Incest in Pardon and Marriage

The Marriage of Saint Francis to Lady Poverty. (Fresco by a student of Giotto, 1267–1337, in the lower basilica of San Francisco d'Assisi. Reproduced in Formaggio, Basiliche, p. 111.)
Thou art myn and I am thyne.
Princess Elizabeth, The Glasse of the Synnefull Soule
By disguise and pardon, the exchange of “death for death” (Angelo for Claudio), which otherwise would be the inevitable end of Measure for Measure, is transformed into “life for life” (Claudio for Angelo), thus ending a cycle of purchase and sale and solving the special dilemma of the play. The soul of the plot—what Aristotle calls its telos—is still not fully revealed, however. To seek that surprising soul, we must reinterpret at another level the process of Claudio’s salvation and investigate the problems of marriage raised in the play.

Two essential exchanges of life for life in Measure for Measure supplement the exchanges already outlined. In the first, Claudio is saved, not only by the literal substitutions of disguise and by Isabella’s pardon of Angelo, but also, and essentially, in a figurative resurrection through “a kind of incest” between him and Isabella, which is also his pardon by Isabella. This incest is necessary to the movement whereby Claudio is born again, both as a “child of adoption” and as his own newborn son. The first exchange is thus Claudio for Claudio’s son. The second, and consequential, supplemental exchange of life for life is marriage (in particular the marriage ultimately proposed by Vincentio), both as a reciprocal giving and taking and also as “a kind of incest.” Taken together these two interrelated exchanges—an incestuous pardon and an incestuous marriage—account for the incorporation and apparent transcendence of the lex talionis, or the rule of “measure for measure.”

The hint of this incestuous transcendence is the intent or use (supplement) of the plot of Measure for Measure. Unless we understand these supplemental exchanges, two disturbing and far-reaching questions remain obscure: Does Isabella pardon Claudio? and, Does Isabella marry the Duke?
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Incest and Isabella’s Pardon of Claudio

Sister Francesca said that one time... she saw, on the knees of Madame Clare, just in front of her breast, an incomparable little child, whose beauty was ineffable; and at its sight alone she felt an inexpressible sweetness and douceur. And she did not doubt that this child was the Son of God.  

S. E. Garonne, The Canonization of St. Clare

Claudio is the focal point of both the political need that gave rise to Vincentio’s placing in power such a severe governor as Angelo and the equally political need to mitigate Angelo’s proposed punishment, which between them occasion most of the dramatic action in Measure for Measure. Claudio is almost entirely unheard and unseen, however, after Isabella accuses him of wanting her to commit “a kind of incest”—in fact, in the last scene he seems to obey the rules of her Sisterhood, “If you speak, you must not show your face; / Or if you show your face, you must not speak” (1.4.12–13). After Isabella flees from his prison cell, Claudio urgently petitions Friar Vincentio: “Let me ask my sister pardon; I am so out of love with life that I will sue to be rid of it” (3.1.170–71). Friar Vincentio replies, “Hold you there” (3.1.172). What does this mean? Whether the Duke intends to bring Isabella back or is encouraging Claudio to hold to a renewed reconciliation with death,* his words have the effect of transfixing Claudio “there,” in almost invisible and silent petition, until the last act. Yet even in that scene of general pardon, Claudio is not explicitly pardoned by his sister. Why not?2

I would argue that an implicit mediating process of pardon (giving without taking) informs the play in such a way that an explicit pardon would be redundant and that the implicit, or “speechless” process of this pardon is linked to the problem of whether or not Juliet should appear pregnant at the end of the play. What is Juliet’s significance in the plot taken as a whole? What might her largely silent role (she speaks only in 2.3, when Friar Vincentio confesses her and finds her penitence to be sound) mean in a play in which silence is a critical aspect of many episodes (in the chaste nunnery and the unchaste vineyard) and Claudio himself is silent almost throughout the second half?3 The “speechless dialect” (cf. 1.2.173) of Juliet’s extraordinarily large and fruitful body (a major presence on stage in 1.2.108–84 and perhaps 5.1.476–536, for example) exposes the confrontation be-

*Compare Angelo’s statements “Sequent death / Is all the grace I beg” (5.1.371–72) and “I crave death more willingly than mercy” (5.1.474). In his ars moriendi speech earlier, in scene 3.1, the Friar-Duke has tried to bring Claudio to a similar reconciliation.
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tween nature and law that is the central dilemma in the play. Moreover, our anticipation of when, even whether, Juliet will deliver her child is connected with our anticipation of when, even whether, Claudio will die or be liberated from prison.

Soon after the Justice tells Escalus, who has earlier in the scene been protesting Claudio's execution, that it is literally the eleventh hour (2.1.274), the Provost tells Angelo that Juliet is "very near her hour" (2.2.16). Similarly, the Provost's question, "What shall be done, sir, with the groaning Juliet?" (2.2.15), reminds us that Juliet is ready to go into labor to deliver her child at nearly the same moment Isabella enters to begin laboring to deliver her brother from death (2.2.27). The literal text, however, keeps us in ignorance about whether Juliet ever does deliver her child. (Compare how Isabella and Angelo are kept in ignorance about Claudio's delivery from death.) As directors, if not as readers, we must figure it out for ourselves.

Insofar as the aesthetic teleology that informs the plot of Measure for Measure matches the biological teleology that provides its content, Juliet's pregnancy, or the birth of her child and Claudio's, is the issue of Measure for Measure. That issue is double, however. Claudio waits throughout the play for the deliverance, or birth, not only of the child of Juliet but also of the child of Isabella (himself), conceived in the "kind of incest" that his sister had accused him of wanting. The children for whose deliverance Claudio waits are alike, more than alike. The typical dramaturgical emphasis on the likeness of fathers and sons (a likeness Isabella plays upon in the prison scene) assures that Juliet's child will be like Claudio, perhaps "as like almost to Claudio as himself" (5.1.487), in the way the hooded man turns out to be Claudio himself, "not a resemblance, but a certainty" (4.2.187). With the unhooding we see that Claudio's hoped-for child by Isabella, Claudio himself, is already there on stage. In the most profound and unusual trope of the drama, Juliet's literal child is figured on stage in the person of Claudio.

The logical consequence of the plot is thus not to present Juliet's child on stage because that child is already figured in Claudio. There is no need to present Claudio's child by Juliet on stage because Claudio's child by Isabella is already there. Yet in the absence of the child and the presence of the now unpregnant Juliet, a spectator might conceivably ask whether Juliet has committed feticide or infanticide—a question that, given the play's concern with the political end of illegitimacy in liberty and universal genocide, is especially pointed. Killing either the fetus in Juliet's womb or the infant delivered from her womb would help both to control the spread of bastardy (and hence
incest) in Vienna and to cancel out the offense of bastardizing. For in *Measure for Measure* the law of Vienna must seek to abort illegitimately conceived fetuses before they are “hatch’d and born” (2.2.98), that is, before they achieve, by “successive degrees” (2.2.99), infancy and eventually that adulthood in which they will become willy-nilly incestuous sexual partners.

In the context of *Measure for Measure*, to answer the question of whether feticide would be better than bastardy and incest involves, not the problem of whether a fetus is a human being, but the problem of whether interference with the natural telos of sexuality is worse than incest. Saint Bernardine of Siena (whose name echoes, intentionally or not, the murderer Barnardine) argues that “it would be better for a woman to permit herself to have relations with her own father than it would be for her to engage in ‘unnatural’ relations with her husband.” Before we reject as outside the Shakespearean pale this apparent preference of incest to acts, such as sodomy, that interfere with the natural process of conception, we might recall that in The Winter's Tale Leontes orders Antigonus (whose name, like Antigone's, means “against generation”) to kill Perdita because Leontes presumably believes that she is a bastard—that is, because he rates the unnatural act of infanticide as preferable to the natural conclusion of bastardy.*

One might argue that no audience could see so much in the presence or absence of a newborn babe. But this is precisely a play about pregnancy: Escalus is pregnant with knowledge (1.1.11), Angelo with unvirtuous intentions (4.4.18), and Juliet with a human fetus. And it is a play about delivery: Angelo gives birth to unvirtuous actions that reflect his actual intentions, and Claudio is delivered—liberated—from the prison of death. In discussing Juliet's offspring, I hope to get at the one literal offspring, the son (*liber*), of the play. That son, the “thanks and use” (1.1.40) offered to nature for our lives, demonstrates or represents in nuce all the issues of *Measure for Measure*. In The Comedy of Errors, the Abbess notes that “Thirty-three years have I but gone in travail / Of you, my sons, and till this present hour / My heavy burden ne'er delivered” (ERR 5.1.401–3). Such a delivery, one that outnatures nature, is a telos of *Measure for Measure*.

The identification of Claudio reborn with Claudio's son born, or of rebirth with birth, involves the various interchangeabilities of Claudio

*The Winter's Tale*, like *Measure for Measure*, explores desired homicide (the intended infanticide of Perdita [cf. WT 2.3.5, 2.3.134–40]) and desired incest (the attraction between Mamillius and Hermione [*WT* 2.1.21–33], and the attraction between Leontes and Perdita when he meets her grown up [*WT* 5.1.222–25]).
with Angelo (insofar as Isabella's unchaste sleeping with Angelo would be "a kind of incest," insofar as the planned death of Claudio is repaid by the planned death of Angelo, and insofar as the actual or resurrected life of Claudio is paid for by the life of Angelo) and also the interchangeabilities of Isabella both with Mariana (apart from the bed-trick substitution, "Sweet Isabel, take my part," says Mariana [5.1.428], hoping Isabella will bend down on her husband's behalf, as she has on Claudio's) and with Juliet (Isabella's "cousin" by nominal adoption [2.4.45—47]). With the help of Mariana, who played Isabella's role with Angelo (a role that, for Isabella, would have implied incestuous intercourse with Claudio), and with the help of Juliet, who gives birth to a child we can assume will be like Claudio, Isabella has—by substitution, adoption, and likeness—both slept with Claudio-Angelo and given birth to Claudio-Angelo. All the while she has remained a virgin, like Mary the mother and daughter of God, and Claudio has become one who begets himself, like the Christian God. If Isabella does not commit incest, Isabella-Juliet-Mariana does. Thus Isabella does not pardon her brother's petition that she commit "a kind of incest" because that incest, with its consequent birth, has been the business of the whole plot.

As we have seen, Isabella's plea that Angelo's life be spared has the complementary effect of resurrecting Claudio. This effect is ironic: in virtually her last words to Claudio Isabella had said, "Might but my bending down / Reprieve thee from thy fate, it should proceed" (3.1.143—44). Isabella, who refused to bend down to Angelo on Claudio's behalf, takes Mariana's part and kneels to the Duke on Angelo's (5.1.441)—an act, says the Duke, that should cause her brother to rise from the grave in "horror" (5.1.434). From this act Claudio is born or reborn the son of a "whore," an "Abhorson."

The complement to the view that Isabella-Mariana is in some fashion a whore who has given birth to her brother as a son is the view that Isabella as novice "nun" (an Elizabethan euphemism for "whore") has given virgin birth. In his essay "Virgin Birth," the anthropologist Edmund Leach asks, "Can we offer any general explanation as to why people should maintain a dogma which seems to reject the facts of physiological paternity?" In discussing Measure for Measure, we can say that Isabella might reject these facts because she fears the tendency toward universal incest that she observes throughout her world and that her church regards as the antonomasia of all sexual relations. She would choose Universal Siblinghood over a particular sibling incest. Her church's dogma, which seems to reject the facts of physiological paternity in its thesis of the Son Who Fathered Himself on a
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virgin, has its counterpart in the telos of Measure for Measure, which tentatively rejects the facts of physiological generation as part of its movement toward rebirth. The awesome problem that the lex talionis poses in cases of murder and fornication—that a life taken from a living person or from nature cannot be returned except by means of resurrection—has for its solution this incest of the apparently virginal kind.

That the act of sexual intercourse between Angelo and Mariana constitutes, in some kind, an act of sibling incest between Isabella and Claudio or, in the loftiest sense of the play, an act of divine incest, is suggested by the place where the bed trick occurs, the "garden circummur'd with brick" (4.1.28) inside a vineyard. "A garden inclosed is my sister, my spouse," says the Song of Songs (4:12). What is enclosed in that garden, according to Saint Jerome, "is a type of the Mother of the Lord, a mother and a virgin." The Virgin Mary, the daughter of Anne (compare "Mariana"), is an archetype of the "garden circummur'd" in Measure for Measure, a garden that makes possible the virginal and incestuous rebirth of Claudio, who is father not only of his own son (by Juliet, his spouse) but of himself (by Isabella, his sister).

The play's incorporation and transcendance of incest by substitution, adoption, and likeness brings with it an appearance of atonement. Perhaps, as Battenhouse suggests, Measure for Measure is a play of Christian atonement; but the unmediated expression of that atonement is not Mariana's actual intercourse with Angelo but the incestuous intercourse between sister and brother that Isabella fears. Shakespeare would have found the suggestion of atonement by such intercourse in Promos and Cassandra, where the philosophical sister, unlike Shakespeare's novice Isabella, sleeps with the magistrate in some awareness of the relationship between atonement and incest: "Lyue, and make much of this kisse, which breatheth my honour into thy bowels, and draweth the infamie of thy first trespasse into my bosome." In Measure for Measure, this incestuous intercourse is dramatically mediated by substitution and disguise, but the atonement is still incestuous.

The play thus moves from "a kind of incest" in the figural sense of an unchaste act that is like, or that resembles, incest, toward "a kind of incest" in the literal, if mediated, sense of a certainly incestuous act with one's own kin. The plot of Measure for Measure acts out this certain incest through resemblance (e.g., the similarity between Ragozine and Claudio), yet it is "not a resemblance but a certainty" that saves Claudio. That a certain incest has been incorporated and transcended accounts for the feeling of hope accompanying the reunion of brother
and sister near the end of the play. The pregnancy, birth, and delivery of Isabella-Juliet-Mariana's son accurately mirrors not only the hoped-for rebirth of Claudio but also the needful rebirth of Vienna itself.

Bed Trick and Trick Birth

In Measure for Measure, the bed trick seems to allow Mariana, with whom Angelo enacted sexual intercourse, to be substituted for Isabella, with whom he intended to enact it; the trick seems to allow the spiritual incest with a quasi-Sister that Angelo intended ("Shall we desire to raze the sanctuary / And pitch our evils there?" [2.2.171-72]) to be transformed into the consummation of a chaste marriage with a quasi-wife. This comforting view is the basis of Isabella's public, if un-Christian, rationale for pardoning Angelo. Jesus said that the intention to fornicate and fornication are one and the same; however, in the last words she speaks in the play, Isabella says, "Thoughts are no subjects; / Intents, but merely thoughts" (5.1.451-52).

Depending on how one looks at it, the dramatic technique of the bed trick either simply foils an individual's conscious intentions (apparently Isabella's view) or both incorporates and transcends his conscious intentions in such a way that a more basic intention is revealed—the individual's "unconscious" intention, the generic intention, or the aesthetic intention (whether social or asocial, comedic or tragic) of the series of happenings in which his act is a part. In the two principal sexual unions of the play—that of Juliet with Claudio and that of Mariana with Angelo—individual intents are tricked into revealing such generic intentions.

The tricking of Claudio's and Juliet's individual intentions is the motivating dilemma of the play: as individual actors, the pair may have consciously intended merely to satisfy sexual desire, yet, since pregnancy and birth are the natural ends of sexual intercourse and since the plot of Measure for Measure is both motivated by and demonstrates (i.e., is both informed by and has as its content) the natural and political teleology of sexual desire, Juliet willy-nilly becomes pregnant. The very presence on stage of her fruitful body is the necessary sign, or tekmérion, of birth (the telos of sexual reproduction from the viewpoint of nature) and of bastardy (the telos of sexual reproduction from the viewpoint of politics).

The tricking of Angelo's individual intentions by what seem at first to be only the individual intentions of other people (e.g., Vincentio, Isabella, and Mariana, by the bed trick they stage) provides the solu-
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tion to the dilemma that the first sexual union posed. Yet Angelo is, to all intents, Claudio (he has stood for Claudio and Claudio has stood for him), and Mariana is, to all intents, both Isabella and Juliet (Mariana and Isabella take each other's part, which is also Juliet's part because Juliet and Isabella are akin). Thus the bed trick fulfills intentions beyond any one individual's dreams by allowing Isabella to consummate a kind of incest with Claudio. The aesthetic telos of the sexual unions conjunct in this bed trick is an extraordinary, superlegal trick birth at once incestuous and resurrectional: nothing more or less than the delivery of Claudio as Claudio's son, the telos of the plot.

The effect of the bed trick in *Measure for Measure*, and in bed-trick plays generally, depends upon our holding, for a while at least, the ordinary opinion that there is a significant difference between one person and another. (Not everyone holds this opinion: for a religious celibate in the Catholic tradition, it should make no difference whether he slept with one person or another because for him any act of sexual intercourse would amount to incest of a kind.) In particular, the effect of the bed trick in plays involving incest depends upon our holding the ordinary opinions that there is such a thing as real, absolute knowledge of who one is (i.e., of where one stands in the ordinary kinship structure), or that there is such a thing as real knowledge of what one wants (i.e., of which person one desires sexually).

The ordinary opinion that it makes sense to assume that one can really know where one stands in the kinship structure can contribute to tragedy, as it does for Sophocles' Oedipus. Or it can contribute to comedy, as when a man who intends to sleep with his sister does not, either because in the course of the plot he finds that the woman is not his sister, or because another woman has been substituted. In either case, his intent of incest has been transformed into an act of chastity.

The ordinary opinion that it makes sense to assume a difference between ignorance and knowledge of which person one desires sexually can pave the way to some seemingly grand teleological revelation. Just as some narratives start with a man such as Angelo, who thinks that he is in love with someone kind of akin to him (his Sister), though he is not, so others start with a man who thinks he is not in love with someone who is akin to him, though he is. A comic plot might reveal that the man is really not in love with the kinswoman with whom he wrongly thinks he is in love, and a tragic plot might reveal that the man really is in love with the kinsperson with whom he wrongly thinks he is not in love. To conceive *Measure for Measure* as having an unambiguously comfortable ending, one might argue that, although Angelo thought he was in love with a quasi-Sister, he was, without consciously knowing
it, all along really in love with, and seeking, a quasi-wife; the bed trick and the ensuing events would then reveal to him the real direction of his desires. The same reversal and revelation can be argued for an incest plot: Oedipus, one might say, thinks his wedded love is chaste, but the plot tricks him into acting out his real desires. Similarly, Vincentio in *Measure for Measure* is at first only vaguely aware of his spiritually incestuous desire for Isabella.

In plots where people are in love with persons about whose kinship with themselves they are mistaken or where people are in love unknowingly, it is as though, if one is lucky enough to live in a comedic world, one can have one's cake and eat it too. That is, one can both intend to commit incest and not commit incest, or both raze the sanctuarial taboo against incest and rise above it. In the Hegelian sense, one can both incorporate and transcend—one can sublate—incest and its taboo. All's well here if it ends well and because it ends well.

The possibility of postulating transcendentally teleological intention in any such plots depends, however, on granting that there are essential moral and aesthetic differences between: (1) ignorance and knowledge of one's sexual desire and its target, (2) intent and act, or what is private or invisible and what is public or visible, and (3) ignorance and knowledge of who are one's blood kin. Granted these differences, even in the unhappy case of an Oedipus the notion that knowledge of kinship is at least possible means that there can be a happy ending elsewhere. (Indeed, from one point of view a social purpose of the myth of Oedipus is to convince us that absolute knowledge of kinship is possible: when all is said and done, we do not doubt that Jocasta is Oedipus's mother, do we?) On these differences depends our belief in the possibility of marriage (as the union of a man and woman whose relative unrelatedness is ascertainable) and of ordinary politics.

But do these various differences make sense? Are they meant to make sense within *Measure for Measure*, which pushes to their extreme limits the implications of personal substitutions and playacted intentions. And, within the context of the simultaneous sisterhood and Sisterhood of the novice Isabella, do they make moral sense according to the Christian orders and the essential teaching of Christianity?

The bed trick in *Measure for Measure* provides one apparently successful case in practice of the disassociation of individual intent from act, which, from a moral viewpoint, Jesus denied. Without the bed trick and its apparently clear-cut separation of intent and act, Angelo would not be pardoned and Claudio would not be reborn. To a certain extent Isabella's insistence upon the separation of individual intent
and act attempts to get over not only their Christian conflation but also the play’s aesthetic teleology, which ultimately treats every act in terms of its generic end, whether natural or political. (That is, her separation of individual intent from act might apply not only to Angelo’s intended fornication but to Claudio’s enacted, but not intended, bastardizing.)

But what if we hold the Sisterly and, within the context of Measure for Measure, aesthetic view that an intent is, to all intents and purposes, an act? Then to desire, at any level of consciousness—whether thinking, say, or dreaming—sexual intercourse with anyone forbidden (i.e., with anyone except a spouse) constitutes in itself the forbidden act. Then, given the economy of possible sexual substitutions, even to desire sexual intercourse with someone like someone forbidden constitutes the forbidden act. If so, the bed trick and the rationale that Isabella consequently employs to convince the Duke to take no head from Angelo because Angelo actually took no maidenhead from her is untenable, a merely secularist deus ex machina.

Understood literally, as the simple foiling of an individual’s intention rather than as the realization of a greater intention, the bed trick encourages the secular rationale that separates intent from act. But the bed trick also emphasizes the difficulties in knowing who are one’s blood kin. Thus it returns us by a different route to the position that all sexual intercourse is incest. Angelo’s ignorance during the bed trick reminds us that no one—not we, not our ancestors—can know for sure who slept with whom the night we were conceived. By this logic, we are, at least to all religious and psychological intents and purposes, bastards or changelings, so that either no men are our kin (the final position of Shakespeare’s universally misanthropic Timon of Athens) or all men are our kin before the only Parent, if any, that we might know (the position of such a would-be universally philanthropic Sister as the novice Isabella originally aspired to become).¹⁴

For the bed trick to work and the end of Measure for Measure to come off, one must maintain two positions in apparent polar opposition. (Or, like a novice, one must vacillate between them.) There is first the secular, sisterly position that an intent is not essentially an act—which allows for the pardon of Angelo. And there is second the religious, Sisterly position that all men are essentially akin or alike—which allows for the trick birth that rescues Claudio as his own son. That trick birth mirrors the hoped-for and needed political rebirth of Vienna itself.
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Life for Life: The Proposed Marriage of the Duke and Isabella

Our expectation of the political rebirth of Vienna is disappointed, at least at first, by the counterfeit Brother's unsettling marriage proposal to the novice Sister. This proposal figures both commerce and incest back into the play and suggests that if Vienna is to be delivered truly it will first have to be liberated, one way or another, from all external restraints on human sexual activity.

Equal marriage, in which neither the husband's nor the wife's right to the mutual and exclusive use of the other spouse's genitals can rightly be traded away, would seem to solve the conflict between nature's requirement that we generate offspring and law's requirement that we keep track of parentage so that incest will not destroy the political order as we know it. But Measure for Measure shows that the kind of equality presupposed by genuinely reciprocal marriage is uncomfortably close to both the commensurability underlying commercial exchange and the interchangeability of kinship roles in incest. That is, the play shows marriage to be an exchange of persons similar to the exchanges of persons that, in the course of the play, we learn to distrust.

The series of exchanges motivating the plot of Measure for Measure is made possible by some common measure that makes two things the same for the purposes of a transaction. Commercial exchange suggests one such measure; sexual exchange suggests another. Money turns all human beings into wares, and incest similarly levels the distinctions kinship roles create among them. If marriage, the loftiest type of "life for life" in Measure for Measure, is to solve the dilemma in the play, it must somehow arrest the kinds of human exchange typified by sales of human beings and by incest; it must incorporate and transcend such exchanges. The principal step in this process of transcendence, the play has led us to believe, ought to be an act of pardon, or free gift, that breaks through the cycles of exchange and rises above them.

Isabella's pardon of Angelo in the fifth act appears to be such a gift. Her pardon smacks of the kind of economic and sexual commerce that has plagued Vienna from the beginning of the play, however, for when she lends Mariana her knees, she is not so much granting a free pardon of Angelo as repaying a debt to Mariana. Or, like a usurer, she is striking a profitable bargain—she gets a whole life in exchange for part of a body. "Lend me your knees, and all my life to come," pronounces Mariana, "I'll lend you all my life to do you service" (5.1.429–30). Thus her kneeling is yet another transaction in the cycle of exchanges begun when Angelo proposed the bargain of head for
maidenhead. For Mariana to take Isabella's part in the bed trick was not enough to redeem a life; to accomplish that, Isabella must now take Mariana's "part" (5.1.428) in turn. Isabella's kneeling—whether she intends to express or to win gratitude—focuses the relationship between the lex talionis and mercy in the play.

Delineating the essential connectedness between retaliation and mercy—even their essential unity—has been, on one level, the business of the whole plot of Measure for Measure. How is retaliation "merciful," as the Duke at one point calls it? ("The very mercy of the law cries out . . . 'death for death'" [5.1.405-7].) One might interpret this to mean that to punish an individual criminal is merciful to society insofar as it deters further crime. Besought by Isabella to show pity, Angelo answers, "I show it most of all when I show justice" (2.2.101). Another version of this position is that mercy to an individual punishes society insofar as it encourages further crime. Isabella tells Claudio, "Mercy to thee would prove itself a bawd; 'Tis best that thou diest quickly" (3.1.149-50). She must mean best for Vienna, since Claudio's death would probably not be best for Claudio, Juliet, or their unborn child. (Indeed, a quick death would not even be best for Claudio's spiritual welfare; despite the Duke's sermon on the art of dying, Claudio, who sues to live at the price of "a kind of incest," is not much better prepared to die than is Barnardine.) In the Duke's statement, however, the phrase "the very mercy of the law" does not imply a benefit to society by discouraging crime, nor does it imply an opposition between mercy and legal justice—a concept in terms of which readers since Schlegel have interpreted Measure for Measure. Instead, a complementary mediation between mercy and retaliation defines the measured movement of the plot.

The title of the play is significant: Measure for Measure tries to turn the lex talionis (or "measure for measure," as retribution is termed in Henry VI [3H6 2.6.55]), which the play treats as a species of mercantile, into mercy. The plot comes to reveal that revenge and mercy are not opposed (the usual interpretation of the Sermon on the Mount), but that mercy is itself a kind of lawful mercantile taliation. Isabella's eventual pardon of Angelo, for example, belies her first notions about the relationship between legal taliation and mercy:

\[
\text{Ignomy in ransom and free pardon} \quad \text{(2.4.111)}
\]
\[
\text{Are of two houses: lawful mercy}
\]
\[
\text{Is nothing kin to foul redemption.}
\]

"Only a devil's logic," writes Battenhouse, concurring with what Isabella says, "would confound Christian charity with mortal sin." Yet the
position that ransom and pardon are of one house would not have surprised members of the orders of Ransom, organized to free prisoners from Muslim captivity. Usually such freedom was bought for money, but members were bound by vow to offer themselves (even ignominiously) in exchange for those they would ransom.\textsuperscript{18} (The history of ransom thus provides part of \textit{Measure for Measure}’s international context.) In the play, retributive ransom and merciful pardon are as closely connected as incest and free, lawful marriage, and the essential link between retaliation, or the \textit{lex talionis}, and mercy resides in a kind of incestuous kinship.\textsuperscript{19}

\textbf{The First Marriage Proposal}

Have you any merchandise to sell us? . . .
Upon my word, yours is excellent merchandise!
We shall buy it.

Marriage formula among the Christians of Mosul\textsuperscript{20}

Just as Isabella’s pardon of Angelo is related to Mariana’s promise of service, so Vincentio’s proposal to pardon Claudio is linked to his hope, even insistence, that Isabella will promise to become his wife.

\begin{quote}
If he be like your brother, for his sake
Is he pardoned; and for your lovely sake
Give me your hand and say you will be mine.
\end{quote}

Some critics have seen in this a happy offer of genuine marriage, but it is actually a commercial proposition with overtones of wergeld and prostitution. Earlier in the scene the Duke said that Isabella should pardon Angelo “for Mariana’s sake” (5.1.401). Isabella does pardon Angelo, but, significantly, not “for Mariana’s sake”; her rationale is that Angelo’s intentions and his actions are separable. The same retributive, even retaliative, notion of exchange informs Vincentio’s proposed—or conditional—pardon of Claudio. His ducal “sake,” or \textit{sacu} (meaning “affair of law” in Old English),\textsuperscript{21} casts a commercial gloom on the proceedings. Does the Duke’s giving Claudio to Isabella depend on Isabella’s first giving herself to the Duke? Does it depend on the Duke’s hope that she will give herself out of gratitude? Is it still “head for maidenhead,” Claudio for Isabella?\textsuperscript{22} Significantly, the Duke does not offer \textit{himself} to Isabella, as we might expect in a proposal for reciprocal marriage; he says only that Isabella is to be his. The univocal “say you will be mine” he requests is a formula for a prostitute or a slave.

In this first marriage proposal, then, Vincentio essentially acts just
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like Angelo. Indeed, from the first time he speaks (as a friar) to Isabella, Vincentio has in a sense been requesting that she give up her "leisure," or monachal _otium_, and give him "satisfaction," or sexual gratification. In his very first words, he echoes Claudio in making requests of her:

_Claudio._ O hear me, Isabella.
_Duke._ (Advancing.) Vouchsafe a word, young sister, but one word.
_Isabella._ What is your will?
_Duke._ Might you dispense with your leisure, I would by and by have some speech with you: the satisfaction I would require is likewise your own benefit.

(Compare "if for this night he entreat you to his bed, give him promise of satisfaction" [3.1.263–64].) The Friar-Duke's request, spoken just as Isabella leaves her brother, marks the turning point of the play, when the Duke advances into the brother-sister plot at the moment when it seems inevitable either that the sister will lose her chastity or that the brother will lose his life, or both. The Duke's interference is not mere manipulation; he takes over from Angelo (hence also from Claudio) the wooing of Isabella. The first marriage proposal makes explicit the sexual meaning hidden in the Duke's earlier words: he is, in a sense, asking Isabella to yield him a satisfying reward for saving her brother. Trading him that reward means giving away her monachal _otium_, or "leisure"—in the Duke's rather commercial formulation of the lex talionis, "Haste still pays haste, and leisure answers leisure; / Like doth quit like, and Measure still for Measure" (5.1.408–9).

_Exit Lucio: Putting Out the Light_

_O Clara luce clarior_
_Lucis aeternae filiae._  

It is in his old role of merchant, familiar from Shakespeare's sources, that Vincentio proposes marriage of this univocal sort—a discomforting, apparently conditional, commercial deal. The positive aspect of this merchantry is that it allowed Friar Vincentio to arrange the exchange of maidenheads and enabled Duke Vincentio to try to arrange the exchanges of heads and interchanges of heads and maidenheads. In one way or another, these changes benefited Claudio, Juliet, Isabella, Angelo, and Mariana. They also led to this first proposal of marriage. The negative, discomforting aspect of Vincentio's merchantry is that, since it tends to use human beings as money (as in the institution of wergeld) and to trade them for money (as in the institution of pros-
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titution), it is antithetical to the genuine reciprocity in marriage that it
seeks. Now that Vincentio has used the commercial part of himself to
its fullest positive potential, when he receives from Isabella no spoken
response to his first proposal (her last words in the play are her ration-
nale for pardoning Angelo), Vincentio tries to, has to, separate himself
from, or transcend, the negative aspect of the "trade of flesh." 25

Vincentio's negative aspect, his hidden intents, is personified on
stage in the figure of Lucio. Until the Duke rids himself of that nega-
tive aspect—or at least seems to—by dismissing Lucio, he cannot pro-
pose marriage in a fully respectable, or reciprocal, way. Thus Lucio by
his eradication, like Ragozine by his death, is a scapegoat of the piece.

In Measure for Measure Lucio is a gadfly or motive spring, much like
Mephistopheles in Goethe's Faust. Just as Faust both depends on and
dislikes the force that Mephistopheles represents, so Vincentio both
depends on and dislikes what Lucio represents. During the course of
the play, for example, Vincentio uses to advantage the "trade of flesh"
that, to all intents, militates against his own ducal patriarchy. Similarly,
he slanders the only visible ruler in Vienna when he convinces the
Provost to disobey Angelo, and he even casts doubt upon his own
ducal authority. These two crimes, slander and illegitimate procrea-
tion, are the ones for which Lucio, the shadow that clings to Vincentio
("I am a kind of burr, I shall stick" [4.3.177]), is sentenced at the end
of the play.

Slander. In Measure for Measure slander is confused with battery in
the same way that intent is confused with act. Consider the exchange
in which Constable Elbow protests Pompey's imagined slur on Elbow's
"respected" (2.1.161) wife:

Elbow. Prove this, thou wicked Hannibal, or I'll have mine
action of battery on thee.

Escalus. If he took you a box o' th' ear, you might have your action of slander
too.

The action of slander is battery. Just as a punning malapropism con-
flates a "respected" woman with a "suspected" prostitute, so the con-
flation of "slander" with "battery" elides talk with act. If it is the hid-
den intent of respectable people (like Isabella and Angelo) to behave
like suspected prostitutes and their clients, so it is the intent of slander
to be battery. It is willy-nilly the telos of such talk as Lucio's slander,
for example, to enact the destruction of the figure of the Duke as po-
itical leader; the telos of his talk is therefore a kind of treason. In this
sense Lucio the soldier has battered the legal authority of his home,
attacking laws that, as Heraclitus knew, are the real walls of a town. 26
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This is not to say that Lucio, in slandering the Duke, has said anything essentially incorrect. The text of the play gives us good reason to suppose that what Lucio says is partly true (the more so if we conflate intent and act), good reason to conclude that Vincentio himself is, as Escalus’s accusation “Slander to th’ state!” (5.1.320) suggests, the greatest slanderer of the state in Measure for Measure. We may say, then, that Lucio (from lux, which means “light”) sheds as much light on the world of Measure for Measure as Clare (from claritas, which also means “light”) was supposed to shed on the world.27

Lucio’s role as gadfly is to remind both the human Duke and ourselves of the Duke’s questionable intentions, if not questionable acts. (Compare the Duke’s outbreak: “Twice treble shame on Angelo, / To weed my vice, and let his grow!” [3.2.262–63].) By the time the Friar-Duke asks in the final act, “And was the Duke a fleshmonger?” (5.1.331), the constant buzzing of Lucio’s aspersions (e.g., “his use was to put a ducat in her clack-dish” and “the Duke yet would have dark deeds darkly answered” [3.2.123, 170–71]) has made us aware that this question is not easy to answer.28

That Lucio’s slander is substantially true helps to locate within the logic of the play one of his most important, if ignored, aspects. As Coghill and Lawrence suggest, Lucio is in the know.29 Although in his first words Lucio, conversing with the Gentlemen, implies that the Duke is absent from Vienna on some international political mission (1.2.1–3), he soon afterwards claims that the Duke is “very strangely gone from hence” (1.4.50) and that “His giving out were of an infinite distance / From his true-meant design” (1.4.54–55). Lucio means either that the public is not aware of what the Duke intended or that the Duke himself is not aware, or both. Friar Thomas hints at the possibility that the Duke himself is unaware of his intentions by suggesting that the Duke’s actual design is some kind of love affair (1.3.1–3). Similarly, the scene in which Lucio accurately criticizes Angelo as a would-be “motion ungenerative” (3.2.108) includes an equally suggestive series of passages between Lucio and the Duke as Friar that comes remarkably close to unmasking as a usurping, libertine beggar the Duke for whom Angelo substitutes:

Lucio. What news, friar, of the Duke? 
Duke. I know none: can you tell me of any?
Lucio. Some say he is with the Emperor of Russia; other some, he is in Rome: but where is he, think you?
Duke. I know not where: but wheresoever, I wish him well.
Lucio. It was a mad, fantastical trick of him to steal from the state and usurp the beggary he was never born to.
Does Lucio know that the Duke is dressed as a mendicant? How could he know? Lucio says “I know what I know” (3.2.148), whatever that means. When Lucio tells the Friar-Duke, “Thou art deceived in me, friar” (3.2.162–63), does he mean that the Friar-Duke is wrong to suppose that he does not recognize the Duke under the hood that he himself will eventually remove? It is what Lucio knows or can make known about the Duke—that Vincentio has strong liberal or fraternal feelings, both as Brother and as libertine—that makes Vincentio unwilling to remove his Brother's hood. Part of Vincentio does not wish to reestablish the institution of patriarchy (and strictly exogamous marriage) that militates against the institution of Universal Siblinghood. This unwillingness of the Duke to remove himself from the order of universal brotherhood—his unwillingness to be “behooded”—perhaps best explains the timing of the unhooding in the fifth act.

For Vincentio the moment of unhooding is unhappy because he has liberal, or antipatriarchal, tendencies. But, willy-nilly, Vincentio must come out of the Brother's hood and leave the fraternal Brotherhood, or “covent,” for which it stands. Against his will, or against the liberal part of it, Vincentio resumes his role as patriarchal Duke, not so much by Lucio's apparently whimsical act of unhooding as by the ineluctable movement—the aesthetic teleology—of the play.

For revealing to Friar Vincentio in Act 3 the thoughts and methods of Duke Vincentio, which Vincentio is reluctant to see, and, similarly, for revealing to the public in Act 5 that the Duke is the man under the Friar's hood, Lucio is recompensed with a sentence of whipping and hanging (5.1.511–14). (Under King James the punishment for slander of the ruler was death.) By sentencing Lucio, Vincentio would divest himself of his own bad intentions, for which Lucio stands. In passing this sentence, moreover, Vincentio is separating acts from intents—his acts (which, for the sake of argument, I shall say are “chaste”) from his intents (the “unchaste” ones that Lucio both describes and represents). From this viewpoint, the Duke's earlier acceptance of Isabella's justification for pardoning Angelo—her separation of intent from act—prepared the way for separating his own acts as patriarch from his own intended acts as liberal libertine, which Lucio represents.

Vincentio eventually seems to forgive Lucio's slander (5.1.517, cf. 522). He does not act on the sentence, or intention, of whipping and hanging. Why not? Is it because he has no choice but to retain, in some fashion, the libertine aspect of himself—in order, say, to have something to get exercised or aroused about? Or is it because Lucio has repented? Yet Lucio does not even apologize for slander. “I spoke
it but according to the trick" (5.1.502–3) is all he says by way of defense. (This "trick" recalls the "mad fantastical trick" of the usurping Duke himself.)32 Perhaps the Duke pardons Lucio's slander because he finally recognizes Lucio in himself (cf. 5.1.334), just as Lucio may have recognized the Duke in the Friar.

By virtue of such recognition, Lucio is the Duke's illuminating "glass of the sinful soul." The greatest slanderer of the Duke in Measure for Measure is not Lucio: Lucio's outrageous statements are generally reserved for the private audience of the Duke as Friar. The Duke himself, whom Lucio reflects, is ultimately his own greatest slanderer. "The Duke's unjust" (5.1.298) he says before the only public assembly in the play—an assembly he has called for the very purpose of exposing injustice. The Duke himself commits "slander to th' state" (5.1.320). And in not enacting the corporal punishment of Lucio, Vincentio is, so to speak, forgiving himself for the slander he has done himself.

Bastardizing. The principal political telos of marriage in Elizabethan England (and perhaps whenever and wherever it is practiced) is to avoid illegitimacy.33 Gilbert Burnet writes that "the end of Marriage [is] the ascertaining of the Issue."34 Ascertaining the issue is important to prevent incest, which is a fundamental challenge to the political order. That is why Vincentio as liberal can forgo punishing Lucio for the offense of slander, but as parentarchal Duke he cannot leave uncorrected Lucio's offense of bastardizing.

Illegitimate procreation, or the conflict between illegitimate procreation and the need to establish paternity, gave rise to the action of Measure for Measure in the first place. Even before the action began the Duke had sought unsuccessfully to establish legally the paternity of a typical bastard, the son of the prostitute Kate Keepdown (4.3.167–72; cf. 3.2.192–94). At the end of the play, the Duke forces Lucio to become the legitimate father of this child, whose natural paternity the play has revealed.35 In this way Vincentio seems, by establishing a paternity, to transcend the problematic part of himself figured on stage in the person of Lucio; and in one representative case (that of Lucio's natural son), at least, he begins to weaken the stranglehold that illegitimacy, and hence incest, have on the political order of Vienna.

We may ask, Can Lucio's illegitimate child be made legitimate? The significance of the question itself is more important than any answer. On the one hand, Thomas Aquinas suggests that it can be done;36 and since at least the medieval Council of Merton, in England the Church had urged "that children born before the marriage of their parents should be counted as legitimate at English law."37 On the other hand,
the secular authority in England allowed no such thing. (English law made no changes in practice until a 1920 Act of Parliament.) This rule of the secular authority against legitimating bastards was seen by legal theorists as more than merely one law among many; it was understood as the foundation of all law. Thus the highest English court ruled in 1830 that illegitimate children cannot be made legitimate. The rule against legitimation, claimed the court, "is sown in the land, springs out of it, and cannot according to the law of England, be abrogated or destroyed by any foreign [i.e., essentially extrinsic] rule of law whatsoever."^38 This statement, which uses the language of natural propagation, recalls how in *Measure for Measure* the rule against fornication, hence against bastardy, cannot be changed insofar as it goes to the basis of laws.

It is, of course, the possibly unavoidable illegitimacy of the child of Claudio and Juliet, not that of Lucio and Kate Keepdown, that constitutes the more essential threat to the political order and to a happy ending. There are two ways, at least, to make a happy ending plausible. One is for Claudio to marry Juliet some time after his delivery from prison and before his child's delivery from the womb. The best reason for Juliet to appear still pregnant at the end of the play is to make conceivable this way of providing a happy ending. As we have seen, however, it is essential to the logic of the plot that Juliet appear already delivered of her child, since Claudio's delivery from death is itself the delivery of his child from the womb.

A second way to make a happy ending seem plausible is to imply that Juliet and Claudio were married all along. There is some textual basis for this view, since Claudio says that he and Juliet were associated by a "true contract" and that he intended to marry her (1.2.134). The best reason to argue that intent is conflated with act throughout *Measure for Measure* is to make conceivable this second way of providing a happy ending. In the logic of the play, however, the argument by which Isabella saves the life of Angelo, and hence of Claudio himself, is that an intent does not make for an act. A corollary of this argument is that Claudio's presumed intent to have chaste sex in wedlock does not make for a chaste act, or that his desire to have a legitimate child (the telos of his intent to marry) does not turn his bastard into a legitimate child. As we have already seen, moreover, the plot of *Measure for Measure* is informed by a conflation of aesthetic with biological teleology. Were Claudio and Juliet already married, the movement of that plot would not have been necessary, and its real motor would be not the inevitable confrontation between nature and law but rather an accidental event—Angelo's mistakenly choosing the wrong person to
prosecute. I do not wish to argue that Claudio and Juliet either are or are not married, however. Rather, I would suggest that the position that they are not married raises at the end the specter of fornication, hence of illegitimacy and incest, whereas the position that they are married is a necessary condition for a happy ending.

Claudio's intention to marry Juliet must be considered in the context of the overall relationship between intent and act in the plot. In the teleology of the play, individuals' private purpose of marriage matters no more to the political or secular order—whose purpose is to use marriage to ensure public acknowledgment of parentage—than individuals' intention to fornicate but not to reproduce matters to nature, whose purpose is reproduction no matter what. The secular law can and must make its rulings about legitimacy only on the basis of such visible acts and signs as public marriage banns and pregnancy. (Neither illicit sexual liaison nor unintended pregnancy is in itself a direct threat to the social order, but the future illegitimacy they signify is.) Thus the secret, or invisible, aspect of the marital contract between Juliet and Claudio, a contract lacking "outward order" and public "denunciation" (1.2.138, 137), necessitates that their child be illegitimate from the point of view of the secular law. What concerns the law is essentially the public establishment of paternity. William Harrington thus writes that if there is something wrong with any marriage, "such as . . . the banns not lawfully asked," then "the children born to the couple are bastards." Whether or not Juliet and Claudio are privately married, their child is thus, to all political intents, a bastard.

The confusion about the marital contract between Juliet and Claudio echoes similar ambiguities throughout the play involving intentions to enter into a contract or estate with someone, or Someone, else. One example is the contract between Mariana and Angelo. Another is Isabella's novitiate, her intention to become the spouse of God; that novitiate is left hanging just as is the spousal of Juliet and Claudio.

Either for Juliet to be still pregnant or for Claudio and Juliet to be actually married would easily result in a happy, unproblematic ending. For the authority in Vienna finally to become both secular and religious—as in the Viennese Holy Roman Empire, where the laws set down in heaven and on earth were one and the same (as they are not in Isabella's pleas before Angelo [2.4.50])—would provide a third way to escape the problem of bastardy. By the end of the play, however, Vincentio as Friar has slandered the secular state, claiming not only that he himself as Duke is unjust but implying that no temporal ruler
has the right to enforce the law by beheading people. (The public recognition of the conjunction of Church [Friar] and State [Duke] is accomplished, ironically, only by a forceful "behooding."") Vincentio hardly represents an easy conjunction of Church and State.

These three positions—that Juliet’s child is yet unborn, that Juliet is actually married, and that the political figure is now also a religious figure who will rule against such regulations as those set out in the council of Merton—would provide a happy solution to the dilemma of the play. Yet the actual solution rises above them. In the telos of the plot, Claudio’s wonderful son (Claudio himself) is superlegal, or non-natural, rather than (but not in absolute opposition to) illegitimate. This is not so much in accord or conflict with secular or religious law as it is above the law. (Consider the similar problem of whether Jesus is illegitimate or above the law.) From this perspective, we may hope that Claudio, who has been delivered from death, can marry Juliet and thus similarly deliver their child from nature into legitimacy. Shakespeare himself made a legitimate child of his first-born, who came into the world “soon after marriage.”

The Second Marriage Proposal

Marriage promises to turn strangers into friendly relatives—a nation of siblings.

Maxine Hong Kingston

Only after Vincentio has both pardoned Angelo and put down Lucio, thus rising above the elements of himself that Angelo and Lucio have represented, does he make Isabella a proposal of mutually reciprocal marriage. Instead of “You will be mine” (5.1.490), a univocal statement from master to servant, he now says, “What’s mine is yours, and what is yours is mine” (5.1.534). (Princess Elizabeth, translating in her Glasse of the Synnefull Soule passages from both Marguerite’s Miroir and the Song of Songs, speaks just such words to the quadrifold kinsperson she would engage in mystical union: "Thou art myn and I am thyne.") This reciprocal exchange of lives—"life for life," and vice versa—would wholly transcend the sexual and commercial aspect of human affairs. It would raise up the apparently inherently contradictory condition of free dependency, which until now has been the loftiest relation formulated in Measure for Measure. (“I am your free dependant” [4.3.90], says the Provost to the Friar with the ducal ring.) It would raise the condition of free univocal dependence up to a condition of free interdependence where, as in Plato’s dialectic, “both are
two but each is one,”46 or, as in Genesis, “they shall be one flesh” (Gen. 2:24).47

**Carnal Contagion and Marriage.** The sexual and political implications of such at-one-ment as marriage presupposes are important to understanding both how kinship is passed intragenerationally from person to person in the West and how the estate of marriage is presented in *Measure for Measure*. It is a central tenet of Pauline Christianity that a man shall “leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh”; this conjunction of two into one is “a great mystery” (Eph. 5:31–32). Thus Shakespeare’s Hamlet says bitterly that his uncle-father Claudius and aunt-mother Gertrude are one and the same: “Father and mother is man and wife, man and wife is one flesh” (*Ham* 4.3.50–51). The same eucharistical union informs Pompey’s first words in prison, which not only respond to the Provost’s question, “Can you cut off a man’s head?” (q.n.i), but also echo Saint Paul’s belief that in the corporate union of the marriage estate the man is the head (Eph. 5:23). Pompey answers, “If the man be a bachelor, sir, I can; but if he be a married man, he’s his wife’s head; and I can never cut off a woman’s head” (4.2.2–4). In making the professional transition from the pimp’s “mystery” of taking women’s maidenheads to the executioner’s “mystery” of taking men’s heads (4.2.26–39), Pompey suggests the mystery of marriage itself.

The Church Fathers extend the corporate union of two into one in marriage to the conjunction of fornicator and fornicatrix as well. (They take marriage to be the essential telos of all sexual intercourse.) Here they follow Paul, who wrote, “Know ye not that he which is joined to an harlot is one body? for two, saith he, shall be one flesh” (1 Cor. 6:16, cf. Gen. 2:24). Outside marriage, as inside it, sexual intercourse makes two people essentially one, which is to say that sexual intercourse spreads kinship, bringing the relatives of each party into the kindred of the other.48

This Christian extension of the corporate union in marriage to all sexual relationships casts into doubt the old, or the Old Testament, distinction between legal and illegal sexual relations, or between marital and extramarital relations; it holds that one is no more or less closely related to the kin of one with whom one has marital sexual relations than to the kin of one with whom one has extramarital sexual relations. Treating all sexual intercourse as essentially marital puts into question the crucial distinctions between incest and endogamy (whether one marries or not is now essentially immaterial) and between endogamy and exogamy, a distinction by which most societies
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are informed.49 (In this sense Christianity casts off the distinction between nature and culture.)

Moreover, the Fathers’ position makes clear how promiscuity gives rise to incest. One becomes kin to the kin of anyone with whom one sleeps, whether within marriage (in which case these new kin are “in-laws”) or without. Thus Jacob’s Well states that “whan a man hath medlyd wyth a womman, or a womman wyth a man, neyther may be wedded to otheres kyn, into the fryte degre, ne medle wyth hem; for if thei don, it is incest.”50 As J. H. Fowler summarizes the medieval theologian Rabanus Maurus: “There is something like a communicable disease metaphor involved in early medieval notions of sexuality. If one sleeps with a woman who sleeps with another man who sleeps with another woman who sleeps with me, then whether I will it or not my flesh is inextricably bound up with the flesh of that first man’s. A term which continually shows up in these canons and letters to describe fornication is contagio carnalis—carnal contagion.”51 Thus fornication not only leads to venereal disease and to incest through illegitimacy, it also leads to incest through the secret spread of kinship by contagion of the flesh. Accordingly, Isabella is the “cousin” of Juliet (who is Claudio’s lover) in ways other than the one she tells Lucio.

In the trial that allowed Henry VIII to marry Anne Boleyn, the doctrine of carnal contagion was used against that of the Jewish levirate, according to which a man must marry the childless widow of a deceased brother (Deut. 25:5–6), in order to claim that Henry’s marriage to his sister-in-law Catherine was incestuous. If the king’s brother had slept with a woman, it was argued, then she was the king’s kin and his marriage to her was null and void. Had this argument not been judged successful, the Princess Elizabeth, later the Queen, would have had to be judged a bastard.

Something like the idea of carnal contagion underlies most notions of kinship and incest in the West, allowing marital sexual relations to create kinship, or “in-laws.” But by conflating extramarital with marital sexual intercourse, the Christian doctrine of carnal contagion undermines and transcends the ordinary notion of kinship, which cannot hypothesize a principle of incest without an absolutely opposite principle of chaste marriage. Catholic celibates hold the transcendent position that there can be an incest (literally “non-chastity”) beyond the distinction between chastity and its opposite. In the last analysis, Measure for Measure, if it can be said to be “about” anything at all, is about a similarly transcendent position: the perfect reciprocal exchange, or end of exchange, where marriage is at once both wholly
chaste and wholly unchaste. Just such a marriage is figured in the second proposal that the Duke makes to Isabella: “What’s mine is yours, and what is yours is mine” (5.1.534).

But does Isabella accept? To judge from her verbal response, or rather lack of it, Isabella no more accepts or rejects the second proposal of the Duke than she pardons or does not pardon Claudio. (Isabella’s silence does not, in itself, mean refusal in either case; compare the apparent refusal of marriage at the end of Love’s Labor’s Lost.) Yet we should not dismiss the question of whether the Duke and Isabella eventually marry, calling it as irrelevant as the question How many children had Lady MacBeth? The question of marriage in Measure for Measure concerns not only what Isabella says but also the gist of the plot. Is it the telos of the plot for Isabella and the Duke to marry? To put it another way, would such a marriage solve the confrontation between the natural requirement to reproduce and the political necessity to prohibit incest, the essential human problem that gave rise to Measure for Measure in the first place?

An answer to the question of whether Isabella marries the Duke depends upon answers to two other questions: What are her options? and What is marriage? One purpose of Measure for Measure is to bring us to ask the latter question in a new way. To see how the play raises questions about marriage, let us take the question Does Isabella marry the Duke? to mean, Is it consistent with the plot or hypothesis of Measure for Measure that Isabella marry the Duke? An answer involves a number of related issues connected with the general problem of incest.

Blood Siblings and Siblings-in-Law. The first issue concerns whether anyone in Vienna (or in the world, for that matter) can know with certainty who his father is, and thus whether his spouse is not his blood kin. The secular, political need for public marriage to establish paternity is as intense at the end of the play (when the question of whether a marriage will take place involves Isabella and the Duke) as it was at the beginning of the play (when the question of whether a marriage has taken place involved Juliet and Claudio). The threat to the political order represented by Juliet’s pregnancy has by no means been resolved. Making Lucio the husband of Kate Keepdown and thus establishing one (albeit representative) paternity does not so much transcend (or master through loving moderation) as repress, or keep down through fear of punishment, the problem of natural lust within the individual and within the city. The punishment of Lucio is a failure of genuine moderation or temperance (as opposed to mere restraint or continence); moreover, the drawn-out final dialogue between Lucio and the Duke reminds us of the motivating dilemma of
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bastardy and of incest. (The libertine Lucio had warned Friar Vincentio, “Nay, friar, I am a kind of burr, I shall stick” [4.3.177], and stick he does.)

Even after Lucio is married off, in a small step toward establishing the natural paternity of everyone in Vienna, the situation at the play’s beginning—the almost universal potential for illegitimacy and incest that motivates some people to try to make a spouse of God—still exists. From this near-universality of potential kin relations it follows that Vincentio, who proposes marriage to Isabella, may be her father, her brother, or both. In fact, Vincentio is called “father” and “father friar” (“friar,” from frater, means “brother”), and he calls Isabella both “daughter” and “young sister” (3.1.238, 3.2.11, 4.3.111, 3.1.150). That any of these terms correctly names a blood relationship between Vincentio and Isabella is, of course, an unlikely possibility (compare “Make not impossible / That which but seems unlike” [5.1.54–55]), but it is scarcely less likely than that Angelo enacted the fornication he intended.

The possibility of consanguineous as well as political or religious kinship between Isabella and the Duke is figured when the Duke, who has already called her both a “daughter” and a “sister,” claims near the end of the play that her brother, whom he has already called “son” (3.1.159), is “my brother” (5.1.491). It follows from this that Isabella, whom Vincentio has asked to become his wife, is already his sister. Vincentio, we suppose, means to say merely that Claudio will become his brother-in-law when (and if) Isabella marries him. Yet only the significantly unspoken phrase “in-law” distinguishes the Duke as Isabella’s proposed husband from the Duke as her brother. The critical distinction of husband from brother, which resides in law, recalls again the motivating conflict between nature and law—the requirement to reproduce and the political necessity to limit the kinship relationships between reproducers. The same two words, “in law,” play a crucial role in All’s Well That Ends Well, which concerns a potentially incestuous marriage like the one in Measure for Measure.

All’s Well That Ends Well (1602–4), written about the same time as Measure for Measure (1604), contains the closest parallel in Shakespeare to the bed trick. As in Measure for Measure, incest of a kind drives its action. All’s Well That Ends Well begins: “In delivering my son from me I bury a second husband” (AWW 1.1.1, cf. 5.3.70). The widowed Countess of Rousillion here reminds her son Bertram that, having replaced his late father as Count of Rousillion, he has been a second husband to her. Bertram now wants to leave home, however,
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so the Countess must deliver to the world at large him whom she long ago delivered from the womb. In this sense, Bertram is both his mother's son and her husband. From this hint of mother-son incest develops the suggestion, central to this play as to Measure for Measure, of sibling incest—between Bertram and Helena, the Countess's daughter by adoption.

Thus All's Well, like Measure for Measure, concerns the question of adoption. Helena in All's Well is the daughter by adoption of the Countess and loves the Countess's son; Juliet in Measure for Measure is the cousin by adoption of Isabella and loves Isabella's brother. Helena takes great care to determine that she is eligible to marry her legal brother, insisting that she is not the natural daughter of the Countess:

Helena. Mine honorable mistress. (AWW 1.3.141)
Countess. Nay, a mother.
   Why not a mother? When I said "a mother;"
   Methought you saw a serpent. What's in "mother;"
   That you start at it? I say I am your mother,
   And put you in the catalogue of those
   That were enwombed mine. Tis often seen
   Adoption strives with nature.

Helena. Pardon Madam.
   The Count Rossillion cannot be my brother.

Countess. Nor I your mother?
Helena. You are my mother, madam; would you were—
   So that my lord, your son, were not my brother—
   Indeed my mother! Or were you both our mothers
   I care no more for than I do for heaven,
   So I were not his sister. Can't no other
   But, I your daughter, he must be my brother?
Countess. Yes, Helen, you might be my daughter-in-law.

The Countess loves Helena as if she were a natural daughter. "If she had partaken of my flesh and cost me the dearest groans of a mother," says the Countess, "I could not have owed her a more rooted love (AWW 4.5.10-11). Because of that love, the Countess would transform Helena from a daughter by legal adoption into a daughter by nature. But if Helena is to be united with Bertram in chaste marriage, either
she must not be the Countess's daughter or Bertram must not be the Countess's son. Helena insists on the first, that she can be the daughter-in-law, but not the daughter, of the Countess. The plot suggests the alternative condition for a chaste marriage, namely, the figurative dis-establishment of Bertram as the Countess's son. "He was my son," says the Countess to Helena when she learns of Bertram's flight, "But I do wash his name out of my blood / And thou art all my child" (aww 3.2.68–70). The Countess's daughter (as the Countess would make Helena) would be able to marry the Countess's ex-son.

"My sister, my spouse" (Song of Sol. 4:12). The distinction in law between spouse and sibling on which Helena relies recalls the conflict between nature and law in Measure for Measure. There is a crucial difference between the two plays, however. In All's Well, it is clear enough that Helena is not actually Bertram's blood sister, and the question of whether one can legally marry one's legally adopted sibling is not raised. (As Shakespeare knew, the Roman Church is equivocal in treating the question of whether siblings by legal adoption can marry.) In Measure for Measure, on the other hand, it is unclear who is the blood relative of whom, hence who can marry whom. And Measure for Measure raises a question kept in abeyance in All's Well: whether our status as equal children (liberi) of God the Father (pater)—as His born-again adopted children—does not, on account of the universality of our Siblinghood, either bar us from all sexual relations (as in celibacy) or require us to commit incest of a kind (as in libertinage). Measure for Measure thus confronts directly the tension between nature and law.

Children of Adoption. Vincentio is, politically speaking, the father of the patriarchal, secular community in which Isabella is a citizen (a child); religiously speaking, he is both her "ghostly father" (5.1.128)—insofar as he is her confessor and the purported representative of the Pope—and her brother, insofar as he has played at being a Brother by virtue of his disguise and she has played at being a Sister in her novitiate. (Vincentio is also both a father and a brother to Mariana: like a father, he offers to give her a dowry [the sentenced Angelo's possessions] with which to buy a husband [5.1.423]; in giving this new dowry, he restores what her brother lost at sea [3.1.215–18].) But what is the precise significance of a layman disguised as a friar or of a novice nun within the context of this play?

Let us first take up the question of Isabella's novitiate. There is a remarkable confusion in Measure for Measure about whether the novice Isabella is a nun or a laywoman. The Provost introduces her to Angelo as "a very virtuous maid; / And to be shortly of a sisterhood, / If not
already" (2.2.20–22). Thereafter Claudio's sister is introduced simply as a "sister" (2.4.18), as though her "renouncement" (1.4.35; emphasis mine), as Lucio calls it, had already made her to all intents a nun.

To the novice who may become a nun in the sense of Sister, Angelo gives the opportunity to become a "nun" in the sense of prostitute:

Be that you are, (2.4.133–37)
That is, a woman; if you be more, you're none.
If you be one—as you are well express'd
By all external warrants—show it now,
By putting on the destin'd livery.

What is Isabella's livery at the end of the Play? Is it the heavenly Sister's hood or the earthly sister's bridal veil? The question of what Isabella finally wears—the outfit of a novice, nun, laywoman, bride, or some combination of these—is as crucial to the play's resolution as are Claudio's delivery and Barnardine's liberty.

Let us assume for a moment that in the last scene Isabella is still a novice. Is she, as novice, free according to canon law or traditional morality to give up her novitiate and marry the Duke? A novitiate is an engagement to God, and the same problems that affect earthly engagements affect heavenly ones. The earthly engagements between Claudio and Juliet and between Angelo and Mariana suggest that engagements cannot be broken off easily: Claudio says that he and Juliet are "fast" married ("Save that we do the denunciation lack / Of outward order" [1.2.137–38]), and the Duke says that Angelo and Mariana are virtually married. In this context, Isabella's breaking off her promise to become the bride of Christ must be treated as a serious breach. Even as a novice, Isabella might as well be thought of and treated as a nun; to all intents and purposes, she is a nun, the telos of a Catholic novitiate.

Let us assume, then, that Isabella has already taken vows. How can she marry the Duke? Marriage between a nun and a layman would be an outrage in a Catholic context; it would be spiritual incest of the kind that occurs when a Sister marries most any man. The one eligible bachelor for Isabella as nun is the man-god Jesus. But for her as nun, marrying the Duke would be a blessing—even an allegorical enactment of the meaning of celibate monachism—if and only if the Duke were, or represented, Jesus, so that Isabella, as the Duke's bride, would also be Christ's bride.

To the topos of the nun as the spouse of God the Son several critics have pointed, but no one has discussed the equally pervasive topos of the nun as the daughter of God the Father. Hali Meidenhad, a medita-
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tion on female virginity that popularized in England the concept of "spiritual marriage" (especially in regard to the marriage between Joseph and the Virgin Mary), describes a woman who has renounced an earthly husband as being "God's bride and his noble daughter, for she is both together." Taken together, the topoi of nun as wife and daughter of God allow a satisfactory conclusion to the play. But does the play treat the player-friar Vincentio unambiguously as God?

The all-too-human vices of Vincentio suggest that, despite the fact that he may be conceived as divine by subjects who require an authority outside themselves, he is a man merely made in the image of God, not His only Son. Isabella's marrying such a man—any Adam's son rather than God's only Son—would be the mortal sin of "spiritual incest."

And what if Vincentio as player-friar is, to all intents, a friar? (Theologically speaking, this places him somewhere between Jesus and a layman.) He is able, after all, to "satisfy," or confess, Mariana (who lives under the order's jurisdiction in a Grange at Saint Luke's [3.1.265, 4.1.8–9]), and he sends Angelo "letters of strange tenour, perchance of the Duke's death, perchance entering into some monastery" (4.2.199–201). (The Duke is lying, of course, but why should he choose this lie, just as he chose this disguise?) That the Duke does not wear his hood when he proposes marriage, moreover, does not mean that he is not a monk. For just as wearing a hood does not transform a man into a monk, as Lucio knowingly says (5.1.261), so removing a hood does not unmonk a man. Schlegel aptly remarks that in Measure for Measure, "contrary to the well known proverb [the hood does not make the monk], the cowl seems really to make a monk of the Duke."  

The Chaste, Incestuous Marriage. The question of whether the Duke and Isabella are actually Brother and Sister, as the play sometimes seems to suggest, is not as important as the fact that, to all their intents and for the penultimate purposes of the plot, they are. Unlike things are not impossible (Angelo could have done what Isabella publicly accuses him of), and likeness or resemblance can become identity or certainty (the hooded man can become Claudio, a novice become a nun, a player-friar become a friar). In this sense, at least, the proposed marriage between the Duke and Isabella is one between a Brother and a Sister.

Such a marriage is a special, indeed, a revolutionary "kind of incest." From the point of view of the Roman church, it is the sin of libertinism; from the point of view of Protestant reformers, it is the sign of liberation. The proposed marriage between Isabella and the Duke is recognizably a symbol of the Reformation and of the dissolution of
the monasteries. In his Hegelian reading of *Measure for Measure*, D. J. Snider catches this Protestant quality in the proposed marriage between the Duke and Isabella, a marriage which Snider assumes will take place: “Luther the monk, like the Duke, took a wife.”65

There are other precedents besides the 1525 marriage of Luther and his Cistercian wife Catherine von Bora for Sisters and Brothers becoming husbands and wives. Among these are two married monks who directly influenced the education of Princess Elizabeth. One is Bernardino Ochino, whose works the religious instructor of the Princess apparently had read; he was driven from England during Mary's accession to the throne (1553).66 The other is John Bale, who wrote the Epistle Dedicatory and Conclusion to Elizabeth's translation of *The Mirror of the Sinful Soul*. Bale argued for the impossibility of absolute temperance and embraced marriage for the clergy. He forsook his monastic habit and got married.67 In Bale's play, *The Three Laws of Nature* (1538, 1562), Sodomy appears dressed as a monk.68 There are other precedents for Sibling marriage—for example, Leo Judae, a disciple of Zwingli, married a Beguine in 1523.69

None of these examples is as important as Luther, of course, whose doctrine of justification by faith instead of by acts and corresponding view of the relationship between intent and act sparked the Reformation.70 An Augustinian eremite who thought that his unfulfilled desires made him prey for the devil, Luther argued that few if any men were perfect enough to be celibate.71 (He would have argued that Brother Thomas and Sister Francesca in *Measure for Measure* could be not as we credit them.) Thus he denounced both monastic vows and distinctive dress for the clergy; like Lucio in *Measure for Measure*, he would tear hoods (cows) from Brothers and hoods (maidenheads) from Sisters. Luther's marriage in 1525 to a nun was a decisive act in the history of Western sexuality and its comprehension of incest.72

Incest is central to English discussions of Luther's marriage. Sir Thomas More, for example, argued that clerical marriage "defileth the priest more than double or trebel whoredom";73 and in his *Confutacycon with Tindale* (1537) he accused Luther and his wife, "the frere and the nunne," of incest:

Let not therfore Tyndall (good redre) wyth his gay gloryouse wordes carye you so fast & so far away, but that ye remembre to pull hym bakke by the sleue a lytle, and aske hym whyther his owne hyghe sprytyuall doctour mayster Martyne Luther hym selfe, beyng specyally borne agayne & new created of the spyryre, whom god in many places of holy scrypture hath commaunded to kepe his vowe made of chastyte when he then so far contrarye there vnto toke out of relygyon a spouse of Cryste, wedded her hym selfe in reproche of
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wedloke, called her his wyfe, and made her his harlot, and in doble despyte of maryage and relygyon both, lyueth wyth her openly and lyeth wyth her nyghtly, in shamefull inceste and abominable lycherye. 74

Incest of a kind thus became the charge not only against such secular notables as Anne Boleyn, Queen Elizabeth's earthly mother, but also against such religious notables as Bernardino Ochino and John Bale, Elizabeth's spiritual fathers. "A kind of incest" at once both physiological and spiritual is suggested by the absence of an answer to the player-Brother Vincentio's proposal of marriage to the player-Sister Isabella.

The Fiction of Chaste Marriage. In The Elementary Structures of Kinship, Lévi-Strauss writes, "Marriage is an arbitration between two loves, parental and conjugal. [The two] are both forms of love, and the instant the marriage takes place, considered in isolation, the two meet and merge: 'love has filled the ocean.' Their meeting is doubtless merely a prelude to their substitution for one another, the performance of a sort of chassé-croisé. But to intercross they must at least momentarily be joined, and it is this which in all social thought makes marriage a sacred mystery. At this moment, all marriage verges on incest." 75

In Measure for Measure the "kind of incest" that Isabella is asked to perform, first by Angelo and then by Claudio, is made more or less acceptable by way of a series of commercial exchanges in which, for the original barter exchange of maidenhead for head, are substituted the monetary exchanges of maidenhead for maidenhead (Mariana for Isabella) and of heads for head (Barnardine and Ragozine for Claudio). Isabella kind of gives birth to her own brother, and the kind of incest that Claudio (Angelo) proposes she commit is incorporated and transcended by the kind of marriage that the Duke proposes. Marriage as such appears to dissolve the dilemmas involving both commercial taliation and sexual commensuration that inform the play. In the essential moment of Measure for Measure, however, "all marriage verges on incest."

Marriage appears to solve the fundamental issue of taliation by creating or hypothesizing a condition of identity in difference where "both are two but each is one," and it appears to solve the fundamental issue of sexual exchange by creating or hypothesizing an essentially chaste relationship. This appearance is both its major ideological role (marriage as estate or contract orders most all societies) and its major dramaturgical role (marriage ends most all comedies). Thus marriage of the traditional kind that the Duke first proposes may appear to be a welcome political and aesthetic closure, the desperately
needed solution to the dilemmas of law and nature that the play has delineated. To liberals it may well be disconcerting that marriage of this kind seems to require both the oppression of women (it keeps kissing Kate down) and, more essentially, the repression of all human beings who live in the sexual and propertal discontent of civilization. (Marriage as such is essentially parentarchal, although it appears patriarchal in one setting and matriarchal in another.) However, we most all of us come to accept such marriage, gratefully even, as the only dramatic and political solution, and we structure our plots and societies accordingly. We believe that, by certain aesthetic and societal marital establishments, we can avoid the supposed horror of universal communism and incest as represented in such asocial institutions as the Catholic orders and tragedy.

Measure for Measure suggests, however, that marriage is itself incestuous. At the crux of this play in which all siblinghood verges on Universal Siblinghood and intent verges on act, husband and wife are also brother/Brother and sister/Sister. In that vertiginous moment, marriage of the ordinary political kind is exhibited as an ideological figure whose bias toward property and exogamy is at once socially necessary and fictional, if not downright hypocritical. Measure for Measure reveals that universal ownership (communism) and Universal Siblinghood (incest) are, on the one hand, the teloi and antonomasias of marriage and, on the other hand, the very anarchic "institutions" against which marriage militates for the sake of civilization as we ordinarily conceive it. Just as monachism promises to turn everyone into siblings under God, so marriage promises to turn all strangers into friendly relatives—"a nation of siblings." Any essential liberation can be got only at the cost of general copulation.

In this disconcerting, not to say absurd, context, a purely parentarchal (chaste) marriage—that is, one without an underlying, subversive propertal and sexual component—is both essentially impossible and also a repressive (if socially necessary) myth or figure of speech. With the proposed marriages of the chastized bastardizers (Claudio and Juliet, Lucio and Kate Keepdown) and of the player-Brother and player-Sister (Vincentio and Isabella), we may, of course, be tempted to hope that the "liberty" (1.2.117) infecting all Vienna will be extirpated from the city. Such an extirpation of unchastity is a precondition for the establishment of social order as it is traditionally conceived, since liberty threatens the political authority whose public acknowledgment most all of us (the ilk of Angelo) require in order to behave continently, like good children of the state. "It is impossible to extirp it quite" (3.2.98), however, not only because "the vice is of a
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great kindred," pervading the life of Vienna as much as "eating and drinking" (3.2.97, 99) (as Lucio says), but because liberty, illegitimacy, and incest are spiritual conditions within (or antonomasias of) the marriage relationship that Vincentio, torn between wanting to be an ordinary man and needing to be a figurehead, seeks. It is the final irony of Measure for Measure that marriage, to which we look as the only solution to the dilemma of incest, or of the confrontation between nature and politics, exhibits incest as its telos and antonomasia.

Marriage does not transcend the dilemmas inherent in the liberal incest and commerce of flesh that, in the plot of Measure for Measure, constitute the way towards marriage. As in incest the places of "father" (pater), "brother" (frater), and "free son" (liber) are conflated, so in marriage "husband" and "wife" become, as Paul suggests (Eph. 5:23, 1 Cor. 7:4), one another's property. The fusion of husband and wife into one body or fictive corporation is remarked by Pompey as he moves from being pimp to being head-chopping executioner: "If the man be a bachelor, sir, I can; but if he be a married man, he's his wife's head; and I can never cut off a woman's head" (4.2.2–4). The marriage formula in Measure for Measure, "What's mine is yours, and what is yours is mine" (5.1.534), implies that the unsettling commercial exchangeability and interchangeability of male head with female maidenhead might be transcended if a man and a woman might become together one artificial person—a couple like "sister and brother" or "wife and husband." The figure of marriage thus defined, in terms that transcend the incestuous conflation of kinship roles and the monetary commensuration of life with death, is the contractual estate that organizes the play. Like the figure of the father of the city, however, chaste marriage so defined is no more attained within the context of Measure for Measure than it is more than a legal fiction in the Elizabethan political economy, or perhaps in any.