidney were sent to court.¹³⁷ By September 12, contrary rumors circulated: one that Sidney would leave with them overseas, another that he meant only to send them off at Plymouth.¹³⁸ On September 13, Walsingham claimed to William Davison (d. 1608), the queen's new ambassador in the Netherlands, that Sidney planned to join Drake's voyage out of "despair" in having not yet been assigned the governorship of Flushing.¹³⁹ A shipboard record for September 14 notes that Sidney and Greville traveled in Drake's vessel for an hour or two and then disembarked.¹⁴⁰ Greville's account decades later indicates that he and Sidney had kept their Plymouth trip a secret at court, that Drake's ships were not ready for the overseas voyage, and that Sidney left Plymouth upon receiving an urgent summons to court with news that he would accompany Leicester to the Dutch rebel provinces.¹⁴¹

Some biographers read Sidney as secretly but genuinely intent on a strategic career turn across the Atlantic, which he happily redirected upon news of his

¹³⁴ See Kuin, 1998, esp. 572–83.

¹³⁵ For Sidney's participation, see D'Ewes, p. 339*b* (sig. Xx2^r); cf. Fuidge and Clarke, 384*a*; Stewart, 2000, 269.

¹³⁶ D'Ewes, p. 339*b* (sig. Xx2^r); Kelsey, 864*a–b*; Crowley, 2015*b*, 56 (cf. 42).

¹³⁷ Stewart, 2000, 272.

¹³⁸ John Stanhope to Edward Manners, Third Earl of Rutland, 12 September 1585, in Lyte, 178.

¹³⁹ Walsingham to Davison, 13 September 1585, in TNA, SP 84, vol. 3, fol. 131^r. For Walsingham's letter and postscript in modernized spelling, see Stewart, 2000, 272–73.

¹⁴⁰ BL, Cotton MS Ortho E.VIII, fol. 229^r (fragmentary head of page); Stewart, 2000, 273.

¹⁴¹ "A Dedication to Sir Philip Sidney," in Greville, 42–45 (cf. 65–71).

appointment in the Netherlands.¹⁴² Sidney had supplied Drake's voyage with military goods from the Tower in July 1585, but he acted with the written consent of Walsingham and Leicester; thus, these records need not suggest a covert operation by Sidney circumventing Walsingham's wishes.¹⁴³ Another biographer interprets Sidney's encounter with Drake at Plymouth as a gambit to sway Elizabeth I toward granting him the governorship at Flushing.¹⁴⁴ If at this moment the regime's hand were forced into assigning Sidney that position by a rumor of his imminent departure elsewhere, the stratagem might have been Walsingham's in favor of Sidney at Flushing and Burghley's son at Brill (rather than vice versa), not Sidney's at Walsingham's expense.¹⁴⁵ According to Greville, Sidney's alleged motive for the trip to Plymouth was to see Dom Antonio, and that aim should be taken seriously in relation to the international Protestant cause, together with Greville's emphasis on Drake.¹⁴⁶ From Sidney's perspective, in the early 1580s and in 1586, English support for Dom Antonio's claim to Portugal and its colonies constituted a significant component of geopolitical strategy.¹⁴⁷ Thus, if Sidney expected a military position alongside Leicester, it makes sense that he would consult with Dom Antonio in September 1585 on the threshold of their pending ventures to different parts of the world.

Sidney's geopolitical perspective on England, mainland Europe, and overseas colonies complemented his parliamentary activities and work for the Ordnance in 1584–85, his diplomacy on behalf of the international Protestant cause, and his probable motive for commissioning Hammond's treatise. Sidney's cosmopolitan and irenic vision for English colonization emanated from his long-standing investment in a broad-based Protestant cause amid religious strife. Irenic Protestant advocacy in the European context, especially as articulated by Sidney's associate Jean Hotman, emphasized dialogue among the established Catholic and Protestant churches, reinforced by the advocacy of virtuous aristocrats and magistrates for the sake of political stability, based on the premise of religion's public

¹⁴² Kuin, 1998, 577–83; Stewart, 2000, 265–75. Howell, 1968, 230–36, claims this intention with more impulsiveness and disappointment on Sidney's part.

¹⁴³ Here I rely on the documentation in Stewart, 2000, 270 (cf. 357nn90–93), while questioning Stewart's biographical inference (see 270–74).

¹⁴⁴ Wallace, 328–33.

¹⁴⁵ On Walsingham's motive in September 1585, my suggestion here complements a brief claim in Kuin, 1998, 581n50.

¹⁴⁶ "A Dedication to Sir Philip Sidney," in Greville, 43.26–33. Here I depart from Stewart, 2000, 273, and Howell, 1968, 233, while building upon Kuin, 1998, 572, 580–81, on Walsingham and Sidney.

¹⁴⁷ See Kuin, 2012; on the context of 1580–81, also Crowley, 2015b, 42–43, 56. On Drake's voyage of 1585 in broader political context, see Adams, 1991.

nature.¹⁴⁸ This concern for civic governance motivated new investigations of international law. Sidney's political ambition probably explains why he did not accept an invitation in August 1585 to govern the Virginia colony.¹⁴⁹ Letters patent for overseas plantation such as those received by Raleigh provided land rights but not the deputized legal authority of a magistrate. English common law was to be the default foundation for colonies, and full political authority therein, including military command and the administration of justice (*imperium* in ancient civil law), emanated from the monarch's Privy Council.¹⁵⁰ Sidney expected to wield a higher level of political authority abroad. His patronage of Hammond's treatise constituted a strategic gesture of intellectual preparation for his ongoing diplomatic career and his anticipated position as a foreign magistrate in the Netherlands.

CONCLUSIONS

The two extant copies of Hammond's legal treatise, analyzed together, substantiate Beale's claim for its patronage by Sir Philip Sidney. For Hammond's opinion on Roman civil law and the broader law of nations regarding diplomatic and royal immunities, this study has elucidated the argument itself, as well as its material context of legal debate, its most relevant political contexts in 1584–85, and its textual transmission history. Sidney commissioned Hammond's legal opinion in 1584–85, during or shortly after his involvement in that winter's momentous Parliament. The legal opinion proceeded from Hammond to Sidney, then from Sidney's papers to Walsingham and probably Burghley in 1586, then from Walsingham and Burghley to Beale in 1586–87. Hammond's treatise responded directly to an anonymous short legal argument in favor of Mary Stuart's prosecution for treason under English law, an argument that had compared briefly the question of royal immunity with the issue of diplomatic immunity. The lengthy counterargument by Hammond focused on the legal issues, without explicitly mentioning either Mary Stuart or Mendoza. In doing so, it revised and qualified the legal premises upon which the opposing argument had been erected, concluding with a claim for the English regime's natural-law right to political self-defense against conspiracy and other aggression toward its monarch. This concession at the end of Hammond's treatise complemented new parliamentary legislation on conspiracy in the Act for the Queen's Surety, which became statute law in March 1585 and thereafter licensed the Privy Council to indict conspirators for treason by its own jurisdiction, apart from the queen. This

¹⁴⁸ See Posthumus Meyjes, 1979 and 1984.

¹⁴⁹ Ralph Lane to Sidney, 12 August 1585, in Sidney, 2012, 2:1106–08.

¹⁵⁰ MacMillan, 93.

correlation with political context helps explain why Walsingham and Beale collected copies of Hammond's treatise, to fuel their collaboration with Burghley against Mary Stuart.

Regarding Sidney as patron of Hammond's legal scholarship, however, biographical evidence for motives points away from Mary Stuart and toward the Netherlands as a central focus for the international Protestant cause. Although Sidney certainly recognized Mary Stuart as a magnet for international conspiracy in 1584–85 and thereby a threat to the Elizabethan regime, no evidence links him to the antagonistic agenda of Burghley, Walsingham, and Beale, who sought her trial and execution as an essential means of securing England's Protestant identity during and beyond Elizabeth I's reign. Instead, in 1584–85, Sidney's Protestant activism gravitated toward his queen's foreign policy, amid defensive military preparations and hypothetical colonial ventures. Given Sidney's diplomatic successes, his royal favor, and his privileged position alongside the Privy Council via Walsingham, Leicester, and his father, he anticipated in 1584–85 that soon he would be sent with Leicester to support the Dutch rebel provinces. In commissioning Hammond's legal treatise, Sidney acted strategically for his own political interests and proactively for a broader Protestant cause.

BIBLIOGRAPHY

Archival and Manuscript Sources

- Archivio di Stato, Padua, Notarile 5007, fols. 26^r–27^v. Register of Paduan graduates. 1574.
- Bodleian Library, Oxford, MS Eng. b. 2152 (R). Cooke, Robert, and Robert Glover. Pedigree roll for Sir Philip Sidney. Ca. 1584.
- British Library (BL), London, Additional (Add.) MS 48027 (Yelverton MS 31), fols. 380^r–397^v. Hammond, John. “A defense of the Roman Civill lawe, and of the Generall lawe of the world.” Composed ca. 1584–85, this copy collected by Robert Beale ca. 1586–87.
- BL, Add. MS 48039 (Yelverton MS 44), fols. 1^r–39^v. Beale, Robert. Author’s draft of a treatise on English religious policy submitted to Archbishop Whitgift. April 1584.
- BL, Add. MS 48049 (Yelverton MS 54), fols. 340^r–357^r. Beale, Robert. Author’s draft of a treatise on foreign policy submitted to Lord Burghley after the Saint Bartholomew’s Day Massacre in France. 1572.
- BL, Add. MS 48063 (Yelverton MS 69), fols. 65^r–74^v. Hammond, John. Two treatises written by commission of Lord Burghley: “The Popes excommunications of Christian princes vnlawful” (fols. 65^r–70^v) and “What resistaunce hath beene made or defence vsed by christen princes againtse the Popes excommunications” (fols. 70^v–74^v). 1583.
- BL, Add. MS 48064 (Yelverton MS 70), fols. 25^r–29^v. Notes derived from a commentary by John Hammond on English Protestant grievances against Archbishop Whitgift. Ca. 1584.
- BL, Cotton MS Galba E.6, fols. 252^r–254^v. Copy of diplomatic instructions for Sir Philip Sidney. 8 July 1584.
- BL, Cotton MS Otho E.VIII, fols. 229^r–234^v. Account of Sir Francis Drake’s naval expedition. 1585. Head of each manuscript leaf burned.
- BL, Cotton MS Titus F.3, fols. 302^r–308^v. Beale, Robert. “A discourse of *Master Beales* after the great murder in Paris & other places in France August 1572.” Copy of Beale’s 1572 argument on foreign policy for Lord Burghley. Ca. 1572.
- BL, Lansdowne MS 42, fols. 181^r–182^v. Beale, Robert. Copy of a letter from Beale to Archbishop Whitgift, 7 May 1584, sent by Whitgift to Lord Burghley. 1584.
- BL, Lansdowne MS 678. “A Cathalog of all the Knights dubbed in the tyme of *Queen Elizabeth* drawne into an Alphabett.” Ca. 1603–10.
- Hatfield House (HH), Hatfield, Cecil Papers (CP), vol. 13, fols. 41^r–42^v. Document 24. Letter from Étienne LeSieur, Philip Sidney’s secretary, to Archibald Douglas, Eighth Earl of Angus. 29 July 1583.
- HH, CP, vol. 162, fols. 21^r–22^v. Document 27. Copy of a letter from Michel de Castelnau, Lord of La Mauvissière and French ambassador in London, to Mary Stuart, Queen of Scots. August 1583.
- HH, CP, vol. 163, fols. 114^r–115^v, 147^r–150^v. Documents 84 and 110. Letters from Patrick Gray, Master of Gray, to Archibald Douglas, Eighth Earl of Angus. 3 June 1585 and 21 August 1585.
- The National Archives (TNA), Kew (formerly Public Record Office, London), State Papers (hereafter SP) 12, vol. 165, fol. 135^{r-v}. “A Note of money Leviable vppon the Recusantes and Clergy.” Ca. 1585.

- TNA, SP 12, vol. 175, fols. 167^r–169^v. Dudley, Ambrose, Third Earl of Warwick. “Orders set downe for the Gouverna[nce] of the office of the ordinaunce.” Ca. 1584.
- TNA, SP 53, vol. 20, fols. 71^r–72^v. Document 23, pp. 1–3. Copy of anonymous and undated argument for the application of English treason law to Mary, Queen of Scots. Composed ca. 1584, copied ca. 1586.
- TNA, SP 53, vol. 20, fols. 72^v–89^r. Document 23, pp. 4–37. Hammond, John. Copy of treatise on Roman civil law and the law of nations, responding to each premise of the preceding anonymous argument but without mentioning Mary, Queen of Scots. Composed ca. 1584–85, copied ca. 1586.
- TNA, SP 84, vol. 3, fols. 131^r–132^v. Document 73. Letter from Sir Francis Walsingham to William Davison. 13 September 1585.
- TNA, SP 84, vol. 5, fols. [1]^r–[3]^v. Document 4. “Instrucones giuen by the *lords* and others of her *Majesties* priuy Counsaile, to *Sir Thomas Cecil* and *Sir Phillip Sidney* knight appointed by her *Majesty* to repaire into ~~reppaire into Zeland~~ ^{^Holland^} to take the charge and gouernement of the towne called the Brill.” Minutes for the letters patent, with revisions by Burghley and others. November 1585.

Printed Sources

- Acts of the Privy Council of England, 1542–1631*. Ed. John Roche Dasent. 46 vols. London, 1890–1949.
- Adair, E. R. *The Extraterritoriality of Ambassadors in the Sixteenth and Seventeenth Centuries*. London: Longmans, Green, & Co., 1929.
- Adams, Simon L. “The Gentry of North Wales and the Earl of Leicester’s Expedition to the Netherlands, 1585–86.” *Welsh History Review* 6.2 (1974): 129–47.
- . “Military Obligations of Leasehold Tenants in Leicestrian Denbigh: A Footnote.” *Transactions of the Denbighshire Historical Society* 24 (1975): 205–08.
- . “The Dudley Clientele and the House of Commons, 1559–86.” *Parliamentary History* 8.2 (1989): 216–39.
- . “The Outbreak of the Elizabethan Naval War against the Spanish Empire: The Embargo of May 1585 and Sir Francis Drake’s West Indies Voyage.” In *England, Spain, and the Gran Armada, 1585–1604*, ed. M. J. Rodríguez-Salgado and Simon Adams, 45–69. Edinburgh: John Donald, 1991.
- , ed. *Household Account and Disbursement Books of Robert Dudley, Earl of Leicester, 1558–1561, 1584–1586*. Cambridge: Cambridge University Press for the Royal Historical Society, 1995.
- . “Baronial Contexts?: Continuity and Change in the Noble Affinity, 1400–1600.” In *The End of the Middle Ages? England in the Fifteenth and Sixteenth Centuries*, ed. John L. Watts, 155–97. Stroud: Sutton, 1998a.
- . “The Decision to Intervene: England and the United Provinces, 1584–1585.” In *Felipe II (1527–1598): Europa y la Monarquía Católica*, ed. José Martínez Millán, 1: 19–31. Madrid: Editorial Parteluz, 1998b.
- . “The Succession and Foreign Policy.” *History Today* 53.5 (2003): 42–48.
- . “Dudley, Robert, Earl of Leicester (1532/3–1588), Courtier and Magnate.” In *ODNB* (2004a), 17:92–112.

- . “Elizabeth I and the Sovereignty of the Netherlands, 1575–1585.” *Transactions of the Royal Historical Society* 14, 6th Series (2004b): 309–19.
- . “Crypto-Republican.” Review of *Burghley: William Cecil at the Court of Elizabeth I*, by Stephen Alford. *London Review of Books* 31.11 (11 June 2009): 32–33.
- . Review of *The Queen's Agent: Francis Walsingham at the Court of Elizabeth I*, by John Cooper. *History Today* 62.1 (January 2012): 60–61.
- Adams, Simon, Alan Bryson, and Mitchell Leimon. “Walsingham, Sir Francis (c.1532–1590), Principal Secretary.” In *ODNB* (2004), 57:131–50.
- Adams, Simon, and Mark Greengrass, eds. “Memoires et Procédures de ma Negociation en Angleterre (8 October 1582–8 October 1583), by Jean Malliet, Councillor of Geneva.” In *Religion, Politics, and Society in Sixteenth-Century England*, ed. Ian W. Archer, Simon Adams, G. W. Bernard, et al., 137–96. Cambridge: Cambridge University Press for the Royal Historical Society, 2003.
- Alford, Stephen. *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558–1569*. Cambridge: Cambridge University Press, 1998.
- . *Burghley: William Cecil at the Court of Elizabeth I*. New Haven: Yale University Press, 2008.
- . *The Watchers: A Secret History of the Reign of Elizabeth I*. London: Penguin, 2012.
- Andersson, D. C. *Lord Henry Howard (1540–1614): An Elizabethan Life*. Woodbridge: D. S. Brewer, 2009.
- Ash, Eric H. *Power, Knowledge, and Expertise in Elizabethan England*. Baltimore: Johns Hopkins University Press, 2004.
- Ashgate Research Companion to the Sidneys, 1500–1700*. Ed. Margaret P. Hannay, Michael G. Brennan, and Mary Ellen Lamb. 2 vols. Farnham: Ashgate, 2015.
- Axton, Marie. “Norton, Thomas (1530x32–1584), Lawyer and Writer.” In *ODNB* (2004), 41:189–95.
- Bain, Joseph, ed. *The Hamilton Papers: Letters and Papers Illustrating the Political Relations of England and Scotland in the XVIth Century, Volume 2: 1543–1590*. Edinburgh, 1892.
- Basing, Patricia. “Robert Beale and the Queen of Scots.” *British Library Journal* 20 (1994): 65–83.
- Beal, Peter. “Philip Sidney’s *Letter to Queen Elizabeth* and that ‘False Knave’ Alexander Dicsone.” In *English Manuscript Studies, 1100–1700, Volume 11: Manuscripts and Their Makers in the English Renaissance*, ed. Peter Beal and Grace Ioppolo, 1–51. London: British Library, 2002.
- . “Elizabeth’s Execution Warrants.” In *Elizabeth I and the Culture of Writing*, ed. Peter Beal and Grace Ioppolo, 173–200. London: British Library, 2007.
- . Catalogue of English Literary Manuscripts, 1450–1700: <https://celm2.digsum.kcl.ac.uk>. 2013.
- Bell, Gary M. “The Men and Their Rewards in Elizabethan Diplomatic Service, 1558–1585.” PhD diss., University of California, Los Angeles, 1974.
- . “Beale, Robert (1541–1601), Administrator and Diplomat.” In *ODNB* (2004), 4:519–22.
- Bleiweis, Susan H. “The Elizabethan Intelligence Service, 1572–85.” PhD diss., Rutgers University, 1976.

- Bodin, Jean. *Les six livres de la Republique de I. Bodin Angeuin*. Paris, 1583.
- Borrie, Michael A. F., Patricia Basing, et al., eds. *The British Library Catalogue of Additions to the Manuscripts: The Yelverton Manuscripts, Additional Manuscripts 48000–48196*. 2 vols. London: British Library, 1994.
- Bossy, John. *Giordano Bruno and the Embassy Affair*. New Haven: Yale University Press, 1991.
- . *Under the Molehill: An Elizabethan Spy Story*. New Haven: Yale University Press, 2001.
- Bowler, Gerald. “‘An Axe or an Acte’: The Parliament of 1572 and Resistance Theory in Early Elizabethan England.” *Canadian Journal of History* 19.3 (1984): 349–59.
- Boyd, William K., ed. *Calendar of the State Papers relating to Scotland and Mary, Queen of Scots, 1547–1603*. Vols. 3–9. Edinburgh: General Register House, 1898–1969.
- Brady, Ciaran. *The Chief Governors: The Rise and Fall of Reform Government in Tudor Ireland, 1536–1588*. Cambridge: Cambridge University Press, 1994.
- Brennan, Michael G. *Literary Patronage in the English Renaissance: The Pembroke Family*. London: Routledge, 1988.
- . *The Sidneyes of Penshurst and the Monarchy, 1500–1700*. Farnham: Ashgate, 2006.
- Brewerton, Patricia. “Paper Trails: Re-Reading Robert Beale as Clerk to the Privy Council.” PhD diss., University of London, Birkbeck College, 1998.
- Brooks, Christopher W. *Law, Politics, and Society in Early Modern England*. Cambridge: Cambridge University Press, 2008.
- . “A Puritan Collaboration in Defence of the Liberty of the Subject: James Morice, Robert Beale, and the Elizabethan Campaign against Ecclesiastical Authority.” In *Collaboration and Interdisciplinarity in the Republic of Letters*, ed. Paul Scott, 3–16. Manchester: Manchester University Press, 2010.
- Buxton, John. *Sir Philip Sidney and the English Renaissance*. 3rd ed. London: Macmillan, 1987.
- Canning, Joseph. *The Political Thought of Baldus de Ubaldis*. Cambridge: Cambridge University Press, 1987.
- Celovsky, Lisa. “The Sidneyes and Literary Patronage.” In *Ashgate Research Companion to the Sidneyes* (2015), 1:261–80.
- Cohen, Eileen Z. “Gentle Knight and Pious Servant: A Study of Sidney’s Protestantism.” PhD diss., University of Maryland, 1965.
- . “Poet in the Service of Protestantism: Sir Philip Sidney as Ambassador.” *Historical Magazine of the Protestant Episcopal Church* 38.2 (1969): 167–75.
- Collins, Arthur, ed. *Letters and Memorials of State . . . By Sir Henry Sydney, . . . The famous Sir Philip Sydney, and his Brother Sir Robert Sydney, . . . Philip Lord Viscount Lisle, . . . and of his Brother Colonel Algernon Sydney, . . . Together with Letters of the other Ministers of State, with whom they held a Correspondence*. 2 vols. London, 1746.
- Collinson, Patrick. *The Elizabethan Puritan Movement*. London: Jonathan Cape, 1967.
- . *The English Captivity of Mary Queen of Scots*. Sheffield: Sheffield History Pamphlets, 1987a.
- . “The Monarchical Republic of Elizabeth I.” *Bulletin of the John Rylands University Library of Manchester* 69.2 (1987b): 394–424.

- . “The Elizabethan Exclusion Crisis and the Elizabethan Polity.” *Proceedings of the British Academy* 84 (1994): 51–92.
- . “Servants and Citizens: Robert Beale and Other Elizabethans.” *Historical Research* 79.206 (2006): 488–511.
- Cormack, Bradin. *A Power To Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509–1625*. Chicago: University of Chicago Press, 2007.
- Cosmopolite, Eusebe Philadelphie [pseud.]. *Le reveille-matin des François, et de leurs voisins*. “Edinburgh” [Strasbourg?], 1574.
- Craigwood, Joanna. “Sidney, Gentili, and the Poetics of Embassy.” In *Diplomacy and Early Modern Culture*, ed. Robyn Adams and Rosanna Cox, 82–100. Basingstoke: Palgrave Macmillan, 2011.
- Crankshaw, David J. “Ecclesiastical Statesmanship in England in the Age of the Reformation.” In *Sister Reformations: The Reformation in Germany and in England*, ed. Dorothea Wendebourg, 271–303. Tübingen: Mohr Siebeck, 2010.
- Cressy, David. “Binding the Nation: The Bonds of Association, 1584 and 1696.” In *Tudor Rule and Revolution*, ed. Delloyd J. Guth and John W. McKenna, 217–34. Cambridge: Cambridge University Press, 1982.
- Croft, Pauline. “Howard, Henry, Earl of Northampton (1540–1614), Courtier, Administrator, and Author.” In *ODNB* (2004), 28:366–74.
- . “‘The State of the World is Marvellously Changed’: England, Spain, and Europe, 1558–1604.” In *Tudor England and Its Neighbors* (2005), 178–202.
- Crossley, D. W. “The Management of a Sixteenth-Century Ironworks.” *Economic History Review* 19.2 (1966): 273–88.
- Crowley, Timothy D. “New Light on Philip Sidney and Elizabethan Foreign Policy.” Review of *Anglo-German Relations and the Protestant Cause*, by David Gehring. *Sidney Journal* 32.2 (2014): 85–94.
- . “Contingencies of Literary Censorship: Anglo-Spanish Diplomacy and *Amadis de Gaula* in January 1569.” *Sixteenth Century Journal* 46.4 (2015a): 891–926.
- . “Diplomacy, Money, and Sidney’s *Four Foster Children of Desire*.” *Sidney Journal* 33.2 (2015b): 27–60.
- Crummé, Hannah. “Jane Dormer’s Recipe for Politics: A Refuge Household in Spain for Mary Tudor’s Ladies-in-Waiting.” In *The Politics of Female Households: Ladies-in-Waiting Across Early Modern Europe*, ed. Nadine Akkerman and Birgit Houben, 51–71. Leiden: Brill, 2013.
- Dauber, Noah. *State and Commonwealth: The Theory of the State in Early Modern England*. Princeton: Princeton University Press, 2016.
- Day, J. F. R. “Cooke, Robert (d. 1593), Herald.” In *ODNB* (2004), 13:160–61.
- Dean, David. *Law-Making and Society in Late Elizabethan England: The Parliament of England, 1584–1601*. Cambridge: Cambridge University Press, 1996.
- D’Ewes, Simonds. *Journals of All the Parliaments during the Reign of Queen Elizabeth, Both of the House of Lords and House of Commons*. London, 1682.
- DNB: Dictionary of National Biography, from the Earliest Times to 1900*. Ed. Leslie Stephen and Sidney Lee. 63 vols. London: Oxford University Press, 1885–1901.
- Donald, M. B. *Elizabethan Monopolies: The History of the Company of Mineral and Battery Works from 1565 to 1604*. Edinburgh: Oliver & Boyd, 1961.

- Doran, Susan. *Monarchy and Matrimony: The Courtships of Elizabeth I*. London: Routledge, 1996.
- . *Elizabeth I and Her Circle*. Oxford: Oxford University Press, 2015.
- Duncan-Jones, Katherine. *Sir Philip Sidney: Courtier Poet*. New Haven: Yale University Press, 1991.
- . “Sir Philip Sidney’s Debt to Edmund Campion.” In *The Reckoned Expense: Edmund Campion and the Early English Jesuits*, ed. Thomas M. McCoog, 85–102. Woodbridge: Boydell, 1996.
- Duquesne, Joseph. “François Baudouin et la Réforme.” *Bulletin de l’Académie Delphinale* 9 (1917): 55–108.
- Ellis, Henry, and Francis Douce. *A Catalogue of the Lansdowne Manuscripts in the British Museum*. 2 Vols. London, 1819.
- Elton, G. R., ed. *The Tudor Constitution: Documents and Commentary*. Cambridge: Cambridge University Press, 1960. Reprint, 1965.
- Feuillerat, Albert, ed. *The Prose Works of Sir Philip Sidney*. 4 vols. Cambridge: Cambridge University Press, 1912–26. Reprint, 1962–67.
- Fredona, Robert. “Baldus de Ubaldis on Conspiracy and *Laesa Maiestas* in Late Trecento Florence.” In *Politics of Law in Late Medieval and Renaissance Italy* (2011), 140–60.
- Fuidge, N. M., and J. J. Clarke. “Sidney, Philip (1554–86), of Penshurst, Kent.” In *House of Commons* (1981), 3:382–84.
- Gehring, David Scott. *Anglo-German Relations and the Protestant Cause: Elizabethan Foreign Policy and Pan-Protestantism*. London: Pickering & Chatto, 2013.
- . “Foedus et Fractio: Queen Elizabeth, the Formula of Concord, and the Protestant Cause.” In *Fürstinnen und Konfession: Beiträge hochadliger Frauen zur Religionspolitik und Konfessionsbildung Vandenhoock & Ruprecht*, ed. Daniel Gehrt and Vera von der Osten-Sacken, 303–15. Göttingen: Vandenhoeck & Ruprecht, 2015.
- , ed. *Diplomatic Intelligence on the Holy Roman Empire and Denmark during the Reigns of Elizabeth I and James VI: Three Treatises*. Cambridge: Cambridge University Press for the Royal Historical Society, 2016.
- Gentili, Alberico. *De Legationibus, Libri Tres*. London, 1585.
- . *De Legationibus Libri Tres*. Trans. Gordon J. Laing. Classics of International Law 12. Oxford: Oxford University Press, 1924. Reprint, New York: Oceana, 1964.
- Glover, Robert, and Thomas Milles. *The Kings of England Ever Since It Was So Called*. Ed. Derek Parker, with Introduction by Nigel Ramsay. London: Folio Society, 1995.
- Graves, Michael A. R. *Thomas Norton: The Parliament Man*. Oxford: Blackwell, 1994.
- . *Elizabethan Parliaments, 1559–1601*. 2nd ed. London: Longman, 1996.
- Gray, Jonathan M. “So Help Me God: Oaths and the English Reformation.” PhD diss., Stanford University, 2008.
- Greville, Fulke. *The Prose Works of Fulke Greville, Lord Brooke*. Ed. John Gouws. Oxford: Clarendon Press, 1986.
- Guy, John. “*My Heart is My Own*”: *The Life of Mary Queen of Scots*. London: Fourth Estate, 2004.
- Hammersley, George. “The Charcoal Iron Industry and Its Fuel, 1540–1750.” *Economic History Review* 26.4 (1973): 593–613.
- Harrison, Brian A., ed. *A Tudor Journal: The Diary of a Priest in the Tower, 1580–1585*. London: St. Paul’s, 2000.

- , ed. *The Tower of London Prisoner Book: A Complete Chronology of the Persons Known To Have Been Detained at Their Majesties' Pleasure, 1100–1941*. Leeds: Royal Armouries, 2004.
- Hartley, T. E., ed. *Proceedings in the Parliaments of Elizabeth I*. 3 vols. London: Leicester University Press, 1995.
- Heath, James. *Torture and English Law: An Administrative and Legal History from the Plantagenets to the Stuarts*. Westport, CT: Greenwood Press, 1982.
- Henderson, Joan C., and P. W. Hasler. "Beale, Robert (1541–1601), of Barn Elms, Surr., Priors Marston, Warws., and of London." In *House of Commons* (1981), 1:411–14.
- Hervey, Mary F. S. *Holbein's "Ambassadors": The Picture and the Men: An Historical Study*. London: George Bell & Sons, 1900.
- Hewitt, George R. "Douglas, Archibald, Eighth Earl of Angus and Fifth Earl of Morton (c.1555–1588), Magnate." In *ODNB* (2004), 16:623–25.
- HMC-HH: Historical Manuscripts Commission. *Calendar of the Manuscripts of the Most Hon. The Marquis of Salisbury, preserved at Hatfield House, Hertfordshire*. 24 vols. London, 1883–1976.
- Holt, Mack P. *The Duke of Anjou and the Politique Struggle during the Wars of Religion*. Cambridge: Cambridge University Press, 1986.
- Hotman, Jean. *L'Ambassadeur*. [Paris?], 1603a.
- , trans. *The Ambassador*. London, 1603b.
- House of Commons, 1558–1603*. Ed. P. W. Hasler. 3 vols. London: History of Parliament Trust, 1981.
- Howell, Roger. *Sir Philip Sidney: The Shepherd Knight*. Boston: Little, Brown, 1968.
- . "The Sidney Circle and the Protestant Cause in Elizabethan Foreign Policy." *Renaissance and Modern Studies* 19.1 (1975): 31–46.
- Hughes, Paul L., and James F. Larkin, eds. *Tudor Royal Proclamations*. 3 vols. New Haven: Yale University Press, 1969.
- Hume, David. *The History of the House of Angus (1644)*. Ed. David Reid. 2 vols. Edinburgh: Scottish Text Society, 2005.
- Hutchinson, Mark A. "Reformed Protestantism and the Government of Ireland, c.1565–1582: The Lord Deputyships of Henry Sidney and Arthur Grey." *Sidney Journal* 29.1–2 (2011): 71–104.
- Jardine, Lisa, and Anthony Grafton. "'Studied for Action': How Gabriel Harvey Read His Livy." *Past and Present* 129 (1990): 30–78.
- Jensen, De Lamar. *Diplomacy and Dogmatism: Bernardino de Mendoza and the French Catholic League*. Cambridge, MA: Harvard University Press, 1964.
- Jones, Norman L. *Faith by Statute: Parliament and the Settlement of Religion, 1559*. London: Royal Historical Society, 1982.
- . *Governing by Virtue: Lord Burghley and the Management of Elizabethan England*. Oxford: Oxford University Press, 2015.
- Journals of the House of Commons, Vol. 1: From November the 8th 1547, In the First Year of the Reign of King Edward the Sixth, to March the 2nd 1628 [i.e., 1629], In the Fourth Year of the Reign of King Charles the First*. London, 1803.
- Kaufman, Peter Iver. "Queen Elizabeth I's Leadership Abroad: The Netherlands in the 1570s." In *Leadership and Elizabethan Culture*, ed. Peter Iver Kaufman, 73–87. Basingstoke: Palgrave Macmillan, 2013.

- Kelsey, Harry. "Drake, Sir Francis (1540–1596), Pirate, Sea Captain, and Explorer." In *ODNB* (2004), 16:858–70.
- Kernan, Dean. "Richard Hooker: Defending the Jurisdiction of the English Church." PhD diss., University of Rochester, 2003.
- Kingdon, Robert M., ed. "*The Execution of Justice in England*" by William Cecil and "*A True, Sincere, and Modest Defense of English Catholics*" by William Allen. Ithaca, NY: Cornell University Press, 1965.
- . *Myths of the St. Bartholomew's Day Massacre, 1572–1576*. Cambridge, MA: Harvard University Press, 1988.
- Kingsford, C. L. "On Some Ancient Deeds and Seals Belonging to Lord De L'Isle and Dudley." *Archaeologia* 65 (1914): 251–68.
- , ed. *Report on the Manuscripts of Lord de L'Isle and Dudley Preserved at Penshurst Place*, vol. 1. London: His Majesty's Stationery Office, 1925.
- Koenigsberger, H. G. *Monarchies, States Generals, and Parliaments: The Netherlands in the Fifteenth and Sixteenth Centuries*. Cambridge: Cambridge University Press, 2001.
- Kuin, Roger. "The Middleburg Weekend: More Light on the Proposed Marriage between Philip Sidney and Marie of Nassau." *Sidney Newsletter and Journal* 12.2 (1993): 3–12.
- . "Querre-Muhau: Sir Philip Sidney and the New World." *Renaissance Quarterly* 51.2 (1998): 549–85.
- . "Sir Philip Sidney and World War Zero: Implications of the Dutch Revolt." *Sidney Journal* 30.2 (2012): 33–55.
- Lake, Peter. "The 'Political Thought' of the 'Monarchical Republic of Elizabeth I,' Discovered and Anatomized." *Journal of British Studies* 54.2 (2015): 257–87.
- . *Bad Queen Bess? Libels, Secret Histories, and the Politics of Publicity in the Reign of Queen Elizabeth I*. Oxford: Oxford University Press, 2016.
- Lake, Peter, and Michael Questier. "Puritans, Papists, and 'the Public Sphere' in Early Modern England: The Edmund Campion Affair in Context." *Journal of Modern History* 72.3 (2000): 587–627.
- Lawson, Jane A., ed. *The Elizabethan New Year's Gift Exchanges, 1559–1603*. Oxford: Oxford University Press, 2013.
- Leader, John Daniel. *Mary Queen of Scots in Captivity: A Narrative of Events from January, 1569, to December, 1584*. Sheffield, 1880.
- Leimon, Mitchell. "Sir Francis Walsingham and the Anjou Marriage Plan, 1574–81." PhD diss., University of Cambridge, 1989.
- Lepsius, Susanne. "Paolo di Castro as Consultant: Applying and Interpreting Florence's Statutes." In *Politics of Law in Late Medieval and Renaissance Italy* (2011), 77–105.
- Levy, F. J. "Philip Sidney Reconsidered." *English Literary Renaissance* 2.1 (1974): 5–18.
- Loades, David. "The English State and the Death of Mary, Queen of Scots." In *Murder and Monarchy: Regicide in European History, 1300–1800*, ed. Robert von Friedeburg, 159–75. Basingstoke: Palgrave Macmillan, 2004.
- Loomie, Albert J. *The Spanish Elizabethans: The English Exiles at the Court of Philip II*. New York: Fordham University Press, 1963.
- . "Wotton, Edward, First Baron (1548–1628), Diplomat and Administrator." In *ODNB* (2004), 60:374–77.

- Lyte, H. C. Maxwell, ed. *Manuscripts of His Grace the Duke of Rutland, G.C.B., preserved at Belvoir Castle, Vol. 1*. London, 1888.
- MacCaffrey, Wallace T. *Queen Elizabeth and the Making of Policy*. Princeton: Princeton University Press, 1981.
- . "Sidney, Sir Henry (1529–1586), Lord Deputy of Ireland and Courtier." In *ODNB* (2004), 50:545–50.
- MacKay, Æneas. "Douglas, Archibald, Eighth Earl of Angus (1555–1588)." In *DNB* (1885–1901), 5:1186–90.
- MacMillan, Ken. *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576–1640*. Cambridge: Cambridge University Press, 2006.
- Martellozzo Forin, Elda, ed. *Acta Graduum Academicorum Gymnasii Patavini: Ab Anno 1566 ad Annum 1600*. 4 vols. Padua: Antenore, 2008.
- Martin, Patrick H. *Elizabethan Espionage: Plotters and Spies in the Struggle between Catholicism and the Crown*. Jefferson, NC: McFarland, 2016.
- Mattingly, Garrett. *Renaissance Diplomacy*. Boston: Houghton Mifflin, 1955.
- May, Steven W. "Sir Philip Sidney and Queen Elizabeth." In *English Manuscript Studies, 1100–1700: Volume 2*, ed. Peter Beal and A. S. G. Edwards, 257–67. Oxford: Blackwell, 1990.
- McCoog, Thomas M. "The English Jesuit Mission and the French Match, 1579–81." *Catholic Historical Review* 87.2 (2001): 185–213.
- McCoy, Richard C. *Sir Philip Sidney: Rebellion in Arcadia*. New Brunswick, NJ: Rutgers University Press, 1979.
- . *The Rites of Knighthood: The Literature and Politics of Elizabethan Chivalry*. Berkeley: University of California Press, 1989.
- McDiarmid, John F., ed. *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson*. Farnham: Ashgate, 2007.
- McLaren, Anne N. *Political Culture in the Reign of Elizabeth I: Queen and Commonwealth, 1558–1585*. Cambridge: Cambridge University Press, 1999.
- Mousley, J. E. "Hammond, John (1542–89), of Colman Street, London, and Essex." In *House of Commons* (1981), 2:243.
- Murphy, G. Martin. "Hart, John (d.1586), Roman Catholic Priest and Jesuit." In *ODNB* (2004), 25:583–84.
- Nelson, Alan H. "Who Didn't Write *Leicester's Commonwealth?* (Who Did?)." In *English Manuscript Studies, 1100–1700, Volume 18: Discovering, Identifying, and Editing Early Modern Manuscripts*, ed. Peter Beal, 11–18. London: British Library, 2013.
- Nicollier de Weck, Béatrice. *Hubert Languet (1518–1581): Un réseau politique international de Melanchthon à Guillaume d'Orange*. Geneva: Droz, 1995.
- Nydam, Arlen. "Philip Sidney's Extended Family and the Catholic Petition of 1585." *Sidney Journal* 28.1 (2010): 53–79.
- ODNB: Oxford Dictionary of National Biography*. Ed. H. C. G. Matthew and Brian Harrison. 60 vols. Oxford: Oxford University Press, 2004.
- Osborn, James M. *Young Philip Sidney, 1572–1577*. New Haven: Yale University Press, 1972.
- Parker, Geoffrey. "The Place of Tudor England in the Messianic Vision of Philip II of Spain." *Transactions of the Royal Historical Society*, 6th Series, 12 (2002): 167–221.

- Parry, Graham. "Patronage and the Printing of Learned Works for the Author." In *The Cambridge History of the Book in Britain, Vol. 4: 1557–1695*, ed. John Barnard and D. F. McKenzie, 174–88. Cambridge: Cambridge University Press, 2002.
- Peck, D. C., ed. *Leicester's Commonwealth: "The Copy of a Letter Written by a Master of Art of Cambridge" (1584) and Related Documents*. Athens, OH: Ohio University Press, 1985.
- Pennington, Kenneth. *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Tradition*. Berkeley: University of California Press, 1993.
- Phillips, James E. "George Buchanan and the Sidney Circle." *Huntington Library Quarterly* 12.1 (1948–49): 23–55.
- Politics of Law in Late Medieval and Renaissance Italy*. Ed. Lawrin Armstrong and Julius Kirshner. Toronto: University of Toronto Press, 2011.
- Poort, Marjon. "'The Desired and Destined Successor': A Chronology of Sir Philip Sidney's Activities, 1585–1586." In *Sir Philip Sidney: 1586 and the Creation of a Legend*, ed. Jan van Dorsten, Dominic Baker-Smith, and Arthur F. Kinney, 25–37. Leiden: Brill, 1986.
- Posthumus Meyjes, Guillaume H. M. "Jean Hotman's *Syllabus* of Eirenic Literature." In *Reform and Reformation: England and the Continent, c.1500–c.1750*, ed. Derek Baker, 175–93. Oxford: Blackwell, for Ecclesiastical History Society, 1979.
- . "Protestant Irenicism in the Sixteenth and Early Seventeenth Centuries." In *The End of Strife*, ed. David Loades, 94–119. Edinburgh: T. & T. Clark, 1984.
- . *Jean Hotman's English Connection*. Amsterdam: Koninklijke Nederlandse Akademie van Wetenschappen, 1990.
- Pulman, Michael B. *The Elizabethan Privy Council in the Fifteen-Seventies*. Berkeley: University of California Press, 1971.
- Questier, Michael C. *Catholicism and Community in Early Modern England: Politics, Aristocratic Patronage, and Religion, c.1550–1640*. Cambridge: Cambridge University Press, 2006.
- Raitt, Jill. "Elizabeth of England, John Casimir, and the Protestant League." In *Controversy and Conciliation: The Reformation and the Palatinate, 1559–1583*, ed. Derk Visser, 117–45. Allison Park, PA: Pickwick Publications, 1986.
- Ramsay, Nigel. "Glover, Robert (1543/4–1588), Herald." In *ODNB* (2004), 22:499–500.
- Read, Conyers. "Walsingham and Burghley in Queen Elizabeth's Privy Council." *English Historical Review* 28.109 (1913): 34–58.
- . *Mr. Secretary Walsingham and the Policy of Queen Elizabeth*. 3 vols. Oxford: Clarendon Press, 1925.
- . *Mr. Secretary Cecil and Queen Elizabeth*. New York: Knopf, 1955.
- . *Lord Burghley and Queen Elizabeth*. New York: Knopf, 1960.
- Retamal Favereau, Julio. "Anglo-Spanish Relations, 1566–1572: The Mission of Don Guerau de Spes at London, with a Preliminary Consideration of that of Mr. John Man at Madrid." DPhil thesis, University of Oxford, 1972.
- , trans. *Diplomacia Anglo-Española durante la Contrarreforma*. Santiago: Universidad Católica de Chile, 1981.
- Rigg, J. M. "Beale, Robert (1541–1601), Diplomatist and Antiquary." In *DNB* (1885–1901), 2:3–7.
- Rodríguez-Salgado, Mía J. "Suárez de Figueroa [*née* Dormer], Jane, Duchess of Feria in the Spanish Nobility (1538–1612), Noblewoman and Courtier." In *ODNB* (2004), 53:262–64.

- Rosenberg, Eleanor. *Leicester, Patron of Letters*. New York: Columbia University Press, 1955.
- Russell, Alexander. "The Colloquy of Poissy, François Baudouin, and English Protestant Identity, 1561–1563." *Journal of Ecclesiastical History* 65.3 (2014): 551–79.
- Schofield, John. *Philip Melancthon and the English Reformation*. Farnham: Ashgate, 2006.
- Shaw, Barry. "Thomas Norton's 'Devices' for a Godly Realm: An Elizabethan Vision for the Future." *Sixteenth Century Journal* 22.3 (1991): 495–509.
- Shepard, Robert. "The Motives of Sir Henry Sidney's *Memoir* (1583)." *Sidney Journal* 29.1–2 (2011): 173–86.
- Sidney, Philip. *The Countess of Pembroke's Arcadia (The Old Arcadia)*. Ed. Jean Robertson. Oxford: Clarendon Press, 1973a.
- . *Miscellaneous Prose of Sir Philip Sidney*. Ed. Katherine Duncan-Jones and Jan van Dorsten. Oxford: Clarendon Press, 1973b.
- . *The Correspondence of Sir Philip Sidney*. Ed. and trans. Roger Kuin. 2 vols. Oxford: Oxford University Press, 2012.
- Statutes of the Realm*. 11 Vols. London, 1810–28. Reprint, London: Dawsons, 1963.
- Steuart, A. Francis, ed. *Trial of Mary Queen of Scots*. Edinburgh: Hodge & Company, 1923. Reprint, Birmingham, AL: Notable Trials Library, 1989.
- Stewart, Alan. *Philip Sidney: A Double Life*. London: Chatto & Windus, 2000.
- . *The Cradle King: A Life of James VI & I*. London: Chatto & Windus, 2003.
- . "Philip Sidney (1554–1586)." In *Ashgate Research Companion to the Sidneys* (2015), 1:41–58.
- Stillman, Robert E. *Philip Sidney and the Poetics of Renaissance Cosmopolitanism*. Farnham: Ashgate, 2008.
- . "Philip Sidney and the Catholics: The Turn from Confessionalism in Early Modern Studies." *Modern Philology* 112.1 (2014): 97–129.
- Strong, Roy C., and J. A. Van Dorsten. *Leicester's Triumph*. Leiden: University of Leiden Press, 1964.
- Strype, John. *The Life and Acts of John Whitgift, D.D., the Third and Last Lord Archbishop of Canterbury in the Reign of Queen Elizabeth*. 4 vols. London, 1822.
- Taviner, Mark. "Robert Beale and the Elizabethan Polity." PhD diss., University of St Andrews, 2000.
- Tenison, Eva Mabel. *Elizabethan England*. 12 vols. Royal Leamington Spa: private publication, 1933–60.
- Teulet, Alexandre, ed. *Relations Politiques de la France et de l'Espagne avec l'Ecosse au XVI^e Siècle*. 5 vols. Paris, 1862.
- Trim, David J. B. "The 'Secret War' of Elizabeth I: England and the Huguenots during the Early Wars of Religion, 1562–1577." *Proceedings of the Huguenot Society* 27.2 (1999): 189–99.
- . "Fighting 'Jacob's Wars': The Employment of English and Welsh Mercenaries in the European Wars of Religion: France and the Netherlands, 1562–1610." PhD diss., University of London, King's College, 2002.
- . "Seeking a Protestant Alliance and Liberty of Conscience on the Continent, 1558–85." In *Tudor England and Its Neighbors* (2005), 139–77.
- Tudor England and Its Neighbors*. Ed. Susan Doran and Glenn Richardson. Basingstoke: Palgrave Macmillan, 2005.

- Turchetti, Mario. *Concordia o Tolleranza? François Bauduin (1520–1573) e i “Moyenneurs.”* Geneva: Droz, 1984.
- Usher, Brett. *William Cecil and Episcopacy, 1559–1577*. Farnham: Ashgate, 2003.
- Van der Heijden, Manon. “Marriage Formation: Law and Custom in the Low Countries, 1500–1700.” In *Marriage in Europe, 1400–1800*, ed. Silvana Seidel Menchi and Emlyn Eisenach, 155–75. Toronto: University of Toronto Press, 2016.
- Van der Molen, Gesina H. J. *Alberico Gentili and the Development of International Law: His Life, Work, and Times*. 2nd ed. Leiden: A. W. Sijthoff, 1968.
- Van Dorsten, Jan A. *Poets, Patrons, and Professors: Sir Philip Sidney, Daniel Rogers, and the Leiden Humanists*. Leiden: University of Leiden Press, 1962.
- . “Literary Patrons in Elizabethan England: The Early Phase.” In *Patronage in the Renaissance*, ed. Guy Fitch Lytle and Stephen Orgel, 191–206. Princeton: Princeton University Press, 1981.
- Van Gelderen, Martin. *The Political Thought of the Dutch Revolt, 1555–1590*. Cambridge: Cambridge University Press, 1992.
- Walker, Francis Xavier. “The Implementation of the Elizabethan Statutes against Recusants, 1581–1605.” PhD diss., University of London, University College London, 1961.
- Wallace, Malcolm. *The Life of Sir Philip Sidney*. Cambridge: Cambridge University Press, 1915.
- Warren, Christopher N. *Literature and the Law of Nations, 1580–1680*. Oxford: Oxford University Press, 2015.
- Wernham, R. B. *The Making of Elizabethan Foreign Policy, 1558–1603*. Berkeley: University of California Press, 1980.
- White, P. O. G. “Hammond, John (1542–1589/90), Civil Lawyer.” In *ODNB* (2004), 24:957.
- Williams, Penry. *The Council in the Marches of Wales under Elizabeth I*. Cardiff: University of Wales Press, 1958.
- Witte, John, Jr. “The Plight of Canon Law in the Early Dutch Republic.” In *Canon Law in Protestant Lands*, ed. R. H. Helmholz, 135–64. Berlin: Duncker & Humblot, 1992.
- . *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*. 2nd ed. Louisville, KY: Westminster John Knox Press, 2012.
- Woolfson, Jonathan. *Padua and the Tudors: English Students in Italy, 1485–1603*. Toronto: University of Toronto Press, 1998.
- Worden, Blair. *The Sound of Virtue: Philip Sidney’s “Arcadia” and Elizabethan Politics*. New Haven: Yale University Press, 1996.
- Woudhuysen, H. R. “Leicester’s Literary Patronage: A Study of the English Court, 1578–1582.” DPhil thesis, University of Oxford, 1980.
- . *Sir Philip Sidney and the Circulation of Manuscripts, 1558–1640*. Oxford: Clarendon Press, 1996.
- . “Sidney, Sir Philip (1554–1586), Author and Courtier.” In *ODNB* (2004), 50:556–69.
- Younger, Neil. “Securing the Monarchical Republic: The Remaking of the Lord Lieutenancies in 1585.” *Historical Research* 84.224 (2011): 249–65.