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After Marriage:
The Literature and Culture of Divorce in England, 1515-1650

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Abstract

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Many recent studies have investigated the significance of early modern marriage, but none consider divorce and the debates it generated, although both were of central importance to the period. This dissertation demonstrates that Protestant debates about divorce following Henry VIII’s annulment and subsequent religious break from Rome facilitated England’s larger negotiation between medieval and modern values, institutions, and attitudes toward the state. Analyzing poems, plays, and courtly and religious literature by More, Sidney, Shakespeare, Jonson, Milton and others, I argue that the early modern debate over divorce became a vehicle for exploring both the role of marriage in the state and the freedom of individuals within marriage. Through imagining the possibility of divorce, early modern English writers further explored questions about the individual’s relation to God, law, government, and society. “After Marriage” fills a gap in scholarly discussions of early modern marriage. Although many critics have addressed the importance of ideas about marriage in literature and culture, almost none has explored the period’s conflicting ideas about divorce or its significance for the literature and drama.
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Chapter One

The Idea of Divorce and England’s Emergence as an “Early Modern” State

Marriage being the most holy conjunction that falls to mankind, out of which all families and so consequently all societies do proceed, which not only by community of goods but community of children is to knit the minds in a most perfect union; which whoso breaks, dissolves all humanity, no man living free from the danger of so near a neighbour.

--Sir Philip Sidney, The Countess of Pembroke’s Arcadia

Sidney’s passage illustrates marriage’s centrality not only to the formation of human societies, but to humanity’s very existence. It does so by describing the imminent threat marital breakdown poses for mankind. Marriage’s formation and dissolution are separated by merely a semi-colon, exemplifying how within the seeds of any affluent society lay the potential for its destruction. When societies rely on the stability of marriage as the backbone for their social, economic, religious, and political stability, then marriage’s breakdown poses a frightening possibility. This possibility became a reality in sixteenth-century England when Henry VIII annulled his marriage to Katherine of Aragon, declared himself head of the new English church, and opened the doors for the English people’s new religious identities. Throughout the sixteenth century, Henry’s marital decisions led to religious and social turmoil; the country became more Protestant only to return to Catholicism and to witness the martyrdom of both Protestant and
Catholic leaders. In addition, scandals erupted over legitimizing Henry's heirs, and Elizabeth's single status only caused further anxiety over the current and future state of the kingdom. Sidney knew only too well the stability a solid marriage represented and the turmoil that followed its destruction.

Sidney acknowledges divorce's possibility at a time when, despite the Protestant Reformation, early canon law banning divorce with the possibility of remarriage continued to be enforced in England. If marriage was an indissoluble union, why does Sidney's text describe the threat of its potential breakdown? Since the time of Henry VIII's "great matter," divorce re-emerged as a potential end of marriage; it was imagined as both a welcome relief for personal misfortune and as a harbinger for society's deterioration (as Sidney describes above). By the time of the publication of John Milton's *Doctrine and Discipline of Divorce* in 1644, his pro-divorce arguments and ideas were not new; they had been circulating throughout England's social, religious, political, and literary worlds for a century. The following pages will argue that in the latter sixteenth and early seventeenth centuries, the idea of divorce, of marriage's breakdown and dissolution, was as important a concept as that of the marital union itself. Imagining and confronting divorce's possibility marked a crucial transition between the medieval and the modern. It represented a shift from an older faith to a new developing English church, and from a communal faith to an individual quest for salvation in both the afterworld and the here and now. Throughout the period, Protestant Reformers and religious and political conservatives debated divorce's possibility in particular situations, but ecclesiastical law only grew more strict protecting marriage. Nevertheless, the reality was that members of all segments of society abandoned their spouses to live with new mates. They either
ignored or manipulated canon law. The difficulty of regulating marriage prompted Parliament gradually to take over its legal enforcement from ecclesiastical courts. By 1753, with the passage of Lord Hardwicke’s Marriage Act, Parliament finally controlled the issuing of marriage licenses. Divorce as we know it today was never legal during this period, but always under question. Its potential underscored the need to tighten marriage regulations, to issue increasing numbers of marriage manuals, and to continue foraging the bible and ancient sources for precedents for both banning and allowing divorce.

Protecting marriage was concomitant with safeguarding society, as Sidney argues. But at the same time divorce’s possibility allowed poets, philosophers, and religious radicals to imagine a world in which individuals were free to marry whom they chose and to divorce a spouse with whom they were no longer compatible. Such a world appeared attractive to many for whom marriage meant not salvation, but an eternal prison sentence. Alexander Niccholes articulates this view in A Discourse of Marriage and Wiving (1615):

This knot can neither bee cut nor loosed but by death, therefore as wise prisoners inclosed in narrow roomes suite their mindes to their limites, and not, impatient they can go no further, augment their paine by knocking their heads against the walles, so should the wisedom both of Husbands and Wives . . . make it unto them to beare it with patience and content the asswages of all maladies, and misfortunes, and not storme against that which will but the deeper plunge them into their own misery.

The institution that was argued to safeguard society was also figured as a misery for individual husbands and wives forced to remain chained to one another. At the time, growing attention was paid to the rights, desires, religious significance, and social
responsibilities of the individual. If divorce threatened society, it benefited the
individual, allowing him (and sometimes her) the chance to marry for love a second or
third time if necessary. As Sidney's passage illustrates, divorce was central to discussions
of marriage and to its larger symbolic and social meanings.

Marriage and divorce, though, did not comprise a simple dichotomy whereby one
supported society, the other the individual, one trapped the individual, and the other
destroyed the nation. Rather, the conception of divorce during the period, its potential as
an end of marriage, led the literary imagination to conceive of both its redemptive and its
destructive power for the community and for the individual. The balance fluctuated, but
always entailed both. Just as Sidney's passage considers marital breakdown in the same
sentence it describes marriage's social power, so is the promise and threat of divorce
always now adjacent to the importance of marriage. The resulting dynamic constitutes
not just discussions of marriage and the state, but also inquiries into their literary
representations, and thus to the literary developments associated with the Renaissance.

This study uniquely foregrounds divorce within popular early modern English
literary texts in order to trace its ever-present influence on conceptions of marriage,
selfhood, and the social contract. While inquiries into early modern marriage practices,
beliefs, and concepts have become popular of late, no other literary study has placed
divorce as its central mode of inquiry. My work is indebted to the historical work on
family life and marriage in early modern Europe by Lawrence Stone, Eric Josef Carlson,
Ralph Houlbrooke, David Cressy, and Roderick Philips. The historical studies offer
invaluable background to the legal and social history of divorce in early modern England,
but generally tend to gloss over the period before 1650 as divorce was technically illegal
and few cases actually appeared before ecclesiastical courts. They are supplemented by
the only other work centrally interested in divorce during this period, Torrie Leigh
Thompson’s 1990 dissertation, which argues that divorce was a major concern.
Thompson’s Feminist argument that despite court and legal records women of all classes
were divorced frequently, and were often left poor and helpless supports my assumption
of the importance literary representations have in providing a more complete picture of
early modern realities and fantasies regarding divorce.

Apart from Thompson, early modern critics and historians who address divorce at
all do so as a side note or appendix to discussions of forming and performing marriage.
Perhaps it is divorce’s tenuous legal status and its natural connection to marriage, as well
as its presumed absence from the central concerns of literary works, that has left its
consideration relegated to the latter portions of essays and chapters in works more
centrally devoted to marriage. I intend this dissertation to make the opposing argument
that, like its legal status, divorce was always in question, always ambiguous, and always
lurking beside or beneath discussions of marriage. Despite its relative invisibility (or
because of it), questions of divorce have come to represent a transition among competing
notions of marriage, of religious identification, and of individual liberty. While ideas
about marriage changed little from medieval to early modern texts, discussions of divorce
mark a major shift, that while subtly apparent, pervades a multitude of works and
deserves our primary attention. Literary criticism has recently brought marriage to the
foreground: Carol Thomas Neely’s earlier seminal work, Broken Nuptials in
Shakespeare’s Plays (1985), began the study of troubled marriages in Shakespeare, but
not beyond. Lisa Hopkins’s The Shakespearean Marriage (1998) paints an altogether
dark picture of marriage in Shakespeare. Hopkins posits that Shakespeare’s mixed
depictions of marriage reveal both the institution’s social necessity and its “painful,” and
“unnatural” emotional realities. But she neglects the threat or plausibility of divorce in
early modern English works. In addition, early modern studies have, of late, witnessed
increased attention to marriage’s cultural function with the publications of a special issue
of The Sixteenth Century Journal devoted to “Marriage in Early Modern Europe” (2003),
B. J. Sokol and Mary Sokol’s Shakespeare, Law, and Marriage (2003), and Michael A.
Winkelman’s Marriage Relationships in Tudor Political Drama (2005). Raymond B.
Waddington, in his introduction to the special issue of The Sixteenth Century Journal
recognizes that “the need to dissolve marriage cannot be considered without first defining
what marriage is supposed to be.” The journal offers views on important marital issues
such as clandestine marriage and marriage’s connection to the Protestant Reformation,
and spans much of early modern Europe. Sokol and Sokol’s book uses passages from
Shakespeare to reconstruct early modern marital law and family practices. While the text
offers a broad historical background to Shakespeare’s plays, it offers little in the way of
cultural analysis via dramatic uses of marital law. Conversely, Winkelman explores the
political messages embedded in Tudor dramas depicting royal marriage, and argues for
the union between marriage and politics in royal performances. All of these works mark
instances of divorce and provide useful background to English divorce law, but none of
them are centrally concerned with marriage’s breakdown, rather with its presence and
symbolic and political resonances. Now, with the growing wealth of information on
marriage’s place as a social institution and as a political symbol, it is also time seriously
to consider the threat of its breakdown (as Sidney does) and what the possibility of
divorce meant socially, politically, and personally in early modern England. This study
aims to move beyond famous divorce cases like those of Henry VIII, Penelope Devereux,
and Frances Howard, and beyond Milton’s famous tracts to expose the social and cultural
repercussions of those moments and the conceptions about divorce that instigated them.
Divorce threatens to destroy marriage and the family, leaving children potentially
illegitimate, women with no legal identity, and men free to disrupt the very fabric of
society. With a contemporary critical and historical grounding in what kind of society
marriage is meant to represent, it is now time to reveal the personal and societal threats
embodied in the possibility of divorce and their implications for the development of a
more “modern” society. Merry Wiesner, in a recent review article, noticed that most
authors agree that the possibility of divorce marks “the beginning of the modern family.”
The question of divorce and its early modern debate represent a vital shift between an
older ideal of sacramental marriage and a newer, more modern, interest in individual
fulfillment and happiness.

Historical Background

The Tudor and Stuart periods represent a shift from thinking about marriage as a
communal and sanctified act to a union between companions and “lovers.” Likewise, the
definition of divorce was in transition between describing a marital separation and a
complete marital dissolution. The term “divorce” was used in early modern England not
only to mean the end of a marriage and the opportunity for both spouses to remarry (as it
means today), but was primarily used to describe judicial separations and annulments. At
the time, these were the only options for couples wishing to end their marriages.
Christianity abolished divorce, with permission to remarry, in England in the 10th
century. Divorce (as we know it) was not legal in England until 1857. Nevertheless, marriage laws and the debate over divorce developed and intensified from the time of Henry VIII’s break with Rome through Edwardian and later Elizabethan canon laws, to the Bigamy Act of 1604, and finally during the period of the English civil war.

Henry VIII’s England inherited medieval canon law regarding marriage and divorce. During the Middle Ages, the church declared marriage to be a sacrament, a means of receiving sanctifying grace, and once entered into, the union could only be dissolved by God. However, certain conditions such as sexual impotence, incest, or evidence that one or both parties did not consent to the marriage could nullify the union and leave husband and wife free to remarry. Such a divorce was referred to as divorce a vinculo matrimonii, or a divorce from marriage ties that was considered a complete divorce. An annulment such as this essentially declared the marriage void, as if it had never occurred, and if any children had been born to the marriage they were now considered illegitimate. Wives also suffered after annulments as they were barred from the widow’s rights to dower and often faced poverty. Henry VIII sought this type of divorce from his first wife Katherine of Aragon, on the grounds of incest, in order to be free to marry Anne Boleyn. For other, more minor offenses such as instances where a husband or wife committed adultery, blasphemy, heresy, apostasy, or abused his or her spouse, a separation was possible; but neither party was allowed to remarry. Such a separation was called divorce a mensa et thoro, or separation from bed and board. The couple lived apart, but was still considered married; their children remained legitimate in the eyes of the church. These two types of marital separation remained the only possibilities despite Henry’s break from the Roman Catholic church. During Henry’s
reign Protestantism began to grow in England with Henry frequently waveri ng between the new faith and older customs. However, little officially changed religiously except the head of the church.

During the reign of Edward VI, the Protestant Reformation flourished in England. In 1552 Martin Bucer and Thomas Cranmer, then Archbishop of Canterbury, formulated the first edition of the Reformatio Legum Ecclesisasticarum in which they sought to reform marriage and divorce law in accordance with other Protestant countries. Among other reforms, the document declared the primary purpose of marriage to be companionship between husband and wife. Marriage was to be no longer considered a sacrament, but a covenant, and once the terms were broken, the marriage should be dissolvable. The Reformatio Legum declared that divorce a vinculo should be permitted in cases of adultery and desertion, with the innocent party allowed to remarry. In the document, reformers also argued for abolishing divorce a mensa et thoro entirely, stating that “this practice is contrary to Holy Writ, [and] leads to the greatest perversity and has introduced a lot of evils into matrimony.”11 But, the Reformatio Legum was not accepted by Edward VI, probably due to the king’s premature death.12 Catholicism returned to England under Mary Tudor’s brief rule during which time Cranmer and his Reformatio Legum died under accusations of heresy. In 1571, well after the Elizabethan Settlement, Thomas Norton and John Foxe submitted a revised edition of the Reformatio Legum, but Elizabeth rejected it in favor of maintaining accepted church law and a peace between religious factions. Although never accepted into law, the Reformatio Legum became a text around which social and religious debate continued, especially concerning reforming English marriage law.
The first major change in marital law occurred with the 1604 Bigamy Act, passed by James I. This Act made it more difficult for couples who married in private, without the public church service, to uphold the legality of their marriages. Betrothals that had once been considered binding were now more difficult to support as evidence of pre-contract in order to nullify a later marriage. In addition, this Act also enforced the divorce a mensa et thoro laws by attempting to cut down on separated couples choosing to remarry illegally.

After 1604, there was virtually no change to English marriage law until the Hardwicke Act of 1753 that finally regulated the marriage ceremony and what was considered a legal marriage. During the English civil wars, Milton tried to spark debate on the topic of divorce by connecting individual divorce with the collective divorce from the king. Other commonwealth supporters who believed in the unquestionable rightness of indissoluble marriage, however, refused to engage Milton. After 1690, divorce a vinculo was granted by Act of Parliament, but primarily for reasons of adultery and only for very wealthy couples.

While little changed legally, however, divorce law became a focal point for much religious and social debate. Stone says “for accidental reasons” England was the only Protestant country where the Catholic ban on divorce remained. But while that ban persisted, early modern English writers, thinkers, and leaders were purposefully engaged in questioning the place of marriage in their changing world. Both the drafters of the Reformatio Legum and the early canonists were primarily interested in reconciling marriages. The former advised reconciliation in favor of divorce a vinculo, when possible, while the latter instituted divorce a mensa et thoro as a way to give couples time
apart to work out conflicts. According to medieval canon law, since marriages could not be fully dissolved when one spouse was adulterous, “the court hoped that the guilty party would mend his or her ways and a reconciliation could be effected.”\footnote{5} However, the Protestant reformers reviled divorce a mensa et thoro as an “intolerable” and “ambiguous status” in favor of divorce a vinculo because of the greater importance they attributed to marriage itself. The early church celebrated celibacy above all, whereas Protestant reformers, including Calvin and Luther, saw marriage as the ideal state; it was, Roderick Philips states, “an important weapon in the constant battle of Christians against evil . . . and a union in which men and women had a real opportunity for salvation.” They even saw marriages between Catholics and Protestants as a way of converting Catholics to the true faith. In sum, both Catholics and Protestants valued reconciling marriages first, but only Protestant reformers supported divorce a vinculo when all else failed as to allow former spouses to contract new, better marriages.\footnote{6}

However, this difference of opinion soon inspired further debate over when granting a divorce a vinculo was appropriate. Christian Humanists such as Sir Thomas More and Desiderius Erasmus both wrote in favor of divorce a vinculo for adultery, More in his fictional Utopia (1515-6), and Erasmus in The Censure and Judgement of Erasmus of Roterodam (trans. and pr. 1550). Even More’s religious rival, Protestant reformer William Tyndale in his Exposition Upon V.VI.VII. Chapters of Matthew. (pr. 1536) supports divorce a vinculo for men whose wives have been adulterous: “her syn ought of no right to bind him.”\footnote{7} The popularity and diversity of marriage manuals at the time reflected the level to which divorce had become a pivotal issue. Conceptions of marriage remained stable, but beliefs regarding divorce were varied and contentious. Heinrich
Bullinger’s *The Christen State of Matrimonye* (1540), the most extensive book on marriage and most frequently published work by a continental Protestant in England, also supported divorce for adultery and possibly for other reasons. The work was, in fact, so popular and controversial that the chapters addressing divorce were omitted from several early editions printed during Henry’s reign, only to reappear under Edward VI; the book was banned entirely under Mary. Most marriage manuals, at the time, resembled Bullinger’s except on the question of divorce. Louis B. Wright noticed that the content of marriage manuals changed little between 1558 and 1640 except on opinions regarding divorce. In addition, as evidenced by the different editions of Bullinger’s text, divorce became an issue that often incited the censors. William Whately, for instance, was summoned before a high court commission to defend his opinions in favor of divorce *a vinculo* for adultery and desertion published in his popular conduct book, *A Bride-Bush* (1617). He ultimately chose to recant his support for divorce in the book’s second edition.

On the other side of the debate was English canon law, Catholic doctrine, and numerous writers of conduct books interested in keeping women obedient and men faithfully married. For instance, in *A Looking Glasse for Maried Folkes* (1610), Robert Snawsel encouraged couples to stay together. *A Looking Glasse* is a dialogue between two women; the wiser woman speaks of the evils of marital separation. In reality, however, there is evidence that individuals chose for themselves whether to remain married, or to divorce and marry another, albeit illegally. Edmund Bunny, in his 1610 *Of Divorce for Adulterie*, acknowledged and addressed the fact that many people in England believed they were allowed to divorce and remarry after their spouses had been
unfaithful. Bunny’s treatise reminded men that divorce with permission to remarry was still illegal in England. Similarly, Philip Stubbes, in *The Anatomie of Abuses* (1583) wrote against what he saw as “rampant” adultery left unpunished. He commented that “men from several social classes ‘put awaye’ their wives and live with other women.”

The debate extended from the universities to the pulpits and into people’s personal lives. Whether men were confused or ignorant regarding English canon law, or were simply unconvinced of its authority over their lives, much of the English populace had an opinion and a stake in the divorce debate.

**Law and Literature**

English literature articulated the fears, concerns, and hopes of individuals within a society whose law did not consider them important. The legal debate differed from its literary counterpart in matters of focus. Where English canon law placed primacy on the actions and biological nature of spouses wishing to divorce, artists were more interested in their thoughts and feelings. According to the legal debate, if spouses committed adultery or were proved consanguineous, the marriage might be annulled. On the other hand, if spouses merely hated each other and were miserable in their marriages, there were no grounds for divorce. Therefore, people like Penelope Devereux and Frances Howard, or the fictionalized Alice in the anonymous *Arden of Faversham* (1588) needed to find “physical” ways to end their unhappy marriages. Devereux claimed she was forced to marry Lord Robert Rich, and was legally separated when she committed adultery, Howard claimed her marriage was never consummated, and Alice murdered her husband. All three cases exemplify the problems individuals faced when their feelings about their marriages were unacknowledged by a legal system clinging to marriage’s
medieval definition as a sacramental union of bodies for the purposes of procreation. The friction between the legal and the personal inspired many of the literary responses to divorce’s possibility.

In *The Doctrine and Discipline of Divorce* (1644), Milton argues that the bible supports divorce for incompatibility; there is a voice for man’s desires within the law. The central passage of concern for figures on both sides of the divorce debate was Deuteronomy 24:1, which Milton translates:

> When a man hath tak’n a wife and married her, and it come to passe that she find no favour in his eyes, because he hath found some uncleanesse in her, let him write her a bill of divorcement, and give it in her hand, and send her out of his house.\(^{22}\)

The key point of controversy was whether particular New Testament passages nullified Moses’ law in Deuteronomy, declaring that divorce was either entirely impossible or available only for adultery.\(^{23}\) Milton, of course, contends that “[t]his law, if the words of Christ may be admitted into our beleef, shall never, while the world stands, be abrogated.” He cites Paulus Fagius, among others, as his proof that Christ never meant to overturn Mosaic law, and that the early church fathers read the text too literally. Milton interprets the above passage to allow complete divorce when “indisposition, unfitness, or contrariety of mind . . . [hindered] the main benefits of conjugall society.” In other words, men should be allowed to end their marriages and to find new spouses when living with their current wives had become loathsome. It was a greater sin and tragedy, for Milton, for married couples to despise each other than for them to be sexually unfaithful. Over a hundred years earlier, the famous Continental Christian Humanist Erasmus also argued to
uphold Mosaic law and to consider allowing divorce for incompatibility. Erasmus, in his *Exposition into the seventh chapitre of Corinthians* (1523), explains that texts like Matthew 19:9 that prohibit divorce, except for adultery, were intended to stop wicked men from abandoning their wives and to promote marriage’s permanent nature for upright Christians. They were never meant to confine righteous men within miserable marriages. If “right Christians” find themselves in unhappy marriages, Erasmus writes, the Deuteronomic law should be allowed, “to pardone and permitte unto them for to departe from theyr wyfes . . . and to mary other lesse by dissencyon in levinge together” (Erasmus 123). The Deuteronomic law is crucial to all proponents of divorce for incompatibility and even finds itself uttered by Elizabeth Cary’s literary villain, Salome, as she seeks to rid herself of her husband.

In the third chapter of the *Doctrine and Discipline*, Milton describes the unnecessary divide between the law and individual happiness when he explains how the law makes provisions solely for the sins of the flesh, but not for the perversities of the mind (Milton 938). Milton espouses the Protestant belief in marriage as a covenant whose primary purpose is friendship. For him, “rational burning” is the primary force behind men’s and women’s desires to marry, and not the fleshly, lusty burning the church fathers tried to control by sacramentalizing marriage. Marriage, for Milton, is due to the soul’s “inbred desire of joyning to it selfe in conjugall fellowship a fit conversing soul” (940). Therefore, adultery ought not destroy a marriage in which the “guilty” spouse finds love and forgiveness. Rather, a marriage in which love, friendship, and fellowship are absent, regardless of sexual chastity, ought to be ended. John Halkett contends that both Milton’s prose works and *Paradise Lost* “share the fundamental conviction that
marriage requires a spiritual affinity of which the formal ceremony is merely the outward sign, and on which the bodily conjunction of man and wife is dependent for its virtue, efficacy and humanity. Later Milton critics extend this argument to include interpretations of Milton’s diverse representations of marriage. They often argue that *Paradise Lost* and *Samson Agonistes* present antithetical visions of marriage, the former an ideal union and the latter an ideal divorce, both leading to heavenly salvation.

Milton’s body/soul dichotomy, whereby the yearnings of the soul overpower the desires of the flesh, proves a useful concept by which to interpret Tudor and Stuart literary discussions of divorce. While not all writers would agree with Milton that divorce for incompatibility is the best means of supporting companionate marriages, many who consider divorce find it either a useful option or deterrent when promoting marital friendship and affection. And, while it might prove difficult to legislate individual desires and emotions, ignoring or invalidating their importance in marriage proves preposterous. A telling example is More’s *Utopia* (1516), which, while written by a devout Catholic, echoes the position on divorce most often espoused by Protestant reformers. While it is near impossible to navigate More’s true beliefs within the satire of his fictional “no place,” his brief discussion of Utopia’s marriage and divorce practices appear to advocate Protestant reform while mocking precisely what Milton loathes about English marital law. Milton complains that the law only allows provisions for bodily transgressions, thus placing primacy on the bodies of the spouses to determine the legitimacy of their marriages. One of the primary goals of sacramental marriage in the medieval church was to contain sexuality and to produce children. Additionally, members of the nobility were known to arrange their children’s marriages in order to cement social alliances.
Companionship between spouses was of little interest to this class. *Utopia* pokes fun at the high value More’s society placed on the bodies of potential spouses before considering their roles as friends. More’s traveler and narrator Raphael Hythlodaeus compares the process through which Utopians select their spouses to the one Englishmen use when buying horses. He relates how the potential spouses first see each other naked before committing themselves to marriage. “When we implied by our laughter,” Hythlodaeus admits, “that we thought it a silly system, they promptly turned the joke against us” (More 103). He continues to explain how, when purchasing a horse, they first examine it for any blemishes, but when “choosing a wife, an article that for better or worse has got to last you a lifetime, you’re unbelievably careless . . . You judge the whole woman from a few square inches of face, which is all you can see of her, and then proceed to marry her – at the risk of finding her most disagreeable”(103). This observation clearly describes Henry VIII’s decision to marry Anne of Cleves. After merely viewing her portrait produced by Hans Holbein, Henry committed himself to the marriage. He quickly found the match “disagreeable,” blaming Anne’s physical repulsiveness for their inability to consummate the marriage, and for their divorce after only six months. A more thorough bodily inspection might have saved the king much trouble. The body’s elevated status to lawmakers led to marriage arrangements that resembled business transactions. Rather than a wedding ceremony involving personal vows and promises, the Utopians first inspect each other nude before considering anything else. If the investment needs to last a lifetime, as in England it did, then it makes perfect sense to take all precautions to be sure the investment is sound.
However, in *Utopia*, companionship and love are more highly valued than sound and chaste bodies, and divorce was permitted to safeguard marital happiness. Unlike English canon law, Utopians were allowed to divorce and remarry if a spouse committed adultery, exhibited “intolerably bad behavior,” or proved incompatible (104). The spouse’s body needed to last a lifetime, but if his or her soul proved corrupt, divorce and remarriage were possibilities. Divorce for incompatibility was not easily bestowed in Utopia; Hythlodeaus explains that couples needed to prove their cases before the Bencheaters who “were rather reluctant to give it, for they think there’s nothing less calculated to strengthen the marriage tie than the prospect of easy divorce” (104).

Ironically, the absurd practice of examining bodies serves as the prelude for marriages held together by mutual love and devotion. Even when a husband or wife committed adultery and was sentenced to “unpleasant” penal servitude, his or her spouse could choose to remain married and accept the sentence. In fact, the innocent spouse’s “love” and “loyalty” often inspired the Mayor to set them both free. Companionship and love, both physical and emotional, appear to be the hallmarks of Utopian marriages. Regardless of More’s personal opinions, he published a work praising marital love and permitting divorce and remarriage in order to protect that love.

Both Milton and More acknowledge the absurdity inherent in marital laws interested only in the states of spouses’ bodies. They were not alone. Proving the folly inherent in the physical examinations necessary to permit divorces *a vinculo* became the task of many a comedic writer. There was much controversy and speculation over the examinations needed to prove a woman’s body pure or a man’s body sexually potent. Such physical evidence was necessary in divorce cases, such as Frances Howard’s, in
which an annulment was granted because the marriage could not be consummated.

Where procreation is marriage’s goal, its impossibility could free spouses to marry again; reformers such as Milton desired the same considerations for marriage’s companionate goal. The early modern stage dramatized public skepticism over both the validity of such inspections and the legal power they wielded. Mara Amster describes the public and scientific doubt over proving virginity that were circulating during Howard’s trial.

Despite Howard’s claim to virginity, her reputation as a whore only grew during the divorce proceedings with the publication of scandalous gossip such as the anonymous poem: “This dame was inspected but Fraude interjected / A maide of more perfection.”

The imagined ease with which bodies might be switched both undercut the validity of the test and supported its powerful legal claims. If an intact hymen was all one needed to end a marriage, then a woman needs only to substitute a “real” virgin for herself and she might marry anew. Thomas Middleton and William Rowley’s *The Changeling* (1622) dramatizes the ridiculous power of the virginity test when, before her marriage, Beatrice-Joanna learns how to pass the test from the true virgin Diaphanta. By mimicking Diaphanta’s physical symptoms to the liquid she ingests, Beatrice-Joanna seeks to regain her virgin power. Amster recounts the medical texts and courtesy manuals, at the time, that proposed methods for reading the virgin body, but also cites anatomists who, too, doubted the validity of such tests; some even doubted the hymen’s existence (220-2).

So, while lawyers and judges sought to determine a woman’s or man’s sexual status through their bodies, those same men and women were argued to be manipulating the bodily examination to attain the legal outcome they desired. In other words, by
overlooking personal desire, enforcers of marital law were inviting fraud into the courtroom and ignoring the essence of marriage.

A further example is Ben Jonson’s *Epicoene* (1609) that dramatizes the legal importance of physical bodies over human emotions in order to poke fun at the absurdity of marital law. Carroll Camden, in his 1952 *The Elizabethan Woman*, lists the conditions under which an annulment might be granted in early modern England, and describes *Epicoene* as a play in which one might find accurate descriptions of the conditions.29 But the play does not merely articulate English canon law, rather its characters impersonate canonists and use divorce law to humiliate Morose, to mock marriage, and to award Dauphine his rightful inheritance. Morose weds Epicoene without giving her the careful consideration More’s Utopians advocate. He simply desires a silent wife to adorn his misanthropic lifestyle. Once married, Epicoene proves anything but silent, and Morose quickly learns that no amount of hatred will rid himself of her. Only Epicoene’s body finally annuls the marriage; Epicoene is a man.

By the play’s final act Morose is miserable in his new marriage, but he knows his misery alone is not enough to break off the match. Like Henry VIII, Morose seeks legal scholars to find the physical or biological impediment necessary to end his marriage. The final two scenes, in which Cutbeard and Otter impersonate a divine and a canonist, showcase the performative and comedic nature of divorce law. The law’s bodily focus lends it well to dramatic impersonation; bodies are substituted, scrutinized, examined, and gazed upon regularly on stage. Bodies are the primary instruments of theatrical productions. Before Morose appears onstage in the final act, Truewit instructs Cutbeard and Otter how to act, describing their roles within the upcoming performance: “look to
your parts now, and discharge ‘em bravely; you are well set forth, perform it as well.”

Jonson underscores the dramatic and fictional natures of this intellectual inquiry through the language of performance. Jonson’s audience would have known the futility in seeking scholars to find grounds for divorce, appreciated the humor of Morose’s painful attempt, and probably would have been aware that Epicoene, whose name denotes a character of either gender, was truly a man (as were all women on the Jacobean stage). During the legal inquiry, Morose first finds hope when he learns if he admits his impotence he might be freed from his contract. Truewit advises: “confess your infirmity, she’ll be afire to be quit of you; if she but hear that named once, you shall not entreat her to stay. She’ll fly you like one that had the marks upon him.” Morose admits “I am no man,” and confronts the possibility of being searched by physicians to prove it (“must I undergo that?” he asks). This disability alone nullifies Morose’s identity as a man and his qualifications to be a fit husband. Ironically, Epicoene is no woman and that, too, ends the marriage. But what Jonson attends to here is the narrowness of the legal definition of “man” or “fit husband,” and how absurd it is beside the misery within Morose’s marriage.

Jonson further emphasizes the stronger power of desire or love in marriage by barring Morose from having his divorce when Epicoene refuses to consent. According to Cutbeard and Otter, Epicoene will flee upon learning of Morose’s impotence; it is up to her to call an end to the marriage. Epicoene, rather, claims she will “take him with all his faults,” forcing Morose to look for further causes of divorce. While Epicoene clearly does not love Morose but is a willing participant in his humiliation, her desire to remain married despite his sexual impediment was not unique. Love and loyalty, like More describes, can withstand any physical barrier. For example, in Francis Beaumont, John
Fletcher, and Philip Massinger’s *The Tragedy of Thierry and Theoderet* (1621), King Thierry’s wife Ordella proves her love and devotion when she vows she will remain married despite the king’s admission of sexual impotence. Thierry’s mother Brunhalt attempts to destroy her son’s marriage so she might retain central authority over his life. One of her “panders,” Lecure, suggests giving Thierry a drink that will render him impotent, forcing Ordella to abandon the match. Lecure says:

Well then, what thinke you if I make a drinke
Which given unto him on the bridall night,
Shall for five dayes so rob his faculties
Of all ability to pay that duty,
Which new made wives expect, that she shall sweare
She is not matchde to a man?²³⁴

Like *Epicoene*, the play equates male sexual capacity with the very essence of manhood. An equation supported by early modern English divorce law that permitted an annulment when the husband or wife proved to not “truly” be a man or woman, whether by ability to procreate or possession of proper reproductive organs. Proper physical reproductive ability or capacity rendered one’s true gendered status and marriage potential. Lecure assumes Ordella will annul the marriage, her legal right. He says: “If she have any part of woman in her, / Sh’le or fly out, or at least give occasion / Of such a breach which nere can be made up.”³⁵ Apparently Ordella proves to be no true woman by Lecure’s standards as she vows to remain with Thierry out of love. She says: “If any thing may make a thought suspected, / Of knowing any happines but you, / Divorse me by the title of most falshood.” Thierry joyously responds: “Oh who would know a wife, / That might have
such a friend? Ordella insists that her marriage is not based solely on reproductive potential and sexual pleasure, but on personal happiness and friendship. Thierry and Ordella favor companionate marriage over the values of the early church espoused by the play’s villains.

Ordella refuses to divorce Thierry because of his impotence, but tells him to divorce her if she is ever false to him. While Ordella’s lines might be understood as referring to her unhappiness in the marriage, thus advocating divorce for incompatibility, it is more likely she refers to sexual misconduct. Female adultery was the most common reason for divorces a mensa et thoro, or judicial separations, during the period, and the most hotly contested reason for permitting complete divorce, with the possibility of remarriage. Much of the debate described above centered on this very issue and reflected society’s deep mistrust of women and fear of female sexuality. Men’s legal power over women allowed them easily to accuse their wives, try them for infidelity, divorce them, flee town, and illegally marry new women, with little recourse available to the wronged wives. But, one of the reasons divorce remained illegal for so long was to protect women and their few rights within marriage. Stone describes the separated wife’s existence as that of “an outlaw,” stripped of her income, her ability to earn money, to enter into a legal contract, or even to see her children. She became a burden on the church and on society. It was much wiser, economically and socially, to keep marriages together. Therefore, accusations of female adultery proved a powerful tool for men wishing to rid themselves of their wives, and a devastating blow to innocent women who were socially ruined.

Thus, only if Ordella betrays Thierry might she merit the horrors of divorce. In addition to promoting companionate marriage, Beaumont, Fletcher, and Massinger’s play
participates with Jonson’s in celebrating female loyalty and chastity. They promote the kind of compatibility Milton advocates, not by encouraging divorce, but by promoting marital affection and trust at the expense of easy divorce. While Epicoene is chaste within her brief marriage to Morose, Truewit finds several gentlemen who willingly admit having sex with her before her marriage, proving her a whore. All this is done merely to humiliate Morose, but Jonson, nevertheless concludes the play by praising good women and deriding those men bent on ruining their reputations and their marketability as honest wives. Truewit says to the gentlemen: “You are they, that when no merit or fortune can make you hope to enjoy their bodies, will yet lie with their reputations and make their fame suffer. Away you common moths of these and all ladies’ honours.” Another play threatening divorce for adultery, but ultimately about praising chaste wives, is Nathan Field’s *Amends for Ladies* (1618). Field’s comedic follow-up to *A Woman is a Weather-cocke* (1612), in which he denigrates women, presents a husband so mad with jealousy that he persuades his friend, Subtle, to seduce his wife so he might accuse her of adultery and divorce her. Reminiscent of Frankford and Wendoll in Thomas Heywood’s *A Woman Killed with Kindness* (1603), Husband and Subtle share a friendship that appears to recognize no domestic bounds. Husband’s Wife proves faithful, though she knows her husband’s jealousy. She says to Subtle: “Some wives that had a husband now like mine, Would yield their honors up, to any man, / Farre be it from my thoughts.” Despite her husband’s jealousy, Wife remains true and swears to the “God of marriage and chastitie,” that she will ever remain so. When Subtle realizes he will never seduce Wife, rather than admit it to Husband, he asks Husband to witness the final seduction, proving to him his Wife is faithful. Husband seems to relish in the opportunity
of catching his wife in the act, declaring "If they doe ought unfitting I will call / Witnesse, and straight way sue a divorce." Husband’s eagerness to leave his spouse is evident in his assumption that his wife will be seduced, even before he witnesses the scene. Husband betrays his lack of emotion for his wife by the hastiness in which he plans to divorce her. Despite his unpleasant personality, Wife remains true to him, but one fault in her will leave her divorced and helpless. Field’s comedy reveals the fickleness of men and the ease with which they will trick, betray, and divorce women when granted the opportunity. By play’s end, Husband crowns his wife and says of her “there’s a good wife.” More’s Utopians understood the bitter consequences of allowing easy divorce, both for wives and for society. So, while divorce is not always the answer to an unhappy marriage, its threat, or very possibility, proves enough to uncover a flawed husband and to reform, rather than to reject, his marriage.

Milton’s controversial tracts that elicited little response when they were published mark not the beginning, but an endpoint for an age wrestling with the place of personal desire in marital law. Milton perfectly articulates the concerns that earlier writers attempt to voice about the place of love in marriage, the importance of marriage’s existence as a companionship between two souls regardless of sexual faithfulness, and finally, the importance of divorce as a powerful political metaphor, all issues addressed in later chapters. Milton directs the work to the English Parliament linking the success of the new commonwealth to the happiness of the family: “For no effect of tyranny can sit more heavy on the Common-wealth, then this household unhappiness of the family. And farewell all hope of true Reformation in the state, while such an evill as this lies undiscern’d or unregarded in the house” (932-3). It is no surprise that Milton connects
political reformation with the reformation of English divorce laws, as a century earlier
a royal divorce sparked the same connection. A crucial difference, for Milton, is that the
promise of a new commonwealth severed permanently from the king held out equal
promise for legalizing divorce between husband and wife. At the same time, if divorce for
incompatibility had been possible before Charles I’s beheading, he might have been
allowed to survive, albeit divorced from his realm. Marriage served as a powerful
political metaphor for early English monarchs; it represented a union that was
hierarchical and permanent. Divorce’s possibility erodes the metaphor enacting its own
image of social chaos and political unrest. Shakespeare’s history plays offer a variety of
examples of the strong associations between the king’s marriage and the unity and peace
in his kingdom. The threat of divorce erodes the peace. In Richard II Bullingbrook
invades England and seeks to kill the men he believes have destroyed the realm. He says:
“You have in manner with your sinful hours / Made a divorce betwixt his queen and him,
/ Broke the possession of a royal bed.”43 The state of the king’s marriage echoes that of
his realm. Likewise, Queen Isabel in Henry V usefully sums up the relation between the
royal marriage of Henry and Katherine and the peace achieved between England and
France. At the same time, like Sidney above, she utters her concern for the potential of
divorce and political division. A division an English audience knew would come beyond
the scope of the play:

*Queen Isabel.* God, the best maker of all marriages,

Combine your hearts in one, your realms in one!

As man and wife, being two, are one in love,

So be there ‘twixt your kingdoms such a spousal,
That never may ill office, or fell jealousy,
Which troubles oft the bed of blessed marriage,
Thrust in between the [paction] of these kingdoms,
To make divorce of their incorporate league;
That English may as French, French Englishmen,
Receive each other. God speak this Amen!\textsuperscript{44}

Even in the heart of this marriage blessing lies the fear and potential of divorce and political division. Royal divorce, that proved to divide and forever alter Henry VIII's realm, became, in Tudor and Stuart England, a powerful metaphor for political and social division. The fear of the chaos and tyranny that might ensue when the social contract between monarch and subjects is broken, became, for Milton, the promise of forging a new contract with a more amenable leader. In many ways the possibility of divorce during this period marked a struggle between earlier and more “modern” conceptions of marriage, of government, of society, and of the individual. At the time, marriage represented both social stability and individual confinement and divorce appeared to promise both social chaos and individual happiness. Yet, as Milton argues, society may also benefit from laxer divorce laws that would place more of its citizens in happy marriages. But again women were certain to suffer from laws that allowed their husbands the right to legally abandon them when they became dissatisfied.

The diversity of the following chapters reflects the multi-faceted nature of one of the crucial questions plaguing early modern England. The conflicts among interpretations of marriage as permanent, redemptive, or confining and of divorce as cruel, liberating, or socially divisive led to a variety of conclusions. Variety and debate are what characterize
early modern responses to the possibility of divorce; they also lead to chapters with seemingly conflicting theses. The following three chapters, nonetheless, present marital dissolution as a crucial aspect both to forming companionate unions and to providing social stability. The second chapter demonstrates the ways in which Elizabethan and Jacobean dramatists united the interests of early canonists and of Protestant reformers by utilizing divorce *a mensa et thoro* as a device to mend broken marriages and to transform them from solely hierarchical arrangements to more companionate ones. The plays discussed (Philip Massinger’s *The Picture*, Thomas Heywood’s *A Woman Killed with Kindness*, and William Shakespeare’s *Much Ado About Nothing* and *The Winter’s Tale*) all expose female vulnerability and helplessness to accusations of adultery. The plays represent divorce as a divisive, cruel, and even intoxicating experience for wives. At the same time, divorce, in the form of a judicial separation, proves transformative for husbands left to consider their wives’ virtue and value only once bereft of their physical presence. All four plays utilize adultery and marital dissolution to promote marriage’s more ideal goals: love and companionship.

The third chapter refutes the transformative power of divorce *a mensa et thoro*, by defining it as another legal tool confining men and women in unhappy marriages. Sidney’s *Astrophil and Stella*, John Ford’s tragedy *The Broken Heart*, Mary Wroth’s closet drama *Love’s Victory*, along with several other works, comprise a body of texts related to contemporary narratives about the lost loves of Penelope Devereux. In life and legend, Devereux encountered the barriers of English divorce law when she was unable to marry Sidney, a man to whom she was engaged, because of her later marriage to Lord Rich, and when she was unable legally to marry Charles Blount, because she was only
allowed a divorce *a mensa et thoro* from Rich. The literary texts that fictionalized Devereux’s incapability of legalizing her affective relationships present the values of love and marital companionship in opposition to those of English marital law. Like Milton’s body/soul dichotomy, the texts considered in this chapter all wrestle with the division created between a person’s public persona and his or her private desires when he or she is barred from divorce for incompatibility. In the texts discussed here companionate marriage is possible only when divorce laws are made more lenient, and more invested in human emotion and companionship.

The fourth chapter shifts from the personal realm to the political realm. Frances Howard’s scandalous divorce and remarriage cases in 1613 not only sparked further interest and debate over divorce, but also shifted more attention to the king’s role in divorce cases. James’s active role in annulling Howard’s marriage and in celebrating her remarriage to his favorite angered many at court. Two contemporary plays, Shakespeare’s *Henry VIII* and Elizabeth Cary’s *The Tragedy of Mariam*, consider royal divorce as the harbinger for political tyranny and social turmoil. Even the masques celebrating Howard’s second marriage expose elements of division within the kingdom. The division and chaos feared at the king’s involvement in divorce cases deeply threatened the historic marriage metaphor between king and subject; the metaphor represented the relationship’s hierarchical and indissoluble qualities. Puritans, like Milton, advocating companionate marriage and divorce for incompatibility threatened the basic tenets of the English monarchy. In 1613, royally sanctioned divorce represented not liberation, but tyranny. English subjects could imagine themselves figured as the king’s
wife, vulnerable and in need of protection. Divorce meant abandonment for the
dramatic queens and was feared to mean the same for seemingly disloyal royal subjects.

All three chapters underscore the marked differences of opinion in circulation
about divorce's function and reveal divorce law to have been a crucial component both in
forming companionate marriages or ensuring social stability. Tudor and Stuart texts about
the debate circulated freely, whether opposed to or in favor of extending divorce. They
varied widely, even differing on marriage's very definition and goals. Men and women at
the time were primarily concerned with their own religious identities that were tied to
Henry's divorce, leaving divorce's possibility ever a looming concern. But as in our own
social debate over defining marriage, the one carried on in early modern England
represented a transition from an older ideal of hierarchical and indissoluble unions
depicting a stable monarchy to an uncertain future where marriage is a friendship and
individuals are free to determine their own personal and political destinies.

This project constitutes an initial inquiry into the meanings surrounding divorce in
early modern England. It is intended to raise more questions than it answers. As this
chapter reveals, there are many more literary texts to consider and issues to confront. In
each chapter, for example, gender emerges as a crucial component in divorce's
destructive or redemptive power. There is much work to be done exploring the role of
gender in marital breakdown. The impact of class, race, and religion open other avenues
of inquiry. Othello, for example, practically opens with Desdemona's father, Brabantio,
seeking to divorce his daughter from the moor. There, possibility of divorce becomes a
clear marker separating Protestants from the devil worshippers and infidels, while uniting
Englishmen with Catholic canon law and even Jewish divorce law. Ancient and medieval
Christian and Jewish texts became crucial to members of both sides of the legal
divorce debate raising fascinating questions about how the sharing of religious texts
influenced relationships among clerics and laymen of differing faiths. Ideas about divorce
are everywhere linked to the important questions early modern scholars and theorists
have addressed in the past few decades, and further inquiry offers a new perspective on
the transitions of this early modern society.

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1Sir Philip Sidney, The Countess of Pembroke’s Arcadia, ed. Maurice Evans
2For further discussion about the social influences of Henry VIII’s marital choices, see
Michael A. Winkelman, Marriage Relationships in Tudor Political Drama (Burlington,
VT: Ashgate, 2005).
Press, 1990); Eric Josef Carlson, Marriage and the English Reformation (Oxford:
Blackwell, 1994); Ralph Houlbrooke, English Family Life 1576-1716: An Anthology
from Diaries (New York: Basil Blackwell, 1989); and Torrie Leigh Thompson, ‘So much
devorcyng’: A Feminist Revision of the Marital Relationship in Renaissance England,
1550-1650” (Dissertation, Univ. of Texas at Austin, 1990).
4Alexander Niccholes, A Discourse of Marriage and Wiving (1615), p. 42.
5Raymond B. Waddington, “Marriage in Early Modern Europe,” Sixteenth Century
Journal 34.2 (Summer 2003): 315-18, p. 315.
6Merry E. Wiesner, “Danger, Divorce, and Other Family Values,” Journal of Women’s
7Alan Macfarlane, Marriage and Love in England: Modes of Reproduction 1300-1840
8For more detailed information about what constituted incest, see B. J. Sokol and Mary
Sokol, Shakespeare, Law, and Marriage (Cambridge UK: Cambridge Univ. Press, 2003),
ch. 8.
9See Sokol and Sokol, p. 140.
10See Carlson.
11Thompson, p. 277.
12Macfarlane, p. 223.
14Stone, p. 7.
15Carlson, p. 22.


Thompson, p. 173. For these and other sources for the debate over divorce for adultery see chap. 4.


Key New Testament passages under discussion include Matthew 5:32 and 19:9 that appear to permit divorce for adultery only, and Mark 10:1-12 that appears not to permit divorce for any reason.

Matthew 19:9: “And I say to you, whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery.”


Jonson, V.iv.39, 53.

Line 57.
35Beaumont and Fletcher, II.i.309-11, p. 397.
37Stone, pp. 4-6.
38Jonson, Epicoene, V.iv.211-14.
40Field, line 118.
41Field, V.i.77-8.
42Field, V.ii.297.
43William Shakespeare, Richard II in The Riverside Shakespeare, III.i.11-3.
44Shakespeare, Henry V in The Riverside Shakespeare, V.ii.359-68.
Chapter Two

Divorce a mensa et thoro on the Early Modern English Stage

Sophia: When you went to the wars,
I set no spy upon you to observe
Which way you wander'd, though our sex by nature
Is subject to suspicions and fears;
My confidence in your loyalty freed me from them.
But, to deal as you did, against your religion,
With this enchanter, to survey my actions,
Was more than woman's weakness; therefore know,
And 'tis my boon unto the king, I do
Desire a separation from your bed;
For I will spend the remnant of my life
In prayer and meditation.

(Philip Massinger, The Picture, V.iii., 1629)\(^1\)

In this passage, Sophia is outraged to discover that her husband Mathias had an enchanter produce a picture of her that would tarnish if she even contemplated adultery. Mathias's objectification of her and lack of trust in her prompts Sophia to seek a legal separation from bed and board (divorce a mensa et thoro). According to canon law, such a separation was allowable if one spouse was proved to be sexually unfaithful; Sophia reinterprets the law, and uses it to punish her husband's jealousy, and ultimately to
reform him. Sophia agrees to remain with Mathias only after he decides to destroy the picture and to stop doubting her faithfulness. Mathias agrees: “I will be my own security: go, ride, where you please; / Feast, revel, banquet, and make choice with whom, / I’ll set no watch upon you; and, for proof of it, / This cursed picture I surrender up / To a consuming fire” (V.iii.). Mathias burns Sophia’s enchanted picture in exchange for accepting her autonomy. By threatening her husband with divorce a mensa et thoro, Sophia is able to transform her marriage from a coupling between property-holder and property to one between two human companions.

Massinger’s The Picture is exemplary of the English theater’s relationship with England’s legal debate over divorce. The theater was a space in which England’s divorce laws were not only re-enacted, but were re-examined, and re-interpreted. Divorce a mensa et thoro was the only judicial option for couples wishing to separate because of adultery. It had been instituted hundreds of years earlier in Rome by church fathers seeking a way to mend broken marriages, to safeguard marriage’s permanent and unbreakable union.² By this period, the Protestant Reformation had desacramentalized marriage, and opened the possibility for complete divorce for adultery (in most Protestant countries including Scotland), and reformers placed a growing emphasis on marriage as a companionship. Only in England’s theatrical world were the interests of the early church and of the Protestant reformers united. As The Picture illustrates, marital separation could remain a valuable and useful law. It could not only serve to repair a broken marriage, as the church fathers intended, but it could also help to transform that marriage from a relationship between master and servant to one between equals and friends, a goal of growing interest to Protestant reformers. In other words, the play demonstrates a process
for reclaiming a marriage and transforming it into a more companionate union that is much like the process of marital separation required by divorce *a mensa et thoro*.

_The Picture_ and Thomas Heywood’s earlier tragedy, _A Woman Killed with Kindness_ (1603) both make use of a legal separation from bed and board as a means of repairing marriages destroyed by suspicions of female adultery. These plays suggest that female adultery (whether verified or merely suspected) is not just a woman’s crime, but is a symptom of a problematic marriage. In both plays, marital separation means a lonely and isolated existence for the wives whose stories disappear from the dramatic action. Sophia’s only option is a cloistered life. Heywood’s Anne wastes away in her isolation and misery, her spirit broken. The plays illuminate how marital separation kills a wife both legally and spiritually, isolating her from the community. At the same time, their isolation serves as a catalyst for husbands to transform their marriages and to accept their wives as their companions and partners. The plays ultimately illustrate how a reformed state of marriage reduces a husband’s need for jealousy and a marriage’s need to break down.

Massinger and Heywood’s plays offer a useful framework in which to read other dramatic marital reconciliations, namely those in William Shakespeare’s _Much Ado About Nothing_ (1598) and _The Winter’s Tale_ (1611). _The Picture_ and _A Woman Killed with Kindness_ present divorce *a mensa et thoro* as the solution when both marriages disintegrate due to husbands’ jealousy and treatment of their wives as their property. In both plays, either the separation itself or its mere mention reforms husbands into men who value their wives foremost as their partners and companions. _Much Ado About Nothing_ and _The Winter’s Tale_ are also plays in which the husbands Claudio and Leontes
initially view marriage as a hierarchy and their wives as their chattel. Both husbands wrongfully accuse their wives of adultery and, after a physical separation, re-marry their wives in, at least, symbolically transformed marriages. Only after separation does companionate marriage appear possible. Shakespeare’s marital separations come in the form of contrived deaths for both Hero and Hermione. Shakespeare’s plays illustrate, as do Massinger’s and Heywood’s, how marital separation serves as a means of transforming marriage itself, how suspected female adultery was not a woman’s crime, but a symptom of a broken marriage, and the loneliness, isolation, and “death” related to a woman’s experience of divorce a mensa et thoro. While not a physical death, as in the plays, offstage such a marital separation often spelled a legal and spiritual death for a wife rejected by family and unable to bear her own legal identity. Each of these plays is distinct; they span the genres of tragedy, comedy, and romance, as well as the reigns of Elizabeth, James, and Charles. Yet, all four present ideal companionate marriages as byproducts of marital separation.

Female Adultery, Death, and the Divorced Woman

Adultery was a serious crime, once seen as punishable by death according to civil and religious law. While Elizabethan law did not support capital punishment for adultery, a woman accused of adultery and separated from her husband might often face a legal “death” sentence. Her death often became the most desirable consequence for her actions. These plays unite the popular depiction of the adulteress with the legal and social reality of the divorced woman. Massinger, Heywood, and Shakespeare address the bleakness of a wife’s existence once separated by divorce a mensa et thoro. These are the repercussions of the rejection and shame attached to even suspicion of female
adultery. These plays make literal the social fate of women accused of adultery and separated from their husbands who were essentially “dead” legally, socially, and spiritually. Their lives were no longer relevant to their communities, and they almost literally disappeared from their families’ lives and from the historical record. While dramatic wives might be able to reappear absolved of all sin, real wives had little hope of repairing their reputations and lives.

Legal death followed from the fact that women were considered their husbands’ property. The very notion of female adultery threatened patrilineal inheritance of property and proved a wife to have her own will apart from her husband’s. “A woman’s assertion of independent sexuality,” as M. Lindsay Kaplan and Katherine Eggert argue, “belies the important fiction that her husband owns her body, and the children she bears, by demonstrating that her sexual choices are beyond her husband’s control.”

Othello describes this: “curse of marriage, / That we can call these delicate creatures ours, / And not their appetites!” (Othello, III.i.267-9).5 A wife’s adultery not only brought shame to her husband, but dishonored her entire family, dead and alive, past and future. In Tenaikeion: or nine bookes of various history concerning women (1624), Heywood explains: “For vertue once violated, brings infamy and dishonour, not onely to the person offending, but contaminates the whole progenie; nay more, lookes backe even to the iniured ashes of the ancestors, bee they never so noble: for the mind, as the body, in the act of adulterie being both corrupted, makes the action infamous and dishonorable, dispersing the poysen of the sinne even amongst those from whom she derives her birth.”6
Husbands were personally contaminated by a wife's infidelity and the brand of "cuckold." Men became paranoid and jealous when it came to their wives' autonomy. Writers in support of companionate marriage often warned husbands against jealousy. Even without other forces at work, it could destroy the peace of marriage. In addition, it was useless; no amount of jealousy was found to deter an adulterous wife. Edmund Tilney warns a husband "not to be jealous of his wife," though "jealousie is a certaine care of mans minde, least another shoulde possesse the thing, which he alone would enjoye." Tilney argues that "no wisdome, no craft, no science, no strength, no subtiltie, yea, no pacience suffiseth to enforce a woman, to be true to hir husbande."

Thus, the adulterous wife dishonors her family, shames her husband, and contaminates her offspring. Rather than having to live with such a woman, even her family often wished her dead. In Much Ado About Nothing, Leonato actually prays for his daughter's death after she has been accused of infidelity: “O Fate! take not away thy heavy hand, / Death is the fairest cover for her shame / That may be wish'd for” (IV.i.115-7). Similarly, Juan Luis Vives’ popular conduct book for women, The Instruction of a Christen Woman, (1529), originally printed for the education of Mary Tudor and reprinted throughout the sixteenth century, claimed that a woman who chose to be unfaithful may as well have chosen to kill herself: “Wherfore thou desperate woman that hast abused thy selfe so, thou faireste in lyke maner as though thou haddest strangled, distroyed, or murdered thy selfe.”

Evidence suggests that, particularly during Elizabeth’s reign, divorces a mensa et thoro were easily granted, and wives, guilty or not, were frequently abandoned by their husbands to live at the mercy of the community. Couples also commonly separated
privately without formal legal intervention.9 Torrie Leigh Thompson argues in her
feminist study of early modern divorce that women who separated from their husbands,
whether legally or not, were punished as if they had been sentenced to die. Husbands,
likewise, often did remarry after a divorce a mensa et thoro, exactly as they would had
their first wives died. Thompson cites evidence of men who deceitfully separated
themselves from their wives. Before photo identification, it was difficult to prove one’s
identity before a court. A man could move to another region of the country and be a
stranger, free to remarry without the burden of witnesses who knew he had been married
before. In such cases, Thompson explains, a wife was at a great disadvantage to prove
her true identity before a court in which an imposter had already claimed she had been
adulterous and the system was “all too willing to believe female infidelity.” Careless
record keeping, a poor and illiterate clergy, and confusion over church law concerning
divorce led to misuse and abuse of the law.10 A woman’s “death” sentence could be
decreed by a clergy member ignorant of a prior contract and a judge duped into
believing a false confession. One case cited by Thompson proves most telling:

In 1548, Anne Bouchier was accused of adultery by her husband, Lord
Northampton, the brother of Queen Katherine Parr; shortly after,
Northampton petitioned for separation and then asked for permission to
remarry even though Anne was still alive. Lord Northampton must have
believed that a woman accused of adultery could be divorced and that the
husband was free to remarry because, without waiting for Parliamentary
sanction, he married Elizabeth Brook, daughter of Lord Cobham, and in
1552, Parliament declared the marriage valid . . . Anne Bouchier was
divorced by her husband, and the remainder of her history has not been recorded.\textsuperscript{11}

Bouchier’s story reflects both a woman’s erasure from historical record once divorced and the various questions, inconsistencies, and misunderstandings over divorce law rampant in early modern England. Of course, it was primarily husbands who used these loopholes to their advantage, leaving women stranded and essentially “dead.” Keith Thomas characterizes a separated woman’s state as one of “virtual outlawry, for her husband retained all his rights over her property, including even the wages she might earn after her separation.”\textsuperscript{12} Thus, once accused of adultery and separated from their husbands, both Hero’s and Hermione’s lives likewise freeze. Their stories drop out of \textit{Much Ado About Nothing} and \textit{The Winter’s Tale} until they are reconciled with their husbands.

Heywood’s Anne chooses to starve herself as a means of erasing her shameful story (and herself) from her husband Frankford’s life. Even Massinger’s Sophia recognizes that as a divorced woman, her only alternative is a cloistered life of meditation away from society and the world of dramatic activity. The “real” world of early modern England, like its dramatic world, had no legitimate space for the woman accused of adultery and thereby divorced.

\textbf{Early Modern Conceptions of Companionate Marriage}

These plays demonstrate how the best means of avoiding jealousy, adultery, and divorce was by contracting a strong and companionate marriage. Companionate marriage was not a new concept in the sixteenth century, but dates back to the early days of the ancient church. The definition of marriage as a companionship finds its Christian roots in Genesis 2:18: “It is not good that man shulde be him selfe alone: I will make him an help
mete for him.” As Valerie Wayne puts it “woman’s existence then arises from God’s perception of man’s need.” Writers from Augustine through Milton interpreted the verse to mean that marriage, though legally hierarchical, was intended to be a companionship. The alternate popular definition of marriage supported by the medieval church is rooted in Genesis 1:28 where man is commanded to be fruitful and multiply. Early canon law placed primacy on the union of men and women for the purpose of bearing children. A wife’s principal role in this version was not as a social companion for her husband, but rather, as the vessel through which he can produce an heir, a view particularly appealing to the English upper classes concerned with political and financial alliances. But the concept of arranged marriages where wealth and social status were most valued soon found itself in opposition to the growing desirability of marriage for love and companionship. The Reformation and the literary and theatrical texts in circulation in England ensured that the more “romantic” view of marriage was acquiring a louder social voice.

As the sixteenth century progressed, more writers and public figures supported companionate marriage, giving primacy to woman’s role as “help mete” and assumed fellowship between spouses to define a couple. Tilney, for example, entitled his marriage manual *The Flower of Friendship* (1573), and insisted on valuing love for a spouse over wealth and social status: “For perfite love knitteth loving heartes, in an insoluble knot of amitie. Love indifferent serveth not, love fayned prospereth not. Wherefore it must be true, and perfite love, that maketh the *Flower of Friendship* betweene man and wyfe freshlye to spring.” For Tilney, a wife’s duty as a loving companion is not compromised by her responsibility to obey her husband. Similarly, the preacher William Gouge argues
for wifely obedience but encourages husbands to promote equality in the household:

“When I came to deliver the husband’s duties, I showed that he ought not to exact whatsoever his wife was bound unto but that he ought to make her a joint governor of the family with himself, and refer the ordering of many things to her discretion, and with all honorable and kind respect to carry himself toward her.” Other writers insisted that marriage could only work if both spouses functioned as partners who shared the burdens of maintaining a household and raising a family. Heywood, in Tenaikeion states that marriage “is ever the most pleasing and contented, when it is made betwixt equals.” He cites Ovid:

Unsightly doe the unmatched heifers draw,
Nor can the plough goe even then: Such the Law
Of wedlocke is, to prevent Nuptiall strife,
There must be paritie ’twixt man and wife.
Then needes the one the other must oppresse,
The husband great in power, the wife much Lesse:
It is no honor, but a burthen rather,
To ioyne, and not be equall: this we gather

From the uneven yoake, for so you cannot strike
The furrow straight; if match, match with thy like.”

For Heywood Ovid illustrates the nature of companionate marriage established from the classical period onward: men and women are legally unequal, but marital harmony is only possible when both play an equal role. As historian Ralph Houlbrooke puts it, early
modern marriage in England was “finally an unequal partnership, but less unequal and
less different from marriage today, than might at first appear.”

In what follows, Massinger’s *The Picture* and Heywood’s *A Woman Killed with
Kindness* represent literal examples of divorce *a mensa et thoro*. These will serve as a
framework for reading the Shakespearean plays that show marriages torn and repaired by
a different kind of divorce – symbolic death. But, whether effected through actual divorce
*a mensa et thoro* or through “death,” marital separations in all of these plays have the
same effect of transforming marriage into a more equal partnership between husband and
wife.

*The Picture*

Mathias affirms the companionate ideal of marriage in *The Picture’s* opening
scene as he embarks to fight for Hungary against the Turks, they are “Join’d by true love,
hath made [them] one, and equal” (I.i.), but jealousy makes him refuse to consider his
wife as his partner. Instead, it leads him to an enchanter who creates a magical picture.
When Mathias initially describes the jewels he plans to win to show off Sophia’s beauty,
she questions her true worth in Mathias’s eyes. Mathias’s claim that he goes to war in
order “To trade for rich materials to adorn/ Thy noble parts, and show them in full
lustre,” reveals his view of her as his property. Sophia is disturbed, and asks: “If I am so
rich, or In your opinion, why should you borrow additions for me?” Explaining that he
“possesses such a jewel/ Above all price,” he wants to adorn it with the richest
ornaments, he then proceeds to ask for her obedience and her sexual faithfulness. Sophia
realizes that whatever he says about their being “equals” tied by a “mutual consent of
heart,” he still “possesses” her and needs to make sure he does not lose her. By scene’s
end, Mathias is asking the enchanter Baptista for an object by which he can know his wife’s chastity. Baptista tries to convince Mathias that his wife deserves his trust, but Othello-like, Mathias ignores everything except controlling Sophia’s sexual fidelity. Husbands on the early modern stage are quick to be jealous and fear a cuckold. Unlike Othello, though, Mathias, with his picture, does not need to rely on anyone else to verify his wife’s chastity. Like Oscar Wilde’s *Picture of Dorian Gray*, Sophia’s picture promises to reveal her secret desires and sins. However, while Gray’s picture, like his own soul, belongs to him, the contents of Sophia’s soul are objectified for the curiosity and pleasure of her husband without her knowledge or consent. Her privacy is exposed and made into a portrait whose flaws anyone could detect. Baptista promises Mathias that if the picture turns black, “‘tis an assurance / The fort, by composition or surprise, / Is forced or with her free consent surrender’d.” Sophia, already reduced to the silent two-dimensional image, also becomes Mathias’s mindless “fort” to be invaded or surrendered.

Ironically, during the course of the play both Mathias and Sophia are sexually tempted by members of King Ladislaus’s court, but it is Mathias who proves weakest. After his triumph on the battlefield, Mathias visits Hungary’s royal court as a hero. Amid the victory celebrations, Ladislaus’s beautiful and strong-willed Queen Honoria sees Sophia’s picture and becomes jealous of her beauty and chastity. Honoria pledges to undo both Mathias and Sophia. She threatens Mathias that he can return home only if after a month she can find no lady who may successfully win him. Without Mathias’s knowledge, Honoria also sends two courtiers to seduce Sophia. Both husband and wife are to be tempted, and both will learn of the other’s supposed unfaithfulness. The queen takes on the responsibility for seducing Mathias herself. At first, he successfully resists
temptation. "If you love me madam, / For my constancy," he asks the queen, "why seek you to destroy it?" (III.v.). He strengthens his will by checking the enchanted portrait: "She's still the same, the same / Pure crystal rock of chastity." But Mathias's obsession with Sophia's chastity ultimately leads him to betray her. When he sees dark lines "clouding the picture's beauty," (IV.i.) suggesting that she is tempted, Mathias is immediately enraged and launches into a tirade against womankind: "Did e'er woman / In her will decline from chastity, but found means / To give her hot lust fuel?" He wonders if in all of history, and "heretofore, can now, or ever shall, / Produce one constant woman." He immediately calls Honoria to his chamber and offers:

    with cheerfulness to serve you,

    Assure your highness; and, in a sign of my
    submission and contrition for my error,
    My lips, that but the last night shunn'd the touch
    Of yours as poison, taught humility now.

He is saved only when Honoria refuses his advances claiming, "what a nothing/ Man's constancy is" (IV.i.).

Sophia's picture was marred because she had been tempted by Ladislaus's "wild courtiers" Ubaldo and Ricardo. Both men claimed that Mathias had been unfaithful with a score of courtly ladies. Sophia initially reacts to the news as Mathias had, with thoughts of revenge and adultery: "Chastity, / Thou only art a name, and I renounce thee! / I am now a servant to voluptuousness" (III.vi). But she vows to remain chaste, despite her husband's indiscretions. His sin does not lessen hers: "For each particular crime a strict account will be exacted," she says (IV.ii). She realizes that "the wounds I give my fame /
Cannot recover his.” Sophia relies on her sorrow and her goodness to help her remain chaste.

When Mathias reduced his wife to the level of a thing, he also reduced his marriage to the status of a vulnerable fort, and himself to a man reliant on his wife’s faithfulness to confirm his masculine value. When the image was marred, the marriage and the man crumbled as well. Sophia recognizes in herself innate value apart from her marriage and her husband’s faithfulness. She claims responsibility for her actions and chooses to be faithful, an achievement that Mathias’s picture had tried to deny her. Sophia also discovers that female adultery is not simply a woman’s crime, but one in which husbands and abusive outsiders take part. After she successfully confines, starves, and degrades Ubaldo and Ricardo for their actions, Sophia imagines that “Were all that study the abuse of women / Used thus, the city would not swarm with cuckolds, / Nor so many tradesmen break” (V.i.). When Mathias returns, admitting he thought her false because of the enchanted picture, Sophia asks the painter: “Was I grown so cheap in [Mathias’s] opinion of me?” (V.ii.).

Mathias and Sophia eventually realize that each has remained true, but Sophia nevertheless refuses to remain with a husband who trusted her so little that he relied on a magic portrait rather than her word. She asks for a marital separation and a cloistered life instead. The royal Hungarian courtiers look on and recognize the tremendous absence all would suffer by her loss to the cloister. But she holds fast to her decision until Mathias finally offers to destroy the picture and to trust her. Sophia’s chastity is no longer something to be proven; it becomes a matter of trust. “Upon these terms / I am reconciled,” she says (V.iii). Sophia is free to live as she chooses and to entertain
whomsoever she chooses without the fear of inciting her husband's jealousy. Baptista
agrees to give up his art and King Ladislaus declares that husbands should not doubt their
wives. The mere threat of marital separation is enough to teach the men to value women
as dependable human beings worthy of their companionship.

*A Woman Killed with Kindness*

Massinger and Heywood's plays shift much of the blame for female adultery from
the wife to the husband, the family, and the society that all enforce female servility at the
expense of marital stability. The plays suggest that female adultery and the divorced
wife's suffering might be eliminated if hierarchical marriage were made more like
companionship. Frankford and Anne's failed marriage in Heywood's tragedy *A Woman
Killed With Kindness* is particularly interesting because Anne is an actual adulteress. The
play goes far to suggest that it was the nature of the marriage as well as Anne herself that
was responsible for adultery, and that separation can transform the marriage, though only
when it is too late. Frankford sees his wife as his possession and turns to another male for
the companionship he should be seeking in Anne. Convinced of Anne's adulterous
alliance with his friend Wendoll, Frankford sends her away from his home and enacts a
private divorce *a mensa et thoro*. Once separated and isolated from her husband and
children, Anne chooses to die while Frankford learns to forgive her and desires a new,
more companionate marriage.

Heywood shows a patriarchal marriage failing when a wife turns adulterous, but
he does not condemn the wife as society would. Instead he implicates the husband, the
marriage, and the social demands on women in the marital failure. Critics agree that
Frankford and Anne's marriage is unnecessarily hierarchical: to Frankford, Anne is more
a possession or ornament than a fellow human being. At their wedding, their friend Sir
Charles congratulates Frankford on having found a perfect wife in Anne. His speech
echoes the proponents of companionate marriage in calling Anne both Frankford’s
ornament and his equal:

    she’s no chain
    To tie your neck and curb you to the yoke,
    But she’s a chain of gold to adorn your neck.
    You both adorn each other, and your hands
    Methinks are matches. There’s equality
    In this fair combination; you are both scholars,
    Both young, both being descended nobly. (ii.62-8)

Sir Charles first speaks of Anne in terms of her worth and beauty as Frankford’s
possession. She will not burden him, but, like a “chain of gold,” be a perfect adornment.
Charles, like Mathias, sees a wife as a jewel. However, he immediately follows this by
mentioning how both husband and wife will adorn each other, how they are equal in age,
birth, and wisdom. Frankford however sees Anne only as part of his tally of success by
accumulated wealth and property:

    I am possessed of many fair revenues,
    Sufficient to maintain a gentleman.
    Touching my mind, I am studied in all arts,
    The riches of my thoughts and of my time
    Have been a good proficient. But the chief
    Of all the sweet felicities on earth,
I have a fair, a chaste, and loving wife,
Perfection all, all truth, all ornament. (lines 5-12)

Anne is merely another part of his "revenues." His description of his wife echoes the strictly legal definition when he likens her to his own inner resources, that is, to part of his body, of himself. Her obedience, beauty, and chastity are there to adorn him, like the gold chain described by Sir Charles. In the same scene Frankford chooses his friend Wendoll to be his companion in life and to share with him those possessions and resources a husband ought to share with his wife. He not only allows Wendoll to remain in his house as his guest, but begs him, "Please you to use my table and my purse. / They are yours" (lines 65-6). After Wendoll protests, Frankford goes even further to make Wendoll his equal in his household: "Choose of my men which shall attend on you, / And he is yours. I will allow you, sir, / Your man, your gelding, and your table, all / At my own charge. Be my companion" (lines 69-72). As Arthur Kinney says, "Thus Anne is displaced by Wendoll." Frankford uses the term "companion" to describe not his wife, but his new male friend. Carol Thomas Neely compares this friendship to the one between Leontes and Polixenes in The Winter's Tale: both male relationships bar these husbands from being full partners in their marriages. The same could be said of the friendship between Claudio and Don Pedro in Much Ado About Nothing. Like Leontes and Claudio, Frankford trusts and respects his friends at the expense of his wife.

Frankford's love for Wendoll prompts him to leave Wendoll in charge of his household when he is away, giving him rights to all that is within, including Anne. It is Anne who has been instructed to tell Wendoll that he is her lord in her husband's absence:
he wills you as you prize his love,

Or hold in estimation his kind friendship,

To make bold in his absence and command

Even as himself were present in the house;

For you must keep his table, use his servants,

And be a present Frankford in his absence. (vi. 76-81)

A less obedient woman might protest that the office given Wendoll belongs to a wife not a friend. But Anne obediently follows her husband’s command. Frankford dehumanizes Anne; by reducing her to his possession her undermines her agency and her ability to make sound moral choices. Paula McQuade argues that by leaving Wendoll in charge of his house Frankford confuses Anne; might loving Wendoll be the same as obeying her husband? If it is difficult for her to follow her own soul and moral precepts perhaps it is because Anne internalizes her status as possession—a perspective that might also make her decide to starve herself when she is discarded.25 Perhaps Wendoll offered her the passion and love Frankford denied her. Heywood lets us hear Wendoll telling Anne that he loves her and will risk everything for her: “For you I’ll live, and in your love I’ll die” (vii. 141), something her husband has never said. Anne responds: “You move me sir, to passion and to pity” (line 142). A woman accustomed to being treated as a household possession and to being left alone, the temptation offered by Wendoll may well find herself “enchanted” (line 161), and feel that her “soul is wand’ring and hath lost her way” (line 154). Wendoll offers protection as well: “Your husband is from home, your bed’s no blab” (line 167). Wendoll not only slides into Frankford’s place, both at table and in bed but also offers what Frankford could not.
After learning of the affair, Frankford acts as judge over Anne and passes down the sentence that they are to be divorced. Anne is to live in a small house of his and never attempt to communicate with him or with her children. He is to be "a widower ere my wife be dead" (xv.30). What Frankford makes most clear in his final speech to Anne is that she is to take all of her belongings with her and "Leave nothing that did ever call [her] mistress, / Or by whose sight being left here in the house / [he] may remember such a woman by" (xiii.157-9). In a sense, the memory of her becomes no more than the accumulation of so many possessions. One specific possession becomes the substitute for her self. When Frankford finds Anne's lute, he remembers how she once played it but like Anne, finds it now dumb. "What pleasant, strange airs have they jointly sung" (xv.22), he remarks. Upon receiving the exiled lute, Anne too compares herself and her fate to the wooden instrument: "We both are out of tune, both out of time" (xvi.21).

When she decides to kill herself, she tells her servant Nicholas: "Go break this lute upon my coach's wheel, / As the last music that I e'er shall make - / Not as my husband's gift, but my farewell / To all earth's joy; and so your master tell" (xvi.75-8). Anne insists on interpreting the lute not as a gift, but as a representation of herself. She is that lute her husband sent away; she once made music, and when destroying the lute, will destroy herself. Rather than live in isolation and shame, Anne chooses to die, to rid herself and her family of her shame.

Anne's broken lute, like Mathias's destroyed picture, marks her emergence as a person and a partner. Anne's imminent death inspires her husband with immediate grief, guilt, and remorse. Frankford rushes to Anne's side the moment he hears her health is at risk. Now at her deathbed he takes her hand and forgives her: "Though thy rash offense/
Divorced our bodies, thy repentent tears / Unite our souls . . . And with this kiss I wed thee once again" (xvii.107-17). This is the first time that Frankford speaks of wedding his wife's soul and not simply her body, and the first glimpse of love he exhibits toward her. Nevertheless, this scene evokes a certain uneasiness in so far as Frankford forgives his wife only after he knows she will die. He chooses not to murder her himself, but instead allows her suffering and isolation to prompt her to do what he cannot. Frankford does take the ultimate responsibility for killing his wife with kindness as he has engraved on her tomb, but has he changed? Frankford does change; because of Anne's suicide, he comes to realize how unlike a possession she was. By starving herself Anne has demonstrated how unlike the lute she really is. Once broken, the lute can be repaired or even replaced as might any physical object. But Anne's death is final. She controls her body and her life in this moment, and it is her irreparable, human nature that brings Frankford to her side ready to forgive her.

Unlike Massinger, though, Heywood depicts a woman literally guilty of adultery who literally dies despite her marital reconciliation. The play, thus, reflects a social discrepancy in early modern England: how could marital reconciliation be so highly valued by both religious reformers and political conservatives at the same time that adulterous wives were so shameful and so destructive toward their families and the social fabric? How was a cuckold expected to reconcile with his whore of a wife and maintain his dignity and social stature? Adultery was so shameful that the harsh biblical law demanding the death sentence still compelled respect. When Mathias sees his picture marred, he concludes "This hand, when next she comes within my reach, / Shall be her executioner" (The Picture IV.ii). Heywood faced a unique challenge in portraying a man
who can forgive his adulteress wife and yet remain respectable, without horns. He showed it by allowing Frankford to claim her murder with his earlier behavior and harsh treatment of her as his property, but showing that the marital separation he enforced changed him as it changed Mathias in The Picture. Anne’s painful separation and death not only appeases a society not yet ready to forgive an adulteress and to allow her to survive her crime, but also suggests that marital separation is the equivalent of death for a divorced woman. Anne’s demise begins the moment she is sent from Frankford’s house. He refers to himself as a widower as soon as she leaves, and she is overcome with pain and sickness: “Would you had words to express but what you see; my inward grief / No tongue can utter” (xvi.82-4).

In Shakespeare’s Much Ado About Nothing and The Winter’s Tale, marital separation is likened to a woman’s death as these plays dramatize a wife’s contrived death as a means of transforming her broken marriage. In The Picture, Sophia only has to declare her intention of becoming a nun to facilitate reconciliation. Heywood dramatizes Anne’s separation, her spiritual and physical demise, as a means of illuminating a separated wife’s social, legal, and emotional death. Shakespeare’s plays further dramatize marital separations in the form of wives’ contrived deaths to underscore how accusations of adultery kill these women, not physically, but in every other imaginable way. After being accused of infidelity, Shakespeare’s wives, like actual early modern women, found themselves isolated from their communities, from their families, and stricken from the historical record.

Much Ado About Nothing
Both *Much Ado About Nothing* and *The Winter’s Tale* follow the framework presented in *The Picture* and *A Woman Killed with Kindness* while offering depictions of women’s spiritual and legal deaths as the kind of separation necessary to transform their marriages. In addition to showing how marital separation turns hierarchical marriages into companionate ones, *Much Ado* and *The Winter’s Tale* also portray the always companionate unions of Beatrice and Benedick and Florizel and Perdita, reinforcing the image of marriage’s ideal. The latter couples can only wed once the former, broken marriages, are transformed, and the dead wives resuscitated.

*Much Ado About Nothing* draws together competing paths to and goals for marriage. The play contrasts two marriages: one based on matters of law and personal honor and one that foregrounds friendship and trust. Shakespeare presents Hero’s abandonment and contrived death as a marital separation, that I liken to divorce *a mensa et thoro*, as a means of reconciling Hero and Claudio’s failing union through the advice of the friar. After she is falsely accused of adultery, the friar counsels Hero to fake her own death as a way of inspiring love and forgiveness in Claudio. His advice echoes that of the early church’s initial intent in instituting divorce *a mensa et thoro*, suggesting that English marriage law is ultimately most interested in keeping couples together despite adultery. The friar suggests a marital separation in order to transform the marriage to a companionate union, one more likely to bring marital harmony. Beatrice and Benedick’s marriage highlights what is lacking in Hero and Claudio’s union. The ideal marriage thus emerges as two more extreme versions of marriage, to be seen, contrasted, and ultimately accepted together by an audience witnessing the final dance and celebration.
Critics agree that *Much Ado About Nothing* reveals Shakespeare’s knowledge of English marriage laws, but too often, they discount the relevance and importance of Beatrice and Benedick’s marriage to the play as a whole. Mary McGlynn uses the play to demonstrate the power of spousals to contract a legal marriage, and Margaret Loftus Ranald explains that Claudio and Hero’s marriage represents the Elizabethan norm. If Hero and Claudio’s marriage is the norm in the eyes of early modern theater-goers and contemporary critics, then Beatrice and Benedick’s union proves to be much less so. “The witty lovers” of Shakespeare’s subplot have received much attention for stealing the show from the main plot. In her introduction to the Riverside edition of the play, Anne Barton describes how Charles I retitled the play “Beatrice and Benedick” in his copy of Shakespeare’s second folio. Barton adds that Berlioz’s opera in 1861 by that same title eliminates much of the Hero and Claudio plot in favor of the more comical pair. Such attention to Beatrice and Benedick’s “uncanonical” union, as Ranald puts it, encourages its contrast to Hero and Claudio’s more standard and legal union. Beatrice and Benedick’s plot has been read by some as no more than a comic interlude in an otherwise quite serious play about jealousy and reunion. Others argue that their marriage is forced upon them as a means of taming their socially subversive desires to remain single. For instance, Jean E. Howard contends that Beatrice and Benedick are “renegades,” whose “socially subversive impulses” not to marry need to be controlled and contained by Don Pedro’s plots. Whereas, Ranald concludes that Beatrice and Benedick’s witty exchange of vows is “quite legal,” but serves simply “as a means of developing their merry and witty characters.” Barton notes that while the Hero and Claudio plot is “of great age, tracing its ancestry back to the romance literature of ancient Greece,” the Beatrice and
Benedick plot appears to be Shakespeare's invention. She suggests that the newer story might be merely Shakespeare's comical addition to the more serious and weighty matters of the main plot. Neely agrees in her darker reading of the play in which she posits the necessity of Beatrice and Benedick's verbal wars to fill up the silence and anxiety created by the Hero and Claudio plot. I disagree with these conclusions about the play's witty pair. They are more than a comic interlude and a couple in need of control. Rather, their relationship is given equal importance to Claudio and Hero's. Audiences must see both relationships in order to get a more complete picture of Shakespeare's and his society's visions of early modern marital values.

Undoubtedly all of these readings are supported by the play; and if we believe Barton's assertion that Shakespeare "obviously meant each plot to interconnect with and gain interest from the other," then a reading of the play where two different versions of marriage co-exist emerges. Beatrice and Benedick do appear to change attitudes toward marriage when they discover, or rather are coaxed into admitting, their love for each other. Their witty banter detesting marriage and its "yoke" along with their sworn determination to remain single has been interpreted by Neely and Barton to be a cover for their own anxieties. While the pair definitely soften their attitudes to marriage and to each other, they remain ever their witty selves to the end. If Hero and Claudio's marriage represents the "Elizabethan norm," as Ranald contends, then Beatrice and Benedick's union represents the version of companionate marriage championed by Christian Humanist thinkers like Tilney. He insists that Love is of primary importance [in marriage], and not a "fayned" or "indifferent" love, rather one that "must growe by little and little, and that it may be durable, must by degrees take roote in the hart. For hastie
love is soone gone.”

“Hastie love” describes Claudio’s immediate attraction to Hero and her future inheritance. Whereas Beatrice and Benedick’s relationship grows over time. The play itself contrasts the time frame of these marriages; it takes Hero and Claudio only two acts to marry, whereas Beatrice and Benedick need the full five. Beatrice and Benedick’s relationship, therefore, presents an alternative to marriage founded on wealth and ruptured by lack of trust.

Hero and Claudio’s union follows English marital law closely, but offers little in the way of friendship between its partners. Whereas Beatrice and Benedick’s wooing and wedding are anything but conventional; they spend a great deal of time and dialogue evaluating marriage as an institution and love’s discovery. What emerges is a distinction between surface and depth. On the surface, marriage is a legal union of bodies and wealth where once existed two separate individuals; at its depth, marriage is about friendship, love, trust, and faith, as described by writers such as Tilney, Gouge, and Heywood. As the play progresses, Beatrice and Benedick’s discussion of marriage shifts from one focused solely on marriage’s surface to a more serious consideration of its depth. Beatrice and Benedick deplore the kind of marriage into which Hero and Claudio enter, one that foregrounds marriage’s surface arrangement at the expense of friendship, in favor of a companionate union. Their opinions of marriage do not necessarily change, as critics have argued, but rather the kind of marriage they describe changes.

As Claudio contracts his speedy marriage to Hero, Beatrice and Benedick voice their loathing for such a union. Benedick, for instance, reacts to Claudio’s confession of love by mourning the loss of older single men: “Shall I never see a bachelor of threescore again? Go to, i’faith, and thou wilt needs thrust thy neck into a yoke, wear the print of it,
and sigh away Sundays” (I.i.199-202). This witty banter does not merely fill up the silences and anxieties created by Hero and Claudio’s hurried betrothal, but criticizes and foreshadows the dangers of such a business-like marriage arrangement. It takes two acts for Claudio to see Hero, to enlist Don Pedro’s help in settling financial arrangements with her father Leonato, to have Don Pedro woo her, and finally to contract the marriage through the exchange of spousals. Claudio first admits his love for Hero to Benedick, asking him what he thinks of her. Benedick says: “Would you buy her, that you inquire after her?” (I.i.180). Claudio responds: “Can the world buy such a jewel?” to which Benedick answers “Yea, and a case to put it into” (lines 181-2). Benedick highlights marriage as a financial arrangement first, one Claudio appears to deny, but finally accepts as marriage’s primary goal. Claudio speaks like the lover who values his lady far above jewels, only for Benedick to return to the discourse of buying and selling, appearing to cruelly cheapen Hero’s worth. However, by line 294, Claudio is speaking of his love in precisely the financial terms Benedick introduces. Claudio firsts asks Don Pedro “Hath Leonato any son, my lord?” to which Don Pedro replies: “No child but Hero, she’s his only heir. Dost thou affect her Claudio?” (lines 294-5). Claudio first confirms Hero’s wealth before he reveals his affection for her. Benedick’s references to purchasing Hero are not far from the truth; money takes precedence over love, and is thus inquired after first. Remember, Mathias, too, initially refers to Sophia as a jewel, and Frankford tallies Anne’s worth alongside his financial “revenues.”

Financial arrangements cement Claudio’s affection for Hero, whereas Beatrice’s refusal to marry for money inspires Benedick’s affection for her. Benedick overhears Don Pedro complaining of Beatrice: “I would she had bestow’d this dotage on me, I
would have daff’d all other respects and made her half myself. I pray you tell Benedick of it, and hear what “a will say” (II.iii.168-71). Don Pedro is the most politically powerful, wealthy, and influential man in the play; to be made “half” himself would mean great financial reward for Beatrice. Beatrice’s alleged refusal of his offer convinces Benedick of her love: “I do spy some marks of love in her” (lines 242-5).

Just as Benedick equates marriage with purchasing jewels and jokes about being “horn mad,” Beatrice, too, speaks of marriage in superficial terms focusing on its surface arrangement and foreshadowing Hero’s marital future. Beatrice swears she will never marry “a husband with a beard on his face” (line 30) or a man without one, stressing outer appearance alone. Likewise, Leonato speaks of marriage as clothing: “I hope to see you one day fitted with a husband” (line 57). To which Beatrice responds by speaking of men as dust, made of the “mettle” of earth. “Would it not grieve a woman to be overmastered with a piece of valiant dust?” (line 61). Like the clothing and facial hair that merely cover the body, Beatrice’s language reduces men to the dust and earth that forms their exteriors, their surface. Finally, Beatrice likens marriage to dancing: “For hear me Hero: wooing, wedding, and repenting, is as a Scotch jig, a measure, and a cinquepace” (lines 72-4). As the dance has proper steps to be taken in proper time, so does contracting a legal marriage. These dances are all fast, emphasizing the speed with which couples can meet, marry, and regret the decision. These stages or dances are not simply part of a witty aside meant to lighten the heavy mood of women’s necessary obedience to father and husband; Beatrice is also accurately describing the kind of marriage into which Hero is entering. She will be briefly wooed by her father and Claudio, after which they will wed through spousals: “Lady, as you are mine, I am yours”
(line 308), meet at church, and Claudio will indeed need to repent before they are finally reunited as husband and wife.

Hero and Claudio’s example of marriage leads to mistrust, doubt, and divorce. For instance, Claudio quickly doubts Don Pedro’s intentions when Don John tells him he believes Don Pedro to be wooing Hero for himself. Claudio immediately moves from doubt to certainty, like Othello and Mathias, and declares: “‘Tis certain so, the Prince woos for himself” (II.i.174). If Claudio can so quickly mistrust a man he has been loyally serving in battle, how much easier is it for him to mistrust his new wife? Claudio’s hasty marriage and propensity for doubt leaves him an easy prey for Don John’s plots.

Claudio’s doubt leads to shame and anger and to his need to break the contract he so carefully arranges in the first two acts. Before leading Claudio to witness the feigned sexual encounter meant to destroy his marriage, Don John tells Claudio: “If you love her then, to-morrow wed her; but it would better fit your honor to change your mind” (III.iii.114-6). Claudio responds: “If I see any thing to-night why I should not marry her, to-morrow in the congregation, where I should wed, there will I shame her” (lines123-5). Don John speaks of love and honor as separate, potentially opposing concepts. If Claudio loves Hero he should marry her, but in choosing to marry her he might soil his honor (and brow). Claudio dismisses Don John’s reference to love, and seizes on the need to uphold his honor by shaming the harlot in church. Claudio wears his honor like his armor to protect him from a whore who might choose another man just as easily as she chose to marry him. Fighting for his honor is more important than defending and believing in his wife and in his love.
When Claudio abandons Hero at church, however, he is not simply breaking an engagement, but he is trying to break a marriage contract. Claudio and Hero are already legally wed before they enter the church, therefore Claudio’s abrupt exit is really a divorce. Shakespeare thus turns Claudio’s misunderstanding and abandonment into an instance of divorce *a mensa et thoro* that might resolve a dysfunctional relationship.

McGlynn explains how Claudio’s actions and desires interact with the English marriage law Shakespeare carefully follows in the play’s opening acts. Claudio’s “slander establishes that Hero may be unchaste, but that is not enough [to break the marriage contract]. Claudio must also prove that Hero has a prior marriage contract to Borachio.”

Historian David Cressy says that “Prior sexual relations with another partner were insufficient grounds for objecting to a marriage unless it could be proved that a contract was involved.” For a marriage to be legal in Shakespeare’s day, a couple needed only to exchange vows in the present tense, as Hero and Claudio do in II.i.308. No witnesses needed to be present, and the exchange needed not happen in church. Such contracts had become so common that in 1604, King James attempted legally to curb the practice in favor of public marriages, but with no significant effect. McGlynn argues that Shakespeare knew English marriage law and follows it in this play; Hero and Claudio were always married, she contends, because of Hero’s final lines to Claudio: “when I lived I was your other wife; / And when you loved you were my other husband” (V.iv.60-1). “This statement acknowledges that a marriage contract did exist prior to her contrived death, and they were husband and wife, despite Claudio’s attempts at the failed wedding ceremony to prove otherwise.”
While Claudio and Hero’s marital separation does ultimately end with their reunion and Hero’s “resurrection,” the play does not belittle the cruelty of Claudio’s public and shameful rejection, and of Hero’s spiritual, if not physical, death. Upon witnessing Hero’s supposed sexual encounter with Borachio, Claudio might have chosen to annul the marriage privately, before the couple was to appear in church. Rather, Claudio was more concerned with his public honor than with Hero and her family’s pride and dignity. Claudio admits in church that Hero appears pure and modest, “Would you not swear, / All you that see her, that she were a maid, / By these exterior shows?” (IV.i.38-40). He then berates her, claiming “She knows the heat of a luxurious bed; / Her blush is guiltiness” (41-2), she is “more intemperate in [her] blood / Than Venus, or those pamp’red animals / That rage in savage sensuality” (59-61), she is “an approved wanton” (44). After Hero denies meeting anyone the previous night or ever being unchaste, Claudio cruelly closes his heart: “For thee I’ll lock up all the gates of love, / And on my eyelids shall conjecture hang, / To turn all beauty into thoughts of harm” (105-7). Hero immediately swoons, and her father, hoping she is dead, claims “Death is the fairest cover for her shame” (116). Hero’s public shaming is all the more vicious when compared to Anne’s separation in A Woman Killed with Kindness. Anne is proven false and Frankford privately sends her from his house; Hero is innocent, yet she faces public rejection and dishonor from both her husband and her father, the men charged with her legal protection. Hero has little choice but to die, to disappear; her suffering is evident in these moments. Claudio’s cruelty has followed him throughout the centuries, leaving viewers and critics doubting his position as a comic hero.39
In the interlude between Hero’s fainting in church and her final reunion with Claudio, two crucial events occur that mark the difference between Hero and Claudio’s relationship and Beatrice and Benedick’s: Hero’s contrived death and Benedick’s agreement to “Kill Claudio” (IV.i.289). Hero’s death, according to Neely, is “both an involuntary, passive escape from degradation and a voluntary constructive means to alter it.” In light of legal and social history, death, or at least a “symbolic death,” was really the only option for Hero. Separated from her husband and believed guilty by her father, Hero finds little hope for clearing her name or marrying another. Hero’s “death” represents a divorce between her and Claudio. By contrast, Claudio’s proposed death secures Beatrice’s faith in Benedick and strengthens their commitment to each other (not to mention that it could free Hero to remarry and perhaps start her life over).

Claudio’s actions are not surprising given the ease with which he doubts and the importance he places on the virtues of honor, wealth, and prestige for which he married initially. Don John told him “If you love her, then to-morrow wed her.” Claudio ignores his love (if it did exist) in order to uphold his honor. Hero is now tainted goods, and it was those “goods” which he was interested in purchasing (a la Benedick’s wit). When arranging a marriage consists primarily of securing finances and parental consent, exchanging spousals, and performing a religious ceremony, then the mere supposition of adultery might be enough to shatter it. The friar’s advice recognizes how a marriage might easily falter on an accusation. He offers hope of reconciliation through Hero’s feigned death, or marital separation. Time apart will kindle love and remorse in Claudio and possibly transform the marriage from one about purchasing untainted goods, to one centered on love and companionship. The friar says:
She dying, as it must be so maintain’d,
Upon the instant that she was accus’d,
Shall be lamented, pitied, and excus’d
Of every hearer; for it so falls out
That what we have we prize not the worth
While we enjoy it, but being lack’d and lost,
Why then we rack the value; then we find
The virtue that possession would not show us
While it was ours. So will it fare with Claudio:
When he shall hear she died upon his words,
Th’idea of her life shall sweetly creep
Into his study of imagination,
And every lovely organ of her life
Shall come apparell’d in more precious habit,
More moving, delicate, and full of life,
Into the eye and prospect of his soul,
Than when she liv’d indeed. Then shall he mourn,
If ever love had interest in his liver,
And wish he had not accused her;
No, though he thought his accusation true. (IV.i.214-33)

The friar begins by pointing out that people will forgive Hero out of pity when they hear she died the moment she was accused. But more importantly, if Claudio ever really loved her that love will be re-awakened in her absence and he will realize her true worth. Even
more than that, Claudio will learn to love her despite the fact he believes his accusations true. This is the true measure of marital love and the true intention of divorce *a mensa et thoro*. The church enforced marriage despite adultery in order to keep couples together in holy unions. The friar means Hero’s “death” to serve just such a purpose; separation and loss will not only reunite Hero and Claudio, but will reunite them in a relationship based more on love than on honor.

After Dogberry and Verges uncover Don John’s plot and reveal Hero’s innocence, Claudio abandons his need for certainty and submits to Leonato’s plan for his future. He states: “Choose your revenge yourself, / Impose me to what penance your invention / Can lay upon my sin” (V.i.272-4). While Claudio’s grief lacks the psychological depth of a Romeo, his mourning ritual and remarriage symbolize a transformation from a husband quick to doubt to one open to faith and trust. During his mourning ritual, Claudio promises yearly to utter how Hero was “Done to death by slanderous tongues” (V.iii.3). He faces, in the form of a ritual, his responsibility in Hero’s death and the consequences for doubting her. Claudio demonstrates his trust in Leonato and faith in his future marriage by submitting himself to marry Leonato’s niece, whom he has never met. The hasty remarriage may characterize Claudio as callous and unfeeling in the eyes of modern audiences, but it nonetheless represents a transformation from Claudio’s former self who placed personal honor and control before trust and faith. He says: “I’ll hold my mind were she an Ethiope” (V.iv.38). Even if she were the ugliest thing imaginable at the time, Claudio will not voice an objection. This is a significant change from the man who could not “hold his mind” at church before the whole community where his doubts about Hero’s chastity turned into a public shaming. After the couple remarry, Hero reveals
herself and marks the difference between this ceremony and the previous one when she claims "when I liv'd, I was your other wife. / And when you lov'd, you were my other husband" (60-1). Hero and Claudio's marital separation and reconciliation result, not in one, but two marriages.

Beatrice and Benedick's exemplary companionate marriage is only possible after Claudio and Hero's legal marriage is reconciled and secure. Hero's "death" not only transforms her own marriage, but allows Beatrice and Benedick to cement their partnership. The two couples represent the success of both a legal and a companionate union. Beatrice and Benedick might believe they love each other, but before any vows are exchanged they go through a trial of faith that solidifies their loyalties to one another and the constancy of their love. While a certain amount of trickery is involved in uniting this pair, love and consent are its paramount characteristics. Unlike Hero and Claudio's marriage, there is no discussion of financial arrangements, parental consent, or legal spousals in the eventual marriage of Beatrice and Benedick. Rather, they continue their witty banter until the very end; they are always themselves. While their opinions of marriage's surface remain unchanged, Beatrice and Benedick do need to relinquish some of their pride and attain a measure of vulnerability to be ready for the companionate union. The tricks simply allowed them to experience their true feelings for each other without the constant need to shield themselves with wit and humor. Beatrice finally agrees to marry Benedick "partly to save your life, for I was told you were in a consumption" (V.iv.95-7). And Benedick continues to make cuckold jokes when he influences Don Pedro to marry: "There is no staff more reverent than one tipp'd with horn" (line 123).
Death's tragic intrusion for the comic pair does not sever their union as it does
Hero and Claudio's, but further binds it. When Beatrice tells Benedick to "Kill Claudio"
in IV.i., vengeance and tragedy appear to creep into a comic play, and into the mouths of
its most witty characters. This moment has, not surprisingly, received much critical
attention. Critics tend to agree with Neely's assessment of this moment as not only a
transformative one for both characters marking their newfound love and devotion, but
also a scene in which Beatrice's anger over not being a man emerges. This is very much
a play interested in "male solidarity," as Harry Berger, jr. points out, and female
exclusion from it. However, while Beatrice bemoans the fact that it is "a man's office"
(line 266) to avenge her cousin's "death," she does not reinforce, but rather she breaks
the "male solidarity" of the first few acts. By agreeing to "kill Claudio," Benedick acts
not only out of love for Beatrice, but out of friendship for her as well. When she first
mentions her need for a man to avenge her cousin, Benedick asks: "Is there any way to
show such friendship?" to which Beatrice responds: "A very even way but no such
friend" (lines 263-4). By scene's end Benedick proves to be just such a friend. When he
believes Beatrice's love is true, he is willing to put faith in her opinion, in what she
believes in her soul: "Think you in your soul the Count Claudio hath wrong'd Hero?"

Beatrice: "Yea, as sure as I have a thought or a soul" Benedick: "Enough, I am engag'd, I
will challenge him" (lines 328-32). Following on the heels of a moment where no matter
what Hero said, Claudio would not believe her, Benedick's faith in Beatrice's word not
only proves his love for her, but his willingness to put her and their future marriage
before his previous ties to his male friends. Claudio refused to refute the belief of Don
Pedro and Don John for Hero’s; Benedick’s willingness to do so marks the strength of his friendship with Beatrice.

Shakespeare’s study of marriage in Much Ado About Nothing celebrates both marriage’s legal surface and its companionate depth in the form of the two couples left dancing at the end. Hero and Claudio form a legally binding union that Claudio rashly breaks on the suspicion of adultery and Beatrice and Benedick form their own union, one that has room for Benedick’s jokes about being “horn mad” (I.i.270) and for Beatrice’s obstinate nature. The comedy displays the two couples on stage beside each other in the final act as a means of uniting them, and thus bringing together marriage’s legal surface and its companionate depth. Such a celebration is only possible in the play after Claudio and Hero’s marital separation, after Hero’s “death” and Claudio’s symbolic transformation.

The Winter’s Tale

By 1610-11, when Shakespeare is believed to have composed The Winter’s Tale, the notion of “pure comedy” had seemingly disappeared from his stage. Shakespeare’s last plays: Pericles, Cymbeline, The Winter’s Tale, and The Tempest, in many ways continue to defy categorization. Pericles does not even appear in the First Folio (1623), in which Cymbeline is categorized as a “tragedy,” and The Tempest heads up the “comedy” section. The final “comedy” printed in the First Folio is The Winter’s Tale. John Dryden was among the first of many critics to question the classifications of these plays, and particularly to criticize The Winter’s Tale for being “unmirthful” comedy and “unserious” tragedy. It was not until 1877 that these last four plays found themselves categorized as “romances,” a term Stephen Orgel admits is “as obfuscatory as it has been enlightening,”
and is probably only useful in how it sums up the nineteenth century’s view of the late Shakespeare. The Winter’s Tale is also commonly referred to as a “tragi-comedy.” However, as Dryden noted, the play does not seem fully to satisfy the expectations of either genre. I raise these issues regarding The Winter’s Tale’s genre as an entrance into the play’s complexities that permit birth and death, marriage and divorce, and youth and old age not only to co-exist, but to transform each other. It thus reveals marriage as evolutionary through a painful separation from merely a legal and external union of bodies for procreation to a loving companionship. The play rewards companionate marriage by uniting it with the bounty of noble alliance. However, this does not come without the experiences of death and loss necessary to transform marriage from a relation between property-owner and property to a human companionship.

While some historians such as Houlbrooke argue that while marriage was “finally an unequal partnership . . . it was less different from marriage today than might at first appear.” Others, like Mark Fortier deny this. He uses The Winter’s Tale in particular and Shakespeare’s canon in general to support the contention that wives were very much viewed as the physical property of their husbands and “could do very little to escape a brutal or immoral husband.” At the heart of this play is a husband’s frustration over not being able to control his wife’s sexual appetite. Feminist critics of the play have argued it represents either female empowerment or disempowerment. Valerie Traub famously stated that by act V, “Hermione is chastened; her erotic power severely curtailed.” As in Othello, a husband needs to literally freeze his wife into a statue as a means of controlling her body and choices. Similarly, Peter Erickson and Janet Adelman contend that the play is about the “disruption and revival of patriarchy,” at the expense of female
creativity and authority. To the contrary, Kaplan and Eggert use the play to demonstrate how women are integral and morally reliable caretakers of the patriarchal project. They are not beings to be feared and controlled by men, but to be trusted with maintaining lineal inheritance. The contrasting opinions could be a reaction to the transformation of women's roles, in this play, from subordinates to partners. Only husbands, though, have the legal and social ability to enact such a transformation. The play supports both opposing readings by representing how a husband may yet control his wife, while permitting her an autonomous identity. Both Hermione and Hero are "frozen," are powerless to actively do anything once their husbands accuse them and leave them. In a society that feared the adulteress, against the accusation of adultery, a wife was, for the most part, helpless to clear her name. Like divorce, reunion was initiated by the husband who needed to learn to see his wife not as a possession, but as a human being. All three of the plays discussed thus far reflect this fact. Of the four stage wives accused of adultery, only Sophia actively shapes her future, only it is a future of separation and isolation, much like the ones Anne, Hero, and Hermione encounter at their husband's choosing. When confronting a broken marriage, women had little choice but to obey and to disappear. Shakespeare and the proponents of companionate marriage are primarily interested in transforming men's behavior.

Like Much Ado, The Winter's Tale depicts marital transformation by juxtaposing two unions: Leontes and Hermione's and Florizel and Perdita's. However, this time 16 years and an ocean voyage separate The Winter's Tale's couples. Leontes and Hermione need to experience a lengthy separation in order for Perdita and Florizel ever to meet. Leontes mourns the loss of his wife at the same time as his abandoned daughter Perdita
befriends and vows to marry Florizel, the prince of Bohemia. In essence, Perdita and Florizel enact the kind of marriage into which Hermione and Leontes are preparing to enter while separated. When the four meet for the first time at the play's close, Leontes is ready to see his wife as his companion and to participate in the kind of union Perdita and Florizel exemplify.

In contrast to the parallel heterosexual unions at the end, Act I, scene ii presents the audience with two very different relationships: an "innocent" boyhood friendship and a "sinful" adult sexual alliance. For Leontes, all male/female relations are sexual only; friendship is solely reserved for same sex partners. Leontes and Hermione convince their friend Polixenes, the king of Bohemia, to remain their guest in Sicilia as Polixenes reminisces about his childhood friendship with Leontes. "We were as twinn'd lambs that did frisk i’ th’ sun, / And bleat the one at th’ other" (lines 67-8), Polixenes recounts. He adds: "What we chang’d / Was innocence for innocence" (lines 68-9). He remembers wanting to be "boy eternal" (line 64). Hermione notices that Polixenes juxtaposes boyhood innocence with later sexual temptation, "O my most sacred lady," he says "Temptations have since then been born to 's: for / In those unfledged days was my wife a girl" (lines 78-9). Hermione jokingly takes offence at this: "lest you say / Your queen and I are devils. Yet go on, / The offenses we have made you do we'll answer" (lines 81-3). Hermione and Polixenes' conversation reveals two separate relationships: one innocent involving male friendship and the other guilty and sexual involving an alliance with a woman. While Polixenes and Hermione use these relationships merely as a way of teasing each other, Leontes seizes on them as separate and definitive. As the scene progresses Leontes' jealousy emerges through his insistence on separating these two
kinds of relationships. Hermione is successful in convincing Polixenes to extend his visit
in Sicilia and Leontes admits this is the second time Hermione has spoken “to better
purpose” (line 86). The first time was when Leontes convinced Hermione “to open [her]
white hand, / [And] clap [herself] my love, then didst [she] utter, / ‘I am yours for ever’”
(lines 104-6). Hermione joyfully unites these two occasions: “The one for ever earn’d a
royal husband; / Th’ other for some while a friend” (lines 107-8) as she gives her hand to
Polixenes. Leontes sees friendships and sexual alliances according to the terms of
Polixenes’ above discourse: men are friends, men and women are lovers. Leontes
remembers when Hermione gave him her hand in marriage and now witnesses her giving
her hand to Polixenes in friendship and conflates the two occasions, assuming they
signify the same exchange of love. Throughout the first three acts of the play this
characterizes Leontes’ image of his wife and of their relationship. Marriage’s surface
relation, the physical union of bodies for procreation, is the only one with which Leontes
is concerned. In his mind men and women are sexual partners, and if Hermione is now
having sex with Polixenes, the legitimacy of Leontes’ offspring is at stake. Leontes’
narrow vision consumes him throughout the first three acts; like Claudio in Much Ado
(though with much less proof), Leontes will not listen to his wife or to anyone else who
speaks in her defense. He is convinced his marriage bed is contaminated because
Hermione and Polixenes are “friends.”

As in all of the plays discussed, Leontes focuses on marriage’s legal surface,
seeing his wife only in terms of his property, as a physical object. Leontes becomes
obsessed with Hermione’s body and with the legality of their relation. Almost
immediately upon seeing his wife offer Polixenes her hand, Leontes begins to question
the legitimacy of his son Mamillius and to envision his wife as his possession, his gate:

“While other men have gates, and those gates open’d, / As mine against their will . . .

will let in and out the enemy, With bag and baggage” (lines 197-206). He looks at his son and asks “Art thou my calf?” Leontes reduces his wife to a gate, or simply a vagina that readily lets anyone enter it, while his son becomes a beast, the product of his mother’s animal sexuality. Hermione’s growing pregnancy adds fuel to Leontes’ doubt: “let her sport herself / With what she’s big with, for ‘tis Polixenes / Has made thee swell thus” (II.i.60-2). Despite Hermione’s denial of any wrongdoing, Camillo, Antigonus, and Paulina’s defense of her, and finally the oracle itself, Leontes refuses to see his wife as anything but “an adultress” (line 78), a body that allows any to enter it. After Hermione gives birth to their daughter, Leontes cannot be convinced by the infant or by Paulina that the child is his. She is declared a bastard, and is sent with Antigonus to die in the wilderness.

Leontes’ jealous fit reflects what Kaplan and Eggert argue to be early modern men’s fear of female authority; it also reflects an early modern fear of female adultery as described by Heywood and Tilney. If, as Ann Jennalie Cook describes “at the end of the wedding day, the woman yielded up her body, her name, and her worldly goods,” what do husbands do when they realize that their wives continue to control their bodies and sexuality? Men are forced to realize the inherent “fiction” in the belief that they own their wives’ bodies. Legally that may be so, but *The Winter’s Tale* and *Much Ado About Nothing* (as well as scores of other plays) insist that a woman’s “sexual choices are beyond her husband’s control.” Leontes wants his marriage to support the legal fiction that his wife and her children are his, but her pregnant body and her friendship with
Polixenes are enough to remind him that she is a separate human being with desires he cannot control and own; a reminder that cannot coexist with his belief in her as his chattel. As Leontes questions his son’s paternity, he realizes that it is only verifiable by women, who cannot be controlled as he hoped: "they say we are / Almost as like as eggs; women say so-- / That will say anything" (I.ii.129-31). His speech reflects the development of his realization. He is initially comforted in the fact he has heard that he and his son are alike. Yet, after the pause, he realizes that it was women who say so and now, after the performance of love he imagines he witnessed between Polixenes and his wife, he realizes women will say anything. They cannot be controlled or trusted.

Leontes' grows increasingly tyrannical in his jealousy, which not only succeeds in destroying his marriage, but his family as well. At her trial, Hermione admits that she no longer fears a death sentence as she has already lost her new baby and her dignity. Leontes cares not for her feelings as a human being, but punishes her and his family for her alleged sexual misconduct. Hermione admits: "I tell you / ‘Tis rigor and not law... Apollo be my judge!" (III.ii.113-4). The voice of law emerges when the oracle is read: "Hermione is chaste, Polixenes blameless, Camillo a true subject, Leontes a jealous tyrant, his innocent babe truly begotten, and the King shall live without an heir, if that which is lost be not found" (lines 132-6). Leontes swears "There is no truth at all I’ th’ oracle" (line 140) until he hears the news of Mamillius’s death and watches Hermione fall to the floor. His language in the first two acts figuratively destroys his wife and family, and the scene at court literalizes his words.

_Much Ado’s_ church scene and friar’s advice appear here as a court scene and the words of the ancient oracle. Just as Claudio accuses Hero of being unchaste despite her
protestations of innocence, Leontes accuses Hermione of adultery despite her own
defense and the words of the oracle. However, *The Winter's Tale* is primarily interested
in the husband's perspective; the audience, like Leontes, does not know Hermione is
alive, and Leontes is left to enact *Much Ado*’s friar’s advice. In his final moments at court
Leontes’ mourning begins; he says: “Once a day I’ll visit / The chapel where they lie, and
tears shed there / Shall be my recreation . . . Come and lead me to these sorrows”
(III.ii.238-43). Paulina becomes his guide, as Leontes spends the next sixteen years
mourning the loss of his wife and family and “recreating” himself through these
activities. Leontes’ mourning ritual echoes Claudio’s in the regularity with which these
men commit to revisiting their crimes and reflecting on the pain their words have created.
Paulina stands in for *Much Ado*’s friar and his advice as she guides Leontes’ mourning
ritual, keeps him from remarrying, and prepares him for his ultimate reconciliation. The
friar speaks of inspiring love in Claudio through mourning Hero’s loss; a love that will
allow him to accept her despite the fact his accusations are true. The oracle says the king
will have no heir “if that which is lost be not found.” But what does the riddle mean? In a
literal sense, the king will live without an heir until his legitimate daughter Perdita is
found and returned to Sicilia. But Paulina’s actions over the next sixteen years suggest
that Leontes must find much more than simply his lost heir; he must find love and
rediscover his wife’s value. Paulina continues to remind Leontes of his wife’s worth and
forbids him to remarry until she has chosen a wife for him. Leontes, in his mourning and
grief, submits to all her wishes, as Claudio submits to Leonato. Paulina tells him:

If, one by one, you wedded all the world,

Or, from the all that are, took something good
To make a perfect woman, she you kill’d

Would be unparallel’d. (V.i.14-7)

She also tells him: “Care not for issue, / The crown will find an heir” (V.i.46-7). Leontes agrees “I’ll have no wife, Paulina” (line 68). Leontes, like Claudio, is figuratively divorced a mensa et thoro; he remains single and his wife remains “dead,” until they are reunited. Paulina controls the separation and uses it as a means of teaching Leontes to trust and value his wife, something his grief inspires in him. By focusing solely on his offspring’s legitimacy and his wife’s chastity, Leontes loses the love and companionship necessary to sustain marriage. Paulina slowly teaches him the true worth of his wife, and elevates her importance, though dead, above the necessity to find an heir for the kingdom. Hermione’s death, like Hero’s, serves as the response to accusations of adultery, against which neither woman’s words matter. However, Hermione remains “dead” despite Leontes’ realization that his accusations are untrue. “Then shall he mourn,” the friar says, “If ever love had interest in his liver, / And wish he had not accused her; / No, though he thought his accusation true” (Much Ado, IV.i.31-3). Leontes needs to learn to listen to his wife’s voice and not merely to misread her body.

As Leontes mourns offstage, The Winter’s Tale presents an exemplary image of companionate marriage through the story of Perdita and Florizel. Polixenes’ use of pastoral language becomes, in the fourth act, the pastoral scene in which Perdita, the beautiful shepherdess, becomes engaged to his son Florizel, heir to the throne of Bohemia. Polixenes ignited Leontes’ jealousy when he spoke of their boyhood friendship “as twinn’d lambs that did frisk i’ th’ sun” (I.i.67). The “twinn’d lambs” represented, for Leontes, the ideal male friendship, opposed to the sexualized marital relation. By Act IV,
sixteen years have passed and audiences now encounter another pair of “twinn’d lambs,” this time in the form of the friendship turned marriage of the kings’ children. Florizel, unlike his father and Leontes, is willing to sacrifice his wealth and vocation for a marriage grounded on love. Florizel and Perdita’s marriage in the fourth act symbolizes on stage a more ideal union, one for which Leontes is working toward offstage. Perdita is wary of making a match with one so far above her in social rank, but Florizel proves he will sacrifice the throne in order to be with his love. During the festival, the two lovers ask Perdita’s father, the shepherd, to wed them “come on, / Contract us ‘fore these witnesses,” Florizel begs (IV.iv.388-9). At this moment Polixenes, in disguise, questions Florizel about why his father is not present at the union. Florizel refuses to tell him pushing the marriage forward “Mark our contract” (line 417). Polixenes reveals himself, saying “Mark your divorce, young sir” (line 418). He will not allow his son to marry a shepherdess regardless of how beautiful or inwardly noble he finds her. Polixenes immediately threatens to disinherit Florizel, to which he replies: “From my succession wipe me, father, I / Am heir to my affection” (lines 480-1). Florizel puts his affection and his devotion to his beloved before title, rank, or kingship; he considers it a “violation of [his] faith” (line 478) to break his “oath” to Perdita. This exchange between Polixenes and Florizel reminds viewers of Leontes’ irrational fit in the first act and how that led to the loss of his family and line. Polixenes tries to “divorce” the couple, reminding audiences of Leontes’ successful divorce from his wife in the court scene of act III. Florizel’s “affection,” “faith,” and “oath” sworn to Perdita, despite her social position, are primary values for which he is willing to disregard his future as king. Florizel throws away his legitimate claim to the throne for Perdita, where Leontes too quickly threw
away Hermione for a legitimate heir. Polixenes, however, behaves much like Leontes only seeing in Perdita her surface qualities, those of a poor shepherdess; he refuses to accept the value of her inward nobility. And, like Leontes, Polixenes will lose his son and heir for his concern for marriage’s legal surface. The younger generation becomes an example for the older, threatening to disrupt royal lineage in search of companionate marriage.

But, Perdita is discovered to be a princess and heir to Sicilia. She and Florizel are rewarded for their love with a noble inheritance in true fairy tale style. With the return of Perdita and Florizel to Leontes’ kingdom, thanks to Camillo’s intervention, Paulina brings an end to Leontes’ suffering and reunites him with Hermione in a transformed union. Act V opens with Leontes’ advisor urging him to forgive himself for Hermione’s death and to marry another in order to produce an heir. Leontes, no longer concerned with producing another heir, says:

Whilst I remember
Her and her virtues, I cannot forget
My blemishes in them, and so still think of
The wrong I did myself; which was so much
That heirless it hath made my kingdom, and
Destroy’d the sweet’st companion that e’er man
Bred his hopes out of. (V.i.6-12)

Leontes finally accepts responsibility for killing his wife: “Kill’d? / She I kill’d? I did so” (lines 17-8). He realizes that more than simply making a mistake, Leontes actively wronged himself, his kingdom, and his wife, whom he refers to as a “companion” for the
first time in the play. Leontes has suffered in her absence and agrees not to marry because he can never find Hermione’s equal: “No more such wives, therefore no wife” (line 56). She is no longer an exchangeable commodity, but a unique human being.

The play’s final scene wherein Hermione’s statue returns to life and Hermione and Leontes enter a new marriage is given primacy over the reunion between Leontes, Perdita, Florizel, and Polixenes, a reunion relayed by gentlemen witnesses. As Othello’s jealousy turned Desdemona into “monumental alabaster,” Leontes admits that in his jealousy he killed Hermione, turned her into the statue in Paulina’s gallery. Paulina brings everyone to her gallery to gaze on the statue of Hermione, so perfect that she says: “I keep it / [Lonely], apart” (V.iii.18-9). Paulina emphasizes Hermione’s loneliness and separation from her husband and family for so many years. Leontes’ jealousy reduced his wife to a physical body on which he gazed, with which men had intercourse, and from which illegitimate children issued forth. He gazes on her physical form once more in the statue his rage and accusations helped to create. He asks: “I am asham’d; does not the stone rebuke me / For being more stone than it?” (lines 37-8). Even as a statue, he allows Hermione agency to “rebuke” him for his faults. His madness is transformed from a jealous tyrant to a seemingly crazed man wishing and believing the statue to be his living wife: “Let no man mock me,” he says, “For I will kiss her” (lines 78-9).

Finally, the statue descends and Hermione and Leontes essentially marry anew. Paulina commands Leontes: “Nay, present your hand. / When she was young, you woo’d her; now, in age, / Is she become the suitor?” (lines 107-9). Leontes remembers in I.ii. how Hermione gave him her hand in marriage, now in old age it is Leontes who must present his hand to Hermione. Hermione embraces Leontes who is now excited by his
wife's life, and not intent on her death. Nevertheless, Hermione's only words in this final scene are directed toward her daughter, she even admits that "[I] have preserv'd / Myself to see the issue" (lines 127-8). Perhaps it is not primarily her husband, but her daughter for whom she has remained alive. Leontes learns the true value of his wife and comes to accept her as his "companion" and love, but it is questionable whether Hermione is willing to accept Leontes anew. Whether, in fact, she has any choice in the matter. Her silence toward Leontes is a reminder of Isabella's troubling silence in Measure for Measure when the Duke asks her to marry him. Feminist critics such as Traub make much of these silences, using them as proof that women who once spoke too much are now chastened and silenced as they should be. But the silence remains haunting because Hermione has no choice but to consent to her husband's wish to wed her anew; this is why she has been preserved. Her silence reminds us of her isolation, loneliness, and vulnerability as a wife essentially abandoned by her husband on a false accusation.

The Picture, Much Ado About Nothing, and The Winter's Tale primarily depict a husband's agency within marriage. Wives like Sophia, Hero, Hermione, and Perdita are perfect from the start, and need not to be educated by early modern English marriage manuals to be "chaste, silent, and obedient;" they are all these things when they need to be. These women exist to be married, and when their chastity is questioned they are helpless to defend themselves, leaving "death" and a lonely separation while at the mercy of the community their only legal option. The husbands Mathias, Frankford, Claudio, Benedick, Florizel, and Leontes determine whether their marriages are companionate or not; they accept their wives on certain terms. Nevertheless, we cannot forget that much of the plot development and influence in these plays belongs to Paulina, Beatrice, and
Sophia; three outspoken women who assert a measure of authority and help guide the plays’ outcomes. Lisa Hopkins argues that, likewise, _The Winter’s Tale_ values women, “even when they behave in unconventional ways.” Finally, Shakespeare uses a form of divorce _a mensa et thoro_ as a means of influencing men to value their wives as companions and not simply as jewels, gates, wealth, or servants. I, therefore, interpret Hermione’s silence in two ways: first, it exemplifies her as the ideal wife by early modern English standards. Traub is right to see in the final scene a chastened and idealized wife. Leontes’ actions have frozen both Hermione’s body and her voice. Second, it draws attention to women’s lack of agency in marriage and their potential roles as victims before a legal system in which they have no equal say. Paulina guides Leontes’ mourning and newly-awakened love for his wife. The statue in her gallery, though, always “belonged” to Leontes and he is now claiming it anew. Nevertheless, Hermione can control whether she speaks or not and to whom; she proves this when she physically embraces Leontes, but addresses her daughter. To forge a truly companionate marriage, Leontes has only begun re-wooing his wife. They have a new journey together in which he needs to win back her trust and friendship.

Each of the plays illuminates the complexity of the marital relationship and the diverse forces involved when that relationship disintegrates. The framers of the _Reformatio Legum Ecclisiasticarum_ sought to abolish divorce _a mensa et thoro_ and, instead, to determine which spouse in the marriage was “guilty” and “innocent” of adultery. With “guilt” came the punishment of a solitary life, and with “innocence” the possibility of marrying another. But, Shakespeare, Heywood, and Massinger’s plays demonstrate that such simplistic judgments are inappropriate. At the root of marital
breakdowns involving accusations of female adultery is not, merely, an unchaste, unruly, and disobedient wife. Rather, husbands mistrust their wives when they view and treat them solely as material possessions, as part of their personal fortunes. The common early modern fear of female outspokenness and sexuality is grounded in a concept of marriage in which wives must exist exclusively as their husbands’ property. The fact that these women have their own voices, opinions, and desires, and are human beings, belies their existence as chattel, leaving their husbands nervous and angry. Therefore, these playwrights use marital separation, as legislated by divorce a mensa et thoro, as it was originally intended, to repair broken marriages. The marriages are not only repaired, however, they are transformed into companionate unions. In the process, the plays relate the realities separated women faced when they remained dependent on their husbands, but lived alone. Legally, socially, and spiritually, such women found themselves “dead;” they had no individual identities or vocations apart from their husbands, and they suffered rejection and shame at the hands of the men they loved and trusted. The plays demonstrate this by freezing the wives Hero and Hermione in fake deaths and by isolating Anne until she chooses a real death. Exhibiting the constricting and suffocating social realities for wives accused of adultery permits these plays to uncover the reciprocal joys and rewards of companionate marriage and the struggles of husbands to overcome greed, power, and the influence of their male companions to return to the friendship of their wives, chaste or otherwise.

These were not the only early modern English plays to dramatize marital transformations, to idealize companionate marriage, or to “kill” wives accused of adultery. These plays, however, are exemplary in their combination of all three elements
and their uses of marital separation as required by divorce *a mensa et thoro* as a means through which wives accused of adultery might be “revived,” and jealous husbands might be transformed. Divorce *a mensa et thoro* remained the only marital separation available for couples facing adultery throughout the period, and it is not accidental that during three successive reigns, and in three dramatic genres, plays utilizing this framework emerged on the public stage.

1Philip Massinger, *The Picture*, in *The Plays of Philip Massinger*, ed. William Gifford (London: John Templeton, 1840), p. 282. All subsequent citations from this play will be from this edition. Unfortunately this text does not provide line numbers.

2Eric Josef Carlson explains that according to medieval canon law, since marriages could not be dissolved when one spouse was adulterous, “the court hoped that the guilty party would mend his or her ways and a reconciliation could be effected.” See *Marriage and the English Reformation* (Oxford: Blackwell, 1994), p. 22.

3Female adultery is still considered a capitol offense in countries governed today by fundamentalist religious regimes.


5All citations from Shakespeare’s plays are from *The Riverside Shakespeare*, 2nd edn, ed. G. Blakemore Evans (Boston and New York: Houghton Mifflin, 1997). Citations will appear parenthetically within the text by play, act, scene, and line numbers.

6Thomas Heywood, *Tenakeion, or nine bookes of various history concerning women; Inscribed by names of nine muses* (1624), p. 164.


8While this is no longer the case in much of the western world, women are still put to death today in several countries when found guilty of adultery.


10Torrle Leigh Thompson, “‘So much devorcyng’: A Feminist Revision of the Marital Relationship in Renaissance England, 1550-1650” (Diss. Univ. of Texas at Austin, 1990), pp. 75ff.


15 See Wayne, p. 14.
16 Tilney, p. 110.
19 Heywood, Tenakeion, p. 328.
21 They are so labeled in my edition of the play's dramatis personae.
23 Kinney, p. 290.
24 See Neely, p. 194.
25 McQuade, p. 249.
27 Anne Barton, "Introduction to Much Ado About Nothing" Riverside Shakespeare, p. 361.
29 Ranald, p. 77.
30 Barton, p. 361.
31 Neely, p. 45.
32 Barton, p. 361.
33 Lisa Hopkins agrees, characterizing Beatrice and Benedick's marriage as "freely chosen [and] affective . . . in sustained counterpoint to a socially engineered one." Hopkins, however, argues the play favors the arranged marriage over the freely chosen one, reinforcing her claim that Shakespeare's plays present marriage as a necessary social alliance, albeit unnatural. Though she presents a provocative argument, Hopkins offers no
evidence for the greater success of Claudio and Hero’s union over Beatrice and Benedick’s. *The Shakespearean Marriage* (New York: St. Martin’s, 1998), p.72.

33Tilney, p.110.

34This is discussed in greater detail in chap. 1, and not necessary for my arguments here.

35McGlynn, p. 97.

36Cressy, p. 307.

37McGlynn, p. 96.

38Whether or not Claudio is changed at play’s end, whether or not he is truly remorseful has posed a problem for critics, editors, and directors practically from the time the play first appeared. Michael D. Friedman usefully sums up the critical history of “the problem of Claudio” (p. 371) in “The Editorial Recuperation of Claudio” *Comparative Drama* 25, 4 (Winter 1991-92): 369-86. Claudio’s detractors tend to characterize Claudio as callous, unforgiving, hasty, and ultimately unremorseful. Claudio’s supporters argue that the hero follows Elizabethan social and literary conventions in all his actions, and when blame is focused on Don John, Claudio emerges as a character who is simply duped and has nothing to be remorseful for. Furthermore, Friedman describes how particular productions of the play (including Kenneth Branagh’s 1993 feature film) include scenes depicting Claudio’s witnessing of Hero’s supposed affair and more drawn out mourning scenes in order to recuperate Claudio’s role as the romantic hero who all can love and forgive. The play is not an ideal comedy with one clear romantic hero. Rather, Claudio and Benedick each exhibit aspects of the proper hero and husband and only when viewed side by side, does the ideal husband emerge. Remember, both Claudio and Benedick are troubling characters when viewed alone; Claudio may seem unmoved by love and Benedick forever mocks and denigrates women and marriage.

39Neely, p. 51.

40For this point, I agree with Barton’s assessment of the kind of transformation Beatrice and Benedick go through.

41Neely, p. 46.


44Fortier, p. 586.

45Fortier, p. 592.


48Kaplan and Eggert, p. 110.

51 Kaplan and Eggert, p. 93.
52 Shakespeare, *Othello*, V.ii.5.
53 Hopkins, p. 166.
Chapter Three

Possessing Penelope: Imaginative Literature Promoting Love in Marriage and Divorce for Incompatibility

Penelope Devereux\(^1\) continues to fascinate readers, writers, and critics as the elusive court beauty at the center of the works of such major early modern English writers as Sir Philip Sidney and William Shakespeare. George Klawitter, for instance, in his 2001 edited collection celebrating Richard Barnfield, dedicates his essay to "Barnfield’s Penelope Devereux, Exalted and Reviled." In the essay, Klawitter supports interpreting Barnfield’s *The Affectionate Shepherd* (1594) as an allegory for Devereux’s love affair with Sir Charles Blount, one amid other “literary reactions” to her life.\(^2\)

Identifying Devereux’s presence, for many, has become synonymous with cracking an early modern code and rendering a particular work meaningfully transparent. But knowing whether Devereux was, in fact, Sidney’s Stella or Shakespeare’s “Dark Lady,” brings us no closer either to knowing about Devereux or to interpreting two of England’s greatest sonnet sequences.

The centrality of Devereux’s life to so many early modern literary works, from poetry to drama to romance, reflects both her vast literary patronage and the imaginative power behind the story of a woman unable to marry for love. According to historical record, Devereux confronted English divorce law when her divorce *a mensa et thoro* from Lord Robert Rich prevented her legal remarriage to Sir Charles Blount. And according to literary legend, she was initially pre-contracted to marry Sir Philip Sidney,
but that marriage was denied because of her public wedding to Rich.\textsuperscript{3} More than
merely illustrating a famous Jacobean divorce case, Devereux's legal battles and love
stories were transformed into a literary response opposed to divorce laws growing stricter
and more dismissive of personal love and desire. The particular literary discourse
inspired by Devereux's story, I argue, sought not merely to re-interpret divorce laws, as
described in the previous chapter, but to overturn them in favor of allowing couples
unlimited access to divorce in order to marry for love. By contrast, the legal discourse
involved in the public divorce debate was primarily concerned with how people \textit{acted} in
a marriage, whether they were chaste, adulterous, bigamous, etc... In the early years of
the seventeenth century, these laws became more stringent about keeping couples
together, insisting on public marriages, and enforcing divorce \textit{a mensa et thoro}'s function
as a marital separation and \textit{not} an opportunity for spouses to remarry. To the contrary, the
literary discourse, very much inspired by Devereux's life, reflected a growing interest in
how individuals \textit{felt} in a marriage, whether they were happy, miserable, satisfied, lonely,
etc... As the seventeenth century progressed, the literary discourse reflected a stronger
interest in abolishing any law that would bar lovers from being allowed, publicly and
legally, to marry. Another way of describing the opposing natures and influences of the
legal and literary discourses is in terms of affect and intellect. Paul Budra describes how
the early modern theater affected politics and society through feeling, not intellect.\textsuperscript{4} In
this way, the law, a primarily intellectual endeavor associated with power and control,
was not the only medium through which marriage and divorce were characterized and
debated.
Among the many works dedicated to and inspired by Devereux’s life and loves, this chapter will consider: William Perkins’ *Christian Oeconomie* (1590, 1609), Blount’s, *Discourse of Marriage . . . in Defence of his Marriage with the Lady Rich and Epistle to the King* (1605-6), Sidney’s *Astrophil and Stella* (pr. 1591), Samuel Daniel, John Ford, and John Coperario’s elegies on the death of Blount (1606), an anonymous “Epistles of Sir Philip Sidney and Lady Penelope Rich” (1607-25), Ford’s *The Broken Heart* (1625-33), and Lady Mary Wroth’s *Love’s Victory* (ca 1620s). Each of these works details its opposition to the legal discourse in terms of an individual split between public persona and private desire. They describe how Devereux was forced publicly to live as Lady Rich while privately pining after one and then the other of her two loves; the literary discourse utilizes the image of an impossible private love to illustrate the destructiveness of laws that favor action over volition and scriptural interpretation over private desire. A woman’s ability to unite her public identity as wife, finally, with her private desire appears possible only within the confines of the literary imagination. Progressing chronologically through the texts that constitute this discourse additionally uncovers the depiction of an increasing purity in the hero and heroine’s private desires. What begins in Sidney’s sonnets as a man’s inability to gratify his adulterous, sexual desire because of his beloved’s unhappy marriage is transformed in Ford’s tragedy and Wroth’s pastoral drama into a chaste virgin willing to die for her true love rather than live with an undesirable husband. Personal desire grows more pure as divorce laws grow more strict as a means of strengthening the legitimate authority of private emotions and desires over legal indifference.
What is known historically about Devereux's life, loves, and confrontation with English divorce law is often difficult to separate from what has become her legend. Her parents were Walter Devereux, first earl of Essex and his wife Lettice Knollys. Her brother was Robert, second earl of Essex who became famous first as the queen's favorite and finally as an instigator of rebellion against Elizabeth; he was subsequently executed in 1601. Her father had arranged a marriage for her with Sir Philip Sidney when they were teenagers, but he died before the match could be fulfilled. Penelope's guardian, the Earl of Huntingdon, arranged for her to marry Lord Robert Rich, a man of greater wealth and political promise than Sidney, and the two wed in 1581. Devereux bore Lord Rich seven children, but by 1595 had begun a love affair with Sir Charles Blount, eighth lord Mountjoy. The five children she bore after that date were claimed by Blount to be his. After her brother's execution in 1601, Devereux claimed that her husband had abandoned her, and she lived in open adultery with Blount. In 1605, Lord and Lady Rich attained a divorce \textit{a mensa et thoro} by mutual consent. Though legally banned from remarriage after this kind of separation, Devereux remarried in December of that year. William Laud performed the illegal ceremony and was chastised by the king vehemently afterwards. Blount tried to persuade the king to recognize their marriage, but the king refused to receive the couple at court. Blount died shortly thereafter in 1606; Devereux died a few months later.\footnote{5}

The literary discourse presents Devereux as a woman who had been unable to marry Sidney, with whom she had a private contract, and later unable to legitimize her marriage with Blount because James I was strict on enforcing the rules of divorce \textit{a mensa et thoro}. Devereux was unable to wed the men she desired because of constricting
marital laws. Ecclesiastical canons now favored the legitimacy of public church
weddings over private or clandestine marriages and the Bigamy Act of 1604 sought to
enforce the rules of divorce a mensa et thoro, and to crack down on private marriages
when previous spouses were still alive. These new laws were under continued debate by
religious leaders and social commentators, who disagreed about which activities might
nullify a marriage. The literary discourse avoided both sides of this legal debate and
argued instead that the individual’s will or desire was the chief factor in whether a
marriage should be dissolved. The writers contributing to this body of texts described the
plight of a person in love with one person and forced to marry another. Divorce laws,
they showed, divided public persona from private desire, a separation that divided selves
and proved impossible to maintain. In order to legitimize her love, Devereux had to
sacrifice her public reputation; she became popularly known as a court temptress and
whore. The literary discourse imagines ways of unifying public and private identities; it
imagines a world in which personal desire might overpower the law and condone a
happier second marriage.

Legal Discourse

The literary discourse illustrates the opposition between personal will and public
legitimacy in early modern England. Devereux’s first marriage was not for
companionship, but was rather a political and financial alliance. Friendship and desire
were to be sought elsewhere. In her second marriage, by contrast, Devereux attempted to
unite her personal desire with public legitimacy by marrying the man she loved, only to
face the king’s anger and his verdict invalidating her union. While the medieval courtly
love tradition attests to the fact that finding love outside of marriage was not a new
phenomenon in European literature, Devereux’s desire to legitimize her relationship with Blount signifies the public importance both of marriage and of personal desire, beyond the fancies of medieval courtly lovers. And yet the debate and legal changes regarding marriage and divorce during Devereux’s lifetime further forced the separation between personal desire and marriage. In the 14th-16th centuries the church “was ultimately on the side of the couple. Betrothal even without parental consent or presence was absolutely binding.” The exchange of spousals constituted the main part of the marriage ceremony and a woman was able to contract a private marriage with whomsoever she chose. She might risk disinheriance, but her parents or guardians could not annul the marriage.

But, by the sixteenth century, the public marriage ceremony was gaining legal precedence over private betrothals; the law was favoring public proceedings over personal desire. As the century progressed, ecclesiastical courts became stricter about determining who was and was not married. Prior relationships, whether considered engagements or clandestine marriages, were less and less considered to be legally binding. An example of these changing attitudes is the case of the poet George Gascoigne. Gascoigne married the wealthy widow Elizabeth Bacon Breton in 1561. Breton had been previously contracted to marry Edward Boyes before she met Gascoigne, and while she did not consider the contract binding, Boyes did. Boyes took the matter to court, where it was decided that Breton and Gascoigne must separate legally and Breton’s goods were to be seized. The order, however, was ultimately overturned and Boyes’s initial claim denied. The courts were now discrediting private contracts like Breton and Boyes’s in favor of public marriages; Boyes’s contract was no longer
considered as binding as Breton and Gascoigne’s marriage. What the legal
development meant for Devereux’s relationships with Sidney, and later with Blount, was
that even if they considered themselves engaged and legally bound to each other, the law
solely recognized the validity of Penelope and Robert Rich’s marriage. The earlier
betrothal was no longer valid and the later union was illegitimate. The courts were
upholding the law more strictly as time progressed, allowing for a potentially greater
divide between personal will and the strict rule of marital law.

Illustrating this divide and insisting on the primacy of personal desire and
individual will over marital legality became the task of the poets and writers of the
literary discourse. The following section presents first the crucial components of the legal
discourse and then considers how the literary discourse intersects with legal matters. The
legal debate over divorce took place primarily in two arenas: the courtroom and the
church. Debate discourse consisted of specific laws passed by Parliament, such as the
Bigamy Act of 1604, and of the controversy waged among preachers and laymen over the
definition of God’s law of marriage. The participants in the debate were most concerned
with the actions of individuals rather than with their personal feelings or desires.
Ecclesiastical law viewed marriage as a bond between two able individuals that might be
broken when one or both refused to have sex or committed adultery or fornication or
incest etc… The discourse is cast in terms of “man” and “woman,” “husband” and
“wife,” but these categories represent general terms and in no way consider the individual
wishes or concerns of particular men and women, husbands and wives. Laws do not
consider individual idiosyncrasies; they represent the interests of the religious collective,
of the state, and of those in power.
Marriage’s formation and dissolution came under new scrutiny at the turn of the seventeenth century. With the passage of the Bigamy Act of 1604, a component of marital law for the first time came under Parliamentary jurisdiction. Until then laws governing marriage and divorce operated solely under ecclesiastical authority. The official stance of both church and state was to tighten control over what constituted a legal marriage, and to limit a married couple’s ability to receive a divorce a vinculo. One cause of this new legislation was a Parliamentary Committee’s discussion in 1597 identifying bigamy as “one of the evils associated with clandestine marriage and the poorly regulated issue of marriage licenses.” Members of Parliament were reacting to a social climate in which people’s attention to marital law had become quite lax. To prevent remarriage after a private separation or a divorce a mensa et thoro, the Bigamy Act of 1604 declared second such marriage bigamous. At the same time the church instituted ecclesiastical canons tightening marriage regulations. In order to curb the practice of clandestine marriage through the exchange of spousals, the new canons recognized only church weddings. Martin Ingram suggests that these new laws were necessary because “not only were marriage breakdown cases intrinsically difficult to handle, but also the classes most prone to marital breakdown – the very rich and the very poor – were those elements in society least amenable to ecclesiastical discipline.” The very rich were able to wield their own power over church authority and the very poor frequently escaped official notice. In the case of the rich, Ingram adds that tensions between individual and family interests in marriage formation was normal in early modern English society. Precontracts and clandestine marriages were especially appealing to this population, who often did not like the spouses their families found for
them. Devereux and Blount’s affair illustrates this appeal. In addition, Ingram mentions numerous cases in which aristocratic youth used private marital contracts to disobey their parents and to choose their own spouses.11

Assuredly, there were ample reasons to tighten controls over marriage and divorce, but the Bigamy Act’s ambiguous language only invited confusion and spurred further debate. According to the Act, the non-felonious nature of a remarriage after divorce a mensa et thoro and the fact it was lumped together with divorce a vinculo only served to create confusion, not clarity, in English divorce law. In Sir Edward Coke’s Institutes of the Laws of England (1644), the Bigamy Act is stated as follows: “If any person or persons within his Majesties Dominions of England and Wales, being married, doe at any time after marry any person or persons, the former husband or wife being alive, that then every such offence shall be felony.”12 Additionally, if the husband or wife was legally divorced from his or her first spouse, whether a vinculo or a mensa et thoro, he or she was not considered a felon.13 Lawrence Stone cites the ambiguity over which kind of remarriage is felonious as a reason that the principle of indissolubility of marriage was not yet fully accepted by all clergymen. For instance, Laud publicly married Devereux and Blount in 1605 despite the fact that Devereux and Lord Rich were divorced a mensa et thoro. Laud’s actions exemplify the nobility’s power over the church and the lack of conformity among clergy members over marital law.

The lack of conformity only spurred further debate over divorce a vinculo, particularly for adultery, in the pulpits and presses. Religious leaders sought to understand and clarify God’s authority over people’s lives. It was crucial to know what constituted adultery and whether breaking the marriage bond would cause one to suffer
on the day of final judgment. However, interpretations differed. For instance, John Dove in his 1601 sermon *Of Divorcement* argues against permitting divorce *a vinculo* based on his interpretation of Deuteronomy 24:1. In Deuteronomy, Moses allows men to divorce their wives for any offence and remarry. Dove contends that marriages are made by God and are, therefore, indissoluble; the Jews misinterpreted the Deuteronomic law, as they did other laws that were cleared in the New Testament. On the other side of the debate is John Rainolds’ *A Defence of the Judgment of the Reformed Churches* (1610). Rainolds posits that a man is able to divorce his wife *a vinculo* only for adultery. Rainolds too cites the error the Jews made in Deuteronomy 24:1. He explains that “This perverse opinion and errour of theirs our Saviour Christ reproofed teaching that divorcements may not be made for any cause save whoredom onely.”

Laws like the Bigamy Act and the ecclesiastical canons were the products of the ongoing religious debate over what exactly is God’s law on the subject of divorce. In the legal arena the state’s authority and the church’s authority were both intertwined and separate. These legal discourses both set a final judge, whether human or divine, over people’s marital choices. People’s decisions to marry or divorce had consequences both in their own lifetimes and in the afterworld; neither legal arenas, however, considered individuals’ feelings. Dove sees any kind of divorce law as inherently subjugated to the power and authority of God’s law: “Doo not tell me of mens new lawes concerning divorcement, but of God’s olde lawe concerning marriage, for God at the day of judgment shall not judge thee according to the lawe which man hath devised, but according to that which his selfe hath commanded.” People must behave appropriately or face human and divine judgment.
The literary discourse, by contrast to these legal discussions, focuses less on actions and more on individual will and desire. Documents from opposing sides of the literary discourse use the legal discourse to further their cases, while at the same time, invoking individuals' choices. On the one hand, William Perkins' *Christian Oeconomie* (1590, 1609), dedicated to Lord Robert Rich, considers his marital situation. Blount's *Discourse of Marriage . . . in Defence of his Marriage with the Lady Rich* and the appended *Epistle to the King* (1605-6) on the other, use legal discourse to argue his own case, appealing ultimately to his individual conscience as his final moral arbiter. Both writers, though, find themselves favoring private faith over public legal decisions, thus opposing the legal discourse.

In *Christian Oeconomie*, Perkins discusses all aspects of marriage, from the definition of who is allowed to marry to the roles of family members. Perkins favors older church law and ancient precedent over secular law, arguing that an individual may consult his own beliefs in determining a marriage's legitimacy, even when those beliefs oppose public common laws. Perkins and Blount are not the first to favor religious doctrine over English laws, but they are unique in their valuing the power of the individual's conscience to guide individual decisions. The focus here shifts from God's law to man's belief. By the time Perkins' second edition appeared in 1609, the details of the dissolution of Devereux's marriage were a matter of public record. It is no accident that Perkins highlights in his dedicatory epistle to Lord Rich matters that might have been of particular interest to him in his marriage. First, Perkins states "That Marriages consummate without the free and advised consent of Parents, either *explicite* in tearmes, or *implicite* by connivence, are in the court of conscience, meere nullities. A doctrine
cleered in this Booke, both by Scriptures, and by consent of Antiquitie." Devereux’s arranged marriage is here legitimized over any question of private contract either between Devereux and Sidney or Devereux and Blount. Parental authority and consent is paramount. At this time parental consent was not required in order for a marriage to be legitimate, so Perkins refers to “the court of conscience” as the final judge of the marriage’s validity. Perkins looks beyond the public institution of law that presides over individuals’ actions to the private conscience in which, according to him, a marriage’s status can be truly determined. Such a move distinguishes the work from the legal discourse that primarily cites scriptural passages and legal precedence for marital decisions. Perkins, too, refers to scripture and the “consent of Antiquitie” as supportive evidence for his position, but gives primacy to the “the court of conscience.” The phrase itself unites belief and experience with the public legal arena. It exemplifies the aim of influencing legal matters with faith and feeling that is often detectable in the literary discourse. Perkins also advocates divorce *a vinculo* for adultery, offering Lord Rich an avenue to marrying again.

Blount, too, turns to the “court of conscience” in his *Epistle to the King*, in which he chooses to follow his conscience on moral issues, despite legal decisions. Both Blount and Perkins incorporate legal discourse and personal choices; Blount ultimately finds no public legal support, only religious opinion, for his decision to remarry and backs that decision on moral and personal grounds. In his *Discourse Of Marriage*, Blount utilizes “both legal and theological learning” to defend the general legitimacy of marriage after divorce without referring to his own particular case. Blount adds to his *Discourse* an *Epistle to the King* in which he moves from the general to the particular when speaking of
the case of his own marriage to Devereux. After arguing that Lord Rich had persuaded Devereux to confess to adultery in order to get out of his marriage, Blount gives further evidence to the nullity of her marriage with Rich before pleading for the king's acceptance of his own marriage. He concludes by turning inward: "For me," Blount writes, "if the laws of moral honesty, which, in things not prohibited by God, I have ever held inviolable, do only move me now to prefer my own conscience before the opinion of the world, my own better fortunes, or the dear respect to my posterity, do but vouchsafe to think what a servant the same rules of honesty must force me to be unto you, whose merit to me is so infinitely beyond any other." 17 After arguing his case using accepted legal discourse, Blount uses the weight of his own conscience as the final proof of his honesty to the king. He distinguishes between his own moral truth and the opinion of the world. Opponents on either side of the divorce debate utilized legal and religious doctrine in order to sway the public and the lawmakers to ruling for or against marriage's indissolubility. Blount tries to engage in the debate before ultimately retreating into his own conscience as a strategy for convincing the king of his honesty and loyalty. He was unable to convince James to accept his marriage to Devereux, however, and he died a man exiled from court. Perkins' "court of conscience" and Blount's turning to his "own conscience" represent the split between the public legal discourse and the private literary discourse that engages law and "public opinion" with keen attention to the desires and choices of the individual as against policies laid out by family, church, and common law.

Astrophil and Stella

Individual desire versus public, legal, religious, philosophical, and moral expectation is a common theme in Sidney's sonnet sequence, one that is never
satisfactorily resolved. In *Astrophil and Stella*, the individual’s split between private desire and social role appears in three forms: first, as the lover torn between private life and public, moral, duties, second, as Stella’s body divided between outer and inner selves, and third as the linguistic pun on the word “rich.” On each level, there is a dichotomy that Astrophil tries to make sense of and use to his favor only to remain torn at the end of the sequence.

*Astrophil and Stella* has most commonly been read either as a history of Sidney’s affair with Devereux to be verified or disproved, or as a verbal icon, or as part of, and an ironic comment on, the Petrarchan tradition. Whether Sidney’s Stella is meant to be an accurate depiction of Devereux, a fictionalized one, or is meant to be another woman entirely (possibly Sidney’s wife Frances Walsingham) is irrelevant. What is important is that beginning in the seventeenth century this sonnet sequence became synonymous with a private love affair between Devereux and Sidney, two lovers meant to marry but forced apart for familial interests. Sidney’s sequence contains 108 sonnets and 11 songs and is the first full sequence of English love poems employing multiple verse forms in the style of Petrarch. Like Petrarch’s *Rime Sparse*, *Astrophil and Stella* is a sequence exploring the lover’s interiority and revealing it to be fractured. Both Petrarch’s speaker and Sidney’s Astrophil struggle with largely unrequited love. However, unlike Petrarch’s speaker whose love for Laura, even after her death, leads him to inward penitence and a turn to heaven, Sidney’s Astrophil’s love is briefly requited, only finally to be rejected, and Astrophil driven into deeper despair. The sonnet sequence was first printed in 1591, five years after Sidney’s death. It is unclear when it was composed. Peter C. Herman conjectures, in his recent edition of the sonnets, that Sidney probably wrote them
sometime between November 1, 1581 (the date of Devereux’s marriage to Lord Rich) and the end of 1582, “a period of tremendous political frustration for Sidney.”

Love in the Petrarchan or Elizabethan sonnet can have multiple meanings. The sonnet was not simply a vehicle for exploring the personal feelings of the individual, but rather, as Arthur F. Marotti reminds us, “Love is not Love”; the languages of love and politics were often so intertwined in Elizabeth’s court as to be indistinguishable. Clark Hulse contends it is possible to see emerging from the poetry of *Astrophil and Stella* a model for the power structure of the Elizabethan court. For Hulse the “fictional poetry of *Astrophil and Stella* is inseparable from the creation of an actual human relationship and from the shaping of the political arrangements of their society.” The sonnet sequence at bottom is a power struggle between the writer Sidney and the reader Devereux.

But what if love is also just love? One of the questions readers of Sidney face is how to reconcile his prose work, *An Apology for Poetry*, in which he declares poetry’s aim to be the teaching of virtue, with *Astrophil and Stella*, where Astrophil courts and possibly rapes a married woman (see Song 2). Marotti’s “love is not love” is the most common response. The Elizabethan sonnet is not really concerned only with matters of personal love, marriage, and adultery, but with the proper maneuverings of a courtier in Elizabeth’s court. But this response is not entirely satisfying. For one thing, the struggle for power and recognition at court is anything but virtuous, so why should a poet of virtue engage in such an activity? And, being a courtier was an endeavor in which Sidney was never wholly successful. In this light *Astrophil and Stella* may be read in terms of the failed attempt of a courtier to gain the full favor of his queen; but this is still not in line with poetry’s proper goal of teaching virtue. It is also possible that Sidney did not
consider himself an exemplary poet and highlighted the fact by writing about unvirtuous desires and acts. It seems unlikely, though, for someone to take great care defending poetry only to create bad or immoral poetry himself. But perhaps the problem is not with poetry but with the standards of virtue and morality Sidney experienced. *Astrophil and Stella* emphasizes the ways the legitimate world of law inhibits personal desire. A society where elite marriages are primarily political and financial endeavors, are indissoluble unions, and are no longer legitimate when privately enacted between lovers is a society in which love and marriage are divorced from each other. To be publicly virtuous one must either grow to love the spouse with whom he or she is matched, or abandon desire in favor of moral and proper conduct.

Sidney’s Astrophil prefers the opposite scenario: to indulge in his personal desire at the expense of his moral and societal obligations, even at the expense of his Christian soul. As a lover torn between his role as a courtier engaged in righteous conduct and his personal desire for Stella, Astrophil wrestles with the conflict between religious obedience and carnal pleasure, and opts for the latter. He discovers the dream of resolving the conflict by ignoring one side impossible. In the second half of sonnet 14, Astrophil faces the tension between his love and the virtuous and chaste love publicly celebrated in church.

But with your rhubarb words you must contend

To grieve me worse in saying that desire

Doth plunge my well-formed soul even in the mire

Of sinful thoughts, which do in ruin end?

If that be sin, which doth the manners frame,
Well stayed in truth in word and faith of deed,
Ready of wit and fearing naught but shame,
If that be sin, which in fixed hearts doth breed
A loathing of all loose unchastity.
Then love is sin, and let me sinful be.²⁴

Astrophil is at first wounded when Stella calls his desire sinful. As the lines progress, he discovers that what he feels to be pure is publicly considered to be sinful. Rather than try to negotiate the divide created by both maintaining his desire and remaining publicly virtuous, Astrophil declares himself sinful. Astrophil understands sin in terms of the “manners frame,” or the moral code; sin is succinctly defined as love of truth and fear of shame, as staying “fixed” to one legitimate spouse and “A loathing of all loose unchastity.” Astrophil describes the discourse of religious law: specific framed manners where hearts are “fixed” and marriage final. Astrophil’s love opposes such characterization and, therefore, must be sinful. Nevertheless, he pursues his love at the expense of his public virtue.

In sonnet 75, Astrophil again chooses private desire over public duties and ambition. However, he uses the example of Edward IV to prove that personal desire might actually improve one’s public role; one can ultimately unite private desire and public duty. Astrophil praises Edward IV for putting his love before his kingdom: “this worthy knight durst prove: / To lose his crown rather than fail his love.” Edward refused to enter into a diplomatic marriage with a French princess; instead, he married his love Elizabeth Grey in 1461. The marriage led to rebellion and to Edward’s brief exile before returning to the English throne. According to 16th century chroniclers the latter years of
Edward’s reign were more prosperous and calm than the earlier years. Herman notes that Astrophil’s praise of Edward “only demonstrates the degree to which his own political judgment has eroded.” But it also demonstrates love’s opposition to politics. Marrying for love may have briefly cost Edward the crown, but might it also have contributed to the success of the final years of his reign? The problem, again, may not be with love but with politics and law, both secular and, more importantly, divine. Like Edward, Astrophil, in sonnet 64, must abandon public life and fame in favor of loving Stella:

Let fortune lay on me her worst disgrace;
Let folk o’ercharged with brain against me cry;
Let clouds bedim my face, break in mine eye;
Let me no steps but of lost labor trace;
Let all the earth with scorn recount my case,
But do not will me from my love to fly.

I do not envy Aristotle’s wit,
Nor do aspire to Caesar’s bleeding fame,
Nor ought do care though some above me sit,
Nor hope nor wish another course to frame,
But that which once may win thy cruel heart.

Thou art my wit, and thou my virtue art. (lines 3-14)

Astrophil insists he will abandon political ambition for love. Once again, personal love and public life are opposed. In both of these sonnets the poet sets love against political
ambition and denigrates public life in favor of private romance. In order to win Stella’s “cruel heart,” Astolph must abandon his public career to devote his entire being to his love. He refuses to divide himself between public and private identities, but insists on choosing his private desire, in the hopes of following Edward’s lead by improving his political life. For Astolph, it may not be a matter of choice, but of compulsion. The power of his love, of his inward desire, defies both Stella’s cruelty and public expectations.

Though Astolph briefly wins Stella’s pity and affection in sonnets 66-70, he finally loses her and must face the despair of his forced separation. Astolph admits in Sonnet 33 that it is his own fault he did not marry Stella sooner; they were betrothed and Astolph did not realize his love until she married another: “And then would not, or could not, see my bliss / ‘Til now” (lines 2-3). But despite his pleas and poetry, he cannot abandon his public life for love; Astolph’s love remains impossible. By Song 10 Astolph faces his inevitable “divorce” from Stella, a woman he could not marry, and therefore could not permanently keep. He longs to see her one more time to know if their separation is final:

O dear life, when shall it be
That mine eyes thine eyes may see?
And in them thy mind discover
Whether absence have had force
Thy remembrance to divorce
From the image of thy lover? (lines 1-6)
A close reading of the verse reveals the forced divide between the lovers; two bodies became one only to become two once again by the end of the verse. In line 2 Astrophil and Stella’s eyes are together in the center of the line “mine eyes thine eyes.” No comma separates the lovers’ eyes to distinguish which set of eyes belongs to whom; rather they run together. In the third line, Stella’s eyes and mind are side by side only to lead to “absence,” “force,” and “divorce” in lines 4-5 and the image of the lover alone and in question by line 6. Stella is a whole self (a point on which I will elaborated later), her eyes and mind united only to reflect the “divorce” between her memory and Astrophil’s image. Stella is united as she casts off her lover. Sidney might have had an affair with Devereux, but he could never permanently keep her; likewise, despite Astrophil’s abandonment of worldly concerns for personal desire, he nonetheless must face a “life” permanently apart from his beloved.

Images of a torn identity are more ambiguous and complex as Astrophil moves from the lover’s split between self and society to the image of Stella’s divided body. As the married woman, in order to love Astrophil, Stella would have to find a way to live with an inner division between wife and lover. She ultimately abandons the possibility of having a lover, we assume, because she cannot abandon her husband. Living with division proves impossible; the reader never fully knows which part of Stella represents her married self and which part her potentially adulterous self. The ambiguity illustrates the confusion such a divide brings. The divided body and heart was a common medieval and Renaissance image that could be read in two ways. According to the medieval Roman church, the body was the site of carnal desire and earthly sin while the soul was the site of true faith and religious devotion. The soul was trapped in the body while on
earth, only to be liberated after death to enter heaven, hell, or purgatory. Therefore, the soul, or inner self is the site of Stella's wifely duties, and her body the place for adulterous relations. The growth of the theatrical arts and a burgeoning market economy in England inspired a second secular public/private interpretation of the body/soul divide. A person's body or outer appearance became emblematic of his or her public identity, while his or her inner identity was kept private, and might be quite different. By the sixteenth century concern over people's attire and their rightful identities revealed an anxiety over the possible discrepancies between a person's outward appearance and his or her inner self. Ann Rosalind Jones and Peter Stallybrass map out a changing early modern world from one where clothing carried mnemonic meaning and marked an individual's identity to one where outward appearance could no longer be read as a signifier for an inner identity or truth. Thus, outward appearance and inward identity, like a person's body and heart, might reflect conflicting loyalties. In Stella's case, the body marked her public identity as wife, and the soul her private desires for Astrophil. The poet of *Astrophil and Stella* employs both interpretations of the body/soul divide to relate the impossibility of living such a divided life. It is never clear where to locate Stella's love or her public persona. In Sonnet 29, Stella's body belongs to her husband while her heart is her own; Astrophil only mourns that her heart is not his:

> Like some weak lords neighbored by mighty kings,
> To keep themselves and their chief cities free
> Do easily yield, that all their coasts may be
> Ready to store their camps of needful things,
> So Stella's heart, finding what pow'r Love brings,
To keep itself in life and liberty
Doth willingly grant that in the frontiers he
Use all to help his other conquerings,
And thus her heart escapes. But thus her eyes
Serve him with shot, her lips his heralds are,
Her breasts his tents, legs his triumphal car,
Her flesh his food, her skin his armor brave,
And I, but for because my prospect lies
Upon that coast, am giv’n up for a slave.

Instead of marriage described with an outer surface and inner depth as it was in works treated in the last chapter, here the married woman becomes the split persona. Her “frontiers,” or outer self serves her husband only to insure her heart remains her own. In the sonnet, the parts of Stella that serve her lord are on the physical frontiers of her body: her breasts, legs, lips, flesh, and skin. These are all visible characteristics that participate in the public displays of marriage. Stella’s heart, however, is her own. She may bestow it on or withdraw it from her lover as she chooses. Her freedom lies outside of the institution of marriage. The institution ensures that her place within society is protected; it ensures that her inner self, her heart, need serve no one. Stella is thus a woman divided between married bondage and personal freedom. She toys with her beloved as a means of expressing her freedom to bestow or withdraw her heart; her body is always fixed in her husband’s possession. Therefore, her personal freedom is at Astrophil’s expense and only increases Astrophil’s suffering because he does not know where or if he might fit “Upon that coast.”
In Sonnet 52, Astrophil describes Stella's divided body not in terms of the secular divide as described above, but rather as the religious divide popularized in the Middle Ages and enduring through the Renaissance: the body is the site of earthly love and the soul the key to heavenly love. The poet continuously redefines Stella searching in vain for a final definition that will allow her to be his lover. He creates a "strife" (line 1) between Love and Virtue where Love claims Stella's body and gives Virtue her soul:

"Her eyes, her lips, her all saith Love, do this" (line 3), whereas Virtue claims her soul:

"That virtuous soul, sure heir of heav'nly bliss. / Not this fair outside, which our hearts doth move" (lines 7-8). The sonnet concludes with Love asking for Stella's body and letting Virtue retain her soul. Astrophil creates an Adulterer's fantasy where the wife remains virtuous to her husband while enjoying carnal pleasure with her lover. The purity of the soul is somehow untouched by actions of the body. Astrophil tries to dismember Stella, demarcating her body for his desire and her soul for her marital duties. By mapping a divided self for her, Astrophil imagines Stella might agree to become such a divided woman. It works for a time, but Stella finally dismisses Astrophil's love and remains with her husband. Creating further ambiguity, in Song 6, the poet sets up another debate in the form of a law case in which witnesses are called to determine whether beauty or music is the superior quality in the beloved. The legal debate divides the woman between her outer beauty and her inner voice, only to fail to select a winning quality; both are equally perfect. The contrasting pictures of the divided woman reflect the poet's confusion over how to interpret the place for his love, how to convince Stella to love him, and how to make sense of a woman both as a wife and a lover without reducing her to an adulteress. Sidney's poet imagines the perfect divided woman in
Sonnet 52 and in Song 6. Nevertheless, Sonnet 29 and Song 10 reveal that while divided, there is still no place for Astrophil's love in either Stella's body or heart. In the reality of Stella's world, the poet's fantasy divisions cannot really exist.

Finally, Astrophil's pun on the word "rich" reveals Stella's most permanent divide: between her unhappy existence as wife and her inner beauty and desires. It was fashionable for early modern poets to play with the meanings of names. *Astrophil and Stella's* language, like the adulterous love it describes, is not fixed or stable, but embodies elusive and opposing meanings. Sonnet 37's continuous punning on "rich" is, for many critics, the unquestionable proof that Stella is meant to be Lady Rich. But, more than just a useful pun on a name, the poet's definition of "rich" includes both public success and personal misfortune. The poet tells a riddle of a nymph who is:

Rich in the treasure of deserved renown,
Rich in the riches of a royal heart,
Rich in those gifts which give th'eternal crown,
Who though most rich in these and every part,
Which make the patents of true worldly bliss,
Hath no misfortune, but that Rich she is. (lines 9-14)

For the nymph, being rich is both a blessing and a curse. She is divided between her personal wealth (both monetary and symbolic) and her unfortunate identity as "Rich." Or, her wealth of beauty, intellect, and character might also be the key to her misfortune. She is desirable but trapped as the wife of Rich and/or her very desirability has led her to her unhappy political marriage. She is rich in inner qualities and in name; these two aspects of her self steer her in opposing directions: one to the arms of her legal, but unloved
husband, and the other toward a potentially adulterous alliance with the man who can appreciate her inner wealth of qualities. Rich possesses the nymph as one would own an object; her beloved sees the beauty of her inward riches. The husband is a "rich fool" in sonnet 24 where the poet mocks him for not knowing the true beauty of the "gem" he possesses:

But that rich fool, who by blind fortune's lot
The richest gem of love and life enjoys,
And can with foul abuse such beauties blot,
Let him, deprived of sweet but unfelt joys,
Exiled for aye from those high treasures, which
He knows not, grow in only folly rich.  (lines 9-14)

Love and marriage are again opposed with the dual meanings of the word "rich." The poet-lover knows the true worth of this "richest gem," and must treasure her in secret. The husband is cast as the fool for his lack of knowledge of his wife's true treasures. He is "rich" in both name and belongings: the surface qualities apparent in the arranged marriage. Stella is both "rich" in name and rich in treasures only a true love could appreciate, thus creating the wife/lover split with the word "rich."

_Astrophil and Stella_ uncovers multiple layers of division created by a legal situation in which Astrophil can never marry Stella and must, instead, beg to become her lover. Though divided between their true desires and their public duties, Astrophil and Stella’s love proves finally impossible; no form of inner division can accommodate the pressures of maintaining the affair. Astrophil’s desire is at odds with both secular and religious law forbidding adultery and insisting on marriage’s indissolubility. Sidney’s
sonnet sequence was unquestionably influenced by earlier Italian and French sonnets and by the Italian "renaissance" itself. Nevertheless, his sequence was composed in a newly Protestant country that, thanks to Henry VIII's marital problems, was able to consider legal and complete divorce as a potential end of marriage. The changing legal climate surrounding marriage and divorce opened an avenue in which love, but not sex, outside of marriage was not necessarily deemed evil; it might be permissible and even legitimate once the first marriage broke down. In the decades after *Astrophil and Stella*’s publication, Astrophil's "love" grew more virtuous through the pens of writers seeking, like Devereux, to legitimize personal desire.

*The Imaginary Epistles of Sir Philip Sidney and Lady Penelope Rich*

By the time of Devereux's death in 1607, the story of her failed love with Sidney escalated from a man's sexual longing for a married woman to a fairy-tale-like exemplar of true love thwarted by circumstance. About the time of her death, a collection of epistles said to have been exchanged between Devereux and Sidney existed in manuscript and was believed to be published in a miscellany. Josephine Roberts refers to them as the "Imaginary Epistles," for evidence suggests that the Bodleian epistles were written by a poet such as Michael Drayton, but there is no definitive proof who wrote them, only that they were composed too late to have been the true love letters of Devereux and Sidney. Like Sidney's sonnets, the "Imaginary Epistles" describe two lovers divorced from each other and facing inner division between public persona and private identity. However, unlike the lovers in *Astrophil and Stella*, Sidney and Devereux of the epistles are very much in love with each other and forge a "secret contract" to wed. Devereux's forced marriage to Robert Rich separates the lovers, but unlike Stella, the Devereux of the
epistles imagines splitting herself in order to continue her affair with Sidney. Like Stella, she tries to divide herself into body and soul in order to honor her private contract with Sidney, but unlike Stella, she is successful. The writer(s) of the “Imaginary Epistles” describes a world in which, though still illegal for Devereux to divorce Lord Rich, Devereux and Sidney’s love might still find a place, though a fractured one:

Sir Philip Sidney to the Lady Penelope Rich

Penelope seconde daughter to walter Deuereux: Earle of Essex; and sister to the noble <Peter> Robert Earle of Essex; doomed (as in deede shee was) for her sweetnes of beauty; witt and demehnour, incomparable; amongst many that admired her perfections; she was ardently affected of sir Phillip Sidney, sonne to Sir Henry Sidney Lord Deputy of Ireland; his Loue she againe answered with Loue equally entire, from which frendship grewe a secrett contract betweene them, But here vpon the Queene Elizabeth (for what cause is vnknowne) Employed Sir Phillip Sidney beyond the sea; and in the meane time marieth the Lady Penelope to Robert Lord Rich of which Sir Phillip vnderstandinge thus writt to her

..................................................

If Idle poeme make vs liue foreuer
then Stella shall in Astrophel dy neuer
for I haue sacred to thy fame a tombe
which shall remaine vntill thy day of doome
vnlesse some abler quill which heauen forbid
should note thy publicke fame, I would haue hid
I would haue hid for shall I tell thee yett
I cannot thinke thou canst so soone forgett
with what an vnion of delight to eyther
wee plighted loue and joi’d to loue together
whilst I with thee was absent, (o that day
That I went from thee often would I say
that now the worst of fortune did agree
to make diuorce betwixt my loue and mee. (lines 78-91)

The Lady Penelope Rich to Sir Phillipe Sidney

My sinnes for mine they ar whose hideous staine
is by adulterate match euuen dide in graine
excuse I cannot make but with as common
pleading the captiue fraylty of a woman
vnable to sustaine the angry seene
and wrathfull fury of an Angry queene
to which you answer calling me vnkind
how princes force the body not the mind;
Most true thou feare not for though fate confine
my body to disgrace my hart is thine
free from the Iailour whose obseruing duetye
enioyes the shadow of my outward beauty
then may those words some pitty in thee moue

Rich hath my body Sidney hath my loue . . . (lines 37-50)

The epistles portray Devereux and Sidney as more than lovers; theirs is a deeper love that began as friendship and “grewe” into “a secrett contract betweene them.” *Astrophil and Stella* is described as simply an “Idle poeme” that might immortalize the lovers but can never relieve the pain of their forced separation and “divorce.” The writer of the epistles characterizes Devereux and Sidney’s relationship using the term “secrett contract,” and the term “divorce” to describe the kind of separation Sidney and Devereux face. Both terms imply that a marriage took place between Sidney and Devereux, whether legal or not. By 1607 it had become more difficult for couples to prove the validity of a secret contract in court and such marriages were often considered null. Nowhere in the epistles do either Sidney or Devereux suggest Devereux divorce Lord Rich because she was legally married to Sidney. In fact, according to the epistles, Queen Elizabeth herself arranged the marriage of Lady Penelope to Robert Rich, reinforcing the legality of the public marriage. But in using the terms “contract” and “divorce” to describe Devereux and Sidney’s relationship, the epistles’ writer means to characterize the “union of delight” as a marriage, and its dissolution as a divorce. The *OED* defines divorce primarily as the “legal dissolution of marriage.” Divorce was also used to refer to the “complete separation; disunion of things closely united,” but when referring to people generally referred to a married couple. Sidney and Devereux’s marriage and divorce were not legal, but literary. Nevertheless, the marriage was dissolved because of
Devereux's legal marriage to Lord Rich that could not be dissolved. Marriage's indissolubility here leads to a forced divorce between two people truly in love.

The tragedy of marriage's indissolubility leads the poet's Devereux to describe herself as divided between public and private identities. She explains how she is divided between her identity as Rich's wife and her identity as Sidney's lover (or wife). Devereux writes that "princes force the body not the mind . . . though fate confine / my body to disgrace my hart is thine." Like Stella in Sonnet 29, Devereux divides herself into body and heart, but here Devereux's heart is Sidney's. Astrophil never achieves Stella's permanent love as Sidney achieves Devereux's in the epistles. Devereux's heart is Sidney's and her body Lord Rich's. Devereux accepts her split identity as the only way to maintain her love. The world of exteriors: her body, her husband, the queen are severed from her interiors: her heart, her love. Both Devereux and Sidney accept the divide that their forced divorce creates and imagine themselves in the epistles in terms of the division between surface and depth, body and heart.

Roberts notes that the miscellany in which the "Imaginary Epistles" were probably published existed no earlier than 1607, just after Blount's and Devereux's deaths. After the publicity over their scandalous marriage had subsided, at least one poet appealed to readers by imagining the plight of Sidney's and Devereux's impossible love. The epistles' form claims access to the truth behind Sidney and Devereux's affair. The epistles were probably appealing as a way for readers to gain private access to these individuals. Now that Sidney, Devereux, and Blount were all dead, their true feelings and actions became ever more interesting to a readership who must have also been as intrigued by knowing the true identities of Astrophil and Stella, the true feelings of
Sidney and Devereux, as critics are today. As the divorce debate raged on in the courts and on the pulpits, stories of forbidden love like Devereux’s grew in popularity as the possibility for legitimizing such love loomed over Protestant Europe.

*Texts Remembering and Mourning Sidney and Blount*

Among writers of the literary discourse, human mortality, morality, and religious beliefs sparked unease over Devereux’s, Sidney’s, and Blount’s divided identities. Sidney’s and Blount’s deaths and their heroic status required writers to erase their illicit loves for Devereux in exchange for religious peace and public fame. Only the poet and playwright John Ford, in his funeral elegy for Blount and his later tragedy *The Broken Heart*, favored love over public acceptance and even over life itself. Ford sought to reconcile Blount’s divided identity into the unified identity of lover, and sought to transform a sexual affair into a chaste, pure love worth dying for. The impossibility, in *Astrophil and Stella*, of remaining inwardly divided prompts writers to imagine ways of uniting an individual torn by private love and public marriage. However, these writers define Blount, Sidney, and Devereux by eliminating either their loves or their respectable reputations. Love is victorious only in Sidney’s niece Mary Wroth’s *Love’s Victory*, where love overrules the law and lovers are finally permitted a second marriage.

When confronting Sidney’s and Blount’s deaths, several writers chose to discard and denigrate these men’s love for Devereux in order to insure them peace and continued public fame. After Sidney’s death in 1586, several manuscripts were written entitled: “The Manner of Sir Philip Sidney’s death”; they were believed to have been composed by the clergyman who comforted Sidney while on his deathbed. The following account has been assumed to be among Sidney’s final words, although according to scholars
including Katherine Duncan-Jones, there is no evidence that Sidney ever spoke the statement below:

I had this night a trouble in my mind: for searching myself, methought I had not a full and sure hold in Christ. After I had continued in this perplexity a while, observe how strangely God did deliver me – for indeed it was a strange deliverance that I had! There came to my remembrance a vanity wherein I had taken delight, whereof I had not rid myself. It was my Lady Rich. But I rid myself of it, and presently my joy and comfort returned.  

In the excerpt, Sidney’s love for Devereux is reduced to a “vanity” he needs to “rid” himself of in order fully to accept Christ and to die in peace. Sidney’s reputation as England’s hero, martyr, and quintessential “renaissance man” might be diminished if he continued to harbor illicit feelings for Devereux at the final moment of his heroic demise. In death Sidney’s identity must be pure and unblemished; there is no space for half a martyr or a partial hero in England’s memory. Likewise, Blount’s death inspired numerous poets to compose funeral elegies in his memory, many choosing to discard his love and illegal marriage in order to insure his heroic, military status. The composer John Coperario affixed a manuscript poem to his published songs, *Funeral Teares for the Death of the Right Honorable the Earle of Devonshire* (1606). The poem, dedicated to Blount’s “honorable memory,” repeatedly asks the question: “Did Mountjoy love?” Coperario admits that love was Blount’s only error and begs his readers not to hold it against Blount’s otherwise spotless record. Coperario writes:

Devonshire did love, love was his errour made,
That only *** his vertues was oppos’d,
As if for that his honoured name should fade,
Whose brest both vertue and love enclos’d.

Did Mountjoy love? and did not Mountjoyes sword
When he march’d armed with pallace dreadful helme
The rough unquiet Irish rebels curbe?
And the invading Spaniard overwhelme?
Loved he? and did not he nathlesse assist

Great Britaine’s counsils . . .

Coperario describes Blount’s love as occupying only a portion of himself. The rest of
Blount was heroic and fought for England. Coperario even compares Blount to Hercules,
who also felt “beauties flame” but nonetheless still performed heroic feats. In order for
Blount to appear truly heroic, Coperario confronts the subject of his affair with Devereux
and admits it to be a mistake not worth blemishing the man’s good name. That “part”
should not stand in for the whole self, but rather disappear into the background.

Coperario faces a choice between legitimizing Blount’s love at the cost of his public fame
or vice versa; he chooses the heroic memory:

  Black malice turn to dove-white charitie,
  Let Devonshire triumph, and his honour keepe
  Immune, and clear from dark mortalitie.

The immortality of Devonshire’s heroic life rests on people’s willingness to forget his
scandalous affair and marriage. As a man split between public honor and private shame,
his memory faces extinction; like Sidney’s, Blount’s image needs to remain virtuous and un tarnished by illegitimate private desires. The poet Samuel Daniel never mentions Blount’s relationship with Devereux directly in his *A Funerall Poeme Upon the Death of the Noble Earle of Devonshire* (1606), but divides Blount into body and soul; his body committed carnal sins and remains buried in his grave, while his soul will rise to heaven and immortal fame:

Where all perfections never did appeare,  
To meet in any one so really,  
But that his frailty ever did bewray  
Unto the world, that he was set in clay.

But yet his vertues, and his worthinesse,  
Must ever shine, whilst th’other under ground,  
With his fraile part, shall never more be found  
And gratitude and charity I know,  
Will keepe no note, nor memory will have,  
Of any fault committed, but will now  
Be pleasd, to bring all within his Grave.\(^{31}\)

Daniel erases the stain of Blount’s affair and marriage by relegating that behavior to Blount’s corporeality. The body, like the lustful affair, will be buried in the grave to decay and disappear. Only Blount’s higher qualities, his virtue, worthiness, and nobility will live forever in England’s memory. Daniel ensures that Blount’s soul, his purer self, will be enshrined away from his body and any sexual deviance. Daniel closes the poem promising: “But Devonshire thou hast another Tombe / Made by thy vertues in a safer
roome” (lines 453-4). Only Blount’s noble and virtuous soul will remain after his death to bespeak his honor and memory. The sins of the flesh will disappear underground.

Devereux’s affairs and scandals, however, were not so quickly erased and forgotten as were those of her lovers. Her memory, nevertheless, still reflected her inward division. She is remembered as a “fair woman with a black soul,” so characterized by James I after hearing of her illegal remarriage to Blount.\textsuperscript{32} She later became the English inspiration for John Webster’s 1612 tragedy *The White Devil*, in which the heroine, historical adulteress Vittoria Corombona, faces a trial Sylvia Freedman argues to be a replica of Devereux’s court appearances.\textsuperscript{33} Freedman further describes Devereux’s experiences at court and her own struggles with defining her identity. Devereux appeared before Star Chamber in 1607 when “she was accused of forgery and fraud and branded a whore.” She was named “Lady Rich” in the suit, “a name she no longer recognized as hers,” and chose instead to be referred to as simply “Lady Penelope,” a woman with no surname, when she was forced to drop the title “Countess of Devonshire,” as her marriage was invalid.\textsuperscript{34} The struggle to find a suitable title or name for Devereux (perhaps also not wholly appropriate) is indicative of her own struggle to define herself against a court and culture that refused to allow her to do so. The poet and playwright John Ford is one of the few to side with Devereux and her famed love both for Sidney and for Blount. In both *Fames Memoriaill* (1606), Ford’s elegy on Blount’s death, and his later tragedy *The Broken Heart* (1625-33), Ford “is on the side of lovers against convention, even moral and religious law.”\textsuperscript{35} Ford recognizes Devereux’s opposed identities and, unlike the above poets, disavows her tarnished reputation in support of her private desire.
Unlike Daniel and Coperario, who merely hint at Devereux’s existence and at her role in Blount’s life, Ford dedicates his funeral elegy “To the Rightly right Honorable Lady, the Lady Penelope, Countesse of Devonshire.” He publicly accepts the legitimacy of Devereux and Blount’s marriage and grants Devereux the title of which she was legally stripped. But for Ford, Devereux’s legitimacy as Blount’s wife comes at the expense of her and Blount’s reputations, thus re-establishing their forced division. Ford minimizes Devereux’s public disgrace by highlighting her presence as an ideal woman. Much of Ford’s poem recounts the “sad disgrace” of lovers mocked and insulted by court gossip. Devereux’s primary appearance in the body of Ford’s elegy comes toward the end where she is referred to as “that glorious starre,” reminding readers of her earlier identity as Sidney’s Stella. Below is Ford’s depiction of Blount’s great love:

His hearts delight who was that glorious starre
which bewtified the value of our lande,
The lightes of whose perfections brighter are
Then all the lampes, which in the lustre stand
Of heavens forehead, but discretion lean’d

Wits ornament, earth’s love, loves Paradise
A Saint divine, a bewty fairly wise.

A bewty fayrely-wise, wisely discreete
In wincking mildly at the toong of rumour,
A saint, meerely divine, divinely sweete,
In banishing the pride of idle humour
Not relishing the vanity of tumour:

More then to a female of so high a race;

With meeknesse bearing sorrows sad disgrace. (p. E1)

In the first stanza, the poet describes Devereux as Blount’s “hearts delight,” a luminous beauty who only enhanced her country’s pride. But the second stanza reminds readers that Devereux and Blount’s marriage inspired only public shame and derision. In the second stanza, the poet minimizes Devereux’s public shame by honoring her discretion, humility, and mildness. She bore her public disgrace meekly and never showed pride or arrogance when confronting court rumors.

Ford celebrates Devereux’s chosen identity by discrediting her critics. He more overtly confronts Devereux’s private love versus her public reputation in the elegy’s prefatory poem “To eache affected Reader.” The poem embeds Devereux’s name and title into some odd verses that honor Devereux’s individual will over her public shame:

PErverse construction of a plaine intent,

NEither is scorn’d, respected, or dispis’d:

LOsing of their sleight loves, who never meant,

PEculiar knowledge, willingly is pris’d,

CONTEnted happinesse, Secured peace,

OF selfe content is ever happiest ease.

DEVOtion to the carelesse is meer folly,

No SHallow envy of malicious IRE,

Can move my resolution, grounded wholly
On hopes of better judgement, I desire

The favour of my favourers, not any

Unwilling eyes, I strive not to please many.  

_Hon omnibus Studeo,_

_non malevolis._

Klawitter explains that the capital letters following Devereux’s name and title spell out “COITUI,” Latin for sexual intercourse. He posits that if the “I” in the poem is Devereux, then the COITUI refers to her sexual behavior, but if the “I” is Ford the poet, then it may be read as an indictment of her loose morals. Additionally, the final Latin phrase at the bottom of the poem means: “I do not busy myself with everybody, not the malicious ones.” The poem, in its ambiguity embodies both interpretations.

The poem is a struggle between personal, individual desire and public recognition and judgment. Is Devereux a whore? Is she a strong-willed woman who does not care what others think of her? She is both; this is the conflict for Ford embedded in her split identity. It is the question of unity, of wholeness. The poem’s final phrase suggests that individual choices and will represent one’s identity, not public criticism. If Devereux desired to be the Countess of Devonshire, then according to Ford’s preface, she could be.

The power of the individual begins with the poem’s title: “To _each_ affected Reader.” In contrast to the more usual “To the Reader,” Ford emphasizes not only the isolation of reading in general, but the reader’s individuality and affect: “each affected reader.” Each reader is an individual affected in his own unique way by Blount’s death or life, affected by this story. The first stanza appears to be written from some third person narratorial voice. A plain intent is perversely constructed, neither Devereux nor Blount is
scorned, respected, or despised... The first four lines are confusing and don’t seem to make any sure claims. Are things plain or perversely constructed? Are these lovers respected or despised? What did they never mean when they lost their “sleight loves?” What peculiar knowledge is prized? Surety comes in the final couplet where the self is content, happy, at ease, secured, peaceful, etc... These qualities of security and peace derive from the self, not from the anonymous third person voice, the voice of some outsider.

The second stanza is more assertive because it is written in the first person; the contented self speaks more succinctly. The “I” is resolved to follow his or her path regardless of detractors. If the “I” is Devereux, then she waits for a more favorable judgment on her life perhaps from lawmakers or from those at court. Devereux and the poet are no longer concerned with merely pleasing a public either interested in remembering Blount’s heroism at the expense of his personal desire or playing the role of the dutiful wife despite love of another man. Ford and Devereux (through Ford) shed the public identity and expose the inner, private life whatever might be the consequence. Each of the elegists understands Sidney’s, Blount’s, and Devereux’s inward divisions. They each must choose between celebrating the figure’s public persona at the expense of his private desires or vice versa. Only Ford, like the poet of the “Imaginary Epistles,” describes the primacy of love’s beauty, despite its lack of virtue. It is yet imaginatively impossible to unite the two halves.

_The Broken Heart_

Ford’s answer to the problem of resolving a public/private confrontation is tragedy; his response to a restrictive law is death. By the time Ford wrote _The Broken_
Heart, at least ten years after Devereux’s death, he seemed no longer satisfied condoning an illegitimate widow’s mourning her lover despite public scorn. Both of Devereux’s famed affairs are reflected in the tragedy, but they are no longer illicit; instead they are chaste loves superseded by family pressure and public expectations. In Ford’s drama, idealized love cannot coexist with a competing public identity; adultery is not an option for characters in a play that values honor and chastity. Maintaining one’s loyal and sincere love is worth dying for. The chaste lover must not be divided and cheapened.

In The Broken Heart, marriage laws that allow family members to break private contracts and force their siblings to marry whomsoever they choose, with no possibility of complete divorce, leads to anger, jealousy, hatred, revenge, suicide, and murder. The tragedy depicts the plight of women torn not only between a contracted lover and a lawful husband, but also between public honor and private love. In order to maintain the sexual purity of private love, Ford’s characters Penthea and Calantha kill themselves, unable to live in a world where their love is denied them. The play depicts three loving relationships; two mimic Devereux’s supposed relationships with Sidney and Blount, and the third represents an idealized marriage. The only couple in the play to choose each other and to marry with the possibility of a bright future is Euphranea and Prophilus. Despite the minor impediment of Euphranea’s needing her absent brother Orgilus’s permission in order to marry, these lovers admit their love for each other, attain parental consent (and ultimately Orgilus’s as well), celebrate their marriage, and survive the tragedy to pursue a future together. The audience is introduced to Prophilus and Euphranea in I.iii. where they swear their love for each other and vow to correspond
secretly through a young scholar (Orgilus disguised) until they receive Euphranea’s father’s and brother’s consent to marry. Euphranea vows to her lover:

    Know, Prophilus, I never undervalued,
    From the first time you mentioned worthy love,
    Your merit, means, or person; it had been
    A fault of judgment in me, and a dullness
    In my affections, not to weigh and thank
    My better stars that offered me the grace
    Of so much blissfulness. For, to speak truth,
    The law of my desires kept equal pace
    With yours, nor have I left that resolution;
    But only, in a word, whatever choice
    Lives nearest in my heart must first procure
    Consent both from my father and my brother,
    Ere he can own me his.38 (lines 67-79)

Unlike the marriage laws that keep Euphranea’s brother Orgilus from wedding his contracted love Penthea, Euphranea is ruled by “the law of [her] desires.” She and Prophilus choose each other first, then gain necessary consent, and finally wed in a ceremony whose joy cannot be interrupted by the vilest confessions of murder. While dancing at Prophilus and Euphranea’s wedding celebrations, Princess Calantha learns of her father, the king’s, death, of her husband Ithocles’ murder, and of her friend Penthea’s suicide. Nevertheless, she does not let any of the news affect her during the celebration; rather she declares: “How dull this music sounds! Strike up more sprightly; / Our footings
are not active like our heart, / Which treads the nimbler measure” (V.ii.15-6). Those who whisper the tragic news to Calantha while she dances are shocked she refuses to acknowledge tragedy amidst the wedding festivities. So, Prophilus and Euphranea’s union remains tragedy-free, and is the only marriage the play celebrates. The play’s idealized union of love and law is represented by a husband and wife who love each other chastely and whose marriage merits public honor and celebration.

Against this backdrop, the play’s other two primary relationships crumble because Ithocles wields his legal authority over his sister, forcing her to deny her true love. Penthea and Calantha, like Devereux, find themselves divided between their public identities and their loves, and like Euphranea choose love. The difference is that following their hearts comes at the expense of their lives. There is no way to stay true to both aspects of themselves. In order to maintain both personal honor and desire the women must kill themselves.

Penthea and Orgilus’s relationship resembles an idealized version of Devereux’s and Sidney’s or Devereux’s and Blount’s. Over the centuries, Ford’s claim, that though “thought a fiction,” the play’s story “was known a truth,” has come to be interpreted to mean his play is probably based on Devereux’s life and loves. Fames Memorialis proves Ford’s interest in Devereux’s story and his sympathy toward her plight, and critical support adds weight to the play’s inclusion in Devereux’s literary discourse.39 However, unlike the Devereux of “The Imaginary Epistles,” Penthea is unwilling to mar her honor by embarking on an adulterous relationship with Orgilus after being forced to marry Bassanes. In fact, she already considers herself a whore for marrying and having sex with Bassanes when she was privately contracted to wed Orgilus. In order to maintain the
sanctity of her love for Orgilus, Penthea chooses to erase her public identity as Bassanes’ wife. Because she is unable to divorce Bassanes and reinstate her virginity, Penthea’s only option is to destroy herself through starvation. She literally erases herself as the only way to stay true to Orgilus. When Penthea’s and Ithocles’ father dies, Ithocles, like Devereux’s guardian, breaks Penthea’s contract to wed Orgilus and marries her to Bassanes, a jealous, unpleasant man who is richer than Orgilus. Orgilus admits Bassanes is “a nobleman, in honor and riches . . . beyond my fortunes” (1.i.45-6). Both Orgilus and Penthea find themselves torn between their true love and their forced public separation. In order to protect Penthea from Bassanes’ jealous rage and to attempt to rid himself of his love, Orgilus leaves Sparta and disguises himself as a philosophy student. He tells his father he plans to leave so as “to lose the memory of something / Her presence makes to live in me afresh” (lines 81-2). Like Sidney in his deathbed confession, Orgilus tries to rid himself of the love Penthea’s constant presence inspires.

Orgilus cannot bring himself to leave Sparta and instead further deepens Penthea’s division. Orgilus uncovers his scholarly disguise and Penthea assumes he wants to start an adulterous relationship. She cries: “Rash man! . . . I have not given admittance to one thought / Of female change since cruelty enforced / Divorce betwixt my body and my heart” (II.iii.51-6). Penthea’s final line echoes Sidney’s in “The Imaginary Epistles: “the worst of fortune did agree / to make divorce betwixt my love and mee.” Penthea’s line also echoes Devereux’s claim in “The Imaginary Epistles,” and Astrophil’s in Astrophil and Stella, that their bodies and hearts are divorced: the heart belongs to the lover and the body to the husband. Penthea initially sends Orgilus away in order to keep her honor intact, but ultimately chooses to die to remain true to her love.
She banishes Orgilus with the words: “Honor, how much we fight with weakness to preserve thee!” (lines 130-1). Penthea decides to die and makes Calantha executor of her last will where she gives Calantha permission to marry her brother Ithocles. In her metaphoric will, Penthea parts with her public chastity, leaving it to both “virgin wives” and “married maids.” She also parts with her “fame, I trust / By scandal yet untouched” (III.v.60-1). She leaves these outer/public aspects of herself and her identity as Bassanes’ chaste wife because she cannot live a loveless life: “‘Tis long gone since first I lost my heart,” Penthea mourns, “Long I have lived without it, else for certain I should have given that too” (lines 72-3). In remaining alive and Bassanes’ honest wife, Penthea lives without her heart. She can no longer tolerate such a partial existence and chooses to die, leaving those aspects of her public identity associated with her body behind. Like Blount, in the elegies, who retained his honor and fame at the expense of his body and love, Penthea leaves behind the memory of her fame, chastity, and honor. But unlike Blount, who, according to his elegists, lived a hero for England, Penthea starves herself, reminding her brother and others that her life became meaningless when she lost her heart and her love. Penthea cannot find unity and wholeness in life or in death. She decides to discard her public self because she cannot fulfill her private desires; death is the only means of retaining her chastity without facing a life without Orgilus. Orgilus too chooses death, only his death is in the form of execution after he avenges Penthea’s suicide by killing her brother Ithocles, the man who kept them apart.

Calantha follows in Penthea’s footsteps by choosing to die with her beloved husband rather than live as Queen of Sparta. After Penthea and Orgilus’s tragedy is recounted no one opposes Princess Calantha’s marriage to Ithocles, a man beneath her in
rank and wealth. Prince Nearchus, who is visiting to woo Calantha, admits that he is not jealous of her love for Ithocles; he says, “for affections injured / By tyranny or rigor of compulsion, / Like tempest-threatened trees unfirmly rooted, / Ne’er spring to timely growth” (IV.ii.204-7). True affections or feelings are the primary source of any strong union; law, tradition, and family are often impediments to the firm “planting” of healthy marriages. Calantha and Ithocles are privately married before Orgilus kills Ithocles, but Calantha insists on wedding him in public just prior to her death. This relationship reminds audience members of Devereux and Blount’s brief private marriage before their closely timed deaths. Shortly after Devereux and Blount married and court scandal ensued, Blount died and Devereux was denied inheritance, or the honor of impaling her family’s coat of arms with his during the funeral procession. Calantha, too, feels the sting of Ithocles untimely death before they can publicly celebrate the marriage. After his death Calantha, like Devereux, proclaims the legitimacy of her marriage to Ithocles and chooses to wed him in death. Devereux, of course, did not kill herself to be with Blount, but retired to the country and died within a year of him. The Broken Heart imagines that these couples’ only alternative is, like Romeo and Juliet and Antony and Cleopatra before them, to be married in death. At Ithocles’ funeral, Calantha bestows titles and honors on all present before joining her beloved beyond the grave. She says:

Bear witness all,

I put my mother’s wedding ring upon

His finger; ‘twas my father’s last bequest.

[Places ring on the finger of Ithocles.]

Thus I new-marry him whose wife I am;
Death shall not separate us. (V.iii.63-7)

Many parallels can be drawn between Calantha and Penthea's relationships. By being married to Bassanes, Penthea would never be able to divorce and wed Orgilus. As Ithocles is literally dead to Calantha, Orgilus is essentially dead to Penthea. Both women find themselves permanently and wrongfully divided from their chosen spouses and both women choose to die rather than to live bereft of their private loves. Like Devereux, Calantha finally marries Ithocles, only to lose him and any hope of happiness. Devereux wed Blount after years of maintaining an affair with him in the hopes of legitimizing her love and uniting her public identity to her private desire: becoming Lady Penelope, Countess of Devonshire. With Blount's death, Ford affords her this title at the very moment she permanently loses her love. For Ford, love, affection, and desire are more powerful than any social title, alliance, or honor; his Penthea and Calantha willingly leave all three behind to follow their hearts to the grave. Shakespeare's Romeo and Juliet and Webster's Duchess of Malfi also choose love over family obedience and political titles, but neither are faced with indissolvable prior marriages.

Epilogue

Lady Penelope Devereux's story is at the center of the literary discourse, but her voice remains notably absent. Devereux was a patron for numerous writers; however, the only surviving documents that she actually penned herself are letters to her brother and her queen. She survives in history as a great court beauty, as Sidney's Stella, as Lord Rich's wife, as Blount's lover, as a patron of the arts, and as a woman who performed in court entertainment. Nevertheless, she was also a strong-willed individual and something of a rebel. Her two great public acts, namely defending her brother the earl of Essex after
his rebellion and seeking to legitimize her longtime love affair, characterize her as a
person who followed her convictions despite the consequences. This may be why she
inspired so many artists. She could never be pinned down to one assigned role, whether it
was wife, court beauty, or courtly temptress; she struggled to define her own role. For a
woman, this was a complicated feat even when that role was lawful and traditional, which
Devereux’s was not.

The importance of gender when negotiating marriage and divorce in early modern
England was crucial. It constituted a large part of Devereux’s inability to manipulate
marital law or her public persona. Sidney and Blount were potential and/or actual
adulterers along with Devereux (at least according to the literary discourse), but their
memories and reputations remain un tarnished; their identities as English heroes
unquestioned. But Devereux is largely remembered because of her scandalous affairs; she
is “the fair woman with a black soul.” Her character and memory are reduced to a
popular negative female stereotype. In fact, if it weren’t for her relations with these two
men it is doubtful whether she would be remembered at all. So, how might Devereux
imagine her own identity? She actively sought to unify the two halves of herself when
she decided to marry Blount, despite the fact no one cared they were having an affair.
Was Devereux’s quest to legitimize this relation a failure? Is that why the literary
discourse could not envision a successful way for Devereux smoothly to become
Countess of Devonshire and be accepted as such? What would Devereux have written
about herself and her predicament?

Lady Mary Wroth, the daughter of Robert Sidney, who might have been
Devereux’s niece (had she wed Philip Sidney), found herself in a predicament similar to
Devereux's and wrote a different story about uniting private love and public marriage. For Wroth's characters, in her pastoral drama *Love's Victory* (1621) love is not only a pure and legitimate force, but it overpowers its legal impediments. Wroth married Sir Robert Wroth when she was just seventeen and possibly already in the midst of an affair with her married cousin Sir William Herbert. After Robert Wroth's death in 1616, Mary Wroth and Herbert continued their affair and she bore him two illegitimate children, for which she was dismissed from court. Herbert remained a valued and respected advisor to the king, but Wroth never returned to the social world and chose instead to recreate court life in her writings. In *Love's Victory*, love is, in fact, victorious over legal arrangements and social custom. The play's central couple Musella and Philisses reveal their love for each other after Musella has consented to marry Rustic, a man her mother has chosen for her based on his wealth. Like Ford's Penthea and Calantha, Musella and Philisses decide that death is the only way they can be together, and they drink a potion that makes them appear dead. While "dead," Rustic quickly drops the idea of the match. Musella and Philisses magically awaken and are anticipated by all to marry each other in Venus's temple.

The works from the literary discourse considered here represent a variety of genres including the Petrarchan sonnet sequence, epistolary poetry, the funeral elegy, the personal diary, and the Greek tragedy. Wroth, though, sets her play in a fictive and symbolic world in which magical potions and ancient Gods publicly unite lovers divorced by a prior legal contract. Wroth romanticizes love more than any writer discussed thus far and imagines its possibilities, instead of bemoaning its impossibilities. Her lovers are initially miserable at their forced separation and are characterized in terms of the
body/soul dichotomy that arises in *Astrophil and Stella*, “The Imaginary Epistles,” and *The Broken Heart*. After Musella and Philisses’ “death,” their friend Simeana blames Musella’s mother for forcing the match:

Musella, finding that her given consent  
Proved thus her hell, her soul did then lament.  
Yet could not gain release, but that she must  
Look as her mother liked. O force unjust" (V.v.67-70)

Musella’s body is wed to Rustic, but her soul belongs to Philisses and is trapped in that body. The Priestess Silvesta adds that “A drink I gave them made their souls to meet, / Which in their clayey cages could not” (lines 91-2). This conclusion resembles Ford’s in which Penthea and Calantha find death the only way to free their souls from their bodies, their private loves from their public selves.

However, this is not Wroth’s conclusion. In her fictive world, fake death liberates the lovers, essentially enacting a complete divorce between Rustic and Musella, freeing Musella to marry Philisses. In my previous chapter, fake death was used dramatically to symbolize the divorced woman’s status. Death was the primary means of divorce *a vinculo*: a spouse’s death was the principal means of allowing a husband or wife to remarry. Rustic immediately thinks of this when he hears the news of his fiancée’s demise: “Nay, if she loved another, farewell, she! / I’m glad she by her death hath made me free” (lines 101-2). After being scolded for his shameful response, Rustic replies: “I’m free, I care not.” To which Silvesta immediately says: “The like is she then now” (line 105). If a real death leaves the widow(er) free to remarry, then, in *Love’s Victory*, a fake death frees both spouses to remarry. Rustic breaks their marriage contract and
Musella is reborn Philisses’ wife. While the lovers lie “dead” in Venus’s temple, the priests perform the marriage ceremony:

Philisses, of us take Musella fair,
We join your hands, rise and abandon care.
Venus hath caused this wonder for her glory,
And the triumph of Love’s Victory. (V.vi.63-6)

The couple wed in death and are reborn as husband and wife. Calantha remarries Ithocles when he’s already dead, but she must join him (not he her). A magic potion and the Goddess Venus allow love to triumph over law; Musella dies freeing Rustic to remarry, but is reborn a single woman free to choose to marry for love. Death serves as a complete divorce, as it did in early modern England, only in Wroth’s play death does not necessarily mean that the dead woman cannot come back to life, free to marry again.

*Love’s Victory* appears to represent the fantasy of a woman not free to marry her lover, forced into a real exile because of their relations. Mary Wroth and Devereux are punished for their affairs in ways their lovers are not. A play in which a woman is transformed or reborn into the legitimate wife of the man she loves embodies these women’s fantasies of finally uniting their private loves and public selves, their bodies and their souls. The fantasies had to remain so, for a few centuries at least, before incompatibility finally became grounds for divorce, before love gained a voice in a court of law.
While she is more commonly referred to as “Lady Penelope Rich” or as simply “Lady Rich,” I choose to refer to her by her maiden name “Penelope Devereux” or “Devereux” in order both to distinguish her from her husband Lord Robert Rich and to emphasize her individual identity apart from her unhappy legal marriage from which she was denied divorce a vinculo.


According to the latest edition of the *Dictionary of National Biography*, Sir Philip Sidney was offered a marriage contract by Devereux’s father, which he refused as he was not yet ready to marry, “although he later regretted the decision.” By 1581 when Devereux appeared at court and married Lord Rich, Sidney apparently fell in love with her. The alleged agreed-upon and nullified contract, though, became a popular way of imagining Sidney and Devereux’s love affair, as will be evidenced later in the chapter, and it is the power of popular imagination that interests me more than historical details and accuracy.


See the entry for Penelope, Lady Rich in the Dictionary of National Biography.

This characterization of Devereux’s public reputation is supported by such popular poetry as the pseudo-epitaph Anne Lake Prescott recently shared with me:

Here lies my lady Penelope Rich—
Or the Countess of Devonshire, choose ye which.
One stone contents her—Lo what death can do—
Who when living was not content with two.


Ingram, p. 150.

Ingram, p. 200.

See Ingram p. 175 ff.


There be two kinds of divorces, the one that dissolveth the marriage a vinculo matrimonii, as for precontract, consanguinity, etc., and the other a mensa & thoro; as for adultery, because that divorce by reason of adultery, cannot dissolve the marriage. . . This branch in respect of the generality of the words, priviledge the offender from being a felon, as well in the case of the divorce a mensa & thoro, as where it is a vinculo
matrimonii, and yet in the case of the divorce a mensa & thoro, the second marriage is void, living the former wife or husband.” The Act specifically distinguishes between divorce a vinculo and divorce a mensa et thoro, stating that one who remarries after either divorce is not considered a felon; however, if he or she remarries after divorce a mensa et thoro, the second marriage is considered void. Nevertheless, because these two kinds of divorce are clumped together, it is possible to misread the text and believe it is legal to remarry after either divorce.

18The primary textual evidence for Stella’s identity as Devereux lies in both the verbal puns on the word “rich” in sonnets 24 and 37, and Sidney’s use of 108 sonnets and 108 stanzas in the songs as a whole. Anne Lake Prescott remind us that the number 108 is associated with Homer’s Penelope, and another allusion to Penelope Devereux.
19The biographical truth of Astrophil and Stella has become so widely accepted that critics today often brush the controversy aside, assuming Stella to be Devereux. For instance, Katherine Duncan-Jones begins her essay “Sidney, Stella, and Lady Rich” by stating that “this identification was so well documented by H.H. Hudson in 1933 that it is unlikely that anyone will now challenge it.” (In Sir Philip Sidney: 1586 and the Creation of a Legend, eds. Jan Van Dorsten, Dominic Baker-Smith, and Arthur F. Kinney, [Leiden: E. J. Brill / Leiden Univ. Press, 1986], pp. 170-192, 170). Much of the widespread interest in Sidney and Devereux among scholars, historians, and students of the period is influenced by the power of Sidney’s legend as ideal Renaissance man and Devereux’s reputation as court beauty and seductress. As modern soap operas attract viewers with the lure of knowing the secret lives and loves of their fictional characters, so the power of Sidney’s and Devereux’s stories entice the interests both of their contemporaries and of modern readers. Determining the “truth” about these people’s lives is an ongoing endeavor whose momentum began with Sidney’s early death. I will include here a brief summary of the critical debate over Stella’s identity. First, there is some disagreement among critics over the first reference to Sidney’s Stella as Lady Penelope Devereux. According to George Klawitter, Matthew Gwinne’s sonnet appended to John Florio’s 1603 translation of Michel de Montaigne’s Essays makes the first mention of Stella’s identity as Devereux. Others argue that John Harrington’s comments on first reading Astrophil and Stella in the 1590s reveal Stella’s true identity. By the 19th century, critics appeared fairly certain that Astrophil and Stella were really Sidney and Devereux, and their criticism was primarily filled with readings of the sonnets as biographical facts. One such example is George Lillie Craik’s 1848 The Romance of the Peerage, in which he claims few critics have paid any attention to Astrophil and Stella, and so he briefly underscores important biographical and historical passages. Craik is so sure that Stella is Devereux that he notes how odd it is that Edmund Spenser would dedicate his Astrophel, in which he laments Sidney’s death and praises Stella, to Sidney’s widow (p. 105).
Walter G. Friedrich (1936) interprets Spenser’s dedication as evidence that Frances
Walsingham, Sidney’s wife, is the real Stella (“The Stella of Astrophel,” \textit{ELH} 3, 2 [June]: 114-39). Other critics of the 1930s also began questioning Stella’s identity as Devereux and the sonnets’ interpretation in terms of Sidney’s biography. The chief adversaries were H.H. Hudson and James Purcell. Hudson laid out a detailed case for Stella’s identity as Devereux, while Purcell (1934) claimed that because of Sidney’s moral character, he would never have had an affair, or even a platonic courtship while married. The controversy resurfaced in the 1960s when Jean Robertson (1960) argued for \textit{Astrophil and Stella}’s telling a specific biographical story and Jack Stillinger’s (1960) complaint that critics’ interests in the biographical nature of the sonnets has left the poetry itself bereft of serious scholarly attention. Stillinger sees no evidence for biographical truth in the sonnets and claims they can be no more than “complimentary verse.” (See Stillinger, “Biographical Problem” in \textit{Sir Philip Sidney: 1586 and the Creation of a Legend}, p. 184.) Not until the 1970s and 80s did critics begin to move away from the debate over biography in order to pay closer attention to the poetry of the sonnets. Such a move has only been possible after most critics first accepted, like Duncan-Jones, that Sidney and Devereux are, in fact, Astrophil and Stella. More than revealing any truth behind the claims for Astrophil and Stella’s identities as Sidney and Devereux, this critical debate reveals the power behind the stories of these individuals and the force of our own curiosity.


23Hulse, p. 273.

24Sir Philip Sidney, \textit{Astrophil and Stella,} ed. Peter C. Herman, (Glen Allen, VA: College Publishing, 2001), pp.127-210. All subsequent citations of the sonnets sequence will be from this addition and will appear parenthetically within the text by sonnet and line numbers.


26For examples of medieval debate poetry illustrating this divide, see John Conlee, ed. \textit{Middle English Debate Poetry} (Colleagues Press, 1991).


29OED s.v. divorce 1, 2.


32 Klawitter, p. 72.


34 Freedman, p. 159.

35 Havelock Ellis (1908), Quoted in the Revels Edn. of The Broken Heart, p. 48.

36 Quoted in Klawitter, p. 77.

37 Klawitter, p. 78.

38 John Ford, The Broken Heart, ed. T.J.B. Spencer, The Revels Plays, (Oxford: Manchester Univ. Press; Baltimore: Johns Hopkins Univ. Press, 1980). All citations from the play will be from this edition and will appear parenthetically within the text by act, scene, and line numbers.

39 T.J.B. Spencer, in his introduction to the Revels edition of The Broken Heart, discusses popular theories about Ford’s sources. Spencer quotes Ford’s prologue to the play, in which he claims it to be at least based on truth before arguing that the strongest supported theory is that Ford “was alluding to the troubles of Penelope Devereux.” Additionally, the nineteenth century critic Hartley Coleridge remarked on the connection: “Ford no doubt remembered Mountjoy and his hapless love when he wrote The Broken Heart” (p. 16). Regardless of Ford’s original intent, over the years, his play has become a part of the literary discourse connected to Devereux’s story, part of a canon including Astrophil and Stella.

40 David Lindley describes how the College of Arms refused to allow Devereux to impale her arms with those of Blount during the funeral pageantry, and she was even charged with forging his will. “She could not inherit his estates, it was asserted, because she was not the ‘Earl’s lawful wife but an Harlot, Adultrress, Concubine, and Whore.’” See The Trials of Frances Howard: Fact and Fiction at the Court of King James, (London and New York: Routledge, 1993), p.88.

41 Freedman, p. 159.


43 Lady Mary Wroth, Love’s Victory, in Renaissance Drama by Women: Texts and Documents, pp. 91-126. All subsequent citations from the play will be from this edition and will appear parenthetically within the text by act, scene, and line numbers.
Chapter Four

Annulling the Social Contract: King James’s “Divorce Metaphor” and its Threat to Political Unity

One of the most shocking public scandals of the early seventeenth century concerned Lady Frances Howard. Her divorce a vinculo from Robert Devereux, third earl of Essex, due to his sexual impotence was quickly followed by her marriage to Robert Carr, the king’s favorite, and then by the new couples’ indictment for murdering the poet Sir Thomas Overbury who had opposed their marriage. Howard’s affairs elicited widespread literary response not only from notable writers such as Ben Jonson, Thomas Campion, and John Donne who had been commissioned to celebrate both Howard marriages, but also from less notable satirical writers, such as the anonymous author of the following:

There was at court a lady of late
That none could enter, she was so strait.
But now with use she is grown so wide
There is a passage for a carr to ride.¹

Howard’s sexualized body may have been at the scandal’s center, but King James’s royal prerogative was at the core of the controversy. James was personally involved in both Howard marriages, in her divorce, and in her escape, with Carr, from execution once indicted as murderers. To many, James’s involvement in Howard’s personal affairs, and particularly in her divorce, exemplified his misuse of his royal
prerogative for his own desires and ambitions. This becomes clear upon noting that the year of Howard’s divorce saw not only a flood of poetry and pamphlets about the marriage, but also performances describing the division James created in his kingdom and the tyranny threatened by a king who substitutes his personal passion for law and wisdom. The metaphor of permanent marriage that had been used for centuries to symbolize the English social contract could not accommodate a king who sanctioned divorce without legal precedent. William Shakespeare and Elizabeth Cary drew on stories of historical kings who divorced their own spouses as part of their tyrannical rules to show the place of despotism in a state where divorce is decreed at the king’s whim. The reality of divorce shatters the fantasy of union and solidarity inherent in the marriage metaphor. And illegal divorce further implies royal tyranny. The Howard scandal may have inspired England’s interest in divorce at the time, but the primary concern reflected in these texts is not the personal affairs of a court harlot and a royal favorite. Rather it is the political tyranny and chaos that threatens once a king decrees divorce arbitrarily. By revealing the social division that James’s interference caused, these works illuminate a potential for chaos, despotism, and social uncertainty. Cary’s and Shakespeare’s plays exemplify how, as Susan Dwyer Amussen describes, “the family and the state were inextricably intertwined in the minds of English women and men of the sixteenth and seventeenth centuries.” As long as the social contract is likened to indissoluble marriage, a king who permits divorce threatens its stability. This chapter illuminates James’s abuse of power during the Howard scandal to reveal how one very public divorce divided court opinion and exposed the dangers of absolute patriarchal rule.
James's involvement in the affairs of the Howard and Essex families dates from the start of his reign in 1603. When James ascended the throne, he helped ameliorate the longtime feud between Essex and the Howards by promoting the marriage of the very young Frances Howard and Robert Devereux (neither had yet come of age). The two were married in January 1606. By 1613 Howard was romantically involved with the king's favorite, Robert Carr. Not satisfied with a sexual intrigue, Howard wanted to marry Carr legally, and therefore, to nullify her marriage to Essex.

Howard argued that the divorce should be granted because witchcraft had left Essex sexually impotent and unable to consummate their marriage. This report understandably shamed and infuriated the Essex clan. According to the account of the divorce proceedings by the king's attorney general, Sir Francis Bacon, Howard claimed she desired to have children, yielded her body to Essex, but "the said Earle could never carnally know her." Essex admitted that he had not had intercourse with Howard, but that the problem was hers and not his. Howard's body was inspected by midwives in the presence of three female witnesses and she was determined to be a woman "apt to have copulation, to bring forth children, and that the said Lady is a Virgin and uncorrupted." On the basis of the evidence, the marriage was nullified and both Essex and Howard rendered able to remarry. It is not surprising that Essex and his clan, shamed by public accusations of his sexual impotence, renewed their feud with the Howards, and chose not to attend the royal festivities for Howard and Carr's nuptials.

There is little doubt that James's involvement in the case assured Howard's success despite opposition by influential figures. Lord Archbishop Abbott's speech to James had opposed the divorce on ecclesiastical grounds. He argued that there was no
support, either in church doctrine or in previous cases, for Howard’s claim as reason for divorce. He recommended Essex might be healed through the giving of alms, fasting, and prayer, but he could not advocate divorce. James responded directly to the archbishop, claiming that to use scripture as the sole guide to such matters is puritanical. Scripture is only sufficient to decide “all Controversies in points of Faith and Salvation, of which sort a nullity of marriage cannot be accompted.” The king overruled the archbishop, arguing that the purpose of marriage was for producing children and for mutual affection; if neither was possible, then the marriage should be nullified. In addition, James delayed the verdict in order to add two commissioners to the case whom he knew would vote to grant the divorce. As it turned out, seven voted for nullity and five dissented; James’s appointments proved crucial. During the proceedings, there was great public debate over the case. Key members of court disagreed with the legal decision and the couple’s actions. Even Queen Anne disagreed with the court’s decision. The king sought to insure that these voices were silenced. Carr’s former friend, the poet Sir Thomas Overbury, spoke out publicly against the divorce, for which he found himself committed to the Tower and eventually murdered. Howard’s reputation was under public debate; she was often characterized as a whore or a witch. Nevertheless, by Christmastime Howard and Carr’s marriage was celebrated as a great unifying force in the Stuart monarchy.

It was ultimately James’s interest in Howard and Carr’s marriage, and not the validity of Howard’s annulment case itself, that assured the nullity was granted. The king’s manipulation of the legal proceedings guaranteed Howard’s success. James’s denial of scriptural authority in his response to the archbishop, as well as his praise of
marital affection, the virgin test itself, and the court's partiality all raise serious doubts about the legality of Howard and Essex's divorce. The king intervened on his own behalf and on the behalf of his favorite. In so doing, he further divided his court. He defied prevailing criteria that scripture and religious doctrine as well as legal discourse, occupied a central place in the debate over the legality of divorce. His description of marriage as a companionship for the purpose of producing children bore some religious validity, however, lack of progeny was never grounds for annulment or divorce. A marriage might be annulled if it could be proved that it was never consummated, but James relied on physical exams that were inconclusive at the time to prove undoubtedly Howard's virginity or her involvement in witchcraft. His own doubts about the strength of the case are suggested by the fact that he chose to add extra judges to the court.

Although the king had the power to assure Howard's divorce and remarriage, he proved not to have the power to silence Essex supporters and others opposed to Howard. The Essex party comprised an oppositional voice ensuring that Howard and Essex were not the only ones separated by their divorce decree; public scandal that had begun during the trial itself erupted and opinion was divided. Howard's reputation as a whore continued, demonstrating public disbelief in the trial's validity and justice. As another anonymous satirical poem circulating at the time put it: "This dame was inspected but Fraude interjected / A maide of more perfection." Not everyone was convinced of the verdict or the virginity test supporting it. The masques in honor of Howard and Carr's marriage, therefore, were intended to serve as more than simply marriage festivities; they were meant to restore reconciliation and peace to the Stuart court. Jonson's A Challenge at Tilt, The Irish Masque at Court, and Thomas Campion's Somerset Masque each
portray a confrontation between oppositional voices and eliminate them in order to create ideal unity and harmony. Nevertheless, like the Essex clan's notable absence from the marriage festivities, the presence of unwanted voices and of dispossessed persons threaten to undermine the masques' goal of portraying true unity. Elizabeth Cary's *Tragedy of Mariam, the fair Queene of Jewry* and William Shakespeare's *Henry VIII* also recognize the voice of the divorced or dispossessed figure as a significant threat to the royal myth of perfect union between king and subject. In the plays, though, division leads to an oppressive state in which the king's will translates into tyranny. In each work, marriage and divorce are tied metaphorically to national unity and political despotism. Thus, while the masques might merely confront social division, the dramas go further to reveal the division caused by royal divorce decrees. They portray the political despotism that ensues from a king's abuse of his royal prerogative.

The king's role in the Howard/Essex divorce was even more important because James had already created division and alienation at court. Practically from the start of his reign in 1603, James alienated his new English subjects when he retained numerous Scottish peers in his inner circle and offered familial coats of arms for sale. It was under his reign that struggles between rival groups of courtiers escalated, especially after the death of Prince Henry in 1612.10 The notion that a king might decree a divorce was not new; after all, Shakespeare drew on the notoriety of Henry VIII's divorce from Katherine of Aragon in his play that year. But it is possible that Shakespeare came out of retirement to write *this* play only at *this* time because it was only now that the possibility of royal tyranny existed for the audience at the Globe's final dramatic performance. Whether the
king is dividing his own marital union, or the marriages of his courtiers, he threatens English ecclesiastical law.

James’s court division and public scandal inspired Cary’s and Shakespeare’s depictions of the abandoned state of the divorced spouse and her symbolic connection to political tyranny. If the king is figured as England’s metaphorical husband, it only follows that the suffering and abandoned wife represents, to some extent, the suffering English nation. At a time when James was trying to instill harmony, the realities of division lurked on English stages and in English bookstores. Writers describe and characterize the painfulness of divorce as a means of reinforcing hope in both marriage’s and the state’s indissolubility. The texts considered in this chapter are linked not only because they are tales of divorce and public scandal, but also because they reflect division at the heart of the country’s leadership. Two of them, The Tragedy of Mariam and Henry VIII, further consider the social chaos inherent when a king takes his royal prerogative too far and becomes tyrannical. In both plays, royally decreed divorce leads to a state in which all courtiers live at the king’s mercy. Cary’s and Shakespeare’s plays create visions in which justice and wisdom, and not personal ambition, should be at the heart of a monarchy. In each, the divorced subject is included in order to resist false notions of royal divinity and social unity.

An exemplary instance of the divorced subject’s disquieting presence is the Essex clan’s noticeable absence at a performance of Jonson’s A Challenge at Tilt, in honor of Howard’s second marriage to Carr. Their absence challenged the entertainment’s claim that it symbolized a unified court. On December 27, 1613, the day after the wedding, two figures appeared at court each claiming to be the real cupid. Each argued he was the true
cupid, one because of the acts of love he performed for the groom and the other for the bride. During their argument, the second cupid responded to the first cupid’s claim that he is merely cupid’s shadow by asking: “If I be a shadow, what is substance?”  

While the second cupid continues to defend his identity as the real cupid, his question looms larger than the performance itself. The cupids agree to return on New Year’s Day for a tilt that will determine the true cupid. They return as part of a public spectacle where one cupid tilts in the colors of the bride’s family and the other in the colors of the groom’s family. When neither side wins, Hymen emerges to speak of the great peace between them and to explain how they are brothers and how both are real cupids, “[b]y whose example let your knights, all honorable friends and servants of love, affect the like peace and depart the lists equal in their friendships forever.” Warring, but finally peaceful cupids become a symbol for the ideal marriage celebrated between Howard and Carr. Hymen concludes praying: “may this royal court never know more difference in humors, or these well-graced nuptials more discord in affections, than what they presently feel and may ever avoid.” The cupids serve as emblems of love and peace who reign over the happy couple and over the entire court unified through the match.

However, the tilt not only illustrated courtly unity, but the reality of its performance might be interpreted as undermining that very unity. The second cupid’s question: “If I be a shadow, what is substance?” can be seen to address the role of the courtly performance in furthering the king’s political agenda. And in this instance, that performance may have failed. The court masque, at the time, was considered a performance of truth and power, rather than mere shadow or drama. These spectacles, like a contemporary presidential appearance aboard an aircraft carrier, are scripted
devices to reflect substantive royal power, influence, and harmony. However, *A Challenge at Tilt* might have existed as merely a shadow; the harmony the *Tilt* symbolized was questionable in reality. As David Lindley argues, it would have been apparent to all present at *A Challenge at Tilt* that the Essex clan and their supporters were absent from the festivities. If the message of the *Tilt* was that the unity of these two courtly families symbolized the unity of the entire court, then the notable absence of some of the most important families might have left those present feeling a notable division.\(^{15}\) Essex’s absence underscored the performance’s fictitious quality; the *Tilt* is the shadow of a social harmony that did not necessarily exist in substance. The *Tilt*’s imaginative failure reflected the mythic power of marriage and divorce to reflect England’s monarchy.

The marriage contract had long been a symbol of the social contract, and was used by both Elizabeth and James to secure political power. Elizabeth justified her refusal to marry by claiming England as her lawful spouse. Her love and devotion to the state was a model for the adoration she expected (and received) from her courtiers and subjects. James relied on marriage’s hierarchical nature to secure his patriarchal authority. Marriage was not only a symbol of natural hierarchy for James, but represented the indissoluble union between king and subject, as ordained by God. The relationship is outlined in the king’s 1603 speech to Parliament: “What God hath conioyned then, let no man separate. I am the Husband, and all the whole Isle is my lawfull Wife.”\(^{16}\) Mary Lyndon Shanley notes that even later, during the years of civil war, royalists would cling to the marriage contract as “a perfect analogue to any supposed contract between the king and his subjects, for marriage was a contract but was in its essence both hierarchical and
irrevocable." But when the king oversteps human authority by decreeing divorce, patriarchal power and absolute rule begin to border on tyranny and throw into doubt the justness of his reign. Political myths can establish, secure, and maintain power. Queen Elizabeth had flourished as a female ruler in a male dominated world in part by using the symbolism of courtly love and popular religious iconography, like that of the virgin Mary, to inspire devotion. As a male ruler, James did not need to justify his abilities, but as King of Scotland and son to Catholic Mary, Queen of Scots, it was crucial for James to establish himself as the rightful heir to the English throne. He used the royal myth of divine right of kings to rule without question. But, in the case of the Howard marriages, James’s patriarchal myth proved more divisive than powerful.

Campion’s *The Somerset Masque* was performed in Whitehall on the night of the wedding. The masque includes characters named Error, Rumor, Curiosity, and Credulity. Its mythical enchanter represents social vices at work in the scandal over Howard’s divorce. The vices need to be expelled in order to celebrate the Howard/Carr union and its future promise. The masque daringly relies on Queen Anne, an Essex supporter, as an “actor” who celebrates Howard and Carr’s marriage by ushering in English peace and royal celebration. The noble audience was well aware of Anne’s deep animosity toward Carr; her participation could be acknowledged as a public “conversion” of sorts, but its presence, nevertheless, suggests the masque’s fictitiousness. Lindley remarks that the divorce caused a rift not only within the court, but within the royal marriage itself. Anne was known to be loyal to Essex and to loathe Carr. “She may be imagined, therefore,” Lindley adds, “to have had a double animosity to the divorce and the proposed
remarriage." Her position would not have been forgotten or overlooked by the courtly audience.

The first part of the masque, the anti-masque, confronts the early troubles the marriage faced and the court division it caused. In the opening, four squires arrive on the English sea coast and tell the king about the evils they faced trying to get to the wedding feast. They relate how the figures of Error, Rumor, Curiosity, and Credulity, two male and two female enchanters, were intent on keeping the squires and lords from attending the nuptials by creating a wild tempest. The four squires made it to the palace, but the other knights were cruelly transformed into gold pillars: fixed and immobile. After the squires' opening remarks, the enchanters arrive attired according to their namesakes: Error dressed like a serpent, Rumor covered in images of winged tongues, Curiosity covered in eyes, and Credulity covered in ears. Their arrival ushers in the four winds that lead a confusing and erratic dance. The fourth squire begs the king to protect them: "For see, those curst Enchanters presse in place / That our past sorrowes wrought: these, these alone / Turne all the world into confusion." The tumult created by the enchanters in the form of the anti-masque dance visually represents the chaos and scandal of the past few months.

One might expect that Campion's masque would have concluded with the king, perhaps, rising and blessing the squires and their comrades, banishing the enchanters, and ushering in a joyous marriage celebration. Such a performance would reinforce James's benevolent authority, and his power to expel hatred and rebellion and to insure peace and unity. Instead, Campion chose to place Queen Anne, and not the king, at the masque's center as the figure who releases the captive knights and ensures harmony. It is essential
for Campion to demonstrate Anne's approval of the marriage festivities in order fully
to demonstrate court unity behind the marriage. Thus, at the end of the anti-masque
dancing, Harmony appears with nine musicians to sing a song in which Eternitie carries a
sacred tree from which the queen must pull a branch in order to release the knights and to
expel the enchanters:

*Bring away this sacred Tree,*

*The Tree of Grace, and Bountie,*

*Set it in Bel-Annas eye,*

*For she, she, only she*

*Can all Knotted spels unty.*

*Pull'd from the Stock, let her blest hands convey*

*To any suppliant Hand, a bough,*

*And let that Hand advance it now*

*Against a Charme, that Charme shall fade away.*

Toward the end of this Song the three, destanies set the Tree of Golde
before the Queene.

Squire: In vertues favour then, and Pittie now,

(Great Queene) vouchsafe us a divine touch't bough.

At the end of this speech, the Queene puld a branch from the Tree and
gave it to a Nobleman who delivered it to one of the Squires.20
Harmony asserts that only the queen is able to pluck the branch and free the knights to attend the wedding. By giving Queen Anne this power, Campion allows the queen to choose whether to participate and to pluck a branch or not to participate and to leave the masque to fail, the knights to remain imprisoned, and the nuptials to be left uncelebrated. In order to entice Anne to participate in the masque, Campion has Eternitie, the chorus, and one of the squires separately address her and her role. After Eternitie stresses that “only she” can undo the enchanters’ spell, the chorus sings: “Since Knightly valour rescues Dames distressed, / By Vertuous Dames, let charm’d Knights be released,” and the squire finally appeals to the queen’s pity. Campion scripts the queen’s participation as much as possible by figuring her as the virtuous Dame who is rescued by, and therefore rescues, worthy knights. All leads up to the moment when the queen has the seemingly real choice of whether to take a branch or not. Anne, of course, participates in the masque and after taking the branch, all are magically transported to London where the masquers dance with the audience.

While Anne plays her part in the political spectacle that ultimately emphasizes the promise of progeny for the happy couple, it is her inclusion in the performance, and her moment of potential choice, that questions its perfect vision of social harmony. By pitting the queen against the enchanters and putting their banishment in her hands, Campion recognizes both the scandal instigated by the Howards and the queen’s alliances with those siding against them, Carr, and the king. Campion acknowledges social conflict and the possibility that the masque might represent it at the moment he presents the royal fiction of unity and harmony for which the masque form was designed. Anne performs
her role, but Campion’s efforts to praise her and to entice her participation further magnify her oppositional stance and the king’s desire that she publicly support the marriage. This moment of choice, while subtle, would not have gone unnoticed by those viewing the masque.

*The Irish Masque at Court*, like Campion’s masque, seemingly foregrounds the exclusion of rebellious factions, while at the same time, incorporating them into a troubling vision of political unity. Jonson’s masque for the Howard/Carr wedding was performed on December 29, 1613, the third night of marriage festivities. It was so popular, though, that the king requested a second performance a few days later on January 3rd. Jonson mocks Campion’s masque by imitating his format but substituting Irishmen for the squires, knights, and enchanters. Much of the critical attention to the masque has focused on its negative images of Irish culture, language, and religion, and on its seeming irrelevance to the occasion for which it was supposedly written.21 I contend, however, that Jonson specifically relies on the humor generated from negative Irish stereotypes in order to deflect attention from the court division the masque addresses: namely the exclusion of Essex supporters. The anti-masque consists of four Irish footmen who approach the king, much as Campion’s four squires do. The footmen speak in Irish dialect, and are represented as uneducated ‘rabble rousers’ who cannot even identify King James. The only mention of the marriage comes when the footmen admit the reason of their voyage to court:

*Dennis.* An’t pleashe ty graish, I vill tell tee: tere vash a great newsh in Ireland of a great bridial of one o’ ty lords here, an’t be.

*Patrick.* Ty man Robin, tey shay.
Donnell. Marry ty man Toumaish his daughter, tey shay.

Dermock. Aye, ty good man Toumaish o'Suffolk.

Donnell. He knock ush o' te pate here ash we come by, by a good token.

Dermock. I'fait, tere ish very mush phoit stick here stirring tonight. He
takes ush for no shquires, I tink.²²

Robin, of course, refers to Carr and “Toumaish,” is Thomas, earl of Suffolk and father to Frances Howard. The footmen’s dialect and demeanor differentiate them not only from the squires in Campion’s masque, but from the noble courtly audience as well. The father of the bride is accused of hitting them in the head, rather than welcoming them as Irish ambassadors. James’s court requires these men’s expulsion to insure peace between England and Ireland. The exclusion of these clearly inferior subjects not only echoes English attitudes toward Ireland and its people, but suggests division within the English court. In order for Howard and Carr to be married, the king needed to divorce her from Essex, thus excluding him and his supporters in order to insure the wedding festivities of his favorite.²³

Jonson uses the anti-masque form and the figures of stereotypical Irishmen to describe the dissonance divorce instilled in James’s court and country. Jonson created the anti-masque form in order to serve as a site of contestation and political subversion, according to David Bevington and Peter Holbrooke. The invention was meant to give space to the unruliness Jonson witnessed in court politics.²⁴ Because the court masque is a highly self-censored form of performance, Jonson and Campion had only tiny moments in which to register dissent and had to do it tactfully. Attempts to understand Jonson’s only slight mention of the Howard/Carr marriage in their wedding masque have led critics to
believe Jonson was asked very late to produce the masque and used the occasion to perform an Irish masque he had already written; he simply tacked on the allusion to the marriage. Lindley alternatively claims that Jonson might have removed other allusions to the marriage when he published his 1616 works due to his embarrassment for having taken part in the festivities for a couple who would later be convicted of murdering a fellow poet.25 However, the masque’s distinct echoes of Campion’s masque suggest that Jonson did create the masque for this particular occasion; his Irishmen would have reminded audience members of particular figures in Campion’s masque they saw only two days prior, and to absent members of James’s court. By using Irishmen instead of enchanter and squires, Jonson subtly conflates the two in an effort to present veritable subjects involved in the divorce scandal. Campion presents figures who oppose the marriage in the form of supernatural beings wielding magical forces. Their wickedness and disruptiveness are inherent in their very beings. Conversely, Jonson presents simple Irishmen who mean no evil or disruption, but are nonetheless expelled, like Campion’s enchanter. The characters’ Irishness and social inferiority could distinguish them enough from Essex and his supporters to bypass royal censure. Jonson’s use of dialect and men from a neighboring, lesser land utilize humor to veil social dissonance.

Jonson uses lower class Irishmen to represent his “squires” and “enchanters,” and upper class Irish “mayshters,” as the footmen describe them, the nobles who finally succeed in meeting James and dancing with members of his court. The masque uses two separate groups of Irishmen, one to be banished and one to be welcomed. Rather than transforming the lower class Irishmen into acceptable English subjects, as Jonson does the black women in his 1605 Masque of Blackness, The Irish Masque can be seen to
imply division and exclusion at the moment the masque celebrates unity and peace.

Thomas Rist and other critics rightfully argue that the masque presents James as a
civilizing agent who brings peace, right religion, and decorum to the “rebels and
knaves.”26 But if this were Jonson’s only objective, he might have had the footmen
become civilized, well-spoken, and well-dressed during the course of the masque.
Instead, the footmen are banished for their rudeness, and the Irish nobility unite with
James and his court. One group of characters does not transform into the other; rather,
there are two distinct groups, one acceptable and the other unacceptable. Like Campion’s
enchanters who cause a wild tempest and freeze knights in immobile pillars, Jonson’s
footmen describe how their masters were caught in a storm caused by the “villainous wild
Irish sheas,” that cast away all of their fine clothes.27 The very men apologizing and
pleading for their masters, however, will later be conflated with those wild Irish seas. The
seas and the footmen represent Ireland’s wildness that cannot be tamed, but only
excluded. After promising James that most of their fellow Irishmen love him, the
footmen perform a dance “to the bagpipe and other rude music,” before announcing the
arrival of their masters.28 The gentlemen arrive in their mantles and dance a more solemn
dance to the music of the harp, distinguishing them from the rudeness of the footmen’s
dance. Finally, a man Jonson characterizes as “a civil gentleman of the nation” interrupts
the footmen and sends them away.29 Speaking in clear English, the gentleman says:

    Hold your tongues!

    And let your coarser manners seek some place

    Fit for their wildness. This is none; begone!

    Advance, immortal bard, come up and view
The gladding face of that great king in whom
So many prophecies of thine are knit.
This is that James of which long since thou sung' st
Should end our country's most unnatural broils;
And if her ear, then deafened with the drum,
Would stoop but to the music of his peace,

This is the man thou promised should redeem,
If she would love his counsels as his laws,
Her head from servitude, her feet from fall,
Her fame from barbarism, her state from want,
And in her all the fruits of blessing plant. 30

The speech ends with the bard singing and the gentlemen dancing with the audience before they remove their mantles to reveal their returned noble attire. The gentlemen speak perfect English and, with their native bard, bless James who will bring them peace and harmony. However, the gentleman praises James and his ability to end Irish "unnatural broils" only moments after he harshly dismisses the footmen who pleaded for him. The footmen are sent to find a more appropriate place for their "wildness."

Jonson's footmen might sound and act ridiculous, but they present no serious threat to James, in fact, they cannot stop declaring how much they love him:

_Donnell_. Tou hasht very good shubsheets in Ireland.

_Dennis_. A great good many o' great shubsheets.

_Donnell_. Tat love ty mayesty heartily.
Dennis. And vill run through fire ant vater for tee, over te bog and te bank, be te graish o’Got and graish o’king.

Dermock. By Got, tey vill fight for tee, King Yamish, and for my mistresh tere.31

But the footmen remain banished for the remainder of the performance, even during the final dance in which the song recounts how everything grows and blossoms under the great and benevolent light (of James). The rude Irish footmen give way to the well-adorned Irish gentlemen who praise James and demonstrate the blessings of English colonization. However, the wild footmen are not transformed into proper English citizens, nor are they representative of rebellious factions. Their comic presence masks the seriousness of their sudden expulsion at the moment James is invoked as the great peacemaker.

Jonson covertly uses Campion’s device in which court scandal is quelled by a unified royal couple in order to illuminate the humanity of those supposed rebels and the real division at the marriage’s symbolic core. If this was indeed what Jonson was doing, then the Irish footmen stand in for both Campion’s squires and enchanters, suggesting that it was not some magical evil beings against this marriage, but noblemen as worthy as the squires. The footmen’s banishment from court at the moment of celebration is a reminder of Essex and his family’s rejection by James when the king annulled Essex’s marriage with questionable legal precedence. The court gathers to celebrate the marriage of a couple who severed court relations and royal obedience, instead of strengthening them. Jonson can be seen to acknowledge this dissent through his use of the wild Irish stereotype, one more comical than threatening. Campion and Jonson’s masques use the
occasion of the Howard/Essex divorce to, perhaps, consider the reality of social division within an occasion intent on peace and unity. Campion’s use of Queen Anne’s choice and Jonson’s use of the expelled Irish footmen both consider a sense of courtly division and royal expulsion at the heart of performances of harmony and unity.

* * *

The dramatic performances of 1613 use the occasion of the Howard/Essex divorce to consider the divisive human effects of royally decreed divorce. Shakespeare and Cary are not so constricted as are Jonson and Campion. Their dispossessed characters, both women, speak more loudly: they reflect on the painful realities of being divorced against one’s will and of being left a foreigner in a place that had once been home. These women, like Essex, are divorced not merely by their spouses, but by their kings. The royal prerogative to enact divorce and remarriage here also breaks the indissoluble social contract and threatens despotism.

“What did he hate me for? For simple truth? For bringing beauteous babes? For love to him? For riches, noble birth, or tender youth? Or, for no stain? Did Doris’ honour dim?”32

“In what have I offended you? What cause Hath my behavior given to your displeasure, That thus you should proceed to put me off, And take your good grace from me?”33

Both passages are spoken by fictive divorced queens. The former speaker is Doris, Herod’s first wife, in Cary’s The Tragedy of Mariam, The Fair Queene of Jewry. The latter speaker is Katherine of Aragon, first queen of Henry VIII, in Shakespeare’s Henry VIII. Doris and Katherine’s voices are significant and unique in English dramatic
history. It is rare that a divorced queen, especially a fictive one, plays such a vital role in interrogating her husband’s authority and her displaced identity. Both of these characters question the king’s will and the legitimacy of their divorces, and both plays appeared during the public scandal of Howard’s divorce proceedings. The plays link the monarch’s personal divorce and his execution of his courtiers. Both kings appear tyrannical as they disregard human laws and morality to satisfy their personal desires and to promote their personal ambition. The stories of Herod’s and Henry’s divorces at a time when James was personally responsible for Howard’s divorce from Essex suggests the belief that if the king decrees divorces at will, chooses and eliminates favorites, he may not be far from becoming a royal tyrant who executes at will. Doris and Katherine remind other characters in their respective plays, as well as their readers and audience members, that an arbitrarily broken marriage contract could also imply a broken “marriage” between the king and his people.

Many critics describe correlations between the plays and the divorce scandal, but none have considered the larger issue that both the Howard/Essex case and the plays raise: the king’s power to divorce and its political implications on his subjects. For instance, Josephine Roberts suggests that the plays’ appearances in 1613 represent a convergence of works published that year interested in images of lustful women, problems of marriage, and acceptability of divorce, all issues inspired by the Howard/Essex case. William Baillie agrees; he contends that Shakespeare wrote *Henry VIII* in order to confront Jacobean issues and events “of the months immediately preceding the play’s premiere,” including the Howard divorce. And Donna Hamilton argues that *Henry VIII* directly dramatizes the Howard/Essex divorce: Essex is identified
with Katherine and Frances with Henry. Other critics understand Henry’s struggles and choices in Shakespeare’s play as representative of more general issues during James’s reign. No critic, though, has considered the importance of the divorced spouse in these plays and how prominently her voice is figured. Henry VIII is most often compared to Shakespeare’s earlier history plays or to his later romance The Winter’s Tale over questions of genre. Whereas, The Tragedy of Mariam is most often compared to Shakespeare’s Othello in terms of spousal murder and jealousy, or to Milton’s Samson Agonistes in terms of the closet dramatic genre, outspoken wives, and divorce. When considered together, however, The Tragedy of Mariam and Henry VIII reflect the senses of betrayal and foreignness experienced by these divorced queens. The queens’ painfully human states reinforce the realistic social fears of tyranny and national division, fears that would only become too real in the ensuing decades.

*The Tragedy of Mariam*

The character of Doris in the play is often either neglected or lumped together with the play’s other vengeful women: Alexandra and Salome. But Doris is different and unique; her expression of the emotional realities of a divorced queen articulate the dangers of divorce as a royal (and male) prerogative both for wives and for subjects. Doris and Mariam share similar fates; Cary unites these women using Doris to foreshadow Mariam’s future. Doris’s presence in the play can be likened to a ghost who appears only to Mariam, and is otherwise neglected by the play’s chorus and major characters. Doris’s experience with divorce has been largely neglected by critics who generally focus on Herod’s sister Salome who seeks to initiate divorce, a right reserved for men alone. Both Roberts and Lindley note a strong comparison between Cary’s
Salome and Frances Howard: both were strong women, both initiated divorce, and both were characterized as witches. The comparison might have influenced Mariam’s publication that year, but neither critic considers the depiction of the play’s only divorced character, Doris, and what comparison might be drawn between her dismissal and James’s involvement in the Howard divorce case. Diane Purkiss reads the play in terms of the royal marriage metaphor, and asserts that Mariam needs to die in order to safeguard the state from tyranny. Mariam’s head is severed from her body to represent the king’s separation from his state through his own tyrannical behavior. Marriage is a political metaphor used to explore “allowable and intolerable levels of resistance to tyranny and questions of rebellion and tyrannicide.” But nowhere in her article does Purkiss consider Herod’s first wife, Doris, who is cast aside, apparently, so Herod could marry Mariam and secure power over ancient Judea. Danielle Clarke considers Doris’s presence as a reminder to readers that, according to Jacobean law, her marriage to Herod is still lawful, and thereby opposed to Mariam’s marriage motivated by political ambition and passion. Herod’s tyranny stems from his ‘unlawful’ marriage. I contend it stems from his unjustifiable divorce.

Doris, the divorced and expelled woman, is a warning to Mariam, to Constabaros, to Herod’s subjects, and to the English subjects who were Cary’s readers, of the fate of the abandoned wife, the expelled subject. If Mariam needs to die in order to safeguard Herod’s state from tyranny, as Purkiss describes, then Doris serves as the living reminder of the divorce that helped create that tyrannical state. A king who effortlessly divorces his spouse at will might do anything at will, including murder, with no recourse to a court of law. Doris threatens Mariam and readers with her fate. Among the few critics who
consider Doris’s role in the play, there is no consensus about her place within the plot. For Meredith Skura, “Doris is Mariam’s nemesis,” whose curse represents the play’s maternal tyranny Mariam defies.\(^{41}\) For Tina Krontiris, though, “Cary is openly sympathetic to Doris, whom she presents as a victim of patriarchal laws.” According to Krontiris, Doris, like Salome, challenges the Mosaic divorce law, but does so in a way that presents her as its victim worthy of reader sympathy.\(^{42}\) Jeffrey Alan Lodge, too, sees Doris as a milder version of Salome, but not one worth our sympathy. Lodge argues that she refuses to abide by tradition by refusing to accept her divorce, therefore strengthening the play’s presentation of the necessity of supporting tradition. Lodge refers to Doris at the end of the play as “another ill-equipped torchbearer for future society.”\(^{43}\) Doris is a torchbearer for a society broken by divorce, not one resisting tradition. She and her son are left homeless and powerless, and her anger only reinforces the deep division and hatred in Herod’s court. If, as Lodge contends, Cary is using the Mosaic divorce law to stand in for a tradition that should not be questioned, then why is it only utilized by Salome and Herod, the play’s villains? Doris is more akin to Mariam than she is to Salome. Both Mariam and Doris cling to their opinions of the biblical divorce law in order to justify their identities over which they have lost all power to Herod. Mariam needs Mosaic law to be upheld so she can claim the identity of legitimate wife. Doris defies the law because it displaces her and disinherits her son. Neither woman chose her current place in Herod’s life, and each woman lashes out at the other from a place of powerlessness. Mosaic divorce law only breeds tyranny by allowing men the freedom to divorce at will.
Doris and Mariam are paired as Herod’s wives; both are ultimately disposed of. Cary supplies ample opportunity for Mariam to learn her fate from Doris. Doris dreams of avenging Mariam and curses her and her children with her own curse, the fate of the powerless queen. Both are unjustly cast aside by a king more intent on padding his ego than on unifying a divided and hostile state. The play’s argument opens by describing how Herod “crept” into the Jewish monarchy and “married Mariam, the daughter of Hyrcanus, the rightful king and priest; and for her (besides her high blood, being of singular beauty) he repudiated Doris, his former wife by whom he had children” (Cary, “the argument”). Cary’s wording carefully unites Doris and Mariam’s fates in the hands of Herod. “For her. . . he repudiated Doris.” Doris is not repudiated because of what Herod does (desires Mariam), but because of who Mariam is (daughter of Hyrcanus, of high blood, beautiful). When Doris evaluates her situation she compares herself as a young queen to Mariam:

Was I not fair enough to be a queen?

Why, ere thou were to me, false monarch, tied,

My lake of beauty might as well be seen

As after I had lived five years thy bride.

Yet then thine oaths came pouring like the rain,

Which all affirmed my face without compare;

And that if thou might’st Doris’ love obtain,

For all the world besides thou didst not care.

Then was I young, and rich, and nobly born,

And therefore worthy to be Herod’s mate. (II.i.235-44)
According to the play’s argument, Herod marries Mariam because of her family lineage and her singular beauty. In the above passage, Doris insists she once had these qualities too; she was just as worthy to be Herod’s wife. Before Mariam, it was Doris’s face that was “without compare.” Even Mariam’s mother Alexandra conflates Doris and Mariam’s fates when she warns her daughter that the man who murdered her father and brother might so easily turn on her. She says: “Who knows if he, unconstant wavering lord, / His love to Doris had renewed again, / And that he might his bed to her afford?” (I.i.127-9). Mariam is sure Herod would never renew his love for Doris, but Alexandra’s warning is, nevertheless, a reminder that Mariam might face Doris’s fate.

Mariam and Doris’s fates prove similar; Doris describes the life of a divorced woman as a “living death,” much like the dramatists discussed in chapter two. Rejection by the king has left Doris with no identity, no home, and no promise for her children. Doris lashes out in anger against Mariam, believing, like Alexandra above, that if she can somehow unseat Mariam, her place at Herod’s side and her son’s birthright may be restored. She re-enters the city that was once her home:

You royal buildings bow your lofty side
And scope to her that was your queen,

...........................................

And so long
Since I returned my native town to seek;

And with me nothing but the sense of wrong. (II.i.215-26)

In this scene, Doris reminds readers that she is a person with a home, a life, and an identity that were all stripped from her when Herod divorced her. Nine years have passed
since last Doris visited the city that was her home. She expresses a certain familiarity with, and alienation from, the place she knew so well. She finds comfort in the “royal buildings” that appear to be her only welcoming subjects. The buildings are a substitute for the people who have alienated her. In the concluding lines, readers glimpse the outcast’s experience when returning home. The native town, the place of one’s birth, is often fondly recounted and revisited as a place that established one’s life and identity. All Doris has left is the “sense of wrong” she experienced in the place that was her “native town.” Her former life and her identity have been stripped from her; she is a living ghost left to believe only the structures acknowledge her.

Doris’s alienation is magnified by the suffering and abandonment of her innocent son. She recounts the hope and joy she experienced at his birth:

And thee my boy, whose birth though great it were
Yet have thy after-fortunes proved but poor,
When thou wert born, how little did I fear
Thou should’st be thrust from forth thy father’s door.  
(lines 227-30)

Doris becomes an individual here, not simply a side note in the play’s argument. Readers can imagine the human sufferings of this woman and her child. After all, two such figures in Jacobean England would be among the king’s most vulnerable subjects: a woman alone and a child bereft of patriarchal protection and lineage. Skura describes Alexandra and Doris as maternal tyrants. But, considering the drama from Doris’s perspective, imagining the great hope and promise that attends the birth of any child, especially a male heir, reveals not a tyrant, but a mother in pain. At the child’s birth, it is
difficult to believe a father could reject his son. Beyond her own loss of home, Doris experiences a loss of family, a loss of legitimacy, and a loss of future. She knows her final fate can be no worse than her present; Herod has done his worst: "For as he did my wretched life despise, / So do I know I shall despised die" (lines 265-6). Doris's lengthy soliloquy and her confrontation with Mariam remind readers of her humanity and warn them of the reality of her fate.

The play's careful depiction of individual human suffering enables it to bridge the historical and geographical distance separating Jacobean England from ancient Judea. Herod's use of divorce as part of his tyrannical rule is, thus, not so foreign for Jacobean readers witnessing their own king's use of monarchical power to facilitate an illegal divorce. The plight of a divorced and abandoned wife is particularly relevant for English subjects finding themselves suddenly divorced and separated, through their relation or allegiance to the Essex clan, from James, their metaphorical husband. At the close of Act IV, after Mariam's fate is sealed, she confronts the 'ghost' of Doris who shares her cursed existence. The women share the curse of the abandoned wife and the illegitimate child. Mariam blames Doris's curse for her own fate and begs her not to punish her children too. Doris tells Mariam that over the past nine years:

I, with hands held up
And bowed knees fast nailed to the ground,
Besought for thee the dregs of that same cup,
That cup of wrath that is for sinners found.
And now thou art to drink it! Doris' curse,
Upon thy self did all this while attend,
But now it shall pursue thy children worse! (IV.i.596-602)

For years, Doris has prayed and cursed and filled her emptiness with vengeance. In response, Mariam, too, falls on her knees: “Oh Doris, now to thee my knees I bend. / That heart that never bowed, to thee doth bow; / Curse not my infants, let it thee suffice / . . . / Thy curse is cause that guiltless Mariam dies” (lines 602-6). At scene’s end, “guiltless Mariam” also offers curses: “I hope the world shall see / This curse of thine shall be returned on thee!” (lines 624-5). The scene creates a mirror image of these women, of these mothers, accepting their own vile fates and fearing for their children at the hands of a merciless king. Both women bow, both women curse, and both women are proved “guiltless.” When Mariam declares that it is Doris’s curse that causes Mariam’s death, she not only refers to Doris’s actual curse uttered in private, but to Doris’s own cursed fate. Doris was cursed when Herod wrongfully divorced her and disinherited their son; it is that curse that becomes Mariam’s.

Herod’s act of divorcing Doris was only the prelude for further tyranny. Doris’s presence not only serves as a warning to Mariam, but to other characters in the play doomed to divorce and/or death at Herod’s hand. The final chorus recounts how Herod is ultimately responsible for Constabarus’s divorce and murder, Baba’s sons’ executions, and his brother Pheroras’s future divorce. Everyone’s fates lie in Herod’s control, and his unpredictability and thirst for power leave him absent of patience, a sense of justice, and an inner conscience. His tyranny leads to hatred, chaos, selfishness, and bigotry among his subjects. Each concerned with his or her own existence: Salome wants to divorce her husband and remain alive, Alexandra wants to protect her life, and Pheroras wants to protect his marriage. Herod’s leadership has left the state bereft of mercy and
empathy. The chorus makes no mention of Doris and her future. She appears and disappears from this play as a 'ghost,' cursing Mariam and speaking to few others. Her desire to reinstate her son as Herod's heir is never realized or alluded to after she leaves Mariam toward the end of Act IV. Her primary existence in the play is as a voice of warning and a reminder that divorced queens do not simply disappear; they suffer and face an alienated existence. Doris's divorce and fate symbolize the state of Herod's court.

*Henry VIII*

Like Doris, Shakespeare's Katherine of Aragon does not merely disappear once Henry has dismissed her as his wife. Rather, she remains onstage with a larger role and more lines than any other woman in Shakespeare's history plays. She is a symbol for the deterioration of the political marriage metaphor. Like Doris, Katherine questions the legitimacy of her divorce and refuses silently to exit; rather, she resists Henry's judgment and articulates her abandoned state. Like Doris, Katherine's voice serves as a warning to Henry's subjects, to future queens, and to a Jacobean king shaping a court and government around his personal interests. But, unlike Doris, Katherine asserts herself before the king and her enemies and, though divorced, remains an important link in the royal lineage. Doris's and Katherine’s questions quoted at the beginning of this section mark both their similarities and their differences when resisting royal erasure. Doris asks Mariam: "What did *he* hate me for?" (italics mine). Whereas Katherine confronts the king himself: "In what have I offended *you*?" (italics mine). Both wives question their divorces, but where Doris blames and interrogates Mariam, another powerless wife, for the answers to her lost identity, Katherine faces the king himself.
Doris is like a ghost who haunts Mariam and reminds readers that she once existed as Herod’s wife, and exists yet despite royal divorce. Katherine dreams of ghosts crowning her, but exists in the play as an ideal wife wronged by a selfish husband. Katherine also reminds audiences of her humanity and of her painful existence once divorced and banished. Her state warns others such as Buckingham, Wolsey, and Anne Boleyn that their unions with Henry might deteriorate as well for no cause. Unlike Doris though, Katherine openly challenges royal justice, and the play ultimately raises doubts about royal power and control at the same time it forecasts James’s glorious rise to the English throne. Royal divorce in both plays leads to division at court and to a tyrannical king who finally confronts his own imperfect humanity.

In *Henry VIII*, the term “divorce” alludes not only to the dissolution of Henry’s first marriage, but also to loss of life, livelihood, and identity. Buckingham refers to the executioner’s axe as “the long divorce of steel” during one of his final speeches after being convicted of treason:

> You few that loved me
> And dare be bold to weep for Buckingham,
> His noble friends and fellows, whom to leave
> Is only bitter to him, only dying,
> Go with me like good angels to my end,
> And as the long divorce of steel falls on me,
> Make of your prayers one sweet sacrifice,
> And lift my soul to heaven. Lead on a’ God’s name. (II.i.71-8)
More than simply dividing two objects, that “divorce of steel” ends Buckingham’s life by separating his head from his body, like Mariam’s final demise. Buckingham has been unjustly accused and convicted of treason, and he is ultimately separated from the king, from court, from his friends, and from life on earth. “Divorce” is used again to refer to Katherine’s loss of status and identity. Anne Boleyn regrets that Katherine ever knew a wealthy and prominent existence, because it will be much worse for her to have to abandon it. Anne says:

O, God’s will, much better

She ne’er had known pomp! Though’t be temporal,

Yet if that quarrel, fortune, do divorce

It from the bearer, ‘tis a sufferance panging

As soul and body’s severing. (II.iii.12-6)

The divorce that Anne characterizes as the most troubling and painful is not Katherine’s separation from her husband or from her royal title, but from her wealth and fame. The severing of body and soul reminds audiences of Buckhingham’s use of the term for his own decapitation just two scenes earlier. Divorce is more than the legal dissolution of a contract; for the divorced wife it means loss of former life, home, and identity. Katherine proves to be much less shallow than Anne and is not primarily concerned with loss of “pomp.” However, she, too, recognizes and explains that divorce against one’s will entails a much deeper severing than might be assumed. It is as traumatic and severe as a separation of body and soul. Finally, references to decapitation signify, as Purkiss reminds us, a deep divide at court between monarch and subjects. Buckingham speaks of
his own loss of innocent life and Anne refers to Katherine’s loss of her soul, but what
is also severed is England’s head from its trunk.

Henry abandoned Buckhingham and Katherine (and will abandon Wolsey and
Anne), but only Katherine lives to articulate the depth and breadth of royal alienation.
Katherine reminds the audience that England is not her home and now she is forced to
live in a foreign land without any friends or supporters. No one dares defy the king to aid
Katherine. Wolsey tries to comfort the queen by reminding her: “Your hopes and friends
are infinite,” to which Katherine responds with painful reality:

In England

But little for my profit; can you think lords,

That any Englishman dare give me counsel?

Or be a known friend, ‘gainst his Highness’ pleasure

(Though he be grown so desperate to be honest),

And live a subject? (III.i.82-7)

Katherine clarifies her new position in England as an outcast. For a subject to support
her or to comfort her would mean that person would be acting in direct opposition to
“his Highness’ pleasure.” Who would choose to oppose the king? Truth and fairness are
irrelevant when the sole measure of royal inclusion is the king’s prerogative. Katherine’s
expulsion is perhaps more profound than Doris’s. Doris is able to return to her native
city and at least be comforted by the familiar surroundings. Katherine is forced to
remain in her adopted home without even the small comfort of her native city. Marriage
safeguarded Katherine’s status in England; she relied on its indissolubility for a stable
existence. The political marriage metaphor functioned similarly; it insured both the
king's power and the people's rightful place. Divorce leaves England's queen (and her Jacobean subjects) especially vulnerable. Katherine is thrust from the king's bed, from his household, and from his court. The result is invisibility. Katherine cries out to Wolsey: "Ye turn me into nothing!" (line 114). She describes her fate as a living death:

Alas, poor wenches, where are now your fortunes?
Shipwrack'd upon a kingdom, where no pity,
No friends, no hope, no kindred weep for me,
Almost no grave allow'd me. Like the lily,
That once was mistress of the field, and flourish'd,
I'll hang my head and perish. (lines 148-53)

Katherine's description of her isolation is more powerful a resistance than her departure from Henry's court of law where she declared: "I do refuse you for my judge" (II.iv.118). Shakespeare might have minimized Katherine's presence in favor of the protestant Anne Boleyn and her celebrated daughter Elizabeth. But Katherine has more lines than Anne and ample opportunity to remind Wolsey, as well as the audience that she is a human being who does not merely vanish at the bequest of a king. Katherine might find no pity onstage, but she reaches out to her audience to understand her plight. She and her ladies are "poor wenches," vulnerable to the whims of the king and the cruelty of his subjects. The image of the shipwrecked vessel on enemy shores illuminates the hopelessness of the plight of the divorced queen. Her identity is gone and her life is in ruin. Audience members hear Katherine's eloquence and see her pain, something Englishmen during Henry VIII's actual reign might never have done.

Katherine's is not a popish influence to be annihilated from the kingdom, but a woman
left alone, vulnerable, and needlessly abandoned. She was the perfect wife, declaring in her final words “I was a chaste wife to my grave” (IV.ii.170). Shakespeare overshadows her Catholic faith with the queen’s innocence and perfection as a wife. If a woman as perfect as she was could be divorced, then no one is safe. Katherine’s message to other chaste wives is they need to add patience to their list of required virtues:

Bring me a constant woman to her husband,

One that ne’er dream’d a joy beyond his pleasure;

And to that woman (when she has done most)

Yet will I add an honor—a great patience. (III.i.134-7)

Innocent and chaste women like Mariam, Doris, and Katherine are not free from scorn and hatred from their husbands. Ancient Jewish divorce law and royal prerogative do not protect these women from abandonment, as English and Catholic divorce laws were meant to do.

Henry’s divorce is linked in the play with Henry’s execution of both Buckingham and Wolsey; all examples of his royal prerogative. While Wolsey’s end might have been deserved, Shakespeare’s uniting his fate with Katherine and Buckingham’s only proves the greatness of their injustice. Katherine warns Wolsey to “take heed, for heaven’s sake take heed, lest at once / The burthen of my sorrows fall upon ye” (lines 110-1). By the end of the same act, Wolsey is sentenced to die and he faces Katherine’s “burthens” crying out:

O how wretched

Is that poor man that hangs on prince’s favors!
There is, betwixt that smile we would aspire to,
That sweet aspect of princes, and their ruin,
More pangs and fears than wars or women have;
And when he falls, he falls like Lucifer,
Never to hope again.  

Wolsey was not the innocent victim that Katherine was; in fact, he was partly responsible for her divorce. Nevertheless, the play allows him space to suffer, and to lash out against his fate and the fickleness of kings. Audiences were also keenly aware that Anne Boleyn would suffer the fate of Buckingham and Wolsey as well. The center of power in the play, as Herschel Baker describes, is King Henry who “is shifty, rather than complex” and “fails to exercise the God-like functions that were arrogated to the Tudor kings.” Henry acts more out of self-interest and personal will than out of any of the senses of justice or obligation important to Shakespeare’s earlier historical kings.

The play unites Katherine with Wolsey to underscore Henry’s injustice and Katherine’s suffering. The royal prerogative has gone too far.

Such a vision of monarchy might be viewed as troubling for James (or for Shakespeare) who is celebrated in the play as descendant from Henry’s illustrious line. However, the play celebrates the Jacobean dynasty, not for following Henry’s dynastic design, but for disturbing it. Katherine’s resistance ultimately finds her linked with Elizabeth, James, and the future of the kingdom; Shakespeare’s play situates her as rightful queen and chaste wife eternal, despite Henry’s actions. Barbara Kreps points out the play’s irony when Cranmer forecasts Elizabeth’s reign and that of James her successor. Not only is it revealed to Henry that his succession will ultimately pass to a
daughter (something he divorced Katherine in order to avoid), but after Elizabeth the Tudor line will end, leading to a Scottish succession (something Henry also hoped to avoid). 

Though Kreps is convinced Shakespeare’s audience would have been familiar with Henry’s obsession with creating a direct line of succession, thereby “ruling from the grave” forever, she is doubtful that the irony of this failure would have been easily recognized during performance. In a play subtitled “All is True,” however, audiences seem to be expected to notice irony and historical discrepancies. For instance, the play celebrates the chastity and nobility of Catholic and Spanish Katherine at the expense of Anne Boleyn, Henry’s first protestant bride, whose marriage instigated the English reformation. Katherine’s final lines in which she declares her chastity and royalty are followed by a scene in which Bishop Gardiner practically wishes Anne dead:

   The fruit she goes with
   I pray for heartily, that it may find
   Good time, and live; but for the stock, Sir Thomas,
   I wish it grubbed up now. (V.i.20-3)

Katherine’s mournful death scene is followed immediately by Elizabeth’s birth and royal christening. And, while Anne does not die in childbirth as Gardiner might hope, her presence in the rest of the play is so minimal that she does not speak another line. Elizabeth is celebrated as “a most unspotted lily,” a metaphor Katherine used to describe herself in III.i.ii. Ruth Vanita cogently articulates that in Act V the play stresses “how one strong and sonless queen, Elizabeth, followed another, Katherine, despite the efforts of the king to insure patrilineal succession through the subordination of wives and daughters to husbands and fathers.” The play is by no means a feminist triumph; it
merely shifts the historical record’s focus to reveal a version of history in which Henry’s self-determination and obsession with power and control backfire, leaving him to accept his own mortality.

*Henry VIII* condenses time and sympathizes with historical losers as a way of unseating the notion that the king possesses a measure of divine knowledge and power. The very notion of a divine right that was the foundation of James’s royal identity, giving him too the power to divorce spouses and to expel subjects, is here questioned and minimized. Divorce shatters the political myth of indissoluble marriage revealing not the divinity, but the despotism behind a king hungry for too much power. The divorce debate was, therefore, more than simply a debate over the nature of the institution of marriage, it had ramifications for the nature of the social contract and for the limits of royal authority. The play, thereby, questions the king’s use of the royal prerogative for determining the fate of subjects, when fate is revealed to be controlled by a higher source. In short, Shakespeare’s play humanizes and humbles Henry VIII in a way the historical record cannot. The Henry of the trial scene in II.iv. blames Katherine for destroying his chance at a male heir. Henry says, referring to Katherine’s womb:

> If it conceiv’d a male-child by me, should
> Do no more offices of life to’t than
> The grave does to th’ dead; for her male issue
> Or died where they were made, or shortly after
> This world had air’d them. (lines 190-4)

Henry blames Katherine’s womb and not his ill marriage choice for their failure to produce a male heir. The queen’s body kills its male issue and threatens Henry’s
succession. He, therefore, divorces Katherine and marries another who might provide him with a male heir. Rather than display Henry’s historical frustration with Anne Boleyn’s inability to produce a living male child, and her subsequent execution, in Shakespeare’s play Henry finally accepts Elizabeth and thanks God for her and for James’s successful reigns. The Henry at play’s end is not a man trying to manipulate England’s destiny through his marital choices, but a man who accepts divine will and a fate beyond his control. Henry declares in the play’s final lines:

O Lord Archbishop,

Thou hast made me now a man! Never, before

This happy child, did I get any thing.

This oracle of comfort has so pleas’d me

That when I am in heaven I shall desire

To see what this child does, and praise my Maker. (V.i.63-8)

Henry is humbled and embraces a destiny he had not planned. Toward the end of the play, Henry proves a more just and patient king when he is faced with Archbishop Cranmer’s alleged offenses of instilling the public with heresies. The king affords Cranmer respect and ignores the advice of jealous advisors, permitting Cranmer to continue in his post. Henry admits: “if a prince / May be beholding to a subject, I / Am for his love and service so to him” (V.ii.190-2). Rather than abandon a subject at will, Henry openly acknowledges he owes Cranmer a debt of love. The king is not always the head of all things; he must acknowledge that fate is in God’s hands and his subjects’ devotion is worth valuing.
Both dramatic kings ultimately move beyond tyranny. Like King Henry, Cary’s Herod also finally finds humility and remorse. The play’s final act comprises a single scene in which Herod mourns for Mariam and blames himself for her destruction. He realizes that he acted rashly because he mistrusted her beauty; the fault is his alone. The tyrant confronts his own tyranny and repents and plans his future:

I’ll muffle up myself in endless night,  
And never let mine eyes behold the light.  
Retire thyself, vile monster, worse than he  
That stain’d the virgin earth with brother’s blood.  
Still in some vault or den enclosèd be,  
Where with thy tears thou may’st beget a flood,  
Which flood in time may drown thee. (V.i.247-53)

Herod is more excessive than Henry. Shakespeare’s Henry begins the play selfish and cruel, but concludes it having learned patience and justice. Herod moves from extreme tyranny to extreme mourning, but he recognizes he acted rashly and blames himself for Mariam’s unjust sufferings.

Both kings serve as examples for James, who, by 1613 had been accused of shaping the law to his will. Stuart Kurland compares James with Shakespeare’s King Henry and finds that “Henry’s attitude toward kingship and government resemble that of King James.” Kurland adds that James saw the law, “as he saw other matters of government, in terms of his own interests.” Both Shakespeare and Cary use the figures of divorced queens to register dissent and to describe the alienation felt at the hands of a cruel and tyrannical king. Both Henry and Herod become tyrants and both divorce their
wives at will. In both instances, it is divorce that becomes the symbol for the tyrannical state in which the king acts solely from his own personal interests. The marriage metaphor is wed to justice and royal responsibility toward all subjects.

Marriage was both a natural and a social state. Through marriage husbands and wives were said to "become one flesh." At the same time, marriage structured the social hierarchy: wives were subservient to husbands as subjects were subservient to the king. It represented unity and family that were at the core of England's growing sense of itself as a nation. Overbury's poem "A Wife" (1614), published only months after his mysterious death in the Tower similarly reflects marriage's larger importance beyond the isolated relationship of one man and one woman. The poem begins: "Each Woman is a briefe of Woman-kinde, / And doth in little even as much containe." The poem not only recounts the perfections of a single wife, but of all wives in all marriages. Likewise, Howard and Essex's divorce was not merely the separation of two individuals, but represented the loss of the institution's indissoluble nature. No marital relationship was, thereafter, safe including the marriage between king and people. When the marital relationship protects the security and power of an entire nation, then a royally sanctioned divorce must therefore lead to chaos, not only exposing marriage's dissolubility, but the dissolubility of the subjects' relation to their king and the limits of moral earthly authority.

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3Sir Francis Bacon, A True and Historical Relation of the Poysoning of Sir Thomas Overbury. With the Severall Arraignments and Speeches of those that were executed thereupon. Also, all the passages concerning the divorce between Robert late Earle of
Essex, and the Lady Frances Howard: with King James’s and other large speeches (1651), p. 2.

4 Bacon, p. 13.
5 Bacon, pp. 6-7.


9 Quoted in Amster, p. 215.


11 Michael Winkelman’s depiction of the symbolic importance of stage wives in Tudor political dramas illustrates my argument about the symbolic roles of abandoned stage queens: “mistreated wives onstage could sympathetically figure the suffering nation.” Marriage Relationships in Tudor Political Drama (Burlington, VT: Ashgate, 2005), p. 9.


15 Lindley, pp. 143-4.


18 Lindley, p. 84.


20 Campion, p.B2


2Ben Jonson, The Irish Masque at Court, in Complete Masques, p. 208, lines 52-60.

23I believe I am the first to conflate the Irish footmen with Essex and his supporters. I do not mean to suggest that Jonson would insult the Essex clan further by portraying them as poor, uneducated, Irishmen who need expulsion, but rather that the royal opposition they symbolize, which Campion characterizes as enchanters, is not magical or evil. The footmen are loyal members of James’s kingdom, banished for their undesirability; likewise, Essex and his supporters lost the king’s favor when they became less desirable than Carr and an alliance with the Howards. This particular union requires expulsion and division; Jonson’s use of Irishmen merely infuses humor and distances the masque from any ill favor at court.

2Bevington and Holbrooke, p. 12.

25Lindley, Embarrassing Ben, p. 351.

26Jonson, Irish Masque, p. 210, line 105.


29Jonson, p. 211, line 127.

30Jonson, p. 211, lines 134-49.

31Jonson, p. 209, lines 91-6.


33William Shakespeare, “Henry VIII,” in The Riverside Shakespeare, ed. G. Blakemore Evans, 2\textsuperscript{nd} edn. (Boston and New York: Houghton Mifflin, 1997), pp. 1022-64, II.iv.19-22. All subsequent citations from the play will be from this edition and will appear parenthetically within the text.


38See Roberts, pp. 166-7 and Lindley, pp. 92-3.

45 Kreps, p. 166.
46 Ibid.
48 Kurland, p. 214.
Conclusion

This project was sparked by the seemingly unique and definitely biting words of Elizabeth Cary’s Salome to her husband Constabarus in *The Tragedy of Mariam*:

Thou shalt no hour longer call me wife,

Thy jealousy procures my hate so deep:

That I from thee do mean to free my life,

By a divorcing bill before I sleep.¹

Scholars of the play have considered whether Salome’s and Mariam’s unhappiness in their marriages might reflect Cary’s own feelings within her socially and politically arranged marriage to Sir Henry Cary. More than simply accounting for one woman’s marital misery, though, Salome’s words underscore the intrinsic connections among matters of gender, ecclesiastical and secular law, societal expectations, and individual will that are crucial to the concepts of marriage and divorce in early modern England. Salome’s desire to divorce her husband and to marry another man initiates one of the central conflicts within the play. Likewise, discussions of and desires for or against divorce in Tudor and Stuart England charged ongoing legal, religious, social, and political debates about the changing place and status of marriage in the lives of individuals, and in the community’s relationships with its human and divine sovereigns.

Salome has been often characterized as a villain and a whore for her shameless disregard for her marriage, her husband, and the very lives of others and for her changeable sexual appetite. Penelope Devereux was similarly characterized for wanting to make public and legitimate her private desires and sexual relationship with a man not
her husband. These women expose early modern England’s attitudes toward gender and sexuality at the same time that their stories inspire debate over the place of individual desire within marriage and the potential for allowing divorce for incompatibility with the possibility of contracting a happier second marriage. Constabarus immediately reads Salome’s threat not only in terms of his own life, but the very life of the community. “Are Hebrew women now transformed to men?” he asks. The ancient Judaic law allowing men to divorce their wives for whatever cause pervades the play and underscores the social upheaval inherent in Salome’s plan to initiate divorce. Later in the scene, she goes further by stating: “My will shall be to me instead of Law.” Salome’s individual actions threaten to overturn gender expectations and social and religious law. The tension between Salome’s desire for individual freedom to marry for love and the chaos that same freedom will cause the community and legal system exemplifies the very tension at the basis of the divorce debate during the period. Divorce represented both freedom and suffering, peace and chaos, and the widespread transformations at work as England became an “early modern” state. The socially and individually redeeming values of companionate marriage, as favored by Protestants, led some dramatists to imagine ways of transforming marriages, while it led others to imagine ways of dissolving them. And, the traditional political marriage metaphor prompted some like Sidney, Shakespeare, and Cary to interpret divorce as the destruction of that contract, while it led others like Milton to view divorce as a means of transforming the political contract from one hierarchical and indissoluble to one made betwixt more equal partners.

The dissertation began with the question of what the place of divorce was within a newly Protestant society that retained the Catholic ban on divorce. The literary existence
of Cary's Salome reinforced for me that divorce was an issue under consideration
despite the lack of legal and historical evidence that it was of widespread social concern.
Yet, I fear I have raised more questions than answers, and that this work is clearly
unfinished. I have hoped to uncover a glimpse into the tension caused by considering
divorce, and the blessings and curses attached to divorce that were evident in early
modern England and pervade society to this day. In the 21st century divorce for
incompatibility is not only legal in England and in the United States, but it is quickly
becoming the primary means by which marriages end. Men and women are free to direct
the course of their own lives, to marry for love and to divorce when that love is no longer
present. But what has this meant for our society? In the process of researching and
writing this dissertation I have been personally touched by three divorces: that of my
parents and two of my close friends. I have watched my mother struggle to define herself
when my father left her after 32 years of marriage, and I have watched two female friends
work through the court system to extricate themselves from abusive husbands and to
retain custody of their children. I have experienced the devastation when my family, as I
had always known it, ended and new parents and siblings invaded my world. How do we
make sense of our lives when our family unit has been dissolved? How do parents
explain to their children why their mother or father is no longer a part of their lives?
Divorce is always painful and gut-wrenching, and Sidney may have understood it well
when, in the opening passage, he equates dissolving marriage with dissolving humanity's
very social fabric.

This project also emerged within a political climate invested in defining marriage
and equating that definition with national pride and unity. Marriage is still very much a
social and political concept larger than individual unions and feelings. Defining who we are as a society, what we value, and what we abhor has again been linked to discussions of marriage. Allowing same-sex couples to share in the benefits of marriage for some marks an important freedom and civil right and for others a threat to religious and state law, and to American morals and values. These kinds of discussions are not new and the tensions inherent in them represent today, as they did in early modern England, the cultural values and ideas in play within a vibrant society seeking to define itself amid historical change.

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2Cary, line 421.
3Cary, line 454.
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