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Taliation, Part One:
Punishment and Ransom



Illustration of *Measure for Measure*, 3.1. (Salaman, *Shakespeare in Pictorial Art.*)

Taliation. A return of like for like;
retaliation; = *Talion.*

O.E.D.

And if any mischief follow, then thou
shalt give life for life, eye for eye,
tooth for tooth, hand for hand, foot
for foot, burning for burning, wound
for wound, stripe for stripe.

Exod. 21:23-25

ACCORDING TO the *lex talionis* (law of talion), a man must either give back what he has taken or make appropriate restitution for it. If he has taken a cow, for example, he must return that cow. When what he has taken cannot be returned, a substitute that somehow measures up to the stolen object must be found. *Measure for Measure* is about measuring up to such unreturnable goods as lost maidenheads and lost lives.

In the terms of the play, Claudio has stolen a maidenhead, and according to the *lex talionis* he must return it. Since once taken a maidenhead cannot be returned, however, a substitute like or commensurate with it must be found. The legal authority of Vienna, instead of demanding that Claudio do the impossible and return Juliet's maidenhead, determines that he must substitute his own head. This transaction, which involves a critical commensurability of head and maidenhead, would equal the return of Juliet's maidenhead and hence cancel out the original theft. That cancellation is the end or *telos* of punishment according to the *lex talionis*.

Angelo turns this proposed punishment—head for maidenhead—into a proposed ransom when he suggests that Isabella sleep with him. He demands that she exchange her maidenhead for the head of her brother (which Angelo will otherwise take), or substitute it for the maidenhead of Juliet (which her brother took). Depending on how one looks at it, the proposed ransom substitutes either maidenhead for head or maidenhead for maidenhead; it makes up for, or measures up to, the punishment and thus makes all even. This transaction is the *talion-through-unchastity* that Angelo intends to take place and believes at the end to have taken place.

The Commensuration of the Destruction and Creation of Life

O, were it but my life . . . (3.1.103)

We have seen that the rule against fornication that Angelo prosecutes is not an accidental given or a stupidly puritanical, unnecessary law; it is rather a bulwark of all laws insofar as fornication's telos is incest and the consequent destruction of political authority. What about the specific penalty for fornication that Angelo pursues? Is it the mere whim of a man or state?¹

Angelo justifies taking Claudio's head in exchange for Juliet's maidenhead by adapting the lex talionis to an equation of lechery, or bastardizing, with murder. He argues that the illegal production of life and the illegal destruction of life are commensurate:

It were as good (2.4.42)
To pardon him that hath from nature stolen
A man already made, as to remit
Their saucy sweetness that do coin heaven's image
In stamps that are forbid. 'Tis all as easy
Falsely to take away a life true made,
As to put mettle in restrained means
To make a false one.

Given this equation between murder (taking a head) and bastardizing (to all intents, taking a maidenhead), the nature of Claudio's punishment is intimately bound up with the teleology that makes sense of the series of exchanges—measure for measure—informing the plot. The identification of murder with bastardy, far from being an accidental whim, is typical and necessary, a crucial aspect not only of the plot but also of the world (our world) that the plot concerns.

Angelo's comparison between minting and begetting, or counterfeiting and bastardizing, is crucial to the political economy of Vienna, where both monetary and sexual commerce involve the "figure" of political authority. In *Measure for Measure*, the relationships of parent to children and of sovereign to subjects are combined in the relationship of a sovereign seal (e.g., the one on the Duke's signet ring) to the ingots or coins that it homogenizes by virtue of its stamp. An unminted or unsealed ingot is like "one ungot" (5.1.144), but Claudio's crime is that he has gotten Juliet with child, a crime equated by both Angelo and Isabella with the capital offense of counterfeiting coins.² The gist of these associations is that the measure common to all men is the political seal with which they are impressed; here the father's royal

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seal is the common denominator that allows for sexual reproduction as well as commercial exchange without anarchy.

To quote William Fleetwood on kings and coining in his *Sermon Against Clipping* (1694):

For who are so fit as they, who are presum'd to be the Fathers of their People . . . to have this Charge committed to them, that is of such importance, and so universal a concern? The Heads of Princes are . . . stamped . . . publickly to vouch the true intrinsick worth of every piece, and tell Men that they there receive so much silver, and of such a fineness, and that that Image warrants it.³

Clipping destroys the currency in much the same way as does counterfeiting and is similarly punishable by execution. Like Robert Filmer, Fleetwood draws the analogy "king is to subject as father is to child," but he also adds "as image is to piece." The analogy encourages us to believe that without the king there would be no public voucher for intrinsic worth. The image of the father—the "phantom" of him, as John Locke puts it—is as necessary to the coinage, at least to the idea of the intrinsic worth of coinage, as it is to the law.⁴ A crime against coinage, or a subversion of the official relation between image and piece, has the same anarchic effect as a crime against chastity, since both upset the relationship of father to children or of sovereign to subjects.

These political implications of the association of bastardizing with counterfeiting suggest one way that Angelo's justification for executing Claudio has import for the structure of the play as a whole. Isabella, too, comes to rely on the commensuration of bastardizing with killing to justify her decision not to ransom Claudio. She defends her decision not to redeem a man-to-be-killed with a bastard-to-be by adopting Angelo's position that the destruction of life is commensurable with (and even preferable to) the illegitimate procreation of life: "I had rather my brother to die by the law," she says, "than my son should be unlawfully born" (3.1.188–90). Likewise, when she later takes legal action against Angelo, Isabella relies on his identification of life with death, bastardizing with murder. At the gates of the city she denounces him as an "adulterous thief" (5.1.42)—both as an adulterer (hence bastardizer) and as a killer, or thief, of "a man already made" (2.4.44).

Of greater interest, however, is Isabella's remarkable response to Angelo's statement of the comparison of murder with bastardizing and counterfeiting, that is, of his justification for executing her brother.

She agrees that "'tis set down so in heaven, but not in earth" (2.4.50). In its earthly term, her statement seems a flat contradiction of fact: death for fornication is the law as set down on the part of the earth occupied by Vienna.⁵ At no point in the play does anyone deny that this is the Viennese law as written or even suggest that the law should be changed. Moreover, in Giraldi Cinthio's *Hecatommithi* (1565), a recognized source of *Measure for Measure*, the earthly punishment for seduction is beheading.⁶ In its heavenly term, Isabella's statement has puzzled the critics. Some claim that the New Testament would not be so unkind as to mete out death for fornication; Isabella, they say, must be either making a mistake about the New Testament or referring to certain cruel and unusual punishments in the Old.⁷

Yet Angelo's identification of bastardizing and murder is not set down in the laws of heaven as the Old Testament has them. Moses did not say that a man should die for fornication, only for adultery and for certain kinds of incest (Lev. 20: 10–12). In cases of fornication the Old Testament says only that the man should marry the woman—which is what Isabella says when she first hears from Lucio about Juliet's pregnancy (1.4.49). Instead, the identification of fornication with murder (and hence the capital punishment for fornicators) "set down in heaven" is profoundly and perhaps inevitably Christian: it involves the conflation of intent with act, where, as Aquinas suggests, what matters is not the intent of the individual but rather the telos of the act. Aquinas writes that extramarital sexual relations "tend to injure the life of the offspring to be born of this union."⁸ Such a tendency to harm life is distinguishable from murder only insofar as "one who is already an actual member of the human species attains to the perfection of the species more than one who is a man potentially."⁹ Gregory the Great says similarly that the "deadly sin" of lust (cf. 3.1.110) is a capital vice, or deadly sin.¹⁰ And in much corresponding Christian theology "the same penance is to be enjoined for adultery, fornication, and willful murder."¹¹ (The Essenes, an ancient religious sect with which Church Fathers associated Jesus and whose doctrines influenced official ecclesiastical jurisprudence, similarly identified the withholding of life with the destruction of it when they claimed that the renunciation of legitimate reproduction is equivalent to murder.)¹²

In agreeing with Angelo that bastardizing is murder and hence should be punished by execution, Isabella, finally, may be conflating all bastardizing with its ultimate, or teleological, consequence of universal incest. She thus recalls one of the rare passages in the New Testament that apparently specifies a particular punishment: Saint Paul's

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injunction to his fellow Christians to kill or banish the incestuous Corinthians (1 Cor. 5:5).¹³

The commensuration of the destruction of human life with its creation informs both the language and the action of *Measure for Measure*. Witness, for example, this exchange:¹⁴

Provost. Come hither, sirrah. Can you cut off a man's head? (4.2.1)

Pompey. If the man be a bachelor, sir, I can; but if he be a married man, he's his wife head; and I can never cut off a woman's head.

In the action, Barnardine the murderer and Claudio the fornicator await the same capital punishment, and both are pardoned at the same moment in the action. (Of this pardon, I will say more in Chapter 5.) When he first learns that Claudio has been arrested, Lucio asks, "What, is't murder?" and then immediately "Lechery?" (1.2.129), as if the two crimes were one. Likewise, Pompey can make amends for being "an unlawful bawd" by becoming "a lawful hangman" (4.2.14–16), the lives he lawfully takes being commensurate with the lives he unlawfully aided to be got. As the Provost says (4.2.28), he weighs equally with Abhorson (or "son-of-a-whore"),¹⁵ the abhorrent executioner.

Under the commensuration of birth and death, by the *lex talionis* Claudio must pay his head for Juliet's maidenhead, or his life for the illegal production of his natural child's life. Or, by the same token, Isabella can ransom him by paying her maidenhead for his head, or the illegal production of a life (her son) for the redemption, or rebirth from death, of a life (her brother). In *Measure for Measure*, punishment for producing a life that is illegal and ransom for a life that is condemned or taken are the principal forms of human barter or exchange. Maidenhead is, in this commercial sense of measuring "being born" (produced) with "being born again" (redeemed), the equal of a man's head.

The Ransom as "a Kind of Incest"

Isabella's rejection of Claudio's plea that she yield Angelo her maidenhead in exchange for his head is the dramatic crux, or central dilemma, of *Measure for Measure*. It is a major difference between Shakespeare's play and his sources for the ransom plot (in which the maiden usually gives in to the wicked magistrate), and it marks the end of the first part of the play (in which it seems that Claudio must die, as in a sad melodrama or tragedy) and the beginning of the second part (in which the Duke oversees a comic kind of resolution).¹⁶

Isabella's rejection takes the form of a rhetorical question:

Is't not a kind of incest, to take life (3.1.138)
From thine own sister's shame?

Many readers and critics have attempted to ignore Isabella's potentially discomfoting question about "a kind of incest." Some call her words senseless and "hysterical" as though Shakespeare's words here had no meaning and hysterical words were not in some fashion significant.¹⁷ Others, in much the same way, remain blind to the potential significance of the fact that Isabella pleads before Angelo both as a sister and as a Sister-in-training.¹⁸ A few students of the play have noted in passing that Isabella's "kind of incest" might constitute somehow the central element in the structure of *Measure for Measure* as a whole.¹⁹

The question in itself, however, is not meant to be answered by the person to whom it is addressed, and indeed it is not answered. Claudio does not admit that taking life from his sister's shameful intercourse with Angelo would constitute "a kind of incest" any more or less than he says that it would not. (At this point in the play, in fact, Isabella will not let Claudio say anything at all [3.1.146–51], and the two say nothing more to each other for the duration of the play.) Yet Isabella's question, by virtue of the word "kind," or *genus*, virtually compels the reader or spectator to admit that such intercourse would be, if not literal incest exactly, then incest of some kind or another.²⁰ Exactly what kind of incest it would be, or is, is a key issue in the play.

Essentially, the ransom proposed to Isabella could be considered incest in four distinct ways:

1. The antonomasia, or conceptually epitomizing epithet, of all sexual acts is incest.

2. As Jonas of Orleans says, "all illicit sexual acts are incestuous,"²¹ either because incest is the general telos of all fornication or bastardizing or because when a condition of more or less universal illegitimacy has been realized (as it has been in Vienna; significantly, just after Isabella accuses Claudio of wanting her to commit "a kind of incest," she calls him a bastard), each and every sexual act risks incest.

3. A sexual act committed for the sake of someone is, to all intents, a sexual act committed with that person, so that for Isabella illicit sexual intercourse with Angelo amounts to incestuous sexual intercourse with her brother Claudio.

4. From Isabella's particular sexual intercourse with Angelo, Claudio would take life (that is, he would be born again) as though Claudio were Isabella's son as well as her brother.

Incest as the Antonomasia of Unchastity

Some readers of *Measure for Measure* note the problem of the connection between chastity and unchastity in the play but define that problem only in terms of the question whether the chastity to which Isabella appeals is a physical condition or a spiritual one—hence whether Isabella, in choosing chastity over unchastity, is blameworthy or praiseworthy.²² Generally they do not consider that merely physical chastity, though perhaps blameworthy from a strictly Christian perspective, is essential to the political order, since the social telos of unchastity is universal bastardy, incest, and the destruction of the body politic. J. W. Lever, for example, has suggested that, in choosing not to sleep with Angelo, Isabella substitutes a pagan code of honor for a Christian one: “Chastity was essentially a condition of the spirit; to see it in merely physical terms was to reduce the concept to a mere pagan scruple.”²³ Yet the “mere pagan scruple” of physical chastity is a necessary component of the political order in the states of Christendom. Isabella seems to be given the option of saving the individual body of her brother, but only at the expense of destroying, to all intents, the body politic.

The position that Isabella refuses to yield because she sees chastity “in merely physical terms” not only fails to give physical chastity its political due; it also fails to take into account what chastity as “a condition of the spirit” means within the logic of the plot of *Measure for Measure*. In that logic, incest is the *antonomasia* of unchastity.

One can arrive at this position either by noting that, since Isabella is a Sister to all mankind, for her any sexual relations would be incest or by pointing out the ambiguities of kinship, which can make it difficult or impossible to determine where to draw the line in calling a sexual act incest—that is, “intercourse between a man and a woman related by consanguinity or affinity.”²⁴ What degree of blood kinship should constitute a diriment impediment to marriage?²⁵ Should sociological kinship? Intense spiritual affinity? The play amply hints at such ambiguities—for example, in the possible cousinship between Juliet and Claudio or in the overtones of a father confessor’s intercourse with his penitent daughter in the Friar-Duke’s manipulations of Isabella and Mariana. (The first was considered “legal incest” and the second “spiritual incest” by the Church Fathers.) But for any Christian, especially for any member of the monachal orders, such kinship concerns are arguably unimportant, since for the Christian all men are brothers—and hence all sex incest. This is not only because we are all, to some degree, physically consanguineous (children of Adam) but principally

because the essentially Christian monachistic rejection of consanguinity as a criterion makes us all equally siblings, equally affined.

To this extreme conclusion—that all physical intercourse is incestuous—the Church itself is drawn. Aquinas argues that incest is an “*antonomasia*” for unchastity—that is, incest is not merely a determinate species of lust but lust in general. (See above, p. 45.) All sex acts happen, says Aquinas, because individual men and women are tempted by proximity or liking. In the family, one is more tempted than elsewhere because one is closer physically to those in one’s own household and because it is natural (as Aquinas makes Aristotle say) that there be an excessive ardor between a man and a woman of the same kindred.²⁶ He therefore concludes: “Unlawful intercourse between persons related to one another would be most prejudicial to chastity, both on account of the opportunities it affords and because of the excessive ardor of love.”²⁷ In Aquinas’s view, sexual desire between people who are connected by the proximity that the consanguineous family affords does not differ in kind from sexual desire between people who are separated by the distance between families that the consanguineous family assumes. All sexual desire as such is essentially incestuous.

This argument for lust by proximity and ardor by kinship is extended to the position (as awesome in the medieval as in the modern, Freudian context) that incest is the ontogenetically original, hence the fundamental, or primal, form of sexuality. Fornication, adultery, and perhaps even marriage are, so to speak, moderate forms of incest. “Incest,” writes Aquinas, “is not a species of lust, but is lust itself in general.” It is but a step from this position to Freud’s argument that civilization is born with the repression or sacrifice of sexuality, whose primal form is incest, a sacrifice for which no adequate compensation can be made. In the words of Stephen Reid, from a psychoanalytic discussion of *Measure for Measure*:

If the process of civilization has determined that sexuality must abandon the satisfaction of some of its component instincts and its original, incestuous object, society must compensate for this deprivation, or face the unjustified resentment of frustration. Hostility toward civilization, which Freud explores in *Civilization and Its Discontents*, is largely derived from this institutional deprivation.²⁸

For this politically essential deprivation of physical incest, the Church might argue that spiritual incest would compensate. Others might hold that it is compensated in physical marriage. Whether marriage can ever be chaste—that is, essentially nonincestuous—will be discussed in chapter 6.

Incest and the Commensuration of Kinship Roles in Exchange

Wilt thou be made a man out of my vice? (3.1.137)

We have seen that Isabella's appeal to chastity as the grounds for refusing to yield her maidenhead in exchange for Claudio's head—"More than our brother is our chastity" (2.4.184)—is linked with the notion that incest is the telos as well as the antonomasia of unchastity. Equally important for understanding both Isabella's charge that Claudio wants her to commit "a kind of incest" and the eventual salvation of Claudio precisely by "a kind of incest" is the sense in which for Isabella sexual intercourse with Angelo would constitute a mediated kind of brother-sister incest, father-daughter incest, or both.

The Exchange as Brother-Sister Incest. One of the recognized analogues or sources for *Measure for Measure* is the story of a sexual ransom in Augustine's treatise *Concerning the Lord's Sermon on the Mount*.²⁹ This story glosses the New Testament passage "The wife hath not power of her own body, but the husband" (1 Cor. 7:4). In the story, an imprisoned man is condemned to die unless his wife sleeps with a rich man, who has promised to give her money to bribe a corrupt magistrate. The wife seeks and receives permission from her husband to sleep with the rich man. Then, as Augustine tells it, "the woman went to the mansion of the rich man, and did what the lecher wished; but she gave her body only to her husband, who was asking not, as at other times, to lie with her but to live."³⁰ Augustine passes no judgment on either the husband or the wife.³¹ Shakespeare's version is more troubling, however, because (following Whetstone's *Historie* and Cinthio's *Heccatomithi*) the couple are brother and sister, so that the equation of the person for whom an act is done and the person with whom it is done results in sibling incest rather than marriage. Unlike a husband, a brother is never lawfully allowed the power to use his sister's body.

Yet a similar gift of a sister's body on behalf of her brother is the explicit crux of Thomas Heywood's *A Woman Killed with Kindness*, first produced in 1603, a year before *Measure for Measure*.³² In this play Sir Charles asks his sister Susan to yield up her body to the rich Sir Francis Acton in return for Acton's having paid the brother's debts and hence having released him from prison. For the brother, repaying his benefactor with the only thing he "has"—his sister—is more important than civilized life, or life itself:

Sir Charles. Call me not brother, but imagine me
Some barbarous outlaw or uncivil kern,

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For if thou shut'st thy eye and only hear'st
The words that I shall utter, thou shalt judge me
Some staring ruffin,* not thy brother Charles.

Dost love me, sister? Wouldst thou see me live
A bankrupt beggar in the world's disgrace
And die indebted to my enemies?

Susan. . . . knew I the means
To buy you from the slavery of your debts,
Especially from Acton, whom I hate,
I would redeem it with my life or blood.

Sir Charles. I challenge it, and kindred set apart
Thus ruffian-like I lay siege to your heart.

The brother asks his sister to sleep with Acton ("Grant him your bed") and thus repay Acton for saving him:

With that rich jewel you my debts may pay.
In speaking this my cold heart shakes with shame,
Nor do I woo you in a brother's name,
But in a stranger's.³³

As a stranger, no longer a brother, Charles has no less right to use his sister's body than any other man. Susan eventually consents to save his honor and sleeps with Acton, then kills herself. She offers her life as well as her chastity to her brother.

The following decades see a cluster of plays that involve sibling incest, often similarly mediated. In Webster's *The Devil's Law Case* (1623), one of the most involuted, Romelio asks his sister Jolenta to pretend to be pregnant with a child he has begotten upon the nun Sister Angiolella. The reason for his request, he says, is that he wants his illegitimate child, as the supposedly legitimate child of Jolenta and her suitor Ercole, to inherit the property of two men, Contarino and Ercole, which Jolenta claims under marriage agreements. (Contarino, her previous suitor, apparently has died.) Romelio thus wishes to use his sister's body (not to mention her husbands' goods) in a way that belongs, according to the Christian tradition, only to a husband.³⁴

Jolenta responds to Romelio's suggestion with a deception, saying that she cannot pretend to carry Romelio's child because she is already pregnant with her own, by Contarino. At this point Romelio suggests that Jolenta pretend to give birth to twins. She relents in deceiving

*"Ruffin," or "ruffian," means "pander" in Elizabethan idiom.

Romelio only when Romelio tells her that their mother, Leonora, was planning an affair with Jolenta's supposedly dead suitor, Contarino. To her brother Jolenta then says, "I will mother this child for you"; she is reported to say later that "the shame she goes withal was begot by her brother."³⁵

Within the structure of the play, the phantom child Jolenta pretends to her brother that she carries in her womb and the actual child that Angiolella the Sister carries are not only twins but one and the same. Indeed, the sister and the Sister, the twins' mothers—or, if you wish, their mother—are further identified; they were "playfellows together, little children,"³⁶ just as in *Measure for Measure* Juliet is Isabella's friendly "cousin." This limited interchangeability of Sister for sister motivates the plot of *The Devil's Law Case*.³⁷

Even more than *Measure for Measure*, *The Devil's Law Case* ends in a series of marital couplings in which everyone is a sibling, a Sibling, or both, so that all the marriages smack of physical incest, spiritual incest, or both. Jolenta by now has joined a Sisterhood but marries Ercole, who as a Knight Hospitaller is bound like her by a vow of chastity; Romelio marries Angiolella; and Leonora, also become a Sister, marries Contarino, retrieved from the Brotherhood (that of a "Batharite") in which he has all the time been secreted. (Romelio's and Contarino's "bloods embrace," like blood brothers, in the course of the play.)³⁸ Thus *The Devil's Law Case* concerns not only the coupling of brothers and sisters but also the marrying of Brothers and Sisters.

But the devil's law case in the play more profoundly echoes the themes of *Measure for Measure*—it concerns the unascertainability of consanguineous paternity. The case involves Leonora's comedically unsuccessful attempt to prove that Romelio (the only partner in the final couplings who has not become a Sibling) is not his father's son, so that she can avenge herself for his responsibility in Contarino's supposed death.

A more direct questioning of ideas about kinship appears in *A King and No King*, by Beaumont and Fletcher (1611). In its plot, the counterparts to *Measure for Measure's* magistrate Angelo and brother Claudio (who, in terms of the sexual ransom, are for the novice Sister Isabella to all intents one and the same) are combined in a single person: the magistrate-brother Arbaces. He imprisons Panthea, whom he believes to be his sister, and then promises to release her from prison on the condition that she sleep with him:

If thou dars't consent to this
 . . . thou mayst gain
Thy liberty and yield me a content.³⁹

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As he tries to convince Panthea that their supposed kinship should not affect their sexual relationship, Arbaces puts the status of kinship terms, and in consequence kinship relations, into question. "Where / Have those words dwelling?" he asks. Proleptically echoing Freud, he argues that in forbidding incest the cost of civilized custom is too great:

Accursed man,
Thou bought'st thy reason at too dear a rate,
For thou hast all thy actions bounded in
With curious rules when every beast is free.
What is there that acknowledges a kindred
But wretched man? Whoever saw the bull
Fearfully leave the heifer that he lik'd
Because they had one dam?⁴⁰

The play's comedic plot seems to bear Arbaces out: it finally reveals that the apparent siblings are not akin and thus transforms an apparently incestuous love into a chaste marriage.

The literal, or unmediated, wooing of actual siblings is unknown on the English stage before John Ford's *'Tis Pity She's a Whore* (1628). In lines reminiscent of Arbaces' complaint about civilized custom, Giovanni, sick with love of his sister, tells a Friar that his happiness—his very life—requires that he sleep with her:

Shall a peevish sound,
A customary form, from man to man,
Of brother and sister, be a bar
'Twixt my perpetual happiness and me?⁴¹

Giovanni seeks an unmediated form of the bargain Claudio asks of Isabella: a brother's life in exchange for incest with that brother.* The mediated wooing in *Measure for Measure*—its mediation epitomized in Isabella's word "kind"—revolves around a similar commensuration of incest and dying.

The Exchange as Father-Daughter Incest. Isabella claims that Claudio wants "to take life / From thine own sister's shame" (3.1.138–39) just as a son takes life from his mother and is delivered from his mother's

* Marguerite of Navarre, in the *Heptameron* (3d day, tale 22), tells the story of a prior who tries to convince a nun to sleep with him (i.e., to commit "spiritual incest") so that he, her Brother, might not die. His argument weighs spiritual incest against fratricide: "I have a malady which all the physicians deem incurable, unless I delight myself with a woman I passionately love. I would not for my life commit a mortal sin; but even if it should come to that, I know that simple fornication is not to be compared to the sin of homicide. So, if you love my life, you will hinder me from dying, and save your own conscience."

womb. For Isabella to give birth to her brother, she must have had incestuous intercourse with his father, who is presumably her own as well. Sleeping with Angelo would thus amount to sleeping with her father. P. R. Vessie perceptively suggests of Isabella that “in an incestuous rebirth of her brother . . . she recognizes herself as playing an immoral role of her mother with Angelo.”⁴² As we have seen, though, Angelo in this context merely substitutes for Vincentio. “Be thou at full ourself,” the Duke has said (1.1.43). He is the principal father figure in the play, who stands in for the natural father of Claudio and Isabella, the Pope of religious Brothers and Sisters, and the royal patriarch of all the Viennese.

Claudio’s request that Isabella sleep with Angelo thus would involve her simultaneously in incest with both brother and father. Out of brother and father conflated in one sexual mate, figured in Angelo, Isabella would give (re)birth to her brother as to a son. As her brother is conflated with that son, so her father, conflated with her brother in the sexual act of the brother’s conception, would also be conflated with her son, father and son thus becoming one in an outrageous imitation of the Christian union of Father and Son.⁴³ Libertine orders such as the Brethren of the Free Spirit emphasized the essential spiritual precondition for making such a union guiltlessly possible: “The spirit of the Free Spirit is attained when one is wholly transformed into God. . . . One can be, according to one’s wish, Father or Son.”⁴⁴

Two English Monarchs Simultaneously Incestuous and Virginal

Isabella’s fears of incest suggest how Shakespeare’s treatment of the conflict between sovereign authority and liberty (*pater* and *liber*) may be interpreted in the specific context of Elizabethan political and religious history. Not only had virginity been made a topic of political importance, but slanderous accusations were rife about brother-sister and father-daughter incest in the families of the late Queen Elizabeth (who died childless in 1603) and the new King James.

Queen Elizabeth and Shakespeare’s Isabella. “Isabella” is the translational equivalent of “Elizabeth” (both mean “consecrated to God”) and Isabella’s expressed fears about her family history echo those Queen Elizabeth must have had. One cannot make an airtight case for Isabella’s being modeled on Queen Elizabeth; were that possible on the basis of what is said in *Measure for Measure*, Shakespeare might have been open to charges of treason.⁴⁵ (He might have been hung for slander, as Lucio is supposed to be.) But the “kind of incest” of which

Isabella accuses Claudio was not remote from people's minds in the Elizabethan era. Indeed, it was on Elizabeth's own mind at the sexually novice age of eleven and was reflected in her translation *The Glasse of the Synnefull Soule*, written in 1544.⁴⁶

In 1544 the eleven-year-old Princess Elizabeth was under the care of her fourth stepmother, Catherine Parr. Her natural mother, Anne Boleyn, had been executed; her first stepmother, Jane Seymour, had died in giving birth to her half brother (later Edward VI); her second stepmother, Anne of Cleves, had died; and her third stepmother, Catherine Howard, had been beheaded. Anne Boleyn had risen to be queen after Henry VIII's first wife, Catherine of Aragon, was charged with incest (Catherine had been Henry's sister-in-law), and Anne had fallen when Henry accused her in turn of incest with her brother Lord Rochford.* (Others charged that Anne was herself Henry's illegitimate daughter, which would make her guilty of both the kinds of incest discussed in the previous section.)⁴⁷

Just as Isabella in *Measure for Measure* may fear that her brother (and by extension she herself) is not legitimate, so Princess Elizabeth must have wondered about her legitimacy. (In fact, Henry VIII himself declared her illegitimate.)⁴⁸ First, the union between Catherine of Aragon and Henry VIII may not legally have been incestuous.⁴⁹ In Shakespeare's *Henry VIII*, which touches on this question, Henry is made to fear that the union was incestuous (H8 3.2.16–28), yet in the same play the common people are sympathetic to Catherine's argument that her marriage was legitimate, hence to the position that Elizabeth is a bastard (H8 4.1). Second, Elizabeth may have been conceived before marriage. Henry VIII and Anne Boleyn were married in January 1533, and Elizabeth was born in September of that year—a suggestive nine months later.⁵⁰ Moreover, the marriage was a secret one—much like Claudio's "fast" marriage to Juliet (or Romeo's to Juliet, for that matter)—and thus subject to challenge. (The analogy goes beyond *Romeo and Juliet* to Shakespeare's own marriage.) Finally, Thomas Cranmer, the Archbishop of Canterbury, declared Elizabeth illegitimate on yet other grounds. He argued that Henry's liaison with Anne was incestuous insofar as Henry had already had an affair with Anne's sister, Mary Carey, née Boleyn. (In England marriage to a former mistress's sister was defined as incest. In 1536 an Act of Parliament concerned with defining the degrees of consanguinity and af-

* Henry VIII's charge against Anne Boleyn was virtually reenacted when the aged Queen Elizabeth fell in love with the young Essex, whose maternal great-grandmother was Mary Boleyn, sister of Anne and onetime mistress of Henry (Duff, "Die Beziehung Elizabeth-Essex," p. 469).

finity that make for a diriment impediment to marriage ordered every man who had married his mistress's sister to separate from his wife and forbade all marriages with mistresses' sisters in the future.) Since Elizabeth was the product of an incestuous union, thought Cranmer, she must be illegitimate.⁵¹

In *Henry VIII* Shakespeare seems to go to great lengths to allay anxiety about the legitimacy of Elizabeth's birth (see esp. 2.4.165–233). Yet toward the end of the play the Porter suggests that Anne Bullen, who had been Henry's mistress (like her sister Mary before her), was a fornicatrix, so that the Princess Elizabeth may be a bastard (as she would be from a Catholic viewpoint). When the Porter cries out, "What a fry of fornication is at door!" (H8 5.3.34–35),⁵² he refers in part to the crowd of common people, but the smallest "fry" in the play is, of course, Elizabeth herself. The last scene of *Henry VIII* shows the Duchess of Norfolk and the Marchioness Dorset, the baby princess's two godmothers, substituting for her biological mother, the absent Queen Anne Bullen, who is barely mentioned (H8 5.4.4); it also shows Henry VIII, presumably the princess's biological father, asking her godfather, Cranmer, "What is her name?" (H8 5.4.9). It is as though Elizabeth's verifiable gossiped had replaced her questionable consanguineous kindred.

The problem of incest in the play comes to infect even gossiped, however. The Porter explains that "this one christening will beget a thousand, here will be father, godfather, and all together" (H8 5.3.36–37). The question of Elizabeth's incestuous origin is replaced by a good-humored conflation of blood parentage with godparentage, or of consanguineous kin with godsibs—"all together." The Church forbids a father to play the role of a godfather,⁵³ however, so that the Porter's words again suggest the incestuous aspect of Elizabeth's birth, besides hinting, at her future role as virgin queen, a secular counterpart to that Virgin the Father of whose Son was not only his godfather but also God the Father.⁵⁴

The real princess Elizabeth did not reject her purportedly incestuous mother, and she adopted as her own the badge of Anne Boleyn, with its significant inscription "Semper Eadem" (always the same). The interest in chastity of the queen-to-be-virgin—foreseen by Cranmer in *Henry VIII*, who predicts, at her birth, that she will die "yet a virgin, / A most unspotted lily" (H8 5.4.60–61)—is evident in her youthful writings. But also evident in Elizabeth's choice of a work to translate is an attraction to incest as the obverse of chastity.

In her introduction to her translation of Marguerite's *Miroir de l'ame pecheresse* (literally, *Mirror of the Sinful Soul*), Elizabeth hints that her



“Semper Eadem.” The badge of Anne Boleyn, which Elizabeth adopted while a princess and retained after becoming queen. (Elizabeth, *Mirror*, ed. Ames, frontispiece.)



work concerns incest of a spiritual kind. She describes how the authoress, beholding and contemplating what she is, “doth perceyve how, of herselfe, and of her owne strength, she can do nothing that good is, or prevayleth for her salvacion; onles it be through the grace of god: whose mother, daughter, syster, and wife, by ye scriptures, she proveth herselfe to be.”⁵⁵ Yet the adolescent Elizabeth’s *Glasse* depicts a young woman in the throes of illicit passion trying to move that passion, like a nun or a spiritual libertine, from the physical to the spiritual level.⁵⁶ The woman is “bound by her concupiscence,” having a body “redy and prompt to do all yvell” and subject to “my enemy, my sensuality (I beying in my beastely slepe).”⁵⁷ The tormented woman is drawn to seek, not physical incest like the mother-son incest depicted in the “Tale of Incest” in Margaret’s *Heptameron* (in which an unwittingly incestuous couple is described as having “loved each other so much that never were there husband and wife more loving, nor yet more resembling each other; for she was his daughter, his sister, and his wife, while he was her father, her brother, and her husband”) or like the brother-sister incest that Margaret spiritualizes in her greatest poetry,⁵⁸ but spiritual incest with God. The entire poem on the purification of the sinful soul revolves around the apparent riddle that both a spiritual libertine and a traditional nun, in imitation of the Virgin Mary, make of God a father, husband, brother, and son.⁵⁹

John Bale, the influential Protestant reformer, possibly troubled that his purportedly illegitimate tutee Elizabeth should have chosen to

translate an apparently libertine work of the French Spiritualists, translated the French title as *A Godley Medytacion of the Christen Sowle* and insisted, in his Epistle Dedicatory and Conclusion (which frame the *Meditation* as it was first published), that the standard of consanguinity as the measure of noble kinship is transcended properly only by the standard of “true,” or spiritual, nobility. He claims it is by “plain” virtue—not by libertine celibacy or virginal incest—that one becomes God’s “chylde of adopcyon.”⁶⁰ Elizabeth, following out a hint in Bale’s Epistle Dedicatory, later tried to quiet the slander that she was a bastard by appealing to this doctrine of adoption by God—a doctrine that transcends the distinction between legitimacy and illegitimacy, hence between chastity and unchastity—by making divine virtue, not consanguinity, the essential substance of kinship. Her interpretative translation of Boethius’s *Consolation of Philosophy* confirms the doctrine, unusual coming from the pen of a hereditary monarch, that no people are bastards and all are essentially equal siblings.⁶¹

But it is at the level of incest both spiritualized and secularized that Elizabeth as monarch later established herself as the national virgin queen who was at once the mother and the wife of the English people. In a speech before the Commons she put it thus:

I have long since made choice of a husband, the kingdom of England. And here is the pledge and emblem of my marriage contract, which I wonder you should so soon have forgot. [She showed them the ring worn at the accession.] I beseech you, gentlemen, charge me not with the want of children, forasmuch as every one of you, and every Englishman besides, are my children and relations.⁶²

Elizabeth here secularizes the religious institution of incest; she adjusts a longstanding ideological commonplace (that the Virgin Mary is at once the parent and spouse of God) to the psychological requirements of her girlhood and the political requirements of her monarchical maturity.⁶³ Marriage for the secular ruler, like marriage for the clergy,⁶⁴ is out of the question. For Elizabeth, marriage—that “earthly paradise of happiness”⁶⁵—is possible neither as an earthly wife nor as a paradisiacal nun but only as the royal mother/wife of England.*

In the context of religiously spiritualized incest (as in the *Glasse*) or secularly sublated incest (as in the institution of the virgin queen), Isabella in *Measure for Measure* appears to combine both Anne Boleyn the

*Elizabeth was so successful at establishing herself as the English spiritual Mama—in contradistinction to the Romish spiritual Papa—that Pope Sixtus “allowed his mind to dwell on the fantasy of a papal union with the English crown; what a wife she would make for him, he joked, what brilliant children they would have” (Johnson, *Elizabeth*, p. 109).

incestuous fornicatrix and Elizabeth the virgin. If the fear of incest, or of a desire for incest, can help spur a woman to contemplate being consecrated to God (becoming *elishabet*), that fear may have something to do with why Isabella and Elizabeth defy nature's injunction to reproduce.⁶⁶

King James and Shakespeare's Vincentio. The same pattern—a fear of being or becoming wholly unchaste, hence a desire to be wholly chaste—informs the life of King James VI of Scotland, who succeeded Elizabeth as James I of England. The association of James with Vincentio in *Measure for Measure* has been a commonplace of criticism since at least 1799.⁶⁷ Scholars argue that the Duke is modeled on James insofar as some of James's actions and doctrines resemble aspects of *Measure for Measure*.⁶⁸ Beyond these, James's concern about the fornication and bastardizing of his ancestors and his wish to lay claim to virginity make him a counterpart not only to the monkish Duke Vincentio but also to the novice Isabella and to all persons in the play caught between incest and celibacy.

Just as Princess Elizabeth, the supposedly illegitimate daughter of the adulterous and incestuous Anne Boleyn, made a claim to chastity, so King James—the grandson of the notoriously libertine and bastardizing James V and the son of the purportedly adulterous Mary Queen of Scots—made a claim to chastity.⁶⁹ Like Elizabeth, James reacted against his family's past; despite a penchant for boys, he became as famous for (heterosexual) chastity as Elizabeth. Richard Baker writes of James that “of all the Morrall vertues, he was eminent for chastity” and claims that James challenged comparison with Queen Elizabeth in this regard.⁷⁰ Beginning in 1603 with his first address to the English Parliament, in his speeches James adopted Elizabeth's mode of reincarnating the Holy Family on earth, claiming that he was both the spouse of England (“I am the Husband, all the whole Isle is my lawfull Wife”) and its “loving nourish-father.”⁷¹ Moreover, James was sensitive to the charge that he was the bastard son of Mary; appealing to a 1585 Act of Parliament that made slander of the king a treasonable offense, in 1596 James, like Vincentio sentencing the slanderous Lucio, ordered executed a man who called him “ane bastarde.”⁷²

The pattern of unchastity and (over)compensation in virginity that I have outlined may be summarized as follows: The novice Isabella reflects an internalized tension between the libertinism she fears in her mother and the celibacy she believes to inhere in her Mother Superior and aspires to attain as a Sister. Princess Elizabeth likewise reflects a tension between the libertinism for which her mother was condemned and the celibacy for which she would later become famous.

Punishment and Ransom

In the same way, Vincentio in *Measure for Measure* reflects a tension between libertinism (which Lucio's remarks about him and his entering a liberal [fraternal] order suggest) and chaste patriarchy. Finally, King James reflects the tension between the libertinism represented by James V, whose way of life he abhorred, and the mythic virginity to which he aspired.

The pattern echoes a schema in Shakespeare's second *Henriade* (*Henry IV*, Parts One and Two, and *Henry V*). There King Henry V combines the liberal as well as libertine Prince Hal and the patriarchal Henry IV. Despite the fact that he wishes to be of the people, to be a liberal, Hal comes to learn that as King Henry V he must also be above the people as a visible authority (cf. H5 4.1.85–102). Likewise, in *Measure for Measure* Henry's counterpart, Vincentio, combines in himself the sexual opposites chastity (as father-friar) and unchastity (as one who has refused to execute the law against fornication and perhaps also as the libertine that Lucio makes him out to be).

Atonement and Tragedy

In *Measure for Measure*, the great scene between Isabella and Claudio so far transcends anything that English, anything that European, drama had had to show for nearly two thousand years, that in this special point of view it remains perhaps the most wonderful in Shakespeare.

George Saintsbury⁷³

What informs the scene in which Isabella raises the specter of incest is precisely what informs such great tragedies as *Oedipus the King* and *Antigone*—namely, the tension between political civilization and its natural discontents, between life (by incest) and death (by virginity). Isabella's reference to incest reflects that tension in several interrelated ways. First, her novitiate may be related to a fear that, even as a laywoman, for her any physical sexual union might be incestuous because of the potential for universal consanguinity in Vienna. Second, her decision to join a nunnery means that, as a Sister, for her any sexual union would be incestuous because of the universal affinity or Siblinghood monachism emphasizes. Moreover, not only is incest both the antonomasia of all sex and the telos of all fornication, but the incestuous aspect of Isabella's particular proposed fornication with Angelo is accentuated by the fact that fornication with Angelo is equivalent both to sleeping with her brother and to giving (re)birth to him.

For Isabella, then, the problem of how, if at all, she will enter the Sisterhood, choosing Universal Siblinghood over and above individual

Punishment and Ransom

sisterhood, is the extended moment of *Measure for Measure*. That problem is further exacerbated when, fearing the kind of incest Claudio proposes, she tells the Friar-Duke that she “had rather my brother die by the law, than my son should be unlawfully born” (3.1.188–90). She regards filial illegitimacy (illegal birth) as commensurate with and better than fratricide (legal execution), concurring with Angelo that fornication is essentially murder. That her logic involves the assumption that a child will be born from sleeping but one time with Angelo should not surprise us, since birth is the telos of the act of sexual intercourse. That she assumes a son, as opposed to a daughter, will be born becomes explicable when we understand that she is thinking about the (re)birth of her brother; as we shall see, she does “kind of” give birth to a child who turns out to be Claudio himself. It is the irony of the play, moreover, that the commercial commensuration, hence interchangeability, of death with birth on which the logic of her decision not to sleep with Angelo relies is significantly akin to the incestuous conflation, hence interchangeability, of brother, son, and father that she would avoid.