

ADAPTING MARRIAGE:
LAW VERSUS CUSTOM IN EARLY MODERN ENGLISH PLAYS

by

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For my family whose patience and belief in me allowed me to finish this dissertation. There were many appointments, nutritious dinners, and special outings foregone over the course of graduate school and dissertation writing, but you all understood and supported me nonetheless.

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Since Stephen Greenblatt's *Renaissance Self-Fashioning* (1980), new historicist critics have analyzed the historical context of plays and how those plays reflect their culture's preoccupations. However, they have largely refrained from considering these plays as *adaptations*, or, to paraphrase adaptation theorist Linda Hutcheon, works that are both autonomous from and deliberately evocative of their source texts. Early modern playwrights drew inspiration liberally from poetry, short fiction, mythology, history, and true crime stories to appease their society's appetite for entertainment. Though they are ever expanding their range of study to include new forms of media, adaptation theorists have for the most part ignored looking backward in time at very old adaptations.

This dissertation seeks to combine new historicist and adaptation theory methodologies in the examination of early modern plays, with the goal of determining what solutions or commentary these plays were offering on the time period's cultural anxieties surrounding marriage. It will observe areas where playwrights expanded, complicated, and excised material from their source texts to highlight cultural anxieties of their own era. In my study, I will examine four areas of

anxiety surrounding marriage—broken betrothals, clandestine marriage, coerced marriage, and divorce—in a state of flux in England during the sixteenth and seventeenth centuries. I argue that early modern English playwrights adapted their sources to exacerbate these issues, arguing for either a more traditional solution to problems based on centuries of common custom or advocating for a legal reform of marriage.

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INTRODUCTION

THE INTERTEXTUALITIES OF MARRIAGE

Drama can...properly be used as historical evidence, not of realities but of the imaginative and ideological constructions of the period, of its mentality.¹

-Anthony Fletcher

The quotation above provides the justification for the entire argument that follows: early modern plays can attest to their culture's tensions and, through these "imaginative constructions," can work through these issues and present solutions for the dilemmas of their time. I wish to examine how early modern plays addressed the cultural anxieties surrounding marriage in the late sixteenth and early seventeenth centuries and their proposed remedies for what they perceived as social ills. This dissertation primarily considers plays produced between 1595 and 1613 though it also engages works written in the decades preceding and following these eight years. In less than a decade, England experienced several unsettling events including Essex's rebellion, continued tensions with Spain, a change of monarchs, the Gunpowder Plot, and legislative attempts to reform canon law concerning marriage. Additionally, the seventeenth century was still culturally processing the previous century's even more dramatic political and religious changes. The violent swings between Protestantism and Roman Catholicism that marked the reigns of Henry VIII, Edward VI, Mary, and Elizabeth would leave their mark on the reign of James VI and I, and England as a nation had not yet fully embraced the Reformation, especially in terms of its

¹ Anthony Fletcher, *Gender, Sex, and Subordination in Early Modern England* (New Haven: Yale University Press, 1995) xx.

legal implications. Christopher Haigh describes England's move to Protestantism thus: "change was piecemeal, and it took twenty years to get from the first real attack on church jurisdiction in 1532 to the first Protestant church service in 1552, and then it was almost all undone by Queen Mary. Only in 1559 did an English regime opt for a full Reformation, and still there were theological, liturgical, and legal loose ends to tie up."² Among these dangling "loose ends," cultural anxieties about what constituted a valid marriage found expression in early modern plays.

The Reformation redefined marriage, transforming it from holy sacrament to legal contract. As a result, secular governments in Protestant continental Europe adjusted marriage laws by increasing the age of consent, requiring witnesses at weddings, and relaxing consanguinity regulations.³ Reformation England did not follow suit. The Church of England did write rubrics for marriage addressing clandestine unions and lack of parental consent, but the theological redefinition of marriage did not trigger substantive legal reform as it did elsewhere in Europe. Clerical marriage became an option during the reign of Elizabeth I, but the changes to divorce laws enacted in Protestant Europe that allowed remarriage after the dissolution of a union were not approved in England until 1857.⁴ However, during the late sixteenth and early

² Christopher Haigh, *English Reformations: Religion, Politics, and Society under the Tudors* (Oxford: Oxford University Press, 1993) 12.

³ Eric Josef Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994) 6.

⁴ Tim Stretton, "Marriage, Separation, and the Common Law in England, 1540-1660," in *The Family in Early Modern England*, ed. by Helen Berry and Elizabeth Foyster (Cambridge: Cambridge University Press, 2007): 18-39, 19.

seventeenth centuries, ecclesiastical courts did begin to more strictly enforce existing laws.⁵ The medieval practice of spousals, in which a couple's exchange of verbal consent was the only requirement for a wedding, persisted as a legal, though increasingly discouraged, form of marriage until well into the eighteenth century.⁶ Spousals are just one example of a centuries' old English custom whose legitimacy was being undermined but not completely eradicated during the early modern era.

The period's plays reflect this tension between custom and law in how they adjudicate marriage problems in their plots. These plays are often adaptations of earlier works, but they also engage with contemporaneous sources. In the process of turning a literary work, historical account, or current event into a staged play, authors cut or add characters, complicate plots, slant historical details, and sometimes change the genre of the original work. The playwrights' adaptation choices demonstrate the rapid changes in early modern English society, comprising not only theological shifts but also growing social mobility and urbanization.⁷ As one of these areas of rapid change, marriage naturally becomes the subject matter of many early modern plays, and playwrights' expansion of marital difficulties in the adaptation process speaks to the cultural concern over such topics as broken betrothals, clandestine marriage, coerced marriage, and even divorce.

⁵ Natasha Korda, "Isabella's Rule: Singlewomen and the Properties of Poverty in *Measure for Measure*," in *Women, Property, and the Letters of the Law in Early Modern England*, ed. Nancy E. Wright, Margaret W. Ferguson, and A. R. Bucks (Toronto: University of Toronto Press, 2004): 137-161, 142.

⁶ Lawrence Stone, *The Road to Divorce: England, 1530-1987* (Oxford: Oxford University Press, 1990) 68.

⁷ Keith Wrightson, *English Society 1580-1680* (New Brunswick, New Jersey: Rutgers University Press, 1982) 26, 127.

These cultural intertexts can help us better understand the atmosphere of reception within which a particular playwright was working. Stephen Greenblatt has argued that “the dead had contrived to leave textual traces of themselves, and those traces make themselves heard in the voices of the living.”⁸ If one’s purpose is to more clearly understand the dead in order to better grasp the culture of the living, then comparing an early modern play—which is most likely an adaptation—against its source text(s) can illuminate the playwright’s meaning for the early modern audience. The consideration of other contemporaneous works including broadside ballads, religious writings, conduct books, and even legal texts can also illuminate how a play comments on the marriage debates of its day. By examining early modern dramatic adaptations against their sources, I demonstrate that the plays proposed solutions to the marriage debates of their time either by appealing to long-held, community-based custom or advocating for new legal reforms.

My methodology springs from both the new historicist and adaptation traditions, a marriage of theories that creates multiple opportunities for new insights on old literature. This work’s topic of study—anxiety about marriage—serves as one of the “social energies that circulate broadly through a culture.”⁹ With its methodology of reading nonliterary works in the same light as the literary, the new historicist approach dictates the choice to consult primary texts in addition to the chosen plays in order to locate and understand the broader historical context of the works and their engagement with the custom versus law tension. New historicism’s emphasis

⁸ Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley: University of California Press, 1988) 1.

⁹ Catherine Gallagher and Stephen Greenblatt, *Practicing New Historicism* (Chicago: University of Chicago Press, 2000) 13.

on “thick description,” a term borrowed from anthropology, informs much of the textual analysis contained herein.¹⁰ Thick description characterizes the “process of paying attention to contextual detail in observing and interpreting social meaning...[taking] into account not only the immediate behaviors in which people are engaged but also the contextual and experiential understanding of those behaviors that render the action or the event meaningful.”¹¹ Therefore, this project will use historical scholarship along with primary texts so as to better articulate the social context of characters’ marriage activities. I examine betrothal negotiations, weddings, and divorces as depicted in early modern plays and other contemporaneous works, describing them “thickly” in order to better understand the plays’ stances on solving marital issues.

New historicism reads culture itself as a “giant text which comprises smaller texts.”¹² The texts I will consider include not only early modern plays but also canon law and early modern cultural attitudes as expressed in a variety of contemporaneous sources of varying genres. When these nondramatic works are examined, they reveal the competing hegemonies at work in early modern England: the leftover marriage philosophy of the medieval Roman Catholic church versus the regulatory drive instigated by the English Reformation. A criticism of the new historicist approach has been that it is too set on a kind of antihumanist conception of humankind

¹⁰ Anthropologist Clifford Geertz popularized the notion of “thick description” although he borrows the term from twentieth-century British philosopher Gilbert Ryle. Geertz notes that thick description accounts for “most of what we need to comprehend a particular event, ritual, custom, idea, or whatever is insinuated as background information before the thing itself is directly examined.” See Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973) 9.

¹¹ Jane Dawson, “Thick Description,” in *Encyclopaedia of Case Study Research*, ed. by Albert J. Mills, Gabrielle Durepos, and Elden Wiebe (Thousand Oaks, California: SAGE Publications, 2010), accessed March 6, 2018, doi:10.4135/9781412957397.

¹² Neema Parvini, *Shakespeare and Contemporary Theory: New Historicism and Cultural Materialism* (London: Bloomsbury, 2012) 110.

and the ability of any individual to express agency apart from social conditions.¹³ However, I see two power structures competing against each other in early modern cultural production, not one inclusive schema. I would also argue that playwrights are products of their cultures as well as individuals and that they may not be consistent in which stance they adopt regarding marriage. They may promote a community, customs-oriented solution in one work while advocating for governmental legal reform in another. Thus, playwrights themselves can exemplify the marriage debates of the time period.

In addition to new historicist criticism, this project examines early modern plays through the lens of adaptation theory. Most early modern plays are adaptations of some sort. Although usually applied to the study of film or television, adaptation theory can provide valuable insight into what playwrights are advocating for in terms of solving marriage dilemmas. When one compares, for instance, Shakespeare's *Twelfth Night* (1601-1602) to one of its sources, Barnabe Riche's *Riche His Farewell to Military Profession* (1581), one notices that Shakespeare's cross-dresser Viola is not as highly born as Riche's Silla. From this evidence, one may argue that Shakespeare's play is endorsing the exogamy of Viola's marriage to Duke Orsino because the playwright makes a point to change the social status of his heroine. The field of adaptation theory has been expanding over the last decade to include adaptations other than the usual novel-to-film or television transition, and recent anthologies on adaptation have begun to expand the field, incorporating films based on television series and comic book characters as well as

¹³ Parvini, 14.

discussions of theme parks and marketing tie-ins between films and consumer products.¹⁴

However, this field is ripe for expansion, and I would like to contribute, in some small way, to its broadening by promoting the study of early modern plays as the adaptations they are.

Adaptation theory also provides a helpful framework for thinking about how early modern plays reflect their cultural anxieties. This framework is known in adaptation studies as intertextuality. Prominent adaptation theorist Deborah Cartmell has called intertextuality adaptation theory's "primary concern," explaining that "it demonstrates the need to open up the study of adaptation to extend to screen-to-text adaptations, as well as multiple adaptations where a multiplicity of sources is not bemoaned but celebrated."¹⁵ Cartmell's paradigm brings film adaptation into the wider discussion of narratives, but it could also apply with equal appropriateness to the study of early modern plays because the various cultural texts, as imagined by new historicist criticism, serve as intertexts in the adaptation framework.

I am appropriating adaptation theory to enhance a new historicist reading of early modern plays. This method not only works because of both fields' interest in intertextuality but also because early modern theater in its day and current cinema and television share common types of audiences and atmospheres of production. Theater audiences in the seventeenth century, just like twenty-first century film and television audiences, were economically and socially diverse. The cost of attending a play at the Globe and a movie at a present day cineplex are roughly

¹⁴ Linda Hutcheon with Siobhan O'Flynn, *A Theory of Adaptation*, 2nd ed. (London and New York: Routledge, 2013) xvi.

¹⁵ Deborah Cartmell, Introduction, *Adaptations: From Text to Screen, Screen to Text*, ed. by Deborah Cartmell and Imelda Whelehan (London and New York: Routledge, 1999): 23-28, 28.

analogous. Like cinema, early modern theater competed with other cheap entertainments and thus had to offer a “constant supply of novelty.”¹⁶ The pressure on theater companies to offer a constantly-changing repertoire—as many as five or six different plays per week—meant that playwrights often revisited material with which playgoers were already familiar as it came with a built-in audience.¹⁷ Some of the same pressures are at work in film today as in the sixteenth and seventeenth centuries, which is especially apparent when top-grossing films are considered. According to film educator Stephen Follows, only 15% of the top-grossing films between 2005 and 2014 were “truly original,” as he terms it, or, in other words, not adapted or derived from earlier works.¹⁸

My project carves out a new niche of study for early modern plays in its melding of new historicist criticism with adaptation theory. Its ethos is interdisciplinary, engaging legal scholarship as well as traditional literary criticism in its consideration of dramatic works, both canonical and lesser-known. There are many fine histories detailing the effects of the English Reformation on marriage law including works by Ralph Houlbrooke, Martin Ingram, and Eric Josef Carlson.¹⁹ Although these sources use sermons and conduct books to detect

¹⁶ Andrew Gurr, *Playgoing in Shakespeare's London*, 3rd ed. (Cambridge: Cambridge University Press, 2004) 143.

¹⁷ Stephen Greenblatt, *Will in the World: How Shakespeare Became Shakespeare* (New York: W. W. Norton and Company, 2010) 188.

¹⁸ Stephen Follows, “How Original Are Hollywood Movies?”, *Stephen Follows: Film Data and Education*, June 8, 2015, accessed March 6, 2018, stephenfollows.com/how-original-are-hollywood-movies.

¹⁹ A sampling of some of these authors' works includes Ralph Houlbrooke's *Church Courts and the People during the Reformation, 1520-1570* (Oxford: Oxford University Press, 1979), Martin Ingram's *Church Courts, Sex and Marriage, 1570-1640* (Cambridge: Cambridge University Press, 1987), and Eric Josef Carlson's *Marriage and the English Reformation* (Oxford: Blackwell, 1994).

contemporaneous attitudes toward marriage, they do not investigate how plays reflect the tension between custom and regulation. My project takes their legal scholarship and employs it to analyze the behavior of characters in plays. The goal is to determine a play's stance on the rapidly changing attitudes surrounding marriage in the sixteenth and seventeenth centuries. There have been studies of how the law applies in Shakespeare's work. Most pertinent to this project is B. J. and Mary Sokol's *Shakespeare and the Law* (2003), which provides an excellent analysis of the legal issues in plays like *Measure for Measure*. However, the Sokols' work does not look at plays by other authors nor does it draw in contemporaneous works in different literary genres or address adaptation.

This dissertation demonstrates how an understanding of historical context *and* a comparison of early modern plays against their source texts can elucidate meaning and reveal authorial intention. When playwrights expand, constrict, or cut their plots, add or excise characters, and change the genre or endings, they are deliberately modifying their sources to speak to the dilemmas and ideologies of their own time period. I argue that playwrights often complicate marriage issues to reflect early modern anxieties about a range of marital issues. I have chosen to examine plays both by Shakespeare and by other contemporaneous authors in order to argue for marriage anxiety being a broadly felt cultural concern, one that many early modern English playwrights addressed. The playwrights under consideration here take different stances on the custom versus law debate, with some contending for community solutions and defending the consent-based model of marriage and others promoting legal reform and greater regulation of weddings. By analyzing plays from a variety of playwrights, I can argue that this tension between custom and law was widespread.

The intertexts of early modern plays can also attest to the dichotomy of custom and law. For instance, some legal commentary like Henry Swinburne's *A Treatise of Spousals* (published in 1686 but written during the 1620s) endorses the older, consent-based model of marriage. *The Book of Common Prayer* (1549, 1559, and 1662), conversely, pushes for greater marriage regulation. One benefit to examining several Shakespeare plays comes from comparing his preference for older means of solving marriage issues in one play against his championing of legal reform in another. His ambivalence may represent a shifting point of view over time, or his stances on issues may not be uniform. For example, he may hold a conservative view of arranged marriages and a more progressive view of clandestine weddings. Another possibility is that Shakespeare may have been using his plays as a kind of cultural laboratory, putting characters in various marriage predicaments and applying either a custom-based solution or a legal fix and then presenting the results for judgment. Regardless of the reasons behind his changing stances on custom versus law, Shakespeare reflects the fraught nature of marriage reform in early modern England in his plays.

The first chapter examines the issue of broken betrothals in Thomas Dekker and Thomas Middleton's *The Roaring Girl* (1611) and Shakespeare's *Measure for Measure* (1604). The first play may be categorized as a City comedy, a subgenre popular at the turn of the seventeenth century.²⁰ *The Roaring Girl* also taps into the celebrity discourse of a real-life London

²⁰ City comedies, set in London and often peopled with characters from lower social classes, were a reaction to the "Petrarchan idealization of Elizabethan romantic comedy," according to Lee Bliss in "Pastiche, Burlesque, Tragicomedy," in *The Cambridge Companion to Renaissance Drama*, 2nd ed., ed. by A. R. Braunmuller and Michael Hattaway (Cambridge: Cambridge University Press, 2003): 228-253, 236.

personality—Moll Cutpurse—to increase its audience appeal. *Measure for Measure* is a comedy that can trace its source to Italian *novelle*, but it also invokes folk tale tropes. Although nowadays considered to be a dark comedy, at the time of its first performance, it exemplified patronage art, flattering James VI and I by tacitly comparing Duke Vincentio to the English king.²¹ Both plays explore how betrothals are created and how they are made binding or may be set aside. The betrothal stage was a liminal state in early modern England, and disputed marriage contracts were the area of marriage most subject to litigation.²² In this chapter, I will demonstrate how the playwrights were characterizing spousals along with how they were portraying clashes of individual consent versus parental approval in the context of custom or law. Both *The Roaring Girl* and *Measure for Measure* agree that broken betrothals should be mended for the stability of society, but they differ in prescribing fixes. As the more custom-oriented play, *The Roaring Girl* argues that the community can reconcile parental disapproval with an individual's right to choose a spouse without resorting to lawsuits. Shakespeare's *Measure for Measure* advocates for legal and ecclesiastical intervention, and it is only through the machinations of Duke Vincentio, posing as a friar, that all the unstable relationships are finally settled in marriage.

For Chapter Two, I will investigate the treatment of clandestine marriages in Shakespeare's *Romeo and Juliet* (1595) and John Webster's *The Duchess of Malfi* (1612-1613). Both of these works are tragedies, both spring from Italian *novelle* (short stories collected into

²¹ Alvin Kernan, *Shakespeare, the King's Playwright: Theater in the Stuart Court* (New Haven and London: Yale University Press, 1995) 51. Kernan argues that Duke Vincentio's fixing of the tangled marital situation in *Measure for Measure* is akin to James's facilitation of the 1603 Hampton Court Conference.

²² Ingram, 175.

larger volumes), and both works had undergone multiple adaptations before reaching the stage. Of all the marriage issues examined in this project, clandestine marriages evoked the longest lasting cultural anxiety as the legality of these unions was not settled until well into the eighteenth century.²³ The custom versus law tension is also most visible in this particular debate. Legislative reforms attempted to discourage the practice. However, though a clandestine marriage might be illegal, it would not be invalid, even if the parties involved were under the age dictated by canon law as able to contract a marriage without parental approval. In this chapter, I argue that *Romeo and Juliet* condemns clandestine marriage and that Shakespeare's adaptation choices call the legality *and* the validity of the marriage into question. Webster's *The Duchess of Malfi*, by contrast, approves of irregular marriage as long as it adheres to the law of spousals. In this play, the participants in the secret wedding are older, but they are from different social classes. The Duchess's family's disapproval spells disaster for the heroine and the steward she wed. Webster's adaptation choices evidence that he was excusing the exogamy more than his sources were and, at the same time, privileging spousals over church solemnizations.

Coerced marriage and wardship are the two closely linked and deeply felt cultural anxieties that comprise Chapter Three although the plays I examine in this chapter differ greatly in terms of genre. *The Miseries of Inforst Marriage* (1607) by George Wilkins operates within the domestic tragedy framework but also invokes the intertext of a true crime story as the play is based on a real seventeenth-century murder. Unlike most of the other plays in this study, *The Miseries of Inforst Marriage* demonstrates that marrying, when it is coerced, can be as

²³ Stone, 125.

destabilizing as not marrying. Wilkins exploits the cultural interest in this famous murder case to appeal for legal reform of the wardship system, whose corruption and cruelty prompted the eventual disintegration of the Court of Wards and Liveries later in the century. Shakespeare's *All's Well That Ends Well* (1604-1605) is an adaptation of various *novelle*, both Italian and English. In this play, Shakespeare offers a more conservative voice, based on custom, and presents wardship positively. Coerced marriage operates more like divine intervention in *All's Well That Ends Well* as it stabilizes a very disordered young man.

The final chapter treats divorce, but the plays considered are not just addressing divorce in the abstract or as it applies to fictional characters. They are also re-litigating Henry VIII's divorce of his first wife Katherine of Aragon. Elizabeth Cary's *The Tragedy of Mariam* (1613) adapts the story of Herod the Great and his second wife Mariam, Josephus's ancient Jewish historical account as translated by Cary's contemporary Thomas Lodge (1602). Though Cary makes no overt connection between the ancient Jewish couple and the early modern English one, *The Tragedy of Mariam* nevertheless comments negatively on Henry VIII's divorce. As a closet drama, a genre of plays known for having tacit political undertones, the play would not have been performed on stage but read by a more educated audience in the privacy of the home.²⁴ Cary's political message here is that divorce of any kind, especially royal divorce, is destabilizing for society. Shakespeare's *Henry VIII* (1613) treats the famous royal divorce more openly. However, the playwright conflates the royal divorce with England's break with

²⁴ Jenny Roth, "'She, Was Now Disgraced': Doris and the Critique of Law in Elizabeth Cary's *The Tragedy of Mariam, the Faire Queene of Jewry*," *Women's Writing* 19, no. 4 (November 2012): 487-506, accessed October 24, 2016, <http://dx.doi.org/1080/096982>, 500.

Catholicism in a very similar manner to modern-day heritage films, which present a romanticized version of the past. Although an overhaul of divorce law was considered in the mid-sixteenth century, Shakespeare sidesteps the philosophical issues surrounding divorce to focus on the result of the royal divorce, the birth of Elizabeth. *Henry VIII* adapts popular histories like Raphael Holinshed's *Chronicles* and John Foxe's *Acts and Monuments* in a way that reveals it as an Elect Nation play, a subgenre of history plays that depict the singling out of England for a holy task. These religious elements are largely absent in Cary's play, but Shakespeare employs them to justify Elizabeth's rule as glorious and good and to tie in his patron James VI and I to her legacy.

The wide-ranging nature of my project nevertheless has some limits, and it behooves me to address some of these here in the Introduction. I began the research process intending also to address the relationship between female agency and marriage laws. The Reformation in England meant the closing of the monasteries, which removed a vocation for women apart from marriage. In addition, Protestantism valued married chastity much above celibacy and advocated strenuously for marriage.²⁵ As such, marriage became even more important to a woman's identity and economic prospects than it had been in previous centuries. However, the effort necessary to do justice to this topic exceeds the scope of this study. Suffice it here to say that both maintaining the status quo and enacting reform carried dangers for women. For example, maintaining the wardship laws meant a woman was subject to a greedy guardian's whim in determining her marriage partner. On the other hand, crackdowns on clandestine marriage

²⁵ David Cressy, *Birth, Marriage, Death: Ritual, Religion, and the Life-Cycle in Tudor and Stuart England* (Oxford: Oxford University Press, 1997) 292.

removed the recourse of a lawsuit in ecclesiastical court where a seducer might be forced to acknowledge his marriage to the pregnant wife he abandoned. These issues are very important and interesting, and I look forward to writing more about them at a later date.

In speaking of nontraditional adaptations—in other words, adaptations that do not follow the customary literature-to-film path—Linda Hutcheon observes that

Video games derived from popular films and vice versa are clearly ways to capitalize on a ‘franchise’ and extend its market. But how different is this from Shakespeare’s decision to write a play for his theater based on that familiar story about two teenage lovers, or for that matter, from Charles Gounod’s choice to compose what he hoped would be a hit opera about them.²⁶

I would answer that there is no difference whatsoever. And, furthermore, there is much to be learned about early modern England from Shakespeare’s adaptation of that “familiar story about two teenage lovers,” and I speak at length about it in Chapter Two. For instance, the stories upon which *Romeo and Juliet* is based assign varying ages, or no ages at all, to the lovers. Shakespeare’s demarcation of Juliet as thirteen is a very important adaptation choice in and of itself because it differs so much from his English and Italian source texts. The following chapters will attempt to explain why Shakespeare, and other early modern dramatic adapters, made the changes they did and what those changes mean for our twenty-first century understanding of the sixteenth and seventeenth centuries’ anxieties about marriage.

²⁶ Hutcheon, 26.

CHAPTER 1

BROKEN BETROTHALS

In adapting their source material, early modern playwrights represent their culture's anxieties about unstable betrothals by demonstrating the fragility of the betrothal bond in their plot complications. They may feature abandonment or inadvertent bigamy, for instance. Moreover, even the generational conflicts between parents and children can manifest as a betrothal dispute in dramatic works of this period. As an art form charged with pleasing its audience through constantly-changing material, early modern theater not only had to produce new offerings on a regular basis but also had to make sure the public would take an interest in a play's subject matter.¹ One way to capitalize on this interest was to adapt current events or popular literary works. Because of their familiarity to the public, adaptations bring with them a built-in audience, but they also address a civic concern by offering a solution for a societal problem. Although traditionally concentrating on transmissions between literature and film, the adaptation studies methodology works equally well for investigating early modern plays because these works are also adaptations. To paraphrase adaptation theorist Linda Hutcheon, adaptations are at the same time autonomous and deliberately evocative of their sources.² *The Roaring Girl* and *Measure for Measure*—the plays I address in this chapter—propose solutions that exploit the culture's

¹ Andrew Gurr, *Playgoing in Shakespeare's London*, 3rd ed. (Cambridge: Cambridge University Press, 2004), 143.

² Linda Hutcheon with Siobhan O'Flynn, *A Theory of Adaptation*, 2nd ed. (London and New York: Routledge, 2013) xvi.

ambivalence surrounding contested betrothals by either exhorting the community itself to resolve betrothal issues or recommending legal intervention.

Echoing their culture's anxiety over broken betrothals in their adaptation choices, early modern plays offer two alternatives for repairing these relationships: community involvement or legal intervention. The plays I will examine in this chapter—*The Roaring Girl* by Thomas Dekker and Thomas Middleton and *Measure for Measure* by William Shakespeare—each adopt one of these conflicting positions. Two factors fueled the cultural anxieties surrounding betrothals. First, the irregular nature of some betrothals made proving their existence in court rather difficult when dispute arose.³ Second, the Church of England's attempts to regularize marriage began to change cultural conceptions of what constituted a legal marriage.⁴ Society sought to relieve this anxiety through the promotion of stable marriages, especially for women as they were more vulnerable to poverty than men and would presumably be more of a burden on the community.⁵ Secure betrothals expeditiously sealed in wedlock created a more socially and economically stable society.

Thomas Dekker and Thomas Middleton's adaptation of a real-life London celebrity in *The Roaring Girl* (1611) argues that community involvement is the surest means of repairing

³ Martin Ingram, *The Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987), 189.

⁴ Katharine Cleland, "Wanton loves and yong desires': Clandestine Marriage in Marlowe's *Hero and Leander* and Chapman's Continuation," *Studies in Philology* 108, no. 2 (Spring 2011): 215, accessed January 25, 2016, <https://muse.jhu.edu/article/428046>.

⁵ Natasha Korda, "Isabella's Rule: Singlewomen and the Properties of Poverty in *Measure for Measure*," in *Women, Property, and the Letters of the Law in Early Modern England*, ed. by Nancy E. Wright, Margaret W. Ferguson, and A. R. Bucks (Toronto: University of Toronto Press, 2004), 140.

broken betrothals, which form the centerpiece of both the main plot and the subplot. *The Roaring Girl* also foregrounds marriage's importance to social stability, especially for women.⁶ In the main plot, Sebastian Wengrave's father Sir Alexander has broken his son's betrothal to Mary Fitzallard, and Sebastian enlists the aid of cross-dressing, lower-class Moll Cutpurse (the aforementioned London celebrity) to manipulate his father into relenting. The subplot concerns a betrothal (also known as a pre-contract) set aside by Prudence Gallipot when her contracted husband Laxton goes missing for several years and is presumed dead. Complications arise when Laxton reappears and insists on enforcing their betrothal contract after Prudence has married another. The play works to heal one betrothal and suppress another, and its ambivalent stance mirrors the legal muddle of the time period. The irregular nature of some early modern betrothals combined with the difficulty in determining fault when a dispute arose fueled the anxiety surrounding this confusion. At the same time, the dissolution of the monasteries under Henry VIII removed religious vocation as an option for women and simultaneously increased marriage's importance for their livelihoods. Defining stability as the securing of a woman's social and financial position through marriage, *The Roaring Girl* contends both that the community's need for stability at times supersedes adherence to the letter of the law and that the community itself is the most effective mender of broken betrothals.

The Roaring Girl's interest in stabilizing society by fixing betrothals speaks to its time period's concern that these ties were tenuous and could not guarantee a betrothed couple's future

⁶ James Knowles, Introduction to *The Roaring Girl and Other City Comedies* (Oxford: Oxford University Press, 2001), liv. The 1611 date Knowles gives for *The Roaring Girl* indicates the date of its first performance.

marriage. Although rates of marriage contract lawsuits declined throughout the seventeenth century, cultural anxiety over the durability of these bonds lingered.⁷ The normal course of betrothal and marriage should have minimized the very problems that supply a play like *The Roaring Girl* with its plot. A couple wishing to become betrothed would typically engage an officiant who would admonish the couple on the seriousness of marriage and join the couple's hands. The man and woman promised to marry each other in the future using the construction "I will." These betrothal promises were called *di futuro* spousals. Witnesses to the betrothal would toast the couple who would then exchange kisses and tokens like rings or gloves.⁸ This is the point at which Sebastian and Mary's betrothal stalled due to Sir Alexander's withdrawal of support. Solemnization in a church, which would include the recitation of *di presenti* (present-tense) spousal vows—"I do"—along with the taking of the Eucharist, should have followed the characters' pre-contract. However, it is important to note that it was the spoken *di futuro* vows that married the couple, not a clergyman or a judge, and that they did not have to be spoken in a church.⁹

Sir Alexander's objection to Sebastian and Mary's betrothal breaks it apart, but the play's interest in reuniting the couple reflects the supremacy of consent to the early modern conception of marriage. Much of the legal and moral pushback against proposed marriage regulations in the seventeenth century stemmed from the time period's understanding of how marriage actually

⁷ Ingram, 192.

⁸ Ingram, 196.

⁹ Eric Josef Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994), 20.

happened—fundamentally via the exchange of mutual consent.¹⁰ Henry Swinburne, author of *A Treatise of Spousals or Matrimonial Contracts* (1686), articulates this understanding by noting that over-regulation of marriage would work against its essential nature:

forasmuch as it is the Consent alone of the Parties whereby this Knot is tied, and whereby this *Desponsation* or *Affiance* is sufficiently wrought being the very Substance (and as it were the Life and Soul) of this contract; therefore the necessity of observing that former prescript Form of Stipulation was not without just cause abolished, and liberty granted to contract Spousals by whatsoever form of words or by any other means, as Writing, Signs, Tokens &c whereby this mutual Consent might appear.¹¹

The author is comparing the strict question-and-answer rubric of ancient Roman marriage against the looser procedures of his own time period and deeming the early modern method to be superior. For Swinburne and others, it was not the form of the vows themselves that made the contract valid but the expression of mutual consent. He favors individual “liberty” in contracting spousals and sees nothing wrong with the lack of uniformity practiced in the seventeenth century.

Despite the time period’s emphasis on consent, practically-speaking, families could and did influence their children’s choice of partner, a tension Dekker and Middleton exploit.¹²

¹⁰ David Cressy, *Birth, Marriage & Death: Ritual, Religion, and the Life-Cycle in Tudor and Stuart England* (New York: Oxford University Press, 1997), 340-341.

¹¹ Henry Swinburne, *A Treatise of Spousals or Matrimonial Contracts, Wherein All Questions relating to that Subject are ingeniously Debated and Resolved* (1686), in Early English Books Online, accessed May 25, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:62281:12, 6-7. Emphasis in original. When quoting from primary sources from the early modern era, I will retain the original punctuation and spelling when appropriate.

¹² Ingram, 128.

Sebastian and Mary's mutual desire to wed should theoretically suffice, but Sir Alexander's objections construct functional barriers to them marrying. Swinburne's assertion that "it is the Consent alone of the Parties whereby this Knot is tied" notwithstanding, in the seventeenth century, marriage most often meant leaving the parental home and establishing a separate domicile. As such, "in view of the great public and family import of marriage, it was conventional wisdom that the matter could not be left wholly to the discretion of individual couples."¹³ Family members' support was perceived as important, and couples were expected to secure parental blessings before marrying. In addition, changes in canon law in 1604 to some extent codified family approval. The law now required parental consent for parties younger than 21 years old, as well as for marriages by special license.¹⁴ Since their ages are not specifically mentioned, Sebastian and Mary are probably not legal minors and thus do not technically require parental approval to wed. However, social realities of the time period dictate that they must attempt to reconcile their individual choice of marriage partner with that of their parents, just as many real-life couples would have.

¹³ Ingram, 128. This conventional wisdom, according to Ingram, applied widely across social classes because "save at the poorest social levels, the marriage of a child was usually associated with the transfer of property across the generations." Carlson, however, notes that parental consent was often a nonissue. Due to the late relatively late age of marriage (individuals often married in mid to late twenties and did so outside of their home parishes), it was likely that one or both parents had already died. However, extended relatives often did play a role in marriage negotiations (p. 140).

¹⁴ Ingram, 136. Special license marriages are those that do not require the posting of banns three consecutive Sundays or holy days in advance of the marriage.

Finances exacerbate the friction between individual consent and parental approval in *The Roaring Girl*, prompting Sebastian to recruit Moll Cutpurse's aid instead of openly defying his father. Early modern families could leverage influence over an individual's choice in marriage partner by withholding money and inheritance. As a member of the gentry, Sebastian must rely upon his father's good graces for his livelihood; he has no trade or independent source of wealth at his disposal. Thus, Sir Alexander's sanction of Sebastian's marriage takes on great importance. However, Sir Alexander forbids the marriage after initially consenting to it, reconsidering Mary Fitzallard's "dowry of five thousand marks."¹⁵ Though legally *able* to marry his betrothed, Sebastian in all practicality *cannot* because he depends upon his father financially. In explaining his predicament to Mary, Sebastian informs her that his father "vowed, if I took thee, nay more did swear it, / Save birth from him, I nothing should inherit."¹⁶ Negotiating around his father's disapproval, Sebastian seeks to marry the woman he desire without angering his father into disinheriting him. That the couple do not exchange clandestine *di presenti* vows or consummate their *di futuro* vows with sexual intercourse indicates the profound importance of parental approval and the heavy moral and financial pressure parents could exert on their children's choice of marriage partner.¹⁷

¹⁵ Thomas Dekker and Thomas Middleton, *The Roaring Girl, The Roaring Girl*. In *The Roaring Girl and Other City Comedies*, ed. James Knowles (Oxford: Oxford University Press, 2001), 1.84.

¹⁶ *The Roaring Girl*, 1.88-89.

¹⁷ Ingram, 139.

Dekker and Middleton argue that the greed motivating Sir Alexander's disapproval does not just disappoint Sebastian and Mary but also destabilizes the community by undermining the foundation of marriage itself—individual consent—for selfish reasons. His forbidding of the match necessitates the community's intervention, especially as it has a vested interest in protecting Mary Fitzallard. The growing social importance of marriage to women means that *The Roaring Girl's* London has a vested interest in cementing Sebastian and Mary's union in the face of parental opposition. Moreover, the play paints Sir Alexander's financial concerns as frivolous and motivated solely by greed. Sebastian tells Mary that his father

reckoned up what gold
This marriage would draw from him, at which he swore
To lose so much blood would not grieve him more.¹⁸

Through the hyperbolic construction of his objection (marriage as blood loss and disease), Sir Alexander insures the audience will not take his qualms about his son and Mary seriously. However, one may also interpret “blood” here in this passage to mean Sir Alexander's bloodline. The implication of this reading is that Sir Alexander values his money over the continuance of the family name, and the fact that he is preventing Sebastian from marrying Mary Fitzallard demonstrates his lack of concern for family legacy or a wish to punish Sebastian for forming an alliance now deemed disadvantageous.¹⁹ By contrast, Dekker and Middleton demonstrate the

¹⁸ *The Roaring Girl*, 1.79-81.

¹⁹ Susan Amussen's intensive study of Norfolk records leads her to make the following observation: “a father might use his property as a method of disciplining unruly children—a concern which is manifested in at least some of the wills.” See *An Ordered Society: Gender and Class in Early Modern England* (Oxford: Basil Blackwell, 1988) 86. Amussen's study looks at a broad range of social classes in villages between 1560 and 1725 in Norfolk, a large, densely-populated shire, but, because the very poor left few records, her study was not able to draw any conclusions about their behavior with any certainty.

validity of the betrothal. Mary reminds Sebastian early in the first scene that “In one knot / Have both our hands by the hands of heaven been tied.”²⁰ Even though it is now frowned upon by Sir Alexander, the couple’s betrothal has God’s approval. The bottom line is that a father’s greed violated two individuals’ mutual consent. Sir Alexander’s second thoughts about Mary’s dowry do not constitute a valid reason for the agreement’s dissolution in the eyes of the playwrights and thus do not serve the community’s need to secure a good betrothal into marriage.

The playwrights resolve the tension between parental influence and individual consent in *The Roaring Girl* through their characterization of Moll Cutpurse, who acts for the community. This titular character was based on a contemporaneous London personality named Mary Frith, and, as such, she has more authority to mend the play’s broken betrothals than an entirely fictitious character. The playwrights’ Moll, a cross-dressing petty thief and pimp in real life, operates as a folk hero who makes and protects marriages. As a City comedy, *The Roaring Girl* celebrates London culture and characters, with Moll occupying an unusual but celebrated position.²¹ The playwrights adapt the celebrity discourse surrounding this transvestite member of the London underworld in a way that emphasizes her folk hero characteristics and downplays her criminality. According to McKenzie Wark, celebrities have the power to draw communities closer together as “through celebrating (or deriding) celebrities, it is possible to belong to something beyond the particular culture with which each of us might identify.”²² Opinions about

²⁰ *The Roaring Girl*, 1.69-70.

²¹ The City Comedy subgenre presents London itself through its depiction of the various characters who inhabited England’s capital city in the early modern era. These plays “sought to interpret the novel phenomenon of mass urban living and culture.” (Knowles, vii.)

²² McKenzie Wark, *Celebrities, Culture and Cyberspace: The Light on the Hill in a Postmodern World* (Sydney: Pluto Press, 1999) 33.

Moll Cutpurse among early modern playgoers may differ, but, by using this well-known City figure as their main agent of marital repair, Dekker and Middleton can simultaneously fix broken betrothals and argue for a community solution to what may seem, to present-day audiences, like a private dilemma. Moll, with her close connection to London, not only represents the larger community but also highlights marriage's importance. If she involves herself in Sebastian and Mary's troubles, then reconciling individual consent with parental approval must be a worthwhile endeavor and an important way to shore up the community she personifies.

The playwrights' presentation of Moll enables the play to operate like modern books, movies, and television shows that claim to be based on a true story, which in turn grants Moll's betrothal repair efforts greater entertainment value but also more authority. The "based on a true story" designation, according to adaptation theorist Thomas Leitch, "indicates a source text that is and is not a text, one that carries some markers common to most source texts but not others."²³ The true-story adaptation's invocation of a real life source text encourages audiences to more willingly suspend their disbelief and invest time and money in consuming this kind of particular entertainment.²⁴ Leitch theorizes that these sorts of promises work because "the film's [or, in this case, the play's] relation to the true story is used to support claims about its value as

²³ Thomas Leitch, *Film Adaptation and Its Discontents: From Gone with the Wind to the Passion of the Christ* (Baltimore: Johns Hopkins University Press, 2008) 281.

²⁴ The Coen brothers famously tapped into this genre in their 1996 film *Fargo*, which claimed to be based on actual events occurring in Minnesota in 1987, an entirely fictitious claim. Ethan Coen later explained this artistic choice thus: "'We wanted to make a movie in the genre of the true story movie. You don't have to have a true story to have a true story movie.'" (Source: Bill Bradley, "The Coen Brothers Reveal 'Fargo' Is Based on a True Story After All," *The Huffington Post*, March 8, 2016, accessed June 13, 2017. https://m.huffpost.com/us/entry/us_56de2c53e4b0ffebf8ea78c4/amp.)

entertainment that are the real point of its ostensible truth claims.”²⁵ By making the play’s title character an actual London celebrity, Dekker and Middleton proclaim their play to be worthy of audience patronage. The Epilogue closes with another blatant tie-in with contemporaneous London celebrity culture, announcing that “the Roaring Girl herself, some few days hence, / Shall on this stage, give larger recompense.”²⁶ Moll Cutpurse not only serves as the play’s title character but will actually appear on stage playing herself. She increases the impact of the play’s celebrity tie-in by participating in the celebrity discourse of Dekker and Middleton’s adaptation of herself.

Because of her notoriety, Moll becomes a synecdoche for London as a whole, demonstrating how the city can mediate between parental and individual concerns in marriage. Her cross-dressing and lower-class ties, though problematic in the world of the play and early modern London itself, nevertheless do not disqualify her from acting on behalf of the community. Her transvestism, which some characters call “monstrous,” links her to the city even more closely and reveals London’s process of masculinization during the time period in question.²⁷ James Knowles notes how the city was envisioned by various pro- and anti-civic writers of the seventeenth century, remarking that “the striking feature of civic discourse lies in the gendering of the city. For pro-civic writers, London might stand as a chaste and obedient wife, nursing the nation, while for anti-civic writers it was like all women, a leaky vessel, its

²⁵ Leitch, 286.

²⁶ *The Roaring Girl*, Epilogue 35-36.

²⁷ *The Roaring Girl*, 2.125-131.

commercial transactions akin to prostitution.”²⁸ Moll, in her Roaring Girl persona, represents her community accurately: a London becoming masculinized while retaining some female characteristics. What better representative of this ongoing process, for Dekker and Middleton, than a woman who preferred to dress in male clothing? The Roaring Girl becomes a gendered stand-in for the city of London itself, but her character, as neither chaste wife nor promiscuous whore nor even fully woman in terms of mannerisms and dress, represents a complex and inclusive community because she moves in, between, and out of gender roles and social classes.

As Moll and London are inextricably linked, characters’ negative reactions to her not only highlight her unique qualifications as City representative but also show how these critics work against the community’s interests. In coopting Mary Frith to be an agent of marital restoration, Dekker and Middleton do not ignore the consequences of her cross-dressing or hide some characters’ disapproval of her subversion of social norms. Sir Alexander draws a link early on between Londoners and evil, describing his son as “no City monster neither, no prodigal,” thus indicating his low opinion of his community.²⁹ Given Moll’s close association with the City, Sir Alexander’s objections to her operate as displaced criticism of London itself. He calls her not only a “scurvy woman” but also a “creature...nature hath brought forth / To mock the sex of woman.”^{30,31} To Sir Alexander, Moll is a joke of nature, a disturbing combination of man and

²⁸ Knowles, xxvii.

²⁹ Dekker and Middleton, *The Roaring Girl*, 2.117.

³⁰ *The Roaring Girl*, 2.123.

³¹ *The Roaring Girl*, 2.126-127.

woman. He could also, by extension, be arguing that the City itself is unnatural and monstrous since she stands in for London.

However, the playwrights may actually be using Sir Alexander's criticism of Moll to demonstrate his own lack of civic-mindedness and accusing him and his peers of abandoning their proper civic duty, which encompasses marriage promotion.³² The playwrights present Moll positively, and her interactions with a variety of social classes and her geographic mobility allow her to better represent her community. By contrast, the older male members of the gentry in *The Roaring Girl* associate primarily with each other and confine themselves to enclosed, private spaces, thus abdicating their civic duty. In harping on Moll and in breaking Sebastian and Mary's pre-contract, Sir Alexander disparages the community in which he should take an active part. Additionally, he undermines marriage itself—the ultimate stabilizing force in *The Roaring Girl*. Dekker and Middleton employ this patriarch character as a foil to Moll, portraying the older man as a bigoted and greedy elitist bent on preventing marriages and the lower-class, cross-dressing woman as the character most effective in promoting wedlock.

Moll Cutpurse can function as a promoter and preserver of marriage in *The Roaring Girl* despite her subversive behavior and dress because her outsider status gives her the freedom to act in the community's best interest. Though seeming disadvantages, her lack of family ties, lower social status, and cross-dressing actually operate as City-minded virtues allowing her to mix with various Londoners in a way that insures her relationship-mending efforts will be successful.

³² Knowles, xxxix.

Parental authority and social class prevent Sebastian from righting his own broken betrothal, so he must seek aid from Moll Cutpurse, who has no such checks on her agency. Moll's flouting of social conventions, especially of dress, enables her to put on patriarchal authority as clothing was thought to reflect a person's social status and moral character.³³ Moll is moving not only between male and femaleness but also between social classes both by donning men's clothes and by wearing fabrics off limits to those of her social station like the shag ruff she admires in Openwork's shop.³⁴ Her mobility increases her ethos as community representative, but at the same time it allows her to assume the authority of a male of higher social status. She can foil Sir Alexander's plans to break apart Sebastian and Mary's betrothal because she has, through her dress, become him. The paradox of Moll as outsider who actually builds community in the play mirrors the complexity of early modern London itself where a figure like Moll, who was at times punished for her flamboyant behavior, was ultimately tolerated because she upheld the monarchy and the status quo.³⁵

³³ Donald R. Larson, "Clothes Encounters: Revealing and Concealing the Body in Lope's *La Discreta Enamorada*," *Bulletin of the Comediantes* 57, no. 1 (2005): 14, accessed February 8, 2017, <https://doi.org/10.1353/boc.2005.0021>.

³⁴ Shag, a velvety material, would have been forbidden to Moll as a lower class individual per sumptuary law, as "velvet in gowns, coats, or other uttermost garments...[was forbidden] except all degrees above viscount" for men, and also prohibited for women below the rank of countesses. Source: Elizabeth I, "Enforcing Statutes of Apparel," (Greenwich, June 15, 1574) in *Tudor Royal Proclamations, Vol. 2: The Later Tudors (1553-1587)*, ed. Paul L. Hughes and James F. Larkin (New Haven: Yale University Press, 1969), 383 and 385.

³⁵ Randall S. Nakayama, Introduction to *The Life and Death of Mrs. Mary Frith, Commonly Called Moll Cutpurse* (1662) (New York and London: Garland, 1993), xiii. In 1611 or 1612, at a time perhaps concurrent with *The Roaring Girl's* initial stage run, Moll was required to do penance for her acts of indecency. Source: Anthony Dawson, "Mistress Hic &

As her actions in the play attest, the unconventional appearance and mannerisms that allow Moll to authentically represent London, work to shore up the community by reinforcing marriage. She eagerly agrees to Sebastian's plans to fool his father with a false courtship in order to restore the pre-contract between Sebastian and Mary and frustrates Laxton's attempts at seduction by beating him in a duel. Even Moll's own avoidance of marriage stems from a deeply traditional view of the institution. Recognizing the custom of the wife's submission to the husband, Moll explains,

I have no humour to marry. I love to lie o'both sides o'th'bed myself and again o'th'other side. A wife, you know, ought to be obedient, but I fear me, I am too headstrong to obey, therefore I'll never go about it.³⁶

Moll understands marriage to be a hierarchy of husband and wife, and, since she loves to rule herself, she cannot subscribe to ever subjecting herself to a husband in wedlock. *The Roaring Girl's* first audience at Philip Henslowe's Fortune Theatre was of a lower class and more conservative than that at Shakespeare's more socially-mixed Globe or the boys' companies' elite indoor playhouses.³⁷ As such, Dekker and Middleton's apparently unconventional character voices the predominant thematic concerns of City comedy: marriage and money.³⁸ A single woman from a lower socio-economic class, Moll has the latitude to dress and act eccentrically, a latitude that she believes would disappear with marriage. When Moll tells Sebastian "I have the head now of myself, and am man / enough for any woman," she is not disparaging marriage *per*

Haec: Representations of Moll Frith," *Studies in English Literature, 1500-1900* 33.2 (Spring, 1993), 388, accessed May 16, 2016, <http://www.jstor.org/stable/451005>.

³⁶ *The Roaring Girl*, 4.35-38.

³⁷ Gurr, 183-184.

³⁸ Gurr, 191.

se.³⁹ Her recognition that “a wife...ought to be obedient” leads her to uphold the institution of marriage by eschewing it for the single life.

Despite the repair impetus of the main plot, Dekker and Middleton do not always favor mending broken betrothals, and they suppress a pre-contract in the play’s subplot of shopkeepers and their wives because salvaging it would not benefit the community. In this suppression, the playwrights not only reflect the early modern era’s lingering ambivalence toward marriage reform but also demonstrate that only unions promoting community stability deserve repair. The gallant Laxton, who moves fluidly among the worlds of the Roaring Girl, the shopkeepers, and the gentry like Moll does, works to destroy marriage by trying to enforce a previous betrothal: the *di futuro* contract with Prudence Gallipot he entered into some years prior to the action in the play. Laxton’s legal action typifies his time period’s most common form of marriage litigation.⁴⁰ Prudence does not want their previous relationship brought to light because she has since married someone else and borne him two children. The enforcement of the first contract would not only nullify the second but also cause immense societal upheaval. To uphold the status quo on this occasion necessitates suppressing the law.

Through the subplot, Dekker and Middleton argue that not all ruptured unions warrant repair and that the legal system can sometimes stand in the way of the community’s best interests. The play does not question the legality of Prudence’s earlier union with Laxton, and the character reveals to her husband that “this hand which thou callst thine, to him was given, / To

³⁹ *The Roaring Girl*, 4.40-41.

⁴⁰ Ralph A. Houlbrooke, *Church Courts and the People during the English Reformation, 1520-1570* (Oxford: Oxford University Press, 1979), 55-56.

him was I made sure in sight of heaven.”⁴¹ Recognized by the church, Prudence’s understanding with Laxton nevertheless constitutes a distinct threat to her marriage to Gallipot. A prior contract of marriage with another person, whether consummated, solemnized, or not, served as one of the few means by which a marriage could legally be dissolved.⁴² Though Prudence set aside her first contract because she believed him to be dead, Laxton is still within his rights to enforce the marriage. He does this through Greenwit, who serves the Gallipots with notice that they must appear in Bow Church, an ecclesiastical court, “to answer a libel of precontract / on the part and behalf of the said Prudence and another; you’re / best, sir, take a copy of the citation, ‘tis but twelvenpence.”⁴³ Greenwit’s cold legal language and references to court procedure highlight the danger posed by Laxton’s suit to the Gallipots’ family structure. If Laxton is successful, he will end the Gallipots’ marriage and bastardize their children.

Consideration for what best benefits a woman financially and socially serves as the benchmark by which Dekker and Middleton judge whether or not a betrothal should be saved or suppressed. This standard reflects the importance of marriage to a woman’s identity and social stability in the early modern era. Natasha Korda has noted that “singlewomen,” as they were termed at the time, presented a distinct threat to the new kind of state emerging in the wake of the English Reformation.⁴⁴ Monastic houses could no longer serve as refuges for women displaced by family disintegration or poverty. In the case of the Gallipots versus Laxton, the

⁴¹ *The Roaring Girl*, 6.118-119.

⁴² Ingram, 145.

⁴³ *The Roaring Girl*, 9.242-244.

⁴⁴ Korda, 138.

playwrights argue that society is best served by not enforcing the earlier betrothal; doing so would impoverish a family that was functioning as a productive unit and throw Prudence and her children on the mercy of the state for financial support. Earlier in the play, Gallipot had wondered if there was a legal way out of their predicament, positing to his wife that “If thou shouldst wrestle with him at the law, / Thou’rt sure to fall—no odd sleight—no prevention? / I’ll tell him thou’rt with child.”⁴⁵ Gallipot desperately wants to legally dissolve this prior contract, but even telling the court Prudence is pregnant with his child will not erase Laxton’s prior claim. Their only hope in preserving the legality of their own marriage is to convince Laxton to drop his suit.

Love in *The Roaring Girl* acts as a community stabilizing force, and Laxton’s abandonment of his suit, when confronted by a united front of Gallipots, stems from his recognition of Prudence’s love for and faithfulness toward her husband. Though Laxton tries to tempt Prudence into giving up Gallipot, he tells her husband that

For her own part,
She vowed that you had so much of her heart,
No man by all his wit, by any wile
Never so fine spun, should yourself beguile,
Of what in her was yours.⁴⁶

Prudence’s virtue frustrates Laxton’s attempted seduction, and he ultimately gives up his pursuit of her. After all, he had visited the Gallipots’ shop not because he wanted to rekindle their relationship but for “merriment” and to extort money for his other womanizing ventures.⁴⁷ It may

⁴⁵ *The Roaring Girl*, 6.132-134.

⁴⁶ *The Roaring Girl* 9.302-306.

⁴⁷ *The Roaring Girl* 9.326.

be that his frustrated encounters with Moll Cutpurse have triggered a re-evaluation of his own romantic dealings. In a mirror image of the main plot, the play's subplot sanctions pre-contract abandonment because of love. Legally, Laxton has the same expectation that Mary Fitzallard has for his pre-contract to be honored, but since love does not exist between Laxton and Prudence to complicate the matter, *The Roaring Girl* permits this particular pre-contract's abandonment. Love stabilizes the community by cementing betrothals and by keeping marriages intact, even if illegally formed.

Though Dekker and Middleton repair one broken betrothal and extinguish another, they at all times work to uphold marriages and impose order on society as a whole through community intervention. *The Roaring Girl* largely effects stability through its eponymous character even though she may seem to be the most subversive character in the play. Lisa Jardine argues that early modern drama's interest in female characters like Moll does not actually prove that women enjoyed more freedom or esteem but that the "woman question" was actually a displaced litigation of the period's political and religious turmoil.⁴⁸ By working through marriage problems over the course of a play, English dramatists could carve some order out of a universe still reeling from the Reformation and the political shifts of the sixteenth and seventeenth centuries. Dekker and Middleton's *The Roaring Girl*, in solving betrothal dilemmas, becomes therefore what Thomas Leitch would term a writerly text, appropriating a celebrity to work

⁴⁸ Lisa Jardine, *Still Harping on Daughters: Women and Drama in the Age of Shakespeare* (Brighton, United Kingdom: The Harvester Press, 1983), 6.

through a societal problem.⁴⁹ Moll uses her authority to act for the community—an authority stemming from her unique ability to represent the entire city of London—to fix marriages instead of some other social issue, demonstrating that marriage was a vehicle by which the culture sought to work through the larger upheavals of its time.

The common threads woven through both of *The Roaring Girl*'s broken betrothals are the promotion of marital stability and individual choice in marriage partner, illustrated through the convention of romantic love. Encapsulating this sentiment, Sebastian laments, "If a man have free will, where should the use / More perfect shine than in his will to love? / All creatures have their liberty in that."⁵⁰ This complaint does not merely tap into the trope of generational conflict but also argues that individual consent, or "free will" as he terms it, is the foundation of both marriage and the entire natural order applying to "all creatures." In exploring broken betrothals, the playwrights echo the zeitgeist of an age that made some efforts to reform marriage law but ultimately codified few new regulations.⁵¹ Politics affected religious and legal matters in this case as neither Henry VIII nor Elizabeth was willing to cede any power over church affairs (including marriage regulation) to Parliament.⁵² For this reason, reforms were slow to take hold. *The Roaring Girl* argues that clever, well-meaning souls will uphold personal liberty in marriage

⁴⁹ Thomas Leitch deems adaptations writerly texts, in that they take an existing text—the source (in this case the real-life Mary Frith)—and revise it, creating a new meaning. See *Film Adaptation and Its Discontents* (Baltimore: The Johns Hopkins University Press, 2007), 12.

⁵⁰ *The Roaring Girl*, 4.1-3.

⁵¹ Carlson, 38.

⁵² Carlson, 87.

and in disputes will rely on the community—represented in this case by Moll Cutpurse—to come together to sort out which relationships should be mended and which should perish. Legal suits, like the one Laxton brings against the Gallipots, do not benefit society. The community can better sort out contested spousal contracts and mend those betrothals worthy of repair as long as it uses stability as the benchmark for discernment.

The Roaring Girl's avoidance of the court system and reliance on community-based solutions exploits the legal atmosphere of the sixteenth and seventeenth centuries as intertext. The courts of this time enacted some changes in marriage law, but, as a whole, they abstained from drastically reforming centuries of common law practice. Eric Carlson concludes that the lack of a large grass-roots effort to update canon law indicates general satisfaction with existing statutes.⁵³ The preferred method was a kind of legal system-community partnership where individual marriage disputes were litigated through the ecclesiastical courts, which considered each case on its own merits, often relying on the public's help. For instance, the community could provide evidence as to whether an irregularly-married couple were indeed living as spouses or call banns to force fornicating couples into a legally-sanctioned relationship.⁵⁴ Dekker and Middleton avoid the legal system entirely and instead rely exclusively on the community pressure approach in *The Roaring Girl*. The playwrights, in championing individual consent and love, equate stability with a woman's safe containment in marriage. Moll Cutpurse can successfully operate as a single woman because she is an exception that proves the rule. Her

⁵³ Carlson, 105.

⁵⁴ Carlson, 128.

eccentric and subversive behaviors allow the community as a whole to bind good betrothals into marriage and free bad ones to perish.

In *Measure for Measure* (1604), Shakespeare also resolves broken betrothals into secure marriages, but, unlike Dekker and Middleton's strategy of involving the community in the repair process, Shakespeare's play argues for better regulation of betrothals through governmental intervention.⁵⁵ Vienna, the community of this play, has abandoned its responsibility to police unstable betrothals necessitating the involvement of both the Duke and his surrogate Angelo. Shakespeare's call for government action in settling unstable betrothals marks a significant departure from his source texts, which largely concentrate on themes of justice. *Measure for Measure*, as an adaptation, can trace its pedigree from folk tale tropes, actual events, Italian *novelle*, and other plays. By drawing from such varied sources and interweaving them into a single product, Shakespeare summons a broad range of references and shows his hand more explicitly in terms of the play's argument about broken betrothals because each alteration (adaptation) made to a source—be it to change an ending or add a character or expand a story line—provides a point of comparison with an earlier work. An examination of these sources against Shakespeare's version reveals that his play complicates the marriage situations in the sources, adding characters and subplots to emphasize this theme. The plot twists and supplementary characters reflect the early modern era's angst about spousals. Shakespeare's

⁵⁵ For the dating of Shakespeare's plays, I will be using the chronology presented by G. Blakemore Evans in his article "Chronology and Sources" for *The Riverside Shakespeare* (Boston: Houghton Mifflin Company, 1974): 47-76. Evans arranges the plays in the order of their composition.

changes accentuate marital road blocks specifically relating to broken betrothals and demonstrate their destabilizing effects. The most prominent betrothal issue in this play involves how *di futuro* vows can become binding *di presenti* spousals.

Shakespeare's adaptation choices in *Measure for Measure* critique *di futuro* spousals as insufficiently effective in securing a couple into a community-stabilizing marriage and justify government regulation of betrothals. This narrative focus explains the diverse assortment of sources the playwright employs along with the cultural intertext of betrothal anxiety. For one thing, he combines the folktale tropes at work in the play—identified by J. W. Lever as the corrupt magistrate, the substitute bedmate, and the disguised ruler—in such a way as to bring marriage formation to the forefront.⁵⁶ By also drawing in the early modern legal intertext, Shakespeare examines *di futuro* spousals thoroughly in his treatment of the relationship between Claudio and Juliet, Angelo and Mariana, and even in the subplot characters Lucio and Kate Keepdown. Shakespeare's emphasis on spousals anticipates his audience's keen interest in the subject. *Measure for Measure* particularly demonstrates that the centuries' old cultural assumptions about how *di futuro* spousals operate can no longer guarantee a fully legal marriage will take place in the future.

Shakespeare uses both the ineffectiveness of the community in policing betrothals and the harsh legalism of Angelo's moral enforcement to argue for a common sense revision of marriage-related statutes. The former understanding was that these vows became legally indissoluble with the either later exchange of *di presenti* spousals, as in a church solemnization

⁵⁶ J. W. Lever, Introduction to *Measure for Measure*, by William Shakespeare (London: Thomson Learning, 2004), xxxvi.

of marriage, or with coitus. Once betrothed, the couple could consider themselves as good as married.^{57, 58} However, in the play, couples find that their *di futuro* spousals do not lead smoothly to a wedding. *Measure for Measure* repairs and stabilizes these betrothals while cautioning its audience against putting too much faith in them. Insecure spousal bonds symptomize a society destabilized by neglect of the law on the one hand and improperly-zealous application of it on the other. By repairing the betrothals and regulating the enforcement of the law, the playwright can heal the Vienna of the play.

Claudio and Juliet's betrothal, the first the play presents, shows some similarities to that of Sebastian and Mary in *The Roaring Girl*, but, instead of pitting parental approval against individual consent, Shakespeare demonstrates the fragility of *di futuro* spousals. The playwright takes great pains to describe the couple's pre-contract, with Claudio explaining to Lucio that

Thus it stands with me: upon a true contract
I got possession of Julietta's bed.
You know the lady; she is fast my wife,
Save that we do the denunciation lack
Of outward order. This we came not to
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.⁵⁹

⁵⁷ Carlson, 20.

⁵⁸ Alan MacFarlane, *Marriage and Love in England: Modes of Reproduction, 1300-1800*, (Oxford: Blackwell, 1986), 299.

⁵⁹ William Shakespeare, *Measure for Measure*, ed. J. W. Lever (London: Thomson Learning, 2004), 1.2.134-142.

Claudio uses precise legal language, leaving little confusion as to the couple's marital status. They have a *di futuro* agreement (a "true contract") but have not posted banns yet ("we do the denunciation lack"), possibly because relatives had not been talked into the match. In terms of marriage status, Claudio and Juliet inhabit the same liminal space between betrothal and solemnization as Sebastian and Mary in *The Roaring Girl*, for some of the same reasons. Claudio and Juliet have not posted banns or solemnized their spousals in a church because their families have not come to terms on the financial aspects of marriage. Otherwise, all else had been done according to "outward order." Shakespeare does not ignore the impact that families could have on betrothals, but he does not make them the central impediment to marriage that they are in *The Roaring Girl*. For this first couple, premarital sex and overly-harsh legal enforcement will prove the most formidable barriers to marriage.

Shakespeare continues to highlight the problem of abandoned *di futuro* vows even in his comic subplot, indicating the centrality of marital destabilization in *Measure for Measure* as compared to its sources. English playwright George Whetstone is responsible for introducing the lower class characters into the *Promos and Cassandra* plays (1578), his adaptation of the corrupt magistrate story, but Shakespeare's implementation further emphasizes the need to restore broken engagements.⁶⁰ Lucio, who serves as a go-between for Claudio and Isabella, is himself guilty of contracting a *di futuro* betrothal, consummating it sexually, and then abandoning his responsibilities. The bawd Mistress Overdone, annoyed by his behavior, informs on him to the

⁶⁰ According to Andrew Gurr, Sir Philip Sidney's attacks on plays that "mingled clowns and kings" in his *Defense of Poesy* was probably spurred by Whetstone's introduction of a comic subplot into the more serious main plot in *Promos and Cassandra* (152-153).

Provost, telling the official that “Mistress Kate Keep-down was with child by / him in the Duke’s time, he promised her marriage. / His child is a year and a quarter old come Philip and Jacob.”⁶¹ Under the Duke’s superintendence, the traditional understanding of what created a binding marriage no longer holds. The community has not intervened, and Lucio has been able to escape any legal repercussions for abandoning Kate. This situation calls out for governmental intervention and reform.

Duke Vincentio, recognizing that his laxity in policing sexual mores has only caused societal breakdown, cedes his civil authority to one who will more strictly enforce the law, but Angelo’s hardline approach generates even more instability. In a reversal of a normal Shakespearean comedic plot trajectory, the play does not move from oppressive order to chaos to a fairer reordering of society (as in plays like *A Midsummer Night’s Dream*, *As You Like It*, and others) but from chaos to oppressive order to a fairer reordering. The Duke must figuratively step away from Vienna to ultimately restore order and re-couple the errant men with the abandoned women. He uses the disguise of Friar Ludovick because his former negligence removes his moral authority. Angelo’s crackdown erases the Duke’s former inattentiveness from Vienna’s consciousness, and the substitute’s onerous implementation of the law allows the Duke’s reform efforts at the end of the play to be more effective. *Measure for Measure* indicts all the bridegrooms, including the Duke who has disregarded his responsibility to Vienna and its citizens.

⁶¹ *Measure for Measure*, 3.2.192-196.

Compared to its sources, *Measure for Measure*'s emphasis on betrothals comes into even sharper relief, demonstrating the centrality of its interrogation of spousals to the plays' theme. I am drawing this methodology of analysis from Linda Hutcheon who suggests that those interested in studying adaptations, like this play, "identify a text-based issue that extends across a variety of media, find ways to study it comparatively, and then tease out the theoretical implications from multiple textual examples."⁶² For *Measure for Measure*, the text-based issue is betrothals, and the play's prose and dramatic sources provide the means by which to study the issue as each source yield another point of comparison in this constellation-like adaptation. The theoretical implication that may be drawn from examining these different sources is that in *Measure for Measure* betrothals become both more important to the ultimate end of justice in the play and simultaneously more fragile and in need of protection. The report of the judicial misbehavior of a Spanish officer near Milan in the first half of the sixteenth century may have provided the impetus for this particular exploration of the corrupt magistrate story. Writing in 1547, Hungarian student Joseph Macarius records the tale of an officer promising to free a woman's imprisoned husband if she sleeps with him. When the officer goes back on his word and has the husband killed, the woman appeals to the supreme governor Ferdinand of Gonzaga. Ferdinand forces the Spanish officer to marry the widow and give her a dowry and then executes him.⁶³ This story, a variation of the corrupt magistrate trope, forms the kernel of the *Measure for*

⁶² Linda Hutcheon, with Siobhan O'Flynn, *A Theory of Adaptation*, 2nd ed. (London: Routledge, 2013), xiv.

⁶³ Joseph Macarius, "Letter to George Pernezith," in *Measure for Measure* by William Shakespeare, ed. J. W. Lever (London: Thomson Learning, 2004), 151-154.

Measure plot and provides a control specimen of sorts by which Shakespeare's and others' adaptations may be compared.

Shakespeare privileges betrothals by making them so prominent in the action that occurs before *Measure for Measure*'s beginning. His sources, on the other hand, only treat betrothals in the context of the corrupt magistrate's sexual coercion of the supplicant woman. For example, in Cinthio's account, found in Década 8, Novelle V of *Hecatommithi* (1567), the corrupt magistrate Iuriste tells the supplicant Epitia that "it may easily happen as a result of our union you may become my wife."⁶⁴ Likewise, in George Whetstone's two *Promos and Cassandra* plays (both written in 1578), the magistrate Promos hints at a forthcoming marriage should Cassandra sleep with him to free her brother: "To buie this Iuell at the full, my wife I may thee make."⁶⁵ Though the terms are unorthodox, Promos's promise to free Cassandra's brother Andrugio if she yields to his sexual demands and his hint that he may marry her afterwards could constitute a betrothal contract. However, none of the characters in either Cinthio or Whetstone begins the play betrothed as do six characters in *Measure for Measure*.

Shakespeare's adaptation choices throw the supplicant sister's decisions into a more sympathetic light and foregrounds the repair of broken betrothals through legal reform. His removal of the betrothal offer from the solicitation scene has serious implications for Isabella. In contrast to Iuriste and Promos, Angelo never hints at spousal vows, even irregular ones, to

⁶⁴ Giraldi Cinthio, "Excerpt from Década 8, Novelle V of *Hecatommithi*" in *Measure for Measure* by William Shakespeare, ed. by J. W. Lever (London: Thomson Learning, 2004), 158.

⁶⁵ George Whetstone, *The Historie of Promos and Cassandra* in *Measure for Measure*, ed. J. W. Lever (London: Thomson Learning, 2004), 1.1.

mitigate the proposed fornication. Having pondered Isabella's case overnight, he offers her this choice when she returns to hear his judgment:

I shall pose you quickly.
Which had you rather, that the most just law
Now took your brother's life; or, to redeem him,
Give up your body to such sweet uncleanness
As she that he hath stain'd?⁶⁶

The discussion that follows between Angelo and Isabella yields not even the vaguest promise of future marriage, only an esoteric exchange on whether her brother's life was worth the price of her maidenhead. Isabella would be sacrificing much more than her source text predecessors should she yield to Angelo's lust. Shakespeare's removal of the betrothal offer from the solicitation scene has two implications. First, Isabella has less incentive to agree to Angelo's proposition than either Cassandra or Epitia as the stakes of her acquiescence are much greater. She will not be able to sue for marriage after the encounter because Angelo has said nothing to her that could constitute a spousal. This may make the audience more sympathetic to her decision to place her own virtue over her brother's life. Second, Shakespeare's choice to move the betrothal crimes off-stage actually makes them more a part of the fabric of the play. Angelo cannot offer Isabella marriage because he is already pre-contracted to another—Mariana. His broken betrothal cannot be mended through Isabella's submission to his demands.

Along with spousals, fornication becomes a theme in *Measure for Measure*, affecting almost all the play's couples and indicating a strong cultural interest in the topic, especially as it

⁶⁶ *Measure for Measure* 2.4.51-55.

pertains to the time period between betrothal and solemnization of marriage. By examining marriage and baptismal records, scholars have estimated that up to twenty percent of brides were pregnant on their wedding days, indicating widespread indulgence of sex activity before wedlock.⁶⁷ However, prosecutions for fornication were more strictly enforced around the turn of the seventeenth century, as the church “tried more firmly to insist that betrothed couples should remain chaste before they married in a church; that a properly solemnised marriage alone made sexual relations licit.”⁶⁸ This stance marks a change in attitude from the more tolerant Elizabethan view of prenuptial sex.⁶⁹ As an important part of his critique of older betrothal practices, Shakespeare warns that sexual activity between betrothal and marriage has the potential to be extremely destabilizing for the community because it no longer assume that coitus cements *di futuro* spousals into wedlock.

The plight of the betrothed woman who engages in premarital sex was one that Shakespeare also explored in his other works, even engaging with the broadside ballad genre to argue against putting too much stock in promises made by young men bent on seduction. In *Hamlet* (1600-1601), he invokes the popular ballad theme of a woman’s vulnerability in the aftermath of premarital sex through the mad singing of Ophelia in Act 4, Scene 5, which closely precedes her suicide. The young woman, distraught both from Hamlet’s abandonment and her father’s sudden death, shares the story of a young woman in love with a man who seduces her

⁶⁷ Ingram, 157.

⁶⁸ Ingram, 219.

⁶⁹ Cressy, 277.

with promises of future marriage and then abandons her. The ballad begins auspiciously, much like other broadside ballads, but the rhetoric quickly turns to a lament for lost virginity.

Tomorrow is St. Valentine's Day,
All in the morning betime,
And I a maid at your window
To be your Valentine.
Then up he rose, and donn'd his clo'es,
And dupp'd the chamber door
Let in the maid that out a maid
Never departed more....⁷⁰

By Gis and by Saint Charity,
Alack, and fie for shame.
Young men will do't, if they come to't;
By Cock, they are to blame.
Quoth she, "before you tumbled me,
You promised me to wed.

He answers:
So would I'a done, by yonder sun,
An thou hadst not come to my bed.⁷¹

Contained in Ophelia's ballad is not only a condemnation of Hamlet for abandoning her after a sexual relationship but also an admonition about the very fraught nature of informal *di futuro* vows for women. The maid in Ophelia's song only yields her virginity because the man has promised marriage, but the man, unconstrained to keep his vow because there are no written records or witnesses, can elude his insincere promises by unfairly impugning the maid. The man argues that, by allowing herself to be seduced, the maid has disqualified herself from marriage. Sexual relations, even in the context of a betrothal, have serious consequences for young women.

⁷⁰ *Hamlet*, 4.5.45-52.

⁷¹ *Hamlet*, 4.5.55-63.

In Ophelia's ballad from *Hamlet* as well as in *Measure for Measure*, the plight of the sexually-active betrothed woman calls out for a reform of marriage laws, but Shakespeare was not expressing the consensus view, as can be seen by examining other broadside ballads from the same period. These works provide a snap shot of the range of contemporaneous anxieties about premarital sex. Selling for only one penny, a ballad broadsheet cost the same as a groundling's admission to the era's public outdoor theaters.⁷² The relative ease and comparatively low cost of printing broadside ballads, indications that they were meant for rapid consumption, demonstrate that they resonated with contemporaneous readers and thus serve as strong indicators of public interest in their subject matter. An examination of these ballad sources reveals that there was not one unified line of thinking about the ill wisdom of premarital sex. According to Alexander Leggatt, "that the moral of one ballad may contradict another does not matter; what matters is that a moral is drawn."⁷³ The only generalized moral that can be drawn from the ballads' treatment of premarital sex is that women bore the brunt of the responsibility for sexual activity most importantly because they were at real risk if they became pregnant and men denied their spousal relationship.

By comparing two such seventeenth-century ballads depicting premarital sex to *Measure for Measure*, Shakespeare's position on the practice becomes clear: such behavior was understandable but risky, especially for women. The old assurances that *di futuro* vows became

⁷² Alexander Leggatt, *Jacobean Public Theatre* (London and New York: Routledge, 1992), 31.

⁷³ Leggatt, 35.

binding marriages with coitus could no longer be relied upon to protect women from subsequent pregnancy or abandonment, and therefore legal reform was warranted. Shakespeare's views, however, did not represent a universal position on the strength of irregular spousals. A ballad like "The Maid's Comfort," published between 1619 and 1629, takes a much more indulgent stance toward premarital sex than Shakespeare does. Telling the story of a young couple's courtship, the ballad hints that the pair exchanged some kind of *di futuro* vows before consummating their love. These vows are of an entirely casual nature, with the male voice in this dialogue ballad explaining

I Gave consent, and thereto did agree
To sport with her within that lovely Bower:
I pleased her, and she likewise pleasd mee,
Jove found such pleasures in a Golden Shower.
Our Sports being ended, then she blushing said,
I have my wish, for now I am no Maid.⁷⁴

The Maid's desire not to end life a virgin is gallantly fulfilled by the "kinde young Man" of this ballad who, before instigating sexual contact, makes sure to give "consent," an important aspect of both *di futuro* and *di presenti* spousals. The ballad presents premarital sex in a positive light as an activity that satisfies a need for both the man and the woman.

Unlike *Measure for Measure*, "The Maid's Comfort" is able to take this indulgent view because the traditional spousal system works: the couple legitimize their irregular betrothal vows with a marriage solemnization soon afterwards, preventing any community destabilization that

⁷⁴ "The Maids Comfort: OR, The kinde young Man, who, as many have said, Sweet comfort did yield to a comfortless Maid" (c.1619-1629) in *UCSB English Broadside Ballad Archive*. British Library—Roxburghe 1.242-243, accessed June 1, 2016, <http://ebba.english.ucs.edu/ballad/30169.xml>.

would come with pregnancy or abandonment. Post coitus, the Maid needs the Man to “ease [her] grieve and [her] tormented minde” by legitimizing the union with wedding vows.⁷⁵ The young man renders the “Maids Comfort” not only through the physical act of love but also by publically honoring their *di futuro* bonds technically made binding with sexual contact. The result is that “Comfort she found, and straight was made a Wife, / It was the onely thing she did desire.”⁷⁶ The “kinde young Man” did not desert her after intercourse, perhaps leaving her pregnant with a bastard child, but instead tended to both her physical desires and her social and financial security by marrying her. By contrast, in *Measure for Measure*, no one can take for granted that consummated *di futuro* vows compensate for the lack of a solemnization ceremony. Both Juliet and Kate Keepdown are denied the easy transition between betrothal and marriage the Maid from the ballad enjoys, demonstrating Shakespeare’s more cynical assessment of the security of irregular betrothal vows in an era that was pushing for regularization in marriage.

Another contemporaneous ballad, “The Westerne Knight and the young Maid of Bristoll” (c. 1629), aligns more closely with Shakespeare’s cautionary approach, which demonstrates that, although *Measure for Measure* does not express a consensus view of premarital but post-betrothal sex, it is by no means the only voice sounding a warning about the permanence of spousals. The “Westerne Knight” does not treat this kind of intercourse permissively like “The Maid’s Comfort” and instead argues that fornication could have community de-stabilizing

⁷⁵ “The Maids Comfort.”

⁷⁶ “The Maids Comfort.”

consequences like bastardy and abandonment. Seducing the Maid of Bristoll with the promise of future marriage, the Knight

gave to her a Ring of gold,
to keep as her owne life:
And said, that in short time he would,
come and make her his wife.⁷⁷

Not only does the Knight promise to marry the Maid of Bristoll in the near future, but he also gives her a token, something that Swinburne conjectures might actually constitute binding marriage vows. In describing his time period's more loosely-constructed notions of what comprised wedlock (as compared with the ancients'), Swinburne argues that "liberty [was] granted to contract Spousals by whatsoever form of words or by any other means, as Writing, Signs, Tokens, &c whereby this mutual Consent might appear."⁷⁸ He implies that tokens like rings could actually express spousals, creating binding vows.

The Knight's gift of the ring to the Maid of Bristoll, therefore, attests to the reality of their spousal bond, but the ballad writer's implicit warning, like Shakespeare's in *Measure for Measure*, is that women cannot rely on these older signs of marriage as insurance against abandonment. The Knight departs with a promise to return soon and solemnize their marriage, but the Maid is into her second trimester of pregnancy when he passes her way again. They meet only by chance, and, when confronted with the results of their premarital sex, the Knight denies the ring he gave meant anything:

⁷⁷ "The Westerne Knight, and the young Maid of Bristoll, Their loves and fortunes related," (c. 1629), in *UCSB English Broadside Ballad Archive* Magdalene College—Pepys 1.312-313, accessed June 1, 2016, <http://ebba.english.ucsb.edu/ballad/20148/xml>.

⁷⁸ Swinburne, 6-7.

If I (quoth he) my gold Ring gave,
to thee as to my friend,
Then must not thinke I meane to have
thee till my life doth end.
Nor do I mean to take for my wife,
a Lasse that is so meane
That shall discredit me all my life,
and all my kindred cleane.⁷⁹

The Knight not only rejects the ring as a token of betrothal or even marriage but also objects to the Maid's loose morality and lower social position. It is only by tearful and repeated pleading that the Maid, only fourteen years old, is able to convince him to take pity on her situation and marry her. Her extreme youth exacerbates her vulnerability, but any woman of her social class could have been abandoned with near impunity. In this manner, "The Western Knight" taps into cultural anxiety about the durability of *di futuro* spousals. Though no character in *Measure for Measure* is this young, Shakespeare's heroines also face separation from their partners, either through death or abandonment, but instead of merely warning about the social risk of flimsy betrothals, the playwright also uses his characters' situations to argue for legal reform.

Shakespeare qualifies his call for government intervention in regulating sexual behavior, however, by insisting that reforms serve the community's best interest by stabilizing precarious relationships into marriage. His interrogation of unjust law in *Measure for Measure* encompasses not only anxieties surrounding sexual behavior and betrothals but also legalism itself and the complications of curbing license. Premarital sex becomes the means, therefore, by which the playwright can conduct this interrogation, and in this methodology he follows the precedent of

⁷⁹ "The Western Knight and the Young Maid of Bristoll."

his most immediate source, Whetstone's 1578 *Promos and Cassandra* plays. The magistrate Promos has been instructed by the King to preside over a crackdown on sexual misbehavior in the city of Julio so that "the lewde doo rigor feelee."⁸⁰ Citizens have in effect been ignoring the society's strict anti-fornication laws for a long time, and the community has been unwilling to take action. In a similar manner, Duke Vincentio is concerned that no one is following Vienna's rules, yet he delegates their stricter enforcement to his representative Angelo, who has, according to Claudio, reinstituted all the "enrolled penalties / Which have, like unsourc'd armour, hung by th'wall."⁸¹ The Duke, echoing early modern England's cultural anxiety, sees the need for better legal enforcement but cannot summon the political or moral will at the play's beginning to enact reforms himself.

However well-intentioned, the crackdown on sexual misbehavior in Vienna undermines community stability, demonstrating the absurdity of Claudio's sentence and allowing Shakespeare to critique similar real-life efforts to impose stricter punishment for license. Under English canon law, Claudio and Juliet's sexual encounter would have created a binding marriage, which would have made Angelo's sentencing of Claudio all the more troubling to audiences. After all, post-betrothal but premarital sex joins Mariana and Angelo in wedlock later in the play. Juliet has also conceived a child from her union with Claudio, another incentive for the community to consider the couple married. The reform-minded Angelo's harsh sentencing of Claudio draws in contemporaneous debates as intertext as "laws against fornication of greater

⁸⁰ *Promos and Cassandra*, 1.1.

⁸¹ *Measure for Measure*, 1.2.155-156.

severity than those applied in church courts were repeatedly proposed and rejected before the Commonwealth temporarily brought them in.”⁸² The absurdity of executing a father-to-be in *Measure for Measure* and most likely impoverishing both his lover and his child provides a stern rebuke of an unnecessarily strict law. Shakespeare’s audiences would likely have shared Isabella’s frustration that the law itself prohibited the logical remedy for all this trouble. Her solution, voiced as “O, let him marry her!”, makes perfect sense in the historical context of the play.⁸³ Both Claudio and Juliet consented to the betrothal vows and their consummation. However, due to the magistrate Angelo’s strict interpretation of the city’s fornication laws, Claudio will lose his life, and Juliet will be left to support a bastard, orphaned child.

Shakespeare’s placement of intercourse in the context of an already-contracted betrothal reveals that it is betrothals themselves that he is critiquing in his corrupt magistrate adaptation. Contemporaneous ballads frame pre-marital sex either as the sequel to spontaneously-uttered vows of love or as part of a seduction. The literary sources for the play treat premarital sex in various ways, all of which lack the contractual language of Shakespeare’s couples. In Cinthio’s *Hecatommithi*, for example, Epitia’s brother Vico is imprisoned for raping a woman whilst “spurred on by ardent love.”⁸⁴ *Measure for Measure* does not treat rape, at least from the woman’s perspective, and Angelo’s nonconsensual encounter with Mariana is mitigated by several circumstances to be investigated later in this chapter. In Whetstone’s *Promos and*

⁸² B. J. Sokol and Mary Sokol, *Shakespeare, Law, and Marriage* (Cambridge: Cambridge University Press, 2003), 101.

⁸³ *Measure for Measure*, 1.4.48.

⁸⁴ Cinthio, 156.

Cassandra plays, the brother character Andrugio is jailed for premarital sex like Shakespeare's Claudio, but, unlike his analog, he has no pre-contract with his lover Polina. Andrugio certainly desires to marry her after the fact, but the law under Promos's administration will not allow him to rectify his sins in this way. By contrast, each couple engaging in intercourse in *Measure for Measure*—Claudio and Juliet, Angelo and Mariana, Lucio and Kate Keepdown—has some kind of pre-contract of marriage.

Like that of Claudio and Juliet, Angelo and Mariana's broken betrothal incorporates the intertext of contemporaneous social critique, but it also employs the bed-trick trope to both re-stabilize law enforcement and shore up marriage. Thematically, this is the central couple of the play, and Shakespeare's adaptation choices in presenting this relationship, one not present in the earlier versions, shifts the play's focus. The themes of justice and mercy are still present, of course, as the title attests, but Shakespeare foregrounds marriage.⁸⁵ In giving the Duke as Friar Ludovick the ability to repair Angelo and Mariana's broken betrothal, the playwright not only integrates the disguised ruler trope into his play but also flatters his patron King James. Alvin Kernan has described in detail the similarities between the fictional Duke and the factual monarch, noting James's preference for operating behind the scenes, his leniency, dislike of

⁸⁵ The title of the play is drawn from the Geneva Bible's (1560) translation of Matthew 7:1-2, part of Christ's famous Sermon on the Mount, which reads, "Ivdge not, that ye be no iudged. / For with what iudgement ye iudge, ye shal be iudged, and with what measure your mette, it shal be measured to you againe." (Source: *The Geneva Bible: A Facsimile of the 1560 Edition*, introduction by Lloyd E. Berry, Madison, Wisconsin: The University of Wisconsin Press, 1969.)

crowds, and “ways of transcending the law to achieve justice.”⁸⁶ In *Measure for Measure*, the Duke’s bed-trick proposal works in just this transcendent way by allowing Isabella to seemingly accept Angelo’s terms for her brother’s release without really having sex with him. At the same time, the Duke can mend the magistrate and Mariana’s broken betrothal.

Shakespeare presents Angelo’s abandonment of his *di futuro* spousals as an injustice crying out for legal intervention. As a woman abandoned by her betrothed, Mariana is especially vulnerable and in need of the state’s intercession. The Duke explains that Mariana

should this Angelo have married: was affianced...by oath and the nuptial appointed. Between which time of the contract and limit of the solemnity, her brother Frederick was wracked at sea, having in that perished vessel the dowry of his sister. But mark how heavily this befell to the poor gentlewoman. There she lost a noble and renowned brother, in his love toward her ever most kind and natural; with him, the portion and sinew of her fortune, her marriage dowry; with both, her combinate husband, this well-seeming Angelo.⁸⁷

Angelo and Mariana had a formal betrothal in that they were both “affianced by oath” and the solemnization day had been set, common aspects of *di futuro* spousals.⁸⁸ The contract broke apart when, due to her brother’s loss at sea along with her dowry, the agreed-upon terms of the marriage settlement could not be met. Angelo had been considered her “combinat husband,” and, had the dowry not been lost, they would have been wed. As in the cases of Sebastian and Mary and Claudio and Juliet, finances prevented the couple’s betrothal from becoming a

⁸⁶ Alvin Kernan, *Shakespeare, the King’s Playwright: Theater in the Stuart Court 1603-1613* (New Haven and London: Yale University Press, 1995), 54 and 63. Kernan specifically cites the Walter Raleigh trial (1603) and the Hampton Court Conference (1604) as instances where James operated in a manner similar to Duke Vincentio. See pages 51 and 64.

⁸⁷ *Measure for Measure*, 3.1.214-223.

⁸⁸ Ann Jennalie Cook, *Making a Match: Courtship in Shakespeare and His Society* (Princeton: Princeton University Press, 1991), 5.

marriage. However, the Duke blames Angelo for more than reneging on a betrothal because the promised dowry was not forthcoming. Perhaps to appear better justified before others, Angelo “swallowed his vows whole, pre-/ tending in her discoveries of dishonour.”⁸⁹ Financial misgivings would not fully justify Angelo’s public abandonment. By slandering Mariana’s character, Angelo solicits community approval for getting out of his betrothal contract, which makes his actions all the more despicable in the Duke’s eyes.

Shakespeare’s addition of the bed-trick rights the marital wrong Angelo did to Mariana, allowing the playwright to resolve a broken betrothal but also arguing that, apart from marriage, a woman’s societal position was not secure. Mariana’s situation is particularly troubling. The Duke expresses it thus: “Why you are nothing then: neither maid, widow, or wife?”⁹⁰ She lacks family and spousal security as the abandoned fiancée and a woman under no man’s immediate protection. The Duke’s intervention, as a kind of substitute father, is justified from a community-stabilizing aspect. His choice of a friar’s garb as his disguise lends church authority, in addition to the patriarchal and political powers he represents, to the bed-trick’s switch of partners. Bereft of her brother, her dowry, her betrothed, and her good name, Mariana deserves reparations for her troubles, but she still suffers a few qualms over deceiving Angelo. The Duke eases these fears by reminding her that Angelo

is your husband by pre-contract:
To bring you thus together ‘tis no sin,
Sith that the justice of your title to him
Doth flourish the deceit.⁹¹

⁸⁹ *Measure for Measure*, 3.1.226-227.

⁹⁰ *Measure for Measure*, 5.1.179.

⁹¹ *Measure for Measure*, 4.1.72-75.

Any reservations Mariana might have about substituting herself for Isabella yield to society's need to restore the broken marriage. As a good ruler, Duke Vincentio must first and foremost promote marriage in order to effect stability in Vienna.

Though sanctioned by the Duke, the bed-trick does circumvent Angelo's consent—the foundation of early modern marriage. However, the contemporaneous audience would have accepted the trope without many of the reservations present-day audiences would hold, primarily because the bed-trick as a literary device was often used to secure women's social and financial futures.⁹² The bed-trick's long pedigree includes mythological, Biblical, and medieval works. For instance, the Biblical book of Genesis contains two accounts of bed-tricks, both of which were included in the Church of England's lectionary for morning prayer during January.⁹³ The first involves Jacob, Leah, and Rachel, and the second concerns Judah and Tamar. Both Biblical tales employ bed-tricks to secure a vulnerable woman's position, even though a father sets the plan in motion in the case of Leah and Rachel. Bed-tricks provide a husband for an overlooked sister in danger of spinsterhood and sons for a widow abandoned by her dead husband's family, contributing to societal stability by securing male protectors for defenseless women. Although women like Ygraine in Malory's *Le Morte d'Arthur* were sometimes the victims of bed-tricks, in comedies they are often the beneficiaries. By inserting this device into the corrupt magistrate

⁹² Marliss C. Desens, *The Bed-Trick in English Renaissance Drama: Explorations in Gender, Sexuality, and Power* (Newark: University of Delaware Press, 1994), 11.

⁹³ Cummings, Brian, ed., *The Book of Common Prayer: The Texts of 1549, 1559, and 1662* (Oxford: Oxford University Press, 2011), 675. The Biblical bed-trick accounts mentioned here can be found in Genesis 29 and 38.

plot, Shakespeare effectively argues that a man's consent can be bypassed if doing so would provide security and justice for a vulnerable, wronged woman and stabilize a chaotic community.

Legal and moral questions involving consent arise in Shakespeare's employment of the bed-trick, but Angelo's libel of Mariana's character and his sexual coercion of Isabella mitigate these concerns. Because it was the conscious giving of consent that constituted Christian marriage, spousals effected via rape, forced marriage, or even bed-tricks may not constitute legitimate unions, but here literature and real life must be separated. When early modern playwrights take up this convention, they are exploring consent and the legal ramifications of sex, as illustrated in *Measure for Measure*. The bed-trick, according to Marliss C. Desens, allows "the dramatists of the English Renaissance and their audiences to prove some of the complexities of human behavior... and the amount of power any person, whether male or female, may acceptably exercise over another."⁹⁴ Angelo's corrupt administration of justice, along with his prior defamation of Mariana's character, give the audience permission to accept the legality of the bed-trick in terms of cementing a betrothal into marriage.

In addition to its community-strengthening function, the bed-trick in *Measure for Measure* provides a kind of legal loophole through which Isabella can accept the terms of the Angelo's salacious bargain but delegate its fulfillment to another. The bed-trick trope's addition is Shakespeare's most significant adaptation to the corrupt magistrate tale. Unlike Cassandra, Epitia, or the unnamed wife in Macarius's letter, Isabella does not actually sleep with the corrupt magistrate. All the other details in this main plot line run parallel to the source texts: the male

⁹⁴ Desens, 17.

relative's arrest, the woman's pleading, the magistrate's proposed bargain for the relative's life, and his reneging on his promise. Also common to each version is the relative's insistence that sexual capitulation in this circumstance is not sinful. Claudio echoes his predecessors Vico and Andrugio when he reassures Isabella that "What sin you do to save a brother's life, / Nature dispenses with the deed so far / That it becomes a virtue."⁹⁵ Coerced sin, Claudio asserts, is no sin at all, yet Isabella is not convinced by this argument. Fortunately, the Duke provides a way out through the bed-trick, and she is able to save her virtue while presumably preserving her brother's life. She thus avoids the precarious position that Cassandra, Epitia, and Macarius's heroine find themselves in when they sleep with a magistrate who does not honor his promises.

Shakespeare's addition of the disguised ruler folk tale trope to that of the corrupt magistrate and the bed-trick allows his adaptation to conduct a legal review of early modern betrothal practices. Thomas Fulton has noted that "the word *law* appears far more often in *Measure for Measure* than in any other Shakespearean play," indicating the importance of the theme to the work as a whole.⁹⁶ However, the play's disguised ruler is attempting to enforce laws that have been effectually ignored for years and to do so without completely destabilizing the city. A new authority figure must be the one to crack down on sexual misbehavior. By masquerading as a friar, Duke Vincentio can covertly monitor his magistrate Angelo's executive actions and correct any miscarriages of justice. Because of his direct, if disguised,

⁹⁵ *Measure for Measure*, 3.1.133-135.

⁹⁶ Thomas Fulton, "Shakespeare's *Measure for Measure* and English Fundamentalism," *Journal of Medieval and Early Modern Studies* 40, no. 1 (Winter, 2010): 121, accessed March 24, 2017, <https://doi.org/10.125/10829636-2009-16>. Emphasis in original.

superintendence, the suppliant sister in this play never has to trade her chastity for her brother's life, and the erring brother Claudio can escape punishment and atone for his sexual sin by marrying his betrothed. The ecclesiastical court of sorts in Act Five's "trial" scene redresses the wrongs done by these men by ordering marriage, finally quenching the play's anxiety over those spousals not yet properly solemnized.

Moreover, while Mariana and Isabella may seem to express agency in solving their own problems, it is Duke Vincentio who proposes the bed-trick in the first place, and it is his very position that allows him to regulate marriage in a society reeling from the abrupt swings between laxity and intolerance. As the ruler disguised as a friar, he represents both church and state, and the women respond to this authority. Though Mariana may have ethical qualms, "Friar Ludowick's" assurances enable her to place her faith in his plan to win back her affianced husband. Instigated and sanctioned by both secular and sacred authority, the bed-trick is morally justified because it repairs an unfairly broken betrothal and stabilizes what would have been a very precarious situation: the abandonment of one woman and the despoiling of another. Shakespeare cannot allow the corrupt magistrate to ignore his marital commitments or a virtuous woman to be punished for saving her brother's life and still bring order to the chaos created through both the flouting of law on the one hand and the harsh enforcement of it on the other.

Security in the play is synonymous with marriage, and, therefore one betrothal must remain permanently broken: Isabella's promise to be the bride of Christ. As one who has entered the cloister but has not yet taken final vows, Isabella exists in a liminal space just like Mariana, Juliet, and Kate Keepdown, who have sworn a pre-contract but have not participated in a church solemnization. Isabella's traffic with men in the world outside the cloister has made her unsuited

for a religious vocation, but, affirming the views of his time, Shakespeare argues that marriage is a more desirable state for women than celibacy. In this stance, the playwright echoes the teachings of Martin Luther and other Reformers, who renounced the Roman Catholic veneration of the celibate religious vocation and instead claimed that “[marriage] and not celibacy leads to a real inner Spiritual life.”⁹⁷ When Lucio comes to the nunnery to enlist Isabella’s aid for her brother, he is, in a sense, leading her away from a celibate Catholic existence and into a life of Reformation fulfilment, embodied by marriage. This is a destiny she is helpless to escape. The Duke’s proposal at the end of the play—“Give me your hand and say you will be mine”—comes as a command, not a request, and it removes Isabella’s celibacy option permanently.⁹⁸ The reforming Duke, whose whole activity in the play has involved the strengthening of marriage, intervenes for the final time here by calling a celibate novice to the higher duty of matrimony.

The Duke’s restoration and creation of marriages, largely accomplished while disguised as a friar, not only mirrors the Reformers’ elevation of the married state but also contends that marriage needed government-sponsored regulation. The possible consequences of post-betrothal, premarital sex, which include an abandoned woman and a bastard child, would have demanded an expenditure of society’s resources. *Measure for Measure*’s first production in 1604 closely followed the passage of the Elizabethan Poor Laws in 1598 and 1601. This new legislation

⁹⁷ Johan Buitendag, “Marriage in the Theology of Martin Luther—Worldly Yet Sacred: An Option between Secularism and Clericalism,” *HTS Teologiese Studies / Theological Studies* 63 (May 2007): 453, accessed February 3, 2017, <http://www.hts.org.za/index.php/HTP/article/view/228>.

⁹⁸ *Measure for Measure*, 5.1.490.

marked a transitioning of care of the poor from the church to the state.⁹⁹ *Measure for Measure*'s Juliet, potentially saddled with an illegitimate child and a dead lover, would have put demands on the community had she remained unmarried. The Duke's interference with wedlock in the play, conducted with an eye to strengthen weak bonds, ensures vulnerable women will have a safe position in society and that society itself will not be taxed with their upkeep. Shakespeare's addition of the two other abandoned betrothals and Claudio and Juliet's pre-existing betrothal demonstrate his deep interest in spousals. These adaptation choices also reveal his skepticism of their stability. *Measure for Measure* reflects its era's social context, as "enforcement shifted dramatically in the late sixteenth and early seventeenth centuries, when ecclesiastical courts began prosecuting cases of premarital fornication with greater zeal," perhaps in response to the rising rates of illegitimacy and the economic crisis of the 1590s.¹⁰⁰ However, the way Shakespeare solves the betrothal problems in *Measure for Measure* indicates he considers harsh enforcement equally destructive.

Shakespeare's infusion of the disguised ruler and bed-trick tropes into that of the corrupt magistrate from his literary sources brings marriage itself to the forefront of the play thematically and argues for common sense legal intervention in securing betrothals. This type of intervention would employ compassion and tolerance in the administration of justice. Shakespeare's adaptation choices argue this point through his plot complications, added characters, and the fulfilment of marriage promises made before the play's beginning. The only case where a prior

⁹⁹ Korda, 140-141.

¹⁰⁰ Korda, 142 and 143.

relationship is broken for good is Isabella's vocation for the nunnery. The disguised ruler trope allows for these restorations and the destruction of an intended "marriage." Shakespeare's use of the Duke highlights the realities of the early years of a new century, when society saw an increasing need for the regulation of marriage but lacked the political will to overturn centuries of common law practice.¹⁰¹

Scholars have contended that *Measure for Measure* functions in various ways, from medieval morality play to court piece meant to indulge James VI and I's passion for "sophisticated moral puzzles."¹⁰² I argue, however, that the play's most important work is its litigation of contested betrothals and its championship of marriage over both sexual license and celibacy. More specifically, Shakespeare condemns *di futuro* spousals for their ambiguity and for the liminal space they create where marriages promised may in reality be easily abandoned. These kinds of vows actually impede marriage in *Measure for Measure*. Adaptation theory supports this interpretation of the play's main work because, in recognizing how Shakespeare changed and expanded the corrupt magistrate story, one can identify what he found most important to stress in the adaptation. The playwright's most obvious adaptation choices involve the addition of more couples embroiled in betrothal troubles and his use of the bed-trick.

In each of *Measure for Measure*'s broken betrothals, Shakespeare advocates both for marriage as the stabilizing force in society and for the necessity of beneficial legal intervention.

¹⁰¹ Carlson, 87.

¹⁰² Thomas Fulton argues that *Measure for Measure* is primarily a morality play (p. 119). Alvin Kernan mainly discusses how *Measure for Measure* flatters James I (p. 62). Finally, Robert Gram Hunter contend that the play is both an exploration of God's grace and a character study in what attributes make a good ruler. See *Shakespeare and the Comedy of Forgiveness* (New York and London: Columbia University Press, 1965), 204-205.

Reeling from wild swings between the Duke's effective non-enforcement of sexual behavior statutes and Angelo's strict application of the letter of the law, the play's Vienna must control its citizenry's sexual behavior through marriage. Claudio and Juliet's post-betrothal but pre-solemnization sexual union causes them both great heartache and physical danger, even though their relationship was consensual. Likewise, Lucio and Kate Keep-down had a consummated pre-contract which produced a child, but under the Duke's lax administration, Lucio had been able to ignore his obligations toward his offspring and partner. Mariana's substitution for Isabella in the bed-trick seals her *di futuro* spousals as a binding marriage to Angelo, and yet the magistrate had previously been able to abandon his erstwhile betrothed and defame her character without repercussions.

These couples had followed centuries of common law betrothal practice tolerated by the church in forming their unions, but, in the wake of the Reformation, these practices could no longer guarantee marriages would follow. This new distrust of traditional spousal practices created social instability. More systematic reforms of marriage law were proposed during this period but were not adopted until well into the eighteenth century, demonstrating a social concern for strengthening marriage but a reluctance to codify this concern into new laws.¹⁰³ The community in *Measure for Measure* has ignored its civic responsibility and allowed fornication and bastardy to run rampant. Vienna stands in sharp contrast to the London of *The Roaring Girl*, which took such an interest in policing its citizens' betrothals through the character of Moll

¹⁰³ Carlson, 105.

Cutpurse. In Shakespeare's play, the government and church, embodied by the Duke, must step in to impose order on the community and protect its most vulnerable members.

Though they disagree on the solution, Dekker and Middleton as well as Shakespeare consider strong betrothals to be a stabilizing force in society and present a remarkable range of couples and types of betrothal complications. Their depictions illustrate the ambiguous and precarious state of spousals in early modern England. Dekker and Middleton leave the responsibility for betrothal repair in the hands of the community while Shakespeare solves problems through a kind of legal reform. In both *The Roaring Girl* and *Measure for Measure*, the playwrights argue that a well-functioning society depends on the protection of marriage. This protection can be achieved by either repairing broken spousals (Sebastian and Mary in *The Roaring Girl*, the couples in *Measure for Measure*) or setting aside de-stabilizing relationships (Laxton and Mistress Gallipot in *The Roaring Girl* or Isabella's plans to be a celibate nun in *Measure for Measure*). In the early modern period, *The Book of Common Prayer's* rubrics for marriage and modest changes in canon law attempted to place some boundaries around spousals and, at the very least, succeeded in sketching out how to insure a marriage was completely legal. However, society's unwillingness to delegitimize irregularly-formed spousals led to uncertainties and anxieties about what protections women could expect from their betrotheds. The stakes for women become even higher with clandestine marriage.

CHAPTER 2

CLANDESTINE MARRIAGES

In the same way they address broken betrothals, early modern plays examine another cultural anxiety: clandestine marriage. The plays considered in this chapter—William Shakespeare’s *Romeo and Juliet* and John Webster’s *The Duchess of Malfi*—are both tragedies, and clandestine marriage precipitates the deaths of each couple. However, Shakespeare and Webster diverge in how culpable they hold the practice of clandestine marriage. I argue that *Romeo and Juliet* condemns it outright as socially destabilizing and questionably legal, but *The Duchess of Malfi* tolerates and even excuses it as an expression of individual consent. These very different treatments express the cultural tension regarding clandestine and other irregular marriages. On the one hand, the public was gradually growing more insistent that a church solemnization was the only fully legitimate way to wed.¹ On the other hand, “the notion had not entirely disappeared that anyone could make a marriage provided there was goodwill, commitment, and consent.”² Shakespeare and Webster channel their culture’s ambivalence about irregular marriage, its validity, and its advisability, exaggerating the usual consequences to exploit a real cultural anxiety. In this exaggeration, Shakespeare echoes the societal forces arguing for greater regularization of marriage while Webster represents older attitudes which were more accepting of irregularity.

¹ Erik Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994) 45 and 96.

² David Cressy, *Birth, Marriage, and Death: Ritual, Religion, and the Life-Cycle in Tudor and Stuart England* (Oxford: Oxford University Press, 1997) 320.

Shakespeare's *Romeo and Juliet* and Webster's *The Duchess of Malfi* modify their sources to demonstrate their attitudes toward clandestine marriage. Because both plays draw their plots from earlier works, they function as adaptations, or "deliberate, announced, and extended revisitations of prior work."³ The two plays explore the implications of secret unions in their re-imaginings of their adapted texts and share several common features. Both can claim Italian *novelle* as sources, and both stories underwent several adaptive iterations before being dramatized for the English stage.⁴ This process of repeated adaptation can serve to illustrate what Shakespeare and Webster are saying about clandestine marriage. As Linda Hutcheon argues, because "adaptation is a form of repetition without replication, change is inevitable, even without conscious updating or alteration of setting."⁵ Though ultimately characterized as destructive in both plays, clandestine marriage becomes more fraught in *Romeo and Juliet* than in earlier versions while *The Duchess of Malfi* contends that these unions are legitimate and blameless.

One way Shakespeare's *Romeo and Juliet* (1595-1596) undermines clandestine marriage is by questioning its legitimacy.⁶ The play scrutinizes the ceremony itself in ways that its sources

³ Linda Hutcheon with Siobhan O'Flynn, *A Theory of Adaptation*, 2nd ed. (London and New York: Routledge, 2013) xvi.

⁴ Italian *novelle*, popular during the Italian Renaissance, were short stories often published in collections of 50-100. Boccaccio's *Decameron* is perhaps the most famous example. The types of stories varied from fables to reports about current events. Janet Levarie Smarr argues that *novelles* were influenced by such widely disparate works as Apuleius's *Golden Ass* and Indian tales of the life of Buddha. Janet Levarie Smarr, "Translator's Introduction," *Italian Renaissance Tales*, edited and translated by Janet Levarie Smarr (Rochester, Michigan: Solaris Press, 1983) xiii-xxxiv, xviii-xix. *Romeo and Juliet* can also claim the tale of Pyramus and Thisbe from Ovid's *Metamorphoses* as a distant literary ancestor.

⁵ Hutcheon, viii.

⁶ In dating Shakespeare's plays, I will be using the chronology presented by G. Blakemore Evans in his article "Chronology and Sources" for *The Riverside Shakespeare*

do not, a move that demonstrates both the playwright's own judgment and growing cultural concern about the legality of such unions.⁷ The play casts doubt on the marriage in several ways: it does not show the actual ceremony, it invokes its culture's criticisms of clandestine marriage, it characterizes Friar Laurence as a questionable priest, and it lowers Juliet's age considerably from earlier works. Regarding the wedding ceremony itself, Shakespeare's *Romeo and Juliet*, unlike some of its sources, does not directly depict nor even describe the nuptials in great detail. The dramatic genre dictates the reason for not staging a ceremony, as the only marriage shown onstage in Shakespeare's *oeuvre* occurs in *As You Like It* (1599) where Celia reluctantly officiates at the mock-marriage of Orlando and the cross-dressing Rosalind.⁸ Because the spoken exchange of vows effected a marriage, players enacting a wedding onstage would either seem to mock the vows or could appear to bring about an actual union through their spoken words. Poems and narrative fiction, Shakespeare's sources for *Romeo and Juliet*, were under no such constraints and thus could depict the ceremony in detail. Shakespeare's audience witnesses the planning for

(Boston: Houghton Mifflin Company, 1974): 47-76. Evans arranges the plays in the order of their composition.

⁷ Clandestine marriages, even those officiated by clergy, were becoming more controversial in the late sixteenth century. See Katharine Cleland, "'Wanton loves and yong desires': Clandestine Marriage in Marlowe's *Hero and Leander* and Chapman's Continuation," *Studies in Philology* 108, no. 2 (Spring, 2011): 215-237, *Project Muse*, accessed January 25, 2016, <https://muse.jhu.edu/article/428046>, 215.

⁸ For this scene, see William Shakespeare, *As You Like It*, in *Riverside Shakespeare*, ed. G. Blakemore Evans (Boston: Houghton Mifflin, 1974): 369-402, 4.1.120-125. Some of Celia's reluctance to perform the ceremony stems from her knowledge that Rosalind/Ganymede is not actually male, but some of it stems from the early modern view of the spoken *de presenti* vows. Commenting on this scene, Brian Cummings notes that Celia's hesitation "shows the illocutionary power felt to be invested in the verbal promise 'I will.'" See Brian Cummings, ed., *The Book of Common Prayer: The Texts of 1549, 1559, and 1662* (Oxford: Oxford University Press, 2011) 712.

Romeo and Juliet's wedding but not the vows themselves; the playwright does not even describe the ceremony secondhand through a witness's eyes.

Shakespeare's adaptation of *Romeo and Juliet* deliberately activates early modern cultural anxieties surrounding irregular marriage especially as regards the avoidance of banns. Banns, required by the Church of England for most weddings, were called three weeks in advance of a wedding and were meant to allow anyone with the knowledge of impediments to the marriage to notify authorities. According to David Cressy, "the theme of desperate lovers circumventing family restrictions was enacted in real life as well as in the commercial theatre."⁹ Thus, what was presented on stage reflected what was happening in the wider culture. By omitting banns, *Romeo and Juliet* accelerate the time period between betrothal and solemnization of marriage and circumvent parental, and societal, approval, which Juliet would have needed to marry as she was a legal minor.¹⁰ While *Romeo and Juliet*'s covert wedding allows them to marry without family interference, this flouting of marital law ultimately destroys them as the need to keep the marriage secret leads to the lovers' deaths.

Unlike *Romeo and Juliet*, the play's sources soften the couple's offense in marrying secretly by emphasizing how their ceremony otherwise conformed to church law. Matteo Bandello's *The Unfortunate Death of Two Most Wretched Lovers* (1554), an early Italian source, reports that "once the friar had heard their mutual resolve, he spoke briefly in praise of holy

⁹ Cressy, 324.

¹⁰ First established in England in 1200 by the Synod of Westminster, the calling of banns was meant to prevent "clandestine marriage or ones that broke cannon law...[;] following 1549, [banns] are an attempt to bring marriage within a statutory legal framework, breaking down the distinctions between ecclesiastical and secular law." Cummings 711.

matrimony and pronounced the words customary within the church for wedding ceremonies.”¹¹ The author implies here that the lovers’ resolve erased any doubts about the secret marriage the friar may have harbored, freeing his conscience to perform the usual wedding service. Arthur Brooke’s poem, *The Tragicall Historie of Romeus and Iuliet* (1562, 1587), describes the ceremony this way: “The words pronounced were which holy Church of olde / Appoynted hath for marriage: and she a ring of golde / Receiv’d of Romeus and then they both arose.”¹² The poet legitimizes the ceremony by showing it. Though highly irregular in its secrecy and lack of parental approval, Romeus and Juliet’s marriage in Brooke’s poem otherwise followed the *Book of Common Prayer’s* rubrics, complete with pronouncement of marriage and exchange of rings. Shakespeare, by contrast, intensifies the controversial nature of his characters’ wedding. Though he cannot stage a clandestine marriage directly, he neglects describing it in order to emphasize both the illegality and the dangers of clandestine marriage.

One particular aspect of Shakespeare’s *Romeo and Juliet*—Friar Laurence’s sermon—warns specifically against exercising individual consent without considering societal stability. Though willing to perform the ceremony for the sake of the civil peace that may come from it, Shakespeare’s priest chastises Romeo for the violence of feeling that leads him to marry so

¹¹ Matteo Bandello, *The Unfortunate Death of Two Most Wretched Lovers*, in *Romeo and Juliet before Shakespeare: Four Early Stories of Star-Crossed Love*, trans. Nicole Prunster (Toronto: Centre for Reformation and Renaissance Studies, 2000): 49-84, 60.

¹² Arthur Brooke, *The Tragicall Historie of Romeus and Iuliet, Contayning in It a Rare Examples of True Constancie: with the Subtill Counsels, and Practices of an Old Fryer, and Their Ill Events*. London. 1587. In Early English Books Online, accessed July 14, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo:image:13127, lines 767-769.

suddenly. He preaches only to Romeo and hints that unions based on strong feelings destroy the lovers:

These violent delights have violent ends,
And in their triumphs die like fire and powder,
Which as they kiss consume. The sweetest honey
Is loathsome in his own deliciousness,
And in the taste confounds the appetite.
Therefore love moderately: long love doth so
Too swift arrives as tardy as too slow.¹³

Friar Laurence predicts that Romeo and Juliet's passion will explode "like fire and powder" to destroy them. He foreshadows their deaths and insinuates that their love, so passionate that they do not wait to petition their parents for permission to wed, will become "loathsome in its own deliciousness." The ban that Romeo and Juliet forego by having a secret wedding perhaps would have checked these destructive feelings, allowing passion to cool a bit and wisdom to dictate a less dangerous course of action than faked death or suicide. By opting for a clandestine marriage, Romeo and Juliet indulge the "violent delights" of their own consent without consulting the family or civil authority which might have advised them to "love moderately" and thus enjoy a happier, longer, more stable life.

Shakespeare's play's condemnation of clandestine marriage becomes more apparent when Friar Laurence's advice to Romeo is compared against his counterparts' wedding sermons in the source texts. Instead of a private admonition to Romeo, Brooke's Friar Laurence follows the *Book of Common Prayer's* Solemnization of Marriage service as closely as he can:

¹³ William Shakespeare, *Romeo and Juliet*, ed. Jill L. Levenson (Oxford: Oxford University Press, 2000) 2.5.9-16.

When he had tolde at length the wife what was her due
His duety eke by ghostly talke the youthfull husband knew
How that the wife in love must honor and obey:
What love and honor he doth give and debt that he must pay.¹⁴

The officiant preaches from the fifth chapter of Ephesians and the third chapter of First Peter when he exhorts the couple that “the wife in love must honor and obey: / What love and honor he doth give and debt that he must pay.” These texts comprise some of the Biblical passages prescribed by the *Book of Common Prayer* for wedding sermons.¹⁵ Like Brooke, William Painter’s Friar Laurence in *The Palace of Pleasure* (1567, 1575, 1580) discourses “uppon the commendation of marriage dignity [and] pronounced the usuall woordes of the Church.”¹⁶ Brooke’s and Painter’s characterization of the clandestine marriage demonstrates an indulgent attitude toward irregular unions, arguing for the union’s legitimacy and divine sanction. Shakespeare’s omission of even a description of the wedding service and his friar’s unorthodox prenuptial sermon stand in stark contrast, demonstrating the play’s more dubious attitude toward clandestine marriage.

¹⁴ Brooke, lines 763-766.

¹⁵ *The Book of Common Prayer: The Texts of the 1549, 1559, and 1662*, ed. Brian Cummings (Oxford: Oxford University Press, 2000), 163. I have quoted the 1559 prayer book here. See page 70 for the 1549 Solemnization of Marriage Service’s list of acceptable marriage sermon texts and p. 163 for the 1559 prayer book’s rubrics on sermons. The suggested texts are virtually identical.

¹⁶ William Painter, *The Second Tome of the Palace of Pleasure Conteyning Store of Goodly Histories, Tragicall Matters, and Other Morall Arguments, Very Requisite for Delighte and Profyte. Chose and Selected out of Divers Good and Commendable Authors, and Now Once Agayne Corrected and Encreased*. London, 1580, in Early English Books Online, accessed November 16, 2017, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image13721:183, folio 186r.

Shakespeare's Friar Laurence creates doubts as to the legitimacy of Romeo and Juliet's clandestine marriage, and the play argues implicitly that clergymen who conduct these ceremonies are not acting in a couple's best interests. Both Catholic and Anglican canon law forbid priests from performing clandestine marriages, and "to marry a minor without parental knowledge or consent was considered a serious offence, often incurring a penalty of suspension from clerical duties for up to three years."¹⁷ The friar's willingness to perform the ceremony despite personal qualms links him with the "lawless churches" in early modern England, which specialized in clandestine marriages.¹⁸ Friar Laurence was defying both church and state authorities in performing a secret ceremony. Consequently, he creates doubts about the spiritual and the legal appropriateness of Romeo and Juliet's marriage.

Shakespeare's *Romeo and Juliet* problematizes the friar beyond his agreeing to officiate at a secret wedding in ways that weaken his spiritual authority and further undermine the legitimacy of Romeo and Juliet's union. According to James C. Bryant, Friar Laurence acts more "as a well-meaning friend to Romeo" than a spiritual mentor, and Shakespeare, in this depiction, is employing a well-known convention of *commedia dell'arte* theater: the depraved friar.¹⁹ Friar

¹⁷ James C. Bryant, "The Problematic Friar in *Romeo and Juliet*," *English Studies* 55, no. 1 (1974): 340-350, *Taylor and Francis Journals Complete*, accessed October 27, 2017, <http://dx.doi.org/10.1080/00138387408597632>, 346.

¹⁸ Cressy, 325. Lawless churches wherein unscrupulous clergy conducted clandestine marriages, were quite common in early modern England, with some officiants charging high prices for their services. Though often suppressed by Church of England authorities, replacement churches would spring up in another location quickly. Certain jurisdictions, like the area surrounding the Tower of London, were known for conducting quick and discreet marriages. Shakespeare is associating Friar Laurence with just such lawless churches in *Romeo and Juliet*.

¹⁹ Bryant, 342 and 343. The depraved friar character from *commedia dell'arte* was a caricature and "followed the tradition of derogating clerics for comic amusement." (Bryant, p. 343) Machiavelli also employs this stock character in his *Mandragola* (1513-1520).

Laurence's chumminess with parishioners strays from the dignified doctor of divinity and trusted advisor to a prince portrayed by Brooke, who was following Bandello encountered through Pierre Boaistuau's French translation.²⁰ In making "Friar Laurens" a man renowned for his integrity, Boaistuau presents "an aged Doctor of Theology of the Order of the Friars Minor," a respected clergyman and trusted by Prince Bartolomeo della Scala as well as by both Montesche and Cappellet families.²¹ Bandello and Boaistuau have greatly embroidered the priest character from the earlier Italian source, Novel 33 of Masuccio Salernitano's 1476 *Il Novellino* where Salernitano recounts how his lovers are able to secure an officiant for their clandestine marriage with the bald explanation that "they bribed an Augustinian friar."²² Shakespeare follows this earlier model by subtly devaluing his clergyman character from his more immediate sources. The effect works to further delegitimize Romeo and Juliet's clandestine marriage.

Early modern English society by and large deemed parental approval as a necessary prerequisite for marriage, and the fact that Shakespeare's Romeo and Juliet did not obtain this, combined with Juliet's extreme youth, would have called the legitimacy of their union into question.²³ Opinions circulating in the sixteenth century pondered whether a union performed without parental foreknowledge would even be legal. David Cressy reports that there was anxiety

²⁰ Brooke, line 568.

²¹ Pierre Boaistuau, *Of Two Lovers*, in *Romeo and Juliet before Shakespeare: Four Early Stories of Star-Crossed Love*, trans. Nicole Prunster (Toronto: Centre for Reformation and Renaissance Studies, 2000): 89-122, 94. A member of the Friars Minor would be a Franciscan friar.

²² Masuccio Salernitano, "Novelle 33 of *Novellino*," in *Romeo and Juliet before Shakespeare: Four Early Tales of Star-Crossed Love*, trans. Nicole Prunster (Toronto: Centre for Reformation and Renaissance Studies, 2000): 19-26, 20.

²³ Martin Ingram, *The Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987) 128.

surrounding marriages by special license because the public saw these marriages as a means to violate parental wishes.²⁴ The influential Swiss Reformation figure Heinrich Bullinger, whose works were translated into English and extremely popular, went so far as to deem these marriages illegitimate.²⁵ Writing in *The Christen State of Matrymonye* (1552), Bullinger posits

Wher as laws both natura (diuine specially) and ciuile, require the parentes consent to ye childrens mariage: In so much that they iudge the promise to be of no value, which is made without the knowledge of the parents: yea, & that also in those children which as yet are not come to their yeares, & are under the tuicion of their elders...For in amuch as the children are not yet come to perfite discretion, they can not contract marriage which requireth understanding: yea, they can nether consell nor helpe themselves. So that in this behalfe the consent of their parentes is not only necessary, but also good and profytable for them.²⁶

Juliet is under the age of legal consent without parental approval and has not “come to [her] yeares.” According to Bullinger, she would not have the “understanding” required for contracting a marriage, and her nuptial vows thus have “no value.” Simply put, the marriage may not even be valid because, as a minor, Juliet cannot legally give consent without her parents’ permission to wed.²⁷

Bullinger’s treatise demonstrates the cultural anxiety surrounding the age of consent, an anxiety Shakespeare exploits in *Romeo and Juliet* to argue that clandestine marriage is a socially destructive practice. Although females could marry as young as twelve years old and boys at

²⁴ Cressy, 310. Marriages by special license did not require the calling of banns, but they must be performed during canonical hours in the home parish of either the bride or the groom.

²⁵ Bullinger’s treatise *The Christen State of Matrymonye* went through nine reprints in England between 1552 and 1575. See Bryant 346.

²⁶ Heinrich Bullinger, *The Christen State of Matrymonye* (1552) in Early English Books Online, accessed October 27, 2017, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eeborft_id=xri:eebo:image:23282, fol. 11v.

²⁷ Those under the age of twenty-one were prohibited from marrying without parental consent. See Cressy, 311.

fourteen, legal attempts to raise the age of consent preceded Shakespeare's play, indicating an uneasiness with the notion of early marriage.²⁸ England was not the only country grappling with the age of consent. France's Henry II "decreed in 1556 that marriage contracted by a minor without parental consent was null and void."²⁹ By 1604, English canon law was amended to require parental approval for any parties under twenty-one years old who wished to marry. Ann Jennalie Cook notes that "with two minors whose parents would violently oppose any alliance, it is essential to show how and why the young couple are truly married," but, compared to his sources, Shakespeare engages in only a cursory description of the ceremony.³⁰ Instead of emphasizing the legality of the union like his sources do, Shakespeare undermines it.

Romeo and Juliet's audience would have questioned the wedding's legitimacy not just because it was clandestine but also because Juliet is so young. The heroine's age serves as the most compelling evidence that the play was condemning secret unions. The source texts depict a young Juliet, but, by adapting her age down to thirteen years old, Shakespeare emphasizes just how ill-advised clandestine marriage is. Salernitano's *Il Novellino* (1476) gives no ages for either the Juliet character Gannoza or her husband Mariotto, but Luigi da Porto's *Giulietta* (1530) is quite precise about his heroine's age. Giulietta "will be eighteen this St. Euphemia's Day" and is

²⁸ Ann Jennalie Cook notes that there was an "attempt in 1571 to raise the minimum age of consent from twelve and fourteen to either fourteen and sixteen or fifteen and seventeen" and that this move "may well reflect a move to bring this regulation in line with the average onset of puberty rather than the earliest." See Cook, *Making a Match: Courtship in Shakespeare and his Society* (Princeton: Princeton University Press, 1991) 21.

²⁹ Bryant, 347.

³⁰ Cook, 209. Although described as a youth of 20 in both *Bandello* and *Boaistuau*, Romeo's age is never given in Shakespeare's play. At 13, Juliet certainly is a minor.

ripe for marriage, according to her father.³¹ Matteo Bandello's adaptation marks the ages of Juliet, whom Bandello also makes almost 18, and Romeo, whom he describes as "a youth of twenty or thereabouts."³² Even though she is eighteen, some of Bandello's characters perceive her as unripe for marriage.³³ If eighteen-year-old Giulietta is too young in Bandello's *novelle*, then she is much too young in Shakespeare's *Romeo and Juliet*.

Shakespeare's play not only digresses from his sources in making Juliet so young, but it also deviates from demographic trends in the early modern era, a move also indicating that *Romeo and Juliet* condemns clandestine marriage. In the sixteenth and seventeenth centuries, the average age of marriage was mid-twenties for women and late-twenties for men, much later than than depicted in the play, because couples were expected to set up their own households upon marriage and possess the resources to support a family.³⁴ Arthur Brooke makes Juliet sixteen years old in his poem, but the poem's speaker observes that she is "to young to be a bryde," echoing the Cappelletti parents in Bandello's *novelle*.³⁵ In Painter's *Palace of Pleasure*, the author gives Rhomeo's age as "20. or 21. yeares," and relates that Julietta "has not yet of

³¹ Luigi da Porto, *Giulietta*, in *Italian Renaissance Tales*, trans. Janet Levarie Smarr (Rochester, Michigan: Solaris Press, 1983): 136-156, 144. St. Euphemia's Day is celebrated on September 16.

³² Bandello, 54. Bandello retains Juliet's St. Euphemia's Day birthday from da Porto.

³³ When considering Count Paris's marriage suit, Bandello's Cappelletti (Capulet) worries that "indeed she seemed over-young to marry. If they could have done so with honor, they would willingly have kept her two or three years before getting her a husband." (p. 65)

³⁴ Carlson, 106.

³⁵ Brooke, line 1860.

attayned to the age of xviii yeares.”³⁶ Like Bandello’s Cappelletti, Painter’s Capulet admits to Julietta’s mother that her youth had prevented him from previously arranging a marriage for her as he “thought to provide a husband at leysure.”³⁷ Shakespeare’s *Romeo and Juliet* follows the second edition of Painter’s *Palace of Pleasure* by only about 15 years, but the play’s attitude about clandestine marriage is much less indulgent. Shakespeare’s adaptation of Juliet’s age works to both make her simultaneously more sympathetic and more in the wrong than any of her literary predecessors.

By setting Juliet’s age at thirteen, Shakespeare’s play deliberately provokes his audience’s discomfort with child marriage to argue against clandestine weddings, and this discomfort can be found in both secular and religious works. Cook advises that “against any analysis of fictional courtship onstage should be set the expectations of what was considered usual or unusual offstage. And while demographic evidence shows that privileged Englishmen married somewhat younger than ordinary folk, public opinion opposed the union of virtual children with considerable unanimity.”³⁸ Thus, *Romeo and Juliet*’s contemporaneous audience would likely have disapproved of the characters’ marriage while at the same time pitying their troubles. Bullinger’s religious injunctions in *The Christen State of Matrymonye* against people marrying who “are not yet come to perfite discretion” find an echo in secular broadside ballads like Thomas Deloney’s “The Lamentations of Master Page’s Wife” (1635).³⁹ The ballad

³⁶ Painter, fol. 180_v and 192_r.

³⁷ Painter, fol. 192_r.

³⁸ Cook, 27.

³⁹ Bullinger, fol. 11_v.

describes a May-December match, and Mistress Page several time describes how her youth made her despise her husband and murder him.⁴⁰ Bullinger's and Deloney's works demonstrate not only the cultural distaste for early marriage but also the belief that early marriage is destructive. Shakespeare's audience would have judged Romeo and Juliet's marriage as highly inappropriate, not just because of its secrecy but also because Juliet is so painfully young.

In addition to using age to call the clandestine marriage into question, Shakespeare hints at a pre-contract between Juliet and Paris to undermine the legitimacy of her marriage to Romeo. The playwright accomplishes this by moving Paris's solicitation of Juliet's hand in marriage from after the duel with Tybalt that exiles Romeo to before Romeo and Juliet even meet. This plot adaptation deviates from Luigi da Porto's established "sequence of events which would remain fundamentally unchanged through the sixteenth century" in most Romeo and Juliet retellings.⁴¹ The move highlights another cultural anxiety about clandestine marriage: the setting aside of a previous contract. The culture took this possibility very seriously, and those officiating over marriages by special license were "supposed to be satisfied that there was no legal impediment to hinder the marriage, that it overrode no controversy or suit touching contract, and that the marriage had the express consent of a minor's parents or guardians."⁴² Friar Laurence

⁴⁰ Mistress Page laments: "My grieved mind and fancie told to me / That with his age my youth could not agree" and "my tender youth did scorne his aged side." Thomas Deloney, "The Lamentation of Master Pages Wife of Plimmouth, Who Being Enforced by Her Parents to Wed Him Against Her Will Did Most Wickedly Consent to His Murther, for the Love of George Strangwidge," London, 1635, in Early English Books Online, accessed November 18, 2017, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rftid=xri:eebo:image:183015.

⁴¹ Jill L. Levenson, Introduction to *Romeo and Juliet*, In *Romeo and Juliet*, by William Shakespeare, ed. Jill L. Levenson (Oxford: Oxford University Press, 2000): 1-125, 5.

⁴² Cressy, 309.

probably has no knowledge of the marriage negotiations Paris has begun with Juliet's father. Juliet does not divulge her possible impediment, and, as a young girl, she may not have even considered the ramifications of her father's negotiations with Paris on her marriage to Romeo. However, neither Friar Laurence nor Romeo asks if she has any previous ties. By contrast to the impetuous Juliet in Shakespeare's play, her literary antecedents consider marriage for some time before proposing a secret wedding.⁴³ The rushed clandestine marriage creates legal problems that may have resulted in annulment had Romeo and Juliet lived longer.

Shakespeare's portrayal of Juliet's pre-contract deception demonstrates why clandestine marriage and the circumvention of banns are so destructive. Old Capulet tells Paris that his "will to her consent is but a part," emphasizing that Juliet's agreement is crucial to the match.⁴⁴ Juliet, when approached with Paris as a possible husband, subordinates her own preferences to her father's:

I'll look to like, if looking liking move.
But no more deep will I indart mine eye
Than your consent gives strength to make it fly.⁴⁵

In her response, Juliet gives her tacit consent not only to "look to like" Paris, as her father directs, but also to abide by her parents' wishes in contracting marriage. Her secret wedding to Romeo, therefore, not only defies her parents' expressed wish that she should marry Paris, but

⁴³ Salernitano's *Ganozza*, for example, considers all kinds of options to slake her desire for Mariotto. See Salernitano, p. 20.

⁴⁴ *Romeo and Juliet*, 1.2.17.

⁴⁵ *Romeo and Juliet*, 1.3.99-101.

also may go against a *de facto* pre-contract to wed. A pre-existing contract would have negated Juliet's *conubium*, or capacity to marry, and rendered her marriage to Romeo illegitimate.⁴⁶ Although Juliet drinks Friar Laurence's potion to avoid bigamy in all the sources, she may already have committed bigamy by marrying Romeo, a factor that delegitimizes their clandestine marriage even further. Juliet hides her concerns about committing bigamy from everyone save her nurse, who advises her,

I think it best you married with the County.
O, he's a lovely gentleman!
Romeo's a dish-clout to him.⁴⁷

Spurred by her sense of the practical, the Nurse wants her charge to submit to her father's wishes so as not to make further trouble; after all, Juliet has, in some sense, taken the easy way out up until this point. She says nothing to her father after the feast where she promised to consider Paris as a suitor, and she does not mention the marriage negotiations with Paris to Romeo. Her oversight in warning Romeo and Friar Laurence of possible complications is the precipitating cause of both Romeo's death and her own. When Paris insists on claiming his pre-contracted bride, there is no good reason Juliet is willing to give her father for why she does not wish to marry him except grief for her cousin Tybalt.

⁴⁶ Carlson, 21. This is the same concern that caused the Gallipots so much angst in Dekker and Middleton's *The Roaring Girl* when they fretted that Laxton would press his pre-contract and annul their marriage. For an extended discussion of Mistress Gallipot's legal difficulties stemming from her pre-contract with Laxton, see Chapter One "Broken Betrothals."

⁴⁷ *Romeo and Juliet*, 3.5.217-219.

In addition to complicating Romeo and Juliet's clandestine marriage with a possible pre-contract, Shakespeare reflects his culture's growing condemnation of bigamy by doubling the offense from the sources. Juliet may have already committed bigamy by marrying Romeo in the first place due to her arrangement with Paris and would definitely be committing bigamy if she married Paris after wedding Romeo. Shakespeare's sources, which follow da Porto's sequence of events, only address the second instance. For example, Boaistuau's Friar Laurens (*Of Two Lovers*, 1559) pauses before immediately giving Juliette the sleeping potion that will get her out of a second marriage and "[feels] now tempted to allow her marriage to Count Paris...knowing that through his own interventions she had married another."⁴⁸ In other words, Boaistuau's Friar Laurens doesn't immediately reject the possibility of her remarrying, seeing it as by far the easiest, perhaps least dangerous solution to Juliette's dilemma. This attitude indicates he does not consider bigamy to be a grave sin.

Shakespeare's Juliet maintains her predecessor's faithfulness to Romeo, but the playwright's addition of the pre-contract to Paris illustrates a hardening of public opinion against bigamy in the early modern era. This adaptation choice works to further critique clandestine marriage by intensifying fears about its link to bigamy. Earlier in the sixteenth century, "Lutheran clergy were to approve the bigamous marriages of Philip of Hesse and Frederick William II of Prussia," and it was not until 1603 that bigamy finally became a felony in England.⁴⁹ Shakespeare's Juliet clearly considers bigamy to be terribly immoral and tells her

⁴⁸ Boaistuau, 108.

⁴⁹ Alan MacFarlane, *Marriage and Love in England: Modes of Reproduction 1300-1840* (Oxford: Blackwell, 1986) 221 and 218.

Nurse, “Ancient damnation! O most wicked fiend! / Is it more sin to wish me thus forsworn.”⁵⁰

And yet, her actions show a level of comfort with forswearing. When Paris accosts Juliet in Friar Laurence’s cell in Act Four, Ann Jennalie Cook believes he is attempting to gain her consent to wed, and Juliet’s acceptance of his kiss at the end of the encounter indicates her agreement to marry him.⁵¹ Shakespeare’s adaptation of this scene to include a kiss along with his allegations of Juliet’s pre-contract with Paris problematize her dealings with both Paris and Romeo and further call into question whether she was free to contract marriage to Romeo in the first place.

Beside implying a pre-contract with Paris, Shakespeare’s play speeds up Romeo and Juliet’s courtship to critique clandestine marriage as too hasty for society’s good. Haste is not something the playwright innovates from scratch. The couples in all the sources wed without posting banns, but Shakespeare’s *Romeo and Juliet* increases the pace of Romeo and Juliet’s courtship exponentially to emphasize the destabilizing and destructive force of secret unions. Shakespeare’s earliest source Salernitano conflates haste and sexual desire, with Ganozza who, “no less eager than Mariotto to taste [love’s] honey-sweet fruit, sought different ways of achieving this end, but rejected them all as imprudent. She thus resolved to take him secretly as her husband, so that if by some misfortune their enjoyment were forbidden, they could be shielded from all censure.”⁵² In this account, there is no family feud—so no real pressing need to have a secret ceremony—but the couple’s eagerness to engage in sexual activity prompts them to forego the three-week waiting period required for the reading of banns.

⁵⁰ *Romeo and Juliet*, 3.5. 235-269.

⁵¹ Cook, 211.

⁵² Salernitano, 20.

Likewise, Shakespeare's *Romeo and Juliet* draws a connection between sexual desire and haste in prompting the couple to marry secretly, an unwise and dangerous move that leads to death. Yearning spurs the talk of marriage in the play. When Romeo laments, "O wilt thou leave me so unsatisfied?," Juliet replies, "What satisfaction canst thou have tonight?"⁵³ Juliet can see no circumstances under which Romeo can find sexual fulfilment apart from marriage. Compared to Brooke's bland comment that "favour found he non / That night, at lady Juliet's hand, save pleasant words alone," Shakespeare's characters fairly seethe with sexual tension.⁵⁴ The playwright certainly does not originate the linking of sexual desire, haste, and clandestine marriage, but he does intensify it through Romeo and Juliet's charged verbal exchange. Like her literary predecessors, Juliet initiates the talk of marriage just moments after Romeo's lament for sexual satisfaction with a challenge: "If that thy bent of love be honourable, / Thy purpose marriage, send me word tomorrow."⁵⁵ The violent feelings stirred by Romeo's hasty declarations create the atmosphere for the clandestine marriage to be proposed and accepted.

Shakespeare emphasizes the conflation of sexual desire, haste, and clandestine marriage in *Romeo and Juliet* not only by having characters express their desires more explicitly than in his sources but also in speeding up the overall timeframe of the couple's courtship. Salernitano's Ganozza struggles with her desire for Mariotto for an unspecified amount of time before settling on clandestine marriage as the remedy. Bandello's Romeo works for several months to rid himself of his love for the unnamed woman who becomes Rosaline in Shakespeare's play. After

⁵³ *Romeo and Juliet*, 2.1.168-169.

⁵⁴ Brooke, lines 563-564.

⁵⁵ *Romeo and Juliet*, 2.1.186-187.

falling in love with Giulietta at her father's ball, he lurks around her house for several days before speaking with her.⁵⁶ The earlier writers also include long lapses between major events. For example, in Boaistuau's 1559 account, Rhomeo and Julliette meet at Christmastime, marry sometime later (perhaps before Lent begins), and continue with secret conjugal visits for two months until Rhomeo is banished for dueling. Julliette's marriage to Paris is scheduled for 10 September.⁵⁷ By contrast, Shakespeare compresses the time frame of the courtship from months to days. The conventions of the dramatic genre no doubt dictate some of this acceleration, but some of it is thematic. The couple meets, agrees to wed, and marries in less than twenty-four hours. Romeo and Juliet's unseemly rush to a secret wedding, even as compared to their predecessors, demonstrates Shakespeare's condemnation of clandestine marriage as an ill-considered and destructive action.

A reversal of gender roles is responsible for Romeo and Juliet's hasty clandestine marriage, a situation that in Shakespeare's play causes further social instability and destruction. The Juliet character instigates the wedding talk in all of the source texts, implying or stating outright that she is worried her attraction to Romeo will lead her to fornication. She wishes to prevent this sin through marriage. In Shakespeare's play, however, the effects of Juliet's proposal intensify to a complete usurpation of Romeo's masculinity. For instance, Friar Laurence chides Romeo after his fight with Tybalt thus:

⁵⁶ Bandello, *Two Most Wretched Lovers*, 57.

⁵⁷ Boaistuau, 108.

Art thou a man? Thy form cries out thou art.
Thy tears are womanish; thy wild acts denote
Unreasonable fury of a beast.
Unseemly woman in a seeming man,
And ill-beseeming beast in seeming both.⁵⁸

Romeo's deed of violence and his subsequent remorse have altered his essence. He is no longer a man even though he still physically represents one. Friar Laurence equates his descent into emotionalism, described here as "tears" and "wild acts," with the "unreasonable fury of a beast." In other words, Romeo has been corrupted to beastliness by his marriage to Juliet. Though his "form cries out" his masculine gender, his distress at his circumstances argues he is a woman.

The play's critique of Romeo's feminization, spoken through Friar Laurence's voice, demonstrates the early modern era's discomfort with gender ambiguity and argues that clandestine marriage is destructive enough to destabilize gender. Just as Sir Alexander Wengrave derided Moll Cutpurse as a monster for wearing men's clothes and adopting masculine mannerisms in *The Roaring Girl*, Friar Laurence now deems Romeo a monster for his gender confusion.⁵⁹ One stark difference between Dekker and Middleton's character and Shakespeare's is in the audience perception of the character making the criticism. Dekker and Middleton depict Sir Alexander as someone who is blocking marriage due to selfish, unjustified reasons. Friar Laurence comes across, at least on the surface, as a voice of reason and conscience in the play.

⁵⁸ *Romeo and Juliet*, 3.3.108-112.

⁵⁹ Thomas Dekker and Thomas Middleton, *The Roaring Girl*, in *The Roaring Girl and Other City Comedies*, ed. James Knowles (Oxford: Oxford University Press, 2001): 225-309, 2.126-127. The idea of monstrosity or beastliness is closely tied to the subversion of expected gender norms in *The Roaring Girl* and perhaps more explicitly expressed in that play, but the conflation is present in *Romeo and Juliet* also.

However, his distress at Romeo's feminization supports the argument that he should not have performed the marriage.

Friar Laurence is not the only character that deems Romeo's excessive love feminizing, and Shakespeare's play, instead of praising the lovers for their constancy as earlier versions do, insinuates that their clandestine marriage is unhealthy and destabilizing. Romeo himself recognizes that love has changed him for the worse. Ambivalent to the marriage's effects on his character, he simultaneously recognizes the power of his love for his secret wife and laments it:

O sweet Juliet,
Thy beauty hath made me effeminate,
And in my temper softened valour's steel.⁶⁰

Love has made Romeo weak and unable to behave as he believes a man should, and he questions the wisdom of marrying Juliet in the first place. According to Anthony Fletcher, "Shakespearean heroes demonstrate their manhood by showing the will to stifle emotion and move into action."⁶¹ In portraying a tearful Romeo, Shakespeare censures the secret marriage for creating a destructive reversal of gender roles. Juliet, by demanding marriage, has become in essence a man, and Romeo, by assenting, takes the expected female role. Society is destabilized by gender confusion, and the marriage of these two un-natural people will destroy them both. Romeo's effeminacy stems from his love of Juliet, and his tears at his banishment are unmanly.

Just as it accelerates Romeo and Juliet's courtship as compared to its sources, Shakespeare's play intensifies haste in other plot points to condemn clandestine marriage.

⁶⁰ *Romeo and Juliet*, 3.1.114-116.

⁶¹ Anthony Fletcher, *Gender, Sex and Subordination in England 1500-1800* (New Haven and London: Yale University Press, 1995) 95.

Moving the battle between Mercutio and Tybalt to *before* Romeo and Juliet's sexual consummation precipitates Romeo's leave-taking shortens his time with Juliet as a married couple. This contrasts sharply with the several months the Romeo and Juliet characters enjoy together in the earlier works. Other Shakespearean characters also move more quickly than their Italian *novelle* counterparts or English predecessors. For instance, Capulet, after he has reached an agreement with Paris in the negotiations for Juliet's hand, decides to move the wedding up against the wishes of his wife:

LADY CAPULET: Methinks on Thursday would be time enough.
CAPULET: I say I will have this dispatched tomorrow.⁶²

The speed at which this second marriage is arranged forces Juliet and Friar Laurence to take desperate, and ultimately fatal, measures. Haste has the same feminizing effect on Capulet as it does on Romeo though the older man makes light of the change. To accommodate the rescheduled wedding festivities, Capulet offers to personally arrange the details of the wedding feast, telling his wife, "I'll not go to bed tonight—let me alone--/ I'll play the housewife for this once. What ho!" (4.2.41-42) Capulet is acting as his wife in order to move the wedding up, demonstrating that unseemly haste is a contagious disease in Shakespeare's Verona, caused by hasty secret weddings, with gender reversal as a major symptom. Clearly, clandestine marriage destabilizes society in Shakespeare's *Romeo and Juliet*.

Juliet's speedy clandestine marriage and the moving up of the proposed marriage to Paris spring from a fundamental and fatal hastening of Juliet's sexual maturity in Shakespeare's play

⁶² *Romeo and Juliet*, 4.2.33-34.

as compared to his sources. Not only does the playwright lower her age considerably, but other characters have treated her as a sexual being from a very young age. Juliet's nurse uses bawdy language to describe her young charge's appearance after a fall, reminiscing that Juliet "had upon [her] brow / A bump as big as a young cock'el's stone."⁶³ The same incident spurs Nurse's husband to demand, in mocking innuendo, "Dost thou fall upon thy face? / Thou wilt fall backward when thou hast more wit."⁶⁴ In these simultaneously prurient and prophetic comments, her husband "forecasts not only Juliet's early sexual experience...but also her untimely death."⁶⁵ This speculation on a toddler's future sexual activity sets the stage for Paris's solicitation of marriage and suggest that Juliet has been thinking of sexual acts from a young age. Juliet has absorbed lewd teasing for a long time, and perhaps her exposure to such *double entendre* primes her to make marriage arrangements so quickly and perhaps even encourages her to fall in love with Romeo. Shakespeare's addition of this scene to da Porto's canonical sequence of events signals to the audience that Juliet's adolescence will be cut short by a rush to sexual activity, a rush that, by the play's fourth act, her own parents will condone.

When Shakespeare brings forward Paris's marriage negotiations to take place before the Capulet feast, he is emphasizing the dangerous physical effects of premature sexuality that cause Juliet's clandestine marriage and later her death. Capulet suggests that Paris delay courtship and

⁶³ *Romeo and Juliet*, 1.3.54-55. A "cock'el's stone" refers to the testicles of a young rooster, according to Jill L. Levenson (p. 175).

⁶⁴ *Romeo and Juliet*, 1.3.43-44. The Nurse repeats her dead husband's comment in 1.3.58.

⁶⁵ Deanne Williams, *Shakespeare and the Performance of Girlhood* (New York: Palgrave Macmillan, 2014) 45.

“let two more summers wither in their pride / Ere we may think her ripe to be a bride.”⁶⁶ Waiting two years for marriage would make Juliet close to sixteen, the average age of female puberty in Shakespeare’s day.⁶⁷ Paris, however, discounts Capulet’s advice and insists that “younger than she are happy mothers made.”⁶⁸ In his contention that Juliet is physically mature enough to reproduce, Paris echoes the attitude of the Nurse and her late husband who saw Juliet as a sexual being from her infancy. Capulet expresses a more common early modern attitude when he notes that those “too soon married are those early made” mothers.⁶⁹ The average age of marriage in the sixteenth and seventeenth centuries was in the mid-twenties for women, and the Elizabethans objected “to early consummation because it presumably causes sterility, difficult childbirth, and defective children.”⁷⁰ Paris’s insistence on an early marriage puts Juliet’s health and life at risk as well as that of their potential children. A haste to marriage, whether secret or open, is physically harmful as well as being bad for society.

Capulet’s reservations about Juliet’s marrying at so young an age may stem also from personal experience, a nuance Shakespeare added to the story to emphasize the ill-wisdom of early marriage. Though Capulet’s age is not known, Lady Capulet reveals to her daughter that “I was your mother much upon these years / That you are now a maid,” placing her present age between 25 and 28 years old.⁷¹ Lady Capulet was a mother at her daughter’s age, but Juliet has

⁶⁶ *Romeo and Juliet*, 1.2.10-11.

⁶⁷ Cook, 21.

⁶⁸ *Romeo and Juliet*, 1.2.12.

⁶⁹ *Romeo and Juliet*, 1.2.13.

⁷⁰ Cook, 22.

⁷¹ *Romeo and Juliet*, 1.3.29-30.

no living siblings. This exchange obliquely supports Shakespeare's argument against early marriage based on health concerns for mother and potential children. Capulet expresses his culture's general distaste for early marriage from personal experience. Whether lasciviously or paternally motivated, characters in the play are concerned about Juliet's sexuality in a way absent from the sources. Shakespeare's addition of these commentaries on early childbearing and sexuality work to critique clandestine marriage by linking it to cultural anxieties about the damage precocious sexual activity can bring.

Although her father frets that she is too young to enjoy sexual intimacy safely, Juliet welcomes the consummation of her marriage while at the same time using her youth to forestall wedding Paris. All sources clearly report that Romeo and Juliet have sex as, especially in the case of an irregular ceremony, the physical union would ratify the irregular spoken vows. Given the generic constraints of drama, Shakespeare cannot directly show the conjugal act, but Romeo and Juliet's post-coital banter about the breaking dawn in Act Three, Scene Five attests to their marriage's consummation. Juliet's attempts to deny the day's coming demonstrates her enthusiasm for the nuptial bed, an enthusiasm Capulet perhaps intuitively senses as he abruptly changes his stance on early marriage in Act Four. Outwardly proposing marriage to Paris as a cure for his daughter's melancholy, Capulet justifies the pressure he brings to bear on Juliet thus:

Still my care hath been
To have her matched: and having now provided
A gentleman of noble parentage,
Of fair demesnes, youthful and nobly lined,
Stuffed as they say with honourable parts,
Proportioned as one's thought would wish a man—
And then to have a wretched pining fool,
A whining maumet, in her fortune's tender,

To answer, "I'll not wed, I cannot love,
I am too young, I pray you pardon me."⁷²

Paris is the perfect mate for Juliet in terms of endogamy: he is young, he is handsome, he comes from a good family. Juliet's reaction to him, in her father's eyes, makes no sense, and she appears a "whining maumet," snubbing her own good fortune that her father has secured her such a husband. Capulet mocks Juliet with her own "puling" words "I am too young," characterizing them as those of a toddler who refuses to do what is best for her. The irony inherent in this scene is that both Juliet and her father have agreed she is old enough to love and to wed. Shakespeare, on the other hand, uses Juliet's own words against her to argue for the destructiveness of clandestine marriage.

Shakespeare's *Romeo and Juliet* clearly articulates that an irregular, secret ceremony is a doomed venture and societal ill, not just a case of individual poor judgment. The Prologue, which functions very much like the exordiums and arguments that precede many *novelles*, demonstrates the playwright's position on these unions:

Two households both alike in dignity
In fair Verona, where we lay our scene,
From ancient grudge break into new mutiny,
Where civil blood makes civil hands unclean.
From forth the fatal loins of these two foes
A pair of star-crossed lovers take their life,
Whose misadventured piteous overthrows
Doth with their death bury their parents' strife.
The fearful passage of their death-marked love,
And the continuance of their parents' rage—
Which but their children's end naught could remove—
Is now the two-hour's traffic of our stage;

⁷² *Romeo and Juliet*, 3.5.176-185.

The which if you with patient ears attend,
What here shall miss, our toil shall strive to mend.⁷³

The Prologue characterizes Romeo and Juliet's love as "star-crossed" and "death-marked" and contends that the young lovers were doomed to die from the beginning. Not only is their parents' "ancient grudge" a roadblock to their union, but the stars themselves are also working against them. Shakespeare's sources do not portray this kind of fatalism in their openings. For instance, Salernitano notes in his "Exordium," that "the more adverse and ill-fated are love's entanglements, the more one should alert ardent and prudent lovers by writing of love's dangers."⁷⁴ He speaks of Mariotto and Ganozza's romantic entanglements as being "ill-fated" but not the lovers themselves. In other words, Salernitano's lovers invite disaster by their many ill-considered actions. The story becomes a cautionary tale. By contrast, Shakespeare's Romeo and Juliet are doomed from the beginning because they contract a clandestine marriage. The play presents "the fearful passage of their death-marked love" not to "alert ardent and prudent lovers by writing of love's dangers" as Salernitano does, but to argue that clandestine marriage itself dooms. Nor is Shakespeare's theme like that of Bandello's version, in which the narrator is told the story by Captain Alessandro Peregrino "during a discussion concerning the havoc love can cause," and whose purpose is more a cautionary tale against loving too violently.⁷⁵ In *Romeo and Juliet*, the "misadventured piteous overthrows" are part and parcel of contracting a clandestine marriage. There could be no other alternative to the story's ending.

⁷³ *Romeo and Juliet*, Prologue 1-14.

⁷⁴ Salernitano, 13. The "Exordium" articulates Salernitano's purpose for writing.

⁷⁵ Bandello, *Two Wretched Lovers*, 50.

The Prince's last speech contains the most succinct articulation of *Romeo and Juliet's* attitude toward clandestine marriage: that it is a societal ill more than a personal failing as Salernitano and Bandello deem it. Receiving a letter from Friar Laurence explaining how Romeo and Juliet died, the Prince comments

And here he writes that he did buy a poison
Of a poor 'pothecary, and therewithal
Came to this vault to die, and lie with Juliet.
Where be these enemies? Capulet, Montague,
See what a scourge is laid upon your hate,
That heaven finds means to kill your joys with love;
And I, for winking at your discords, too,
Have lost a brace of kinsman. All are punished.⁷⁶

The Prince enumerates a list of guilty parties in his speech, including the apothecary, the lovers themselves, the Capulets and Montagues, and even himself for “winking at [their] discords” and failing to end the violence. The play attributes blame for the tragedy more widely than its sources, who usually hold only a few of these parties responsible for the deaths. For example, in Salernitano, there is no family feud necessitating a clandestine marriage, so the only ones really responsible for the tragedy are the lovers themselves. Boaistuau holds the apothecary responsible—he is hanged—but also Julliette's lady-in-waiting, who is banished for keeping the marriage a secret. Friar Laurens is “left in peace with his respect unblemished,” but he exiles himself voluntarily and dies five years later.⁷⁷ Shakespeare lays no blame at the door of the clergyman who officiated the clandestine marriage nor the servant who kept it secret, at least not explicitly. However, the Prince's blanket “All are punished” draws in the entire community,

⁷⁶ *Romeo and Juliet*, 5.3.288-295.

⁷⁷ Boaistuau, 122.

including church, civil, and familial authority. In not specifying one or two parties as primarily responsible for the tragic deaths, Shakespeare's *Romeo and Juliet* indicts clandestine marriage itself as the primary culprit. The other blameworthy parties merely accelerate the effects set in motion by the secret exchange of vows.

Shakespeare's play presents clandestine marriage as both dangerous for the couple contracting it and destabilizing for the community. Romeo and Juliet's love not only results in their deaths but also in Paris's, Tybalt's, and Mercutio's, bringing heartache to Capulet and Montague alike as well as the Prince whose kinsman Paris was. Some in the playwright's time period depicted secret marriage as socially destructive, but society's will to effectively crack down on it was lacking. Though Elizabeth's parliaments studied issues like the legality of marriages performed without banns, they never passed any marriage reform bills.⁷⁸

Shakespeare's examination of clandestine marriage echoes his culture's ambivalence in depicting the young couple with great sensitivity and sympathy while demonstrating the destructive force of irregular ceremonies, accommodating clergy, youth, and haste. *Romeo and Juliet* critiques a system that allows, and in some ways promotes, clandestine marriage.

John Webster's play *The Duchess of Malfi* (1614) portrays clandestine marriage as more legitimate than *Romeo and Juliet* does by presenting the ceremony as proper even though it is highly irregular.⁷⁹ In doing so, he reinforces the clandestine marriage presented in his source

⁷⁸ Carlson, 85.

⁷⁹ I am using 1614 as the date for *The Duchess of Malfi* because this is when the play was first acted by the King's Men (Shakespeare's company) at both the Globe and the Blackfriars Theatres, according to René Weis, "A Chronology of John Webster," in *The Duchess of Malfi and Other Plays*, by John Webster, ed. by René Weis (Oxford: Oxford University Press, 2009): xl-xlii, xli.

texts instead of undermining secret marriages the way Shakespeare does. Webster's Duchess, as in the sources, weds her steward Antonio by exchanging *de presenti* spousals in a private chamber with no officiant, a contrast to Romeo and Juliet's wedding, which occurred in Friar Lawrence's cell with a priest present. As an indication of Webster's approval of irregular and even clandestine marriage, the play illustrates the Duchess's steps to make her marriage as legal as possible. Much like Juliet initiates the wedding discussion in Shakespeare's play, the Duchess takes the lead in planning the wedding, but her superintendence stems from her higher social position. Antonio, as her employee, could not initiate any discussion of marriage.

Instead of hiding the ceremony offstage like Shakespeare does, Webster presents the Duchess and Antonio's irregular exchange of consent to wed in a manner that heightens its legitimacy. First, the Duchess supplies a witness for the exchange of vows: her maid Cariola, who hides behind an arras while the Duchess woos Antonio. Second, the Duchess uses a ring to both non-verbally express her desire to marry Antonio and to bind him to her: "There needs small conjuration, when your finger / May do it: thus is it fit? [*She puts her ring upon his finger. He kneels.*]." ⁸⁰ The giving of a ring was an important aspect of the *Book of Common Prayer's* solemnization service, with the 1559 rubric instruction that "the man shal geve unto the woman a ring." ⁸¹ The Duchess also seals the marriage with a kiss, telling Antonio, "Being now my

⁸⁰ John Webster, *The Duchess of Malfi*, in *The Duchess of Malfi and Other Plays*, ed. René Weis (Oxford: Oxford University Press, 1996): 103-200. 1.1.403-404. I have included the stage directions in italics to demonstrate that the Duchess was using her ring ceremonially, as in a church solemnization, to express spoken wedding vows.

⁸¹ Cummings, 159. Rubrics are the instructions surrounding worship in *The Book of Common Prayer*. In the Solemnization of Marriage, the prayer book rubrics indicate who should speak and at what times, how the ring should be placed on the woman's hand, options

steward, here upon your lips, / I sign your *Quietus est*. [*Kisses him.*].”⁸² The kiss ends, privately at least, his tenure as steward and marks the beginning of his time as husband, but his accepting of it indicates his desire to wed. By acquiescing to the Duchess’s ring and kiss, Antonio signals his consent. Thus, the *de presenti* spousals are shown to adequately represent the mutual, individual consent necessary to contract a marriage under early modern legal understanding.⁸³

Webster does not undermine the ceremony’s legitimacy but instead champions its legality by engaging with contemporaneous thought on clandestine marriage and irregular ceremonies. The Duchess’s disputation on the authenticity of irregular spousals not only reassures Antonio but also the audience:

I have heard lawyers say, a contract in a chamber
Per verba de presenti is an absolute marriage.
 Bless, heaven, this sacred Gordian, which let violence
 Never untie.⁸⁴

Present tense spousals, which the Duchess describes here using their full legal designation *per verba di presenti*, were what married the couple, not the priest. The Duchess points out that lawyers have ruled that *de presenti* spousals are “absolute.” By invoking “heaven” or God, the Duchess also argues that the Church will consider her union binding. Her brothers, who hate the

for prayers and scripture readings, and when communion should be administered during the service.

⁸² *The Duchess of Malfi*, 1.1.453-454, including stage directions.

⁸³ In early modern legal parlance, “it is the consent [sic] alone of the Parties whereby this Knot is tied,” and this consent may be signaled not only with “whatsoever form of words or by any other means, as Writing, Signs, Tokens &c whereby this mutual Consent may appear,” including rings. Henry Swinburne, *A Treatise of Spousals or Matrimonial Contracts, Wherein All Questions relating to that Subject are ingeniously Debated and Resolved*, 1686, in Early English Books Online, accessed May 25, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:62281:12,7.

⁸⁴ *The Duchess of Malfi*, 1.1.468-471.

union, do not seek to annul the marriage once it becomes known, articulating the playwright's acceptance of clandestine marriage and demonstrating the binding nature of irregular vows.

Webster follows his sources in characterizing this irregular marriage as completely legal. In Matteo Bandello's Tale 26 from *Novellas* (1554), the Duchess makes sure to ascertain Sir Antonio's agreement to wed, telling him, "for if you wish it, I have decided that you are to be my husband."⁸⁵ Bandello raises no issue with the wedding as the Duchess arranged it, and, since he was a clergyman himself, his silence acknowledges the marriage's legitimacy.⁸⁶ Neither does William Painter's *Palace of Pleasure* (1580) question the legality of the marriage. He dispatches the whole of the service in one sentence: "And for the present time they passed the same in Words, for ratification whereof they went to bed together."⁸⁷ Webster, like Bandello and Painter, accepts the legality of irregular secret weddings, whether contracted in church with a priest present or in a private chamber with none but a maidservant to bear witness.

Webster's adaptation of *The Duchess of Malfi* emphasizes the wedding's legitimacy, acknowledged but not dwelt on in the sources, by arguing that the Church must uphold the individual consent expressed in clandestine marriage. In fact, the playwright may be subtly critiquing the Church of England's attempts to monopolize the solemnization service when the Duchess wonders how a church ceremony could benefit them:

⁸⁵ Matteo Bandello, "Tale I, 26," in *Italian Renaissance Tales*, ed. and trans. by Janet Levarie Smarr (Rochester, Michigan: Solaris Press, 1983): 204-214, 208.

⁸⁶ Matteo Bandello was a Dominican friar who later became bishop of Agen, in France. See Janet Levarie Smarr, "Matteo Bandello," in *Italian Renaissance Tales* (Rochester, Michigan: Solaris Press, 1983): 195-196, 195.

⁸⁷ Painter, fol. 148r.

DUCHESS: What can the church force more?
 ANTONIO: That Fortune may not know an accident,
 Either of joy or sorrow to divide
 Our fixèd wishes.
 DUCHESS: How can the church build faster?
 We are now man and wife, and 'tis the church
 That must but echo this.⁸⁸

Though Antonio worries “Fortune” may divide them and their “fixèd wishes,” the Duchess puts confidence in the fact that they are “now man and wife, and ‘tis the church / That must but echo this.” She reminds Antonio that it is not the church that marries a couple, but the couple who marry themselves. In the Duchess’s mind, the church must ratify and support the expression of mutual consent that united her with Antonio in the private chamber, and, confident of their *de presenti* vows, she leads him to bed to consummate the spousals.

In the older law of spousals, the Duchess finds the means by which she can marry as she pleases, and, though she dies a tragic death, Webster does not condemn irregular expressions of consent to wed the way that Shakespeare does. The Duchess’s only recourse is a secret ceremony if she wishes to marry for love. Neither her brother Duke Ferdinand (representing family authority) nor her other brother the Cardinal (representing the church) would countenance her union with Antonio Bologna her steward. Webster may be critiquing the restrictions placed on marriage by *The Book of Common Prayer* and society’s growing preference for church weddings by demonstrating how such regularization can thwart some deserving lovers from marrying.⁸⁹

⁸⁸ *The Duchess of Malfi*, 1.1.478-483.

⁸⁹ Ingram, 132.

Through his presentation of the Cardinal, Webster argues that the Church cannot be the final arbiter or who should be allowed to marry and tacitly approves clandestine marriage. The Cardinal anticipates and condemns his sister's choice to wed secretly when he tells her,

You may flatter yourself,
And take your own choice: privately be married
Under eaves of night.⁹⁰

He is referring here to a ceremony that lacks the calling of banns but also which occurs during a non-liturgical hour, i.e., not held between 8 AM and noon as prescribed by the church.⁹¹ Webster may be revealing a prejudice *against* church weddings in *The Duchess of Malfi*. Upon seeing a performance of the play in 1618, the Venetian envoy Orazio Busino remarked on the play's "hostility to the grandeur of the Church."⁹² Webster cheapens the value of a church solemnization and bolsters that of spousals by putting these quibbles about a wedding ceremony's time of day and secrecy in the mouth of a corrupt Cardinal who keeps a married mistress. As a bad priest, the Cardinal cannot be an authority on how marriages should be conducted.

Webster's characterization of the Duchess's brothers justifies her secret marriage to the audience as a necessary action for her own happiness. The playwright introduces the brothers much earlier than do his sources, and their harsh demands upon their sister's sexuality make the audience receptive to her actions. Duke Ferdinand, the Duchess's twin brother, seconds the Cardinal's admonition against clandestine marriage, but his warning takes a more sinister tone:

⁹⁰ *The Duchess of Malfi*, 1.1.307-309.

⁹¹ Cressy, 318.

⁹² Orazio Busino, quoted in Weis, xli.

But observe,
Such weddings may more properly be said
To be executed than celebrated.⁹³

This harsh language describing secret weddings foreshadows the Duchess's murder later in the play as execution proves to be exactly the end result of the Duchess's secret wedding. However, she meets her doom at the hands of her brothers not her husband. Her brothers' injunctions against remarrying, coming as they do at the play's beginning, leave Webster's Duchess no room for realistic optimism. Her family will accept no remarriage of any kind. Webster's choice to juxtapose the Duchess's proposal to Antonio against her brothers' generic objections reveals his tolerance and even advocacy for irregular unions. Clandestine marriage provides the Duchess the only opportunity to choose her partner.

As in *Romeo and Juliet*, the Duchess and Antonio wed in secret to avoid family intervention, but Webster uses their subterfuge to point out the inappropriateness of the family's forbidding of marriage. Of course, the couples in these two plays differ greatly. While Juliet is legally too young to marry without parental approval, the Duchess, a widow and already a mother at the play's opening, is of age to contract herself as she chooses. Juliet's family does not object to the idea of marriage for their daughter, but, in *The Duchess of Malfi*, the brothers oppose to the institution itself on the grounds that any remarriage for the Duchess would violate family honor. Duke Ferdinand and the Cardinal enjoin their sister

FERDINAND: You are a widow:
You know already what man is, and therefore
Let not youth, high promotion, eloquence—

⁹³ *The Duchess of Malfi*, 1.1.312-314.

CARDINAL: No, nor anything without the addition, honour,
Sway your high blood.⁹⁴

According to her brothers, the Duchess has no need to experience marriage again as she knows “already what man is” and presumably is immune to “youth, high promotion, eloquence.” Any second marriage would bring dishonor to her “high blood.” In articulating these objections, the Cardinal and Duke Ferdinand only demonstrate the necessity of a clandestine marriage should the Duchess wish to wed again.

Another way Webster discredits the brothers’ objections to the Duchess’s remarriage more strongly than his sources do is through the characterization of the spy Bosola. The character’s actions garner sympathy and even approval for her clandestine marriage. Bosola appears as the contracted hit man in Painter’s tale, but he is given no lines to speak and does not appear until the very end. In Webster’s play, Duke Ferdinand and the Cardinal set Bosola in the Duchess’s household to spy on their sister’s activities early in the play, and Ferdinand instructs him to

Observe the Duchess:
To note all the particulars of her ‘haviour.
What suitors do solicit her for marriage
And whom she best affects: she’s a young widow.
I would not have her marry again.⁹⁵

Ferdinand’s acknowledgement of the Duchess’s youth, wealth, and desirability makes his objections to her remarrying seem arbitrary. Of course she will attract suitors, and her desire to remarry is natural given her youth. In seventeenth century London, widows commonly

⁹⁴ *The Duchess of Malfi*, 1.1.284-288.

⁹⁵ *The Duchess of Malfi*, 1.1.243-247.

remarried, often within a year of their first husband's death, and the Duke's demand that his sister remain single would have been viewed as highly unreasonable by the play's London audience.⁹⁶ Ferdinand gives no other reason than his own will: "I would not have her marry again." When he tells her, "They are most luxurious / Will wed twice," he indicates that any expression of sexuality on his sister's part would be sinful.⁹⁷ Ferdinand's possessiveness of his sister's sexuality reflects the early modern reality that, as a propertied widow, the Duchess "could become, to potential suitors, an 'object' to be 'gott' and, to her own family, an 'object' to be transferred between owners."⁹⁸ The Duke's objections to remarriage, in addition to having incestuous undertones, also display his greed. Under these circumstances, clandestine marriage is the Duchess's only option.

Ferdinand's blanket objection to his sister's remarriage argues Webster's point that clandestine marriage allows for the expression of individual consent when it is improperly thwarted. If, as Stephen Greenblatt asserts, "there is no art without social energy...[and] no spontaneous generation of social energy," then examining other roughly contemporaneous

⁹⁶ Anne Laurence reports that the rate of remarriage among London widows was higher than remarriage rates outside of the city and that between 30-50% of London brides in the early seventeenth century were widows. The rate of remarriage and relatively short mourning period stemmed from the male-female ratio in the capital, where men vastly outnumbered women. See Laurence, *Marriage, Sex and the Family 1500-1700: A Social History* (New York: St. Martin's Press, 1994) 46.

⁹⁷ *The Duchess of Malfi*, 1.1.288-289.

⁹⁸ Mary Chan and Nancy E. Wright, "Marriage, Identity, and the Pursuit of Property in Seventeenth Century England: The Cases of Anne Clifford and Elizabeth Wiseman," in *Women, Property, and the Letters of the Law in Early Modern England*, ed. Nancy E. Wright, Margaret W. Ferguson, and A. R. Buck (Toronto: University of Toronto Press, 2004): 162-182, 163.

writings and events can help elucidate Webster's stance on clandestine marriage.⁹⁹ For example, Heinrich Bullinger makes clear that couples who are of legal age should not be prevented from marrying:

Likewyse also whan a sonne or daughter are come to their yeares of ful discretion, and are of their parentes in the meane season not loked unto, and so afterward with good advyse and deliberacion, do honestly mary together: Then ought ye father wel to confyde that thorow his own wrongful and unryghteous demeanour he hath lost his authoritie as touchynge the hyndrynge and breaking of that mariage.¹⁰⁰

Duke Ferdinand's and the Cardinal's injunction against the Duchess's remarriage is the epitome of "wrongful and unryghteous demeanor," especially as their sister has reached her "yeares of ful discretion." According to Bullinger, the brothers would have no rightful authority, familial or otherwise, to forbid a marriage. Their unreasonableness softens any negatives surrounding her clandestine marriage to Antonio, who is presented as virtuous and worthy in Webster's play. By moving the scene depicting the brothers' objections to an earlier spot in the narrative, Webster shows that clandestine marriage can be warranted, especially in the face of "wrongful and unryghteous" family interference.

Along with echoing Bullinger's attitudes about consent, Webster taps into the intertext of current events to promote clandestine marriage as a choice that should invite sympathy not censure. According to Sara J. Steen, he obliquely references a contemporaneous scandal to critique James I's court and garner compassion for the Duchess and Antonio. Steen draws a connection between Webster's portrayal of the Duchess and the imprisonment of King James's

⁹⁹ Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley: University of California Press, 1998) 12.

¹⁰⁰ Bullinger, fol. 15v.

cousin Arbella Stuart, who, at 34 years old, married William Seymour secretly, without the king's permission.¹⁰¹ Stuart was "a learned lady with religious inclinations, [who] had few close friends at James's sportive and decadent court," and, like the Duchess of Malfi, she sought happiness outside of her family's prescriptions against marriage to a man of her own choosing.¹⁰² The public largely did not condemn Arbella Stuart for her secret marriage, sympathizing with her wish to be married when the King had denied her request repeatedly. Webster exploits this scandal from his own day to promote sympathy for his Duchess.

Webster's coopting of the Arbella Stuart case as an intertext demonstrates that the public sometimes did approve of clandestine marriage, especially when it was contracted to circumvent unreasonable familial objections. *The Duchess of Malfi* was first performed during Stuart's imprisonment in the Tower of London, and "many people believed no one should be forbidden to marry and saw the fault as James's for not having arranged a fitting match for Stuart earlier."¹⁰³ Diplomatic dispatches from London at the time report public approval for Arbella's secret marriage, indicating the populace "did not feel the social order had been violated or chastisement was in order; they were praising Stuart's strength of purpose and affirming a romantic

¹⁰¹ See Sara J. Steen, "The Crime of Marriage: Arbella Stuart and *The Duchess of Malfi*," *Sixteenth Century Journal* 22, no. 1 (Spring, 1991): 61-76, *JSTOR*, accessed January 9, 2016, <http://www.jstor.org/stable/2542016>, 62. A prominent member of King James's court, Arbella Stuart was addressed as a dedicatee in works like Aemilia Lanyer's *Salve Deus Rex Judaeorum* and appeared in court masques, but a frivolous existence at court was not what she most wanted. Once the marriage was discovered, Stuart and her husband were both imprisoned separately but escaped. Upon her recapture, Arbella was placed in the Tower of London where she subsequently starved herself to death.

¹⁰² Steen, 63.

¹⁰³ Steen, 70.

marriage.”¹⁰⁴ The commendatory verses by Thomas Dekker and William Rowley preceding *The Duchess of Malfi*’s 1623 quarto publication express a similar sympathy for the Duchess, deriding her brothers’ anger and noting the utter sadness of her fate, an attitude that mirrors the public’s regard for Arbella Stuart.¹⁰⁵ In portraying Antonio and the Duchess as virtuous, loving spouses unfairly persecuted by unreasonable and corrupt family members, Webster reflects a cultural attitude sympathetic to clandestine marriage under certain circumstances.

Some of Duke Ferdinand’s considerable angst about his sister’s remarriage stems from the fear that the Duchess would link herself with someone of lower social class, revealing that exogamy more than clandestine marriage dooms the Duchess and Antonio in Webster’s play. The Duke makes it clear that exogamy is a strain of sexual deviancy when he speculates that his sister is disporting herself

haply with some strong thighed bargeman.
Or one o’th’wood-yard, that can quoit the sledge,
Or toss the bar, or else some lovely squires
That carries coals up to her privy lodgings.¹⁰⁶

He imagines the Duchess’s sexual partners to be of lower social standing, “strong-thighed bargemen,” woodcutters, and “lovely squires.” Ferdinand uses bawdy imagery of manual labor like throwing hammers and carrying coal to imply vigorous copulation.¹⁰⁷ Her brother’s imagination takes on both incestuous and homoerotic undertones as he pictures the lovers the

¹⁰⁴ Steen, 73.

¹⁰⁵ *The Duchess of Malfi*, “Commendatory Verses,” lines 16-18, 25-30.

¹⁰⁶ *The Duchess of Malfi*, 2.5.41-44.

¹⁰⁷ James T. Henke, *Courtesans and Cuckolds: A Glossary of Renaissance Dramatic Bawdy* (New York and London: Garland, 1979) 214-215.

Duchess may have taken to her bed. He expresses jealousy as not only the guarding of his sister's sexuality, a task he takes upon himself, but also desire for her possible partners. His violent reaction to his sister's marriage to Antonio partly comes from his own repressed desire for physically strong, lower-class males. No lover or husband would have been acceptable to Ferdinand, but the Duchess betrays both family and class when she marries someone outside the aristocracy.

Though Webster emphasizes exogamy over clandestine marriage as the cause of the Duchess's and Antonio's deaths, he does not condemn the mixed marriage, following Bandello more closely than his English source, Painter. The playwright's portrayal of merit and social mobility illustrates two conflicting concerns. On the one hand, Antonio is deserving, and Webster argues that his marriage to the Duchess is good. On the other hand, the impossibility of the match is recognized from the start of the play, necessitating the secret wedding. Source texts Bandello and Painter are at odds in their depiction of the match. Bandello approves of the marriage between the Duchess and Sir Anthony and considers the brothers' condemnation of the marriage hypocritical. He lists a number of noblemen who have married women from a lower social class to please themselves and writes that the widowed Duchess of Malfi

married Sir Anthony Bologna, noble, virtuous, and rich by honest means, who had served King Federico as steward. And because [her family] thought she was marrying beneath her, they raised a crusade against her and never ceased until she had been cruelly killed, together with her husband and several children, a thing truly worthy of the greatest pity.¹⁰⁸

¹⁰⁸ Bandello, "Tale I, 26," 204-205.

The detailing of Antonio's birth, merit, and wealth implies that the family's "crusade" was wrongful because their honor was never under attack from this union. Not only is Anthony virtuous, he is also wealthy. Though not a member of the aristocracy, he is of the gentry, as indicated by his title "Sir Anthony Bologna." Bandello simultaneously asserts the steward's worth and diminishes the brothers' objections to him as a husband.

While Bandello chastises those who criticize women for marrying beneath them, Webster's English source, Painter's *The Palace of Pleasure*, makes its aversion to exogamy clear. Painter's tale considers exogamy a type of overreach and warns its readers that "we ought neuer to clime higher than our force permitteth, ne yet surmount ye bonds of duty."¹⁰⁹ *The Palace of Pleasure* lowers the steward's social class to increase the social distance between him and the Duchess; Painter's character is plain "Antonio" instead of Bandello's "Sir Antonio." Therefore, the tale implies that the clandestine marriage, though instigated by the Duchess, reveals a character flaw in Antonio: ambition. Painter depicts the steward justifying his love for a high-born lady in terms of his own personal advancement when Antonio wonders, "Shal I be the first simple Gentleman that hath married or loved a Princesse? Is it not more honourable for mee to settle my minde upon a place so high, than uppon some simple wench by whom I shall neyther attayne profit, or aduancement?"¹¹⁰ In *The Palace of Pleasure*, Antonio does not consent to a clandestine marriage solely because of the Duchess's merit and the strength of their love, as in Bandello's tale, but also due to the personal "profit [and] aduancement" he will receive from

¹⁰⁹ Painter, fol. 160_r.

¹¹⁰ Painter, fol. 143_v.

such a tie. Thus, Painter portrays the clandestine marriage as a symptom of Antonio's *hamartia* instead of the natural consequence of love, as Bandello has it.

Webster combines Bandello's indulgence with Painter's censure in his play to emphasize exogamy over clandestine marriage as the practice that most destabilizes society. Exogamous marriage is inherently tragic. When Bosola jeers that Antonio is "one of no birth," Webster's Duchess rejoins,

Say that he was born mean.
Man is most happy when's own actions
Be arguments and examples of his virtue...
Men oft are valued high, when th'are most wretch'd.¹¹¹

The very lowness of Antonio's station, which antagonizes the Duchess's brothers, allows his virtues to speak all the louder in her mind. Antonio is "most happy" while the high-born Cardinal and Duke Ferdinand "are most wretch'd." Their lofty birth guarantees neither their earthly happiness nor their goodness. Antonio's happiness also is doomed to be short-lived, and, contrary to the Duchess's wish, his virtue only causes his downfall. In *The Duchess of Malfi*, exogamy brings about the demise of two honorable and sympathetic lovers to a greater extent than their secret wedding does.

Webster's treatment of exogamy as both understandable and dangerous is not an anomaly in early modern theater, and the playwright's characterization of the Duchess and Antonio's love reflects his culture's ambiguity toward the practice. His more benevolent treatment of exogamy compared to Painter perhaps demonstrates a change in attitude in the years between the publication of *The Palace of Pleasure*, first published in 1567, and the initial staging of *The*

¹¹¹ *The Duchess of Malfi*, 3.5.119-121, 141.

Duchess of Malfi in 1614. Exogamy was certainly a common theme in contemporaneous theater. Shakespeare, for instance, portrayed exogamous relationships, not only in tragedies like *Othello* but also in comedies like *The Merchant of Venice* and *Twelfth Night*.¹¹² In Thomas Kyd's *The Spanish Tragedy*, a play popular from the late sixteenth century until the close of the theaters in 1642, the princess of Spain takes two lovers of lower social class. Scholars disagree about the frequency of exogamy in early modern times. Lawrence Stone argues that the time period's "great sensitivity to status and rank...[insured] a high degree of social and economic endogamy,"¹¹³ but Alan Macfarlane asserts that "intermarriage between different ranks of society was very common."¹¹⁴ There is certainly dramatic precedence for happily-married exogamous couples but also plenty of cases where these marriages do not end well. If the phenomenon of exogamy were common enough, the audience would not doubt the plausibility of a woman of the Duchess's rank falling in love with her steward, and the brothers' persecution of the couple would only condemn the brothers more totally in the eyes of playgoers.

However sympathetically presented, the clandestine marriage that raises Antonio's status and brings the Duchess joy functions as overreach though Webster does not condemn this ambitious love with the same force that Shakespeare condemns secret weddings. Webster saves

¹¹² Desdemona, in marrying Othello, weds someone of a different race but also someone older and of a lower social class, tripling the exogamy. In *The Merchant of Venice*, Portia's wealth and status are much greater than her husband Bassanio, who wins her through his virtue in choosing the correct casket. Both Duke Orsino and Countess Olivia in *Twelfth Night* marry social inferiors in taking the orphaned twins Viola and Sebastian, respectively, as spouses.

¹¹³ Lawrence Stone, *The Family, Sex, and Marriage in England, 1500-1800* (New York: Harper and Row, 1977) 60.

¹¹⁴ Macfarlane, 257.

most of his censure for the Church and the twisted family patriarchal structure. Exogamy and upward mobility cannot coexist with corruption in the world of the play. The Duchess's wooing of Antonio in Act One argues that the reward for personal virtue should be social mobility, but Antonio recognizes the inherent dangers of such an ascendancy:

DUCHESS: This goodly roof of yours is built too low;
I cannot stand upright in't nor discourse,
Without I raise it higher: raise yourself,
Or if you please my hand to help you: so.
ANTONIO: Ambition, madam, is a great man's madness.¹¹⁵

The Duchess bridges the social distance between them by raising Antonio to her level through marriage, but her husband realizes the peril of his ascent. In this depiction, Webster invokes Painter's cautions against ambition. Like his source Bandello, Painter carefully illustrates Antonio Bologna's good qualities: skill in combat, personal bravery, effective household management, musical ability, physical attractiveness, and "the knowledge of good letters, wherein he was well trained, as by talk and dispute thereof."¹¹⁶ However, these excellent personal qualities do not immunize him from disaster, and Painter notes that "in sutch wyse as many times, he which seemeth the wisest man, guided by misfortune, hasteth himself wyth stouping head to fall headlonge into hys death and ruine."¹¹⁷ "Death and ruine" are Antonio's lasting rewards for loving someone above his station. Overreach, the tragic flaw so often

¹¹⁵ *The Duchess of Malfi*, 1.1.406-410.

¹¹⁶ Painter, folio 140_v.

¹¹⁷ Painter, folio 140_v.

exhibited in early modern heroes from Dr. Faustus to Macbeth, dooms Painter's Antonio and plays some part in dooming Webster's.

Though he does not condemn clandestine marriage in the way that Shakespeare does, Webster does show the dangers of exogamy and the hopelessness of expecting to be rewarded in a corrupt society. Through his expansion of Bosola's role from the source material, Webster shows merit to be an ambiguous virtue. Antonio's worthiness attracts the Duchess, an attraction that will ultimately prove fatal for both partners, and Bosola uses his abilities to accomplish the evil designs of his masters. His insincere discussion with the Duchess when she reveals the identity of her secret husband is telling:

BOSOLA: Do I not dream? Can this ambitious age
Have so much goodness in't, as to prefer
A man merely for worth, without these shadow
Of wealth, and painted honours? Possible?
DUCHESS: I have three children by him.
BOSOLA: Fortunate lady,
For you have made your private nuptial bed
The humble and fair seminary of peace.
No question but many an unbeneficed scholar
Shall pray for you for this deed and rejoice
That some preferment in the world can yet
Arise from merit.¹¹⁸

Bosola wonders that the Duchess can "prefer" a man merely for his virtue instead of outward advantages like position and wealth. In the Duchess's idealized world, the marriage bed effects a new meritocracy. The audience can detect Bosola's sarcasm, and yet there is also a kernel of sincerity. After all, Bosola is attempting to make his fortune through merit, though his successes

¹¹⁸ *The Duchess of Malfi*, 3.2.277-288.

at intrigue cannot be characterized as virtuous. The merit that drew the Duchess's notice offends those committed to a system of preference based on bloodline or flattery.¹¹⁹

While the Duchess loves Antonio for his virtue in both *Bandello* and *Painter*, Webster's Duchess marries Antonio because she can satisfy her desire for him while still retaining her sovereignty. This Duchess initiates an exogamous clandestine marriage in order to simultaneously assert her individual consent to marry and retain sovereignty over her property and person. By contrast, *Bandello's* Duchess is willing to renounce her power, putting her love for Antonio above her position and reasoning, "if I shall not be able to maintain the rank of duchess, I shall be content to live as a gentlewoman."¹²⁰ For the time being, the clandestine marriage allows *Bandello's* Duchess to avoid putting her son under another man's power or openly acknowledging her spouse's authority over her, but she prioritizes the marriage above all else.

In *Painter's* account, the Duchess also expresses eagerness to renounce her title and live as a simple gentleman's wife, but Webster's Duchess wishes to marry her steward *and* maintain her position. She holds on to her title, even when faced with assassination, asserting "I am Duchess of Malfi still!" to Bosola who ridicules her sorrows.¹²¹ Webster's adaptation of the Duchess as unwilling to cede power only serves to emphasize the positive aspects of exogamy and clandestine marriage for high-ranking women. Noting the frequency of women marrying

¹¹⁹ Bosola himself meets an untimely end, mortally stabbed by his now mad erstwhile employer Duke Ferdinand. Webster thus argues that social climbing is fatal in *The Duchess of Malfi*, no matter who one's sponsor is. See *The Duchess of Malfi*, 5.5.53.

¹²⁰ *Bandello*, "Tale I, 26," 207.

¹²¹ *The Duchess of Malfi*, 4.2.134.

down in early modern plays, Marliiss C. Desens “suggest[s] that some female characters in Renaissance dramas, and likely some women throughout the society that produced it, found ways of negotiating within the system in order to gain, unofficially, some of the power officially denied them.”¹²² The Duchess has been freed from another’s authority by her first husband’s death, so marrying her steward secretly allows her to retain the greater portion of her new-found power.¹²³ Both clandestine marriage and exogamy temporarily benefit the Duchess by giving her happiness and safeguarding her sovereignty.

Webster’s adaptation not only emphasizes the Duchess’s desire to maintain power, but it also argues that the clandestine marriage is more loving because it is exogamous. Antonio’s lower class status ensures their relationship will be more affectionate and respectful than a normal aristocratic marriage, and the steward finds nothing amiss or disturbing about his lower social station. For him, the required secrecy of their relationship generates humor, and the couple jokes about their unique marital arrangement:

¹²² Marliiss C. Desens, “Negotiating a More Equal Marriage on the English Renaissance Stage.” *Medieval and Renaissance Drama in England* 14 (2001): 227-255. Accessed July 19, 2016. <http://www.jstor.org/stable/24322996>, 227.

¹²³ Painter, though he generally disapproves of Antonio daring to love the Duchess, cites two historical examples of aristocratic women who had married down. When putting his tale in historical context, the author informs his readers that the events took place when King Henry VIII’s sister Mary married Charles Brandon after her first husband, Louis XII of France, had died. Mary is obviously an analog to the Duchess of Malfi who marries first out of duty to someone of her exact social position and next for love to someone of decidedly lower status. Painter does not make anything else of the comparison, but it is interesting to note that, while things turned out well for Mary of England in the end, the Duchess has no such happy ending. Painter’s readers may read in this an implicit critique of the way the Duchess’s brothers treated her. The other reference, that of Princess Judith of France to Baldwin of Flanders, comes from Antonio himself who is justifying the rightness of loving above his station. See fol. 140r.

DUCHESS: I hope in time 'twill grow into a custom
 That noblemen shall come with cap and knee
 To purchase a night's lodging of their wives.
 ANTONIO: I must lie here.
 DUCHESS: Must? You are a lord of misrule.
 ANTONIO: Indeed, my rule is only in the night.
 DUCHESS: To what use will you put me?
 ANTONIO: We'll sleep together.¹²⁴

Antonio's lower social status makes him a perpetual suitor instead of an acknowledged husband, shading their lovemaking with the Carnavalesque and lending a special excitement and holiday atmosphere. The steward Antonio is allowed to become the Lord in the bedroom, but not in the open.¹²⁵ The situation charms the Duchess who opines that she wishes other husbands, even those more nobly born, would romance their wives for sexual intimacy. Clandestine marriage allows the Duchess to retain her power while enjoying a loving wedded life, but, as soon as the marriage is discovered, her happiness and autonomy abruptly disappear.

Ultimately, clandestine marriage leads to tragedy in *The Duchess of Malfi*, just as it did in *Romeo and Juliet*. While the secret wedding in the Romeo and Juliet tradition takes place in a church and is officiated by a priest, the more informal and irregular *per verba de presenti* spousals in the Duchess of Malfi stories are presented as equally legal and binding. This contrast

¹²⁴ *The Duchess of Malfi*, 3.2.4-9.

¹²⁵ When the Duchess calls Antonio "Lord of Misrule," she links him with the Carnival practice of "the mock crowning, period of misrule, and subsequent decrowning of the carnival king.... The slave, jester, or dunce elected to office enjoys, in an outrageous manner, the prerogatives of sovereignty for the duration of carnival time, at the termination of which he is to varying degrees ignominiously or savagely deposed." Kirk Combe, "Shadwell as Lord of Misrule: Dryden, Varronian Satire, and Carnival," *Eighteenth Century Life* 24, no. 3 (2000): 1-18, accessed November 24, 2017, <https://muse.jhu.edu/article/10520>, 5. With the Lord of Misrule moniker, the Duchess implies that Antonio's rule ends with the daylight, but the darker meaning is that this irregular marriage of social unequals will end in violent deposition for the steward who dared aspire to equality with his employer.

in weddings demonstrates the range of attitudes about what constituted a proper marriage in early modern times. Romeo and Juliet, who are social equals, do not contract an exogamous union, just one that flies in the face of their families' hatred of each other. Matters become more complicated in the *The Duchess of Malfi*, with the playwright more tolerant of clandestine marriage but alert to its pitfalls, especially when the union joins parties of different classes. In *The Duchess of Malfi*, the tragic heroine's high social position and status as a widow endow her with more freedom and agency than Shakespeare's Juliet possesses. It may be, as suggested by Desens, that the desire to retain her relative autonomy makes loving her steward more attractive to the Duchess than an aristocratic partner would be. The couple's marriage, so denounced in Painter, is celebrated for a time in Webster's play. His Duchess does not even attempt to justify her feelings by pointing out the lack of eligible suitors of her own social class as her counterpart does in Painter's version.

While a desire to circumvent family control over marriage destroys the lovers in both plays considered in this chapter, Shakespeare's *Romeo and Juliet* argues that clandestine marriage is both dangerous and illegal, and *The Duchess of Malfi* condemns a society that does not value individual consent in such a way as would let the lovers marry and live together openly. The same tensions between regularization of marriage and the upholding of individual consent present in dramatic considerations of broken betrothals appears in treatments of clandestine marriage. Shakespeare, in both *Measure for Measure* and *Romeo and Juliet*, favors a move toward greater uniformity and legal superintendence of marriage, arguing implicitly that this uniformity benefits society as a whole. Webster, though *The Duchess of Malfi* follows *Romeo and Juliet* by almost twenty years, invokes an older understanding of marriage where

couples could contract themselves with greater freedom and circumvent family and church objections more easily. The antagonism between societal stability and individual agency likewise surfaces in dramatic treatments of forced marriage, a topic which Chapter Three will consider.

CHAPTER 3

COERCED MARRIAGE

Coerced marriage was another topic of intense cultural scrutiny in England at the turn of the seventeenth century, and this chapter will look at two plays that treat coerced marriage as a major plot point—George Wilkins’s *The Miseries of Inforst Marriage* (1605-1606) and William Shakespeare’s *All’s Well That Ends Well* (1602-1603). However, the two plays’ attitudes toward this kind of marriage are strikingly different. *The Miseries of Inforst Marriage* characterizes coerced marriage as a societal ill responsible for destructive consequences from spousal abuse to downward mobility. By contrast, *All’s Well That Ends Well*, while still showing the negative emotional impact on the unwilling spouse, argues that such marriages can work for societal stability. The plays differ in genre as well, and this difference colors their depictions of forced marriage, a union in which at least one partner was compelled to enter.¹ These marriages strike at the heart of the early modern understanding of marriage because they override consent. *The Miseries of Inforst Marriage* is a domestic tragedy that reveals marriage’s power to destabilize a family, but *All’s Well That Ends Well* is a comedy that uses marriage to restore the social order.

¹ There was widespread cultural condemnation of forced marriage, a term I will use interchangeably with coerced marriage. According to David Atkinson, coerced marriages were mainly an issue at the uppermost stratas of society. Atkinson reports that “apparently most writers on the subject considered compulsion in marriage to be widespread throughout English society; yet it is at least possible that there were in fact no more than occasional instances, primarily among a section of the populace which was most in the public view, and that these became magnified in the popular imagination.” See David Atkinson, “Marriage under Compulsion in English Renaissance Drama,” *English Studies* 67, no. 6 (December, 1986): 483-504, accessed September 2, 2016, doi: 0.1080/00138388608598477.

Both plays share two important similarities that make comparing them useful in the exploration of early modern attitudes about forced marriage: the groom is the unwilling spouse, and he is a ward.

The Miseries of Inforst Marriage and *All's Well's That Ends Well* both modify their sources to emphasize wardship, but their treatments of coerced marriage vary because they take different attitudes toward the practice of wardship. As administered by the Court of Wards and Liveries, wardship was under Parliamentary scrutiny, and “the notorious abuses of the system were coming under increasing criticism at the end of the sixteenth and beginning of the seventeenth centuries.”² *The Miseries of Inforst Marriage's* and *All's Well That Ends Well's* choices reveal this increased interest in wardship. By contrast, *All's Well That Ends Well* takes a much more sympathetic view of the guardian-ward relationship, but, in doing so, it increases the prominence of wardship from that of its source texts. Wilkins's adaptation indicts bad guardianship for forcing a marriage that leads to familial instability while Shakespeare's play demonstrates the benefits of wardship and argues that marriages made by guardians can stabilize society.

George Wilkins's play *The Miseries of Inforst Marriage* (1605-1606) stresses the protagonist's status as a ward in order to argue for legal reforms and, as a true crime adaptation, exploits its audience's interest in current events to critique wardship.³ Wilkins based his play on

² Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Clarendon, 1965) 603.

³ For the dating of *The Miseries of Inforst Marriage*, I am using Alfred Harbage's estimation of its first performance, as found in *Annals of English Drama: 975-1700*, 3rd edition, revised by S. Schoenbaum and Sylvia Stoler Wagonheim (London and New York: Routledge, 1989) 94.

the true story of Walter Calverley, a Yorkshire landowner who killed two of his young children and attempted to murder his wife and infant son. Public interest in this case endured for more than a decade after the murders' commission, revealing the culture's assessment of the case as an important event in English history. E. H. Gentleman's entry in his abridgement of John Stowe's *Chronicles* (1618) sums up the crimes in this manner:

Walter Caluerley of Caluerley in Yorkeshire Esquier, murdered two of his owne children in his owne house, then stabd his wife into the body with full entent to haue killed her, and then instantly with like fury went from his house to haue slaine his youngest child at nurse, but was preuented: he was prest to death in Yorke the 5 of August.⁴

Without doubt, the infanticide disturbed the early modern English public, and Calverley's status as a prominent landowner only deepened the public's interest as evidenced by the chronicle notations, pamphlets, and broadside ballads the crimes inspired.⁵ *The Miseries of Inforst Marriage* was not the only play to take advantage of the public's taste for true crime; playgoers in this era, as Andrew Gurr puts it, served as "the first great market for daily journalism."⁶ Wilkins's play also operates as a kind of hybrid domestic tragicomedy. In following the events of Calverley's life for a large part of the play, *The Miseries of Inforst Marriage* acts like a domestic

⁴ E. H. Gentleman, *The Abridgement of the English Chronicle, First Collected by M. Iohn Stow* (London: 1618), in Early English Books Online, accessed December 19, 2017, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:18437:237, 459.

⁵ According to Lena Cowen Orlin, Walter Calverley's status as the scion of a notable and wealthy Yorkshire family who had held property in the region for centuries is at least partially responsible for the strong literary interest in the case, which blossomed between 1605-1633 and beyond. See Lena Cowen Orlin, *Private Matters and Public Culture in Post-Reformation England* (Ithaca: Cornell University Press, 1994) 230, 233.

⁶ Andrew Gurr, *Playgoing in Shakespeare's London*, 3rd ed. (Cambridge: Cambridge University Press, 2004) 170.

tragedy, a genre often conflated with true crime, and explores the misdeeds of offenders with the intent of drawing some kind of moral for their audiences.⁷ However, the play's reconciliatory ending has all the marks of comedy in the early modern era.⁸ Wilkins's adaptation choices contend that the evils oppressing his Calverley character Scarborow and the sins that he commits all stem from the exploitative or inattentive patriarchy allowed to flourish under England's wardship system, as embodied by Lord Falconbridge in *The Miseries of Inforst Marriage*.

The detailed attention Wilkins pays to Scarborow and Clare Harcop's courtship in the beginning of the play demonstrates a reason for Scarborow's later bad behavior: coerced marriage spurred Scarborow on to wicked and wasteful living because he was forced to abandon his true love. Lena Cowen Orlin, referencing *A Yorkshire Tragedy* (another play inspired by Calverley), states that "for early moderns, the mystery of the Calverley murders was motive."⁹ In his portrayal of Scarborow's and Clare's love and marriage, Wilkins elaborates upon an existing interpretation of Calverley's crimes. The pamphlet *Two Most Vnnaturall and Bloodie Murthers*

⁷ Lena Cowen Orlin, "Domestic Tragedy: Private Life on the Public Stage," in *A Companion to Renaissance Drama*, ed. Arthur F. Kinney (Oxford: Blackwell, 2002): 367-383, 367. Scholars typically cite the staging of *Arden of Faversham* between 1589 and 1592 as the beginning of this genre. *Arden of Faversham*, an anonymous play, was based closely on the 1550 conspiracy between Alice Arden and her lover Mosby to murder her husband Thomas Arden. Holinshed's *Chronicles* deemed the murder horrible and important enough to include in the 1577 edition.

⁸ Lee Bliss notes that Jacobean drama often featured a blending of genres. He cites John Fletcher's *The Faithful Shepherdess* (1609) as an example of a tragicomedy and quotes Fletcher as stating "A tragicomedy is not so called in respect of mirth and killing, but in respect it wants deaths, which is enough to make it no tragedy, yet brings some near it, which is enough to make it no comedy." See Lee Bliss, "Pastiche, Burlesque, Tragicomedy," in *The Cambridge Companion to Renaissance Drama*, 2nd ed., ed. by A. R. Braunmuller and Michael Hattaway (Cambridge: Cambridge University Press, 2003): 228-253, 241. Wilkins's *The Miseries of Inforst Marriage* operates as such a tragicomedy. In paralleling the life of Walter Calverley so closely, the play implies that tragedy may befall its protagonist, but the reconciliatory ending keeps it, like Fletcher's work, from being a true tragedy.

⁹ Orlin, *Private Matters and Public Culture*, 234.

(1605), a purportedly nonfictional account of the case which was printed between Calverley's arrest and execution, seems at least partially sympathetic to the murderer and takes pains to give a little of his backstory before his arranged marriage. According to the pamphlet, when Calverley and an unnamed Yorkshire woman first see each other, "in such time was such an interchangeable affection, shot in by two paire of eies, to one paire of hearts."¹⁰ The anonymous pamphleteer portrays Walter Calverley and his sweetheart as sharing a love ignited by mutual attraction. Romantic love was a widespread experience throughout this time period, according to Ralph Houlbrooke, and thus the readers of *Two Most Vnnaturall and Bloodie Murthers* would presumably have identified and sympathized with the lovers' situation.¹¹ When Wilkins adapts the Calverley story for the stage, he expands this mutual affection not only to argue that the love was real but that it was cruel of Lord Falconbridge to deny the marriage's continuance.

Although Wilkins blames Lord Falconbridge's suppression of his first marriage for Scarborough's abusive treatment of his wife and children, other adaptations of the Calverley case either absolve the guardian of all wrongdoing or barely mention a guardian at all. *Two Most Vnnaturall and Bloodie Murthers* does introduce a prior broken-off relationship as a reason behind Calverley's actions, but the pamphleteer does not blame the "most noble and worthy gentleman" who acts as the guardian in any way for his ward's behavior.¹² In fact, there is no evidence in the pamphlet that Calverley even informs his guardian of his first marriage. Another

¹⁰ Anonymous, *Two Most Vnnaturall and Bloodie Murthers*, in Early English Books Online, accessed September 27, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:21407, 2.

¹¹ Ralph Houlbrooke, "Courtship and Marriage," in *English Family Life, 1576-1716: An Anthology from Diaries*, ed. Ralph Houlbrooke (Oxford: Blackwell, 1989): 15-17, 16.

¹² *Two Most Vnnaturall and Bloodie Murthers*, 1.

dramatic treatment of the murders, *A Yorkshire Tragedy* (1605-1608), makes only the barest mention of a prior love-interest and certainly does not link the Calverley character's guardian with the dissolution of the relationship.¹³

By contrast, Wilkins plays up Scarborough's first relationship, activating cultural attitudes toward the importance of love in marriage in order to make Scarborough a more sympathetic character and to villainize Lord Falconbridge. The young man speaks to the impossibility of his marrying anyone but Clare Harcop, using love as an excuse: "O, but good Vnkle, could I command my Loue, / Or cancel oaths out of heauens brazen booke."¹⁴ Scarborough cannot "command" his love and transfer it to the woman his guardian has chosen for him. Likewise, the hurtful behavior that results from this unloving marriage stems from Falconbridge's denial of the first relationship and the defiance of "heauens brazen booke." Unlike the pamphlet's unknowing guardian, Falconbridge had foreknowledge of his ward's love for another woman and his marriage to her, a foreknowledge that condemns him as the author of all the play's troubles.

Wilkins thus argues that failure of the enforced marriage was virtually guaranteed because the spouses do not share mutual love. Scarborough and Katharine's marriage is characterized not only by abuse but also by financial troubles and abandonment of fatherly duties. When William Gouge wrote in 1622 that "mutuall loue and good liking of each other is as

¹³ *A Yorkshire Tragedy* alludes briefly to a former relationship in the conversation among servants. One of them reports that "My young mistress is in such a pitiful passionate humour for the long absence of her love" See *A Yorkshire Tragedy*, in *Disputed Plays by William Shakespeare*, ed. William Kozlenko (New York: Hawthorne Books, 1974): 118-127, 119. The range of dates of first performance is cited from Harbage's *Annals of English Drama: 975-1700*, p. 96. *A Yorkshire Tragedy* was printed in quarto in 1608 and again in 1619.

¹⁴ *The Miserires of Inforst Marriage*, B4r.

glue” to a marriage, he articulates the time period’s belief that the power of love held a relationship together.¹⁵ The marriage between Scarborough and Katharine suffers because it lacks this glue. The love Katharine has toward her husband goes unrequited for most of the play, and the play’s audience would have accepted Scarborough’s difficulty in showing Katharine affection because he was still in love with Clare. According to Houlbrooke, records of ecclesiastical courts demonstrate that “people were often described as saying there was only one person they could possibly marry as long as their lives lasted.”¹⁶ For Scarborough, this one person was Clare Harcop. Only after his guardian has died can Scarborough forgive the wrongs done him and learn to love Katharine.

At the opening of *The Miseries of Inforst Marriage*, Scarborough appears a young man primed to idealize women and to fall in love, and Wilkins’s adaptation of Calverley evokes pity for his protagonist and anger toward the guardian who corrupted his ward by setting aside the first marriage. Scarborough begins the play a hopeful and idealistic young man, but Lord Falconbridge’s guardianship twists his view of women to be more in line with the play’s cynic Sir Francis Ilford, a friend of Scarborough who deems women to be “the Purgatory of mens Purses, the Paradice of their bodies, and the Hell of their minds: marry none of them.”¹⁷ Ilford blames

¹⁵ William Gouge, *Of Domesticall Duties: Eight Treatises* (1622), in Early English Books Online, accessed January 9, 2018, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:3443, 197.

¹⁶ R. A. Houlbrooke, *The English Family, 1450-1700* (London: Longman, 1984) 78. Houlbrooke argues that this singling out of one person an individual could possibly marry was a “common experience,” crossing social classes. (page 78)

¹⁷ *The Miseries of Inforst Marriage*, A4r.

financial and mental woes on womankind, whose only benefit, he says, is the physical satisfaction they give a man's lust. Scarborough, however, venerates women in expressing that

Being mayds, me thinks they are Angels: and being Wives,
They are Soueraignes, Cordials that preserve our lives
They are like our hands that feed vs, this is cleare:
They renew man, as Spring renewes the yeare.¹⁸

Far from draining men's mental and financial stores, women in Scarborough's early view provide and preserve. Scarborough's poetic defense of women, given before he meets Clare Harcop and falls in love with her, reveal a young man's reverence. Primed to think well of women and their benefits for men, he exclaims, within minutes of making Clare's acquaintance, "I loue thee by my troth."¹⁹ His later abusive treatment of Katharine stands in stark contrast to this chivalrous regard for women given in the opening pages of the play. Katharine is neither "Soueraigne" nor "Cordial" to the broken-hearted Scarborough, and her love does not preserve his life, only cause him to fall into vice. Through this characterization of the young Scarborough, the playwright argues that his downfall was not due to a character defect but to his mistreatment at the hands of a cruel guardian.

Lord Falconbridge's dissolution of a legal marriage brings about the societal instability in the world of the play, indicating that Lord Falconbridge is the play's main evildoer. One way Wilkins accomplishes this is by dramatizing the spousal vows exchanged between Scarborough and Clare:

¹⁸ *The Miseries of Inforst Marriage*, A₃v-A₄r.

¹⁹ *The Miseries of Inforst Marriage*, A₄v.

SCARBOROW: This hand thus takes thee as my louing wife.
 CLARE: For better or worse?
 SCARBOROW: I, till death vs do depart, loue.
 CLARE: Why then I thanke you Sir; and now I am like to haue
 That I long lookt for, a Husband.
 How soone from our own tongues is the word sed,
 Captiues our Mayden-freedome to a Head.²⁰

Wilkins is staging what appears to be an irregular wedding. Though the couple is alone and without witnesses, they plight their troth, even coopting wording directly from the *Book of Common Prayer*'s Solemnization of Marriage Service.²¹ Scarborough's use of present-tense verbs—"This hand thus takes thee as my louing wife"—indicates *di presenti* spousals, the spoken exchange of consent that immediately bound a couple together in matrimony.²² The exchanged vows have legal standing but also religious, as observed by Clare when she states, "Men neuer giue their Faith, and promise Marriage, / But Heauen records their Oath."²³ Thus, when Lord Falconbridge separates the lovers, he sins against divine authority as well as his ward's consent. This separation is directly responsible for Scarborough's later bad actions.

Wilkins's portrayal of Scarborough's first marriage critiques the guardian's actions as being illegal as well as immoral, a charge other treatments of the Calverley case are careful to

²⁰ *The Miseries of Inforst Marriage*, B₁r.

²¹ Brian Cummings, ed. *The Book of Common Prayer: The Texts of 1549, 1559, and 1662* (Oxford University Press, 2011) 158. I am referencing the 1559 version of the *The Book of Common Prayer* here, but all three versions have very similar language in the Solemnization of Marriage service.

²² Eric Josef Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994) 20. As it is the vows themselves, the spoken exchange of consent, that married two people and not an officiant or a license, Scarborough and Clare would have thus been considered legally wed.

²³ *The Miseries of Inforst Marriage*, B₁v.

avoid. For instance, the author of *Two Most Vnnaturall and Bloodie Murthers* makes no such claims of illegal or immoral behavior on the guardian's part and implies that Calverley himself is at fault for either "concealing his late contract from his honorable gardian, or forgetting his priuate & publicke vowes."²⁴ Clearly, the pamphlet's "honorable gardian" carries no responsibility for breaking apart his ward's marriage. By contrast, in *The Miseries of Inforst Marriage*, the illegality of Lord Falconbridge's actions is apparent from how he treats his ward's contract with Clare Harcop. A prior contract to wed prohibited marriage to another and served as one of the few reasons that marriages could be annulled, and, thus, Scarborough's second marriage should never have taken place.²⁵

Wilkins's adaptation of the Calverley case makes a strong argument that the protagonist and his Yorkshire sweetheart are married, but, even if Lord Falconbridge doubts that a marriage actually occurred, at the very least Clare and Scarborough are betrothed to one another. Sir John Harcop, Clare's father, witnesses the vows, and Scarborough confesses his contract to his guardian. Though irregular, Scarborough and Clare's contract would have been deemed valid. When Lord Falconbridge then forces his ward to marry Katharine, his niece, he is committing an illegal act because Scarborough is not free to enter into another marriage contract under early modern canon law. In identifying those free to marry, Gouge writes that one must be

nor married, nor betrothed to another: the law of marriage noteth thus much in this clause. *They two shall be one flesh*. And in that the law inflicteth the same punishment vpon the person which being betrothed committeth vncleannesse, that it doth vpon a married person, it is euident that it is vnlawfull to marie one betrothed to another. So firme is a contract

²⁴ *Two Most Vnnaturall and Bloodie Murthers*, 2.

²⁵ Martin Ingram, *The Church Courts, Sex, and Marriage, 1580-1640* (Cambridge: Cambridge University Press, 1987) 145.

as the law calleth a betrothed maid, a *wife*: and a betrothed maid may not be put away without a bill of diuorce.²⁶

Thus, Scarborough is not free to marry Katharine and asserts to his guardian that any second marriage “makes me an Adulterer...My babes being Bastards, and a whore my Wife.”²⁷ Lord Falconbridge, in effect, suborns both bigamy and adultery when he forces Scarborough and Katharine to marry and thereby justifies Scarborough’s later characterizations of his wife as an “Adulteresse” and “Whore.”²⁸ The guardian demonstrates his corruption and, by extension, the institution of wardship’s corruption through his suppression of legitimate marital bonds. Another striking difference between Wilkins’s play and other adaptations of the Calverley murders involves the consummation of the second marriage. Scarborough’s refusal to have sex with Katharine until after Clare’s death reveals not only his great love for Clare but also the duty he feels for her. Both reasons convict Lord Falconbridge further as the main cause of the play’s “miseries.” Calverley of the pamphlet seems to set aside his first contract with little twinge of conscience and quickly “knit a new marriage knot, and was husband by all matrimonial rites, to a curteous Gentlewoman.”²⁹ The couple have three young children by the time of the murders even though Calverley’s verbal abuse of his wife begins early. In *A Yorkshire Tragedy*, the playwright only hints at a former relationship in the opening scene, where the servant Ralph, inquiring after the Calverley character (named only “Husband” here) for his lovesick but unnamed mistress is

²⁶ Gouge, 186. Emphasis in original.

²⁷ *The Miseries of Inforst Marriage*, B₃v.

²⁸ *The Miseries of Inforst Marriage*, I₃r.

²⁹ *Two Most Vnnaturall and Bloodie Murthers*, 2-3.

told, “Why, he’s married, beats his wife, and has two or three children by her.”³⁰ This Husband has not been pining away, refusing to lie with his wife while anguishing over the loss of his first love. Wilkins’s Calverley analog Scarborough, however, vows “I will not lie with her [Katharine],” a resolution he keeps until after Clare’s death.³¹ This withholding of sexual favors, much like that of Bertram in Shakespeare’s *All’s Well That Ends Well*, counts as rebellion against his guardian, but Scarborough’s refusal to sleep with Katharine also demonstrates the depths of his love for Clare and his certainty of their marriage’s legality.

In *The Miseries of Inforst Marriage*, bad guardianship destabilizes the play’s social order, and Wilkins’s most brutal indictment of Lord Falconbridge comes with Clare Harcop’s suicide. Although Clare and Scarborough are contracted to each other, Lord Falconbridge refuses to recognize her marriage to his ward. Neither does Lord Falconbridge take any steps to annul their marriage, forcing Scarborough instead into an illegal and bigamous marriage to Katharine. This turn of events puts Clare in an impossible situation, and she laments,

And though that I should vow a single life,
 To keepe my soule vnspotted, yet will hee [her father Sir John]
 Inforce mee to a marriage...
 [Scarborow] was contracted mine, he was vniust.
 Hath married to another. What’s my estate then?
 A wretched Maid, not fit for any man,
 For being vnited his with plights faiths,
 Whoeuer sues to me, commits a sinne

³⁰ *A Yorkshire Tragedy*, p. 119. *A Yorkshire Tragedy* has been attributed to Shakespeare, Thomas Middleton, and others. As it is not the purpose of this dissertation to take a position on controversial issues of authorship, I will refer to the author of this work merely as “the playwright.”

³¹ *The Miseries of Inforst Marriage*, C2r.

Besiegeth me, and who shall marry me
Is like my selfe, liues in adultery (O God)
That such hard fortune should betide my youth.³²

Clare no longer has a defined “estate.” She cannot live with Scarborough as his wife because his guardian will not allow it and has married him to another. She cannot remain single because her father will force her to marry someone else. If she does marry another, she causes them both to commit adultery. Loving Scarborough and understanding that her existence makes his new marriage adulterous, Clare shows her love for her husband by committing suicide: “Ile be a Wife now, helpe to saue his soule...A wife thus died to cleanse her husband’s soule.”³³ Her death frees Scarborough to be Katharine’s legal husband. Scarborough’s early praise of women as spiritual guides and keepers of men’s consciences predicts Clare’s final act of selflessness, an act that aligns her with early Christian martyrs and creates an opening for Scarborough’s eventual redemption.³⁴

Lord Falconbridge is not only indirectly responsible for Clare Harcop’s suicide, but he is also guilty of destabilizing the very institution of marriage. Early modern England defined marriage primarily as an exchange of consent, as as seventeenth-century legal scholar Henry Swinburne put it, “it is the Consent alone of the Parties whereby this Knot is tied.”³⁵ Of

³² *The Miseries of Inforst Marriage*, C₄v-D₁r.

³³ *The Miseries of Inforst Marriage*, D₁v.

³⁴ Though the Christian Church has a long policy of condemning suicide as sin dating back to the time of Augustine’s fourth century *City of God*, “there was a dissenting strain of thought within Christian culture that suicide could, in certain circumstances, constitute a ‘good death.’” See Elizabeth K. Hunter, “‘Between the Bridge and the Brook’: Suicide in England c. 1550-1650,” in *Reformation and Renaissance Review* 15, no. 3 (November 2013): 237-257, accessed February 4, 2018, doi: 10.118911462245914Z.000000000038, 241.

³⁵ Henry Swinburne, *A Treatise of Spousals or Matrimonial Contracts, Wherein All Questions Relating to the Subject are Ingeniously Debated and Resolved* (1686), in *Early*

Scarborow's two weddings, only the one to Clare involved the exchange of consent, and, despite Falconbridge's disapproval, it would have been considered binding.³⁶ After his ward confesses his contract with Clare Harcop, Lord Falconbridge vows

Now death of me, shall I be crost by such a lack: he wedd himselfe
and where he list: Sirrah Malapert, Ile hamper you; You that will haue
your will, come get you in. Ile make thee shape thy thoughts to
marry her [Katharine, his niece]. Or with thy birth had been thy
murderer.³⁷

Lord Falconbridge's insistence that Scarborow marry his niece stems not from his care for his ward but from a wish to assert will over "Sirrah Malapert." His desire to suppress his ward's impudence supersedes his duty to look after Scarborow's best financial and emotional interests. He is misusing his role as substitute father.³⁸ The daughter of a wealthy knight, Clare Harcop would bring a rich dowry to Scarborow's household, and the couple's powerful love for each other would make them fitting mates. Lord Falconbridge's insistence that Scarborow set aside the sincerely-contracted love match and participate in an illegal wedding indicts the guardian for the sorrows Clare Harcop, his ward, and his niece subsequently experience.

Modern Books Online, accessed May 25, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:62281:12, 6.

³⁶ Even though new canon laws enacted in 1604 required parental consent before marriage for those under twenty-one years of age and for those marrying by special license, in reality non-compliance with these new regulations did not negate the marriage. See Ingram, 136.

³⁷ *The Miseries of Inforst Marriage*, B4v.

³⁸ Lord Falconbridge, as guardian *in loco parentis*, abuses his power. According to Steven Ozment, "paternal authority in Reformation Europe did not necessarily mean that a man was free to dominate his household as he pleased. Enormous moral and legal pressure was brought to bear on housefathers who flagrantly abused their mandate." See *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge, Massachusetts: Harvard University Press, 1983) 51.

Other adaptations of the Calverley case do not make wardship an issue and are careful not to lay blame on the guardian. The prominence of the Calverley family and their court connections may have tempered *Two Most Vnnaturall and Bloodie Murthers*'s portrayal of the unnamed guardian, whom it describes as an "honorable Personage."³⁹ In reality, this "honorable Personage" was William Brooke, Seventh Lord Cobham, and Calverley's wife was his niece, Philippa Brooke. The niece was related by marriage to the powerful Sir Robert Cecil, a man closely tied to the Court of Wards and Liveries and who personally profited from the sale of wardships.⁴⁰ Though *Two Most Vnnaturall and Bloodie Murthers* does mention Calverley's previous romance in Yorkshire, it does not blame the guardian for its dissolution. This Calverley does not tell his guardian about his sweetheart, so the guardian is not culpable for any wrongdoing. *A Yorkshire Tragedy* refers only to "your worship's late guardian."⁴¹ Marc Friedlaender posits that this is because the Master of Revels would not "'allow' a play in which Lord Cobham...was made responsible for all the mischief, and a play whose performance would torment the unhappy Philippa."⁴² Regardless of the reason, the guardians in these other Calverley adaptations are not held accountable for any of the abuse or downward mobility that accompany their protagonists' marriages. By contrast, Wilkins's scathing treatment of Lord Falconbridge, permissible because the situation was highly fictionalized, leaves no doubt as to who is to blame.

³⁹ *Two Most Vnnaturall and Bloodie Murthers*, 3.

⁴⁰ Marc Friedlaender, "Some Problems of a 'Yorkshire Tragedy,'" *Studies in Philology* 35, no. 2 (April 1938): 238-253, accessed December 18, 2017, www.jstor.org/stable/4172407, 247. Sir Robert Cecil rose to prominence under Elizabeth and maintained this influence under James I. He was the chief discoverer of the 1605 Gunpowder Plot.

⁴¹ *A Yorkshire Tragedy*, p. 121.

⁴² Friedlaender, 247.

The Miseries of Inforst Marriage's indictment of Lord Falconbridge for forcing his ward into marriage reflects a cultural distaste for this particular abuse of power, as attested to by other contemporaneous works.⁴³ Although under the jurisdiction of the Court of Wards and Liveries, guardians were within their rights to arrange marriages for their dependents, popular sentiment condemned those guardians who abused this power by coercing their wards into a distasteful marriage.⁴⁴ Faliero, a character in George Whetstone's *Heptameron of Ciuill Discourses* (1582), discusses in principle a situation that eerily anticipates the Walter Calverley murders:

I confesse with you (quoth Faliero) the oversights of yonge men in their choyce but I crye out uppon forcement in Marriage,as the extreamest bondage that is: for that the raunsome of libertie is ye death of the one or ye other of the married. The father thinkes he hath a happy purchase if he get a riche young Warde to match with his daughter: But God he knowes, and the unfortunate couple often feele, that he byeth sorrow to his Childe, slaunder to himselfe, and perchaunce, the ruine of an auncient Gentleman's house, by the riot of the sonne in Lawe, no loouing his wife.⁴⁵

Calverley was just such a "riche young Warde" whose "raunsome of libertie" caused the death, not of a spouse but of two of his children. According to Faliero, coerced marriages yield such sorrows as financial ruin and the downfall of long-respected families. All these evils stem from the overruling of an individual's consent to wed. In regards to the promotion of a good marriage,

⁴³ Some contemporaneous treatments of coerced marriage that will not be addressed in this dissertation include the following works of both prose and drama: William Shakespeare's *A Midsummer Night's Dream* (1595); Angel Day's *The English Secretary* (1599); Thomas Dekker's *The Seven Deadly Sins of London* (1606); Thomas Dekker, John Ford, and William Rowley's *The Witch of Edmonton* (1621); and Thomas Heywood's *A Curtain Lecture* (1637).

⁴⁴ Norman Jones, "Governing Elizabethan England," in *The Elizabethan World*, ed. by Susan Doran and Norman Jones (London and New York: Routledge, 2011): 19-34, 30.

⁴⁵ George Whetstone, *An Heptameron of Ciuill Discourses* (London: 1582), in Early English Books Online, accessed January 4, 2018, http://gateway.proquest.com/openurl?ctx_verZ39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:152133, F1r.

early modern English culture, according to Leonore Lieblein, “insists on the free choice of partner.”⁴⁶ Both Whetstone’s discourse and Wilkins’s play vividly illustrate the detrimental effects of forced marriage on a couple’s happiness.

In addition to condemning marital coercion, Wilkins points out how the wardship system condones the financial exploitation by illustrating Lord Falconbridge’s decimation of Scarborough’s estates. Other treatments of the Calverley case do not even hint at this abuse of power. Lord Falconbridge makes clear that he will punish Scarborough financially for his objection to marrying Katharine:

My Secretarie there,
Write me a letter straight to Sir Iohn Harcop,
He see (Sir Iack) and if that Harcop dare
Being my Ward, contract you to his Daughter.
My Steward too, post you to Yorkeshire
Where lyes my youngsters Land: and sirrah,
Fell me his Wood, make hauocke, spoile, and waste.
Sir, you shall know that you are Ward to me,
He make you poore enough; then mend your selfe.⁴⁷

In an extravagant flaunting of his legal authority over his ward, Lord Falconbridge boasts that he will not only insist Scarborough set aside his marriage to Clare Harcop but will also “make hauocke, spoile, and waste” to his inheritance. The guardian’s laying waste to Scarborough’s property may seem to be petty retribution for a perceived challenge to his authority, but Lord Falconbridge is removing his ward’s ability to raise his own funds. Scarborough may have been

⁴⁶ Leonore Lieblein, “The Context of Murder in English Domestic Plays, 1590-1610,” in *Studies in English Literature* 23, no. 2 (Spring 1983): 181-196, accessed September 22, 2016, <http://www.jstor.org/stable/450087>, 182.

⁴⁷ *The Miseries of Inforced Marriage*, B3v.

planning on selling some of his assets in order to maintain Clare Harcop as his wife because, as Peter Fleming notes, “it was possible for a ward to refuse his guardian’s proposed marriage partner, but this was at the price of paying the equivalent sum to that which the guardian would have received for selling his marriage. If a ward married on his own initiative, without his guardian’s consent, he had to pay double the value to the guardian.”⁴⁸ Lord Falconbridge’s order to the Steward to fell his ward’s trees robs Scarborough of a potential source of income to pay for the right to marry his sweetheart.

Though he is later shown carousing with friends and not managing his allowance wisely, Scarborough’s downward mobility in Wilkins’s play stems directly from Lord Falconbridge’s actions not his own wild living, as depicted in *A Yorkshire Tragedy* and *Two Most Vnnaturall and Bloodie Murthers*. The guardian character is absent in *A Yorkshire Tragedy*, and *Two Most Vnnaturall and Bloodie Murthers* depicts Calverley’s guardian as helpful, securing him a position at court to alleviate his financial difficulties.⁴⁹ In either work, the Calverley character’s guardian cannot be held liable for his ward’s riotous living. The pamphlet blames the institution of marriage itself for Calverley’s bad behavior, arguing that “he was so altered in disposition from that which he was, and so short from the perfection which he had, as a body is of life flourishing.”⁵⁰ These adaptations do not feature a cruel guardian intent on punishing a noncompliant ward, and all the blame for financial ruin as well as the murders, lies squarely on

⁴⁸ Peter Fleming, *Family and Household in Medieval England* (New York: Palgrave, 2001) 106.

⁴⁹ *Two Most Vnnaturall and Bloodie Murthers*, 7.

⁵⁰ *Two Most Vnnaturall and Bloodie Murthers*, 4.

Husband in *A Yorkshire Tragedy* and Calverley in *Two Most Vnnaturall and Bloodie Murthers*.

Conversely, Wilkins's adaptation makes Lord Falconbridge culpable for the evils in Scarborough's life in order to paint the wardship system as broken.

In its depiction of wardship and its attendant injustices, *The Miseries of Inforst Marriage* reflects the growing cultural will to abolish the Court of Wards and Liveries and introduces a legal intertext into its true crime adaptation. Peter Roebuck reports that "during the second decade of the seventeenth century, the government brought about significant changes in the operations of the court which were designed to counter criticism."⁵¹ The public objected to the wardship system as it stood at the time of the Calverley murders because it saw the guardians enriching themselves with their wards' inheritances and selling these wards into marriage for their own gain.⁵² Just as modern-day works of literature and film reflect the issues of their day, "the persistence of the theme of wardship in the dramatic literature of England in the first half of the seventeenth century bears an obvious relation to sales of wardships and marriages and the mounting social injustice which resulted."⁵³ The changes to wardship in the decade immediately following the performances of *The Miseries of Inforst Marriage* included giving a potential ward's family members (most notably, the mother) the right of first refusal in purchasing the wardship.⁵⁴ In 1646, during the English Civil War, Parliament abolished the Court of Wards and

⁵¹ Peter Roebuck, "Post-Reformation Landownership: The Impact of the Abolition of Wardship," *Journal of British Studies*, 18, no. 1 (Autumn, 1978): 67-85, accessed January 13, 2018, <http://www.jstor.org/stable/175456>, 70.

⁵² Glenn H. Blayney, "Wardship in English Drama (1600-1650)," *Studies in Philology*, 53, no. 3 (July, 1956): 470-484, accessed January 12, 2018, <http://www.jstor.org/stable/4173174>, 471.

⁵³ Blayney, 471.

⁵⁴ Roebuck, 70.

Liveries altogether. The public interest in abolishing wardship was strong enough that, even though most of the Long Parliament's legislation were rescinded at the beginning of the Restoration, shortly after Charles II's reign began the Court of Wards and Liveries was permanently abolished.⁵⁵ This legal development allows us to situate *The Miseries of Inforst Marriage* as an early call to restrict the powers of guardians over their wards.

Wilkins's Butler character provides an alternative to the exploitative guardianship tolerated under the Court of Wards and Liveries, and his actions demonstrate the power of good patriarchal stewardship to stabilize the play's world.⁵⁶ Demoralized by the death of his beloved, Scarborough has abandoned his familial duties to his sister and younger brothers. The Scarborough family servant must attempt to fill the role of patriarch in providing for their care, and these attempts provide much of the play's comic relief. At Butler's insistence, Thomas and John Scarborough become highway robbers, and Sister passes herself off as an unknown heiress, tricking a greedy Ilford into marrying her so quickly that he neglects to validate the rumors about her fortune. Wilkins is adapting the clever slave stock character of Roman comedy in his depiction of Butler.⁵⁷ Though the servant's antics are humorous and do no real harm to the victims, they carry with them inherent danger. If the only way Butler can remedy the family's financial woes is by committing highway robber and fraud, then bad guardianship—whether

⁵⁵ Stone, 605. Charles II ascended to the throne in 1660.

⁵⁶ Butler and Scarborough's Sister are identified only by these names in the play.

⁵⁷ Roman comedies, like those of Plautus, featuring clever slaves "focus on reweaving familial bonds and the triumphs of love are often most derailed by the emphasis on deception, tricks and gags through which these plots are brought onstage." See Kathleen McCarthy, *Slaves, Masters, and the Art of Authority in Plautine Comedy* (Princeton and Oxford: Princeton University Press, 2000) xii. On learning of the Scarboroughs' financial straits, Butler advises robbery and deception, moves that tie him securely to the clever slave tradition.

Lord Falconbridge's exploitation of William Scarborough's ambivalence—causes a deep societal wound. The scene where Scarborough agrees to stand security for Ilford's debts is a case in point.⁵⁸ Scarborough puts the comfort of an immoral friend above the needs of his family. The injury Lord Falconbridge did to him has set the entire world of the play topsy turvy, and Butler's ingenious yet dangerous schemes provide only temporary respite. The entire Scarborough family cannot rest easy until Lord Falconbridge has atoned for his sins as guardian.

Butler's substitution as patriarch in *The Miseries of Inforst Marriage* forestalls the tragic endings of *A Yorkshire Tragedy* and *Two Most Vnnaturall and Bloodie Murthers*. Wilkins also mitigates or displaces some of the ill effects of Scarborough's unhappy marriage compared to the other adaptations, which hold the Calverley character much more culpable. The point at which the evildoer realizes his failures as a patriarch serves as a striking example of the differences among *The Miseries of Inforst Marriage*, *Two Most Vnnaturall and Bloodie Murthers*, and *A Yorkshire Tragedy*. *Two Most Vnnaturall and Bloodie Murthers* and *A Yorkshire Tragedy* use a College Master's confrontation to incite Calverley's and Husband's feelings of guilt. This guilt spurs Calverley to murder his family. When the College Master informs Calverley that his younger brother has been arrested for Calverley's own debts, *Two Vnnaturall and Bloodie Murthers* explains that Calverley "presently fell into deepe consideration of his state, how his

⁵⁸ This scene takes place on pages E₁r and E₁v. Wilkins adapts the confrontation between Calverley/Husband and a College Master from the other sources where Calverley's brother is arrested because Calverley has defaulted on his debts. This choice shows Scarborough willing to stand security for a friend, softening him significantly. He cares for his friend, or maybe just cares for his good opinion, but he does not actively put his siblings in danger as a result of his own poor financial choices. However, his foolishness with money does affect them, and the Butler tries to pick up Scarborough's patriarchal deficiencies through his wild plots.

prodigall course of life had wronged his brother, abused his wife, and undone his chidren.”⁵⁹ In the midst of these ruminations, his four-year-old son enters the room, and Calverley stabs the child repeatedly, “being overwhelmed by the violence of his passion, all naturall loue was forgot.”⁶⁰ Likewise, in *A Yorkshire Tragedy*, the College Master’s visit prompts Husband to feel shame for his actions but also to murder his son who, as in the pamphlet, innocently interrupts his father’s ruminations.⁶¹ Calverley recognizes his failures as head of his family thanks to the College Master’s report of how his debt default has injured his brother.

Failed patriarchy is to blame for the woes of all three treatments of the Calverley murders, but the difference between the Calverley character’s depiction in *Two Most Vnnaturall and Bloodie Murthers* and *A Yorkshire Tragedy* and that in Wilkins’s play may be related to the kind of patriarchalism the authors were scrutinizing. According to Orlin, both Calverley and Husband exemplify classical Roman patriarchalism which gave the father complete control over even the lives of his children. She notes, however, that “Roman patriarchalism no longer obtained for early moderns either in theory or in fact.”⁶² Scarborough’s failure to practice good patriarchalism hurts his wife, children, and siblings in *The Miseries of Inforst Marriage*, but confrontation with his shortcomings does not spur either an epiphany or a murderous rampage as occurs in the other adaptations of the case. Instead, Wilkins creates the Butler subplot as a way to soften his protagonist’s guilt as concerns his siblings while still demonstrating the oldest

⁵⁹ *Two Most Vnnaturall and Bloodie Murthers*, 12.

⁶⁰ *Two Most Vnnaturall and Bloodie Murthers*, 13.

⁶¹ The first murder occurs in Scene Four of *A Yorkshire Tragedy*, p. 124.

⁶² Orlin, *Private Matters*, 236.

brother's failings as a good patriarch. Wilkins does not recreate, action by action, the events of Walter Calverley's life, as is the purpose of both the pamphlet and *A Yorkshire Tragedy*, but critiques the wardship system. If Scarborough fails in his duties as a husband, father, and brother by neglect, it is a reaction to Lord Falconbridge's more active crimes of negating his previous marriage and destroying his inheritance. No such evil guardian exists in either of the other works.

The narratives of each Calverley adaptation cannot conclude until the perpetrator and victim reconcile, and the means of reconciliation in *The Miseries of Inforced Marriage* proves that Wilkins was indicting wardship and not his protagonist for the troubles that followed his coerced marriage. As domestic tragedies, the calamity in the two synoptic works is marital dysfunction, caused by the husband. *Two Most Vnnaturall and Bloodie Murthers* and *A Yorkshire Tragedy* follow a set plot for English domestic drama that, according to Lieblein, "requires an ethical pattern of sin, discovery, punishment, and expectation of divine mercy."⁶³ Calverley/Husband, disliking marriage and the attendant patriarchal responsibilities, rebels first by wild living and later by destroying the family. In this pattern, *A Yorkshire Tragedy* proves itself the heir of the earlier morality play popular through most of the sixteenth century. These plays were "secular sermons designed to show the terrible consequences of disobedience, idleness, or dissipation."⁶⁴ Husband—his very name recalls the generic names of the morality play heroes like Everyman or Youth—provides a negative example of what happens when a man chooses self indulgence over

⁶³ Lieblein, 195.

⁶⁴ Stephen Greenblatt, *Will in the World: How Shakespeare Became Shakespeare* (New York: Norton, 2004) 31.

responsible husbandry. Wilkins's protagonist, while certainly exhibiting some features of negative patriarchy, serves as a different kind of example, one which shows the damage bad guardianship can wreck.

In *Two Vnnaturall and Bloodie Murthers* and *A Yorkshire Tragedy*, the Calverley character must repent his crimes and reconcile with his wife before his sins may be expiated. The abused wife in both works brings about Calverley's and Husband's repentance with her virtue and love, demonstrating the salvific effect marriage can have. As the pamphlet author puts it,

the distressed Gentlewoman when shee saw him, forgot both her owne wounds and the death of her two children, and did as louingly kisse him and tenderly imbrace him as he had neuer donne her wrong which strange Kindnes so strook to his heart, remembering the misery hee had heaped on her, that imbracing one another there was so pitiful lamentation betweene them, that had flint had eares it would haue melted into water.⁶⁵

The love of his Patient Griselda wife, willingly to forgive her husband even the murder of her children, puts Calverley in the proper frame of mind to repent his deeds.⁶⁶ Marital affection—the kissing and embracing—acts as the agent of change. In *A Yorkshire Tragedy*, Wife's love has a similar beneficial effect on Husband's soul, for after Wife forgives Husband for the murders he has committed, he declares, "Now glides the devil from me."⁶⁷ This intimation of demonic

⁶⁵ *Two Most Vnnaturall and Bloodie Murthers*, 17-18.

⁶⁶ According to Peter Berek, the Patient Griselda topos found in medieval texts by authors like Boccaccio, Petrarch, and Chaucer among others, "invites our questions about why a culture chooses a patiently suffering woman to figure values the culture ostensibly admires." See Peter Berek, "'Follow the Money': Sex, Murder, Print, and Domestic Tragedy," *Medieval & Renaissance Drama in England*, 21 (2008): 170-188, accessed September 27, 2016, <http://www.jstor.org/stable/24322686>. Patient Griselda commonly endures abuse, abandonment, and separation from her children before reconciling with her husband. Wilkins undermines any comparisons between Katharine and Patient Griselda by arguing that her lust led her to become an accessory to a coerced marriage. The Patient Griselda type was still popular in Wilkins's day, and contemporaneous works include a play by Dekker, Chittle, and Haughton--*Patient Grissil*—probably performed in 1600 and printed in 1603. (Berek, 184)

⁶⁷ *A Yorkshire Tragedy*, p. 127.

possession demonstrates the playwright's contention that Satan was to blame for Husband's terrible, unnatural acts of violence against his family. Husband recognizes himself as a pedagogical example common in morality plays: "Let every father look into my deeds, / And then their heirs may prosper while mine bleeds."⁶⁸ Once Calverley and Husband can accept their wives' love, they can accept responsibility for their sins, repent them, and prepare their souls for the hereafter.⁶⁹

However, it is not marital reconciliation that must occur to restore societal order in *The Miseries of Inforst Marriage* but the guardian relationship that must be mended because the Calverley character Scarborough is the main victim. Scarborough cannot fully accept Katharine as his wife until Lord Falconbridge has answered for the coerced marriage and exploitation of property. Marriage has no salvific effect in Wilkins's adaptation of the Calverley murders, as evidenced by Doctor Baxter's attempt to reconcile Scarborough with Katharine. Though Doctor Baxter chastises Scarborough for his ill treatment of his family, his recommendation that the young

⁶⁸ *A Yorkshire Tragedy*, p. 127.

⁶⁹ The historical Calverley also addresses this need. A convicted felon's property would have reverted to the Crown upon his or her execution, thereby impoverishing the heirs. The brief reportage in *Stow's Chronicles* that Calverley was "prest to death in Yorke" (p. 459) nevertheless tells the reader much about his repentance and care for his remaining family. Pressing, a terrible means of punishment also known as *peine fort et dure*, involved the placement of heavy stones on the accused person's abdomen until he or she either confessed to a crime or died, and it was the punishment reserved for those who chose to enter no plea for charges. Liza Picard notes that only "a very brave and devoted man" could act this way "knowing that he would die a painful and protracted death but his family could still claim his possessions." See Liza Picard, "Crime and Punishment in Elizabethan England," *British Library*, accessed January 15, 2018, <https://bl.shakespeare/articles/crime-and-punishment-in-elizabethan-england>. No matter how socially destructive the actual Calverley was in murdering two of his children, his refusal to plea preserved an inheritance for his remaining son and his widow-victim.

man remember the wedding ceremony that bound him to his wife backfires and provides Scarborough the opportunity to accuse the clergyman thus: “Did you not know my Soule had giuen my Faith in contract to another; and yet you would wyne this Looome vnto vnlawful Twistes.”⁷⁰ Doctor Baxter has no moral authority over Scarborough because he broke God’s law and man’s by performing a marriage on a non-consenting party who had already “giune [his] Faith in contract to another.” No wifely piety or sorrow can turn Scarborough from his anger at Katharine or his irresponsible living. In contrast to *Two Most Vnnaturall and Bloodie Murthers* and *A Yorkshire Tragedy*, marriage in Wilkins’s play does not bring about the protagonist’s repentance and salvation.

In *The Miseries of Inforst Marriage* averts full domestic tragedy, the many troubles that beset the Scarborows spring not from marriage but from wardship, with coerced marriage serving as the chief example of Lord Falconbridge’s abuse of Scarborough. As such, the play can only reach catharsis when the guardian himself acknowledges the sins he has committed against his ward and repents. The play’s substitute patriarch, Butler, brings the news that restores Scarborough’s family fortunes and allows him to accept Katharine as his wife. Butler reports that Lord Falconbridge, on his deathbed,

knew he did you wrong,
was griued fort, and for satisfaction
Hath giuen you double of the wealth you had.⁷¹

This recompense includes a dowry for Sister and increased portions for the younger Scarborough brothers in addition to a restoration of what was directly taken from Scarborough’s inheritance.

⁷⁰ *The Miseries of Inforst Marriage*, K₂v.

⁷¹ *The Miseries of Inforst Marriage*, K₃v.

Lord Falconbridge's admission of guilt and his financial restitution repair patriarchy not only by relieving the entire family's money woes but also by opening the door for Scarborough and Katharine to make a loving marriage. After Butler delivers his news, Scarborough tells his wife and children that he resolves to "loue you, you three Ile liue withall," meaning he will accept the marriage's legitimacy and occupy the same household as his family.⁷² Clare Harcop's self-sacrifice earlier in the play that her husband could live with his new wife in clear conscience finally achieves fruition, and Scarborough can now declare,

I am now wed, so ends old marriage woe:
And in your eyes so louingly being wed,
We hope your hands will bring vs to our bed.⁷³

Surrounded by his family, including his new brother-in-law Ilford, Scarborough finally commits to a full marriage to Lord Falconbridge's niece. Unlike *Two Most Vnnaturall and Bloodie Murthers* and *A Yorkshire Tragedy*, the catharsis in Wilkins's play comes through the repentance of the guardian instead of that of the abusive husband.

William Shakespeare's *All's Well That Ends Well* (1602-1603) also takes the coerced marriage of a ward as its subject, but instead of roundly critiquing the wardship system, the play uses coerced marriage as a vehicle by which a ward accepts both the values of the older generation and the responsibilities of a male head-of-house in a patriarchal society.⁷⁴ As in *Measure for Measure*, Shakespeare draws from sources appropriating folktale tropes. The basic

⁷² *The Miseries of Inforst Marriage*, K_{3v}.

⁷³ *The Miseries of Inforst Marriage*, K_{4r}.

⁷⁴ In dating Shakespeare's plays, I will be using the chronology presented by G. Blakemore Evans in his article "Chronology and Sources" for *The Riverside Shakespeare* (Boston: Houghton Mifflin Company, 1974): 47-76. Evans arranges the plays in the order of their composition.

story line, adapted from Day Three, Story Nine of Boccaccio's *The Decameron* (1348-1351), combines the folktale tropes of the healing of the king with that of the fulfilment of tasks and takes as its protagonist what Ciara Rawnsley and others have dubbed the Clever Wench.⁷⁵ Both *The Decameron* and William Painter's "Giletta of Narbona" (published in *The Palace of Pleasure*, in 1566 and 1575) tell the story of a young woman who, as a reward for curing the king of France's fistula, asks for the hand of the nobleman she has long loved, a man who is the king's ward. These predecessor works to *All's Well That Ends Well* do not make much of the nobleman's status as ward beyond using it as a convenient plot device to ensure his marriage to the Clever Wench. Boccaccio and Painter focus their attention on the merit of the young healer, Gilette or Giletta, who weds and then wins the love of her reluctant husband. Shakespeare's adaptation emphasizes the nobleman Count Bertram's ward status, detailing the oppression he feels and linking his flight from his wife to his rebellion against his guardian. However, Bertram is no Scaraborow, and the king of France is no Lord Falconbridge. *All's Well That Ends Well* reinforces the close link between wardship and coerced marriage in the public's imagination while at the same time arguing that such marriages can benefit a young man struggling against the assumption of adult responsibilities.

Shakespeare's adaptation choices in *All's Well That Ends Well* stress Bertram's status as ward and confirm cultural stereotypes of forced marriage. The young man takes leave of his

⁷⁵ Ciara Rawnsley, "Behind the Happily-Ever-After: Shakespeare's Use of Fairy Tales and *All's Well That Ends Well*," *Journal of Early Modern Studies* no. 2 (2013): 141-158, accessed February 3, 2016, <http://fupress.com/bsfm-jems>, 150. According to Rawnsley, Boccaccio bases this tale on the folktale archetype "The Man Who Deserted His Wife." In these stories, "a man marries a clever woman, but then quickly deserts her, leaving her with a set of ostensibly impossible tasks (one of which is to bear him a child) to fulfil before he will accept her as wife." (p. 150)

newly widowed mother with a lament over his lack of freedom: “And I in going, madam, weep o’er my father’s death anew, but I must attend his majesty’s command, to whom I am now in ward, evermore in subjection.”⁷⁶ The play highlights Bertram’s status as ward from the outset, a sharp contrast to Boccaccio’s and Painter’s tales which both open with a recounting of Gilette/Giletta’s love for her father’s patron’s son. Shakespeare’s choice makes the coerced marriage in the next act of the play less surprising. The state of being a ward—of having little say over one’s location or even one’s marriage—is an integral part of Bertram’s being, one that makes him “weep” over his “subjection.” Noble wards like Bertram were particularly vulnerable. In 1581, the high profile case of Penelope Devereux, forced by her guardian to wed Robert, Lord Rich, a reputed brute, may have stirred the public’s sympathies to the plight of noble wards.⁷⁷ Like Penelope Devereux, Bertram may not wed whom he pleases; in fact, he may not even stay in Rosillion to comfort his mother but must “attend his majesty’s command” immediately. In his explanation of how it feels to be a ward, the character draws the audience’s sympathy from his first appearance on stage and thereby stirs more audience sympathy for his marital objections than Boccaccio’s or Painter’s counts do.

All’s Well That Ends Well’s Bertram finds submission to the arranged marriage more onerous than his literary antecedents, and Shakespeare’s intensification of his objections makes wardship itself more fraught. Like Wilkins’s *Scarborow*, Bertram cannot simply refuse to marry

⁷⁶ William Shakespeare, *All’s Well That Ends Well*, edited by Susan Snyder (Oxford: Oxford University Press, 2008) 1.1.3-6.

⁷⁷ David Atkinson, “Marriage under Compulsion in English Renaissance Drama,” *English Studies* 67 no. 6 (December, 1986): 493-504, accessed September 2, 2016, doi: 10.1080/00138388608598477, 485. Penelope was a prominent court figure, sister of the Earl of Essex, one of Elizabeth’s favorites.

as his guardian commands because he would be subject to harsh consequences, but he does express his distaste in no uncertain terms.⁷⁸ *All's Well That Ends Well*'s sources report that the young nobleman finds the physician's daughter "very beautiful" (Boccaccio) and "faire" (Painter), and his reluctance to marry her stems from her lower social status.⁷⁹ Shakespeare's young count reacts much more violently to his guardian's decree that he must wed Helen:

My wife, my liege! I shall beseech your highness
In such a business to give me leave to use
The help of mine own eyes.⁸⁰

Helen's beauty, noted by the king in his rejoinder to the rebellious ward, does not please Bertram. His visceral reaction is disgust above all other emotions. Though he does submit to the king's authority by the end of the scene, his arguments against the marriage are much more protracted than either Boccaccio's or Painter's noblemen. According to E. M. Tillyard, Elizabethans would have considered Bertram to have had "as fair a deal as the way of the world made usual....[Helen] is beautiful and intelligent, a fit bride for any young nobleman apart from her birth."⁸¹ Shakespeare, in expanding Bertram's initial expression of dislike, allows the audience to feel the character's distress at his wardship but also to critique him for his

⁷⁸ A more in-depth discussion of the penalties for wards who refused marriage can be found in earlier in this chapter. Stephen Greenblatt also discusses the corruption and penalties of the wardship system in *Will in the World*, page 228 ff.

⁷⁹ Giovanni Boccaccio, *The Decameron*, 2nd ed., trans. G. H. McWilliam (London: Penguin, 1995) 267, and William Painter, *The First Tome of the Palace of Pleasure, Containing Store of Goodlye Histories, Tragical Matters, & Other Morall Argumentes, Very Requisite for Delight and Profyte* (1575) in Early English Books Online, accessed April 7, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:6858,N2r.

⁸⁰ *All's Well That Ends Well*, 2.3.7-9.

⁸¹ E. M. Tillyard, *Shakespeare's Problem Plays* (London: Chatto and Windus) 1957, 96.

overreaction. Bertram knows Helen well and balks at “a poor physician’s daughter my wife! Disdain / Rather corrupt me ever.”⁸² Not only does the king of France’s authority deny Bertram his choice of wife, but it also requires marriage to one whom the young man finds personally and socially repulsive. Bertram’s pride, his consent, and even his distaste have been swept aside as unimportant by his guardian’s insistence that he wed Helena.

All’s Well That Ends Well emphasizes Bertram’s wardship status throughout the play, indicating Shakespeare’s deliberate evocation of this culturally charged topic. The earlier works merely touch on the young nobleman’s duty to the king. Painter, for instance, mentions that after his father’s death, Beltramo was “left vnder the royall custody of the king.”⁸³ In Boccaccio, the nobleman’s wardship serves only as a plot device to explain why he is married “much against his will” to Gilette.⁸⁴ By contrast, Bertram in *All’s Well That Ends Well* is never free from the king’s supervision. The king arranges a second marriage between his ward and Lafeu’s daughter Maudlin even after Helen’s reported death.⁸⁵ In *The Decameron* and *The Palace of Pleasure*, the king ceases to play any guardian role after rewarding the clever wench with the hand of the nobleman she has always loved, and the obligations attendant on the nobleman as a royal ward evaporate once the marriage is solemnized. Shakespeare extends the reach of the King beyond the first marriage. Bertram’s entire identity is wrapped up in his status as royal ward, and he is still obligated to please his guardian even after the first coerced marriage.

⁸² *All’s Well That Ends Well*, 2.2.116-117.

⁸³ Painter, M₈v.

⁸⁴ Boccaccio, 268.

⁸⁵ The king indicates his intention in 5.3.30-31.

Shakespeare's adaptation expands on the wardship theme by depicting his clever wench character as a ward too, but this addition to the source material shows another way in which the wardship system can work. Helen has less power than her literary ancestors, making her more equal, at least in terms of agency, to Bertram at the play's beginning. In Day Three, Story Nine of *The Decameron* and in "Giletta of Narbona," the physician's daughter is an orphan, but she has other living family members who look out for her welfare. Unlike Helen, Gilette and Giletta are wealthy. Boccaccio's Story Nine narrator, Queen Neifile, reports that "she had inherited the whole of her family's fortune, and was kept under constant surveillance. Even after reaching marriageable age, she...rejected numerous suitors whom her kinfolk had urged her to marry."⁸⁶ Gilette has family to care for her and plan for her future, but she resists their efforts to marry her off. In Boccaccio's imagination then, Gilette is not a ward the way that his Bertrand is a ward because she has agency over her fortune and her choice in spouse. Helen of *All's Well That Ends Well*, however, is poor despite her father's fame as a physician, and she is under the care of the dowager Countess of Rosillion.

In the Countess of Rosillion, *All's Well That Ends Well* illustrates how a guardian and ward can hold each other in affection and work together to secure the ward's future happiness. The guardianship operates much differently than that of the king and his royal wards. The Countess loves Helen dearly, confessing to her steward that "she herself without other advantage may lawfully make title to as much love as she finds. There is more owing her than is paid, and

⁸⁶ Boccaccio, 265.

more shall be paid her than she'll demand."⁸⁷ Describing the ward-guardian relationship as a joy because she cares for her young charge, the older woman acts in Helen's behalf out of gratitude for her love and insists that she "say I am your mother."⁸⁸ Furthermore, the Countess knows Helen has long loved her son, supports her plan to cure the king and marry Bertram, and prays "God's blessing into thy attempt."⁸⁹ The Countess's guardianship, unlike the king's, works to support her ward's independence and desires. It endorses Helen's freedom of movement and marriage. Shakespeare added the dowager countess to his source texts as a benevolent guardian, and *All's Well That Ends Well's* depiction of her emphasizes the positives of wardship, refusing to lump all guardians into the same category as George Wilkins's Lord Falconbridge.

If the addition of the dowager countess character allows *All's Well That Ends Well* to present a softer, more empowering side of wardship, Shakespeare's alterations to the clever wench complicate her worthiness as Bertram's partner in the forced marriage. Like Boccaccio and Painter before him, the playwright brings together a privileged nobleman and the daughter of a self-made man in matrimony, but Helen's initial poverty exacerbates the exogamy present in all three versions of the story. The physician's daughter in *The Decameron* and *The Palace of Pleasure*, though socially beneath the nobleman she loves, possesses great wealth, and, because the man's estates in both tales are in a state of disrepair, her wealth perhaps ameliorates her lower social status. Shakespeare's clever wench is lowly *and* poor, at least at the play's opening, and the social distance between Helen and Bertram is a significant one, more so than in the

⁸⁷ *All's Well That Ends Well*, 1.3.102-105.

⁸⁸ *All's Well That Ends Well*, 1.3.154.

⁸⁹ *All's Well That Ends Well*, 1.3.255.

source texts. This fact simultaneously removes some of Helen's merit from her literary predecessors and makes her social mobility more of a feat. Helen has even less of a claim of social equality with Bertram at the beginning of the play, but the wealth she does possess comes directly from her own efforts.

Helen's awareness of her own unsuitability as a marriage partner for Bertram makes her determination to wed him even more ambitious than Boccaccio's Gilette or Painter's Giletta. She characterizes the situation she finds herself in thus:

'Twere all one
That I should love a bright particular star
And think to wed it, he is so far above me
In his bright radiance and collateral light
Must I be comforted, not in his sphere.
Th'atmosphere in my love thus plagues itself;
The hind that would be mated by the lion
Must die for love.⁹⁰

Shakespeare's heroine is much more desperate than Boccaccio's Gilette or Painter's Giletta. She is no wealthy heiress whose enduring love for her childhood idol spurs her to refuse all marriage offers in the hopes of one day marrying him. Helen is instead deeply pessimistic at the plays opening. Bertram is both a "bright particular star" and a "lion," at once "so far above" Helen that she can only love him from afar and the other so different from herself that to marry him would be to "die for love." Helen's soliloquy argues that Bertram's merit stems from his noble birth and not from any commendable qualities or skills. Using highly visual language like "radiance" and "light," Helen reveals that her main reason for loving Bertram is his physical beauty and his

⁹⁰ *All's Well That Ends Well*, 1.1.87-94.

nobility, intrinsic qualities he acquired through birth not effort.⁹¹ Any match between Bertram and Helen would be exogamous in both degree and in virtue. Bertram's degree is high above Helen's, but she is the character who employs skill to better her position.

When Shakespeare's ambitious heroine wins the nobleman's hand in marriage, it is a more impressive feat than in the source texts, but, at the same time, her triumph leaves the marriage's rightness open to more questions. The issue in the marriage is not necessarily the exogamy factor as the *oeuvre* of early modern English drama certainly depicts relationships between people of different classes. However, the lower class partner usually possesses some virtue that mitigates the social distance. Othello impresses Desdemona with his military prowess, Antonio attracts the Duchess of Malfi through his athletic and managerial skills, and Viola gains Duke Orsino's affection through her sympathy and cleverness in *Twelfth Night*. By contrast, Helen's main virtue, apart from her ability to prescribe her father's fistula cure, is ruthless willingness to achieve her goals at any cost. Maurice Hunt argues that Shakespeare was deliberately engaging the theology of merit, making "the most secretive, enigmatical of his comic heroines even more so" by clouding her good qualities.⁹² Shakespeare's source texts do

⁹¹ In Helen's love for Bertram, we can see the conflict between the upwardly mobile and the more established upper classes. If we equate Helen's pursuit and winning of Bertram with the university trained man seeking his fortune, we can see "what the humanist youth saw as public service (and opportunity), the established courtier saw as contamination and competition." See Frank Whigham, *Ambition and Privilege: The Social Tropes of Elizabethan Courtesy Theory* (Berkeley: University of California Press, 1984) 18.

⁹² Maurice Hunt, "Helena and the Reformation Problem of Merit in *All's Well That Ends Well*," *Religion and the Arts* 7, no. 1-2 (2003): 129-158, accessed February 3, 2016, doi:10.1163/156852903765453227, 133. Hunt sees Shakespeare's heroine engaging with both the Catholic doctrine of merit via good works and the Calvinistic theology of total depravity. It is not the scope of this paper to delve too deeply into the distinctions between these two views, but it is helpful to note that Shakespeare, by rewarding a character with sometimes dubious motivations, creates a much more complex and ambiguous heroine than either Boccaccio or Painter does.

emphasize the clever wench's effort and initiative, but *All's Well That Ends Well* makes this character more fraught by intensifying her persistence and ignoring some of the good qualities portrayed by Boccaccio and Painter.

In *The Decameron* and *The Palace of Pleasure*, the clever wench is a good estate manager in addition to being a competent physician, and Shakespeare's choice not to depict Helen in this light marks a deliberate decision to undermine traditional notions of female merit. Boccaccio relates how Count Bertrand deposits his new bride at his neglected ancestral estate immediately after the wedding and then runs off to the Italian wars without consummating the marriage. This piece is present in *All's Well That Ends Well*, but Boccaccio solicits the audience's admiration for Gilette, as does Painter with Giletta, by relating how "being a capable woman, she applied herself with great diligence to the task at hand, and soon had everything restored to order, thus winning the profound respect and devotion of her subjects, who were enormously pleased by her endeavors and strongly critical of the Count because of his indifference toward her."⁹³ Giletta's merit in *The Decameron* stems largely from her household management skills, an ability still admired in early modern England. Conduct book author Richard Brathwait describes this skill as a womanly virtue in *The English Gentlewoman* (1631), commenting that the ideal woman "devides her day into houres, her houres into holy taskes. Employment takes away all occasions of distraction."⁹⁴ According to this conception of

⁹³ Boccaccio, 268.

⁹⁴ Richard Brathwait, *The English Gentlewoman, Drawne Out to the Full Body: Expressing What Habilliments Doe Best Attire Her, What Ornaments Doe Best Adorne Her, What Complements Doe Best Accomplish Her* (1633), in Early English Books Online, accessed September 16, 2014, https://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xir:eebot&rft:eebo:image:23374, Preface page 4.

womanhood, an English lady should keep busy in the home, but Shakespeare's Helen flees Rosillion almost immediately to track down her errant husband. She is not interested in proving her domestic qualifications, and, in reality, those management skills may not even be needed. Bertram's father has only recently died in *All's Well That Ends Well*, unlike the earlier versions of the story where he had been dead many years, his mother is very much alive, and presumably the estate is still in good order. These adaptation choices remove the opportunity for Helen to prove she is capable of filling the exalted position to which she aspires. She must instead prove her worth in a different way.

Shakespeare adopts initiative and persistence as virtues for his heroine from Boccaccio's tale, which argues that Gilette should be rewarded for seeking and securing the nobleman's love. For instance, the character in charge of setting the theme for Day Three is Queen Neifile, and she instructs her fellow storytellers to include characters in their stories who by "dint of their own efforts have achieved an object they greatly desired, or recovered a thing previously lost."⁹⁵ As the relater of Gilette of Narbonne's tale, Queen Neifile endorses the character's efforts to win the count as her husband, manage his estates, and fulfill the conditions of the marriage that he sets after the wedding, even if Gilette achieves these ends by deception. Queen Neifile does not question the morality of Gilette's single-minded ruthlessness in pursuing her desires but rather rewards the character with her husband's eventual acceptance. Painter's "Giletta of Narbona" removes the tale from its frame story and makes no mention that the narrator's point is to

⁹⁵ Boccaccio, 189.

demonstrate the value of persistence. Shakespeare definitely takes up Boccaccio's theme of effort rewarded but makes Helen's effort even more deliberate than in *The Decameron*.

All's Well That Ends Well focuses more on demonstrating Helen's marital opportunism than the earlier versions do making her decision to actively seek marriage with Bertram the moment of her greatest character development. Shakespeare's characterization demonstrates the play's assertion that marriage benefits society. Helen realizes early in the play that if she wants to win Bertram's hand in marriage, she must take more initiative. She knows

That wishing well had not a body in't,
Which might be felt. That, the poorer born,
Whose baser stars do shut us up in wishes,
Might with effects of them follow our friends,
And show what we alone must think, which never
Return our thanks.⁹⁶

Her declaration, triggered by Parolles's banter, reveals both a shift in Helen's self image and a new resolve to find a means by which she can achieve marriage with Bertram. First, instead of lamenting her love's unattainability, as she did earlier in the same scene where she compared herself to a hind and Bertram to a lion, Helen now considers herself of the same substance as the count. She is a "baser star," but she is a star nonetheless and no longer a stargazer. Second, she realizes that she "might with effects of [riches] follow [her] friends." Helen's pursuit of her desires and ability to take advantage of opportunity count as virtues in *All's Well That Ends Well*.⁹⁷

⁹⁶ *All's Well That Ends Well*, 1.1.183-188.

⁹⁷ Helen's virtues of opportunism stand in contrast to the traits she admires in Bertram, whose status as a member of the aristocracy comes not from any pursuit of a longed-for goal. Lawrence Stone describes such a dichotomy in *The Crisis of the Aristocracy* thus: "The capitalist/Protestant ethic is one of self-improvement, independence, thrift, hard work, chastity and sobriety, and the association of poverty with moral weakness; the aristocratic ethic is one

Helen's exploitation of the wardship system to force marriage on Bertram evidences her character growth from apathetic maiden bemoaning her unrequited love to opportunistic agent intent on using circumstances to get her heart's desire. The catalyst for this character development is Parolles, a Shakespearean addition who encourages Helen's social pretensions. When he enjoins her to find a husband, she expresses her new belief in self-reliance:

Our remedies oft in ourselves do lie,
Which we ascribe to heaven. The fated sky
Gives us free scope, only doth backward pull
Our slow designs when we ourselves are dull.⁹⁸

Helen's worldview considers individuals the masters of their own destinies. Evoking early modern theological debates, she reasons that the "fated sky / Gives us free scope" to make choices, and people may act on their own behalves to better their position.⁹⁹ It is only when people fail to take advantage of the opportunities perhaps prearranged for them by "heaven" or when they are "dull" and slow to act, that fate "doth backward pull." From this perspective, Bertram cannot accurately be considered a victim, only a man who was not awake to the opportunities available for him. He becomes entangled in a hateful marriage that was not of his choosing because he was not actively seeking his own interests. Wardship in *All's Well That Ends Well* is not the doom Wilkins portrays in *The Miseries of Inforced Marriage*. Rather,

of voluntary service to the State, generous hospitality, clear class distinctions, social stability, tolerant indifference to the sins of the flesh, inequality of opportunity based on the accident of inheritance, arrogant self-confidence, a paternalistic and patronizing attitude towards economic dependents and inferiors, and an acceptance of the grinding poverty of the lower classes as part of the natural order of things." See Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Clarendon Press, 1965) 8-9.

⁹⁸ *All's Well That Ends Well*, 1.1.218-221.

⁹⁹ Speaking of this passage, Maurice Hunt asserts that "most Reformation English Protestants would have understood ["fated sky"] to mean 'predestined.'" (p. 134)

Shakespeare's play argues that wards should seize what opportunities for happiness that they can, looking for remedies in themselves rather than blaming fate for their problems, a sentiment perhaps shared by Boccaccio's and Painter's heroines but never explicitly expressed in those terms.

Beside the virtues of initiative and opportunism, Helen possesses winsomeness, a quality Shakespeare endows on his heroine that Boccaccio's and Painter's heroines lack and that allows her more agency as a ward than Bertram enjoys. This aspect of Helen's character dictates Shakespeare's most overarching change to his sources: the addition of several characters including the dowager countess, the clown Lavatch, and the older nobleman Lafeu. These characters work to, as Anne Barton puts it, "raise Helen in our estimation and to downgrade Bertram."¹⁰⁰ Without her winsomeness, Helen would merely be a poor girl with unrealistic social pretensions who uses any possible means to trap the object of her lust into marriage. This quality also sets her apart from Parolles, who is likewise seeking to improve his social position and who competes with Helen for Bertram's attention and loyalty. Parolles's presumption at military prowess only leads to his final humiliation at the hands of his fellow soldiers, and even his close companion Bertram finally realizes he is a fraud. However, Helen consistently maintains the high opinion of all the play's characters except for her husband.

Helen demonstrates a more empowering way to be a ward in *All's Well That Ends Well*. Her appeal to the older generation ensures her marital success, and her alignment with these characters' values reinforces the rightness of her quest to settle Bertram into marriage. The king,

¹⁰⁰ Anne Barton, Introduction to *All's Well That Ends Well* in *The Riverside Shakespeare*, ed. G. Blakemore Evans (Boston: Houghton Mifflin, 1974): 499-503, 500.

his courtiers, and even Bertram's mother all support her marriage even though, according to Barton, "it is virtually axiomatic in comedy since the time of Menander that when a young man or woman wishes to marry for love, overleaping disparities of birth, wealth, and position, the older generation...will strenuously oppose such an infringement of the laws of established society."¹⁰¹ The king believes Helen possesses "youth, beauty, wisdom, courage, all."¹⁰² Lafeu exclaims that if his own sons refused Helen's hand in marriage, "I'd have them whipped, or I would send them to th'Turk to make eunuchs of."¹⁰³ Lafeu sees no reason for the king's royal wards to disdain a match with the beautiful, and now wealthy, woman who has won the king's favor. Most significantly, the dowager Countess, the one person most likely to share her son's snobbery, finds Helen so winsome that she takes her part over her own son's.

These older characters reinforce Helen's merit in the play and demonstrate that her virtue entitles her to a husband of a higher social class even if she has to force the marriage upon him. The dowager Countess's comments on learning that Bertram has fled the country reveal her view of him as unworthy of her new daughter-in-law:

There's nothing here that is too good for him
But only she; and she deserves a lord
That twenty such rude boys might tend upon
And call her, hourly, mistress.¹⁰⁴

Bertram is a "rude boy" and does not deserve the love of the woman who was able to cure the king. That the Countess, who has known Helen from her youth, and was party to her motivations

¹⁰¹ Barton, 500.

¹⁰² *All's Well That Ends Well*, 2.1.179.

¹⁰³ *All's Well That Ends Well*, 2.3.87-89.

¹⁰⁴ *All's Well That Ends Well*, 3.2.79-82.

for curing the king from the outset, sides with the young woman demonstrates the play's stance on coerced marriage, or at least on this particular union. Bertram is bent on avoiding the adult responsibilities related to beginning a family and overseeing his estate. Helen represents the assumption of these duties, and the older generation's approval of her stems from her function in promoting patriarchal responsibility.

The portrayal of coerced marriage in *All's Well That Ends Well* is much more benign than in *The Miseries of Inforced Marriage*, in part because Bertram gives consent to the marriage in a way that Scarborow does not. After fleeing France and his unwanted bride to fight with the Florentines, Bertram attempts to seduce a young woman named Diana, but even his attempted adultery actually strengthens his marriage because Helen switches places with Diana in a bed-trick. The first indication of Bertram's consent is the spoken wedding vows (occurring offstage) that create a legal marriage. In the eyes of early modern law and cultural sentiment, the binding nature of the union serves as the justification for Helen's later tricking her husband into fulfilling his marital obligations.¹⁰⁵ Secondly, Bertram's conditions create the opportunity for Helen to claim her place as his rightful wife. Before leaving for Florence, he tells her he will live with her as husband

¹⁰⁵ The sexual consummation when added to spoken vows Bertram exchanged with Helen make the marriage binding, according to the early modern English understanding of marital law. See Ingram, 190. Shakespeare uses the same construct, including the bed-trick, in *Measure for Measure* to create a marriage between Angelo and Mariana.

when thou canst get the ring upon my
finger, which never shall come off, and show me a child
begotten of thy body that I am father to, then call me
husband; but in such a 'then' I write a 'never.'¹⁰⁶

In his invocation of rings and pregnancy, Bertram creates a contract, inadvertently expressing his consent, and unintentionally provides Helen with the means to later cement the marriage tie.

Helen is entitled, then, to use the means available to her to fulfil the post-nuptial conditions her husband has set because he has defined the terms. In setting up the fulfilment of tasks construction, Bertram has changed his relationship to Helen, and he can no longer claim to have a forced marriage because he negotiated a new nuptial contract.

Bertram's implicit consent to be Helen's husband once she has gained his ring and conceived a child by him serves to clear the bed-trick of its moral ambiguity and transform a coerced marriage into a valid marriage. The most important of these conditions involves rings. Bertram is no Scarborough, victimized by a cruel guardian into an intolerable marriage of questionable legality. Shakespeare's sources both include the procurement of the Count's ring as one of the impossible tasks the heroine must accomplish before her husband will agree to live with her. As Painter's nobleman puts it, "for so I do purpose to dwell with her, when she shall haue this ring (meaning the ring he wore) upon her finger, and a sonne in her armes begotten by mee."¹⁰⁷ When Giletta gains Beltramo's ring and bears twin sons, she has exceeded the terms of his contract, and he must therefore accept her as his wife.

¹⁰⁶ *All's Well That Ends Well*, 3.2.57-60.

¹⁰⁷ Painter, N₂v.

All's Well That Ends Well includes an additional ring exchange not present in the sources to solidify beyond doubt the validity of Helen and Bertram's marriage and to add proof absent in Shakespeare's source texts. Helen gains the treasured family ring through Diana, who demands it as the price for her sexual acquiescence, but Diana gives Bertram a ring also—one that the King has given Helen—when she agrees to an assignation. Acting for Helen, Diana therefore evokes a spousal agreement with her language:

When back this ring shall be deliver'd;
And on your finger in the night I'll put
Another ring, that what in time proceeds
May token to the future of our past deeds.
Adieu till then, then fail not. You have won
A wife of me, though there my hope be done.¹⁰⁸

In effect, Bertram and Helen create a more legitimate marriage here via a proxy exchange of rings followed by the sexual union. Considered by *The Book of Common Prayer* to be an essential element in the solemnization of marriage, the ring served as a physical token of matrimony and held deep symbolic importance.¹⁰⁹ Bertram has married Helen via a double ring ceremony. She, with Diana's aid, receives his ring, and he receives Helen's ring through the medium of Diana. Though he is technically still a ward of the king, Bertram acts independently, but his actions inadvertently reinforce the marriage he is trying to ignore. The double exchange

¹⁰⁸ *All's Well That Ends Well*, 4.2.60-65.

¹⁰⁹ The rubrics, or instructions for worship accompanying the printed words of *The Book of Common Prayer*, instruct the wedding officiant that "the manne shall give unto the womanne a ring, and other tokens of spousage, as golde or silver" (p. 66). Brian Cummings notes that "the rubric draws attention to the special status of the ring as a material object endowing a change in physical status upon its wearer. The ceremony of the giving of rings was the most dramatic visual moment of the service in *The Book of Common Prayer*" (p. 713).

functions to emphasize the legitimacy of the marriage and to soften the bed-trick's violation of consent.

With the effect of mitigating the play's forced marriage and wardship, *All's Well That Ends Well* takes greater care than its sources to defend the bed-trick as not only legal but right.¹¹⁰ Boccaccio merely reports that, when Gilette approaches the widow about using her daughter as bait for the bed-trick assignation, "after due reflection, she came to the conclusion that it was right and proper for her to assist the good lady to retrieve her husband, for she would be acting in pursuit of a worthy objective."¹¹¹ This widow reaches the conclusion on her own, coolly weighing the morality of deceiving the young nobleman against healing a broken marriage and Gilette's offer of a dowry for her daughter. Shakespeare's widow has a much harder time reconciling herself to the deception. Helen must plead the justice of her case in addition to offering the financial inducement. The widow and Diana ultimately agree to help in the "deceit most lawful" that will set the broken marriage aright.¹¹² Helen's interpretation of marital law argues that deception in the service of marital stability is morally permissible:

Let us assay our plot, which if it speed,
Is wicked meaning in a lawful deed,
And lawful meaning in a lawful act,
Were both not sin, and yet a sinful fact.¹¹³

¹¹⁰ Chapter One contains a more detailed discussion of early modern English attitudes toward the bed-trick device. Suffice it here to say that, when employed by someone perceived to be in a weaker social position (like Helen), the bed-trick provides the oppressed a form of justice.

¹¹¹ Boccaccio, 271.

¹¹² *All's Well That Ends Well*, 3.7.38.

¹¹³ *All's Well That Ends Well*, 3.7.44-47.

Because Bertram has a husbandly duty to have sex with his wife, Helena's tricking him actually helps him fulfill his marital obligation.¹¹⁴ Neither Helen nor Bertram is breaking the law in the bed-trick but instead both strengthen the marriage, either purposefully or inadvertently.

In *All's Well That Ends Well*, the bed-trick that solidifies the coerced marriage upholds the law, stabilizes society, and enables Bertram to develop morally. First, according to Ann Jennalie Cook, Bertram "uses [Helen's] dowry, in all likelihood, to equip himself for the Florentine Wars he joins. Thus, since he didn't consummate marriage, he has no right to her money."¹¹⁵ Therefore, Helen is only asserting the rights that Bertram has attempted to subvert. Second, the early modern audience would have recognized that Bertram would be committing bigamy with Diana if not for the bed-trick. The exchange of rings and sexual liaison would have made a new, though illegal and invalid marriage. Bigamy was a subject of much discussion in Reformation Europe, and it was made a felony in 1602, about the same time as the first performance of *All's Well That Ends Well*.¹¹⁶ This legal intertext may have influenced Shakespeare to intensify Bertram's guilt from the source texts. Bertram is not only attempting adultery but also bigamy. Thus, the bed-trick in the play works to de-criminalize Bertram's sexual behavior by ensuring that any intercourse or exchange of rings occurs with his rightful wife. The deceit produces a "lawful act." Intent is not the concern of the law. The bed-trick is not

¹¹⁴ According to Carol Thomas Neely, after the Reformation, "marital sexuality was no longer viewed as a necessary evil but as a positive good." See *Broken Nuptials in Shakespeare's Plays* (New Haven and London: Yale University Press, 1985) 9.

¹¹⁵ Ann Jennalie Cook, *Making a Match: Courtship in Shakespeare and His Society* (Princeton: Princeton University Press, 1991) 165.

¹¹⁶ Alan MacFarlane, *Marriage and Love in England: Modes of Reproduction 1300-1840* (Oxford: Blackwell, 1986) 221 and 218.

sinful because it supports the spoken wedding vows and the exchanged rings to further bind Bertram and Helen's marriage.

Although wardship and forced marriage are condemned as destructive in *The Miseries of Inforst Marriage*, Helen's coercion of a ward via the bed-trick promotes social stability in *All's Well That Ends Well* for legal and moral reasons. Legally, Bertram in effect creates his own nuptial contract and thus has become a consenting partner in the marriage. The bed-trick is moral because it protects weaker members of society by deflecting Bertram's sexual desire away from the vulnerable Diana and on to his wife. After finally appearing to yield to Bertram's pressure to sleep with him, Diana reflects that "I think't no sin / To cozen him that would unjustly win."¹¹⁷ Bertram has no right to commit adultery or bigamy, and Diana will serve as an agent of justice to uphold Bertram's marriage to Helen, however onerous it may be to him. In addition, Diana strengthens her own marital position through her involvement in the bed-trick. Previously dowerless and obscure, Diana gains both a dowry of 3000 marks and her choice of husbands from among the royal wards of France. In *All's Well That Ends Well*, Shakespeare's active heroines may marry as they please. The play argues that financial stability and marital agency for vulnerable women supersede a wealthy young aristocrat's distaste at his coerced marriage.

Coerced marriage in *All's Well That Ends Well*, unlike in *The Miseries of Inforst Marriage*, affirms societal stability by promoting Bertram's acceptance of responsibilities that his status as a ward had suspended. Shakespeare pays more attention to his young nobleman's character than either Boccaccio or Painter do, depicting Bertram's angst at the arranged marriage

¹¹⁷ *All's Well That Ends Well*, 4.2.75-76.

he cannot refuse with lines like, “Undone, and forfeited to cares for ever!”¹¹⁸ In expressing his heartfelt dismay at the curtailment of his bachelorhood, Bertram echoes his lament “I am now in ward, evermore in subjection” from the play’s opening scene.¹¹⁹ *All’s Well That Ends Well* presents Bertram as a character who, though possessing a legitimate grievance, behaves with both snobbery and immaturity and pursues an agenda marked by selfishness and neglect of adult obligations. He objects to Helena as a wife because she is “a poor physician’s daughter.”¹²⁰ He runs off to Italy immediately after the wedding to fight a war in which he has no personal stake and begins pursuing an illicit relationship with a vulnerable woman. His personality defects erode any sympathy the audience may have for him, especially when he is compared against his wife Helen whom all the other characters except Parolles deem a model of virtue. Where Scarborow’s coerced marriage creates ruin and family instability, Bertram’s marriage, once it is fully acknowledged, indicates his acceptance of adult responsibility.

All’s Well That Ends Well advocates marriage as a civilizing and sanctifying force even when it is coerced. Robert Grams Hunter explains Bertram as a character who consistently acts against his own good.¹²¹ As such, he must learn to recognize Helen’s value and the good she can bring him while at the same time realizing his obligations to his family. Bertram begins this maturing process even before he reconciles publicly with his wife. Confronted with evidence that Parolles is really a fraud, Bertram breaks with his friend. He receives a scar in the course of his

¹¹⁸ *All’s Well That Ends Well*, 2.3.269.

¹¹⁹ *All’s Well That Ends Well*, 1.1.5-6.

¹²⁰ *All’s Well That Ends Well*, 2.2.113.

¹²¹ Robert Grams Hunter, *Shakespeare and the Comedy of Forgiveness* (New York and London: Columbia University Press, 1965), 122.

military experiences, indicating that he has fought bravely in dangerous situations. The audience sees him taking up his adult responsibilities. Recalled to France by his guardian and believing Helen dead, he describes his activities to a French lord thus:

I have tonight dispatched sixteen businesses a month's length apiece. By an abstract of success: I have congeed with the Duke, done my adieu with his nearest, buried a wife, mourned for her, writ to my lady mother I am returning, entertained my convoy, and between these main parcels of dispatch effected many nicer needs.¹²²

Bertram conducts military, courtly, and familial business with dispatch and with little thought to his own comfort or preference. He has accepted these responsibilities and set behind him the selfish choices he made by leaving France in the first place. The noblemen of Boccaccio's and Painter's tales exhibit no such character development, but Shakespeare's Count Bertram demonstrates his new maturity and reconciles with his guardian. When the king, hearing that Helen has reportedly died, arranges a second marriage for Bertram with Lafeu's daughter Maudlin, Bertram accepts the prospect meekly.

Though Bertram, like Wilkins's Scarborough, is a victim of forces against which he has no real power to fight, his own will is discounted in the play because it is shown to be destructive. Perhaps the distinction lies with the guardian involved. Wilkins's Lord Falconbridge obviously abuses his powers, breaking apart a marriage and profiting from the destruction of Scarborough's timber forests. Lafeu describes the King of France, however, in quite different terms, telling Bertram, "He that so generally is at all times good must of necessity hold his virtue to you, whose worthiness would stir it up where it wanted rather than lack it where there is such

¹²² *All's Well That Ends Well*, 4.3.85-91.

abundance.”¹²³ In other words, Bertram will become more virtuous through his relationship with the king. With such a good guardian, Bertram should view any arranged marriage as good for his character.

The portrayals of forced marriage in *The Miseries of Inforst Marriage* and *All's Well That Ends Well* speak to differing views not only of the wardship system but also vastly divergent assessments of marriage's power to stabilize society. As a critique of the Court of Wards and Liveries, Wilkins's play continually emphasizes the damage caused by corrupt guardianship. In addition, marriage is not a force for societal good in *The Miseries of Inforst Marriage*. By contrast, Shakespeare's play takes a much more indulgent view of guardians, and, even though the king may be autocratic, his coercion of Bertram results in the young man's maturation. Helen serves as “the active agent in the regeneration of the erring hero” in *All's Well That Ends Well*, applying marriage as the medicine for Bertram's immaturity and socially destructive behavior.¹²⁴ Like *The Roaring Girl*, *Measure for Measure*, *Romeo and Juliet*, and *The Duchess of Malfi*, *The Miseries of Inforst Marriage* and *All's Well That Ends Well* treat individual agency and consent in marriage, but they do so not by examining betrothals or clandestine unions but through the lens of forced marriage and wardship. As in *Measure for Measure*, Shakespeare's adaptation choices in *All's Well That Ends Well* reaffirm marriage's power to stabilize a society whose young people are engaging in socially destructive behavior, especially as pertains to sexual license. Wilkins takes a much more pessimistic view of marriage in *The Miseries of Inforst*

¹²³ *All's Well That Ends Well*, 1.1.8-11.

¹²⁴ Hunter, 130.

Marriage and argues that wedlock can actually have a destructive effect if it is entered into against one partner's consent. As in the exploration of broken betrothals and clandestine marriages, consent serves as the central issue in the plays' discussion of coerced marriage. Chapter Four will examine what happens when consent, once given, is *removed* through two early modern plays that treat divorce.

CHAPTER 4

DIVORCE

The preceding chapters have examined how early modern plays treat contemporaneous marriage anxieties and debates via their adaptation choices, illustrating by the stances they take whether they champion the older, consent-based model or push for legislative or regulatory reform. In this chapter, I look at divorce in Elizabeth Cary's *The Tragedy of Mariam* (1613) and William Shakespeare's *Henry VIII, or All Is True* (1613). Both plays are histories, which allows the playwrights some temporal distance from which to scrutinize and assess divorce. The particular divorce they are scrutinizing, whether implicitly or explicitly, is that of Henry VIII and Katherine of Aragon. The playwrights reach different conclusions regarding divorce and its impact on social structures. *The Tragedy of Mariam* argues that divorce destabilizes both family and society whereas *Henry VIII* contends that its high-profile divorce actually benefitted society by enabling the Henrician Reformation to take root.¹

These opposing views reflect early modern England's marriage debates and reveal its unique situation as a Protestant nation that had not as yet reformed marriage laws to reflect new attitudes toward divorce. In Protestant continental Europe, reformers like Martin Luther and

¹ Christopher Haigh has argued for the use of the term "Reformations" in regards to England's non-linear move from Roman Catholicism to a Protestant Church of England. He cites three political Reformations occurring during the reigns of Henry VIII, Edward VI, and Elizabeth which "gave England Protestant laws and made popular Protestantism possible," but notes that there were reversals from 1538-1546 and again during Mary's reign from 1553-1558. According to Haigh, the religious Reformation, "the individual conversions by preachers and personal contacts... which began in London, Cambridge, and Oxford from about 1520... was never completed." See Christopher Haigh, *English Reformations: Religion, Politics, and Society under the Tudors* (Oxford: Clarendon, 1993) 13. In this chapter, I will use the term a bit more generally to encompass England's interrupted but gradual moves toward Protestantism over the course of the sixteenth and seventeenth centuries.

Huldrych Zwingli had instituted an early version of present day divorce, and Thomas Cranmer, Archbishop of Canterbury under both Henry VIII and Edward VI, had “drafted a new marriage code which allowed divorce followed by remarriage for marital misconduct such as adultery, cruelty, desertion, or ‘bitter enmity.’”² These changes, part of a larger work on canon law reform known as *Reformatio Legum Ecclesiasticarum* (1552), was presented to King Edward VI a short time before his death, but its recommendations were not implemented in the sixteenth or seventeenth centuries.³ Cultural tensions continued to fester as the older, Roman Catholic constructs of marriage and divorce clashed with newer, Protestant ones. Cary and Shakespeare adapt their sources in ways that either exacerbate the ill effects of divorce, as in *The Tragedy of Mariam*, or champion its benefits, as in *Henry VIII*, according to their judgment of the king’s “great matter.”⁴

Cary and Shakespeare relate historical narratives of royal divorce to demonstrate the broader effects of divorce on an entire nation. The historical subgenres of these plays and the context of their reception affect the playwrights’ adaptation choices. *The Tragedy of Mariam*, as

² B. J. Sokol and Mary Sokol, *Shakespeare, Law, and Marriage* (Cambridge: Cambridge University Press, 2005) 144. England’s political and religious turmoil in the sixteenth century prevented these reforms from being adopted. Even later on, with Protestantism fully and firmly established, Elizabeth made it clear there would be no Continental style divorce in England. See Lawrence Stone, *The Road to Divorce: 1530-1987* (Oxford: Oxford University Press, 1990) 305.

³ Gerald Bray, Introduction, *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum*, ed. by Gerald Bray (Woodbridge, Suffolk: Church of England Record Society, 2000) xv-clx, xlii.

⁴ Many authors refer to Henry VIII’s legal investigations and appeals regarding his possible divorce *a vinculo matrimonio* to Katherine of Aragon as the king’s “great matter,” including G. W. Bernard, *The King’s Reformation: Henry VIII and the Remaking of the English Church* (New Haven and London: Yale University Press, 2005) 74.

a closet drama, operates as an overtly political piece meant to illustrate the problems inherent in early modern divorce law. Although published for at-home reading and not meant for public performance, “closet dramas were widely circulated and could be politically dangerous.”⁵ Cary uses the closet-drama construct to frame her adaptation of ancient Jewish history as a critique of early modern divorce. By contrast, Shakespeare’s *Henry VIII*, a stage play meant for general audiences, operates as a heritage work inducing nostalgia for Queen Elizabeth’s reign and tying her successor James VI and I to the tradition of English Protestantism. Shakespeare’s presentation of the events surrounding Henry and Katherine’s divorce, the king’s second marriage, and the birth of Elizabeth has much in common with present-day heritage films in that it, in the words of film theorist Andrew Higson, “[engages] with subject matter and discourses that have traditionally played a major part in determining how the heritage and identity of England and Englishness have been understood.”⁶ The English identity the playwright wishes to emphasize in *Henry VIII* is its Protestant one. Thus, while Cary assesses divorce negatively in her closet drama *The Tragedy of Mariam*, Shakespeare’s heritage work contends that divorce can bring about radical but beneficial societal reform.

The Tragedy of Mariam adapts its source in order to engage with early modern English legal debates about divorce. Divorce carried a different meaning in the early modern era than it

⁵ Jenny Roth, “‘She, Was Now Disgraced’: Doris and the Critique of Law in Elizabeth Cary’s *The Tragedy of Mariam, the Faire Queene of Jewry*,” *Women’s Writing* 19, no. 4 (November 2012): 487-506, accessed October 24, 2016, <http://dx.doi.org/1080/0969-9082>, 500. Cary was a member of the Countess of Pembroke’s writing circle, a group that produced 12 neo-Senecan closet dramas in the early 1600s, some of which (like Samuel Daniel’s *Philotas*, 1604) drew the attention of the Privy Council and caused their authors legal trouble.

⁶ Andrew Higson, *English Heritage, English Cinema: Costume Drama Since 1980* (Oxford: Oxford University Press, 2003) 1.

did in ancient Palestine; in essence, until 1857 “a valid marriage could not be dissolved, save by death. Only those marriages flawed from the beginning could be annulled.”⁷ Analogous to a modern-day annulment, divorce *a vincula matrimonio* (“from the bond of marriage”) was granted only if some impediment to a couple’s vows was discovered, essentially making the marriage as if “it had never existed.”⁸ Cary’s source is Thomas Lodge’s *The Famous and Memorable Workes of Iosephus* (1602), itself a translation and adaptation of first century C.E. Jewish historian Josephus’s *The Jewish War* (c. 75) and *The Antiquities of the Jews* (c. 94). In *The Tragedy of Mariam*, Cary changes Lodge’s description of Herod and his first wife Doris’s Mosaic divorce to a divorce *a vinculo matrimonio*.

The Mosaic divorce Josephus mentions in his *Antiquities of the Jews* would not have annulled Herod and Doris’s marriage and would have allowed remarriage, but Cary deliberately modifies their divorce into *a vinculo matrimonio* in order to criticize the unravelling of Henry VIII and Katherine of Aragon’s marriage. The play’s characterization of Herod’s divorce of Doris as *a vinculo matrimonio* is anachronistic. Glossing Lodge, the playwright explains in the Argument that Herod “married Mariam, the daughter of Hyrcanus, the rightful king and priest;

⁷ Ralph A. Houlbrooke, *Church Courts and the People during the English Reformation, 1520-1570*. Oxford: Oxford University Press, 1979, 67.

⁸ Valid impediments would include “lack of capacity to contract a marriage, affinity, consanguinity, duress, impotence, mistake of person, the existence of a pre-contract, a religious vow of celibacy, difference of cult, and unknowing marriage to someone of servile status. A lack of capacity for a marriage arose if either party was unable to give valid consent, for example because of insanity or infancy.” See Sokol and Sokol, 140 and 139.

and...he repudiated Doris, his former wife by whom he had children.”⁹ This summary mentions no impediments to the first marriage, yet Doris fully experiences the effects of divorce *a vinculo matrimonio*, a vestige of Catholic doctrine in Protestant England. There was some political will to change English canon law to permit the kind of divorce legal in Continental Protestant countries in the sixteenth century. For example, the *Reformatio Legum Ecclesiasticarum* allowed for remarriage after divorce for the party innocent of adultery.¹⁰ *The Tragedy of Mariam* does not depict this kind of divorce for Doris. Her son Antipater has been disinherited, and Doris no longer has any official claim on Herod. Judith Doolin Spikes notes early modern history plays’ propensity for using “a historical event as an analogy to a contemporary problem.”¹¹ By depicting Herod and Doris’s divorce as *a vinculo matrimonio*, Cary invokes the divorce of Henry VIII and Katherine of Aragon and litigates it afresh.

The Tragedy of Mariam’s characterization of the royal divorce as *a vinculo matrimonio* is at odds with Lodge’s translation. In *The Famous and Memorable Workes of Iosephus*, Lodge describes, albeit briefly, a Mosaic divorce as Antipater, Doris’s son, is named Herod’s

⁹ Elizabeth Cary, *The Tragedy of Mariam*, in *Renaissance Drama by Women: Texts and Documents*, ed. by S. P. Ceresano and Marion Wynne-Davies (London: Routledge, 1996): 48-75, Argument. The Argument in closet dramas summarizes the play’s actions and perhaps interpret those actions for the reader. It functions like a Prologue, such as may be found in Shakespeare’s *Romeo and Juliet*, would in a commercial stage play.

¹⁰ *Reformatio Legum Ecclesiasticarum* (1562), in *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum*, ed. Gerald Bray (Woodbridge, Suffolk: Church of England Record Society, 2000): 146-743, 267.

¹¹ Judith Doolin Spikes, “The Jacobean History Play and the Myth of the Elect Nation,” *Renaissance Drama* 8 (1977): 117-149, accessed February 28, 2018, <http://www.jstor.org/stable/41917138>, 121.

successor.¹² Lodge reports Herod's marriage to Mariamme in the midst of describing her father Aristobolus's defeat and banishment from Jerusalem:

When hee [Herod] was come to Ierusalem, Hircanus and all the people honoured him crownes: for already hee inferred into Hircanus family, for that promise hee was his sonne in law, by which means, he had more willingly vndertaken his defence for that hee was to marry Alexanders the sonne of Aristobulus daughter, who was Hircanus neece: on whome hee begat three sonnes & two daughters. Before her also he had married a wife of his owne nation, who was called Doris, on whom he begat Antipater his eldest sonne.¹³

Lodge slips in mention of Herod's first marriage almost as an afterthought. He is much more concerned with explaining the complicated family tree Herod has grafted himself into by marrying the granddaughter of the high priest. Herod, as an Idumean (Syrian), was not ethnically or religiously Jewish. A client king appointed by the Romans, he would have faced some level of disapproval among his subjects and thus sought to solidify his claim to the throne by marrying a princess of the Jewish royal house and disposing of his new wife's grandfather and brother. His first wife Doris would have brought him no political connections in Palestine nor helped him legitimize his precarious claim to its throne. Therefore, in Lodge, divorce allows the king to strengthen his position as ruler of Palestine.

The Tragedy of Mariam depicts confusion between former spouses as to the status of their marriage in order to critique the destabilizing effect of the ambiguous early modern canon laws. Two kinds of divorce would have been available to Cary's contemporaries. While divorce

¹² Early modern divorce *a vinculo matrimonio* would have rendered Antipater illegitimate and unable to inherit. See Sokol and Sokol, 140.

¹³ Thomas Lodge, translator. *The Famous and Memorable Workes of Iosephus, a Man of Much Honovr and Learning Among the Ievves* (London, 1632), in *Early English Books Online*, accessed October 27, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:irr:eebo:image:13019, 368.

a vinculo matrimonio parallels present-day annulment, the second type of early modern divorce—*a mensa et thoro* (“from bed and table”)—was more akin to a legal separation in modern parlance. Doris’s bitter complaints of Herod’s treatment and accusations of Mariam in the play show that she believes her divorce to have been *a mensa et thoro*:

I wished it should high-hearted Mariam kill,
But it against my whilom lord did fight.
With thee, sweet boy, I came, and came to try
If thou before his bastards might be placed
In Herod’s royal seat and dignity.
But Mariam’s infants here are only graced.
And now for us there doth no hope remain.¹⁴

These lines, spoken after false reports of Herod’s death have reached Jerusalem, demonstrate that Doris’s perception of the divorce does not match with Herod’s. When ecclesiastical courts granted divorce *a mensa et thoro*, the separation was not understood to be permanent. The official church law stance expressed hope “that reconciliation would soon follow.”¹⁵ Cary’s Doris believes her divorce to be *a mensa et thoro*, a legal separation that does not allow remarriage for either partner. As such, Mariam’s and Herod’s children are “bastards” and should not be heirs before Doris’s own son, Antipater.

Doris is perhaps the only character saddened by the reports of Herod’s death because such an event would remove all her hopes of being able to press Antipater’s claim to the throne. Doris’s view of the separation is definitely not one derived from the Jewish legal codes as under Mosaic law, men could divorce their wives without rendering their children illegitimate.¹⁶ If

¹⁴ *The Tragedy of Mariam*, 2.249-259.

¹⁵ Houlbrooke, 67.

¹⁶ Roth, 496.

Doris and Herod's marital rift were considered an early modern divorce *a mensa et thoro*, as Doris conceives it, then Herod would not have been free to remarry and Mariam's children would be illegitimate. Antipater advises his mother that

they had best some plot devise,
That Mariam's children might subverted be,
By poison's drink, or else by murderous knife,
So we may be advanced, it skills not how,
They are but bastards, you were Herod's wife,
And foul adultery blotteth Mariam's brow.¹⁷

Though the son imitates his mother in lambasting Mariam for adultery and deems her children illegitimate, he also acknowledges the fact that he and his mother have no legal recourse to secure the rights they lost in the divorce. Doris may believe she and Antipater retain the privileges granted in a divorce *a mensa et thoro*, but when Herod repudiated Doris he was divorcing her *a vinculo matrimonio*. In his insisting on his claims to Herod's throne, Antipater resembles Mary Tudor who "refused to accept the reduction of her status and to swear the oath to the succession demanded of her."¹⁸ Doris can thus be viewed as analog for Katherine of Aragon and Cary's critique of early modern English divorce law as standing in for a critique of Henry VIII's divorce.

By highlighting the confusion surrounding divorce in *The Tragedy of Mariam*, Cary reflects the tension between tradition and reform that marked early modern England's marriage debates.¹⁹ On the one hand, there was a some push to clarify and enforce existing marriage law.

¹⁷ *The Tragedy of Mariam*, 2.272-278.

¹⁸ Bernard, 81.

¹⁹ England's waves of Reformations and reversals precluded any large-scale marital law reform, and, as a result, "matrimony had not reached anything near the unambiguous

For instance, the *Reformatio Legum Ecclesiasticarum* sought to do away with divorce *a mensa et thoro* altogether, deeming that “since this practice is contrary to Holy Writ, leads to the greatest perversity and has introduced a lot of evils into matrimony, it is our will that the whole shall be abolished by our authority.”²⁰ On the other hand, folk customs surrounding informal divorce that had taken root in the decades before the Reformation no longer were tolerated in the early seventeenth century. Clergyman Edmund Bunny addressed the subject exclusively in his treatise *Of Divorce for Adulterie, and Marrying Again: that there is no sufficient warrant so to do* (1610). In an attempt to illustrate the extent and importance of the problem, Bunny references his personal experience with divorce in his preface, “To the Reader:”

There had beene a few yeeres before, of one family (but indeed, one of the greatest in those parts) or thervnto appertaining, about fowre several persons, and those of some note besides, who had then so gotton divorce & were married againe. And besides those (who it may be had else deserved) an other there was of more speciall reckoning than they, who so got divorce against his wife also & married an other: on whose behalf, on that my warning then publikely given, I found there was more dislike conceived than might well arise on so easy a course, as (in my iudgment) then was taken.²¹

When Bunny references “fowre several persons” from prominent families known to him who had divorced, he describes societal chaos. One spouse may decide to divorce and remarry while the wronged spouse refuses to consider the marriage ended. Bunny remonstrates with his parishioner on the wronged wife’s “behalf” but meets with hard-hearted resistance. *The*

desacramentalization that it had in Germany.” See Eric Josef Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994) 43.

²⁰ *Reformatio Legum Ecclesiasticarum*, 277.

²¹ Edmund Bunny, *Of Divorce for Adulterie, and Marrying Again: that there is no sufficient Warrant so to do* (1610), reprinted in *Marriage and Its Dissolution in Early Modern England*, vol. 4, ed. Torri L. Thompson (London: Pickering and Chatto, 2005): 21-222, 32-33.

Tragedy of Mariam's interest in divorce reflects a real cultural concern for the instability that results from the breakdown of marriages, most notably the instability afflicting an entire nation when Henry VIII divorced Katherine of Aragon *a vinculo matrimonio*.

Cary adapts ancient Jewish history to adjudicate an early modern legal dilemma: what remarriage rights did parties in a divorce hold? The first century B.C.E. Palestinian setting provides the temporal and geographic distance from which to explore divorce, and Doris's confrontation of Mariam displays the different implications of divorce *a mensa et thoro* versus Mosaic divorce. It is clear in the following exchange that Doris believes she has been legally separated from Herod while Mariam considers the marriage's break up to be a Mosaic divorce:

DORIS: I am the Doris that was once beloved,
Beloved by Herod—Herod's lawful wife.
'Twas you that Doris from his side removed,
And robbed me the glory of my life.
MARIAM: Was that adultery? Did not Moses say,
That he that being matched did deadly hate,
Might by permission put his wife away
And take a more beloved to be his mate?²²

The former and current wives of Herod are clearly at a legal impasse. Doris, representing the early modern English legal understanding of divorce *a mensa et thoro*, argues that she and Herod have legally separated but do not have the right to remarry. She remains Herod's "lawful wife," and her accusations imply that Mariam was committing adultery in marrying Herod. Doris's

²² *The Tragedy of Mariam*, 4.582-589.

insistence on being Herod's legal wife mirrors Katherine of Aragon's desire to be restored as the rightful queen.²³

Mariam understands the situation differently, and her views on remarriage reflect the stance of Continental Reformers and Thomas Cranmer who advocated for a more Mosaic construction of divorce law.²⁴ Mariam expresses both the Mosaic view of divorce as well as the continental European Protestant view that rejected legal separation because it did not allow legitimate sexual relations afterwards. Cary's Mariam contends that the stumbling block to Doris's happiness, thus, is Doris herself. In the brief time period of freedom created by Herod's reported death, Mariam, Alexandra, Salome, and other characters experience liberation from an oppressor, but Doris clings to her past as the tyrant's wife. Though set in a time period that would have abided by Mosaic law regarding divorce, *The Tragedy of Mariam* features a character that views her situation with an early modern mindset.

Considering Doris and Herod's divorce as a royal divorce raises historical intertexts of Henry VIII's divorce *a vinculo matrimonio* of Katherine of Aragon and adds an overtly political undertone to *The Tragedy of Mariam* appropriate to its status as a closet drama. Closet dramas are a genre of plays that was intended not for production on a commercial stage but instead for private or semi-private reading. According to Marta Straznicky, women's closet dramas like *The*

²³ Bernard, 85.

²⁴ As one of the compilers of the 1552 *Reformatio Legum Ecclesiasticarum*, Cranmer attempted to push through divorce reform to align England more closely with Continental European Protestant states. According to Lawrence Stone, "England failed to reform its divorce laws because of the historical accident that the proposal was embedded in a radical recasting of all of canon law, much of which was unacceptable to the moderate Protestant faction in power after 1558." See Lawrence Stone, *The Road to Divorce* (Oxford: Oxford University Press, 1990) 303.

Tragedy of Mariam are “charged with political purpose.”²⁵ A closet drama could be more openly political than commercial drama because it was targeted toward a much smaller, more educated audience than a publicly performed stage play. The play’s depiction of Herod evokes the events of the 1530s that caused such political and religious turmoil. The political message in *The Tragedy of Mariam* is that Henry VIII’s divorce of Katherine of Aragon was devastating to the social structure of England.

Cary invokes the intertext of Anne Boleyn in her characterization of Mariam in order to increase the stakes of divorce in the play and criticize Henry VIII. Both Anne Boleyn and Mariam are the second wives of powerful kings who divorced their first wives for political, dynastic, and personal reasons. Also, the two queens physically resemble each other, sharing fair skin, dark hair, and dark eyes, a distinct departure from “the dominant red and white of Petrarchan discourse.”²⁶ Like Anne Boleyn, Mariam is accused of adultery on very tenuous terms. Though Mariam’s cold reception of Herod when he returns from Rome and their confrontation over the deaths of her family members trouble Herod, it is the suspicion that she was having an affair with his trusted advisor Sohemus that provokes his rage.²⁷ *The Tragedy of Mariam*, in depicting Mariam as a type of Anne Boleyn, argues that divorce and remarriage

²⁵ Marta Straznicky, *Privacy, Playreading, and Women’s Closet Drama, 1550-1700*. Cambridge: Cambridge University Press, 2004, 1.

²⁶ Lisa Hopkins, *Writing Renaissance Queens: Texts by and About Elizabeth I and Mary, Queen of Scots* (Newark: University of Delaware Press, 2002), 115.

²⁷ *The Tragedy of Mariam*, 4.174-178.

under English canon law negatively affect both the first and second wives and destabilize society on a national level.

Divorce operates as contagion in *The Tragedy of Mariam*, indicating the destabilizing effects of that first divorce between Herod and Doris had consequences beyond one couple. Soon Mariam herself is contemplating a divorce—*a mensa et thoro*—from Herod, resolving to deny Herod sex in order to punish him for his behavior toward her family in an inversion of marriage vows: “I will not to his love be reconciled, / With solemn vows I have foresworn his bed.”²⁸ In this characterization, Cary follows her source Lodge who reports that, upon his return from Egypt, the king “called Mariamme to sport with him being incited therevnto by the great affection that hee bore vnto her...[but] she would not lie with him, nor entertain his courtings with friendly acceptance but upbraided him bitterly with her fathers and brothers death.”²⁹ The brief hours when Cary’s Mariam believes her husband to be dead allow her the opportunity to reflect on the state of her marriage and to realize how much she hates Herod.³⁰ In early modern England, divorce *a mensa et thoro* “was granted on account of infidelity, cruelty, and inability to live together because of continual quarrels...[and] the majority of successful petitioners were women.”³¹ Mariam’s hatred of her husband becomes grounds for a legal separation, the same kind of divorce Doris believes herself to have.

²⁸ *The Tragedy of Mariam*, 3.133-134.

²⁹ Lodge, 398. In Lodge’s translation, Herod goes not to Rome to plead with Octavian at this point in time but to Egypt to help Octavian defeat Antony and Cleopatra.

³⁰ *The Tragedy of Mariam*, 3.136-138.

³¹ Houlbrooke, 68.

Women in *The Tragedy of Mariam* can be victims of divorce and bad marriages like Mariam and Doris, but they can also be perpetrators of domestic unrest. Salome, like her brother Herod, uses political means to rid herself of unwanted marriages. The Argument explains that “by Salome’s accusation [Herod] put Josephus to death,” and she brags to Mariam, “This Salome, your minion Joseph, slew.”³² This first accusation occurred when Herod went to Rome the first time, demonstrating that Salome has a propensity to use political upheaval and uncertainty to her own advantage. Although Lodge’s translation depicts Salome and her mother as actively working to turn Herod against Mariamme, Cary’s Salome acts alone. A clever opportunist, Cary’s Salome seizes the chance to rid herself of her first husband and cause problems for her hated sister-in-law at the same time by telling Herod that Josephus had revealed Herod’s plan to put Mariam to death if he did not return from Rome alive. What Salome views as a politically and personally expedient move, Mariam deems as evidence of Salome’s deeply-flawed character. The queen asserts to her sister-in-law,

Had not Salome’s unsteadfast heart
In Joseph’s stead her Constabarus placed
To free herself, she had not used the art
To slander hapless Mariam for unchaste.³³

Salome’s accusations against Josephus simultaneously allow her to marry another and jeopardize Mariam, who has created deep enmity between Herod’s female relatives and herself by considering herself socially superior to her husband’s family. For Cary’s Salome, marriage and politics are intertwined in a way absent from Lodge, and *The Tragedy of Mariam*’s portrayal of

³² *The Tragedy of Mariam*, Argument and 1.250.

³³ *The Tragedy of Mariam*, 1.255-258.

Salome calls to mind Henry VIII's political divorces and executions of his wives when the marriages became politically inconvenient.

However, *The Tragedy of Mariam* is not just a disguised condemnation of Henry VIII's marriages, and Cary's adaptation of Salome as a force for marital and political instability contends that love itself can do great societal damage when unchecked by discretion. After condemning her first husband, Salome married Constabarus for love, but, by the time of the events in the play, she has grown tired of him. The Arabian prince Silleus has now captured her heart, and Salome longs to be free of Constabarus. A supremely self-aware character, Salome acknowledges that

had not my fate been too, too contrary
When I on Constabarus first did gaze,
Silleus had been object to mine eye,
When looks and personage must all eyes amaze.³⁴

Though physically attracted to the attractive Silleus, she is tied legally to Constabarus, a man she now reveals she married in a fit of contrariness. Salome seems predisposed to fall in love based on physical attraction. Her "gaze" inspired her desire for Constabarus in the first place. Musing on her predicament of being married to one man while loving another, Salome wonders if Herod's death will create another opportunity for her to slip out of one marriage and into a new one. Unlike Mariam and Doris, who either struggle with mixed feelings about marriage or lament its end, Salome takes advantage of Herod's absence in the first two acts of the play to gain her desired end: freedom from her marriage to Constabarus.

³⁴ *The Tragedy of Mariam*, 1.273-276.

The Tragedy of Mariam illustrates the damaging force of marriage disintegration of any kind, but, when individuals privilege their own wills above societal stability, divorce can be especially destructive. Even Salome wonders about what might have been had she acted differently when married to Josephus:

Had I upon my reputation stood,
Had I affected an unspotted life,
Joseph's veins had still been stuffed with blood
And I to him had lived a sober wife.
Then had I never cast an eye of love
On Constabarus' now detested face;
Then had I kept my thoughts without remove,
And blushed at motion of the least disgrace.
But shame is gone and honour wiped away,
And Impudency on my forehead sits;
She bids me work my will without delay,
And for my will, I will employ my wits.
He loves, I love: what then can be the cause
Keeps me for being the Arabian's wife?³⁵

Salome draws a sharp distinction between herself and the other women in the play. Instead of worrying about her "reputation," living an "unspotted life," or being "a sober wife," she has followed her desires. She would never have been married to Constabarus if she had behaved conventionally, and, "had [she] kept [her] thoughts without remove, / And blushed at motion of the least disgrace," Josephus, her first husband, would still be alive. While Salome's words might be taken for a declaration of female emancipation, the character herself dampens these revolutionary thoughts with self-reflection. Having effectively banished "shame" and "honour," Salome is nevertheless under the control of a guiding force that regulates her behavior. It is just that, instead of societal convention, "Impudency" directs her actions. Salome's outspokenness,

³⁵ *The Tragedy of Mariam*, 1.285-298.

according to Miranda Garno Nesler, “cracks the patriarchal foundation by offering proof of woman’s agency.”³⁶ However, this agency is still subjugated to a force seemingly outside of Salome’s control. Because she has allowed Impudency to sit on her forehead, her will and wits now collaborate to gain her unconventional desire: to “[be] the Arabian’s wife” by destroying her marriage to Constabarus.

Under Impudency’s influence, Salome creates societal havoc by breaking apart marriage, corrupting Mosaic divorce laws to end her marriage to Constabarus, and revealing *The Tragedy of Mariam*’s argument that all kinds of divorce, even that aligned with Continental Protestantism, ultimately harm society. Her earlier method of informing against her husband to her brother will not work because, at this point in the play, Herod is absent from Jerusalem and presumed to be dead. If she wants to be free to marry Silleus, Salome must act on her own power, so she tells Constabarus, “I from thee do mean to free my life / By a divorcing bill before I sleep.”³⁷ Salome’s determination to serve Constabarus with a bill of divorcement breaks the Mosaic statute in two ways. First, Salome, as a woman could not initiate divorce proceedings. Second, Salome is the guilty party not the injured one. According to Moses’s statement in Deuteronomy, “when a man taketh a wife and marrieth her, if so be she find no favor in his eyes, because he hath espied some filthiness in her, then let him write her a bill of divorcement, and put it in her

³⁶ Miranda Garno Nesler, “Closeted Authority in *The Tragedy of Mariam*,” in *SEL Studies in English Literature 1500-1900*, 52, no. 2 (Spring, 2012): 363-385, accessed March 24, 2018, <https://doi.org/10.1353/sel.2012.0013>, 364. Nesler notes that the character Graphina also demonstrates agency, but that character does so through her lack of speech. By playing into expectations about her silence, Graphina marries as she pleases (see p. 365).

³⁷ *The Tragedy of Mariam*, 1.419-420.

hand and send her out of his house.”³⁸ Cary’s Constabarus is an upstanding character who acts according to his conscience—as in his concealment of Herod’s political enemies the sons of Babus—and who should be the one finding “filthiness” in his wife and serving her with a bill of divorcement, an action he does eventually take.³⁹ However, it is Salome that moves to end the marriage.

Salome’s determination to initiate divorce proceedings against Constabarus triggers both a legal and an existential crisis in the world of the play, demonstrating that even Mosaic divorce has destructive power. Not only does Constabarus doubt her legal ability to successfully submit such a bill, but he also declares that Salome is upsetting the whole natural order of things because she is reversing gender roles. He wonders aloud,

Are Hebrew women now transformed to men?
Why do you not as well our battles fight
And wear our armour? Suffer this and then
Let all the world be topsy-turvied quite.⁴⁰

Succumbing to a kind of slippery slope fallacy, Constabarus envisions a woman’s right to instigate divorce proceedings progressing to the usurpation of traditionally male roles like soldiering. Salome, following Constabarus’s train of logic, is therefore revealing that she wishes to be a man by divorcing her husband. She has leapt into the vacuum created by her brother’s reported death to reorder society to her own personal advantage, and it is not a desire to rule

³⁸ *The Geneva Bible: A Facsimile of the 1560 Edition* (Madison, Wisconsin: The University of Wisconsin Press, 1969) Deuteronomy 24:1.

³⁹ Constabarus, in the midst of fighting a duel with Silleus, tells the Arabian prince, “I willingly to thee resign my rights, / For in my very soul I do abhor her.” *The Tragedy of Mariam* 2.361-362.

⁴⁰ *The Tragedy of Mariam*, 1.421-424.

Palestine that motivates this power grab but a determination to control marriage. Cary does not depict Mariam and her mother consolidating power to control Mariam's young son and rule as regents, as Lodge does. Instead, it is Salome, Herod's sister, who takes advantage of the king's absence to claim the right to instigate a Mosaic divorce, overturning gender roles in the process.

Cary's adaptation of Lodge employs ancient Jewish history to engage the contemporaneous angst surrounding divorce, with the playwright considering each type of divorce and rejecting them as equally destructive and destabilizing. Salome, for all her devious political plotting, comes closer than either Doris or Mariam to experiencing the kind of divorce allowed in Protestant Continental Europe and advocated by English Reformers. In his study of the German Reformation's effect on marriage law, Joel Harrington argues that "based on scriptural justifications (Matt 19:9, 1 Cor. 7:13) and pastoral experiences, Protestant reformers simply argued that crimes such as adultery rendered the guilty party spiritually dead. Thus, as in physical death, the marriage bond was dissolved and the innocent party was free to remarry and avoid the temptations of life alone."⁴¹ Continental Protestant divorce allows the freedom to remarry that English divorce *a vinculo matrimonio* does without disinheriting the children from the previous union. It is much closer to that described by Moses and practiced in ancient Palestine. Thomas Cranmer advocated a similar revision of canon law. However, due in large part to Edward VI's untimely death, Mary's reinstatement of Catholicism, and Elizabeth's reluctance to make any radical changes to canon law, divorce in England did not come to

⁴¹ Joel Harrington, *Reordering Marriage and Society in Reformation Germany* (Cambridge: Cambridge University Press, 1995) 88.

resemble that in Protestant Europe until 1857.⁴² Despite England's relative backwardness in relation to its fellow Protestant countries, *The Tragedy of Mariam* is not advocating for divorce reform.

Like divorce, love itself is fraught in *The Tragedy of Mariam*, and the love between Herod's brother Pheroras and the serving maid Graphina provides their marriage as little stability as Salome's marriages. Pheroras also takes advantage of the king's presumed death to express his real desires concerning marriage and weds his true love Graphina at the play's midpoint. He eloquently defends his chosen bride to his sister in poetic terms explaining that, in Graphina,

mine eye found loveliness, mine ear found wit
To please the one, and to enchant the other;
Grace on her eye, mirth on her tongue doth fit,
In looks a child, in wisdom's house a mother.⁴³

Pheroras's reasons for loving Graphina span from physical attraction to admiration for her character. Not only is she lovely and pleasing, but she also displays a sense of humor and demonstrates wisdom. In short, Pheroras's love stems from Graphina's merit, in counterpoint to Salome's infatuations, which derive solely from physical attraction. Yet Pheroras shares more in common with Salome than is apparent at first glance. Both siblings take advantage of Herod's absence to follow their romantic inclinations.

Though Pheroras's love for Graphina is pure, it nevertheless destabilizes society instead of ordering it, and the marriage is doomed to failure for several reasons. First, Pheroras, as the

⁴² Constance White, "Cranmer and Divorce," *Westminster Review*, January 1852-January, 1910 174, no. 1 (July, 1910): 60-66, *British Periodicals Review*, accessed February 12, 2018, 61.

⁴³ *The Tragedy of Mariam*, 3.15-18.

brother of the king, and Graphina, as a servant, come from two different social classes, a fact that jeopardizes societal order in the world of Cary's play. Salome chastises her brother harshly on his choice of wife:

To match for neither beauty nor respects
One mean of birth, but yet of meaner mind,
A woman full of natural defects,
I wonder what your eye in her could find!⁴⁴

Unlike Pheroras, Salome sees no wit and no beauty in Graphina, only faults. Secondly, once he learns that Herod is not in fact dead, Pheroras realizes that his marriage will not be allowed to stand as his giddy haste to wed his love reveals his lack of sorrow at his brother's death.⁴⁵ Third, Pheroras and Graphina's marriage destabilizes society further by breaking a betrothal contract he has with another: Herod's young daughter, who is still an infant. Broken betrothals comprised the bulk of marriage suits in early modern England's ecclesiastical courts, and the culture would have had a vested interest in minimizing these disputes.⁴⁶ Though early modern readers would have recoiled at the extremely young age of the bride (not to mention the incestuous aspect of the proposed marriage), Pheroras's abandonment of one contract to forge another nevertheless

⁴⁴ *The Tragedy of Mariam*, 3.11-14.

⁴⁵ Herod's words to Pheroras are:
Had I desired a greater suit of thee
Than to withhold thee from a harlot's bed,
Thou would'st have granted it; but now I see
All are not like that in a womb are bred.
Thou would'st not, hadst thou heard of Herod's death,
Have made this burial time thy bridal hour. (*The Tragedy of Mariam*, 4.55-60.)

⁴⁶ Martin Ingram, *Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987) 171.

undermines the institution.⁴⁷ The precontract to Herod's daughter voids the marriage to Graphina and triggers a divorce *a vinculo matrimonio*. Even marriage by mutual consent accompanied by strong affection causes societal upheaval in the world of *The Tragedy of Mariam* and reveals how chaotic Jerusalem has become during Herod's brief absence.

Tyrannical rule is the ultimate cause of societal instability in *The Tragedy of Mariam*, affecting both divorce and marriage. Herod's reported death and the revelation that he is actually alive provide the bookends for a period of political and marital chaos. When the high priest Ananell brings news that Herod is actually alive, his siblings' reactions not only reveal their differing relationships with their royal brother but also the arbitrariness of the king's rule:

SALOME:	How can my joy sufficiently appear?
PHERORAS:	A heavier tale did never pierce mine ear.
SALOME:	Now Salome of happiness may boast.
PHERORAS:	Now Pheroras is in danger most.
SALOME:	I shall enjoy the comfort of my life.
PHERORAS:	And I shall lose it, losing of my wife.
SALOME:	Joy, heart, for Constabarus shall be slain.
PHERORAS:	Grieve soul, Graphina shall from me be ta'en.
SALOME:	Smile, cheeks, the fair Silleus shall be mine.
PHERORAS:	Weep eyes, for I must with a child combine. ⁴⁸

This passage exposes several aspects of Herod's ambiguity. The siblings' widely divergent reactions make known first their brother's preference for Salome over Pheroras and second that Herod himself is the root cause of marital instability in the play. Salome saw Herod's death as an opportunity to get out of her marriage, and her brother's return does not cancel out her ability to gain her desired partner. She will merely go about it in a different way: by accusing Constabarus

⁴⁷ Carlson, 107.

⁴⁸ *The Tragedy of Mariam*, 3.51-60.

of a treasonous act. His death will free her more cleanly than a bill of divorcement would. By contrast, Pheroras weeps and bemoans his fate because he knows Herod will terminate his love match and tie him again to the detested partner previously arranged for him.

Both Cary and her source Lodge argue that love is destabilizing for Herod himself, though the works' different purposes dictate to what use the authors put the king's obsession with Mariam. Lodge's translation of Josephus boldly proclaims its didactic view of history from the book's beginning: "I wonder that men espie not their errors, when as they imagine that History is the instructor of such as read the same."⁴⁹ With the goal of using the errors committed by historical figures as examples for early modern readers, Lodge frames Herod's harsh treatment of Mariamme as the result of a dangerously strong attachment to his wife. When Mariamme fails to greet him affectionately upon his return from Egypt, Herod's obsession with her causes him to act irrationally. Lodge reports that "so much was his mind trauailed betweene loue and hatred, that when as oftentimes he desired to punish the woman's pride, his heart by loue's mediation failed him in the enterprize."⁵⁰ Obsessive love clouds Herod's judgment; he does not prevent his wife from accusing him of assassinating her relatives, nor does he quash his mother-in-law's influence.

The Tragedy of Mariam, though it does not state its reasons outright as Lodge's translation does, intends the violent tale from Jewish history to serve a slightly different purpose, and the play subtly criticizes Henry VIII's strong feelings of love for some of his wives through

⁴⁹ Lodge, "To the Reader."

⁵⁰ Lodge, 397.

its portrayal of Herod. *The Tragedy of Mariam* dramatizes Herod's indecision about Mariam's fate as inducing chaos. He waffles back and forth over what to do: to believe that Mariam has tried to poison him and execute her or to pardon her or to believe her protestations of innocence. Herod is self-aware that love is clouding his judgment when he exclaims

But I'm a sot! A very sot, no better!
My wisdom long ago a-wandering fell;
Thy face encountering it, my wit did fetter,
And made me for delight my freedom sell.⁵¹

Utterly unable to make wise decisions due to his strong feelings for Mariam, Herod transfers his authority over Mariam to his sister Salome, who, seeing a chance to repay her sister-in-law's snobbery tenfold, advises Herod to have his wife beheaded. As Lodge does not report exactly how Mariamme was executed, Cary's mention of beheading acts as a direct invocation of Anne Boleyn. Herod's love for Mariam, and by extension Henry VIII's love for Anne Boleyn, only bring them disaster.

If the divorce of Herod and Doris in *The Tragedy of Mariam* stands in for that of Henry VIII and Katherine of Aragon, then it also, to some extent, alludes to the English Reformation. The chaos that comes from Herod's broken marriages finds an echo in the instability of the decades following Anne Boleyn's ascension as Queen in 1533 and Henry VIII's break with Rome. For this reason, *The Tragedy of Mariam* may be condemning the Reformation itself for the social, political, and religious unrest it unleashed in England. Cary's biography offers some hints as to her feelings about Protestantism; the playwright was known to have Catholic sympathies, which caused somewhat of a scandal in 1626 when these views became publicly

⁵¹ *The Tragedy of Mariam*, 4.222-225.

known.⁵² However, it is unknown what Cary's views of Catholicism were at the time of *The Tragedy of Mariam*'s creation. The play, though published in 1613 when Cary was 28 years old, was written when she was much younger—sometime between 1602 and 1604—when she had married Sir Henry Cary but was not yet residing with him.⁵³ Whether or not Cary was already a secret Catholic, it is clear that *The Tragedy of Mariam* condemns all forms of marital instability, whether brought about by divorce or a union between social unequals (Pheroras and Graphina). As such, the play also critiques the Reformation itself as the underlying cause of the royal divorce it litigates *in absentia*.

Cary's play soundly condemns overwrought love, demonstrates how tyrannical rule tears at the very fabric of societal institutions like marriage, and critiques Henry VIII's divorce of Katherine of Aragon and the English Reformation. Herod, as a tyrant, creates chaos because he rules by emotion instead of by rule of law, and his own obsessive love spells Mariam's doom. The evidence from the play suggests that, though Herod's departure created the opening for Mariam, Salome, and Pheroras to express their true marital consent, his return brings an ambiguous stability. His marriages and his politics are intimately tied together, and his first marriage's ending and second marriage's beginning coincided to consolidate his power over Judea. The terms of Herod's divorce of Doris are unclear in the play, mimicking the legal

⁵² S. P. Cerasano and Marion Wynne-Davies, Introduction to *The Tragedy of Mariam*, in *Renaissance Plays by Women: Texts and Documents*, ed. by S. P. Cerasano, 43-47, 43. According to Cerasano and Wynne-Davies, Cary's conversion would not have been controversial had it been accomplished privately, but the Duke of Buckingham forced the matter into the open and thus created a scandal.

⁵³ Cerasano and Wynne-Davies, 43. Cary married in 1602 and was allowed to spend the first year of the marriage at home because her husband was fighting in the Netherlands. Though she moved in with her mother-in-law in 1603, Sir Henry Cary did not return to England until 1606.

ambiguity surrounding divorce in early modern England. Roth notes that “when the law is unpredictable because of ambiguity, it creates social unrest much like the tyrannical ruler who treats subjects unpredictably.”⁵⁴ By making unclear the matrimonial states of Doris, Mariam, Salome, and Pheroras as compared to Lodge’s translation, *The Tragedy of Mariam* argues that ambiguity accompanies tyranny in marriage as in politics. Herod as ruler is the axis of the instability and weakens or destroys marriage in the play. In the same manner, early modern divorce law created space for abandonment apart from the law, and the failure of the ecclesiastical courts to delineate a legal means by which unwanted marriages could be ended worked to bring chaos and instability to the culture. Cary’s adaptation highlights these dangers through its depiction both of divorce and of romantic love and, by extension, argues that the English Reformation was ill-considered and destructive.

Shakespeare’s *Henry VIII or All Is True* (1613) adapts historical divorce much differently from Cary’s *The Tragedy of Mariam*, and its purpose is not to criticize divorce as destabilizing but to instead present it as a necessary step in the English Reformation and Elizabeth’s ascent to the throne.⁵⁵ *Henry VIII* draws from Raphael Holinshed’s *Chronicles* (1577, 1587) and John Foxe’s *Acts and Monuments* (1597) but also taps into nostalgia for Elizabeth, a monarch whose

⁵⁴ Roth, 494.

⁵⁵ In dating Shakespeare’s plays, I will be using the chronology presented by G. Blakemore Evans in his article “Chronology and Sources” for *The Riverside Shakespeare* (Boston: Houghton Mifflin Company, 1974): 47-76. Evans arranges the plays in the order of their composition. Shakespeare’s status as sole author of *Henry VIII* has been questioned since the middle of the eighteenth century with various collaborators proposed, including Francis Bacon and, most commonly in present-day scholarship, John Fletcher. I refer to the author of *Henry VIII* as Shakespeare to maintain consistency in comparing this work to other Shakespeare plays examined in this dissertation. For a discussion of the authorship debate, see Jay L. Halio, Introduction to *King Henry VIII*, ed. by Jay L. Halio (Oxford: Oxford University Press, 2008):1-61, 16-24.

rule would have been within the living memory of most playgoers.⁵⁶ A useful way to understand the dramatic choices Shakespeare makes in *Henry VIII* is to view the play as a “heritage work,” a term I am borrowing from the discipline of film theory.⁵⁷ The play’s subtitle, *All is True*, indicates another draw for the audience. By claiming historical accuracy, Shakespeare activates the same appeal that Dekker and Middleton drew on for *The Roaring Girl* or George Wilkins for *The Miseries of Inforst Marriage*: that works based on a true story possess greater entertainment value than those whose sources are completely fictional.

Like *The Tragedy of Mariam*, *Henry VIII* transposes contemporary issues backward in time in order to investigate those issues in a deferred way; as such, Shakespeare’s play is not merely a justification of Henry VIII’s divorce but also an endorsement of the Reformation’s continuance. *Henry VIII* may be considered an “Elect Nation” play, a genre of history plays that emerged during the reign of James I. These plays promote the message that “God had called the English people to a redemptive role in universal history and that Elizabeth was to be both symbol and instrument of England’s mission of deliverance.”⁵⁸ *Henry VIII* characteristics as Elect Nation play come to light in its focus on Elizabeth’s birth and christening in the final acts of the play along with prophetic speeches about the infant princess’s future greatness. Additionally,

⁵⁶ Queen Elizabeth died and King James I ascended to the throne in 1603, ten years prior to *King Henry VIII*’s first performance.

⁵⁷ According to film theorist Ginette Vincendeau, heritage works feature “a nostalgic turn to the past (twinned with a denial of history) and a delight in allusion, self-referentiality, and pastiche aspects, clearly relevant to literary adaptations.” See Ginette Vincendeau, Introduction, *Film/Literature/Heritage: A Sight and Sound Reader*, ed. Ginette Vincendeau (London: British Film Institute, 2001): xi-xxxi, xvi.

⁵⁸ Spikes, 119. Spikes names *Kynge Johan* (1591 edition) by John Bale as the first in this genre.

Shakespeare's treatment of Henry, Katherine of Aragon, and Anne Boleyn indicates he is using them as symbols of the English Reformation itself. In substituting historical figures for philosophical or historical movements, the playwright anticipates a technique employed by costume drama films in which "characters stand for causes."⁵⁹ Shakespeare's play embodies England's break with Catholicism and embrace of Protestantism through the three central figures of Katherine of Aragon, Anne Boleyn, and Elizabeth.

As an Elect Nation play intent on promoting the king and Anne Boleyn's marriage as good for England, *Henry VIII* adapts the historical sources to make the divorce less controversial and to present the product of the second marriage—Elizabeth—as a glorious Reformation figure. Because the play taps into a deep sense of nostalgia, disturbing facts like Anne Boleyn's adultery charge and beheading, alluded to in *The Tragedy of Mariam*, or the king's subsequent marriage to Jane Seymour have no place here. Ann Jennalie Cook argues that Shakespeare "does a masterful job of presenting the technical grounds for England's most famous divorce decree—without really touching on the disputed authority of the English courts in this matter."⁶⁰ By minimizing the legal ambiguities surrounding Henry VIII's divorce and focusing instead on the product of the controversial union (Elizabeth), Shakespeare is able to endorse the result of the King's second marriage even if he does not glorify the breakup of the first. Heritage adaptations, according to film theorist Andrew Higson, "articulate a nostalgic and conservative celebration of the values and lifestyles of the privileged classes, and in how doing so an England that no longer

⁵⁹ Leger Grindon, *Shadows on the Past: Studies in the Historical Fiction Film* (Philadelphia: Temple University Press, 1994) 6.

⁶⁰ Ann Jennalie Cook, *Making a Match: Courtship in Shakespeare and His Society* (Princeton: Princeton University Press, 1999) 226-227.

existed seemed to have been reinvented as something fondly remembered and desirable.”⁶¹

Henry VIII reinvents the past through its strategic editing of historical sources and by linking Elizabeth’s Golden Age to her father’s divorce.⁶² A look at Shakespeare’s contemporaneous sources throws his adaptation choices into greater relief.

Henry VIII frames the king’s decision to divorce Katherine of Aragon *a vinculo matrimonio* more in terms of a personal and political crisis of conscience and not as a matter of enmity as Cary’s *The Tragedy of Mariam* depicts the divorce of Herod and Doris.⁶³ Shakespeare’s play follows the Elect Nation template in which, according to Judith Doolin Spikes, the monarch spends much of the dramatic time “apart from the conflict, hearing impartially the persuasions of both parties.”⁶⁴ Thus, Henry listens to Katherine, and by extension Roman Catholicism, as she pleads against the divorce and does not hold any personal animosity against her. Cardinal Wolsey attests to Henry’s devotion to Katherine—“I know your majesty has always loved her.”⁶⁵ The king himself tells the queen,

⁶¹ Higson, 12.

⁶² Elizabeth’s reign (1558-1603) is often characterized as England’s “Golden Age,” as in *Britannica Student Encyclopaedia*, “England,” *Encyclopaedia Britannica Online*, 2018, accessed February 28, 2018, <http://www.britannica.com/ebi/article-200261>. These present-day nostalgic characterizations gloss over the famines and economic hardships experienced under Elizabeth’s reign, focusing mainly on the literary and cultural advancements made during the sixteenth century.

⁶³ I refer here to Katherine of Aragon, the daughter of Ferdinand and Isabella of Spain, wife to both Prince Arthur and his brother. Her name is spelled in a variety of ways in the primary and secondary texts (e.g. Katherine, Katharine, Catherine), but for the sake of consistency, I will refer to her as “Katherine” unless quoting directly from a source.

⁶⁴ Spikes, 124.

⁶⁵ William Shakespeare, *The Famous History or the Life of King Henry the Eighth, or All is True*, edited by Jay L. Halio (Oxford: Oxford University Press, 2008), 2.2.109. Hereafter, I will refer to the play as *Henry VIII*.

That man i'th'world who shall report he has
A better wife, let him naught be trusted
For speaking false in that. Thou art alone
If thy rare qualities, sweet gentleness,
Thy meekness saint-like, wife-like government,
Obeying in commanding, and thy parts
Sovereign and pious else could speak thee out—
The queen of earthly queens.⁶⁶

Katherine's ability to exhibit both saintly "meekness" and "wife-like government" mark her as the ideal aristocratic wife, simultaneously submissive and competent.⁶⁷ However, despite his wife's many womanly and queenly virtues, the king's conscience prompts him to break up the marriage. By depicting Henry's love for Katherine and showing what a good wife she was, Shakespeare casts the divorce as a great personal sacrifice to the higher calling of spiritual obedience.

In addition to the personal loss that divorce with Katherine brings, Shakespeare's Henry VIII realizes that his marriage has become an international liability and thus disadvantageous for England, inflating a political aspect that Holinshed also treats, albeit less prominently.⁶⁸

⁶⁶ *Henry VIII*, 2.4.131-138.

⁶⁷ Richard Brathwait's *The English Gentlewoman* (1631), describing virtuous women, notes that "so opportunely are her words delivered, so seasonably uttered, with such unaffected eloquence experienced, wheresoever this sweet and well-tempered discretion is seated." Richard Brathwait, *The English Gentlewoman, Drawne Out to the Full Body Expressing, What Habilliments Doe Best Attire Her, What Ornaments Doe Best Adorn Her, What Complements Doe Best Accomplish Her* (1631) in Early English Books Online, accessed September 16, 2014, https://gateway.proquest.com/openurl?ctx_ver=Z39.882003&res_id=xir:eebot&rft:eebo:image:23374, 52.

⁶⁸ The *Chronicles of England, Scotland, and Ireland* (hereafter, *Chronicles*), compiled by Raphael Holinshed, serve as inspiration for all of Shakespeare's history plays. Still widely read in the seventeenth century, these volumes articulate "an expression of citizen consciousness." See Annabel Patterson *Reading Holinshed's Chronicles* (Chicago and London: The University of

Holinshed's *Chronicles* lend Shakespeare's *Henry VIII* their authority and bolster the play's status as heritage work by association. The *Chronicles* report that the negotiations surrounding a potential marriage between Henry's daughter Mary and the second son of the King of France stalls when the French officials wonder "whether our daughter Marie should be legitimate in respect of this my marriage with this woman, being sometimes my brothers wife."⁶⁹ It is the French in both Holinshed and Shakespeare that first bring up a possible impediment that would make Henry and Katherine's marriage illegitimate.

This diplomatic incident serves as the tinder to the king's conscience in both Holinshed's and Shakespeare's accounts, causing Henry to examine his lack of a male heir in terms of God's displeasure. Unlike the politically motivated divorce in *The Tragedy of Mariam*, the king seeks an annulment from Katherine of Aragon for spiritual reasons. In *Henry VIII*, the king explains to Cardinal Wolsey that

My conscience first received a tenderness,
Scruple, and a prick, on certain speeches uttered
By th'Bishop of Bayonne, then French Ambassador,
Who had been hither sent on the debating
A marriage 'twixt the Duke of Orleans and
Our daughter Mary.⁷⁰

Chicago Press, 1994) xiii. Patterson notes that these volumes served as a scholarly reference material in the early modern era. (p. 266)

⁶⁹ Raphael Holinshed, *The Third Volume of Chronicles, Beginning at Duke William Called the Conqueror and Descended by Degrees of Yeeres to All the Kings and Queens of England in Their Orderlie Succession* (1587), reprint of 1808 edition (New York: AMS Press, 1976) 738. Holinshed is more properly understood as the compiler of the *Chronicles* and supervised at least eight major contributors. After Holinshed died, Abraham Fleming took over the revision and extension of the original work for a 1587 edition. For simplicity's sake, and because each individual contributor is not delineated in the text of the *Chronicles*, I will use Holinshed's name in place of the author. See "The Making of the Chronicles," *The Holinshed Project* (Oxford University Press, 2013), accessed February 28, 2018, www.cems.ox.ac.uk/holinshed.

⁷⁰ *Henry VIII*, 2.4.167-172.

In attempting to arrange an advantageous match for his child, Henry learns that the French ambassador questions Mary's fitness to wed the French king's son because she might technically be a bastard. Henry's marriage to Katherine of Aragon has become a liability as another nation refuses to make alliances with England based on a concern about the first marriage's legitimacy. These political concerns lead Henry to a spiritual examination of his marriage to Katherine of Aragon, a characterization Shakespeare draws from his sources.

Holinshed's and Foxe's historical accounts characterize Henry VIII's decision to seek divorce not in personal or political terms but more in spiritual or ecclesiastical ones. In relating the king's dilemma, Holinshed first describes how Bishop Longland of Lincoln raises the possibility that Henry and Katherine's marriage might "not be good nor lawfull. The truth is, that whether this doubt was first mooued by the cardinall, or by said Longland, being the kings confessor, the king was not onelie brought in doubt, whether it was a lawfull marriage or not; but also determined to haue the case examined, cleared, and adiudged by learning, law, and sufficient authoritie."⁷¹ The chronicler admits that he is not sure who brought up the issues first, but, since it was either a cardinal or a bishop, the implication is that divine authority, a law higher than the king, initiates his soul searching.

Foxe's *Acts and Monuments* portrays Henry VIII's decision to seek a divorce as an ecclesiastical one. This portrayal is in keeping with its purpose, which was, according to Walter E. Bauer, to be an "account of the resistance to ecclesiastical authority in England during the

⁷¹ Holinshed, 736.

fifteenth and the first half of the sixteenth century.”⁷² Shakespeare’s play does not really touch on religious power struggles except obliquely through his characterization of Wolsey. However, *Acts and Monvments* invites the reader to examine the rightness of Henry’s actions:

many things are to be understood of the reader, who so is disposed to behold and consider the state & proceeding of publike affaires, as well to the church appertaining as to the common wealth. First, how the king cleareth himselfe both iustly and reasonably for his divorce made with the Lady Katherine the Emperors aunt. Secondly, how he proveth and defendeth his marriage with Queene Anne, to be iust and lawfull, both by the authority of Gods word, and the comprobatation of the best and most famous learned men and universities, and also by the assent of the whole realme.⁷³

Under this characterization, the annulment of Henry’s marriage with Katherine is both reasonable and just, and his union with Anne is likewise reasonable and just, satisfying both divine and earthly principles. The divorce was fully legitimized in accordance with “Gods word,” the considered opinion of the “most famous learned men,” and “also by the assent of the whole realme.” Foxe does not go into greater detail about the scriptural or legal justification because he is more interested in noting religious persecution, moving directly from this statement into an account of William Tyndale’s life and death. However, he takes pains to inform his readers that scripture, the law, *and* public opinion fully endorse Henry’s radical move to extricate

⁷² Walter E. Bauer, “Foxe’s Martyrs,” *Church History* 3.4 (Dec, 1934) 249-266, accessed November 12, 2016, <http://www.jstor.org/stable/3691967>, 250. *Acts and Monvments* (also known as Foxe’s *Book of Martyrs*) is an enormous work that chronicles the religious and political developments in England and continental Europe during the sixteenth century, with a special focus on the Marian martyrs.

⁷³ John Foxe, *The Second Volume of the Ecclesiasticall Historie, Conteyning the Acts and Monvments of Martyrs with a Genrall Discourse of these Latter Persecutions, Horrible Troubles and Turnvites, Stirred vp by Romish Prelates in the Church* (London: 1597), in *Early English Books Online*, accessed November 12, 2016, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo:image:23029:2, 981.

himself from an unwanted marriage. This calculated and well-considered divorce seems far removed from the chaotic divorces of *The Tragedy of Mariam*.

Holinshed offers a point of ecclesiastical law as its main reason for Henry and Katherine's divorce, only obliquely referenced in Shakespeare because the *Chronicles* emphasizes the legality of the divorce while *Henry VIII's* interest lies in creating a Reformation heritage work. Holinshed maintains that Henry and Katherine's is marriage invalid because Arthur and Katherine had sexual intercourse during their short marriage. He offers the following account of their brief marriage:

Howbeit euerie daie endeth and night insueth, and so when night was come, the prince and his beautiful bride were brought and ioined together in one bed, where they laie as man and wife all that night. Now when morning apeered, the prince (as his familiar seruitors, which had neither cause nor reward to lie or faine, openlie told the tale) called for drinke, which he before times was not accustomed to doo. At which thing one of his chamberleins maruielling asked the cause of his drouth. To whom the prince answered merilie saieing; I have this night beene in the midst of Spaine, which is a hot region, and that iournie maketh me so drie; and if thou haddest beene vnder that hot climat, there wouldest haue beene drier than I.⁷⁴

Holinshed's *Chronicles* presents the evidence carefully, first laying out the physical evidence that Princess Katherine and Prince Arthur slept together for several nights. After the wedding night, several reliable witnesses attested to Prince Arthur's insistence that he and his new wife had enjoyed conjugal relations. The *Chronicles* justifies Henry's setting aside of Katherine of Aragon by taking this evidence seriously. Holinshed chooses not to complicate the divorce case for his readers by describing how Henry and Cranmer prepared a second suit based on the

⁷⁴ Holinshed, 527.

affinity created by Arthur's marriage to Katherine alone, independent of any sexual consummation.⁷⁵

Shakespeare's *Henry VIII* only tacitly refers to the impediment that allows for the annulment in Holinshed's *Chronicles*, demonstrating, in its sympathetic treatment of Katherine, Shakespeare's more inclusive conception of heritage. Instead of detailing the reasons why Prince Arthur and Katherine most likely consummated their marriage, the playwright has a minor character (the "Second Gentleman") refer obtusely to a "scruple / That will undo her."⁷⁶ Here, there are no gossipy accounts of a young prince's postcoital bragging, just hints at a moral predicament that will sink the queen. Suffolk offers the play's only other public explanation, explaining to Norfolk that

Katherine no more
Shall be called "Queen," but "Princess Dowager"
And "widow to Prince Arthur."⁷⁷

The divorce *a vinculo matrimonio* erases Katherine's queenly status endowed by her marriage to Henry and returns her to the position she held through her union with his older brother. Though Shakespeare does not delve explicitly into the proofs that justify the divorce *a vinculo matrimonio*, he does acknowledge them as the legal reason Henry set Katherine aside. Shakespeare frames the legal questions surrounding both divorce and marriage in *Henry VIII* in a way that invites the audience to re-litigate the king's great matter but ultimately prompts it to

⁷⁵ The *Chronicles*, by not discussing Cranmer's and Henry's contingency suit, simplifies the issue for the reader and makes the argument in favor of divorce stronger and cleaner. See Bernard, 22.

⁷⁶ *Henry VIII*, 2.2.158-159.

⁷⁷ *Henry VIII*, 3.2.69-71.

decide in favor of divorce. The effect generates great sympathy for Katherine's dilemma while characterizing Wolsey—an official representative of the Roman Catholic church—as the villain. Holinshed certainly records Katherine's objections to the annulment, but Shakespeare's sympathetic portrayal of her reaction demonstrates the ill effects of this kind of divorce on women without actually condemning it outright. When Henry confronts her about a possible separation on the ground that their marriage was invalid from its inception, Katherine points out the intense legal scrutiny that their union underwent before it was contracted. She invokes the prudence of their royal fathers Henry VII of England and Ferdinand of Spain, who

had gathered a wise council to them
Of every realm, that did debate this business,
Who deemed our marriage lawful.⁷⁸

The queen sees no legitimate reason for their union to be re-litigated as the validity of the marriage had been decided before the wedding. It is a case of settled law for her. Henry's ultimate decision to divorce Katherine seems more unlikely in Shakespeare's play than in Holinshed, yet in *Elect Nation* plays monarchs are "oddly passive...attending first to one party, then to the other."⁷⁹ *Henry VIII* likewise acknowledges England's Roman Catholic heritage by his sympathetic treatment of Katherine of Aragon, but the play ultimately grants victory to the Protestant cause by advocating for the divorce as good for England.

Though Shakespeare's characterization paints her as a virtuous woman, Katherine's good qualities only demonstrate Henry's enormous resolve in breaking apart a marriage that has lost

⁷⁸ *Henry VIII*, 2.4.49-51.

⁷⁹ Spikes, 125.

divine favor. The queen has been a good partner for Henry; she has been “true and humble,” has loved the king’s friends, been obedient, and born him children.⁸⁰ She argues for relieving the heavy tax burden levied by Wolsey, gives sound political advice, and urges caution in matters of state.⁸¹ In the eyes of the English court, Queen Katherine is a “jewel has hung twenty years / About his neck, yet never lost her lustre.”⁸² The preponderance of evidence for Katherine’s personal virtue and political savvy not only generate intense sympathy for her character but also increase the audience’s appreciation for Henry’s dilemma. While the king’s soul-searching appears more of an academic challenge in Holinshed, Shakespeare’s Henry must weigh the obvious worth of his queen against the evidence of God’s displeasure. His decision to pursue a divorce thus becomes a triumph for personal integrity above all else and not the result of sexual attraction to Anne Boleyn or a desire to wrestle power away from the pope.

The ill consequences of divorce in Shakespeare’s *Henry VIII* manifest themselves not as widespread social disintegration, as occurs in *The Tragedy of Mariam*, but as deeply-felt personal injuries. When Katherine tells Cardinal Wolsey, “Ye turn me into nothing,” she expresses her loss of queenly status but also her ambiguous position as one who was once a wife but is now re-widowed afresh.⁸³ She has, in effect, returned to a legal status she has not held for over twenty years. The consequences of a divorce *a vinculo matrimonio* are indeed harsh, and the newly remade Princess Dowager wonders, “What will become of me now, wretched lady? / I

⁸⁰ *Henry VIII*, 2.4.21, 2.4.27-28, 2.4.33, and 2.4.34-35.

⁸¹ *Henry VIII*, 1.2.20-23, 1.2.44-53, and 1.2.172-177.

⁸² *Henry VIII*, 2.2.30-31.

⁸³ *Henry VIII*, 3.1.113.

am the most unhappy woman living.”⁸⁴ Henry’s crisis of conscience may have caused him some uncomfortable moments, but he did not lose his identity. Katherine, however, is thrown into an existential crisis, and her final appearance on stage is as a woman fast failing in health. *Henry VIII*’s portrayal of Katherine as a good wife and gifted politician evokes sympathy while demonstrating the hard consequences for women—even royal ones—affected by divorce. However, the fabric of English society remains intact throughout the play.

This sympathetic adaptation of Katherine of Aragon does not preclude a positive treatment of the divorce or of Anne Boleyn herself, whom *Henry VIII* casts as an embodiment of the Reformation. The source texts’ treatments of Anne Boleyn differ somewhat from Shakespeare’s, however, because the three works have different purposes. The *Chronicles* accentuates Anne’s political activity and *Acts and Monuments* her religious importance while *Henry VIII* emphasizes her relationship to Elizabeth. Although Shakespeare’s play certainly acknowledges King Henry’s attraction to Anne Boleyn, it downplays untoward behavior in their relationship. The king’s attraction to Anne Boleyn does not instigate his decision to divorce Katherine. Henry’s angst about the legitimacy of his first marriage surfaces two scenes before he meets Anne at a masque given by Cardinal Wolsey.

Anne Boleyn’s beauty and virtue make her irresistible to the king, and Shakespeare uses her attractiveness to argue for the desirability of the Protestant faith. Anne’s beauty allays the king’s distress at divorcing Katherine, and others’ approval of her only reinforce his attraction. Henry is instantly drawn to her and confesses, “The fairest hand I ever touched. O beauty / Till

⁸⁴ *Henry VIII*, 3.1.145-146.

now I never knew thee.”⁸⁵ Because the king is disguised, Anne Boleyn cannot be angling for royal attention. She does not know Henry’s true identity, so her response to his interest could come naturally and in good faith. Foxe’s *Acts and Monuments* does not depict this scene at all, and Holinshed’s *Chronicles* only states that “the cardinall of Yorke was aduised that the king had set his affection vpon a young gentlewoman named Anne, the daughter of sir Thomas Bullen viscount Rochford, which did wait vpon the queene.”⁸⁶ Shakespeare’s play makes a point of describing Anne Boleyn as desirable not only to give the king a consolation prize of sorts in his divorce but also to conflate her with the Reformation itself, which the play portrays as attractive. Additionally, Shakespeare’s Henry is not the only man drawn to Anne at the masque. Before the king and his friends arrive, Lord Sands admires her and kisses her after declaring, “He would kiss you twenty times with a breath.”⁸⁷ Anne, like the Reformation itself, cannot help but attract not only the king’s attention and affection but also that of others.

⁸⁵ *Henry VIII*, 1.4.76-77.

⁸⁶ Holinshed, 740. The *Chronicles* is not consistent in its spelling of Anne’s last name. This is the only premarital reference to the future queen and may have been included for the purpose of historical veracity. More details are not forthcoming either because the chronicler deems them gossip and inappropriate for the grand historical work or because the incidents do not fit with the overall theme of Henry’s moral dilemma. The next the reader hears of Anne is in the context of her marriage. A divorce ruling from the English church in hand and fresh from a visit to France, Henry “married priuilie the ladie Anne Bullogne the same daie, being the fourteenth of Nouember and the feast of saint Erkenwald; which marriage was kept so secret that verie few people knew it till Easter next insuing when it was perceiued that she was with child” (777). The writer hints at the earlier romantic interest perhaps merely to set the stage for Henry’s clandestine wedding later that year, a relationship that had to be acknowledged when Anne’s pregnancy became obvious.

⁸⁷ *Henry VIII*, 1.4.30.

Shakespeare's use of Anne Boleyn as a Reformation emblem and the king's divorce as a conversion experience becomes more apparent when compared to Holinshed's *Chronicles*. In the historical text, Anne serves not so much as a trigger for the Reformation but as a political rival to the overreaching Cardinal Wolsey. She first enters Holinshed's account as an enemy of Cardinal Wolsey while Shakespeare introduces her as a beautiful guest at Wolsey's masque. Holinshed relates that the king's affection "was a great grieve vnto the cardinall, as he that perceiued aforehand that the king would marie the said gentlewoman if the diuorce took place. Wherefore he began with all diligence to disappoint that match."⁸⁸ In other words, the king's attraction to the Lady Anne thwarts Wolsey's plans to make a new alliance with France. Anne operates as a political opponent more than a religious reformer in the *Chronicles*, where her importance stems from the opportunity she provides Henry to demonstrate his independence from corrupt Catholic officials.

Henry VIII also pits Anne Boleyn against Cardinal Wolsey, albeit indirectly, but Shakespeare portrays the conflict in a way that makes clear that Wolsey's qualms about her are also objections to Protestantism. This adaptation choice reinforces the rightness of Henry's embrace of Protestantism as it is also, in some ways, an embrace of tolerance. Wolsey has international politics on his mind—the possible marriage alliance with France—when he expresses his dismay that Anne Boleyn will be the next queen, but his opposition is also motivated both by social prejudice and religious bigotry:

⁸⁸ Holinshed, 740.

The late Queens gentlewoman? A knight's daughter
 To be her mistress' mistress? The Queen's queen?
 This candle burns not clear; 'tis I must snuff it,
 Then out it goes. What though I know her virtuous
 And well-deserving? Yet I know her for
 A spleeny Lutheran and not wholesome to
 Our cause, that she should lie i'th'bosom of
 Our hard-ruled King. Again, there is sprung up
 An heretic, an arch-one, Cranmer, one
 Hath crawled into the favor of the King
 And is his oracle.⁸⁹

In conflating lower social station (“a knight’s daughter”) with Reformation faith (“a spleeny Lutheran”), Cardinal Wolsey connects Roman Catholicism with the aristocracy. A union with the former Queen’s lady-in-waiting will expose Henry to religious dissent but will also make her more appealing to the common folk, a group Katherine of Aragon herself championed when she begged Henry to relieve their heavy tax burden levied by Cardinal Wolsey himself.⁹⁰ In associating Anne Boleyn with Protestant martyr Thomas Cranmer, Wolsey firmly links her to the English Reformation.⁹¹

By connecting Anne Boleyn so closely with the Reformation, Shakespeare’s *Henry VIII* invokes the spirit of Foxe’s portrayal. Foxe narrates Anne’s death alongside that of such Reformation martyrs as William Tyndale and Thomas Cranmer.⁹² *Acts and Monvments* provides the following assessment of Anne Boleyn’s faith and character:

⁸⁹ *Henry VIII*, 3.2.95-105.

⁹⁰ *Henry VIII*, 1.2.20-23.

⁹¹ Thomas Cranmer, archbishop of Canterbury and author of the Protestant Church of England’s *Book of Common Prayer*, was burned at the stake under for heresy under the reign of Mary I.

⁹² It is also interesting to note that Tyndale, martyred in the Duchy of Brabant several months after Anne Boleyn’s beheading, was a very public critic of Henry’s efforts to secure a

Godly I call her for sundry respects, whatever the cause was or quarell oiected against her. First, her last words spoken at her death, declared no lesse her sincere faith and trust in Christ, then did her quiet modestie vtter forth the goodnesse of the cause and matter, whatsoever it was. Besides that, to such as wisely can iudge vpon cases occurrent, this also may seeme to give a great clearing unto her, that the king the third day after was married...vnto an other. Certaine this was, that for the rare and singular gifts of her minde so well instructed, and giuen toward God with such a fervent desire unto the truth and setting forth of sincere Religion, ioyned with like gentlenes, modestie, and pitie toward all men there hath not many such Queenes before her borne the Crowne of England.⁹³

Delicately mentioning the fact that someone (unnamed) had a “quarell” with her, Foxe nonetheless considers the weight of her Christian virtues to tip the scale in favor of her ultimate goodness. Her faith is “sincere,” and she adheres to a “sincere Religion.” She not only is a woman of deep Christian conviction, she also displays “goodnesse” and “modestie.” In addition, Foxe admires her intelligence; she possesses “rare and singular gifts of her minde.” Finally, Queen Anne was, according to Foxe, a woman of great charity, one whose faith, goodness, and modesty combined with “pitie toward all men” and “there hath not beene many such Queens before her borne the Crowne of England.” Even though Shakespeare ends his play before Anne’s execution, his adaptation of the queen equates her with the English Reformation in many of the same ways that Foxe’s work does.

Invoking *Acts and Monument*’s veneration of Anne Boleyn, *Henry VIII* employs divorce as a conversion experience to explain the second queen as a beautiful and virtuous woman whose attractions lead the public to embrace her and, by extension, Protestantism. Aristocracy and

divorce, making the insertion of his story between Henry and Katherine’s divorce and Anne’s execution all the more jarring. See Haigh, 101.

⁹³ Foxe, 988.

commoners alike are attracted by Anne's beauty and virtue, finding her irresistible. Upon seeing the new queen, the Second Gentleman praises Anne's beauty and character:

Heaven bless thee!
Thou hast the sweetest face I ever looked on.
Sir, as I have a soul, she is an angel.
Our king has all the Indies in his arms,
And more and riches, when he strains that lady.
I cannot blame his conscience.⁹⁴

He likens Anne's "sweetest face" and her "angel" character to "all the Indies," and, perhaps more importantly given the emphasis on the king's personal ethical struggles earlier in the play, the Second Gentleman "cannot blame [the king's] conscience" in choosing to marry Anne Boleyn. Protestantism therefore justifies its worth clearly to the English people in *Henry VIII's* version of history.

Just as Anne Boleyn's beauty and virtue reward Henry VIII for his hard moral decision to divorce Katherine, Protestantism spiritually reimburses the people for denouncing Roman Catholicism. Anne Boleyn's "saint-like" piety and devout praying at her coronation, mark her, in the Third Gentleman's mind, as possessing "all the royal makings of a queen."⁹⁵ Additionally, her coronation appearance wins the common people's love. When the assembled masses get observe her sitting in the "rich chair of state,"

such a noise arose
As the shrouds make at sea in a stiff tempest,
As loud and as to as many tunes.⁹⁶

⁹⁴ *Henry VIII*, 4.1.42-47.

⁹⁵ *Henry VIII*, 4.1.85 and 4.1.89.

⁹⁶ *Henry VIII*, 4.1.69 and 4.1.73-75.

By embracing this second marriage, the public likewise forms a new union with Protestantism. Divorce *a vinculo matrimonio* allows for Henry's marriage to Anne and is thereby justified. The queen's manner and outward displays of devotion invite the saintly comparison, perhaps a subtle foreshadowing of Anne's untimely death, that which made her a martyr for the faith in Foxe's eyes.

Divorce is *Henry VIII* ultimately delivers a precious dividend for England, and the play argues that Anne Boleyn's importance to the Protestant movement lies more in her motherhood than her faith. The Lord Chamberlain predicts the good Anne Boleyn will work for the country through her offspring, prophetically wondering aloud,

Who knows yet
But from this lady may proceed a gem
so lighten all this isle.⁹⁷

Through the infant Elizabeth, Henry and Anne together can extend the work of the Reformation. Shakespeare not only taps into Foxe's portrayal of her goodness in his characterization of Anne Boleyn, but he also activates his audience's cultural memory to justify his portrayal. The play's appeal to nostalgia, absent in Holinshed and Foxe as they were published during Elizabeth's lifetime, drives Shakespeare's adaptation choices. In *Henry VIII*, Anne Boleyn contributes to the English Reformation by ensuring its endurance through her legacy Elizabeth.

Shakespeare adapts the history of Henry VIII's divorce to stress Anne Boleyn's status as the mother of Elizabeth, with the household drama of Elizabeth's birth taking on national and religious significance. Holinshed's *Chronicles*, in announcing Elizabeth's birth, gives the barest

⁹⁷ *Henry VIII*, 2.3.77-79.

facts reporting that “the seuenth of September being sundaie, betweene three & foure of the clocke in the afternoon, the queene was deliuered of a faire yoong ladie.”⁹⁸ By contrast, *Henry VIII* dramatizes the court’s watchful waiting for Queen Anne to give birth and domesticates an event of great political and dynastic importance. The king entertains court and clerical visitors while the queen is in labor, but he also receives updates on the progress of her labor. Sir Thomas Lovell informs Henry that “her suff’rance made / Almost each pang a death,” to which Henry sympathizes, “Alas, good lady!”⁹⁹ This scene not only depicts Henry as a devoted husband concerned about his wife’s health but also denotes the importance of Elizabeth to her father and her country.

Elizabeth’s christening receives special attention as the ending scene of *Henry VIII*, and Shakespeare uses the ceremony to crystallize the connection between Elizabeth and the Reformation by affording Thomas Cranmer the most prominent lines. Holinshed’s *Chronicles* reports on the christening procession and the gifts given the infant princess, but it does not portray Cranmer as an important figure at the ceremony. However, in Shakespeare’s treatment, Archbishop Cranmer pronounces the following prophecy:

For heaven now bids me, and the words I utter
Let none think flattery, for they’ll find ‘em truth.
This royal infant—heaven still move about her—
Through her cradle, yet now promises
Upon this land a thousand blessings,
Which time shall bring to ripeness. She shall be—
But few now living can behold that goodness—

⁹⁸ Holinshed, 786.

⁹⁹ *Henry VIII*, 5.1.68-69.

A pattern for all princes living with her,
And all that shall succeed.¹⁰⁰

Endowed by “heaven” with a kind of divine authority to speak, Cranmer foretells that Elizabeth’s effects on her country will be full of “a thousand blessings.” These signs of God’s approval will encompass both physical prosperity and spiritual bounty. At the perfect time, she will preside over England’s growing wealth and provide such a shining example of “goodness” that she will be “a pattern for all princes.” Though Cranmer of course does not specify that she will accomplish these feats by being the sovereign, his prophecy does hint at her having power to affect her country’s well-being.

By putting these words in Cranmer’s mouth, *Henry VIII* interprets the troubling and potentially destabilizing events of both political and marital upheaval that occurred earlier in the play as the prelude to a golden age for England and English Protestantism. Henry’s divorce of Katherine, whom the play presents so sympathetically, nevertheless opened the door for this good princess to be born, to take the reigns of governance after the deaths of her brother and older sister, and to usher in a time of prosperity and peace. The adaptation choice to dramatize the conversations surrounding Elizabeth’s christening allows the play to underline the link between Elizabeth and Protestantism in England, one which Foxe attributed to Anne Boleyn by painting her as a martyr. Though others, including the unnamed “Old Lady” and the Lord Chamberlain, have also argued for Elizabeth’s future value to the country, Cranmer voices the most elaborate prophecy. In this way, *Henry VIII* ties the future queen with a major figure in the English Reformation, the martyred author of *The Book of Common Prayer*. This speech operates

¹⁰⁰ *Henry VIII*, 5.4.15-23.

within the heritage work paradigm to argue that the troubling and destabilizing events of political and marital upheaval were painful but necessary steps in completing the work of the Reformation in England.

Shakespeare's adaptation choices in *Henry VIII* not only evoke England's political and religious history but also create nostalgia, a powerful draw for audiences. Film theorist Sue Harper states that "the recognition of the past aids a sense of national as well as personal identity."¹⁰¹ Shakespeare's desire to arouse nostalgia for Elizabeth's reign creates an English identity as a Protestant nation and determines his adaptation choices for *Henry VIII*. Cranmer does not foretell the turbulence of Edward VI's and Mary's short reigns. Likewise, disturbing events like Anne Boleyn's adultery charge and beheading and the king's hasty marriage to Jane Seymour have no place in this play because it was designed to induce nostalgia and call attention to England's status as Elect Nation. By downplaying or ignoring some historical details and embellishing others, Shakespeare can focus on the good coming from Henry's divorce from Katherine: Elizabeth's reign and the strengthening of the Reformation. Elizabeth can maintain her status as the embodiment of England's Protestant heritage, and the play can make the implicit argument that her successor James not only bears her political legitimacy but likewise will ensure the continuation of the Protestant faith in England.

In *Henry VIII*, divorce provides the opportunity for Elizabeth's birth and baptism, and Archbishop Cranmer's involvement and interest in her make the infant princess the symbol for the next generation of the Reformation. Shakespeare's use of Cranmer as the prophetic

¹⁰¹ Sue Harper, *Picturing the Past: The Rise and Fall of British Costume Film* (London: British Film Institute, 1994) 1.

mouthpiece further underscores Elizabeth's importance to Protestantism in England. Though expressed in the future tense, Cranmer's prophecies about Elizabeth's rule create nostalgia for the monarch by predicting that she

...shall be to the happiness of England
An aged Princess. Many days shall see her,
And yet no day without a deed to crown it
Would I have known no more. But she must die
She must, the saints must have her—yet a virgin.
A most unspotted lily shall she pass
To th'ground, and all the world shall mourn her.¹⁰²

Shakespeare employs Elizabeth as an emblem of the Reformation itself in *Henry VIII*, canonizing her through this prophecy. Holinshed's *Chronicles* definitely praises Elizabeth in religious terms, with the author reporting that "(God himselfe vndertaking the tuition of this yoong princesse, hauing predestined hir to the accomplishment of his diuine purpose) she prospered vnder the Lords hand."¹⁰³ However, Shakespeare's play looks back at Elizabeth's legacy in a way that the *Chronicles*, published during Elizabeth's lifetime, cannot.

Henry VIII argues that divorce brings sorrow for Katherine of Aragon but happiness to both the king and the nation because it enabled Elizabeth's ascension to the throne. Though styled a Virgin Queen, Elizabeth nevertheless leaves behind a legacy: the Reformation itself. King Henry seems to grasp what Cranmer's prophecy means for his daughter's eventual reign, as he replies

O Lord Archbishop,
Thou hast made me now a man. Never before

¹⁰² *Henry VIII*, 5.4.56-62.

¹⁰³ Holinshed, 787.

This happy child did I get anything.
This oracle of comfort has so pleased me
That when I am in heaven I shall desire
To see what this child does, and praise my maker.¹⁰⁴

Cranmer's prophecies have informed both the king and the audience that Elizabeth is the good fruit of a morally right but emotionally hard decision to end one marriage and form another, and the king can now take comfort that divorcing Katherine was the right choice. By extension, England's embrace of Protestantism is shown to be pleasing to God, who blesses the land through his representative Elizabeth. King Henry's anguished wrestling with his conscience earlier in the play has dissipated at the end, thanks to Cranmer's "oracle of comfort" about "this happy child" that Henry now considers to be the chief accomplishment of his life. His daughter's rule will secure the continuance of the Protestant faith.

A final adaptation choice Shakespeare makes in *Henry VIII* is to link James VI and I with Elizabeth's Reformation accomplishments in a way that solidifies the rightness of King Henry's divorce. Though it was not actually performed during the nuptial celebrations, the play was created for the marriage festivities of James VI and I's daughter Princess Elizabeth Stuart to a Protestant German prince, Frederick V, the Elector Palatine.¹⁰⁵ At first consideration, a play about divorce and remarriage may not seem the most diplomatic topos for a royal wedding. However, Shakespeare's choice to focus on this particular period of Henry's reign, roughly 1520-1533, speaks not only to a willingness to grapple with the king's great matter but also to a desire to explore the genesis of the English Reformation. By emphasizing the Virgin Queen in a

¹⁰⁴ *Henry VIII*, 5.4.63-68.

¹⁰⁵ Alvin Kernan, *Shakespeare, the King's Playwright: Theater in the Stuart Court 1603-1613* (New Haven and London: Yale University Press, 1995) xix-xx.

play ostensibly about her father, Shakespeare implicitly argues that the Stuart rulers will not only follow Elizabeth's example of wise leadership but also continue the work of the Reformation, established and nurtured by her father and brother but solidified by the queen.

Both *The Tragedy of Mariam* and *Henry VIII* use historical accounts to explore the legitimacy, merits, and effects of divorce, but their purposes cause their conclusions to vary greatly. Cary adapts an ancient Jewish account, as translated by her contemporary Lodge, with the purpose of critiquing Henry VIII's divorce of Katherine of Aragon and investigating the effects of divorce on individuals and society. *The Tragedy of Mariam* is filled with strong female characters who are either divorced (Doris) or seeking some kind of divorce (Mariam and Salome). Nevertheless, Cary argues that divorce of any kind—*a vinculo matrimonio, a mensa et thoro*, or even the Mosaic divorce advocated by reformers like Luther—hurts women and destroys social order. The playwright can stage the divorce debates of her time by proxy in ancient Jerusalem and argue against the destruction of the marriage bond. Cary's casting of divorce as a force for social disintegration may spring from her burgeoning interest in Roman Catholicism.¹⁰⁶ Or, the playwright could be arguing for clearer divorce laws in the wake of new ideas about the sacramental status of marriage.

Shakespeare's *Henry VIII* shows divorce to be devastating on a personal level to Katherine of Aragon but argues that divorce can work social good too, as Henry and Katherine's divorce clears the way not only for the Henrician Reformation but also for Elizabeth's reign.

¹⁰⁶ In their introduction to *The Tragedy of Mariam*, Cerasano and Wynne-Davies report that Cary "had shown an interest in Catholicism from around 1605," which is a few years after the play was composed. (p. 43).

Shakespeare uses history in this play not to litigate early modern divorce laws but to bring the Reformation forward in time to James VI and I's reign. Divorce in the play creates not social chaos as in *The Tragedy of Mariam* but order and stability. According to Jean-Christophe Mayer, Shakespeare considered the Reformation not as a finite stage of history, but as a continuously renewable phenomenon.¹⁰⁷ As such, the Reformation needed a new figurehead in each generation. Shakespeare's elevation of Elizabeth in *Henry VIII*, a play planned for the wedding of James's daughter and her Protestant German bridegroom, has the effect of establishing the Stuarts as the next defenders of the English Reformation. Nostalgia and national history thus contribute to the formation of contemporaneous political and cultural identity. Shakespeare's *Henry VIII* concentrates on the events and figures most crucial to painting Elizabeth's birth as legitimate and good and has no interest in examining the various forms of divorce debated in the early modern era as *The Tragedy of Mariam* does. As a heritage work, the play minimizes the legal and moral ambiguity of the king's first marriage and divorce to argue instead that the marriage's dissolution laid the foundation for Elizabeth's golden age and English Protestantism.

Literary works of the late sixteenth and early seventeenth centuries include divorce as a plot point because it was a marriage debate of the time period just as broken betrothals, clandestine marriage, and coerced marriage were. Divorce stayed in the public eye during this period across a wide spectrum of social classes. High profile aristocratic divorce and remarriage

¹⁰⁷ Jean-Christophe Mayer, "Revisiting the Reformation—Shakespeare and Fletcher's *King Henry VIII*, *Reformation and Renaissance Review* 5, no. 2 (2003): 188-203, accessed November 29, 2016, web.b.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=a1e637d3-6d78-49d1-bafd-06c60529284e%40sessionmgr120&vid=1&hid=128, 202. Penelope Rich and Charles Blount's marriage was possibly bigamous as Rich had received a divorce *a mensa et thoro* from her husband due to her adultery with Blount. As the guilty party, Penelope would have had no remarriage rights even under the more liberal Continental Protestant divorce laws.

scandals like the 1605 marriage of Penelope Rich to her lover Charles Blount drew public attention while the lower classes engaged in “many private separations which amounted to self-divorces.”¹⁰⁸ Divorce was a topic of interest across a wide swath of society, and early modern plays like *The Tragedy of Mariam* and *Henry VIII* take advantage of this interest in choosing their subject matter. In the adaptation process, both Cary and Shakespeare judge Henry VIII and Katherine of Aragon’s royal divorce as either destabilizing to the English social fabric or as a chapter in the grand story of the Protestant Reformation. These authors’ evaluations of divorce as a force for social evil or good differ, just as playwrights have disagreed about the dangers or damage of broken betrothals, clandestine marriages, and coerced marriages. *The Tragedy of Mariam* and *Henry VIII* come to different conclusions about the famous royal divorce, but it is difficult to know just what the application to the general populace would be. For while *The Tragedy of Mariam* advocates no kind of divorce as healthy for society, it does so in the context of a tyrant’s realm. How much Cary is critiquing marriage laws themselves as abstractions and how much she is showing how tyrants harm every aspect of social life is impossible to know. Likewise, though Shakespeare’s play portrays Henry and Katherine’s divorce much more positively, it introduces no subplots involving other divorces. The audience cannot know for sure whether he would have agreed with Cranmer’s divorce reforms or maintained that the older, Roman Catholic methods were sufficient. The audience *can* make a determination on how the two playwrights considered the Reformation that sprung from Henry VIII’s legal wrangling to

¹⁰⁸ Stone, 307. A young William Laud, later Archbishop of Canterbury, presided over Penelope Rich and Charles Blount’s marriage. Rich had secured only a divorce *a mensa et thoro* from her first husband and thus could not technically remarry. Penelope’s forced marriage to Lord Rich is discussed in Chapter Three.

annul his first marriage. Cary's *The Tragedy of Mariam* sees a world turned topsy turvy by a tyrannical monarch whose divorce instigated a change of religion. In contrast, Shakespeare's *Henry VIII* presents a positive view of divorce *a vinculo matrimonio* as ushering in the Protestant Reformation in England.

CONCLUSION

English custom and law continued to be at odds with each other until the eighteenth century. The marriage issues raised and explored by early modern plays—broken betrothals, secret marriages, coerced marriages, and divorce—left unresolved until long after the closing of the theaters in 1640 in the wake of the English Civil War. In fact, during the Interregnum, marriage became even more chaotic as the abolishment of the church's authority over marriage led to numerous irregular marriages and a backlog of marriage suit claims that could not be adjudicated until the reestablishment of the ecclesiastical courts in 1660.¹ However, the Restoration brought no real canon law reform, and plays take up the same issues their Elizabethan and Jacobean predecessors did. For example, by using annulment of the second marriage to resolve the coerced marriage, Aphra Behn adapts George Wilkins's *The Miserie of Inforst Marriage* (1607) into *The Town-Fop* (1677).

Cultural tension surrounding marriage issues examined in this dissertation continued, with some becoming even more problematic after the Restoration, especially clandestine marriage. Lawrence Stone explains that “demand for secret private marriages was so intense among all classes of society that it flooded in like a rising tide, seeping into cracks and crannies of the precarious sea-wall of legislation, ecclesiastical court prosecution, and punishment.”² The characters Romeo and Juliet would have been at home in this atmosphere, and Mariana's contract with Angelo from *Measure for Measure* would have still had a good chance of being

¹ Lawrence Stone, *The Road to Divorce: England 1530-1987* (Oxford: Oxford University Press, 1990) 308.

² Stone, 119.

upheld as valid. Because the verbal consent model of marriage remained “the essence of valid marriage,” irregular weddings remained legally binding if they could be proved.³ The Interregnum only provided the opportunity for irregular marriages to exponentially increase, and church courts had a backlog of marriage suits to address when Charles II’s Restoration government re-established them.

It was not until the passage of Lord Hardwicke’s Marriage Act in 1753 that England adopted significant marriage reform and finally deemed irregular marriages illegal. This Parliamentary reform required the posting of banns, a public wedding conducted in the parties’ home parish according to the *Book of Common Prayer*’s Solemnization of Marriage Service, the consent of parents or guardians for minors marrying by special license, and the presence of witnesses and the signing of a registry.⁴ It made illegal and invalid the *di presenti* spousals tolerated in the past and made secret marriages void if they did not follow the rules for special license weddings.⁵ In other words, Lord Hardwicke’s Act cleared up many of the ambiguities present in the canon law prior to 1753, but it also hurt women seduced by men with the promise of marriage, for they no longer had the legal recourse to bring a suit in ecclesiastical court for the recognition of a valid marriage as they had before the legislative change.⁶

³ David Lemmings, “Marriage and the Law in the Eighteenth Century: Hardwicke’s Marriage Act of 1753,” *The Historical Journal* 39, no. 2 (June, 1996): 339-360, accessed May 25, 2015, www.jstor.org/stable/2640184, 344.

⁴ Lemmings, 345-346.

⁵ Lemmings, 346.

⁶ Lemmings, 351.

Despite the passage of Lord Hardwicke's legislation, English society still expressed cultural anxiety about improper marriages and about the dangers of women seduced with the promise or semblance of marriage. For example, Oliver Goldsmith's *The Vicar of Wakefield* (1766) includes a plot line in which Olivia, the Vicar's daughter, is deceived into what she later believes to be a sham marriage by the brazen Mr. Thornhill. Olivia later tells her father that Mr. Thornhill "“has been married already by the same priest to six or eight wives more, whom, like me, he has deceived and abandoned.””⁷ Irregular marriages may have been deemed invalid, but men could still manipulate the system to exploit women. Goldsmith's Mr. Thornhill gets his due, however, when he learns that his supposed sham marriage was actually conducted by a real Church of England clergyman with a real special license. Therefore, his marriage to Olivia is actually legitimate and binding. The trickster has become caught by his own game, and Goldsmith restores order to what would have been an extremely chaotic situation.

Legal issues surrounding marriage continue to be of interest to writers well into the nineteenth century with works like Jane Austen's *Sense and Sensibility* (1811) and *Emma* (1815) treating secret engagements and *Lady Audley's Secret* (1862) by Mary Elizabeth Braddon exploring bigamy. As divorce in England finally became legal in 1857, novels like Henry James's *What Maisie Knew* (1897) began investigating its effects. Twenty-first-century entertainment likewise wrestles with current day legal issues surrounding marriage. Spencer Kornhaber, in an article in *The Atlantic* dating from 2015, discusses how television series work through modern anxieties like same-sex marriage and child rearing (*Modern Family*) or the

⁷ Oliver Goldsmith, *The Vicar of Wakefield*, introduction by Frederick J. Hilles (New York: E. P. Dutton and Company, 1951) 141.

ramifications for parents and spouses when a partner transitions to another gender (*Orange Is the New Black*).⁸ Even present-day heritage works often highlight how marriage operated differently in the past when they treat history. For example, Netflix's *The Crown* (2016, 2017), itself an adaptation of a stage play, chooses—among the numerous events in Queen Elizabeth's reign—to depict many marriage-related dilemmas including remarriage after divorce. Several episodes are devoted to Princess Margaret's thwarted desire to marry divorcé Peter Townsend in Season 1, and her later marriage to Antony Armstrong-Jones.⁹ Audiences continue to be fascinated by obstacles to marriage, and playwrights and screenwriters continue to mine marriage laws and customs both historical and contemporary for plot material.

The ambiguities stemming from the clash of ancient practice with early modern attempts at legal reform were slowly clarified over the ensuing centuries. One can hear the echoes of these debates, and the ultimate triumph of law, in present day instructions to people seeking to get married in the Church of England. Couples wishing to get married at a parish church must still post banns, as required by the very first *Book of Common Prayer*. The website of St. Mary's Thornbury, a parish church in south Gloucestershire, informs engaged couples that banns must

⁸ Spencer Kornhaber, "The *Modern Family* Effect: Pop Culture's Role in the Gay-Marriage Revolution," June 26, 2015, accessed March 12, 2018, <https://www.theatlantic.com/entertainment/archive/2015/06/gay-marriage-legalized-modern-family-pop-culture/397013/>.

⁹ Season One, Episode Six ("Gelignite") and Season Two, Episode Seven ("Matrimonium") specifically treat Princess Margaret's marriage-related issues specific to her status as a member of the royal family, namely that she cannot marry a divorced man and that she may not get married until after the birth of Queen Elizabeth II's child. See *The Crown*, season 1, episode 6, and *The Crown*, "Gelignite," directed by Julian Jarrold, aired November 4, 2016, on Netflix, and *The Crown*, season 2, episode 7, "Matrimonium," directed by Benjamin Caron, aired December 8, 2017 on Netflix.

be posted three consecutive Sundays in advance of the wedding. It defines banns as “an announcement of your intention to marry,” explaining further that “they are a legal requirement. The aim is to notify the local community in case anyone knows a legal reason that would prevent your marriage (e.g. you are already married, or you are too closely related).”¹⁰ Modern day English couples have to give their community the same kind of advance notice that early modern couples did in order to avoid the destabilizing effects of bigamy and incest, which in the eyes of the Church of England are as problematic in the twenty-first century as they were in the sixteenth or seventeenth.

The disclaimers for those planning a wedding are even more explicit at Brasenose College Chapel, Oxford, harkening back to many of the issues of discussion in the early modern era. The website “Getting Married at Brasenose” advises that “there are a number of safeguards, both legal and spiritual, to ensure that the church’s teaching is followed,” including procuring a special license from the Archbishop of Canterbury’s Faculty Office.¹¹ The chapel’s website echoes the anxieties surrounding the tension between individual consent and parental approval by also warning: “Your families should approve of the marriage. The College Chaplain is obliged by the Archbishop to enquire whether your families approve, regardless of your age.”¹² These adjurations call to mind the problems experienced by Shakespeare’s Romeo and Juliet and Webster’s Duchess of Malfi and Antonio when they married secretly without family approval.

¹⁰ “Weddings—FAQ,” *St. Mary’s Thornbury*, accessed March 1, 2018, <http://thornburycfe.org/uk/weddings.html>, n.p.

¹¹ “Getting Married in Brasenose,” *Brasenose College*, accessed April 5, 2017, bnc.ac.uk/current-students/college-life/chapel/getting-married, n.p.

¹² “Getting Married in Brasenose,” n.p.

In this work, I have combined new historicist and film adaptation methodologies in order to show how early modern playwrights were calling attention to the marriage debates of their times, most notably the tensions at work between older customs and a new push for legal reform. The new historicist approach justifies my reading of the texts by finding additional examples of how early modern works, both fiction and nonfiction, were reflecting these tensions and taking a side between custom and law. Along with the plays I have examined, these works prove a cultural anxiety surrounding betrothals, irregular marriages of all kinds, coercion in marriage, and divorce.

The film-adaptation methodology provides another means of proving that early modern playwrights were indeed reacting to the destabilizing effects of this debate. Because so many sixteenth- and seventeenth-century works were retellings of earlier histories, myths, or narratives, I have found the adaptation theory work of Linda Hutcheon, Deborah Cartmell, Thomas Leitch and others to be of great value to this project. Even though these authors write mainly about film, present-day television and film shares much in common with early modern drama, including common audience types and atmospheres of production. Early modern drama falls into some of the same categories as present day film and television programs, including based-on-a-true-story/true crime and heritage works, and, as such, the means of analysis can be surprisingly similar. As the medium most responsive to popular interest in its own time, early modern theater mirrors today's mass entertainment media. Thus, Linda Hutcheon's observation about today's audiences can be applied to adaptation audiences of the past as "the appeal of adaptations for audiences lies in their mixture of repetition and difference, of familiarity and

novelty.”¹³ Early modern playwrights, then, use the familiarity of adapted material to express their position regarding marriage: arguing for the maintenance of the consent-based model or pushing for greater regularization so that society could be more stable. This same tension between freedom and standardization exists today but will have to be the subject of another work than this one.

¹³ Linda Hutcheon, with Siobhan O’Flynn, *A Theory of Adaptation*, 2nd ed. (London and New York: Routledge, 2013) 114.

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- “Consent and the Bed-Trick in Shakesperae’s *All’s Well That Ends Well*,” South Central Modern Language Association Conference in Tulsa, Oklahoma (October, 2017)
- “Reforming Elizabeth: Shakespeare’s *Henry VIII* as Heritage Work,” Conference of the German Shakespeare Association in Weimar, Germany (April, 2017)
- “The Intertextuality of Marriage in Shakespeare’s *Measure for Measure*,” RAW Conference at UT Dallas in Richardson, Texas (February, 2017)
- “Negotiating the City: Celebrity, Class, and Cross-dressing in Dekker’s and Middleton’s *The Roaring Girl*,” South Central Modern Language Association Conference in Dallas, Texas (November, 2016)
- “Echoes of Americana and Literary Pastiche in Patrick McHale’s *Over the Garden Wall*,” RAW Conference at UT Dallas in Richardson, Texas (March, 2016)
- “Animating the Oregon Trail: Encounters with History, Nature, and People in *The Oregon Trail* Video Game,” SLSA Conference in Houston, Texas (November, 2015)
- “Fording the Platte, Shooting a Buffalo, Dying of Cholera: Negotiating Sites of Imagination and History in *The Oregon Trail* Video Game,” Modern Language Association Conference in Vancouver, British Columbia (January, 2015)
- “Adapting Dickens’s *Great Expectations*: 1946 and 1998,” South Central Modern Language Association Conference in Austin, Texas (October, 2014)

GRANTS AND FELLOWSHIPS

- Graduate Student Scholarship, University of Texas at Dallas (August, 2013-May, 2018)

AWARDS AND HONORS

- Microsoft Innovative Educator finalist, August, 2009
- Phi Beta Kappa

AFFILIATIONS/MEMBERSHIPS

- Modern Language Association
- South Central Modern Language Association