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# Public Justice and Private Mercy in Measure for Measure

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## Public Justice and Private Mercy in *Measure for Measure*

STACY MAGEDANZ

As the only one of Shakespeare's plays to carry a biblical title, *Measure for Measure* draws on an explicitly Christian body of thought about law, mercy, justice, and the right exercise of authority. The pervasive influence of the Sermon on the Mount (Matt. 5-7) over *Measure for Measure's* action has led many critics to interpret the play as a straightforward Christian allegory where Mercy pleads before God in a grand Last Judgment.<sup>1</sup> Another group, perhaps in reaction, has found in the play a subversion of the expected outcomes of justice, or even a radical subversion of all authority.<sup>2</sup> During the Reformation, the Sermon on the Mount was also the subject of controversy. Radical reformers such as the Anabaptists concluded that the exhortation "judge not" obliged Christians to withdraw from the exercise of civil authority, including the magistracy. More moderate reformers, such as Martin Luther, tried to reconcile the public demands for order and justice with the Christian law of love, but did so only by dividing the public and the private into strictly separate realms. Against this background, Shakespeare lays out the action of *Measure for Measure*, in which a strictly moral Christian is placed in the office of magistrate and fails spectacularly in both roles. The clash of the public role and the private person in the proper exercise of justice clearly echoes contemporary debate over the meaning of the "judge not" passage.

Discussions of mercy and justice, the public and the private, must center on the biblical passage from which Shakespeare took the play's title, Matthew 7: 1-2, part of the Sermon on the Mount: "Ivudge not, that ye be not iudged. For with what iudgement ye

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judge, ye shal be iudged, and with what measure ye mette, it shal be measured to you againe.”

The “judge not” passage posed especially thorny problems for Reformation exegetes, mainly because of the influence of radical Protestant sects such as the Anabaptists, who interpreted “judge not” and the rest of the Sermon on the Mount to mean that no Christian could rightly exercise authority over any other—a kind of Christian anarchy that placed the spiritual community of love and charity, rather than the authority of the state, as the primary creator of social order. Anabaptist doctrine on this point was hardly uniform,<sup>3</sup> despite the claims of its detractors, but some generalizations about it can be made. James M. Stayer has described the ultimate Anabaptist position as separatist nonresistance to the authority of the state.<sup>4</sup> Separatist nonresistance comprehends not only pacifism but also a refusal to participate in the coercive force embodied in state institutions such as the magistracy.

Essential to the formation of Anabaptist separatism was the Sermon on the Mount, which articulated Christ’s New Law of love that had come to replace the Old Law of retributive justice.<sup>5</sup> The Schleithem Confession of 1527 represents one of the earliest formal statements of Anabaptist belief. Article 6 of the Confession specifically addresses use of “the sword,” representing the power of the state to enforce laws and punish wrongdoers, and whether Christians can serve as magistrates, the bearers of the symbolic sword. Article 6 asserts that the sword is “outside the perfection of Christ” and argues that, following the example of Christ, Christians should not pass sentence on others or serve as magistrates, since “the rule of the government is according to the flesh, that of the Christians according to the Spirit.”<sup>6</sup>

The Anabaptists’ position was seen by their contemporaries as a denial of the philosophical basis of government itself, in particular the role of the magistrate as the representative of governmental and ultimately divine authority. The *Martyrs Mirror*, a seventeenth-century Anabaptist martyrology, reprints a letter by one Jacques de Somaire, who observed the persecution of the Anabaptists in England under Elizabeth in the 1570s. He says that the Anabaptists “rejected all government and authority of magistrates and higher powers as ungodly and unchristian”<sup>7</sup> and that they “instigate the people to sedition and rebellion.”<sup>8</sup>

The Anabaptist viewpoint on governmental authority contrasts sharply with that of more mainline Reformation thinkers. In one anti-Anabaptist tract, the author observes that the magistrate

“hath the sworde from God . . . that both the malefactours may be punysshed and the good and righteous liue surely among the wicked” and furthermore that such “power is the mynister of god.”<sup>9</sup> Discussing the “judge not” passage, John Calvin says that the order “judge not” does not mean that Christians should not reprove and condemn sins, which is not only lawful but also absolutely necessary. To refuse to judge at all would be to question God’s own position as lawgiver and judge. It is God’s will, he says, that we pronounce God’s proper judgments on men’s deeds, but “wee must onely retaine that modesty, that he mey remaine the onely lawgiuer and iudge.”<sup>10</sup> This is the viewpoint reflected in the Thirty-nine Articles of the Church of England, a viewpoint repeated by James I in the *Basilikon Doron* and upheld as commonplace in contemporary discussions of government.<sup>11</sup> If the magistracy is a divine office, then the exercise of judgment becomes a sacred responsibility.

Thoughtful consideration of Christian duty required, however, a recognition of the imperfect person filling the divinely granted office. Luther tries to solve the dilemma of the “judge not” command by splitting secular and spiritual judgments. He observes that parents must judge in their households, as princes must in their kingdoms, and sometimes administer punishment to make people behave. But in the more private realm of “spiritual life and existence among Christians . . . it is forbidden for one to judge and condemn another.”<sup>12</sup> The fundamental irreconcilability of this split perspective persists throughout Luther’s works<sup>13</sup> and is carried over into the thinking of other Renaissance exegetes.

Following Luther’s example, the English reformer William Tyndale discusses justice, mercy, and secular authority in his explication of the Sermon on the Mount.<sup>14</sup> To justify the Christian’s right and duty to carry out secular offices, Tyndale explains that every person lives in two states, or “regiments.” The first and most important is the regiment of Christ established in the Gospels, in which there are no positions of authority, but all are “brethren and Christ onely is lorde ouer all. Nether is there anye other thyng to doo or other law saue to loue one a nother as Christ loued vs.”<sup>15</sup> In the first state, as a disciple of Christ no one may condemn or punish a fellow child of God.

The second regiment is the temporal, in which people are defined on the basis of their roles of authority over or responsibility to others. In the temporal state, a Christian in a position of authority “not onlye mayst but also must and art bounde vnder

payne of dampnacion to execute thyne office”<sup>16</sup> even if it means imprisoning or killing others. Tyndale offers an example: If you are a brother in a family, you do not condemn or punish your siblings, because that is your father’s job. But if your father gives you authority in his absence, you are, in effect, a different person. You must still love your brothers and sisters, but “if loue will not serue,”<sup>17</sup> you must use the authority of your office to keep order, or sin against your father who trusted you with his position—and by implication, sin against the family you love by allowing it to fall into disorder.

In *Measure for Measure*, contemporary debates about judgment and the right use of authority are enacted on the stage of Shakespeare’s fictional Vienna. The themes of personal and public morality are announced from the opening of the play, in the Duke’s first long speech to Angelo and Escalus. He warns Angelo that personal virtues must be publicly exercised:

Heaven doth with us as we with torches do,  
Not light them for themselves; for if our virtues  
Did not go forth of us, ’twere all alike  
As if we had them not.<sup>18</sup>

The passage alludes to another part of the Sermon on the Mount, Matthew 5:15–6, “Nether do men light a candel, and put it vnder a bushel, but on a candelsticke, & it giueth light vnto all that are in the house. Let your light so shine before men, that they may se your good workes, & glorifie your Father which is in heauen.” Angelo is noted for his temperance and precision, though descriptions of him run more toward cold fish than virtuous leader. The Duke is well aware that Angelo “scarce confesses / That his blood flows” (I.iii.51–2), and the wittier Lucio reports that he was “begot between two stockfishes” (III.ii.105). Angelo’s celebrated private virtues are now under scrutiny in his newly given position of public authority. That the Duke himself will take on the role of tester of virtues is made clear,<sup>19</sup> as he tells the Friar, “Hence shall we see / If power change purpose, what our seemers be” (I.iii.53–4).

The unspecified law against fornication that snares Claudio is the touchstone for social order in Vienna. The choice of offenses is significant. Fornication is at once the most intimate and personal of sins and yet also the one that strikes hardest at the basis of social order, the family. The Vienna we see appears populated entirely by unmarried people: a bachelor duke, ascet-

ics Angelo and Isabella, profligate Lucio, bawds, and whores. The sexuality that runs through the play is almost entirely negative, the source of disease and illegitimacy, carried on in brothels and slums that are to be torn down as a danger to the public, a temptation that corrupts public officials and oppresses innocence. In describing his own failure to enforce the law, the Duke uses metaphors of familial disorder: such as “fond fathers” (I.iii.23) who fail to discipline their children, the law has become mocked rather than feared; “the baby beats the nurse” (I.iii.30) and public order has been turned upside down.<sup>20</sup> However, we observe that neither punishment nor pleading seems to have any effect on promiscuity. Pompey crows, “The valiant heart’s not whipt out of his trade” (II.i.253), and Escalus throws up his hands at Mistress Overdone, “Double and treble admonition, and still forfeit in the same kind!” (III.ii.187–8). In Vienna, intractable personal sins are tearing down civil order.

Into this setting steps Isabella as the advocate for mercy. Despite her evident Catholicism as a novice of St. Clare, she fits interestingly the model of an Anabaptist morality. She is about to become a member of a spiritual community based on Christian love, separated from the temporal world’s demands and temptations. The insularity and withdrawal of the Clares is emphasized in Francisca’s exchange with Isabella regarding the sisters’ inability to speak with men (I.iv.6–14). Even the Duke, discussing his monkish disguise, refers to monasticism as “the life remov’d” (I.iii.8). Isabella herself is depicted as a virtuous person stringently moral in her behavior. Even Lucio regards her as a thing “enskiéd and sainted” (I.iv.34), and she protests that she would wish “a more strict restraint” (I.iv.4) than the convent offers.

In her pleas before Angelo, Isabella argues for mercy based on awareness of one’s own sinfulness and imitation of the example of Christ. She tells Angelo, “Go to your bosom, / Knock there, and ask your heart what it doth know / That’s like my brother’s fault” (II.ii.137–9). Unfortunately, Angelo is not persuaded. Hypocrisy may be decied by the “judge not” passage, but it is not prohibited under the law, a point Angelo himself has already made at the opening of act II. Isabella makes her point more explicit when she asks Angelo to consider God’s judgment: “How would you be, / If He, which is the top of judgement, should / But judge you as you are?” (II.ii.75–7). The example of Christ’s extravagant mercy demands that imperfect Angelo not pass judgment on his fellow frail human beings, an argument that seems to echo article 6 of the Schleithem Confession. Finally, address-

ing Angelo's public role, Isabella observes that mercy, not the "deputed sword" (II.ii.60) of force or the "judge's robe" (II.ii.61) of civil authority, is the best ornament of rulers. Like the Anabaptists, Isabella places the sword outside the perfection of Christ, the private, spiritual realm of goodness and mercy which she inhabits.

For all Isabella's defense of mercy, she seems to lack much of the fellow-feeling that mercy assumes. Lucio must egg her on, calling her cold and urging her to show more feeling: "If you should need a pin, / You could not with more tame a tongue desire it" (II.ii.45-6). Her love of her virtue becomes a kind of self-love that cancels out compassion for Claudio. "More than our brother is our chastity" (II.iv.184), she tells herself, and by the time she has confronted Claudio with this resolution, she has slipped from love of virtue into outright self-absorption: "Take my defiance, / Die, perish! Might but my bending down / Reprieve thee from thy fate, it should proceed" (III.i.142-4). Isabella's defense of mercy might be described as a purely intellectual one, an argument that reasons out mercy but cannot ultimately feel it.

Civil authority comes to the forefront in Angelo. When we first encounter Angelo, he seems to have almost no personal qualities at all; he is his role, all magistrate and no person. The law that Angelo upholds is entirely exterior and impersonal. The arguments that Angelo makes in defense of his strictness illuminate this point. First, he says that if laws are not enforced, they cease to keep order (II.i.1-4), echoing the Duke's earlier sentiments. In addition, failure to enforce punishment harms those who will later be injured by the pardoned offender (II.ii.91-4, 101-5). In reference to his own role as judge, Angelo observes that the law can only punish offences that are made known to it, not those failings that escape public notice: "What's open made to justice, / That justice seizes" (II.i.21-2). It does not matter if those who enforce the law are guilty of some wrongs themselves, because they are not on trial (II.i.19-26). If I as a judge am guilty, he says, that should not mitigate my enforcement of punishment. Rather, let me receive the same punishment I gave (II.i.27-31). To the provost, he counsels a bit more professional detachment, when the provost shows a personal interest in Claudio's plight: "Do you your office, or give up your place, / And you shall well be spar'd" (II.ii.13-4). Though Christianity may counsel individuals to hate the sin but love the sinner, the law looks not into the heart of the offender, but to the offender's public acts and their consequence as determined under the law:

Why, every fault's condemn'd ere it be done:  
 Mine were the very cipher of a function  
 To fine the faults, whose fine stands in record,  
 And let go by the actor.

(II.ii.38–41)

Given Angelo's hypocritical and largely unrepentant behavior throughout the rest of the play, it is easy for audiences and critics to dismiss Angelo's defense of a strict enforcement of the law as self-righteous cant. Yet Angelo is articulating principles that were and are commonplaces of Western law. The law must operate impersonally lest it become a tool for personal agendas. Judges must fulfill their roles whether or not they enjoy it or are morally perfect. Laws exist in society to maintain order, to protect the weak from the unprincipled strong, to restrain wrongdoers for their own good and that of their neighbors. As a representative of the law, Angelo is doing exactly what the Duke wished him to do: restraining the "headstrong jades" (I.iii.20) of Vienna and restoring order. Angelo offers himself as the personification of justice ("I—now the voice of the recorded law" [II.iv.61]); in his terms, an impersonal system of rules impersonally and impartially enforced. Angelo separates the office from the person in it, splitting public and private selves: "It is the law, not I, condemn your brother; / Were he my kinsman, brother, or my son, / It should be thus with him" (II.ii.80–2).

Like the brother in Tyndale's hypothetical family, he must uphold the authority given to him, or sin against the God from whom all authority comes. The fault comes in the extremes to which Angelo pushes his role, so far that he himself seems to become an abstraction. As Escalus observes, Angelo is "so severe that he hath forced me to tell him he is indeed Justice" (III.ii.247–8). Tyndale explains that rulers must set a good example for their subjects by their holy lives, only punishing when other means will not work. When rulers must punish, they should do so out of a desire to correct rather than destroy, with "a louynge anger that hateth onlie the vice and studyeth to mende the person."<sup>21</sup> Angelo shows no desire to amend wrongdoers, preferring simply to punish. He makes no distinction between the sins of an overamorous young couple wishing to marry and the seasoned debauchery of the stews. His is not "louynge anger" but only an unfeeling commitment to legalism. He seems to enjoy his office for its own brutal sake, not for the good it may do others. As he



observes of Escalus's prisoners, he hopes "you'll find good cause to whip them all" (II.i.136).

The problem of reconciling these opposed standards of public justice and private mercy lies with the Duke. N. W. Bawcutt has pointed out that the Duke shows no sign of interfering with Angelo's judgments until he overhears the dramatic prison-cell exchange between Isabella and Claudio.<sup>22</sup> We may reasonably object that up to this point, the Duke has had no dramatic opportunity to intervene, but it may indeed be true that he has no objections to Angelo's severity until he discovers that Angelo is also a hypocrite: "Twice treble shame on Angelo, / To weed my vice, and let his grow!" (III.ii.262–3). Tyndale, Calvin, and Luther agree with the Geneva Bible that "judge not" forbids only hypocritical censure of others for one's own sins.<sup>23</sup> Certainly Angelo has up to this point done what the Duke said he wanted done—revive the once dead laws of Vienna. Perhaps because of his harsh view of the law, when Angelo discovers in himself a sin like Claudio's, he finds repentance a less viable option than anticipating the punishment he deserves.

The Duke's response to Angelo's corruption is ultimately an attempt to combine the paradoxical qualities of mercy and justice, private and public. When the Duke steps forward at the end of act III, he announces a standard of judgment for rulers that sounds like Isabella's, not Angelo's:

He who the sword of heaven will bear  
Should be as holy as severe:

.....  
More nor less to others paying  
Than by self-offenses weighing.  
Shame to him whose cruel striking  
Kills for faults of his own liking!

(III.ii.254–61)

The Duke's ideal ruler bears a charge from God—"the sword of heaven"—not an impersonal set of rules, and a specific recognition of the judge's own personal sinfulness.

The Duke engineers the final judgment scene to unite public and private, and specifically to expose Angelo's hypocrisy as a civil authority while eliciting Isabella's personal sense of compassion. The climax comes in the Duke's dramatic condemnation of Angelo:

The very mercy of the law cries out  
 Most audible, even from his proper tongue:  
 "An Angelo for Claudio; death for death.  
 Haste still pays haste, and leisure answers leisure;  
 Like doth quit like, and Measure still for Measure."  
 (V.i.405–9)

The Duke invokes the strictest principle of the Old Law, an eye for an eye (Exod. 21:24, Lev. 24:20, Deut. 19:21). This is the same law Christ specifically contradicts in the Sermon on the Mount: "Ye haue heard that it hathe bene said, An eye for an eye, & a tooth for a tooth. But I say vnto you, Resist not euil: but whosoeuer shal smite thee on thy right cheke, turne to him the other also" (Matt. 5:38–9). The Duke appeals to Isabella's desire for revenge, not for the threat to her honor, which she knows was thwarted, but for the supposed execution of her brother, inviting her to demand death for death in accordance with the strict justice Angelo himself had invoked. In response to Mariana's pleas, Isabella refuses the offered chance at revenge and begs mercy for Angelo. She considers her brother's execution the penalty he would have had anyway: "he did the thing for which he died" (V.i.447). As for Angelo's lust, "His act did not o'ertake his bad intent, / And must be buried but as an intent / That perish'd by the way" (V.i.449–51).

Critics have roundly condemned Isabella for this resort to garbled logic and legal loopholes.<sup>24</sup> Yet Isabella and her audience must certainly know the Sermon on the Mount well enough to know that she is just making generous excuses for Angelo's inexcusable behavior: "Ye have heard that it was saide to them of old time, thou shalt not commit adulterie. But I say unto you, that whosoeuer looketh on a woman to lust after her, hath committed adulterie with her already in his heart" (Matt. 5:27–8). Angelo's malicious design, thwarted only by provident circumstance, is certainly enough to damn him, but it is the nature of mercy to overlook wrongs. As Tyndale says, "to be mercifull, is to enterpret all to the best, and to loke thorow the fyngers at manye thinges."<sup>25</sup> Isabella has already tried to excuse a sin for her brother's sake: "I something do excuse the thing I hate / For his advantage that I dearly love" (II.iv.119–20). Now she tries to interpret Angelo's action for the best. If her argument is weak, she can hardly be blamed; there is little in Angelo's behavior that bears excusing. This is radical Christian forgiveness, which imitates the mercy of the "top of judgment," without regard to personal merit or what

the situation reasonably deserves. Isabella has at last practiced what she preached. Able to forgive, she receives back a life for a life, the brother she thought she had lost in exchange for sparing Angelo. Unfortunately, Angelo, clinging to the letter of the law, is penitent but still prefers death to redemption.

While he is on display in his highly public—and highly manipulative—court scene, the Duke initially makes a show of taking on the role that Angelo has just abandoned: the personification of strictest justice. For Isabella, he orders prison; for Angelo, death; for the provost, discharge from his place; for Lucio, whipping and hanging. However, once the rhetorical effect of his feigned severity has been achieved, he rescinds each judgment with a more “measured” one. Isabella is vindicated and offered the Duke as a husband. Claudio is saved and married to his Juliet; Angelo is spared and married to the woman he had wronged. The provost is given a “worthier place” (V.i.528). Lucio is pardoned for his slanders but married to the whore he got pregnant and abandoned. Even insensible, obdurate Barnardine, condemned for murder years earlier, gets his sentence commuted to life under Friar Peter’s care—in essence, reform school. The Duke holds the most public position of power in all Vienna, but proposes to exercise his civil authority according to the command Christ gave to private Christians: judge as you would be judged. He seems to want to be both monk and monarch. That the world does not easily accept this as a standard is brought home by Lucio’s humorous slanders. He says that the Duke would have been more lenient with Claudio, because the Duke “had some feeling of the sport” (III.ii.115–6). In Lucio’s world the principle “judge as you would be judged” gets turned on its head: if a judge is merciful, then it can only be because the judge is a confirmed sinner himself.

By the time the Duke’s severe judgments have been rescinded, audience expectations have also been turned upside down. According to dramatic convention, in a tragedy, both the good and the bad suffer; in a tragicomedy, the bad are punished, but the good are rewarded.<sup>26</sup> But at the end of *Measure for Measure*, both the good and the bad are rewarded, and the punishments, if they can be called that, are minimal. The meaning of this reversal is ambiguous. Does the play’s ending interrogate the very idea of distributive justice?<sup>27</sup> Has the Duke replaced absolute justice with absolute mercy, in a way that leaves him in absolute power?<sup>28</sup> Or has he merely shown himself to be an imperfect human ruler?<sup>29</sup>

The play resists resolution if we insist on viewing it as a series of paired opposites: promiscuity vs. virtue, justice vs. mercy, public vs. private. The retreat into dualism is one that the radical

separatism of the Anabaptist viewpoint invites: the only resolution of the conundrum of “judge not” is withdrawal from the world that insists on judgment. Luther and Tyndale’s solution is equally dualistic: split the public and the private into unrelated and irreconcilable realms. The ending of *Measure for Measure* resists this split. The Duke does not refuse the office of judgment. He does not, as his monkish self, withdraw from the exercise of authority into a purely private and spiritual community. The Duke remains fully engaged in the role of magistrate, as evidenced by his very public position as judge in the final scene. But civil authority is subverted in the sense that the normal standards of the law—the impersonal ones defended by Angelo—no longer apply.

The hybrid standard the Duke adopts is finally neither pure justice nor pure mercy, but equity,<sup>30</sup> which may be an acceptable substitute in the flawed world of human affairs the Duke and his people inhabit. The concept of equity receives its classic articulation in the fifth book of Aristotle’s *Nicomachean Ethics*. Aristotle begins by noting the confusion about the meaning of equity, since “equitable” is often used to mean anything just or right. However, true equity is the principle that allows the magistrate to make exceptions to general laws where enforcing the general law would lead to an injustice under specific local circumstances—“a correction of law, where it is deficient on account of its universality.”<sup>31</sup> Aristotle is careful not to equate mercy and equity; rather, he identifies equity as a specific kind of justice, a rational application of principles to avoid an unjust outcome. Unlike Christian mercy, which forgives regardless of individual merit, equity is a reasoned quality that regards the totality of circumstances around an action in weighing judgment on that action.<sup>32</sup> Equity had a specific place in the English legal system, having been established in the Courts of Chancery.<sup>33</sup> No definite influence of equity as a legal system is evident in the play,<sup>34</sup> but the concept of equity is easily identifiable at work in the Duke’s final judgments.

The marriages to which the Duke “sentences” the main characters embody this principle of equity. Marriage is the public and measured answer to a private and immoderate sin, a way of harnessing Vienna’s sexual appetites to strengthen, rather than weaken, the society. Vienna’s general law is that fornication is forbidden; in this case the general law is interpreted to force specific positive outcomes. Though the resolution easily comes off as a mass wedding, marriage as sentence actually has some subtle interactions with the main characters’ situations. Marriage for Claudio and Juliet is a relief, the outcome they had originally

desired but were denied. For Angelo, it is a sort of chastisement for his earlier bad faith, the state he should have found himself in but for his lack of feeling toward Mariana and his vain confidence in his own virtue. For Lucio, it is “pressing to death, / Whipping, and hanging” (V.i.520–1), or at least so he comically protests, and a way of forcing him into a position of responsibility for the consequences of his profligate behavior. The Duke finally “sentences” himself and Isabella to marriage. Isabella has proved her humanity and compassion, and must therefore not be allowed to withdraw those virtues from public life under the “bushel” of the convent. In marrying her, the Duke, who had like Angelo proclaimed himself immune to love, becomes both a symbolically public father and a humanly personal husband, uniting social and private order.

Through the character of the Duke, Shakespeare navigates a difficult course around the problems of the “judge not” passage and the lessons of the Sermon on the Mount. Equity as mediator between public justice and private mercy allows the Duke to fulfill his role as a public authority figure and still exist as an individual and a Christian. Rather than being subsumed in his role of magistrate, as the strictest justice demands, or retreating from that role entirely, as the separatism of the Anabaptists demanded, the Duke can moderate or measure the requirements of the law with recognition of personal circumstances, including personal sinfulness, keeping his public and private selves joined.

All of this does little to resolve the difficult problems that the play presents in terms of audience expectation. The demands of realism placed on the play seem to strain it to the breaking point. Are we to assume that with the Duke back in power, conditions in Vienna will somehow improve? Is a marriage between Angelo and Mariana, or better yet, between Isabella and the Duke, emotionally credible or even desirable? Given the emphasis placed on Isabella’s climactic pleas for mercy, it seems fair to say that despite extended discussions of the right use of justice, mercy wins the play on points, in a way that thinking audiences may find unsatisfying. Angelo’s pardon is required to make Isabella’s defense of mercy something more than theoretical, but the fact that he escapes any real retribution for attempted rape and murder somehow feels wrong, however we might explain its significance in the resolution of the play.

There may, however, be a correlation that helps explain the working of the judgment scene. Many readers have noted the parallel between the Duke’s appointment of the severe Angelo and Cesare Borgia’s appointment of severe Remirro de Orco, re-

counted in chapter 7 of Niccolò Machiavelli's *The Prince*.<sup>35</sup> Both Borgia and the Duke argue that letting a harsh subordinate enforce order will deflect negative sentiments from the ruler himself. Seeing that de Orco had made himself hated for his cruelty in his repression of disorder, Borgia had him executed, and his body, in pieces, put on display in a public square. Machiavelli observes, "This terrible spectacle left the people both satisfied and amazed."<sup>36</sup> While it is unfair to compare the comic Duke to Machiavelli's ruthless Borgia, both clearly had an appreciation for the theatrical elements of governance. If the judgment scene of *Measure for Measure* forms the counterpart to Borgia's act, the amazing spectacle becomes one of forbearance, not of brutality. The Duke's theatrical public judgment is intended, perhaps, to shock the audience out of rational considerations of the story's potential dramatic failings, and into a contemplation of the irrational benefits of forgiveness.

#### NOTES

<sup>1</sup> See for example G. Wilson Knight, "Measure for Measure and the Gospels," in *The Wheel of Fire: Essays in Interpretation of Shakespeare's Sombre Tragedies* (London: Oxford Univ. Press, 1930), pp. 80–106; Roy W. Battenhouse, "Measure for Measure and Christian Doctrine of the Atonement," *PMLA* 61, 4 (December 1946): 1029–59; and M. C. Bradbrook, "Authority, Truth, and Justice in *Measure for Measure*," *RES* 17, 68 (October 1941): 385–99. All biblical references are to the *Geneva Bible: A Facsimile of the 1560 Edition* (Madison: Univ. of Wisconsin Press, 1969).

<sup>2</sup> See Harold Bloom's introduction to *William Shakespeare's "Measure for Measure,"* Modern Critical Interpretations (New York: Chelsea House, 1987), pp. 1–6; and Harold C. Goddard, "Measure for Measure," in *The Meaning of Shakespeare* (Chicago: Univ. of Chicago Press, 1951), pp. 436–54.

<sup>3</sup> The history of the Anabaptists during the Reformation is detailed in George Huntston Williams, *The Radical Reformation*, 3d edn. (Kirksville MO: Sixteenth Century Journal Publishers, 1992).

<sup>4</sup> James M. Stayer, *Anabaptists and the Sword*, 2d edn. (Lawrence KS: Coronado, 1976), p. 4.

<sup>5</sup> See Abe J. Dueck, "Sermon on the Mount," in which he states that the Sermon is "often seen as pointing to the essence of the Anabaptist understanding of the Christian way" (in *The Mennonite Encyclopedia: A Comprehensive Reference Work on the Anabaptist-Mennonite Movement*, ed. Cornelius J. Dyck and Dennis D. Martin, 5 vols. [Scottsdale PA and Waterloo Canada: Herald Press, 1955–90], 5:811–2, 811).

<sup>6</sup> Howard John Loewen, *One Lord, One Church, One Hope, and One God: Mennonite Confessions of Faith*, Text-Reader Series, no. 2 (Elkhart IN: Institute of Mennonite Studies, 1985), pp. 80, 81. Loewen identifies four references to Matthew 5 in the Confession and a general emphasis on Matthew

far surpassing that placed upon any of the other books of the Bible (p. 338). Article 6 makes no specific reference to the Sermon on the Mount, but “does imply that the standards Jesus proclaimed in Matthew 5 are at the heart of a Gospel dispensation which negated the Law and the Sword” (Stayer, p. 123).

<sup>7</sup> Thieleman J. van Braght, *The Bloody Theater, or Martyrs Mirror of the Defenseless Christians, Who Baptized Only upon Confession of Faith, and Who Suffered and Died for the Testimony of Jesus, Their Saviour, from the Time of Christ to the Year A.D. 1660*, trans. Joseph F. Sohm, 7th edn. (Scottsdale PA: Mennonite Publishing House, 1964), p. 1020.

<sup>8</sup> van Braght, p. 1021.

<sup>9</sup> Heinrich Bullinger, *An Holsome Antidotus or Counter-poysen, agaynst the Pestilent Heresy and Secte of the Anabaptistes*, trans. John Veron (London, 1548), sigs. D4r, D3v.

<sup>10</sup> John Calvin, *A Harmonie upon the Three Euangelistes, Matthew, Mark and Luke, with the Commentarie of M. Iohn Calvine*, trans. Eusebius Pagit (London, 1584), p. 209.

<sup>11</sup> For example, from the first book of the *Basilikon Doron*: “learne to know and loue that God, whom-to ye haue a double obligation; first, for that he made you a man; and next, for that he made you a little GOD to sit on his Throne, and rule ouer other men” (James VI and I, *Political Writings*, ed. Johann P. Sommerville, Cambridge Texts in the History of Political Thought [Cambridge: Cambridge Univ. Press, 1994], p. 12). On contemporary discussions see Elizabeth Marie Pope, “The Renaissance Background of *Measure for Measure*,” *ShS* 2 (1949): 66–82, 70–1, and the sources cited therein.

<sup>12</sup> Martin Luther, *Luther’s Works*, ed. Jaroslav Pelikan and Helmut T. Lehman, 55 vols. (St. Louis MO: Concordia Press; Philadelphia: Fortress Press, 1955–76), 21:211.

<sup>13</sup> See for example the discussion in Stayer, chap. 2, “Luther: Moderate Apoliticism and the ‘Neutral’ Sword,” pp. 33–44.

<sup>14</sup> William Tyndale, *An Expositiō vppon the V. VI. VII. Chapters of Matthew: Which Thre Chaptres Are the Keye and Dore of the Scripture, and the Restoringe Agayne of Moses Lawe Corrupte by the Scrybes and Pharises: and the Expositiō Is the Restoringe Agayne of Christes Lawe Corrupte by the Papistes: Item before the Booke, Thou Hast a Prologe very Necessarie, Contaynyng the Whole Somme of the Couenaunt Made* (Antwerp, 1533?). “The 1533 treatise is a translation, paraphrase and expansion of Luther’s 1532 revised *Wochenpredigten über Matth. 5–7*, a sermon series given in the city church of Wittenberg on Wednesdays between October 1530 and April 1532” (Anne M. O’Donnell, “Philology, Typology, and Rhetoric in Tyndale’s *Exposition upon the V.VI.VII. Chapters of Matthew*,” *Moreana* 28, 106–7 [July 1991]: 155–64, 155).

<sup>15</sup> Tyndale, fol. li (recto).

<sup>16</sup> Tyndale, fol. lii (verso).

<sup>17</sup> Tyndale, fol. liij (recto).

<sup>18</sup> Shakespeare, *Measure for Measure*, ed. J. W. Lever, rev. Arden edn. (London: Methuen; Cambridge MA: Harvard Univ. Press, 1965), I.i.32–5; subsequent references to act, scene, and line number will appear parenthetically in the text.



<sup>19</sup> The Duke's role as examiner of personal qualities is emphasized by contrast to the source material for *Measure for Measure*. In the *Hecatommithi*, Angelo's counterpart Iuriste is simply an appointed official, and his superior Maximian has no idea of his treachery until Epitia accuses Iuriste. In *Promos and Cassandra*, there is again no indication that the King watches Promos or has any knowledge of his actions until Cassandra accuses Promos. See Geoffrey Bullough, ed., *Narrative and Dramatic Sources of Shakespeare*, 8 vols. (London: Routledge; New York: Columbia Univ. Press, 1957–75), 2:420–30, 442–513.

<sup>20</sup> On the subject of family and the state, compare James I's description of the good king as the people's "naturall father and kindly Master," and the tyrant as "a step-father and an vncouth hireling" (p. 20).

<sup>21</sup> Tyndale, fol. xxxviiij (recto).

<sup>22</sup> N. W. Bawcutt, "He Who the Sword of Heaven Will Bear': The Duke versus Angelo in *Measure for Measure*," *ShS* 37 (1984): 89–97, 95.

<sup>23</sup> See Tyndale, fol. xcviij (verso); Calvin, p. 209; and Luther, p. 211. The rest of the "judge not" passage goes on to make this point. "Hypocrite, first cast out the beame out of thine owne eye, and then shalt thou se[e] clearly to cast out the mote out of thy brothers eye" (Matt. 7:5). The Geneva Bible glosses these verses: "He commandeth, not to be curious or malicious to trye out, and condemne our neighbours fautes: for hypocrites hide their owne fautes, and seke not to ame[n]d them, but are curious to reprove other mens."

<sup>24</sup> See Marcia Riefer, "Instruments of Some More Mightier Member': The Constriction of Female Power in *Measure for Measure*," *SQ* 35, 2 (Summer 1984): 157–69, 166; also Richard S. Ide, "Shakespeare's Revisionism: Homiletic Tragicomedy and the Ending of *Measure for Measure*," *ShStud* 20 (1987): 105–27, 118.

<sup>25</sup> Tyndale, fol. xviiij (verso).

<sup>26</sup> Ide, pp. 105 and 108–9; see also Lever's introduction to *Measure for Measure*, pp. lxi–lxii.

<sup>27</sup> Ide, p. 123.

<sup>28</sup> See Arthur L. Little Jr., "Absolute Bodies, Absolute Laws: Staging Punishment in *Measure for Measure*" in *Shakespearean Power and Punishment: A Volume of Essays*, ed. Gillian Murray Kendall (Madison WI and Teaneck NJ: Fairleigh Dickinson Univ. Press; Cranbury NJ: Associated Univ. Presses, 1998), pp. 113–29, 120–1.

<sup>29</sup> See John D. Cox, "The Medieval Background of *Measure for Measure*," *MP* 81, 1 (August 1983): 1–13.

<sup>30</sup> For a brief discussion of equity, see Ernest Schanzer, *The Problem Plays of Shakespeare: A Study of "Julius Caesar," "Measure for Measure," "Antony and Cleopatra"* (New York: Schocken, 1963), pp. 117–9. Equity has been more extensively studied in the context of *The Merchant of Venice* than in that of *Measure for Measure*. See B. J. Sokol and Mary Sokol, "Shakespeare and English Equity Jurisdiction: *The Merchant of Venice* and the Two Texts of *King Lear*," *RES*, 2d ser., 50, 200 (November 1999): 417–39, for a useful though opinionated summary of research on this point. The authors briefly discuss equity in *Measure for Measure* on pp. 423–4.

<sup>31</sup> Aristotle, *Nicomachean Ethics*, trans. and ed. Roger Crisp, Cambridge Texts in the History of Philosophy (Cambridge: Cambridge Univ. Press, 2000), p. 100.



<sup>32</sup> See J. W. Dickinson, "Renaissance Equity and *Measure for Measure*," *SQ* 13, 3 (Summer 1962): 287–97, 289. In an adjacent article on the same subject, Wilbur Dunkel seems to conflate equity and mercy ("Law and Equity in *Measure for Measure*," *SQ* 13, 3 [Summer 1962]: 275–85, 276–7), a point also observed by Sokol and Sokol (p. 424).

<sup>33</sup> For a brief and clear discussion of the Courts of Chancery, see Dickinson, pp. 289–92.

<sup>34</sup> Joel Levin claims that legal equity is used in the play to promote governmental tolerance for personal sexual freedom ("The Measure of Law and Equity: Tolerance in Shakespeare's *Vienna*," in *Law and Literature Perspectives*, ed. Bruce L. Rockwood, *Critic of Institutions* 9 [New York: Peter Lang, 1996], pp. 193–207), but this seems forced, given that sexual license is never condoned in the play (see the Duke's rebuke to Pompey [III.ii.18–26]) and marriage is offered as its only acceptable alternative. R. S. White makes a similar claim that the play uses equity to promote sexual tolerance, but bases his argument on the idea that the law against fornication is contrary to Natural Law (*Natural Law in English Renaissance Literature* [Cambridge: Cambridge Univ. Press, 1996], pp. 170–84).

<sup>35</sup> See for example Darryl J. Gless, "*Measure for Measure*," *the Law, and the Convent* (Princeton: Princeton Univ. Press, 1979), p. 154n, and Gordon Ross Smith, "Renaissance Political Realities and Shakespeare's *Measure for Measure*," *Proceedings of the PMR Conference* 7 (1982): 83–92, 85.

<sup>36</sup> Niccolò Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price, *Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge Univ. Press, 1988), p. 26.