

Shakespeare and the Tragicomic Possibilities of Absolute Justice

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I.

Justice, O royal Duke! Vail your regard
Upon a wronged—I would fain have said, a maid.
O worthy prince, dishonor not your eye
By throwing it on any other object
Till you have heard me in my true complaint,
And given me justice, justice, justice, justice!

(*Measure for Measure* 5.1.21-26)

In the trial scene in Shakespeare's *Measure for Measure*, Isabella calls for justice, not three, but four times. The strain created by the extra "justice" signifies the intensity of her yearning directed at the single figure of the Duke holding supreme authority over all dispensations of justice in Vienna ("Mortality and mercy in Vienna / Live in thy tongue and heart"; 1.1.44-46). Underlying Isabella's speech is a hope that, upon hearing her

complaint and examining the right circumstances, Vincentio will be able to verify the “truth” (5.1.45-48) and deal out extraordinary justice directly through his prerogative, overriding the established rules of law if necessary; in fact, it is Angelo’s false administration of law that she here demands be put to judgment. Vincentio is thus in a position to distinguish himself from Angelo in the eyes of his subjects, and in this sense the trial puts his own judicial authority on trial. Isabella’s appeal is backed by the divine authority she represents as a would-be-nun as she demands that Vincentio act his part as God’s deputy-judge.

Measure for Measure explores the contradictions arising in a system of justice over which the crown claimed single sovereign power. What is the king’s relation to the established law? What does it mean to enforce and qualify the law? Based on what principles should justice and mercy be dispensed? Critics have responded to the play’s challenges by trying to identify the different judicial concepts and their ideological significances; and accordingly, the play has been read as a site of jurisprudential battle between the competing principles of the common law, the equity courts, and monarch’s absolute prerogative.¹ Debora K. Shuger has complicated this picture by demonstrating the profoundly religious character of the play’s representation of royal justice. According to Shuger, the early modern idea of ‘absolute justice’ blurs the boundaries between the secular and the sacred by incorporating elements of ecclesiastical justice into state’s justice through the figure of the absolute monarch (72-101). The result, Shuger argues, is a juridical understanding of the state that is irreducible to the absolutist/constitutionalist debate that will dominate political discourses in the later seventeenth-century (2, 72-73).

This study attempts to use these critical discussions of *Measure for Measure* as a starting point to historicize Shakespeare’s tragicomic forms.

¹ I have referred to Dunkel; Bawcutt; Bernthal; Thatcher; Cohen; Higgins.

Integrally connected to the play's legal, political, and religious controversy is the debate about its generic undecidability. Critics have classified the play as either a 'problem play' or a 'tragicomedy' because of its use of mixed generic materials and unsatisfactory ending (Foster 54-64; Mowat 80; McMullun 118). I suggest that the play's generic and ideological uncertainty can be understood best as a tragicomic tension created by the penal and penitential possibilities of absolute justice.² In what follows, I will first situate these judicial possibilities within England's legal history and discuss how *Measure for Measure's* tragicomic tensions are born out of its historical context. And because Renaissance conception of tragedy was intimately connected to revenge, I will then illustrate how the genre of revenge tragedy was shaped by the tensions of absolute justice through a discussion of Thomas Kyd's *The Spanish Tragedy*. Finally, by focusing on how Shakespeare incorporates the conventions of revenge tragedy into his late comedy, *The Tempest*, I will discuss how Shakespeare utilizes the play's tragicomic tension of revenge to explore the possibility of equitable mercy as revenge.

II.

According to J. H. Baker, the English law during the sixteenth-century

² The term 'absolute justice' can mean different things: 1) the monarch's judicial exercise of absolute power, 2) rigid enforcement of the letter of the law, and 3) God's justice which transcends the constraints of the human law. I will use the term 'absolutist justice' to refer to the first meaning specifically, but when the point is to indicate the elision between the first and the third meaning I will simply use 'absolute justice.' Therefore, an absolute monarch and a private revenger may both claim 'absolute justice.' I sometimes distinguish between 'absolute justice' and 'divine justice' because a Senecan revenger may claim his own brand of 'absolute justice' in defiance of 'divine justice.' When referring to the workings of the justice system under monarchy in general while not specifically concerned with the king's absolute prerogative, I will use the term 'royal justice.'

began to treat disputes specifically as legal problems set before professional judges in central royal courts, which led to a greater emphasis on the reasoned decisions of courts as a primary source of law and the modern conception of law as a body of rules applicable to given sets of facts (*Oxford History* 48-52; *Introduction* 97-101). This tendency was accompanied by the legal system's increasingly detailed consideration of facts and a greater interest in equitable approaches to particular cases. Responding to significant increase in the number of litigations and the deficiencies of the older common law tradition in providing satisfactory remedies, the Chancery and the Star Chamber were established during the reign of Henry VIII as prerogative courts operating independently from the ordinary procedures of the common law. The Chancery was particularly associated with 'equity' because the Lord Chancellor, performing the role of both judge and jury, administered relief from the rigor of the law through detailed considerations of the facts of particular cases,³ who in turn derived his authority from the king (*Introduction* 112-28). William Lambarde's following description of the Chancery's function illustrates this link between the notion of equity as a relief from the law's severity and as tied specifically to the king's justice:

So that, such as then sought reliefe by Equitie, were suitors to the King himself, who being assisted with his Chancellor and Councill, did mitigate the severitie of the *Law* in his owne person, when it pleased him to be present; and did (in absence) either referre the same to the *Chancellor* alone, or to him and some other of the Councill: (*Archeion* 37-38)

³ From fifteenth-century onward, the notion of 'equity' departed from that of the medieval English law, which mainly focused on preserving consistency and preventing absurdities, and came specifically to mean "the relaxation of known but unwritten general rules of law to meet the exigencies of justice or conscience in particular cases" (*Oxford history* 40-41; *Introduction* 122-24).

While it was generally accepted that the purpose of equity was to fulfill, rather than to replace, the law (Baker 42), it could nevertheless be brought in to bolster the claim of the king's absolute power over established systems of law. For James I, the idea of royal equity was integral to his theory of divine-right absolutism (Fortier 1278):

For albeit it be trew that I haue at length proued, that the King is above the law, as both author and giuer of strength thereto; yet a good king will not onely delight to rule his subiects by the lawe, but euen will conforme himself in his owne actions thervnto, always keeping that ground, that the health of the common-wealth be his chiefe law: And where he sees the lawe doubtsome or rigorous, he may interpret or mitigate the same, lest otherwise *Summum ius bee suuma iniuria*: And therefore general laws, made publickely in Parliament, may vpon knowen respects to the King by his authoritie bee mitigated, and suspended vpon causes onely knownen to him. (*Political Writings* 75)

In the above passage from *The True Law of Free Monarchies* (1598), James stresses that while the king is the "author and giuer of strength" of the law, he alone has the power to mitigate the law. The passage emphasizes the personal nature of royal equity by contrasting the "general laws, made publickely in Parliament" with the exercise of equity based on "causes onely knownen" to the king. Conversely, the need for equity justifies the supreme authority of the king who alone can provide the necessary correction of the law which is inevitably "doubtsome or rigorous."

Underlying this idea of royal equity is James's theory of divine kingship. James claimed that the king's authority is given directly from God, and that he is consequently accountable to God alone. In doing so, James claimed more than mere temporal supremacy; he insisted that, as God's ministers, kings were themselves divine beings: "Kings are in the

word of GOD it selfe called Gods, as being his Lieutenant and Vice-regents on earth" (*Political Writings* 147). It was in this semi-divine capacity that James claimed to dispense God's justice through royal equity:⁴

Kings therefore, as God's deputy-judges under earth, sit in thrones, clad with long robes, not as laikes and simply *togati* (as inferior secular Iudges are) but as *mixtae personae* . . . being bound to make a reckoning to God for their subiects soules as wellas their bodies. (*Political Writings* 237)

The idea of the king as *mixtae personae* with claims over both souls and bodies had been established in the English constitution during the Henrician Reformation. According to G. R. Elton, it was Henry VIII who first combined the two systems of court (lay and spiritual) under the national sovereignty embodied in the head and king, and claimed supremacy over the Church's laws, courts, and doctrines (341-42). Shuger cites St. German who by 1531 could describe sacred kingship in essentially the same terms as James I: "the king in his Parliament, as the high sovereign over the people . . . hath not only charge on the bodies, but also on the souls of his subjects" (*Doctor and Student* 327).

As the absolute monarch came to claim supremacy over ecclesiastical jurisdiction, royal equity came to be associated with the spiritual meaning of Christian mercy, both ideologically and institutionally. Shuger points out that James I fashioned himself as Christ yielding a reed-scepter, while some royal courts (especially the Chancery) came to be seen specifically as Christian courts as they incorporated penitential elements from the ecclesiastical courts (73-74; 110-17). Thus the idea of absolute justice connected the dual aspects of royal justice (secular and sacred) with the

⁴ For a detailed discussion on James I, sacred kingship, and absolute justice, see Shuger 54-93.

idea of God's justice which, even when it manifested as punishment, was understood as essentially penitential in that it aimed at the health and salvation of the soul.

Within this ideology of absolute justice, equity and mercy were simultaneously conflated and distinguished. First, neither equity nor mercy meant giving up on strict justice. James I stresses that equity means giving exactly as justice deserves through careful deliberation of individual circumstances: "For Iustice, by the Law, giueth euery man his owne; and equitie in things arbitral, giueth euery one that which is meetest for him." (*Political Writings* 45). The notion of mercy, on the other hand, derives from Matthew 7:1-2 (Dunkel 277): "Judge not, that ye be not judged. For with what judgment ye judge, ye shall be judged: and with what measure you mete, it shall be measured to you again." Like equitable justice, a symmetrical logic structures the idea of mercy; but mercy demands that one withhold full judgment (that is, exactly as one deserves) on the basis that the judge is himself fallible in the eyes of God. It is this idea of universal fallibility that Isabella reminds Angelo when she asks that he exercise his prerogative of equity in *imitation* of Christ's mercy:

Why, all the souls that were were forfeit once,
And He that might the vantage best have took
Found out the remedy. How would you be
If He which is the top of judgment should
But judge you as you are? (2.2.73-7)

In practice, one could say that mercy is the equitable consideration of human frailty in judicial discretion to mitigate the full rigor of the law. In principle, however, mercy differs from judicial equity in that it gives pardon even as it fully acknowledges the crime; while equity is understood to operate within the bounds of the established law, mercy is by definition

extra-legal. In this sense, the right to grant mercy could belong only to the absolute power who, as James I did, claimed authority above the human law.

Significantly, it is Vincentio's mercy, and not his judicial equity, that ultimately saves Claudio. Angelo's claim that the law justly condemns Claudio is never repudiated by either Isabella or Vincentio even after due circumstances are considered (2.2.29-30; 3.1.510-12). Even Escalus, who sues for mitigation, confesses that Angelo has "forced him to tell him he is indeed justice" (3.1. 508-509). Consequently, Vincentio's trial at the final scene is intended to stage, not a rejection of equitable justice, but the vital *necessity* of mercy granted by the godly monarch in overruling the law and 'absolving' the debt owed to both secular and divine justice.⁵ Through the performance of royal mercy, it is strongly suggested that Claudio is saved, not merely from bodily punishment, but from spiritual damnation as well:

This is another prisoner that I saved,
Who should have died when Claudio lost his head,
As like almost to Claudio as himself.

He reveals Claudio

If he be like your brother, for his sake
Is he pardoned (5.1.490-94)

The 'transformation' of Claudio from Barnardine suggests that the Duke's mercy has literally changed Claudio into a new man; and the Duke asks Isabella if he is "like" her brother as if the brother she knew and the one standing before her are two different persons. The irony is of course that

⁵ Cohen points out that the convention of the "disguised monarch play" emphasizes the necessity of the ruler's personal fiat through the failure of the surrogate authority (438). Thus, Angelo's failure to grant mercy stresses the idea that mercy belongs to the divinely ordained king alone: mercy is an absolute prerogative given directed from God and is thus non-transferrable.

the actual Barnardine remains stubbornly unrepentant.⁶ Vincentio merely “quits” his crime of murder and gives him over to the friar in the uncertain prospect of reforming him (5.1.495-98). While Barnardine’s stubbornness shows how important it is for Vincentio to incorporate even an unrepentant murderer like him into the economy of divine mercy, it also reveals a possible disjunction between Vincentio’s mercy and God’s mercy: in pardoning Barnardine, is Vincentio dispensing divine justice or merely being over-lenient with the law?

In *Measure for Measure*, both penal and penitential possibilities of justice are almost subsumed into Vincentio’s vision and actions. After all, it is Vincentio who from the beginning of the play orchestrates the rigid enforcement of sexual morality through his appointment of Angelo as deputy, and plans the staging of mercy through a series of substitution of bodies (the bed-trick and the head-trick). In this sense, the play tends to identify Vincentio with the dramatist or as an embodiment of providential design (as Vincentio himself would have it). However, the artificiality of his trial and the sense of lingering frustration regarding the fairness of his sentences prevent the unrealized tragic possibilities of severe justice from being completely incorporated into the comic ending brought about by his exercise of mercy. Despite the play’s apparent triumph of mercy, the possibility of severe justice raised by Angelo is never abandoned. First, corporal punishments does not necessarily contradict the ideal of Christian mercy as long as it does not jeopardize the soul’s health and salvation. Temporal penalties could be seen as merciful for saving the condemned from eternal punishment (Shuger 122).⁷ Second, as Vincentio remarks, severe justice is only a problem if the judge fails to live up to his own

⁶ For a brief summary of the critical history on Barnardine, see Lindley.

⁷ This is why it is so important for Vincentio that Claudio accept death and so problematic that Barnardine does not: Barnardine’s execution is a problem not because it will kill him but because to kill him now would be “damnable” (4.3.66).

standards: "If his own life answer the straitness of his proceeding, it shall become him well; wherein if he chance to fail, he hath sentenced himself" (3.1.510-12); Escalus and Isabella raise similar points whereas Angelo initially objects but later changes his mind (1.4.10-30; 2.2.138-43; 2.2.179-80). In this sense, the possibility of severe justice is not so much repudiated as it is translated into the question of the judge's moral and spiritual distinction.

Critical interpretations of Vincentio's justice tend to differ depending on how one perceives of his moral and spiritual integrity (Lindley 340-43). To put it bluntly, we are left to ask whether his actions are 'sincere' or Machiavellian. The issue is important to Vincentio himself as is evident from his concern for his reputation among his subjects. Vincentio's royal authority is undermined when Lucio's slander of Angelo's strictness and his own past leniency threatens to reduce both penal and penitential justice to a matter of the two judges' different humors (3.1.370-82). While maintaining a virtuous reputation is important, however, Vincentio does not entirely subsume virtue to appearances. As Lindley points out, Vincentio's concern for the moral and spiritual health of his subjects is difficult to explain in purely instrumental terms (343). Rather, Escalus's description of Vincentio as one "that above all other strifes contended especially to know himself" (3.1.488-89) seems closer to the play's truth, because it captures the play's central theme that the judge's moral and spiritual understanding of himself is crucial to the dispensation of godly justice. As demonstrated from the infatuated Angelo's realization that one cannot be a mere cipher of the law, the play continually suggests that some form of empathic identification is not only necessary but inevitable in making judicial decisions. The equitable judge must decide what constitutes mitigating factors in individual cases by referring to his understanding of his own human frailty.

In *Measure for Measure*, the monarch's sense of obligation and

accountability to God, his idea of what constitutes a proper Christian subject, and his negotiation of private conscience with his public duty, are all shown to be integral to his attempt to 'perform' the role of God's deputy-judge.⁸ That the possibilities of penal and penitential justice ultimately depends on one's moral and spiritual estimation illustrates the radical uncertainty inherent in the 'official' ideology of absolute justice. Because God's justice is posited as the ultimate authority by which individuals negotiate their own consciences, absolute justice has the potential to undermine established judicial authority, even as it bolters the claim of absolutism and the state's law. It is this uncertainty that structures the tragicomic possibilities in *Measure for Measure*.

III.

But how exactly was the conception of punitive justice informed by the genre of tragedy? Conversely, how was the tragic form connected to retribution? Were revenge and tragedy inevitably linked in the Renaissance mind? Or was their such a thing as revenge as comedy? In order to answer these questions, I turn now to a discussion of Renaissance revenge tragedies.

A revealing instance of the Renaissance theater's fascination with the theme of justice can be found in the unique popularity of revenge plays. Not only were plays about revenge produced in great numbers and had multiple runs in the theaters, they also acquired certain cultural currency to an extent that the "age's premier dramatic genre, tragedy, was identified with revenge" (Woodbridge 4). Modern critics, since A. H. Thorndike in 1902 and Fredson Bowers in 1940, have continued to classify a group

⁸ For the negotiation of private conscience and public duty in James I's political writings, I have referred to Sharpe.

among these plays under the generic heading of “revenge tragedy.” More recently, Katherine Eisaman Maus has compiled four plays produced during the English Renaissance with enough shared conventional patterns to be classified as revenge tragedies:

[r]evenge tragedies feature someone who prosecutes a crime in a private capacity, taking matters into his own hand because the institution by which criminals are made to pay for their offense are either systematically defective or unable to cope with some particularly difficult situation. Such plays testify to an apparently ineradicable yearning for justice. (Maus ix)

While revenge tragedies of the English Renaissance participate in a long tradition of revenge plays dating back to the beginning of Western drama itself (Kerrigan 3-29), the particular character in which they express the “yearning for justice” is shaped by the historical realities of the emerging absolutist state. Because the dispensation of justice was considered to be the exclusive duty and prerogative of the crown, private vengeance automatically constituted a challenge to this system in which the crown claimed absolute power (Maus xiv). Francis Bacon, for example, condemned revenge as “a kind of wild justice” which “putteth the law out of office” (347). In Renaissance revenge tragedies, the subordination of justice into state-power culminates in the paradox of the revenger. On the one hand, the revenger is the victim, utterly powerless in the face of a defective, but absolute system of power. At the same time, however, he becomes the most vivid embodiment of that power as he appropriates the authority to dispense justice for himself like a king or a god. In short, just as state power becomes at once absolute and elusive, private justice becomes a fantasy that nevertheless seems tantalizingly realizable.

Renaissance attitudes toward revenge were complicated and often ambivalent as shown by the history of critical debates surrounding the

politics of revenge.⁹ However, even if private vengeance was seen as a threat to royal jurisdiction, revenge as a concept was in no way rejected. In fact, the principle of retribution was at the very foundation of Elizabethan and Jacobean judicial systems: condign punishment was accepted and enforced by the law and the Christian doctrine of unconditional forgiveness coexisted with the idea of the justness of God's vengeance (Woodbridge 17; 29-36); even the word "revenge" could mean the satisfaction of both private and public justice.¹⁰

In Renaissance revenge tragedies, revengers often fashion themselves as agents of divine justice and claim to be restoring the moral and spiritual order of the state without necessarily refuting the idea of absolutist justice. In Thomas Kyd's *The Spanish Tragedy*, the protagonist Hieronimo is a "Knight Marshal" reputed to be the best "advocate" of the law for his conscientious "pursuit of equity" (3.13.51-54), and the revenger's role which he later takes on is seen as a natural extension of this judicial identity. Significantly, Kyd presents Hieronimo's revenge as the consequence of a royal decree given by a literal divine monarch Pluto, the "infernal king" (1.1.52-53) of Hades. This two-fold construction of agency complicates the politics of Hieronimo's revenge. At once, Hieronimo's revenge is legitimated in its identification with the will of a monarchical deity and acquires a cosmic significance, but at the same time, the moral authority of that divine power is itself undermined by its resemblances to the workings

⁹ Bowers draws a picture of the Elizabethan society unilaterally condemning revenge in accordance with the official ideology propagated by the state and the church. On the other hand, critics such as Lever and Woodbridge tend to see the stage revengers as bravely resisting the corrupt and unjust regime. Other critics tend to be more nuanced and point toward the ideologically indeterminate qualities of the plays. For a recent summary of this critical discussion, see Macmahon 21-25.

¹⁰ See OED entry n.5 of "revenge," under definition "punishment of a wrongdoer; chastisement": "Therefore haue I here produced them in open court, that my dishonors may end in their reuenge."

of the dysfunctional Spanish court (Maus xxiii). Thus, even as the play incorporates justice into the revenger's single, overarching authorial design, it invites the audience to question its justness.

According to Michael J. Braddick, the legitimacy of the early modern state as a network of political powers depended on its ability to offer a convincing representation of its own justice (68-69). Vincentio's need to convince his subjects of the justness of his rule by staging a public trial suggests this connection between royal justice and legitimacy. Outside the theater, assize courts staged similar spectacles of "awful solemnities" that combined royal propaganda and religious sermons (Braddick 38). Similarly, Kyd's play stresses the judicial character of royal authority in a scene where the Spanish king assumes the role of an impartial arbiter over the respective martial merits of Horatio and Lorenzo (1.3.173-91), echoing the previous scene in the courts of Hades where Andrea's merits are similarly judged (1.1.33-53). When the Spanish king subsequently fails to redress Horatio's murder (either through neglect or ignorance of the happenings of his own court), he loses, in the eyes of Hieronimo, his legitimacy as a king and the power to demand compliance from his subjects. Thus royal authority which is legitimized through its claim to absolute justice, can also be challenged when competing perspectives of justice are introduced. Of course, the audience may not necessarily take part in Hieronimo's version of justice. But the point is that the 'official' ideology of absolute justice opens the door to multiple, potentially radical conceptions of justice that, may or may not support a particular monarch, all the while subscribing to an ideology of the absolutist state.

The failure of the king to provide acceptable forms of temporal justice did not always lead to loss of legitimacy. For example, early Lutherans maintained that even a tyrant was justified in the eyes of God. But even proponents of such 'absolute non-resistance' could turn subversive, especially when the criteria for justice included doctrinal and spiritual

matters (Skinner 69-70; 73-74; 199-206). In this sense, Hieronimo's revenge can be seen as directed specifically against the spiritual authority of the Spanish king: Hieronimo temporarily appropriates the king's presumed role as God's deputy-judge and conflates his private vengeance with God's absolute justice.

This identification of Hieronimo's private vengeance with absolute justice in *The Spanish Tragedy* is largely shaped by the conventions of Seneca's tragedies: the Ghost's invocation at the beginning, the divine agents exemplifying the principle of retribution, the hyperbolic speeches and theatricality, the explosion of passions that culminates in the revenger's absolute self-assertion and alienation from the world.¹¹ Significantly, Seneca's characters rarely redeem themselves or forgive others, but instead become embodiments of an absolute will to justice. A notable example is Seneca's Oedipus who departs from Sophocles' Oedipus by blinding himself, not so much in recognition of his blindness to the truth, but strictly as an appropriate measure of punishment:

The hazard of light is o'er; he lifts his head, surveys the regions of the sky with his empty sockets, and makes trial of the night. The shreds which still hang from eyes unskillfully plucked out he breaks away, and in triumph cries aloud to all the gods: "Spare now my land, I pray you; now I have done justice, I have paid the debt I owed; at last have found night worthy of my wedlock. (971-77)

Oedipus takes charge of his own judgment in defiance of the gods (the translator Frank Miller emphasizes this point by the repetition of "I": "I have done justice, I have paid the debt I owed"). Here, Oedipus's triumphant self-punishment is a way of taking revenge, not only on

¹¹ On the influence of Seneca's tragedies on Renaissance revenge tragedies, I have referred to Miola; Braden; Kerrigan; and Lee. For a book-length discussion on revenge tragedy motifs, see Charles A. Hallett and Elaine S. Hallett.

himself, but also on the gods and the world by literally banishing them from his sight.¹²

While incorporating the figure of the Senecan revenger, Kyd's tragedy seeks to merge the revenger's justice with that of providential design. Whereas the Senecan revenger sets his will against an uncomprehending world and becomes his own god, Hieronimo supposedly acts as an *agent* of divine justice. However, even as the play depicts Hieronimo's absolute will to justice in its inevitability, it constantly raises the possibilities of alternative realities through a series of pauses that defer his absorption into the role of the Senecan revenger, suspending him in reflective deliberation on the particularity of his circumstances.¹³ Hieronimo's revenge is delayed by his need to verify the truth of Bel-Imperia's letter (3.2.26-52), his meditation on the possibility of Christian patience (3.13.1-20), and his moment of emphatic identification with an old man who has lost his son (3.13.78-92). Through these devices, *The Spanish Tragedy* enacts the dynamic exchanges between the revenger's individual perspective and the principle of retribution that governs the play's moral universe.

Hieronimo's revenge is not arbitrary, however, but conforms to certain moral and mimetic principles. He seeks "fit" punishments that would appropriately reciprocate the injuries he has received; the proportionality of the revenger's response depends on his own judgment of what constitutes equivalent form of payment. Hieronimo's judgment on this matter is therefore both psychological and aesthetic as it has to do with what feels and looks right to him. In this sense, *The Spanish Tragedy* is driven by the

¹² In Seneca's *Thyestes*, Atreus's crime similarly makes the gods and nature shrink away in horrified silence (802-884).

¹³ Renaissance revenge tragedies departed significantly from Senecan tradition in its insistent meta-theatricality—a convention which seems to have been first established by Kyd's *The Spanish Tragedy*. Meta-theatricality allows the revenger to reflect on his choices outside of his role as the revenger imposed by the demands of vengeance. See, Braden 210, Neill 211-15, Kerrigan 15-20.

imperative to equity, that is, the consideration of detailed consideration of individual circumstances in order to arrive at exactly as one deserves. Only, unlike *Measure for Measure*, equity finally leads to severe justice and not mercy. Nevertheless, Hieronimo shares Vincentio's concern with the moral and spiritual reality of their subjects. The revenger's purpose is not just to kill off the injurers, but to educate them of the meaning of his revenge (Kerrigan 17). In this sense, Hieronimo's staging of his revenge is paradoxically driven by the same imperative as Vincentio's staging of mercy: to make the subjects of justice realize and accept the extent of their crime. Thus Hieronimo's revenge, in all its punitive extravagance, resembles the essentially penitential character of divine justice staged by Vincentio.

IV.

The similarity between the ends of Vincentio and Hieronimo's 'revenges' suggests a fundamental link between the Renaissance genres of tragedy and comedy. Stephen Orgel remarks on the dynamic complementarity of the two genres:

[T]he tragic purgation of the state and the spirit and the reassertion of norms that is the end of tragedy leaves us in the world of comedy. Tragedy is what makes comedy possible—or putting it another way, comedy is the end of tragedy. (120)

Shakespeare's comedies often seek resolutions from situations where some dire penalty is called for to create alternative realities from the usual massacres that characterize revenge tragedies. In *The Merchant of Venice*, Portia performs legal casuistry to free Antonio from the rigor of law, and in doing so, she acts as a surrogate to the Duke of Venice who is barred

by his duty to uphold the Venetian commercial law from granting him mercy. In *The Comedy of Errors*, on the other hand, the Duke of Ephesus simply lifts Egeon's death sentence just as the fiasco of mistaken identities reaches its romance resolution. Similarly, in *A Midsummer Night's Dream*, Theseus exercises his prerogative to override the Athenian law and allows the lovers to marry. In these plays, royal justice overcomes the play's own tragic premises through equitable mercy. In this sense, such plays may be understood as 'revenge comedies' that are saved from becoming revenge tragedies.

In *The Tempest*, I suggest, Shakespeare utilizes this generic tension to explore the possibility of equitable mercy as revenge. Prospero, a usurped Duke of Milan, pardons his enemies, not by granting unconditional forgiveness, but by performing a series of penitential 'revenges,' the aim of which is to absolve the debt to justice created by their initial injuries by reforming them.¹⁴ The principle of restitution that structures revenge tragedies is never abandoned but is instead merged into the play's romantic comedy framework.¹⁵

From the first scene, *The Tempest* raises questions about the relationship between royal and divine jurisdictions through Gonzalo's contrast of hanging and drowning:

I have great comfort from this fellow. Methinks he hath no drowning mark upon him—his complexion is perfect gallows. Stand fast, good fate, to his hanging, make the rope of his destiny our

¹⁴ For other readings of *The Tempest* that see the play as overcoming its own revenge plot, see Neill 35-56, Kerrigan 211-26, and Beckwith 147-72.

¹⁵ Many critics have discussed at length the problems raised by the resistance of Caliban and Antonio to Prospero's authority; see Norbrook 38-46 and Beckwith 164-72. As I have treated the problem of 'unrepentant sinners' through the figure of Barnardine, I will here focus on Shakespeare's employment of the conventions of romantic comedy within the underlying framework of revenge tragedy.

cable, for our own doth little advantage. If he be not born to be hanged, our case is miserable. (1.1.28-33)

To be hanged is to die under royal jurisdiction; and thus Gonzalo suggests that the ship will not flounder as long as the king holds authority over the boatswain's life. Drowning, on the other hand, falls under the domain of the natural elements which, according to the boatswain, do not acknowledge royal authority ("What cares these roarers for the name of king?"; 1.1.16-17)—while, for Gonzalo, it is a more guided principle ("the wills above"; 1.1.67) that would determine their fate. However, the sense of irrelevance and constructedness of human authority when placed next to the inscrutable forces that control the sea is undercut by the fact that it is in fact Prospero, the usurped Duke of Milan, who is actually causing the storm. The scene thus raises the possibility of the identity of royal and divine justice even as it sets them in opposition.

Like *Measure for Measure* and *The Spanish Tragedy*, *The Tempest* is structured by a tentative identification of the scheme of the central authorial figure and providential design; and as a deposed Duke, Prospero combines the role of Vincentio as a prince-judge and that of Hieronimo as a private revenger. Despite being stranded on an island, however, Prospero is not a conventional revenger who is completely isolated from the world. He is bound by a sense of gratitude towards Gonzalo, his princely duty toward his dukedom, his fatherly duty to Miranda, as well as his duty to God; and his subsequent 'revenges' are closely tied to the discharging of these obligations. The banishment of Prospero and Miranda is not only a story of gross injustice, but also of human benevolence and providential salvation. Prospero admits that his neglect of temporal care contributed to Antonio's usurpation (1.2.89-95), and he also acknowledges that it was only with the help of Gonzalo's "charity" and "providence divine" that they were able to arrive safely on shore ("Both, both, my girl. / By foul play,

as thou sayst, were we heaved thence, / But blessedly hop hither.”; 1.2.62-64).

Consequently, the nature of Prospero’s revenge is more ambivalent than that of a typical Senecan revenger driven by bursts of unrestrained passions. Prospero himself justifies the raising of the storm in a strangely detached way, describing his project as a matter of “courting” astronomical signs:

by my prescience
I find my zenith doth depend upon
A most auspicious star, whose influence
If now I court not, but omit, my fortunes
Will ever after droop. (1.2.180-84)

Here, Prospero is foremost a *reader* of higher designs before he is an *actor* of vengeance. And his objective is to make his enemies repent by simulating “Jove’s lightning” (1.2.201-206), all the while making sure that all the parties are safe (“But are they, Ariel, safe?”; 1.2.216). The path of punitive vengeance which he could have taken is instead suggested through the figure of Sycorax, who is characterized by her “most unmitigable rage” (1.2.276). Rather than repudiating Sycorax’s version of revenge, however, Prospero reminds Ariel that he is capable of even more terrible vengeance (“If thou more murmur’st, I will rend an oak / And peg thee in his knotty entrails till / Thou hast howled away twelve winters”; 1.2.295-7). The tragic possibilities of revenge as punishment are repeatedly raised only to be rejected.

To put it differently, Prospero simulates tragic situations instead of actually carrying them out. Each believing that the other is dead, Alonso and Ferdinand become, in their own minds, tragic figures. Ferdinand, for example, sits with his arms folded, mourning his father’s presumed death

in the manner of Hamlet, when Ariel's music allays him from his "fury" and "passion" (1.2.391-94). The subject of Ariel's song is the "sea-change" of Alonso's drowned body:

Full fathom five thy father lies,
 Of his bones are coral made;
 Those are pearls that were his eyes;
 Nothing of him that doth fade,
 But doth suffer a sea-change
 Into something rich and strange. (1.2.397-402)

In Ariel's song, the body does not decay or disintegrate into confusion (as it does in Hamlet's "worm" speech), but is transformed into something else while never actually disappearing. In revenge tragedies, bodies are conventionally sites of memory that transfer obligations through time and spurs the revenger to action. In *The Spanish Tragedy*, for example, Hieronimo's repeatedly fixates on Horatio's corpse and his bloody handkerchief as reminders of his duty to vengeance. Taking issue with this convention, Ariel's song asks what would happen to the principle of retribution if the body was transformed into something "rich and strange."¹⁶

Ferdinand quickly yields his tragic role to that of a romantic lover. Love forms new bonds that replace lost old ones: "My father's loss, the weakness which I feel, / The wreck of all my friends, nor this man's threat, / To whom I am subdued, are but light to me" (1.2.488-90). But it is significant that in *The Tempest* (as in *Measure for Measure*) it is through the orchestration of a central authorial figure, rather than by the lovers themselves (as in *A Midsummer Night's Dream*), that this transition from

¹⁶ Prospero describes his revenge as just such transformation: "Now does my project gather to a head" (5.1.1). Besides meaning design or scheme, the word "project" is an alchemical term meaning "the casting of powder of philosopher's stone (powder of projection) upon a metal in fusion to effect its transmutation into gold" (*OED* n.2).

tragedy to romantic comedy occurs. The lovers are not, as Ferdinand thinks, allowed to create their own separate world (“space enough / Have I in such a prison”; 1.2.493-94), but exist as parts of Prospero’s larger scheme (“It works”; 1.2.495).

The motif of love’s primacy over other obligations is subjugated to the end of Prospero’s justice. For example, Ferdinand’s trial of love is presented as a punishment for his usurpation of the name of Naples and his supposed intention of usurping the island from Prospero (1.2.454-57); thus Ferdinand’s ‘punishment’ is intended to preemptively pay for the injuries which either already happened or may happen in the future. Driven by his love for Miranda, Ferdinand *voluntarily* undertakes (3.1.1-7) the “mean tasks” Prospero imposed on him, and without fully knowing its significance, do penance for sins he has not (yet) committed. It is precisely as a “compensation” for this surplus created by the discharge of past and future debts—and *not* as an act of unconditional forgiveness or a celebration of love itself—that Prospero allows Ferdinand to marry Miranda: “If I have *too* austere-ly punished you / Your *compensation* makes amends, for I / Have given you here a third of mine own life” (4.1.1-3; italics mine). Miranda is described as Prospero’s “gift” to Ferdinand, but also as a prize which Ferdinand acquired or “purchased” for himself through his trial (“Then as my gift, and thine own acquisition / Worthily purchased, take my daughter”; 4.1.14-15).

The revenge on Alonso, Sebastian, and Antonio is also penitential in character. Prospero orders Ariel to put on a show to ‘remind’ them of their crime: “But remember— / For that’s my business to you—that you three / From Milan did supplant good Prospero” (3.3.68-70). The purpose of the spectacle is similar to that of Hieronimo’s staging of *Soliman and Perseda* in that they both project the revenger’s version of justice to the audience in order to bring them to realize the full extent of their crime. The difference is that while Prospero’s seeks to incorporate into the social order those who

are otherwise “unfit to live” amongst men (3.3.57-8), Hieronimo’s is intended to remove them (and eventually himself) from that order. Thus the tragicomic tension at the heart of Prospero’s revenge hinges on the two different possibilities for an ideal (Christian) social order: one that is purified of the “men of sin” (3.3.53) like Alonso, Sebastian, and Antonio, and another that includes them in an acknowledgement of shared human fallibility.¹⁷

Hast thou, which art but air, a touch, a feeling
 Of their afflictions, and shall not myself,
 One of their kind, that relish all as sharply
 Passion as they, be kindlier moved than thou art? (5.1.21-24)

Just as the spectacles staged by Prospero were aimed to persuade the offenders to repent, the sight of their sufferings as depicted by Ariel (5.1.7-17) supposedly “moves” Prospero to mercy through passionate identification. In this sense, Prospero’s subsequent comedy of mercy can be understood as the outcome of his being affected, quite literally, by his own simulated tragedy of vengeance. Once the identification is made, however, Prospero simply assumes that his enemies have repented (“They being penitent / The sole drift of my purpose extend / Not a frown further.”; 5.1.28-30) even though, as many critics have pointed out, Antonio’s silence at the end resists such view. As Wittington points out, even as the play points towards the possibility of mercy through the revenger’s identification with his enemies, it continues to suggest the fundamental limits of such empathy (116).

¹⁷ For a discussion of these two different versions of Christian community as born out in the Puritan vs. Anglican debates, see Shuger 126-31.

V.

The tension between penal and penitential justice that informs Shakespeare's tragicomedy depends on the negotiation of the individual's conscience with the conception of an ideal Christian polity as a godly, juridic order. I have pointed out that this judicial and generic tension illustrates the ideological uncertainty of divine-right absolutism; and that within this system of political thoughts, the practice of forgiveness stems from a spirit of equity that allows one to identify with a supposed wrongdoer in an acknowledgment of shared (Christian) humanity.

But does the spirit of equity inevitably lead to empathic identification? If so, does the knowledge of a shared fallible humanity necessarily lead to an imperative to mercy? Drawing from Aristotle's analysis of emotions and the ancient Stoic's 'medical' understanding of human nature, Nussbaum tends to defend mercy in the criminal justice system, stressing the importance of taking account of emotions in legal analysis (*Hiding from Humanities* 5-12; "Equity and Mercy" 92-105). A closer look at the formal tensions of Renaissance revenge tragedies in its relation to the idea of absolute justice, however, tells us that in the age of Shakespeare, perceiving one's wrongdoers in all their faults and sinful humanities could just as easily lead to punishments as to forgiveness. Seen from the perspective of divine justice, both Prospero's comedy of mercy and Hieronimo's tragedy of vengeance are essentially penitential. In this sense, the generic undecidability of Shakespearean tragicomedies illustrates the radical uncertainty inherent in the early modern conceptions of Christian community and justice that structure the affective and ethical contents of punishment and mercy.

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ABSTRACT**Shakespeare and the Tragicomic Possibilities of Absolute Justice****Tonhi Lee**

Shakespeare's *Measure for Measure* is concerned with the contradictions arising in a system of justice over which the monarch claimed absolute, sovereign power. Critics have discussed how the play explores the ideological tensions between the competing judicial principles of the common law, equity courts, and royal prerogative. Deborah Shuger, on the other hand, has demonstrated the profoundly religious character of the play's representation of absolute justice, which is found to be irreducible to the absolutist/constitutionalist debate that will dominate the political discourses of the later seventeenth-century. Using Shuger's work as a starting point, I argue that *Measure for Measure* explores the fundamental uncertainty inherent in the idea of absolute justice as it is found in the writings of James I. Although its ostensible purpose was to bolster the official claims of the absolute monarch and the state's law, the idea of absolute justice could be appropriated to provide a powerful critique of the established regime, precisely because it was part of a discourse that depended so crucially on the ultimate authority of God, which was presumably reflected in the moral integrity of the monarch, his deputy-judge on earth. Thus the idea of absolute justice, even as it supported the official ideology of the absolutist state, could lead to multiple perspectives of justice which may or may not lend support to a particular monarchical regime. This paper is an attempt to connect this moral uncertainty inherent in the idea of absolute justice to the generic undecidability of Shakespeare's tragicomedies. In a discussion of the genre of revenge tragedy through Thomas Kyd's *The Spanish Tragedy* and

Shakespeare's *The Tempest*, I attempt to show how the thematic tensions between justice and mercy correspond to the genre's tragic and comic possibilities. Just as *Measure for Measure*'s tragicomic tension is shaped by the figure of Vincentio as self-proclaimed divine monarch, I argue that at the center of the thematic/generic tension of these plays is the shaping presence of the figure of the revenger who seeks to embody his own particular vision of absolute justice.

Key Words | absolute justice, equity, James I, revenge, tragedy, revenge tragedy, Thomas Kyd's *The Spanish Tragedy*, Shakespeare's *Measure for Measure* and *The Tempest*.