

5

Taliation, Part Two:
Likeness and Identity



Illustration of *Measure for Measure*, 3.1. (Lang, "Measure for Measure," p. 76.)

Like doth quit like, and Measure still for Measure.
(5.1.409)

THE PLOT of *Measure for Measure* is informed by a series of exchanges, or proposed exchanges, in which things are taken for each other. These exchanges constitute a developmental series that motivates the play from beginning to end, a series that plays out the figurative basis of all transaction—commercial, sexual, and linguistic.

In this second examination of taliation, or “the return of like for like,” we shall consider first the common measures of things that are traded (or that pass) for one another—both the commercial measures that can make life equal to death, for example, and the kinship measures that can make father equal to son. Then we shall describe the actual exchanges that take place in *Measure for Measure*, where Claudio is eventually “redeemed” as his own son.

Exchange and Use

Exchange Where the Given and the Taken are One and the Same. If person *A* takes object *X* from person *B*, then, according to the most literal interpretation of the *lex talionis*, he must return object *X* to person *B*. For example, if a man steals a certain cow, then that is the cow he must return. This is a barter transaction where what is taken (or purchased) is identical to what is given (or sold). Such a transaction is perfect in its symmetry and equation. Such perfection implies a simultaneity of purchase and sale, however, since otherwise the object(s) traded would differ in time, space, or use. Thus this perfect transaction is in some ways impossible. Yet it serves as the model for a second kind of exchange, a model the second kind cannot in any ordinary, literal sense attain.

Exchange Where the Given and the Taken are Two. In the first kind of exchange, there is no need to find a likeness or common measure between the object given and the object taken because they are identical. When what was taken away cannot be given back, however, some sort

Likeness and Identity

of commensuration is required. If a thief has taken a head or maidenhead by murder or fornication, for example, then, in the ordinary course of events—where resurrections do not occur and stolen heads or maidenheads cannot be returned—we must either reject the *lex talionis* or find an appropriate substitute for the lost head or maidenhead. In this case, person *A* takes object *X* from person *B*, but since object *X* cannot be returned, a substitute for object *X* is found, object *Y*, which can pass for it in some figural or fictional sense. The transaction now becomes: person *A* takes object *X* from person *B*, and person *B* gives object *Y* (which equals object *X*) to person *B*. (If what has been taken is the life of person *B*, however, then object *Y* must be given to person *C*, a person who substitutes for person *B* or represents person *B*'s family or state.)*

We may think of this second kind of exchange as a monetary transaction because a moneylike intermediary, or measure, between *X* and *Y* is required. Much turns on the figurative measure that allows exchange, the likeness—"like doth quit like" (5.1.409)—of the items traded.

In *Measure for Measure*, as we shall see, the items exchanged—given and taken—for one another are generally human beings. They are, at least initially, two different human beings; and what has to be, or is, given in return for what was taken is figured in terms of two moneylike measures, or means of substitution. The first half of *Measure for Measure* (i.e., up to the prison scene between Claudio and Isabella) is informed by an interchangeability of persons based on the commensurability of life and death that we considered in the preceding chapter; the second half of the play is informed by a closely related interchangeability of persons by means of disguise.

In the first half of the play, things have been taken that cannot be given back, and suitable substitutes must be found, ones that will be commensurable with, or pass for, the thing taken. Barnardine, Claudio, and Angelo are all confronted with this situation. Barnardine the murderer, for example, cannot give back the head (life) that he took from another man according to the literal terms of the *lex talionis*, "life for life"; Claudio the fornicator has illegitimately taken a maidenhead, or, in the legal terms that Isabella and Angelo employ, he has

*Where *A* takes the life of *B*, not only is *A* unable to return that life to *B*, but whatever *A* does return, say his own life, he cannot return to *B* but merely to an appropriate representative of *B*, such as *B*'s family or state. Just who that representative should be is always important in settling cases of taliation of the second kind.

Likeness and Identity

stolen a life from nature;* and Angelo is the would-be thief both of a head (Claudio's) and of a maidenhead (Isabella's). According to the commensuration of life with death discussed in the preceding chapter, it makes sense for Barnardine to pay for the life of his victim with his own life, for Viennese law to substitute Claudio's forever-to-be lost head for Juliet's forever-lost maidenhead, and, in Angelo's proposed ransom, for Isabella's maidenhead to substitute for Claudio's head.

The central prison scene between the brother and the sister expresses the failure of such commensuration to solve the dilemmas at issue in the play. Commensuration fails not because it is absurd (some such commensuration informs most all exchanges) but because Isabella refuses to ransom Claudio's head by yielding her maidenhead to Angelo; more specifically, it fails because this particular commercial exchange, or taliation, of flesh would constitute a conflation of kinship roles that resembles incest. Thus the substitution that might redeem Claudio's life—Isabella's maidenhead as a substitute for Claudio's head, or Isabella's maidenhead as a substitute for the maidenhead Claudio took—will not take place. In the middle of the play it seems that Claudio, who is like most all of us, must die.

But Claudio will not be lost if a substitute can be found for one or another of the items in the trade "Isabella's maidenhead for Claudio's head"—that is, if a maidenhead that somehow measures up to the maidenhead of Isabella or a head that somehow measures up to the head of Claudio can be substituted. Instead of "Isabella's maidenhead for Claudio's head," the exchange might be "Mariana's maidenhead ([somehow passing] for Isabella's) for Claudio's head"—which is the Duke's first plan—or "Ragozine's head ([somehow passing]) for Claudio's head," which is his second.

In the latter part of the play, both these substitutions occur by means of disguise. Disguise, the essential motor of drama, not only provides commensurability but is the visible dramatization of the ultimately fictional or figurative basis of all commensuration informing transactions of the second type (where the given and the taken are two).

In the second kind of exchange, what is given is somehow rationalized as being commensurate with what was taken away. Such figural commensurations that make *X* the equal of *Y*, or somehow give *X* the guise of *Y* for purposes of the transaction, involve a fiction of identity—that is, involve a principle resembling disguise. The socially necessary fiction upon which these exchanges depend has a central place

*So why couldn't he just return it—the infant's life—to nature? To the problems of feticide and infanticide, to which this question leads, we shall return in chapter 6.

Likeness and Identity

in social, legal, and religious thinking because, whether or not we accept a particular rationalization of commensuration, some figurative rationalization must underlie any or all exchange by taliation of the second type.* As the chief element in drama, disguise or its dramaturgy makes possible a sympathetic critique of the notion of identity on which exchange often relies.

The second half of *Measure for Measure* enacts the figural or fictional but necessary ground of the *lex talionis*—that one thing can be another—through a series of transactions in which one thing passes for another and hence, to all structural intents and purposes of the plot, becomes the other. In the first half of the play, one human being is traded for another by virtue of a conceptual commensurability of life with death; in the second half, this means of taliation is modified so that one human person passes for another by seeming to be the other. Beginning in the middle of the play, *X* equals *Y* by virtue of *Y* being disguised as *X*. This new equation is neither “an eye for an eye,” where the two terms are ontologically identical (as if a man could be given back the eye, i.e., the eyesight, taken from him in the same way he can be given back a cow); nor is it “an eye for an eye” where the two terms are ontologically different but commensurate (as where a man is given the eye, i.e., the blindness, of the man who took his eye). It is rather “an eye for an eye” where one eye, ontologically different from another, counterfeits the other to the point where, to all intents and purposes, they are ontologically identical in the transaction and one passes for the other. In the course of *Measure for Measure*, maidenhead is substituted for maidenhead and head for head in such a way that, for the taliation proposed by Angelo and seconded by Claudio (Isabella’s maidenhead for Claudio’s head), there is substituted another taliation (Mariana’s maidenhead for Claudio’s head).

Exchanges by disguise recall the commonplace trickery found in most bed-trick plays. Yet in *Measure for Measure* the dilemma that necessitates this trickery (the *guilt* associated with the inevitable imperfection of, or *Geld* in, the law of taliation in cases of human reproduction and human killing) points toward an ultimate reidentification of the objects given and taken. This reidentification—would it were possible!—informs a third kind of exchange under the *lex talionis*. According to its terms, what was believed unreturnable turns out to be returnable. It reverts, at a transcendent level, to the first, or original, kind of exchange.

*Although taliation is not the only way to justify punishment as retribution, it may be the only way to know just how much punishment should be meted out.

Likeness and Identity

Exchange Where the Given and the Taken Are One (Atoned). In the first way of satisfying the *lex talionis*, what was taken can be returned; in the second, what was taken cannot be returned, and a substitute must serve instead. The third way of carrying out the *lex talionis* incorporates and transcends the second way in such a fashion that the first is reached again at a higher level. In such a transaction, what was taken is unreturnable, or is believed to be unreturnable, but then is returned. Person *A* here takes object *X* from person *B*, and then object *X*, though forever lost or believed to be so, is somehow found and returned to person *B*. This reverts to a barter form of transaction, at a higher level.

In *Measure for Measure* such crimes as murder and fornication are made up, if at all, by a dramatic progression from substitution by commensuration (in which the punishment for stealing human lives and virginities is death) to substitution by disguise or likeness, and then from substitution by disguise to a reidentification of the object sold and the object purchased in such a way that they are not merely like each other but are identical to each other. "Both are two but each is one," as in the Platonic formula.¹ By this reidentification the fictional or figurative aspect of the *lex talionis*, on which our commercial and vital exchanges, and hence our societies, are based, is visibly dramatized or literalized. In other words, in *Measure for Measure* the law of taliation by substitution through commensuration and disguise is carried out, but at the same time it is both "razed" (or erased) and also "raised" up to a higher level where, as in Hegelian sublation and Christian resurrection (or re-membering), what was taken can be given again. This new rule of taliation, or new way of carrying out the old rule, treats unreturnable stolen human lives and virginities as though they were returnable and retreats from a money to a barter economy; it does not destroy but rather fulfills the old law.

That the way from the figural taliation of human lives to their resurrection should involve incest is not surprising. Disguise, dramatizing the legal and politically necessary fiction that typifies all commensuration, essentially allows all human beings to pass alike. One consequence of this is the power of disguise to allow commercial exchanges, as in Vincentio's plans to exchange Mariana's maidenhead for Isabella's and Barnadine's head for Claudio's. Another consequence is its power to allow—to all intents demand—incest, as in a grand carnival: "All masquerades are potentially incestuous."² Disguise not only allows Mariana to pass for Isabella and Ragozine to pass for Claudio; it also and essentially allows Claudio to pass for Angelo; that passing is one of the substitutions Isabella has in mind when, in the middle of

the play, she suggests that sleeping with Angelo would be incest of a kind. In this sense, disguise informs not only the commercial but also the sexual and incestuous exchanges of *Measure for Measure*. And incest is what makes resurrection of a kind possible within the probable but impossible plot of *Measure for Measure* and so solves the otherwise ineradicable problems of commensuration.

By incest a man such as Claudio can be born again (resurrected) as his own son, so that two different human beings become one, or are (re)identified. In the play resurrection results from a dramatization both of the relation between (sexual) intent and (sexual) act and of the manner, given the incestuous telos of all sexuality, one can become the father of oneself: "Both are two but each is one." The close relationship between commercial taliation and incest—both involve commensuration and substitution—is thus a principal key to understanding the structure and meaning of the play. Without it much of the action in the second half must seem unnecessary, impossible, or ridiculous.³ With it we can see why Friar Vincentio, faced in the prison with the dilemma that Claudio must die, does not reveal himself as Duke and confront directly either Angelo's commercial mentality (his proposal that Isabella give him her maidenhead for Claudio's head) or Claudio's incestuous mentality (the same proposal reinterpreted by Isabella as "a kind of incest") but instead tries to use those potentially subversive mentalities to his own ends by disguise.

Yet what Vincentio does by disguise is not qualitatively different from what has preceded. The new kind of substitution on which he relies (homogeneity through disguise) is in no absolute wise different from the kind of substitution that informs the proposal of Angelo (whereby Isabella and Claudio are commercially equated) and that of Claudio (whereby Claudio's sister is incestuously equated with his mother or wife and Claudio can be born again as his own son). The hint of this incestuous transcendence, the discomfiting but only adequate solution to the essential dilemma of the play, is the intent, or *use* (supplement), of the plot of *Measure for Measure* taken as a whole.

Wergeld and Natural Usury. The monetary role of human beings in *Measure for Measure* as objects given and taken (they are commensurate, hence, interchangeable) should be distinguished from that in several of the play's recognized sources. In the sources the ransom is often money given for a body; in *Measure for Measure* it is a body given for another body. In Thomas Lupton's *Too Good to be True*, for example, the wicked magistrate demands money from the unfortunate woman as a partial ransom for the imprisoned husband, and in Augustine's story the magistrate demands money as the complete ran-

som.⁴ In these sources, human beings are bought and sold for money, as in the institution of wergeld. Shakespeare depicts such buying and selling in the institutions of prostitution and, at least on one level, marriage. Thus Mistress Overdone, Kate Keepdown, and perhaps Mistress Elbow sell their bodies to men; Lucio and the Gentlemen rent women's bodies for money (1.2), and the enlightening Lucio accuses the Duke himself of having similarly connected human bodies with money: "His use was to put a ducat in her clack-dish" (3.2.123-24). (Compare the Duke's identifying animal with monetary use in 1.1.36-40.) In the institution of marriage as reflected in *Measure for Measure*, moreover, one person purchases another for money; the Duke, for example, offers Mariana money with which "to buy you a better husband" (5.1.423). And it is for lack of money that people refuse to buy and be bought in marriage; Angelo, for example, did not marry Mariana because he did not receive her dowry (3.1.215-23), and the sexual propagator Claudio did not marry Juliet because he was awaiting the "propagation of a dower" (1.2.139). The pimp Pompey, like a good structuralist, holds this human commerce to be the necessary state of human affairs: "You will needs buy and sell men and women like beasts" (3.2.1-2).

Thus *Measure for Measure* depicts the purchase and sale of human beings for money, which is Pompey's business and the business transacted in several of Shakespeare's sources. The essential aspect of flesh-mongery or the "trade" of lechery (3.1.148) in the play is, however, the use of human beings as money. *Measure for Measure* explores the significance not only of paying money for a body but also of using a body as money, for in this play heads and maidenheads are traded as if they were commensurate. Thus Angelo does not ask Isabella to pay money, or *Geld*, to ransom her brother; instead he asks her to yield "the treasures of your body" (2.4.96) for another body somehow commensurate with it. ("To yield" in English is cognate with the German *gelden*, "to pay with money." See 2.4.103, 163, 180; 3.1.97-98.)

The Use of Flesh. Like a "fleshmonger"—which is what Lucio calls him—Vincentio sees fit to make others "exchange flesh" (WT 4.4.281). By this he gains a kind of profitable advantage or use. In that sense *Measure for Measure* is about natural usury, or the "use of flesh," where one gets more than one gives. If one considers monetary usury to be unnatural, then the process of gaining that supplement—a process that is the only possible solution to the dilemma posed in the play—is in the same category as unnatural incest.

At the beginning of *Measure for Measure*, Duke Vincentio suggests that nature regards animal progenitors, including the human kind, as

Likeness and Identity

monetary principals and all animal progeny as monetary interest, or “use”:

Spirits are not finely touch'd
But to fine issues; nor nature never lends
The smallest scruple of her excellence
But, like a thrifty goddess, she determines
Herself the glory of a creditor,
Both thanks and use. (1.1.35)

The Duke implies that sexual, moral, and monetary reproduction are of the same kind. Interest, the offspring of a monetary principal, is like a human child, the offspring of a human progenitor. Pompey, the pimp or sexual usurer,* makes a similar association of sexual reproduction with monetary usury: “T’was never merry world since, of two usuries, the merriest was put down, and the worser allowed by order of law” (3.2.6–8). Pompey’s statement, which insists upon the similarity between sexual and monetary usuries, educates the listener to one or another discomforting position: either (1) to reject Pompey’s (and the Duke’s) analogy between human and monetary offspring, or (2) to accept the analogy and hence both to regard Angelo’s new policy as inherently contradictory and to regard the Duke’s age-old tolerance of both kinds of usuries as consistent.

Aristotle rejects the kind of association between sexual and monetary production that both Pompey and the Duke make, attacking the association as a merely philological connection between *tokos* as “natural offspring” and *tokos* as “interest”: “Interest increases the amount of money itself (and this is the actual origin of the Greek word *tokos*: offspring resembles parent and interest is born of money); consequently this form of the business of getting wealth is of all forms the most contrary to nature.”⁵

Aristotle influenced Church theorists, especially Aquinas, who called moneylending unnatural. During the Reformation in England and elsewhere, the question of whether interest was indeed “contrary to nature” became a major focus of the Protestant controversy about monetary use. Perhaps a contemporary questioning of the Aristotelian position influenced the fact that the Duke and Pompey, like Shylock and unlike Antonio in *The Merchant of Venice*, seem to accept the identification of the two usuries. But this identification leads to the second position stated above: that Angelo’s new policy in regard to sexual and monetary usuries is contradictory (he allows one but not the other) and that the Duke’s old policy was logically consistent, if

*One of the meanings of “usurer” is “pimp.”

Likeness and Identity

strictly speaking illegal (he allowed both). And for total consistency, the Duke's old policy should allow not only sexual and monetary usury but also incest, whose natural (animal) or nonnatural (either human or monstrous) status is as questionable as that of usury.

Moneylending and incest are indeed associated in the Western tradition. On the Greek side, Oedipus's unnatural sexual generation is matched by his tyrannical concern with monetary generation.* On the Judaeo-Christian side are laws that outlaw taking interest from brothers or, insofar as all men are brothers, from everyone. According to the laws of Deuteronomy and Leviticus, a Jew is allowed to lend money at interest not to brothers (Jews) but only to others (non-Jews); hence moneylending depends on knowing who is kin.⁶ Knowing who is kin depends in turn on the enforcement of such laws against bastardizing as the one the Duke has overlooked and Angelo tries to execute. In Christianity, however, all people are brothers, so it is equally bad or good to lend at interest to anyone. Such a universalist response outlaws all monetary usury just as it endorses Universal Siblinghood, or incest of the kind that Isabella either flees (in Vienna) or seeks (in the nunnery).

In *Measure for Measure*, Vincentio acknowledges the usefulness of nature and himself becomes a usurer. As "fleshmonger," he uses Mariana's body in place of Isabella's in order to gain "advantage" (4.1.23, cf. 3.1.255), or "use";[†] he tells Escalus, justifying his presence in Vienna, that his "chance is now / To use it for my time" (3.2.211–12). The difference between him and Pompey as fleshmongers is only the difference between secrecy and openness: Pompey openly calls women "trouts" (1.2.83) and treats them as such; the Duke quite secretly uses them the same.⁷

Disguise as Agent of Commensurability: The Duke's Counterfeits

The lex talionis of "eye for eye," under whose interpretation by Angelo and Isabella as "legal execution for illegitimate procreation" Claudio the fornicator is condemned to die—and under whose ordinary interpretation as "legal execution for illegal killing" Barnadine the murderer is condemned to die—makes a man repay with his own life

*I argued in *The Economy of Literature*, chap. 3, that Oedipus the "tyrant" is allied with the rising class of merchants and moneylenders. The "unnatural" incest in his family is a counterpart to the "unnatural" usury practiced by that class.

[†]In Elizabethan English, "advantage," like "use," connotes "monetary interest." See the conversation between Antonio and Shylock: "Methoughts you said you neither lend nor borrow / Upon advantage." "I do never use it." (MV 1.2.65–66.)

the life he has taken. It demands a form of substitution for the original thing taken: a head for a head “from nature stolen” (2.4.43). For the taliation of “head for head” that the law demands of Claudio (his own head in return for the head he stole), Angelo proposes to Isabella the taliation of “maidenhead for head” (her maidenhead in return for Claudio’s head). What makes the commercial, even incestuous, substitutions of human being for human being avoidable in *Measure for Measure* is another kind of substitution, namely, disguise: “So disguise shall by th’ disguised / Pay with falsehood false exacting” (3.2.273–74).

Vincentio, merchantlike, tries to manage the exchanges of one person for another and to use them to advantage. His role recalls the merchant disguises of the historical and fictional rulers on whom Shakespeare may have modeled him; his actual guises as Friar and Duke are crucial to this vital commerce, or fleshmongery. As Friar he has the ability to confess Mariana, which allows him to know her contract with Angelo, and as Duke he can overrule Angelo’s death sentence on Claudio and arrange for the exchange of Barnardine’s head for Claudio’s.

The ability to know the invisible heart, like a friar, and to interfere with visible action, like a duke, makes Vincentio a mighty merchant of men. But he is no Platonic philosopher-king or Christian man-god, not even an ideal Holy Roman Emperor. His knowledge of intent fails because he does not know that Angelo will break his bargain with Isabella, and his power to act fails when he cannot arrange a sinless death to save Claudio.

Maidenhead for Maidenhead. In *Measure for Measure* the exchange of maidenhead for maidenhead—like the exchange of head for head—involves the monetary kind of interchangeability. In the brothel that Lucio frequents and the vineyard that Angelo frequents, for example, one maidenhead passes for another just as, in monetary exchange, one coin is as good as another.⁸

What makes Mariana like enough Isabella to become, to all Angelo’s intents, Isabella herself is her near-silence and the invisibility conferred by the cloth veil that covers her face and by the veil of night. The rules that Isabella learned in the nunnery were “You must not speak with men / But in the presence of the prioress; / Then, if you speak, you must not show your face” (1.4.10–12). In her conversation with Angelo, Isabella uses both her speech and her face—both her “reason and discourse” and her “speechless dialect,” or body language (1.2.173–75). But Isabella seems to teach her convent ways to Mariana: Mariana uses the night to veil her face, and she speaks only a little. This disguise by silence and invisibility utilizes the means by

which the hooded Clares would ensure that Sisters not attract men and by which all hooded maidens can pass for one another in much the same way that prostitutes (“nuns” in the Elizabethan idiom) can pass for one another as sexually interchangeable commodities; disguise as such is what allows for sexual substitution.

Head for Head. In *Measure for Measure* two substitutions disguising head for head are arranged: first Barnardine for Claudio, then Ragozine for Barnardine. In the end Ragozine’s head passes for Claudio’s, and it is a death and likeness unplanned by Vincentio that enables Claudio to live. In the retaliative structure of the play these two substitutions play a crucial role.

When Angelo breaks his promise and Vincentio’s plan to substitute maidenhead for maidenhead inside the secret garden of the vineyard fails to free Claudio, Vincentio plans to substitute head for head (Barnardine for Claudio) inside the secret hold of the prison. But two problems present themselves. First, all individuals have unlike heads. Happily, “death’s a great disguiser” (4.2.174), and trimming a dead man’s beard can homogenize bodies in the same way as veiling a living woman’s face.* In death one body passes for another body just as in monetary exchange one coin is as good as another coin of the same denomination. (Thus Aeschylus writes of Mars, the death-dealing god, that he is “the moneychanger of men.”)⁹ In his first appearance as Friar, the Duke already refers to death as a homogenizer: “Yet death we fear / That makes these odds all even” (3.1.40–41). Claudio is not brought to spiritual atonement by these last words of the Friar-Duke’s speech about the art of dying, yet the way death unites men, or makes them one by an extreme version of the Clares’ invisibility and silence, is the means that will save Claudio’s physical being.¹⁰

But a second difficulty in arranging the exchange of Barnardine for Claudio, one with disturbing political implications, presents itself. Vincentio must convince the Provost to disobey Angelo, and he is almost forced to reveal himself as Duke when he shows the reluctant Provost the ducal seal ring. (Shakespeare makes the power of the invisible Duke appear through the visible Friar, a trick that Plato’s tyrannical Gyges, who used his magic ring to become invisible and hence to act unseen, would have appreciated.)¹¹ The ducal seal ring helps prove

*The fact that in *Measure for Measure* taking hair off the dead Ragozine and putting on the veil serve the same purpose echoes other connections between hair and social death. In many Catholic orders the ceremony of becoming a nun includes shaving the head. First the novice dies to the world. While she lies as if dead, her hair is removed; only then is she ready to put on the veil and marry God as Christ. Compare Leach and Malinowski on the shaving of widows’ heads as a sign of social death in the Trobriand Islands (Leach, “Magical Hair”).

to the Provost that Angelo, as a mere substitute, is a counterfeit who bears ill the ducal figure (compare 4.2.183 and 1.1.16), so that his orders can be countermanded. (Seal rings were the original stamps for coins.)¹² In this way Friar Vincentio, like the liberal and libertine Lucio, brings into question the political authority of Angelo at a time when Angelo is the only visible secular authority. (And men, not being angels, need visible authority.) The ducal seal ring can “pluck all fears out” (4.2.190); it gives Vincentio the same kind of access to the prison that the “pick-lock” gives Pompey, prime agent of liberty, to the whorehouse (3.2.16) and Angelo’s keys give Isabella to the vineyard and garden (4.1.30–33).

The Provost thus agrees to substitute Barnardine’s head for Claudio’s. On one level, this seems well and good. Vincentio’s playing simultaneously the roles of religious Friar and secular Duke seems to give him the knowledge and ability to rule and act well. (Just such a combination of secular and religious power was the ideal solution to the problem of bad government offered by the ideology of the Holy Roman Empire, whose seat was Vienna.)¹³ Yet the comic aspect of the play begins to falter as the illusion that a religious Friar can accomplish what needs to be done disappears,¹⁴ to be replaced by a new questioning of secular authority.¹⁵ Just as there is an authority above Angelo, might there not be an authority above the Duke? A king? Human sympathy of the kind the Provost feels for Claudio? And comedy distinctively does falter when Friar Vincentio contends that Barnardine, whose demise his new plan to save Claudio requires, is “unmeet for death” (4.3.66).

By this contention, Friar Vincentio extends his challenge of Angelo’s particular secular authority to all secular authority, including his own as Duke Vincentio. This is not merely because Duke Vincentio is bad, that is, is like Angelo (which may or may not be so), although that would be problematic enough. It is because secular authority, which heeds only acts, must hold the position that there are both legal and illegal killings (the state’s execution of Barnardine, say, versus Barnardine’s murder of his victim), whereas religious authority may hold the position that some so-called legal killings (e.g., the planned execution of Barnardine) are damnable and may even imply that all legal killings are damnable, since God is the only one who can punish outlaws without himself committing a sin. What man can cast the first stone?¹⁶ As usual in this play, the problem is put in its most extreme, not to say schizophrenic, form. Vincentio’s political authority as Duke—symbolized by the seal ring he used to countermand Angelo’s command—

Likeness and Identity

now turns out to be useless, if not devilish. Without the seal ring or with it, both Friar and Duke are helpless to counter Angelo.

Nature, which eventually takes every man's life (1.1.36–40), redeems the situation. It provides for the death by "cruel fever" (4.3.69) of the pirate Ragozine, "a man of Claudio's years; his beard and head / Just of his colour" (4.3.71–72). Ragozine, who is "more like to Claudio" than Barnardine (4.3.75), provides the body that the Duke requires.

Friar Vincentio calls this death "an accident that heaven provides" (4.3.76), a *deus ex machina*. The end of dramatic art, however, is not chance pleasure.¹⁷ It is fitting, even essential to the internal logic of the plot machinery that a pirate should provide the head, the *caput in machina*, that enables the series of bodily substitutions to proceed without political authority's abusing religious authority—that is, without killing Barnardine. It is fitting because a pirate is a thief, a suprapolitical thief who operates on the "high seas" beyond the boundaries of individual states; moreover, he is an extralegal thief because he falls under the jurisdiction of no single nation. (In this he is like the partly divine Jesus, who would be partly above the law he says he came to fulfill.)*

Ragozine's suprapolitical thieving is the common denominator between murder and bastardizing, the offenses of the two condemned prisoners for whose two heads he provides the one substitute. Just as Ragozine stole by water, so Barnardine stole a man already made and Claudio stole a man as yet unmade. (In *Measure for Measure* the conception of theft may include Angelo's and Isabella's celibacy as well as Barnardine's murder and Claudio's fornication, for celibates do not pay to nature the "use," or children, that they owe.) Yet *Measure for Measure* moves beyond the solution—universal duplicity in exchange—represented by the role of Ragozine's head and toward that expressed in Lucio's tale of the "sanctimonious pirate," who:

went to sea with the Ten Commandments, but (1.2.8)
scrap'd one out of the table.
2 *Gentleman*. "Thou shalt not steal"?
Lucio. Ay, that he raz'd.

*The archetypal taker in Shakespeare's Vienna is a pirate but the real Vienna has no seacoast. Why? That Vienna has no seacoast might encourage us to wonder whether there really is such a place as the high seas—a place that, because we conceive it as being outside the law (either above the law or the grounds of the law), helps us to define and understand the law. Compare the similarly idealist seacoast of Shakespeare's Bohemia in *The Winter's Tale*—a coastline of a landlocked state that provides the utopian spot where the infant Perdita is both lost and found.

Likeness and Identity

Measure for Measure razes the commandment against thieving (taking without giving) not by enjoining men to commit theft but by raising or transforming the commandment against theft into a call for pardon, for giving without taking or expecting to take.

The Pardon of Angelo

Angelo as judge, believing his discovered intentions to have been actions, passes the death sentence on himself (5.1.371–72, cf. 5.1.168–69 and 2.1.30–31), demanding, like the Duke, “an Angelo for Claudio” (5.1.407). In his version of the story, Martin Luther justifies such a sentence with the remark that the two items stolen—the head of the man and the maidenhead of the woman—cannot be returned.¹⁸ *Measure for Measure* takes this Lutheran view into account through the Duke’s sentence on Angelo, but the play supersedes it by a significant disassociation of intent and act. In *All’s Well That Ends Well*, the chaste Diana says the purported crimes of Bertram—also fornication and breach of promise—are extralegal: “He’s guilty, and he is not guilty” (AWW 5.3.289). *Measure for Measure* adapts this approach to Angelo’s similar crimes.

The UnSisterly Separation of Intent from Act. The lustful Angelo intended to fornicate with Isabella. The substitution of Mariana for Isabella, however, kept his intended act at the level of intention. Isabella’s show of mercy to Angelo as fornicator depends upon this distinction of lust from fornication, or intent from act:

For Angelo, (5.1. 448)
His act did not o’ertake his bad intent,
And must be buried but as an intent
That perish’d by the way. Thoughts are no subjects;
Intent, but merely thoughts.

Isabella’s explanation of her pardon of Angelo is usually either condemned as sophistic or praised as genuinely Christian,¹⁹ but it is neither: it is a variation of Angelo’s secular position that being tempted to do an act (here confused with attempting to do it) and actually doing it are absolutely distinct (2.1.17–18). Her rationale contradicts Jesus’ principle that intent is act, or that lust is fornication. (Were Jesus to pardon Angelo, he would do so, not because Angelo failed to act out his intentions, but because no man—not even the partially human Jesus—can properly cast a stone against a sinner.) This secular rationale shows that the familiar sister is no longer a Christian Sister-in-

training; she has become instead a spokeswoman for Protestant secular authority and its separation of act from intent.*

Yet at least one astute critic of *Measure for Measure*, Samuel Taylor Coleridge, is less concerned with enactment than with intention. Coleridge argues that the pardon “and marriage of Angelo . . . baffles the strong indignant claims of justice—(for cruelty with lust and damnable baseness, can not be forgiven, because we cannot conceive them as being morally repented of).”²⁰ Angelo, implies Coleridge, remains guilty of cruelty and lust (deadly sins associated with intention) whether or not he is innocent of actual murder and fornication. Angelo does not repent lovingly of his intents; fearful, he is merely ashamed of his actions as discovered by the patriarchal Duke. His unloving attitude indicates a general human weakness: Angelo cannot master himself and, in order to behave well, requires the presence of a masterful, external authority figure. So that such a secular authority figure can be restored, Vincentio willy-nilly removes his Friar’s hood, or rather has it removed against his will. As an affirmation of secular authority, the Duke’s becoming publicly visible in this scene of pardon thus matches Isabella’s publication of the separation of intent from act.

“*Death for Death.*” For Isabella, forgiving Angelo’s taking Claudio’s head proves more difficult than pardoning his intended taking of her maidenhead. She knows that Angelo did not actually take the maidenhead, but she does not know that Angelo did not actually take the head. She has forgiven what she knows to be merely an attempted crime; will she now forgive what she believes to be the inexorably final act of killing?

The Duke, citing a significantly altered variation of the biblical lex talionis, warns against granting mercy to the supposed killer:

The very mercy of the law cries out (5.1.405)
Most audible, even from his proper tongue:
“An Angelo for Claudio; death for death.”

What is the significance of the Duke’s changing the Mosaic formula “life for life” (Exod. 21 : 23) to “death for death”? For a murderer to give back the life he took to the man from whom he took it—“life

*Contrast Heloise’s way of absolving herself from guilt for having intercourse with Abelard while she was a layperson, he a monk: “Though I have committed much wrong, I am, as you know, very innocent; for the crime lies not in the act but in the intention behind it, and the test of justice is not in what is done, but in the spirit in which it is done.” (Letter from Heloise to Abelard, in Owen, *Noble Lovers*, p. 18.) Isabella claims that not the intention but only the physical act matters; Heloise claims the reverse.

for life”—would be better, say the Jewish rabbis, than for him to give up his own life.²¹ Because, unfortunately, no one can give life back to a dead man (with the exception, for Christians, of God the Father, who forsook and then resurrected his Son), the law must settle for second best—in the Duke’s phrase, “death for death.”

But to whom should the killer give his life? To the state of the murdered man? To his family? This is the second major problem involved in executing the *lex talionis* when what was taken cannot be returned. (The first is commensuration.) Just as there can be no adequate substitution for a life, so there can be no adequate recipient: compensation cannot be made directly to a man whose life has been taken, but only to his family or his state. The problem is figured in terms of the right of the family versus the right of the state to the death, or life, of the murderer.

In *Measure for Measure*, the state, represented by the Duke of Vienna, demands Angelo’s death, but the right of the family to vengeance intervenes. Family right, moreover, is split between Isabella and Mariana. The murdered man, Claudio, was Isabella’s as much as the murderer husband, Angelo, is now Mariana’s.²² Mariana the wife of Angelo appeals for mercy from Isabella the sister of Claudio.

The Duke’s representation of the mercy of the law crying out to Isabella for retaliation recalls the archetypal crying out of familial blood, particularly fraternal blood: “The voice of thy brother’s blood,” says God to Cain, “crieth unto me from the ground” (Gen. 4 : 10). Isabella, like Cain, has not been her brother’s keeper (Gen. 4 : 9); her last words to him were, “I’ll pray a thousand prayers for thy death; / No word to save thee” (3.1.145–46, cf. 3.1.188–90). Is she now to be the keeper of someone who not only is other than a brother but also killed her brother? * If Isabella will now be the merciful keeper of Angelo—as Mariana would have her do, and as the Duke, it seems, would not—she must be more generous to Angelo than she was to her brother. She must either deny that she is her brother’s keeper more than she is the keeper of any other human being or else transcend the distinction

*The God of Genesis, in speaking to Cain not about Abel his fellow human being but about Abel his brother, might seem to argue for preferential treatment of kin. Yet the secular or political order, by means of a fiction that all those human beings who are kin are not kin, demands that all people be treated alike. Thus the Provost says that he would not pity Barnadine “though he were my brother” (4.2.56–57), and Angelo says of Claudio, “Were he my kinsman, brother, or my son, / It should be thus with him” (2.2.81–82). In the same way, the religious order, by means of a fiction that all those human beings who are not kin are kin (as in the Christian doctrine of Universal Siblinghood, according to which everyone is related in much the same way that Cain and Abel were related), insists that everyone is essentially the same.

between brother and other—between a Claudio and an Angelo—that retaliation, as the Duke seems to interpret it, appears to presuppose.

If Isabella pardons Angelo's crime of taking a life—thus giving to Mariana or Angelo a free gift, one without expectation of an earthly counter-gift (the life that Angelo owes Isabella in return for Claudio's)²³—then Barnardine's equal crime of taking a life and (by the commensuration of illegal killing with bastardizing) Claudio's equal crime of illegitimate procreation should also arguably be pardoned. Logically, at least, at the end of this chain Isabella's pardon should result in the redemption of Claudio in exchange for the redemption of Angelo. If resurrection were possible, her merciful pardon would result in the best kind of taliation—"life for life," Angelo for Claudio. But dead men do not ordinarily rise from the dead; their ghosts do not break their paved beds, as the Duke puts it (5.1.433). Thus Mariana asks Isabella to give more than she can ever expect to get in return. In fact, though, Isabella's pardon of Angelo will get—will beget—more than she thinks. By it, she will get measures for measure.

"*Life for Life.*" In *Measure for Measure* nature as creditor demands "use," or more than an equal exchange—not "life for life" but "lives for life." The plot of the play, like the nature whose teleology it imitates, outdoes the *lex talionis* by eventually exacting more than an equal transaction. Just as nature demands to get more than it gives, so the plot—and in its course such characters as Isabella—give more than they think they will get. They pardon.

When Isabella kneels before the Duke to beg mercy for Angelo, her action has the doubly profitable effect of giving life not only to Angelo but supplementally also to Claudio. Her pardon enables the intent of the plot to realize itself as the impossible act of rebirth. It is as though the Duke's prediction had been fulfilled:

Should she kneel down in mercy of this fact,
Her brother's ghost his paved bed would break. (5.1.432)

Claudio's rebirth, the quintessential supplement to the series of commercial exchanges that have preceded it, occurs when the Provost unmuffles an anonymously hooded prisoner, of whom he says:

This is another prisoner that I sav'd,
Who should have died when Claudio lost his head;
As like almost to Claudio as himself. (*Unmuffles Claudio.*) (5.1.485)

The Duke pardons Claudio's look-alike (once purportedly Ragozine) for the sake of the purportedly dead Claudio, saying to Isabella: "If he be like your brother, for his sake / Is he pardon'd" (5.1.488–89).

Likeness and Identity

Thanks to Isabella's pardon of Angelo, one like Claudio is pardoned and can be revealed, by unhooding, to be Claudio himself. In the general intent, or spirit, of the plot, like things (which are also unlike things) of the kind that must be traded in any taliation become identical: "Make not impossible / That which but seems unlike" (5.1.54-55). Claudio's life is thus redeemed, not by his sister's lying unchastely or incestuously with Angelo—"bending down" (3.1.143) to him—but rather by her kneeling before the Duke and begging for him the free gift of life. In this way a resurrectional "life for life" replaces the proposed repayment of death by death, and Claudio is finally remembered, or re-membered.²⁴

The likeness of the hooded prisoner to Claudio is really complete identification; they resemble each other as much as Vincentio as Friar resembles Vincentio as Duke. As the Friar-Duke says to the Provost:

Duke. You will think you have made no offence if the Duke
avouch the justice of your dealing? (4.2.184)

Provost. But what likelihood is in that?

Duke. Not a resemblance, but a certainty.

The movement of *Measure for Measure* is from substitution and likeness to identification. It travels from the likelihood that the man with the ducal seal ring who appears to the Provost in the likeness or semblance of the hooded Friar is authorized to interfere in the secular affairs of Vienna, to the certainty that the Friar is, or will again become, the Duke.