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Marriage Politics in *Measure for Measure*

“For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again” (Matt. 7:2).

During the Renaissance, violence and immorality had grown unchecked in England, becoming, in the eyes of the new Puritan government, seemingly as widespread as the Plague. As this new government came into power, Puritan leaders determined to rein in the unrestrained vice through drastic social and legal reform. In Shakespeare’s *Measure for Measure*, the Duke, overwhelmed by a similar situation with an errant populace, lends his position as judge to Antonio, saying that just as the threat of punishment loses its influence if the punishment is never enforced, “…so our decrees / Dead to infliction, to themselves are dead; / And liberty plucks justice by the nose; / The baby beats the nurse, and quite athwart / Goes all decorum” (1.4.27-31). So when Claudio is arrested for adultery, a crime that could be enforced with the death penalty but which was so common that it was rarely penalized at all, Antonio is faced with a tough decision: Should he forgive Claudio’s transgression and allow him to make restitution by marrying the girl, or inflict the full force of the law to create a public example that will discourage others from repeating the crime? Antonio’s feelings are revealed when he asserts: “I show [pity] most of all when I show justice; / For then I pity those I do not know / … And do him right, that answering one foul wrong, / Lives not to act another” (2.2.106-110).
But when certain behaviors that are morally acceptable in public opinion and practice come in conflict with the regulations and ideologies of new leadership, are change and legal justice best served by enforcing new policies with absolute strictness towards a few to intimidate the rest into mending their ways? Or could the laws actually be both more just and effective when justice is tempered with mercy by forgiving culturally common offences and encouraging future adherence to the law? These challenges—spurred by social and governmental reformative changes in Elizabethan society—were especially involved in perceptions of what was acceptable and legal in shifting marriage practices during Shakespeare’s time. In addition, more widespread access to Bible texts, and differing perspectives between Puritan leadership and popular Catholic traditions led to a variety of interpretations regarding the appropriate course of action in enforcing new marriage policies. Responding to these conflicts in his play Measure for Measure, Shakespeare contrasts elements of unforgiving Mosaic Law with merciful “Sermon on the Mount” doctrine to question the enforcement of newly imposed Puritan marriage regulations over traditionally accepted marriage practices. An understanding of these changing practices, therefore, is essential to a proper interpretation of the play, which may otherwise be misconstrued as irreverent, sexist, or at least confusing from a modern perspective.

The push for reform under Puritan leadership was spurred by perceptions of the immoral state of England’s populace, and called for a return to Mosaic Law in enforcing penalties for both legal and moral infractions. Puritan writer Martin Bucer believed that the punishments meted out by church courts were absurdly light, asserting that “those guilt of whoredom, adultery, incest or fornication, either should drink a full draught of Moses’ cup—that is, taste of present death—or be seared with a hot iron” (Shuger 31). This argument was based on the idea
that if theft, which is considered a “lesser” sin according to the Law of Moses, was punishable by death in English law, then adultery, a greater sin, should have at least as severe a punishment.

The church courts, however, represented by the Duke in the play, were traditionally driven by the notion of “penitential justice,” and tended to be lenient with wrongdoers in the hopes that these sinners would repent and make amends, thus saving their souls and becoming better citizens. Therefore, although crimes such as theft were legally punishable by death, the general tendency was to forgive criminals upon conditions of restitution. Historian Debora Shuger explains that this trend was based on the belief that “crimes were sins, yet sinning was universal” (126). She continues: “The common sinfulness of fallen humanity meant that lawbreakers did not belong to a separate criminal class—could not be defined as ‘alien and other’—but ‘were simply errant brethren’” (126). These motives stressed the value of rescuing the soul of the sinner over upholding the letter of the law, and illustrate the significance of the title of Measure for Measure in introducing the themes and conflicts of Shakespeare’s play.

Interestingly, the play’s most truly pious character, Claudio’s sister Isabella, is also the most forgiving towards the offences of repentant others. Antonio, the most Pharisaic character, representing new Puritan leadership, seems the most relentless and hypocritical in his demand for absolute justice. Isabella is willing to recognize traditionally accepted marriage practices as valid; although she supports the publicly formalized sanction of the Church in establishing a legal marriage contract. Antonio, on the other hand, denies the validity of any marriage not officially sanctioned by religious authority, and rejects the long-practiced tradition of marriage by common verbal and physical consent between the married parties.

These opposing views and judgment strategies become central to the development and resolution of the play when Claudio is arrested and sentenced to death by Antonio for
impregnating a woman he intended to marry, but since their marriage had not yet been
formalized, he is considered guilty of fornication. Seeking mercy for Claudio’s offence, Isabella
invites Antonio to recognize his own faults before passing judgment, saying:

Go to your bosom,

Knock there, and ask your heart what it doth know

That’s like my brother’s fault. If it confess

A natural guiltiness, such as is his,

Let it not sound a thought upon your tongue

Against my brother’s life.

(Measure for Measure 2.2.143-148)

Recognizing the validity of her argument, Antonio concedes, “She speaks, and ‘tis / Such sense
that my sense breeds with it” (2.2.148-149), but though he is morally guiltless at the time of her
challenge, his pride leads him to resist her pleading, and eventually to demand her compliance
with his own sexual advances in exchange for her brother’s pardon. Although Antonio
rationalizes that sparing one offender will justify his own sin, his intentions to break both the
institutional law and social mores regarding chastity make him guilty from both perspectives,
and therefore remove from him the right to pass judgment at any level.

Unlike Antonio, Claudio and Juliet’s belief that they are “husband” and “wife,” at least in
practice, springs from a prevalent attitude regarding what constituted a valid marriage at the
time, and would render them essentially guiltless in public opinion. In an article regarding British
marital customs, scholar Christopher Lasch explains: “According to the canon law of the Middle
Ages, engagements to marry, especially if they were followed by sexual intercourse were as
binding as marriage itself” (Lasch 90). Further, even certain types of verbal contracts were
recognized as legally binding, regardless of whether they were followed by intercourse. Viewed in this light, Claudio’s assertion that “upon a true contract / I got possession of Julietta’s bed; / You know the lady, she is fast my wife” (1.3.29-31), becomes more accessible, as the lovers had a (private) verbal agreement prior to consummating their “contract” through sexual intercourse.

Although this attitude may seem unusual by modern Western marriage standards, Professor Lasch states that it would be consistent with views held during Shakespeare’s day that “an exchange of binding promises and physical union were the essential elements of marriage, not the publication of banns, parental consent, clerical intervention, or even, indeed the presence of witnesses” (Lasch 90). Since Claudio and Juliet’s union was not publicly or clerically sanctioned, Claudio acknowledges his neglect in that aspect, saying that although privately they are married in all respects, “…we do the denunciation lack / Of outward order” (1.3.32-33). This “outward order” would have established their marriage as legal in public opinion. In Claudio and Juliet’s eyes then, it was the clandestine nature of their union, and not the consummation itself, which constituted their sin.

As a representative of the law, however, Antonio is less willing to forgive their oversight, in spite of its being so commonly practiced among the people at large. In fact, it is his desire to quell this practice that leads to his harsh ruling against Claudio’s life as punishment for his offence. Antonio hopes, by this means, to frighten the people into adherence with newly-enforced marriage legalities that they might otherwise ignore. As Lucio, Claudio’s friend, tells Isabella, Antonio hopes “to give fear to use and liberty,” and in condemning her brother to death, Antonio “follows close the rigor of the statute / to make him an example” (1.5.67-68).

Antonio’s behavior is perhaps reflective of British reformatory legislation regarding marriage, which may have caused conflict during Shakespeare’s time. In her article, *Ceremony*
versus Consent: Courtship, Illegitimacy, and Reputation in Northwest England, 1560-1610, author Jennifer McNabb explains this transition between informal to legalized marriage practices, saying:

Despite the validity of marriages made by consent alone, the church in England attempted to introduce a more formalized means of matrimony, requiring three readings of the banns (or a marriage license) and a public reading in a parish church officiated by a minister between partners over the age of consent. (McNabb 61)

Antonio’s extreme denouncement of Claudio, however, is unjust in its enforcement, regardless of his desires to uphold justice and law, since the offence has gone unpunished in thousands of other instances, and Claudio openly expresses his intentions to publically formalize his marriage to Juliet. Mocking Antonio’s decree, the servant Pompey asks: “Does your worship mean to geld and splay all the youth of the city?” (Measure for Measure 2.1.210-211). Referring to the widespread lack of sexual restraint before marriage rites, he suggests, “If you head and hang all that offend that way but for ten year together, you’ll be glad to give out a commission for more heads” (2.1.218-220). Ironically, Isabella’s trickery in exchanging Mariana for herself applies these same traditional customs, and causes Antonio’s attempt at forcibly seducing her to backfire, as he finds himself irrevocably bound up in the same type of valid but “irregular” marriage through the physical consummation of his prior betrothal to Mariana.

In order to understand why the bed trick is effective in “marrying” Antonio to Mariana, one must be aware of the significant power of verbal contracts in British marriage laws. An article regarding English marriage practices during Shakespeare’s day explains:

[Both] English customs and civil law recognized two kinds of [verbal] betrothal contracts, whose effects were determined by the tense employed. A vow made in words
of the present tense constituted an agreement to enter into the married state immediately.

A vow in words of the future tense was merely a promise to marry at some future time.

(Ranald 71)

These vows were considered fully binding, although vows made in the future tense could be disbanded if some tenet of the contract was broken and the couple had not had sexual relations (Ranald). In the case of Antonio and Mariana, their betrothal had been made in the future tense, and Mariana’s loss of a dowry had freed Antonio from any obligation to marry her. However, upon consummating their betrothal through intercourse, the marriage became immediately binding, though not yet officially sanctioned by the Church.

Claudio and Juliet’s marriage was likely a private exchange of marital vows in the present tense, and regardless of whether or not it was followed by sexual intercourse would have been declared irrevocable in a court of law. Common law marriages were still recognized as legally valid; though such private contracts, where no witness was present, were strongly discouraged. Speaking about marriage rites during the Renaissance, author T. G. A. Wilson observes: “as for the actual contract, the presence of one or more witnesses, preferably including a priest … were understandably felt to make the marriage firmer than one performed by words alone” (365). In addition, Claudio and Juliet’s union may also have been considered sinful because of their deliberate choice to keep the marriage secret from Juliet’s family in order to receive dowry money when it became available by publicly announcing their marriage at that time. Claudio acknowledges that they chose to conceal their marriage “Only for propagation of a dower / Remaining in the coffer of her friends, / From whom we thought it meet to hide our love / Till time had made them for us” (Measure for Measure 1.4.34-37). The lack of approval of the marriage by their friends and families is the greatest contributor to the sense of guilt they feel,
while the need for solemnization of their vows through a Church ceremony is viewed with less concern.

Informal as Claudio and Juliet’s marriage agreement may have been, it was still considered a mutually binding commitment which was largely recognized as pardonable by their community, though not by Antonio. Sexual intercourse, however, without the strength of verbal marriage contracts, was not considered a valid form of marriage, but rather was viewed as an abhorrent and highly punishable sin. Because of this, the Duke shows great mercy in pardoning Lucio’s impregnation of a woman whom he does not claim as his wife, and his sentence that Lucio should marry this woman, whom Lucio calls “a whore,” because of her involvement in his own sin, is an apt punishment. In fact, Lucio’s own avoidance of the marriage commitment is what makes the Duke’s sentence both merciful and necessary in restoring both Lucio and his lover in public esteem. If not married, the Duke would have been obligated to sentence Lucio to a more severe punishment of “death, whipping, [or] hanging” (*Measure for Measure* 5.1. 518).

Indeed, during Elizabethan rule, Puritan emphasis on personal morality and sexual purity left little room for mercy in this arena, as, according to Debora Shuger:

Those who argued for making adultery a felony were almost all Puritans … [while] the Tudor church courts punished sexual misconduct by the wearing of a white sheet during the Sunday service for three consecutive weeks. (10)

Some of the cultural tension reflected in the marriage laws of *Measure for Measure* is a result of such English Puritanism, which involved a “determination to impose godly behavior upon all residents, and a willingness to use physical punishment … to enforce proper conduct” (11). Antonio’s swift and merciless judgments towards individual sinners for the general welfare of the community especially reflect this type of legislation.
Further, Puritan goals focused on the “reformation of manners, work ethic, English ‘Rezeption’ of the Mosaic penal code, and capital punishment for adultery and ‘rape,’ which … includes consensual clandestine marriage” (Shuger 11). It is perhaps this unyielding self-righteous agenda that leads Shakespeare to question whether New Testament Christian motives are really behind the Puritan “eye for an eye” (KJV Ex. 21:24) attitude towards justice, especially in contrast with the Savior’s “he who is without sin” response to the woman taken in adultery (KJV John 8:7). Shakespeare would have taken for granted that his audience was familiar with both these Biblical concepts and the political renovations of the time; but without an understanding of these contextual references, it would be easy for a modern reader to be led astray, as the marital, religious, and political structure of today’s world is vastly different from that of Shakespeare. An awareness of the Biblical and political undertones of his text, however, greatly enhances a reader’s ability to understand and analyze “Measure for Measure.”
Works Cited


