Marriage Contracts
from Chaucer
to the
Renaissance
Stage

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KATHRYN JACOBS

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Preface

It is somewhat ironic that this book, which does not leave the fourteenth century until it has spent four chapters exploring the influence of contemporary marriage law on the imagination of that age's greatest poet, actually began by investigating a similar phenomena two hundred years later, on the Renaissance stage. Yet were it not for the current academic custom of dividing scholars into narrow categories in order to distinguish, in this case, "medievalists" from "early modernists," this would perhaps not seem so strange. Certainly it is high time that the artificial wall erected between these two periods begin to crumble, since the bulwarks between historians and students of literature have long since been breached, and scholars on one side now borrow freely from those on the other. Occasional forays have, of course, been made. There is a fairly long tradition of cross-period chronological surveys, so that a given book may begin with, say, Roman drama before going on to the history of stage practice in the Middle Ages and the Renaissance. Literary "influence studies" like Caroline Spurgeon's Five Hundred Years of Chaucer Criticism and Allusion, 1357-1900, Ann Thompson's Shakespeare's Chaucer, E. Talbot Donaldson's The Swan at the Well, and, most recently, Refiguring Chaucer in the Renaissance, edited by Theresa M. Krier, also encourage a cross-period approach.

This study, however, attempts another approach entirely. Instead of studying the influence of one author upon another, I would like to compare and contrast the very different literary reactions to a common stimulus: the successive metamorphoses of the marriage law from the thirteenth century all the way up to the middle of the eighteenth (1753). But only literature of a more or less "popular" nature—first Chaucer, with his tales of "sundry folk" taken from

all estates, then the mystery plays, and finally the secular dramas of the Renaissance—really concerns itself with the changing legal and cultural status of marriage ceremonies. Only in such works is it possible to trace, without disguise, the literary effect of marriage as an institution. And only after I had compared their radically different treatments of marriage laws did I look for a solution in the work of historians—James Brundage, Pollock and Maitland, Barbara Hanawalt, Ralph Houlbrooke, Martin Ingram, Vivien Brodsky, Judith M. Bennett, Amy Louise Erickson, Michael M. Sheehan, and countless others. Here, amidst the complicated changes in ecclesiastical court enforcement policy, church policy, marriage rites, and remarriage practices from the fourteenth to the early seventeenth centuries, I began to find the answers. To them, then, and to the many literary critics I cite along the way, this work is greatly indebted.

A version of chapter I was first published in *Chaucer Review* 29, no. 4 (1995) under the title, "Rewriting the Marriage Contract: Adultery in the *Canterbury Tales.*" Chapter 2 was first published in *Mediaevalia* 22, no. 2 (1999). Finally, a portion of chapter 3 appeared in *Publications of the Medieval Association of the Midwest* 6 (2000).

Prologue 39Cz

Marriage Contracts through the Centuries

This book is a literary study that begins with a historical fact: the vicissitudes of marriage law and practice between the thirteenth century and the Hardwicke Marriage Act of 1753. It begins there out of simple necessity, because literary works focusing on intimate relations between men and women naturally serve, at least to some extent, as what Hamlet called "the abstracts and brief chronicles of the time." This does not, of course, mean that every minute historical fact necessarily influences literature. Chronicles are highly selective, and only those facts that the writer considers significant make it into the record. As a practical matter, those laws that have little effect on the social experience of everyday men and women—and a majority, probably, belong in this category—fall into deserved oblivion.

Changes in marriage law, however, are a very different matter. They directly affect the lives of a large majority of the population, and thus tend to arouse strong feeling. This was certainly the case in at least two periods: when "Gratian's law" began to give way to laws centering on spoken vows in the present tense,¹ and again when the Church of England tried, beginning in the mid-sixteenth century, to coax, encourage, or frighten people into marrying at church, after the reading of banns (or with "special license"), and during canonical hours.² We would expect that literature touching upon marriage during these periods would show a more acute concern with marriage law and rituals—and this is exactly what we do find. In the first period, the public attention to new conceptualizations of marriage notably affected the work of Chaucer and, to a lesser extent, mystery pageants, fabliaux, and romances. In the second period, public anxieties over marital change were vividly reflected on the Renaissance stage in the works of such playwrights as Middleton, Jonson, Shakespeare, Chapman, Webster, and Massinger.

What, then, were the legal changes that stirred such a response, in literature and out of it? To answer this question, we must go back to 1140, when Gratian first codified marital law in his Decretum. The marriage law described by Gratian was relatively simple: Consent plus consummation made a marriage. As a practical matter, then, a couple wishing to marry had only to announce their intent and set up house together. There were, therefore, few disputes in ecclesiastical court over the validity of a marriage, and little reason for writers of literature to linger over the legalities. In the thirteenth century, however, Pope Innocent III decreed that consent alone—oral consent—was the essence of marriage. Marriages might, as before, be contracted elsewhere than at church, with no churchman present, and without leaving any written record. A church ceremony was, however, necessary to vest property, thanks to the secular courts of England and Italy that controlled distribution of property; these decreed that dower rights, among others, were vested only at the church door.³ To some extent, then, the ecclesiastical and secular courts were at crosspurposes: while the latter used church ceremonies to determine property rights pertaining to marriage, the Church insisted that words, no matter where they were spoken, were all it took to make an irrevocable bond. In the process, they also insisted that neither consummation nor cohabitation had any bearing on the legality of most marriages.4

This, as it turned out, had unintended consequences. A definition

of marriage that depended on words alone could be inconvenient in a society that celebrated most marriages in private homes. Thoughtless words spoken before witnesses became enforceable contracts, even if no consummation occurred and the couple never set up house together. Long-standing marriages with children were sometimes broken up in favor of unconsummated "precontracts" entered into years before.⁵ Verb tenses, as we have already seen, became crucial. If witnesses remembered a promise "de futuro," no marriage had yet taken place, and the betrothal thus formed could be broken by agreement anytime prior to consummation. But if either the speaker or the witness forgot to say "will," an irrevocable marriage had been formed. To make matters still more complicated, many parties and witnesses seemed unaware of the importance of verb tenses and were inconsistent in their court testimony on this legally crucial point.⁷ For popular opinion continued to hold that consummation was essential to a marriage, and popular rituals such as the "bedding" of the bride continued to emphasize it. No one, then, could be surprised at the flood of lawsuits in the ecclesiastical courts of the thirteenth and fourteenth centuries. Almost always these were attempts to enforce marriage contracts, and in the fourteenth century, at least, more than half of these succeeded.8

After this bare outline of contract law up to the fourteenth century, it might be wise to note here what had not changed in the last several centuries—what, in other words, Chaucer would have taken for granted. The concept of marriage as a contract was not new then, though the definition of the contract had changed, and medieval ecclesiastical courts enforced such contracts methodically. Nor was this all. Along with the idea of a contract went a concomitant idea, which can be traced up through all the most influential writers, from Paul to Augustine to Gratian and the decretists of Chaucer's day. The idea that sex was "owed" to one's spouse originated with Paul, who insisted that marital sex was a remedy for man's sinful nature. Procreation was distinctly secondary. Paul's famous description of marital obligations was the basis for all the others:

A wife cannot claim her body as her own; it is her husband's. Equally the husband cannot claim his body as his own; it is his wife's. Do not deny yourselves to one another, except when you agree upon a temporary abstinence in order to devote yourselves to prayer; afterwards you may come together again; otherwise, for lack of self-control, you may be tempted by Satan.⁹

Payment of the marital "debt" was the chief, continuing marital duty. So essential, in fact, was this duty that virtually no circumstances were sufficient to justify ceasing relations. The early Christian writers had instructed the married to abstain from relations on fasting days, for instance, or during the menstruation or pregnancy of the wife. But by Chaucer's day sexual relations at these times were, at most, a minor infraction; in fact, Gratian ruled that if one spouse made the demand during these times, the other was "bound to comply." Spouses were entitled to drag their partners out of monasteries and nunneries to meet their obligation. Persons who were legally separated might still be ordered to provide sexual relations and "marital affection" to the estranged spouse. Women sometimes obtained the release of their husbands from military campaigns so that the men could meet their obligation to their wives. Excommunicates, who otherwise had no legal rights in a court of law, could sue for restitution of sexual relations. Even the partners of lepers had to meet their obligation, if their spouses demanded it. 11

The law, then, enforced the sexual obligations of marriage even when enforcement meant the abrogation of other vows, church decrees, or military service. In effect, medieval law treated marriage as a sexual contract that partners must be able to rely on, since they were limited to a single supplier. But if the law was going to treat sexual relations as if they were business contracts (and it did), if it enforced sexual "contracts" just as it would enforce financial ones, if it even borrowed the language of finance (debt, due), then people would inevitably look for business remedies. What happened if your supplier went bankrupt? In a business venture, the

injured party would offer his business to another contractor. But the possessor of a sexual contract had no comparable options.

It was to prevent murmurs of this sort that the courts made such strenuous efforts to enforce sexual contracts. But it was a doomed effort. There were too many situations over which the law had no control. For instance, courts "did not concern themselves with husbands ... absent from home on business" even though absences of two or three years were "a common feature of mercantile careers."12 And most instances of incapacity did not qualify for divorce: "If marriage had been consummated by even a single act of intercourse, then it remained binding even if one partner subsequently became impotent."13 And what about women who did not get their husbands back from the campaigns? Or what about spouses who were incompatible? To these and other forms of married misery, the law had nothing to say. There was an inconsistency, then, in the legal approach to marriage: the law treated marriage as a contract comparable to any business contract, and enforced it as such, but it shrank from the logical consequences of this approach.

Chaucer did not shrink.

All this is enough, perhaps, to prepare the reader for the first two chapters, and the analysis of Chaucer's treatment of the bona fide marriage contract. But the influence of the marriage contract on literature went beyond the portrayal of properly married couples. Again, Chaucer was among the first to extend the logical possibilities beyond marriage and into extramarital affairs. Marriage here served, in effect, as the opening wedge. Once the language originally designed to govern the distribution of commodities and finance had been applied metaphorically to one brand of intimate relations between the sexes (marriage), it was a small matter to apply it to other sorts of intimate relations as well. Here it may be helpful to realize that the financial metaphor first introduced by Paul was so ingrained in the culture and common parlance that it would have been difficult to find many men and women in medieval England who did not know just what "paying the marriage

debt" referred to. People were accustomed to thinking of sex as a commodity or a service disposed of in monopolistic contracts for a suitable equivalent—something "owed" by one party and supplied by another. Unauthorized lovers could, of course, have rejected the concept, and doubtless some did. But Chaucer's did not; they simply extend the same kinds of language to their private and unauthorized amours. Both married and unmarried lovers in the *Canterbury Tales* regularly employ legal and financial terms when describing, or initiating, sexual relations.

Here it should be stressed that in the world of medieval men and women, ordinary contracts, marriage among them, tended to be oral rather than written. Even those contracts that were recorded —London apprenticeships, for instance, or church marriages wrapped the oath in as much ceremony as possible. Contracts of debt were often exclusively oral, with witnesses taking the place of written evidence. 15 Thus, while contracts without witnesses were obviously riskier, there was no difference in form between the unenforceable vows of Chaucer's illicit lovers and those sworn in public. So when lovers began mixing amorous conversation with talk of debts and sureties, the audience was likely to be reminded of the only amorous relationship regularly associated with finance: the well-known marital "debt." In effect, the marriage contract only provided a precedent for applying such language to intimate relations. Chaucer then made use of the already well known metaphor to redefine even the most casual dalliance in contractual terms. No wonder the characters of the Canterbury Tales speak and think in financial and business legalisms.

We have now, I hope, sufficiently introduced marriage law as it was experienced in the fourteenth century. But before we proceed to later centuries, one question remains, of special interest to literary scholars: How much of all this would Chaucer's first readers know, or the audiences of the medieval mystery plays? For that matter, what would Griselde know, when her husband announced that her marriage had been annulled? And if some people knew more than others, what sorts of people, beyond canon lawyers and

highly educated authors, were most likely to be well informed? Examination of the court cases alone does not answer the question, for if some of the cases involved very humble people, it is likewise true that prosperous people were disproportionately represented in court. Let us look quickly, then, at what other sorts of evidence are available to shed some light on the vexed question of the medieval reader's knowledge.

It seems likely that most poor villagers were aware that spoken vows were sufficient to make a marriage, but they were not aware of the important differences, as far as property was concerned, between marriages in church and marriages in other locations. To back such an assertion, I would turn first to the large number of unsolemnized marriages that took place in fourteenth-century England in defiance of the secular courts. 16 But most of the propertied classes did marry at churches, 17 as if they knew that this ceremony was necessary to make all "siker ynough" (certain enough), as the Merchant pungently observes. 18 Here it should be noted that dower was not the only property right at stake; the husband's claim to his wife's property, his right/duty to act for her (coverture), and even, potentially, the inheritance rights of the children were all put in jeopardy by a contract marriage. 19 Clearly, it was in the interest of most property owners to adopt forms of marriage that maximized their legal protection, and most of them were well aware of how this was to be done. But people without much property had no such motivation; for them, the differences were largely academic. Poorer people were also less likely to have recourse to the courts to settle property disputes, and less likely to know people who had done so.

In fact, marriage law as it was interpreted and transformed by the secular courts effectively perpetuated class divisions by creating two classes of married people: those whose unions conferred property rights and responsibilities, and those whose marriages were valid only in the eyes of God and their neighbors. Marriages of the latter sort were unsolemnized, and verged on "invalid" to the legal mind. Bracton, the great thirteenth-century jurist who

did for English law what Gratian had for canon law, frequently used this and similar terms in the heat of a marital property dispute.²⁰ Surely the practice of denying dower to widows not married at a church door was at least partially attributable to that invalidity. Other issues, such as dowry, also divided the two sorts of unions. For at least two hundred years before Chaucer, "customary law in regions as widely separated as Sicily and England, required formal marriage ceremonies and dowries."21 Given the Italian setting of the Clerk's Tale, the similarity between Italian and English customary law is most important. In fact, dowry was, if possible, even more important in Italy—and not in Sicily alone. For while communities everywhere "strongly disapproved of unions lacking dowry," Florentines, according to Brundage, "considered it far more shameful to marry without dowry than to marry without the blessing of a priest."22 It was also very dangerous, since the widow's dower closely approximated the dowry contribution she brought with her.23

From all this it may begin to be evident how marriage law heavily influenced not only the widow's material predicament but her literary role as well. Materially, as we have shown, such factors as whether or not the widow's marriage was solemnized in church might be crucial in determining how much property she possessed after her husband's death. But the literary legacy of the widow was differently determined; here the financial and business assumptions that governed marital contract law continued to make themselves felt. Widows, after all, were required to live chastely—in this case, sexlessly—unless they remarried. But according to the Paulian analysis, such abstinence should be all but impossible for the average healthy widow. After all, it is impossible to "owe" anything, sex included, without a concomitant demand on the other side. Thus, if women like the wife in the Shipman's Tale relied on their husbands to pay their marital debt promptly, how much more must a widow suffer without any husband at all? (The same should apply logically to widowers, but there is almost no mention of them in literary or historical

texts.) Add to this deduction the widely held assumption that women, being less intellectual than their husbands, were more dominated by the passions, and you have the vision of a widow scarcely able to contain her frustration. This, I argue, helps to explain the thriving tradition of the libidinous widow, which in turn influenced both Chaucer and, later, the dramas, ballads, and tracts of the late sixteenth and early seventeenth centuries.

Up to this point I have outlined the state of marital law and practice in the thirteenth and fourteenth centuries, and why they matter to readers of medieval literature. In addition, I have sketched the process by which the legal language of marriage, and particularly the commercial and financial metaphors so often applied to marriage contracts, affected popular notions of widows. Finally, I have suggested that, while many medieval writers were affected to some degree by the social principles of marital law, their greatest influence was on Chaucer. Readers would expect, therefore, to see great attention to marriage law and its consequences whenever Chaucer takes the trouble to describe how a couple cemented their union. But while this does indeed occur, and will be the particular subject of chapter 2, it is not here that Chaucer's readers will find the most striking evidence of the influence of marriage law. The most telling evidence will be seen, not in his delineation of legitimate marriage ceremonies and their consequences, but in his depiction of adulterous or extramarital relationships and the ways in which these too conform to the marital model. The first section of this book, then, will be chiefly concerned with tracing the degree to which marital ceremonies of the fourteenth century, and the expectations that begot them, influenced all the relations between Chaucerian men and women.

And here I would surely have stopped, had the enforcement patterns in ecclesiastical courts, and the policies of the Anglican Church where marriage was concerned, remained unchanged in the sixteenth century. For some time, indeed, I overlooked the importance to literature of these changes since, superficially at least, very little changed in marriage law between the fourteenth

and mid-sixteenth centuries. Public anxiety about contract law seems to have dropped steadily, if we can judge by the decreasing number of marriage suits brought to ecclesiastical court; by the early sixteenth century, such lawsuits had declined to a mere trickle. The Greater familiarity with the law may be one reason, economics may be another, and the rise of financial remedies in nonecclesiastical courts still another. Whatever the reason, the trend itself is marked. It might reasonably be expected, then, that the trend in litigation indicated a social trend that literature would only confirm. Yet barely fifty years after interest in taking marriage cases to court had collapsed, Renaissance plays are almost obsessively concerned with every possible aspect of marriage law. What is the reason for this? And why, in the late sixteenth and early seventeenth centuries, does marriage law seem to figure in the public imagination as unjust or inadequate?

The Council of Trent, which in 1563 made contract marriage illegal in much of Europe, was not, of course, binding in England. Nevertheless, in the decades after this council, the Church of England increasingly emphasized church marriages by an ordained minister during canonical hours and after three public readings of the banns. Contract marriages were still legal until 1753, but they had no standing in common law, and many courts were no longer willing to enforce them. In theory, consummation was still sufficient to transform a betrothal into a marriage without further ceremony,²⁵ but it was no longer sufficient in practice, as court cases show. Here was a change of policy that affected a large percentage of the population, and on which public opinion was at least divided.²⁶ Marriages might now be real but not legal, or legal but not moral, depending on what ceremonies were observed and who was doing the observing. Naturally this increased anxiety, and dramatists responded by creating increasingly elaborate and meticulous stage marriage ceremonies.

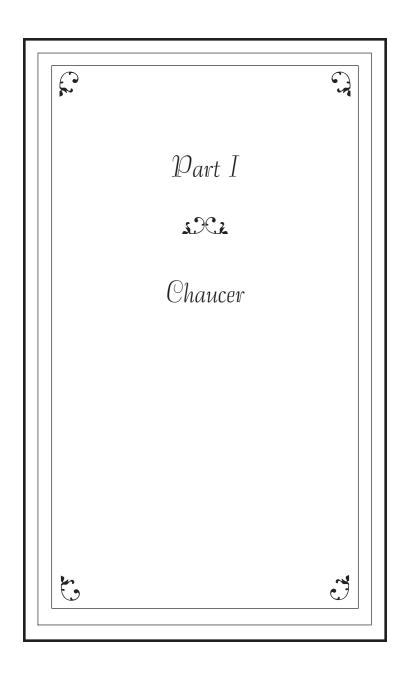
To modern readers, the imperfections of *de praesenti* vows in an oral culture only serve to make obvious the manifold advantages of church ceremonies and the written records that went with

them. Yet it is not really surprising that many people in the sixteenth century much preferred the old freedoms to the innovations foisted on them by the Church of England. After all, contract marriages preserved many freedoms that were done away with by church ceremonies: they were quicker, cheaper, easier to initiate, and easier to get out of. This last freedom, for those who lived to regret their vows, was a considerable advantage, as divorce, though illegal, was much easier to practice without the independent witnesses and written records of the church. The relative expense of church weddings also had a considerable influence. This was such a deterrent to the poor that, after the demise of the contract marriage, many people preferred fleet marriages, at a third the cost.²⁷ Another highly unpopular encumbrance to marriage was the required reading of banns on three succeeding Sundays. This requirement prompted so much opposition that increasing numbers of well-to-do people—one-

fifth to one-third of the entire population by the eighteenth century—got around it with special licenses.²⁸ And of course, solemnization interfered with the religious beliefs of those who

refused to be married in Anglican churches.

But the most important advantage of contract marriage law was probably its unobtrusiveness. Like Gratian's law, this policy had the great merit of going unnoticed by most people, most of the time. Nobody could miss the new requirements, and there was, therefore, considerable resistance. Many people, as Katherine O'Donovan notes, continued to cling to the old forms of marriage into the nineteenth century, when they could no longer claim even token legality.²⁹ And when we add to all this the usual conservative dislike of change, we have, for the first time, a considerable body of conscious opposition to the new trend, opposition that dissipated only gradually. Renaissance drama tapped this opposition.



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Rewriting the Marital Contract

Adultery in the Canterbury Tales

British marriages in the Middle Ages entailed a double obligation, enforceable in two different courts. The ecclesiastical courts enforced the personal duties of a spouse and decided, in dubious cases, whether marital obligations had in fact been undertaken, while the temporal law courts distributed the property. The two were quite separate; one governed the marriage of persons, the other the realignment of goods. Even the exception to the rule illustrates the distinction. Movable goods, unlike all others, were controlled by the ecclesiastical courts because they were considered "personalty," attached to the persons themselves. We have, then, what amounts to two different contracts, a marital contract and a business one.

The marriages in the *Canterbury Tales* reflect this division. Some of them are very concerned with the marital contract and its specific spousal obligations of companionship, consent, and intercourse upon demand.³ But other spouses behave as if they were mere business partners. And usually, nothing so thoroughly distinguishes between these marriages as adultery. In the first case, adul-

tery may actually restore the marriage by reestablishing the reciprocity of the marital contract. Otherwise, adultery exposes its absence.

The latter case is relatively easy. Adultery follows naturally from marriages between people who regard each other as the bearers of so many worldly goods. When there is no comprehension of the other as an individual, there can be no companionship, and adultery is the inevitable recourse of a healthy animal. We see this in the Merchant's Tale, where it does not seem to occur to the husband that he owes his wife anything other than his worldly goods. Indeed, he has nothing as a husband that May could possibly desire, and so there can be no mutual obligation between them. The line "Whan he wolde paye his wyf hir dette" (2048) [When he wished to pay his wife her debt], with its cov reference to his marital obligation, is highly ironic. May has never demanded that particular payment, and the phrase is a mere covering for his own indulgence. To May, marital relations are strictly a cost of doing business (see the splendid lines 1850-54). Here, then, a sales contract masquerades as a marital one; the reader is almost reassured when some sort of personal relationship, however unappealing, reasserts itself.

In the *Miller's Tale* the age discrepancy again prevents reciprocal affection and obligation. Nowhere does Alisoun express any interest in her husband. She, however, is the center of considerable interest—largely, though not exclusively, sexual. The Miller himself describes Alisoun, at some length, as the perfect consumption item, culminating in the fine summary

She was a prymerole, a piggesnye, For any lord to leggen in his bedde, Or yet for any good yeman to wedde (3268–70)

[She was a primerole, a darling, For any lord to lay in his bed, Or yet for any good yeoman to wed].

The class element of sexual desire is finely detailed here: Alisoun is not good enough to marry a lord, and too good for a yeoman to

get hold of any other way. Notice that, in the couplet above, marriage becomes a coin that the yeoman must pay in order to obtain "so gay a popelote" [so gay a pet] if he is to offset the lure of the lord's superior social position. Alisoun's "consent" does not seem to be at issue. At most, she might be offered two different but roughly equal bids. Those who cannot make a large enough bid—say, a yeomen who cannot offer the financial security of marriage—will lose the contract, which is essentially a sale. This equation of marriage and currency is perfectly appropriate to a marital business contract of the sort governed by the temporal court. We see much the same sort of contract when the Wife of Bath describes her fourth marriage: her husband Jankyn marries for money, she for sex appeal. In these cases adultery is simply the younger spouse's way of compensating.

But how does Chaucer treat adultery in a companionable and contractual relationship between partners mutually obliged to each other? How, in particular, does he treat the wife who enters into an affectionate marriage, only to find herself bound to a man who, for one reason or another, fails to fulfill his part of the bargain? ("Wife" rather than "spouse" is the operative word here, as Chaucer's husbands never find themselves in this position; their wives, even when they are adulterous, do not deny companionship to their spouses.) In such a situation adultery, or the threat of it, is not merely a result of a husband's inattention to his wife. At the very least, the specter of it in the Franklin's Tale fosters a reexamination of marital commitments, after which the pair are happier than ever; Arveragus treats his wife "as though she were a queene" (1554) and there is "nevere eft" [never again] anger between them (1553-54). In the Shipman's Tale, Chaucer goes even further. In this marriage between a preoccupied (workaholic?) husband and his dissatisfied wife, adultery actually restores the reciprocity of the marriage by forcing the pair to communicate. Prior to adultery, the husband and wife seem alienated from each other—he is holed up in his countinghouse preparing to leave on yet another business trip, while she bangs on the door, trying to persuade him to come out. By the end, however, the husband not only knows what his

wife wants, he seems to enjoy providing it. She in turn has learned how to interest her husband, adopting the language of the countinghouse in order to present sex to him in a new and, for him, more appealing guise. Only the lover is nowhere to be seen. Nor is he needed any longer. Indeed, after playing so scurvy a trick on the wife, he would hardly be welcome in her presence.

All of this, it should be admitted, comes very close to justifying adultery. At the very least, Chaucer seems to lean this way when adultery serves to restore a companionable marriage. But the tale may be viewed as justifying adultery whenever one spouse is not living up to his end of the contract. Is this what Chaucer is suggesting? Remember that the canonical authors, who were the basis for all medieval marriage law, would never have countenanced adultery. And Chaucer knew the canons well. But then, the law as it evolved from church canons also allowed for no redress when partners failed to fulfill their sexual obligations. Instead the law put enormous emphasis upon deterrent—namely, a requirement that all spouses "render the [sexual] debt" upon demand, lest they be responsible for their partners' misdeeds. This naturally leads the curious to speculate: What happens when spouses, for whatever reason, fail to perform? In such an exigency, the law provided no remedy. Faced with spouses disabled by age or illness, husbands absent on business for years, pilgrimages taken without spousal consent, or simply an uncooperative husband (the desires of uncooperative wives were disregarded), the law could only counsel sufferance—in other words, no remedy at all. This did not satisfy Chaucer. And so, very tentatively at times, he began to consider the unacceptable: What happened to a marriage when adultery did result from one of these situations? And was it necessarily a bad thing?

At least in the *Shipman's Tale*, the answer is clear. This tale is not usually considered part of the marriage group, but it surely ought to be, for the unidentified female narrator not only adopts the legal and financial language so often applied to marriage, she applies it to one of those very cases assiduously avoided by the legal system of the day. No other tale of adultery dares to explore this territory,

which differs from its fellows in several respects, most importantly in the attention it gives the wife. Other adulterous Chaucerian wives—May, say, or the Miller's Alisoun—have no personal interest in their husbands. This wife, however, is very much interested. She takes the business remedy (searching for another "supplier") only when she finds herself cut off from her husband, sexually as well as financially. Having enjoyed herself, she then again offers to renew her contract with her husband (the "original supplier"). This time he takes her up on it.

The wife declares her dissatisfaction with her husband's marital performance in no uncertain terms. Perhaps she is making it all up for Daun John's benefit, but this seems unlikely, since the narrator strengthens the wife's case not only with the countinghouse episode but with the words of the merchant himself, who displays his preoccupations as he talks at length about the risks and difficulties of his business. And the wife's complaints are noteworthy for another reason: the bitterness of her resentment at her husband's neglect is enough to establish that this is not simply a case of incompatibility—not, in other words, a marriage that should never have occurred in the first place. This wife would welcome more attention from her husband, and considers herself justified in expecting it:

In al the reawme of France is ther no wyf that lasse lust has to that sory pley. . . .

Wherefore I thynke out of this land to wende. . . .

Ful lief were me this conseil for to hyde,
But out it moot; I may namoore abyde.

Myn housbonde is to me the worste man
That evere was sith that the world bigan.
But sith I am a wyf, it sit nat me
To tellen no wight of oure privetee. . . .

As helpe me God, he is noght worth at al
In no degree the value of a flye.
But yet me greveth moost his nygardye. (116–72)

[In all the realm of France there is no wife That has less pleasure in that sorry play. Wherefore I think to go out of this land. . . . I would much prefer to hide this counsel, But out it must; I may endure no longer. My husband is the worst man to me That ever was since the world began. But since I am a wife, it is not appropriate for me To tell anyone of our privacy. May God help me, he is not worth Even the value of a fly. But yet his niggardliness grieves me most.]

The wife speaks of her husband's inadequacy emphatically ("at al / In no degree" and "in all the reawme of France"); "that sory pley" refers not to sex in general but to the sorry state of his sexual play, which the monk has ignorantly described as far greater. She is also perfectly aware that the law offers her no way out other than death ("out of this lande to wende"), and she peremptorily dismisses the "suffrance" that she fears this churchman may counsel ("I may namoore abyde"). She is, of course, making the case for adultery.

The introduction of "nygardye," even with its sexual connotations, has jarred many readers, who think that it devalues her personal frustration. And it is true that the word "But" seems to give preeminence to the financial sense of "nygardye" by requiring the reader to contrast the sexual complaint preceding it with the more financial lines that follow. Certainly this is not a continuation of the same complaint. On the other hand, neither is it the equivalent of "But enough of the preliminary stuff. What *really* bothers me is his stinginess." This wife is particularly aggrieved because, she thinks, she has the worst of all possible contracts. Not only does she suffer from more neglect than any wife "in al the reawme of France," she does not even get the limited compensation of an open-handed spouse. It grieves her "moost," then, because it seems the least she could ask for under the circumstances.

Adultery here looks like a compensatory device, designed to sweeten a bad deal. And while it was legally forbidden, Chaucer seems willing to entertain it as an acceptable solution, if we may judge by the zestful reconciliation of husband and wife just shortly afterwards. Everyone affected by this act of adultery seems the better for it. Initially the wife seems the great gainer, and Daun John, of course, is the better by one night of mirth. But by the end of the tale, the husband too promises to benefit handsomely, for the now adulterous wife has become adept at a currency exchange of her own. In place of the "creance" [pledging on credit] that divided the two and absorbed the sexual energies of the husband, she offers him a new "taillyinge" [tallying, but with a pun on "tail"]. And it works: the merchant is enjoying the sexual contract he has purchased as never before.

Line 172 is crucial. On one hand, it contrasts the sexual and financial contracts; these are two separate realms ("But"), and she has made bad bargains in both. On the other hand, the juxtaposition of the two complaints, and especially the double use of "nygardye," ties them together. Her contrast of the two suggests that she does not yet understand what the courts of her time have known for centuries, however incompletely—namely, that the same rules govern both sorts of endeavors. Her argument is all business: "dispence" on her "arraye" (her dress allowance) establishes the social connections that make his financial dealings possible (179-81, also 20-21). Indeed the narrator herself—a wife, it seems—always associates money and sexuality. Sometimes she does it with grammatical equivalence: the merchant's house had many visitors "For his largesse, and for his wyf was fair" (22) [because of his generosity, and because his wife was fair]. Other times the narrator suggests a causal relationship between economics and sexuality: "compaignable and revelous was she / Which is a thyng that causeth more dispence" (4-5) [companionable and full of revel was she, / Which is a thing that causes more expenditure]. Soon the wife in turn, in the bargain she makes with Daun John, establishes the equivalency of sex and finance. Mary Flowers

Braswell has already analyzed the legal language that the wife employs to make her new contract, such as the use of repeated oaths and of "day certain" [fixed day], a legal term. This alternative contract, however, is not designed to offer him sex for money," for such language would suggest that money was her primary end. Say, rather, sex and money. She enjoys them both.

And this time so does her husband, the merchant, Readers tend to ascribe to the merchant very little interest in sex, since he so seldom expresses any. On this we have the wife's word, and everything else in the tale seconds it. For instance, virtually all the lines given to him in the tale concern finance, and none focus on sex or the appeal of his wife. He also leaves home for days at a time, on business, and behaves like an ascetic wherever he goes. And most of the hours he does spend at home in the *Shipman's Tale* he spends alone at his "contour" [countinghouse]. He even leaves his bed early in the morning so that he can devote more time to his "rekyinings." And yet he married a wife "of excellent beautee," "compaignable and revelous" and of course "fair." This in itself suggests that he considered such qualities at least worth the cost in gold and silver—though, paradoxically, the narrator doubts his judgment in this regard (5-7). And his language may possibly bespeak a displaced sexuality (pace Benson). It would be difficult, for instance, to hear "Of chapmen, that hir moneie is hir plogh" (288) [money is the merchant's plough] without hearing sexual possibilities, even if we had not already heard the Miller give it a sexual sense (Miller's Tale 3159); the phrase "to plough another man's field" is almost idiomatic for adultery, and the "seed" that the word "money" supplants naturally brings the human variation of that process to mind. Moreover, the merchant's behavior after he returns—with his profits secure—suggests pent-up demand; his embraces and kisses lead speedily to sexual claims so demanding ("tough") that his wife feels obliged to protest, weakly:

And up he gooth and maketh it ful tough. "Namoore," quod she, "by God, ye have ynough!" And wantownly agayn with hym she pleyde (379–81)

[And up he goes and makes it "full tough." "No more," said she, "by God, ye have enough!" And wantonly again she played with him].

The merchant, then, is not indifferent to his wife, nor incapacitated, nor unappealing to her. But he displays his affection only occasionally, when his business successes leave him free and unencumbered enough to play.

Had the tale ended here, we might well doubt whether anything had changed. Economics might still take precedence with the husband, and the wife might continue to look elsewhere. But this time, when the exigencies of finance again threaten to suppress the sexual contract that the merchant has temporarily restored, the wife coolly adopts her husband's language and translates it into her own preferred currency. And he likes it. In fact, the two of them sound most companionable together, tying up the loose business of the day in the lull between lovemaking. The merchant, as is his wont, begins to talk of "dettours" [debtors] and "tokenes" [tokens] and to preach fiscal responsibility. So when his wife appropriates these very words, she signals to her husband that she accepts the importance of fiscal contracts and invites him to regard their sexual relations in the same light.

Ye han mo slakkere dettours than am I! ...
I am youre wyf; score it upon my taille,
And I shal paye as soone as ever I may. ...
By God, I wol nat paye yow but abedde! (413–24)

[You have debtors more slack than I am! I am your wife: score it upon my tally (pun on tail), And I shall pay as soon as I can....
By God, I will not pay you except in bed!]

It is a brilliant stroke. The pun on the verb "score" and the noun "taille" emphasizes how little difference the wife sees between the sort of "scoring" on tally familiar to the merchant and the tail-scoring she recommends. These two people have a good deal in

common, after all; both of them regard their relationships as primarily contractual, and they know the value of promises and punctual performance. The pair of them have simply been focusing on different contracts, and now the wife's adultery has enabled her to present her desires in a manner that her husband can readily understand. Notice that, although this marriage is not elaborated in any great detail, the husband and wife do not treat each other simply as objects, sexual or otherwise; they have learned to speak a common language and they take each other's desires and needs into account. We leave them speaking together. More "taillyinge" is expected—until "our lives end," as we share the blessings of this couple—but right now they are arranging their marriage. At least on the simple level of the characters of the Shipman's Tale, then, adultery is not only an acceptable response to breach of contract, it is a restorative one. Thanks to it, the wife and the merchant are reunited on common ground.

So far we have considered Chaucer's treatment of adultery only in the limited contexts of his fabliaux or, in the Merchant's case, a tale that incorporates elements of the fabliau. How does he treat the threat of adultery in a more idealized, semicourtly tale such as the Franklin's? The *Franklin's Tale* flirts briefly with the notion of what might be called "honest adultery"—adultery that occurs only after the husband has broken the marriage contract by failing to "pay his debt." Ultimately, Chaucer chickens out at the last minute, when Dorigen is rescued from the dreadful deed by the nobility of the squire. This is a pity. Probably people would not need laws of any kind if Arveragus, Aurelius, and the Clerk were typical specimens of humanity. So Gaylord is right to argue that the gentillesse of the Franklin does not work because no one has to pay.⁶

But Gaylord seriously underestimates the Franklin's attempts at honest evaluation—at hard seeing—up until Aurelius's act of generosity. The *Franklin's Tale* proposes a test case carefully designed to try Chaucer's qualified approval of adultery. It is relatively easy to sympathize with an adulterous wife if her husband is a solitary

miser who rarely shows interest in her; after all, the guy deserves it, even if the equal materialism of the wife prevents her from attaining any moral superiority. But what if the husband seems affectionate? What if, like Arveragus, he is absent for socially accepted reasons: "To seke in armes worshipe and honour" (811) [To seek worship and honor in arms]? And what if the wife, left alone for two years at least—the "yeer or tweyne" [year or two] that the Franklin carelessly describes becomes "Two yeer and moore" [two years and more] a little later (809, 1102)—finds herself more involved than she intended with someone else? How are we to regard adultery under such circumstances?

As fully justified, given the prolonged absence of a husband whose priorities are clearly elsewhere. In fact, it is strange how little emphasis has been put upon the fully optional nature of Arveragus's departure. Arveragus left his wife, not only because he sought "worship and honour," but because "al his lust he sette in swich labour" (812) [he set all his desires in such labor]. There is nothing reprehensible in a knight's possessing such a desire, of course, but there is also no question about the man's priorities: Arveragus's wife ran a distant second behind his all-consuming desire for professional acclaim. In this he is not so different from the merchant of the Shipman's Tale, much as he would object to the comparison. For if Arveragus's passion for knightly prestige was professionally motivated, so was the merchant's absorption in money. Witness, for instance, the merchant's explanation to his wife when she reproves him for his preoccupation: "For of us chapmen . . . Scarsly amonges twelve tweye shul thryve / Continuelly" (226–29) [For of us merchants ... scarcely two shall thrive among twelve / Continually]. Both were competitive men, more interested in their work than in their wives, and only the criterion of success employed by these two men (prestige versus money) differed.

The extended absence of Arveragus—a voluntary absence, professionally motivated—is especially worth dwelling on because absences of two or three years were "a common feature of mercantile careers" in medieval society, as Brundage assures us. This was another of those situations that the courts did not address, but which nevertheless received a good deal of attention and were the subject of much concern. Preachers and moralists of the day expended some effort on the subject; St. Bernardino, for instance, "encouraged the wives of tradesmen to use every means to force their husbands to return home at frequent intervals... absences of two or three years he said were displeasing to God." Now, I doubt very much whether St. Bernardino would have recommended adultery to the neglected wives he championed. Yet here again Chaucer takes a position embraced by the moral authorities of his day, and then dares to press the argument. Suppose the husbands persist in displeasing God by "widowing" their wives for years at a time? Do they not free their wives to repair the broken marital contract as best they may?

In the Franklin's Tale, the husband himself says yes. No, he doesn't like it; he even "brast anon to wepe" (1480) [immediately burst into tears] as he sends his wife to meet the other man. But paying the price of our decisions is often painful. His own dictum, "Trouthe is the hyeste thyng that man may kepe" (1479) [troth is the highest thing that men may keep] requires him to approve the deed. He has not kept "trouthe" with his wife. There is no suggestion, for one thing, that he even consulted her when he "Shoop hym to goon" (809) [prepared to go]. Certainly he did not "folwe hir wyl in al" (749) [follow her will in all], as he promised, given that she was beside herself at the absence of a husband whom she "loveth ... as hire hertes lyf" (816) [loves ... as her heart's life]. He has not provided her with the consolation of his presence, and therefore yields her up under all the impetus of his own moral imperative. His honesty here distinguishes him sharply from the merchant, however similar they are in other respects, and many readers find him a likeable and sympathetic figure in consequence.

Of course, Dorigen is not at all typical of the women whom St. Bernardino worried over: Dorigen had no wish to look elsewhere in her husband's absence, and the promise she made to Aurelius was innocently meant. In fact, I think the story is carefully tailored to render the wife blame-free while simultaneously involving her with another man. She is, in effect, doubly exonerated, since all this would never have happened if Arveragus had been home as he should have been, and even so, she didn't intend it. Dorigen is thus destined to remain a sympathetic figure, even had she gone through with the adultery.

The Franklin's Tale, even more than the Shipman's Tale, portrays adultery as a moral alternative available to good people whose spouses have not lived up to their part of the marriage contract. The Shipman's Tale contains much more of the legal and canonical language employed to describe medieval marriages, but it makes no attempt to achieve the higher moral plane of the Franklin's Tale. The latter lets the (almost) cuckolded husband himself, in a painful moment of honesty, undeceived, acknowledge the propriety of adultery, and here the couple are made admirable so that the audience may willingly identify with them. Having led the audience to this troubling conclusion, the Franklin does indeed let them off the hook—don't worry, I won't let it happen after all. But the realworld implications are plain. Chaucer does not critique the marriage law of his day; instead, he embraces the intent of the law, and uses it to critique accepted moral standards. The Shipman's Tale and Franklin's Tale are in effect case studies designed to intrigue us, and to provoke us into reexamining our principles.



Marriage Ceremonies and Property in the Canterbury Tales

Whether knight or merchant, miller or marquis, carpenter or king, the husbands of Chaucer's Canterbury wives are, on the whole, a prosperous lot: house owners to a man, with good clothing and a comfortable livelihood if not a full-blown estate. Why, then, do some of the women who marry them thrive and prosper while others live precarious and miserable lives? And why, when these husbands become abusive, is one wife, the Wife of Bath, notably able to assert herself with confidence while another, Griselde of the Clerk's Tale, can only suffer? Character differences, though real, explain very little. Griselde's self-denial, for instance, could easily be situational—the product of being, first, born to the "povrest" house in the village and then, as we shall see, a wife without dowry or church ceremony or legal protection of any kind. It is also noteworthy that May in the Merchant's Tale—a woman with no more than rudimentary character definition, if that—nevertheless manages to obtain considerable maneuvering room within the marriage. No set traits of character, then, are essential to wifely prosperity and independence. In fact, only one thing is essential: a legally unassailable title to a portion of the family property, along with access, at least potentially, to law courts that would support that title if necessary. No Chaucerian wife who achieves such protections is ever relegated to the role of victim, while those without them spend most of their marriages suffering from the lack thereof.

To achieve property rights, Chaucer's wives must be married in such a way as to obtain the support of influential institutions in their society. Those women who are married at church—either "at the dore" à la the Wife of Bath, or at the altar like May manage to act in their own interest and to achieve at least some individual satisfaction, despite their lack of interest in their husbands. But those who marry without the protection of such ceremonies—notably Griselde and Custance—remain in a highly insecure state, subject to the whims of their husbands or the malice of their in-laws. The marriage ceremonies that Chaucer delineates in such meticulous detail, then, were not decorative; they mattered, as the property-owning members of Chaucer's audience already knew full well.

The legal and social significance of the late medieval ecclesiastical marriage ceremony was not due to any efforts made by the Church or its courts: in their eyes, all marriages were equally binding, so long as consensual vows were exchanged per verba de praesenti between a man and a woman of marriageable age. 1 It was the secular courts that gave legal significance to the church ceremony. This was because, in practice, the influence of church law in fourteenth-century England was limited. Marital property was not distributed by the ecclesiastical courts.² The secular courts had jurisdiction over property—and the latter did not recognize any marriage unless it was solemnized at the church door.

Had the church courts, rather than the secular courts, succeeded in their struggle to gain jurisdiction over marital property issues, Chaucer's Canterbury Tales might not contain the numerous, meticulously detailed prenuptial agreements and marriages apparent

in the Clerk's Tale, the Merchant's Tale, the Knight's Tale, the Man of Law's Tale, the Wife of Bath's Prologue, and even the Second Nun's Tale. For while Chaucer was clearly aware of ecclesiastical marriage law—he designed the contract marriage of Walter and Griselde with this in mind—the marriages of the Canterbury Tales are permeated by the requirements and assumptions underlying the institution as it had been crafted by the English secular courts. One obvious legacy of secular court law is the prenuptial agreement arranged in the Merchant's Tale in May's behalf. But other influences, though less obvious, are at least as significant. Griselde, for instance, upon finding herself repudiated by her husband in part 5 of the Clerk's Tale, addresses Walter as if she were making a dower claim in secular court.

In no tale is the integration of secular and ecclesiastical marriage law as complex and carefully designed as it is in the *Clerk's Tale*. Up to this point it has been Walter, not Griselde, who manipulates the secular court law by arranging a mere contract marriage. No priest or church has had a finger in his union with Griselde. Her marriage has, therefore, no standing in secular court, and no claim to dower or restitution of dowry should be valid when the marriage dissolves. Griselde, however, is at pains to secure possession of her shift without once appealing to his mercy, simply by employing against him her own knowledge of the basic principles underlying customary law. That she should *need* to resort to legal principles to obtain so small an item is precisely her point: she is trying to expose the reality behind the rhetoric of Walter's offer to restore her dowry in full.

Admittedly, the episode would be effective even if Chaucer's audience knew nothing of secular court law. But the fact that both husband and wife employ it in a very precise and knowledgeable way suggests that Chaucer wrote for an equally knowledgeable audience. Some evidence has likewise survived outside literature to suggest that, at least among the privileged classes, knowledge of marital court practice was indeed widespread. Certainly young Margery Paston and Richard Calle had sufficient knowledge of marriage law in 1469 to make a contract that held up under re-

peated examination by a bishop who, under pressure by her powerful family, would gladly have disqualified it. It is true that the couple were not without anxiety. The importance of the exact words and tense used was underscored by the bishop, who "said he would understand the words that she had said to him [Richard Calle], whether it made matrimony or not." Unfortunately, her original words to Richard are not recorded, but her addition sufficiently conveys the care she took to say the right words, her anxiety lest she fail, and her determination. "And she rehearsed what she had said, and said if tho words made it not sure she said boldly that she would make it surer ere than she went thence; for she said she thought in her conscience she was bound, whatsoever the words wern." Clearly, Margaret and Richard were not legal experts. Nevertheless, readers or auditors with this sort of basic knowledge of marital court practice would be well qualified to recognize Griselde's one-upmanship.

As soon as Walter announces his intention to put his wife aside for another woman⁴—persuading Griselde that "the pope ... Consenteth it" (803–4)—customary law comes to the fore. Had the pope actually consented, Griselde would indeed be treated legally as the "wydwe clene" she calls herself (836). As such, she would certainly be entitled to a dower equal to her dowry. The problem, of course, is that Griselde did not bring with her even the clothes on her back. The rule of equivalence therefore dictates that she has no rights to anything belonging to Walter, and can literally be sent home naked. And if, instead of regarding Griselde as a widow, we describe the separation in Walter's terms as an annulment granted by the pope, similar rules apply: former wives were also given restitution of dowry, as long as they were not adulterous.⁵

Griselde did, however, bring what she calls a "dowry" to her husband: her virginity. And since this is a dowry Walter cannot restore, she offers to take her smock in exchange for it:

"But ther as ye me profre swich dowaire As I first broghte . . . My lord, ye woot that in my fadres place Ye dide me streepe out of my povre weede . . . Wherfore, in gerdon of my maydenhede, Which that I broghte, and noght agayn I bere, As voucheth sauf to yeve me, to my meede, But swich a smok as I was wont to were . . ." (848–86)

["But whereas you offer me such dowry
As I first brought . . .
My lord, you know that in my father's place
You did strip me out of my poor clothing . . .
Wherefore, in requital of my maidenhood,
Which I brought, and do not bear away again,
Permit yourself to give me, as my reward,
But such a smock as I was accustomed to wear . . . "].

Notice that Griselde implicitly accepts the concept of equivalence entrenched in customary law—the doctrine dictating that dower be proportional to dowry—and here uses it to obtain a smock. Walter pretends that the restoration of her dowry is an act of his "grace" (808), as if he were not obliged to make this offer. But Griselde does not accept the concept of grace and the appeal to his mercy. Instead, she makes claim to the smock as her *due*—something he owes her as compensation—and he acknowledges it by accepting her terms.

Griselde's negotiations thus make her more like a marquise than a village maiden. And this, of course, only proves what the Clerk has said of his heroine all along:

God hath swich favour sent hire of his grace That it ne semed nat by liklynesse That she was born and fed in rudenesse, As in a cote or in an oxe-stalle, But norissed in an emperoures halle" (395–99)

[God has graciously sent her such favor That it did not seem probable That she was born and fed humbly As in a peasant's hut or an ox-stall But rather nourished in an emperor's hall].

By the tale's end, Griselde seems more familiar with what belongs to the class she married into than does Walter himself.⁶

In fact, Walter's fear of giving his wife customary court rights may determine his behavior throughout the entire unequal struggle between the two. Certainly, from the moment he declares his intention to wed Griselde in the future tense (engagement), Walter is custom-designing a marriage that would stand up only in ecclesiastical court. And from a property point of view, there is a certain logic to this. It is true that most men of Walter's class eagerly sought customary law protections in their marriages but then, it is also true that men of his class rarely married women without dowry. In such a marriage, all the benefits of a church ceremony, and the customary law protection that would follow from it, necessarily accrue to the wife. She, after all, would win a dower right of one-third of Walter's property, as had been the law since the thirteenth century. His rights, however, would be purely theoretical; since she had no property for him to control, coverture law could only bring added responsibilities. The contract marriage he arranged, then, though unusual for a man of his rank, protected his property interests by avoiding a potentially burdensome debt where no offsetting assets were possible. Walter thus proves himself much savvier than Januarie of the Merchant's Tale, though no more engaging. When Januarie and May married at the altar, she obtained a stake in his extensive property that could be denied by no one, while he got nothing but a sense of "cleneness." To Walter, this price seems to have been too high. Accordingly, he has arranged a marriage that is legal in ecclesiastical court, public enough to protect the legitimacy of his heirs, but not ceremonial enough to give his wife a single property right worth mentioning.

Even the question of witnesses has been meticulously thought through by Walter, the most legally acute husband of the *Canterbury Tales*. Theoretically, no witnesses were required to make a contract marriage; vows made in the presence of God were just as

binding, morally, as those before multitudes. But a marriage without witnesses would surely put the legitimacy of Walter's heirs at risk, should it one day be challenged by some kinsman. Too many witnesses, on the other hand, might prove embarrassing if Griselde should decide not to accept marriage on his terms, or if she should stipulate conditions. This, then, explains Janicula's presence at the "collacioun." As a father, this man's presence needs no explanation—and Janicula is far too dependent on him to make difficulties, should Griselde prove undesirably assertive.

Naturally, after setting up an exchange of vows with such forethought, Walter does not neglect the implications of his verb tenses. It is no accident that the initial proposal is made solely in the relatively noncommittal future tense:

"Yet wol I," quod this markys softely,
"That in thy chambre I and thou and she
Have a collacioun, and wostow why?
For I wol axe if it hire wille be
To be my wyf and reule hire after me.
And al this shal be doon in thy presence;
I wol noght speke out of thyn audience."
And in the chambre, whil they were aboute
Hir tretys, which as ye shal after heere . . . (323–31)

["Yet will I," said this marquis softly,
"In your chamber, just you and she and me,
Have a conference, and do you know why?
For I will ask if it is her will
To be my wife and rule herself according to me.
And all this shall be done in your presence;
I will not speak out of your hearing."
And in the chamber, while they were arranging
Her treaty, which you shall hear about shortly...].

Later Walter will proceed to a conditional promise, "But thise demandes axe I *first*" (348). Only when he is quite satisfied does he

proceed to present-tense vows and a larger body of witnesses, speaking "to the peple" and announcing in the present tense, "This is my wyf" (368-69). The resultant ritually perfect "contract in a chambre" was the first in a number of literary works that, over the next several hundred years, featured meticulous marriage contracts with dependents functioning as witnesses.⁷

The marquis could, of course, have followed through with a church ceremony later, as medieval couples sometimes did. But the text that follows the contract leaves no room for anything else: every detail of the marriage is included, from the engagement and vows to the marriage bed, the analysis of her new role, and the wrap-up: "Thus Walter lowely—nay, but roially—/ Wedded with fortunat honestetee" (421-22) [Thus Walter lowly—nay, but royally—/Wedded fortunate honesty]. But if a church ceremony was lacking, there was no lack of marital symbols that, given their traditional associations, might come under the rubric "crowdpleasers." Of these, the wedding ring Walter gave Griselde was probably the most significant, but other marital gifts and tokens were also duly provided, such as the new gown and the obligatory marital "revels." It is important to note, however, that none of these traditional elements had legal significance in any court of the land. Because they were traditional, many witnesses in English ecclesiastical court assumed they were evidence of marriage, and cited them as such. Judges, however, were rarely if ever swayed.8

It is tempting (though fruitless) to wonder how the Clerk's Tale would have been different if, instead of the dowerless Griselde, Walter had picked out for marriage the equally dowerless May. Initially, perhaps, the substitution would have not have changed the plot much. For if May's skill at soothing her husband "benyngnely" in the garden is any indication (MerT 2186, 2380-89), May would never have outfaced Walter directly, Wife-of-Bath style. Nor would a young woman willing to marry a sixty-year-old for his money have turned down a man much younger and richer than he. Like Griselde, too, May knows how to obey, and is capable of selfcontrol when the occasion demands:

Anon he preyde hire strepen hire al naked, He wolde of hire, he seyde, han some plesaunce; He seyde hir clothes dide hym encombraunce, And she obeyeth, be hire lief or looth. (1958–61)

[Immediately he asked her to strip herself completely naked: He would have some pleasure of her, he said. He said that her clothes encumbered him, And she obeyed him, whether she was willing or loath.]

Nobody, in short, played Griselde better than May did. Why, then, is Januarie's position so weak? Why does he feel obliged to beg and even *bribe* his wife—unsuccessfully, as it turns out—into being faithful to him? Walter surely would never have the need to *command* fidelity. He would have assumed it, and made short work of any wife who acted otherwise. Imagine the marquis stooping to the methods of persuasion Januarie embraces:

And though that I be oold and may nat see,
Beth to me trewe, and I wol telle yow why. . . .
First, love of Crist, and to youreself honour,
And al myn heritage, toun and tour;
I yeve it yow, make chartres as yow leste;
This shal be doon to-morwe er sonne reste (2168–74)

[And though I am old and may not see, Be true to me, and I will tell you why. . . . First, love of Christ, and honor for yourself, And all my inheritance in its entirety; I give it to you, make charters as you like; This shall be done tomorrow before the sun set].

Januarie, clearly, is not so secure. In fact, made anxious by his new blindness and the sense of helplessness it engenders, Januarie wastes amazingly little time on appeals to his wife's virtue. Token references to "love of Crist" and "honour" take up only a single line. Then he gets down to what he actually has always been selling her: material self-interest. But this does not work either, and for very good reason: Januarie has already given away, at his marriage, almost all of what he now offers her again. His success the first time is thus responsible for his failure now. After all, Januarie has already authorized "a sly and wys tretee" [a clever and prudent treaty] complete with "every scrit and bond / By which that she was feffed in his lond" (1697–98) [every written document and covenant / By which she was enfeofed in his land], and then further ratified the gift with a church ceremony. In effect, he now has little to give her, except her widowhood. It was the legal documents and church ceremony, then, and not his blindness, that undermined Januarie's position in the garden and made him a cuckold. From that moment on, May had only to avoid an adultery charge, by hiding her amours, to achieve everything the marriage could give her.

Whether the solemnization and prenuptial agreement were a result of May's own savviness or of her friends' and relatives', we are never told. Somebody, however—and somebody far less easy to manipulate than Janicula—looked out for May's interest in those negotiations. It is significant, for instance, that Chaucer's emphasis is upon what May gains from the premarital negotiations: it is she who is "feffed" in his land, she who benefits from the "scrit and bond" that is a prelude to the wedding. None of these legal procedures are wise for Januarie. In fact, it is worth asking who is so eager to skip the legalities, and whose impatience is expressed in lines such as "it were to longe yow to tarie ... every scrit and bond ... finally" (1696–1700) [it would take too long to tarry ... every written document and covenant ... finally]. Is it Januarie's, given his eagerness for the nuptial night? Or is the Merchant himself perhaps unwilling to drag out the folly of a fellow husband? Leigh Arrathoon notes that there is little to choose between the Merchant's impatience and Januarie's. 11 At any rate, the one point of view not expressed is that of the bride and her family, who would surely view with equanimity this lengthy lawyerly business, with its gathering crescendo of property negotiations and legalisms.

Ceremonies like these also served a social purpose. Marriages concluded at church, because they affected property, *mattered* more to the community. Likewise, wives with property rights carried more weight in their community, and were more likely to gain partisans when needed. It is not surprising, then, that the community constitutes a very real presence, both here and in other tales of influential wives. In the Merchant's Tale, for instance, Januarie's folly gains allies for May before the match even takes place. Certainly Justinus and Placebo, though friends of the bridegroom, dower May with an alacrity that her kin could not have bettered: "They wroghten so, by sly and wys tretee, / That she . . . As hastily as evere that she myghte / Shal wedded be" (1692-94) [They arranged it, by a clever and prudent treaty, / So that she . . . As hastily as possible / Shall be wedded]. Nor are they alone. "Othere worthy folk" lend their countenance to the marriage by sitting upon the dais with them at the bridal feast (1711). May is also careful to govern her own behavior in such a way as to keep these people's support; for instance, she meticulously follows the "usage" of her community: She "Heeld hire chambre unto the fourthe day, / As usage is of wyves for the beste" (1860-61) [Kept to her chamber until the fourth day / As is the custom among the best wives]. Everything that May gains, she gains by adhering to the conceptions of her role popular in her community.

Januarie, on the other hand, does *not* govern himself according to the dictates of his community, and suffers because of it. This is most obvious when Januarie warns his friends that he will not listen to them, though they have not yet opened their mouths. "Noon of hem none argumentes make / Agayn the purpos which that he hath take" (1619–20) [None of them could make any arguments / Against the design he had taken]. But there are other occasions as well. In selecting a future wife, for instance, Januarie goes against the advice of "the peple" who favor a maiden "for hire sadnesse and hire benyngnytee" (1591–92) [her seriousness and goodness]. Instead, he chooses "of his owene auctoritee" (1597) [on his own authority]. This is emphatic, and we are not surprised that a man who behaves so stubbornly fares ill.

Nor was May the only Chaucerian wife who relied on community ties to strengthen her position. The Wife of Bath, for instance, with the security of five church ceremonies behind her, frequently relies on a community of women, to whom she shows far more loyalty than she shows any of her husbands (see 536–38, 544–49, and 555–62). Such support could be crucial in marital disputes, or when the interests of husband and wife collided. In the *Miller's Tale*, for instance, Alisoun's choice of a lover with influence in the community saves her reputation: no matter what her husband can say,

The folk gan laughen at his fantasye . . .
For what so that this carpenter answerde,
It was for noght; no man his reson herde.
With othes grete he was so sworn adoun
That he was holde wood *in al the toun* (3840–46)

[People began to laugh at his fantasy . . . For whatever this carpenter answered,
It was all in vain; no man would listen to his reason.
With great oaths he was so outsworn
That he was considered mad in all the town].

Was Alisoun, too, married in church? Since this story begins in medias res, we are never told. We do know, however, that the Carpenter is a "riche gnof" (3188) who has "fallen in the snare" of wedlock (3231), and that his wife controls at least some of his finances; she wears a purse on her girdle at all times. Never does the Clerk suggest that Alisoun is the one ensnared, as would surely be the case if she were married, without financial compensation, to an old man who did not interest her. Together, then, these details—her purse, her support status in the community, her confidence, the depiction of marriage as a trap that renders *him* helpless—all combine to suggest that this mismatched couple, like young May and old Januarie, were married under Church auspices. Alisoun, like her counterpart May, has profited by it.

Such speculation is, of course, inherently fallacious. As a literary character, Alisoun has no past, and therefore no marriage cer-

emony to investigate. But in the legal reality of the fourteenth century, such assumptions may be built into all tales of prosperous and financially secure wives. Certainly plenty of Chaucer's own characters were well aware that wives profited by church marriage ceremonies if the husband was prosperous. The Wife of Bath, for instance, considered church ceremonies such an advantage that she features this information in the opening sentence of her prologue, "housbondes at chirche dore I have had fyve" (6) [I have taken five husbands at the church door]. The prominence given to this detail is all the more telling since, as a rule, she shows no interest in wedding ceremonies and entirely skips such marital details as bridal dresses, organs, and priest's apparel. The Second Nun, unworldly as she is, spends more time on Cecilie's wedding gown than the Wife does on anything but the bare fact of church sanction. To the Wife, it seems, marriages are like funerals: they should be done in church, and as efficiently as possible; she buries her fourth husband "under the roode beem" (496) [under the cross] and says, "It nys but wast to burye hym preciously" (500) [It is mere waste to bury him expensively].

Between the Wife, then, and the family of Saint Cecilie there is only one point of similarity: the importance of a church ceremony in establishing the worldly position of the bride. The details selected by the Second Nun are spare, but revealing: an organ to suggest the involvement of the Church, and a cloth-ofgold bridal gown to indicate the wealth and high social standing of the two families. To Cecilie, however—and probably to Chaucer's audience as well—both symbolize class privilege, and both must be repudiated if Cecilie is to earn sainthood. And so they are in short order: the gown replaced by the hair shirt, the organ by her solitary singing: "whil the organs maden melodie, / To God allone in herte thus sang she" (134-35) [while the organ made melody / She sang alone in her heart, thus]. In a world where only the propertied classes habitually used church ceremonies, organ music at a wedding suggests class prerogative. And since Cecilie, during her brief widowhood, possesses sufficient authority to will away

not only the traditional woman's "movables" [moveable property] and household goods but the house as well, all this ceremony seems to have been effective. Clearly this bride too has been "enfeoffed" in her property. In fact, had she not run determinedly toward martyrdom, Cecilie would doubtless have enjoyed all the financial security of May and the Wife of Bath.

Still, in at least one tale, the Man of Law's Tale, the protection of the Church is notably ineffective at protecting the rights of the bride. Custance suffers mightily in marriage, even though her first union was blessed by the pope himself. Custance's problem is simple: she spends most of her life far beyond the reach of any law recognized by Chaucer's audience, be it church or civil. Custance, after all, is the preeminent "doghter of hooly chirche" (674) given up to the "Barbre nacioun" (281). Nevertheless, the legitimacy of Custance's marriages is important to the Man of Law. He insists that each is a "Christen mariage" (369), buttressing his claim not only with the conversion of the husbands but with elements familiar from both contract and church law. As in May's case, there are careful prenuptial negotiations, concluding with a formal "tretys" à la the Clerk's Tale. This treatise, unlike Walter's, is supervised by the pope (233-34). There is thus no question that Custance's marriage is intended to give Custance all the marital privileges that follow from a church ceremony. The wise men of Syria, at least, have no doubt about the matter; no Christian prince, they opine, would marry his daughter without the protection of Christian law:

By cause that ther was swich diversitee
Bitwene hir bothe lawes, that they sayn
They trowe that no "Christen prince wolde fayn
Wedden his child under oure lawe sweete . . ." (220–23)

[Because there was such division Between their laws, that they said They believed that no "Christian prince would be willing To marry his child under our sweet law . . . "].

But this time, the law fails. The pagans are too strong, and too far away from Rome, to fear the consequences of defying either the emperor or the pope. This, of course, is one of the risks of bureaucratic expansion. In effect, Custance's first marriage represents a failed attempt by ecclesiastical and civil authorities to extend the reach of their combined laws. But where these fail, the unaided Custance succeeds. She is, in effect, the advance guard, single-handedly ushering into England the blessings of Church-sponsored law. From an institutional point of view, Custance's life is thus a brilliant success. From a human one, it seems perverse; by the end poor Custance wants nothing more than to embrace her father's knees and praise God for rescuing her, at last, from the rigors of wedlock (1152–55).

All this, of course, seems to leaves no room for the one wife who thrives despite the apparent lack of a church marriage ceremony: Dorigen of the Franklin's Tale. But if Dorigen's happiness is an exception, it is clearly an exception that proves the rule. For the assumptions behind the Franklin's Tale are radically different from most Chaucerian marriage tales. The other stories, for instance, all present husbands as a decidedly undesirable lot. They are either old and unsatisfying (Wife of Bath's Prologue, Miller's Tale, Merchant's Tale) or jealous (Merchant's Tale, Miller's Tale) or obsessively controlling (Clerk's Tale, Wife of Bath's Prologue, Merchant's Tale) or, at least, dangerous and unreliable (Man of Law's Tale). The Franklin's Tale, however, introduces a young and loving husband who trusts and respects his wife. Dorigen likes him, and so do most readers. And unlike May, or the Wife, or the Miller's Alisoun, or Griselde, or even Custance, Dorigen does not stand to gain economically or socially or even, as in Custance's case, territorially when she marries. Quite the opposite: Dorigen is "of so heigh kynrede" that Arveragus, though himself a knight, hardly dares speak to her. As long, then, as people marry for the right reasons, and are willing to obey each other forever afterwards, it no longer matters whether or not the wife has the benefit of a church ceremony; Chaucer can afford to skip it. The Franklin's Tale is thus the only one of Chaucer's

tales to describe a marriage-in-the-making without specifying the nature of the ceremony used.

Nothing could be more logical. In an ideal world where all men behave—ultimately—in an exemplary fashion, Dorigen does not need legal protection, and the precautions deemed necessary for a favorable judgment in court are no longer relevant. They would also be anachronistic, since the prologue informs us that the tale retells a Breton lay so "olde" that it belongs to "hir firste Briton tonge"; it is, therefore, presumably set in a pre-Christian era. But this does not entirely account for the omission. It would take only a few name changes, such as the name of the deity Aurelius prays to, to place the tale in the fourteenth century. Some details in the tale would even encourage Chaucer's audience to modernize the setting—notably his repeated use of the word "clerk" and his characterization of the same. At any rate, it hardly seems accidental that, in the one tale of married love where all the men do "gentilly til oother" and both spouses disavow mastery in the opening lines, Chaucer feels free to skip the ceremony. Reality threatens to intrude, as legalisms bring both husband and wife to tears, and the latter to the verge of suicide. But gentillesse triumphs, rendering legal precautions unnecessary—barely.

That so improbable a crescendo of generosity is necessary for the tale to end happily might, however, make single women all the more determined to secure a well-negotiated "tretys" before their own marriages—celebrated in church, naturally. And the idealized character of Arveragus would do little to counteract this, for Arveragus is predicated largely on his opposite: he is the stereotypical jealous husband, inside out. For instance, Arveragus cannot simply refrain from jealousy; he has to be totally destitute of even normal curiosity. Most husbands, returning from a twoyear absence, would at least wonder if the wife they left alone so long had been tempted to console herself in the interim. Arveragus, however, is not even faintly "ymaginatyf / If any wight hadde spoke, whil he was oute, / To hire of love; he hadde of it no doute. / He noght entendeth to no swich mateere" (1094-97) [imaginative / Whether anyone had spoke to her while he was gone / Of love; he had no suspicion of it. / He never listened to any such matter]. Yet if he really had no doubt, why reiterate the denial in the very next line? For that matter, is such extreme "trust" even desirable—or does he simply take her for granted? And shouldn't we at least doubt his judgment? After all, someone *has* spoken to his wife of love. And while Dorigen never "meant to" commit herself to Aurelius, many a lonely wife caught with a lover could surely say much the same thing.

The Aurelius incident, then, though designed to keep Dorigen likeable and well-intentioned, also allows Chaucer to explore the pressure that temptation and separation place upon an otherwise good marriage. This time, all was well. But what if Aurelius *had* taken what he so much desired, and Arveragus later regretted his generosity? Would he have taken it out on her? Or suppose Dorigen had refused to keep her word, and Aurelius had responded by "shaming" her. The confused stories that such a shaming would provoke have enraged many other husbands, and Arveragus was particularly sensitive about his reputation (751–52, 1485–86). The possibilities, in short, are almost endless, and not all of them could be ameliorated by a tretys and church wedding. Still, a wife so armed would be much better situated than a wife without the commonlaw rights those precautions would bring.

So if, given the link Chaucer establishes between wifely prosperity and church weddings, the *Franklin's Tale* looks like a concession, it is clearly a very limited one, confirming more than it surrenders. Anyone hoping to use this tale to explore the conditions under which legal safeguards can be dispensed with would probably take one look and sprint for the nearest church. The result is a fairy tale with a sense of unease behind it, or a conscious conviction that the genre had better not be pressed too closely. Beguiling and humorous as it is, the *Franklin's Tale* has little, if any, application to those living in less "gentil" worlds.

Modern readers tend not to care very much, at first, what sort of ceremony binds a couple in marriage, since we are not accustomed to seeing property and legal standing depend on these things. But in the fourteenth century, the ceremony chosen might matter enormously—and the propertied members of Chaucer's audience, at least, would have been well aware of this. To them, the presence or absence of a church marriage served as a social touchstone, reflecting the rank and bargaining power of the families involved, and their economic security or vulnerability. Without the property rights granted by a church ceremony, either party to the marriage might suffer, but women, thanks to their legal status as dependents, probably suffered disproportionately.

Certainly, in the Canterbury Tales, Chaucer leaves no doubt that the choice of marriage ceremony could have far-reaching consequences for the wife. The mere fact that Chaucer takes the trouble to record the nature of a marriage ceremony and to include so many small details—the location of the ceremony, verb tenses, dowry—suggests that these details will have consequences in the story. The correlation between the relative dependence or independence of a Chaucerian wife with the nature of her wedding ceremony confirms this. Often the wife's ability to gain a bargaining point will depend on, first, the rights given her at her nuptial, and then how deftly she can manipulate them. Of these two, the first is the more important. Griselde, for instance, knows secular marriage law well and cites it expertly, but none of this can compensate for the missing church service or dowry. All she can do is obtain a shift as compensation for the virginity he took from her. Still, the pride of the woman is suggested by her insistence on obtaining this by right, not charity. The Wife of Bath, meanwhile, is equally cognizant of the importance attached to church ceremonies in secular law, but her bargaining position was evidently better. The marriage rights thus obtained have secured for her a wealthy and independent widowhood. May bids fair to follow her example.

At the very minimum, knowledge of the consequences of marital property law should make the portions of the Tales describing marriages more interesting to the reader. It should also considerably heighten expectation. Readers and auditors of the fourteenth century, for instance, if they were even moderately educated, could anticipate the worst for Griselde from the moment Walter unveiled his carefully crafted marital contract. Today, only historians of the period can be trusted to have comparable knowledge—and historians seldom teach Chaucer classes. It is important, then, that Chaucer's use of basic marital property law become better known by their colleagues in English departments, so that students of literature everywhere can savor the implications in the *Tales*.

3

5.9C.2

Extramarital Contracts in the Canterbury Tales

Mention Chaucer and extramarital love to most readers, and they are likely to think of Nicholas and Alisoun (the Miller's Tale), Daun John and the merchant's wife (the Shipman's Tale), or May and Damyan (the Merchant's Tale)—lovers with roots in the fabliaux and folk traditions. Extend the topic of illicit love into the world of courtly love, and they will think of Troilus and Criseyde. Rarely, however, do modern readers treat the informal arrangements of lovers as "contracts." Yet promises are a regular feature of Chaucer's tales and are frequently given great emphasis. Typically, Chaucer's lovers devote one meeting entirely to arranging the terms of the relationship, while sex is relegated to a later day. The promises are then treated by the participants as binding and reliable. And while the context of a man and a woman making a verbal contract before engaging in sexual relations is strongly reminiscent of the marriage contract,¹ few of the critics commenting on Chaucer's contractual language have discussed the influence of marital contracts per se.² And none have explained delayed consummation between lovers like Alisoun and Nicholas as a natural consequence of influence from the marital model.

Lovers' rituals, as recorded by Chaucer, resemble those of marriage in two chief ways: they give importance to the contractual moment by making the future relationship contingent on prior verbal agreement, and they adopt some of the linguistic patterns customarily associated with engagement and marriage. Such metaphorical uses of language could then ricochet back again, influencing their original use. A third, less significant resemblance should also be noted: the accoutrements of marriage and engagement ceremonies—the giving of gifts—reappear in this new context.³ The following pages will therefore discuss each of these in turn: first in overview and then in greater detail.

Several considerations made the public marriage contract an inevitable model for people's more private amours. For one thing, the basic form of the marriage contract had been well known for centuries, since it was part of the cultural inheritance. 4 In addition, marriage contracts, like the illicit arrangements made by lovers, were consensual by definition. All it took to bind parties in matrimony was consent in the present tense—or, under Gratian's law, consent plus consummation.⁵ In fact, courtly love, in that it stresses the importance of fidelity, can be seen as an alternate "marriage" —a private contract existing simultaneously with the public, legal one. And the resemblance between Chaucer's version of such contracts and marital ones is all the more marked when we consider that there is no intrinsic reason why extramarital lovers should isolate, and in the process emphasize, the contractual moment. Legal contracts make this moment as prominent and public as possible in order to make it demonstrable in court, should that prove necessary. Extramarital lovers have no such motivation. Yet in the Canterbury Tales, at least, the habit seems hard to break. Even comic lovers seldom hop into bed without carefully hammering out the terms of their relationship first.6

The contractual, even legalistic, language adopted by Chaucer's lovers at private moments is striking, given the informality and extralegal nature of the relationships themselves. Aleyn of the *Reeve's Tale*, for instance, borrows the term "esement" (4186) from

property law to justify sex with Malyne. Other examples abound. Daun John of the *Shipman's Tale* borrows the legalism "certeyn tokenes" (359) to describe his ejaculate, while both Arcite in the *Knight's Tale* (1604) and the falcon of the *Squire's Tale* (528) adopt the language of debt when they offer "seuretee." The emphatically official nature of lovers' oaths, though common, also deserves mention. Nicholas and Alisoun of the *Miller's Tale* cannot simply *promise* fidelity, they have to be "accorded and ysworn" (3301) [contracted and sworn]. They could not be more heedful of the binding nature of words if they stood at the portals of a church—or, in cases of marital disputes, in an ecclesiastical court. The emphatic nature of the promise suggests language intended for the public record, as marriage almost always was. Evidently the marriage contract was a more flexible instrument than law and custom suggested, capable of infinite variation and modification.

Marital and Nonmarital "Accords"

The word "accord," when applied to a man and a woman in the Middle Ages by any author but Chaucer, usually meant marriage. This noun, or the comparable verb "accorden" ("we fille acorded," for instance), was used by all sorts of medieval authors in a marital sense; indeed, the "accorden of mariage" was so common that the Middle English Dictionary made this the first definition of the verb.⁷ Joseph in the Chester Mystery Cycle uses "accord" twice in this sense to warn old men against marrying young maids. Thus the word "accord" does not simply mean "agree" in a line such as "Well I wist an ould man and a maye / might not accord by noe way" [Well I knew an old man and a maid / might not contract in any way]. Here it means "marry," as Joseph makes clear when he repeats his conclusion for emphasis a few lines later: "lett never an ould man / take to wife a yonge woman."8 Chaucer himself often retained this sense of the word. In the Franklin's Tale he uses it twice (741, 971) to describe the marriage of Dorigen and Arveragus. He also uses it to describe Palamon's marriage to Emelye in the Knight's Tale (3082), the Sowdan's marriage to Custance in the

Man of Law's Tale (238), and Pyramus's marriage to Thisbe in the Merchant's Tale (2130).

There are, of course, numerous nonmarital, nonsexual accords in Middle English, binding people in relationships as varied as a king and a parliament, two friends, one nation, or God and man. But these, like the specifically marital agreement, appear almost exclusively in legal, formal, ceremonial, or political contexts. Nonmarital accords between a man and woman were rare until Chaucer instigated them, and the word was seldom used to describe private sexual agreements between lovers with no intention of marrying. Some of the meanings cited in the Middle English Dictionary, such as "consent," are still used ceremonially. Others, like "friendly sentiment, attitude, or disposition" sound vaguer to modern ears, but were not at all vague in application. 9 "Accords" of various sorts appear, for instance, at leave-takings, as legally binding agreements between a lord and his tenants, and at public judgments. It was not unusual to cement an accord with oaths an element we shall return to later. The word might be used formulaically in legal documents, as the Middle English Dictionary makes clear when it cites lines like "wyth outen accorde or assent of the forsaid sir Roger" (document in Flasdieck, Originalurkunden). It might also signify public political alliances; the legate and archbishop of the Gloucester Chronicle, for instance, "come to makie accord" with their king, and the kings of France and England were "made acord" in Capgrave's Chronicle. Religious applications like "make thou, gode lorde, my body & my soule of one a-corde" (Lay-Folks Mass Book) differ, but only in their metaphorical application: here the personified soul and body are simply pictured as two separate, contracting entities. 10 Rarely, before Chaucer, is the word ever used in a casual, private, nonceremonial sense.

Chaucer uses the word "accord" in this *non*sexual sense only twice, both times in conventionally formal contexts (albeit parodic) that reinforce the ceremonial associations of the word. The first time, in the accord of the *General Prologue*—to tell stories, and to pay the expenses of the winner—elaborates a meticulous and

legal-sounding superstructure for comic effect, and in so doing nicely illustrates the formal, social, and binding nature of any agreement meriting the term. First, therefore, they all "accorded to his judgment" (agreed to abide by the Host's judgment), swearing oaths to "reuled been at his devys" (be ruled by his decisions), and taking pains to avoid any possible ambiguity by appointing him both "governour" and "judge." Harry, of course, takes all possible advantage of this supposedly lofty position; no one asserts his authority more enthusiastically than he, or derives more obvious pleasure from the spectacle of so many social superiors temporarily "under the yerde" [under the yardstick]. 11 Still, this accord made "in game" apes the political realities of Chaucer's day. If it is comically, instead of earnestly, ceremonial and contractual, it yet effectively reaffirms the centrality of the original model.¹²

The only other nonsexual compact in the tales is the one "accorded" between two murderers of the Pardoner's Tale while the third is off buying wine and poison. Like its predecessor in the General Prologue, this agreement reinforces, while parodying, several features commonly associated with medieval accords. Oaths, for instance, are frequently found in the company of "accords," and Chaucer gives them special prominence by emphasizing their irony. He also heightens and undermines the traditional formula by making the young men swear first by their brotherhood with the man they plan to murder, and then by the "trouthe" they necessarily violate in betraying the earlier vow (808, 823).

The Pardoner's accord also parodies traditional accords by taking place at a leave-taking, albeit in no ordinary way. Usually an accord at such a moment binds the separating parties to nullify the effect of a possibly prolonged absence. This one, however, binds those who remain in an alliance against the wanderer. That the errand intended—to buy bread and wine—is too trivial to justify a departure ceremony of any kind introduces another element of parody. Finally, that an accord such as this proves binding leads to the final reversal: while breaking a contract is usually reprehensible, the faithful adherence to this one is worse.

Obviously, since Chaucer tended to mock and exaggerate the public and ceremonial elements of these accords, he was acutely aware of them. Their number and variety in the Canterbury Tales attests, first of all, to their importance to Chaucer as a social construct. But the fragility of the bonds that hold people together in the Canterbury Tales is also evident. Again and again Chaucer seems to test exactly how much weight such agreements will bear. "Biheste is dette, and I wole holde fayn / Al my biheste" (Man of Law's Introduction, 41-42) [Promise is debt, and I will gladly hold / To all my promises], the Man of Law assures us—just before telling the tale of poor Custance and her multiple betrayals. This becomes a pattern in the Canterbury Tales. Always the pilgrims follow the rules, keep their "forwards" and their "bihestes" and their "trouthes." Thus, while the tales these pilgrims tell tend to emphasize how difficult it is to preserve contracts intact, the game does finally remain unbroken at the Tales' end.

Public Accords: The Marital Model

Which marital accords in the Canterbury Tales seem to serve as a model for the extramarital accords they influenced? The accords receiving the most careful elaboration are in the Knight's Tale and the Franklin's Tale. In Chaucer's hands, both are irreproachably legal and ceremonial—accords in the fullest sense of the word. So it is appropriate that Duke Theseus, public figure par excellence, initiated the first one. Everything about this man, from the highly ritualized combat he engineers for Emelye to the carefully delineated legal language of his accord, bears the full weight of public scrutiny; it is difficult to imagine that the man exists alone. Naturally, then, when he decides to engineer the marriage, he sends for her "at parlement / At Atthenes," and cajoles her into it before a large and attentive audience "Whan they were set, and hust was al the place" (2981) [When they were ready, and the whole place was hushed]. It would never occur to Theseus to consult Emelye's inclinations in private before putting her on the spot: her marriage is an affair of state, to be settled, like any other political

question, by public judgment and debate. For so courtly a tale, there is very little language of love. Instead, business as usual seems to characterize the actual accord

... upon certein pointz and caas; Among the whiche pointz yspoken was, To have with certein contrees alliance. And fully of Thebans obeisaunce. (2971–74)

[... upon certain points and cases; Among which points, it was proposed To have alliances with certain countries, And to have the full obedience of the Thebans.

Notice the legal-sounding "pointz and caas," followed by the political realpolitik that calls for alliances to capitalize on their military victory.

The language of the marriage proposal that follows has also been chosen with a mind to social consequences. "Ye shul ... taken hym for housbonde and for lord. / Lend me youre hond, for this is oure accord" [You shall . . . take him as your husband and your lord. / Lend me your hand, for this is our agreement]. The formulaic combination "for housbonde and for lord" spells out all of Emelye's obligations meticulously. This phrase then reappears, together with the word "accord," when Dorigen consents to marry Arveragus in the Franklin's Tale ("she fil of his accord / To take hym for hir housbonde and hir lord" (741–42) [she agreed to contract herself / To take him for her husband and her lord]. Unlike the accord of the Knight's Tale, the Franklin's is made "prively," but the expectations of society are explicitly taken into account. Thus, while Arveragus makes the chivalrous but socially unacceptable promise to "hire obeye, and folwe hir wyl in al" (749) [obey her, and follow her will in everything], he insists on fulfilling his traditional role in *public*, since he reserves "the name of soveraynetee" (751) [the name of sovereignty]. At this point literary formulas as well as legal ones seem to be at work. Both narrators, for instance,

insist rather axiomatically (FrnT 744; KnT 3102, 3097) upon the "blisse" of their couples, though they provide no evidence for this assertion.

Accords like these reaffirm the public, legal, and ceremonial implications of the word "accord," and Chaucer's use seems very much in line with his peers' and predecessors'. Even when Chaucer presents a marriage without using the word—the Merchant's Tale, for instance, uses "tretee" [treaty] instead—the meticulous balancing of family and property interests that we see there makes it clear how much communal participation influences the contractual moment. Third parties "wrought" [created] the treaty for May in the first place, and "feffed" [enfeoffed] her in the land to prevent future conflict. The church ceremony and the public feast are necessary so that property may be transferred in an orderly fashion to acknowledged heirs, and this also determines the preference for a young wife (1271-72). Personal preferences are taken into account only to the extent necessary. Thus, Januarie must find his wife attractive, or "ne children sholde I none upon hire geten; / Yet were me levere houndes had me eten / Than that myn heritage sholde falle...." (1436–38) [I should not get any children upon her; / Yet I would rather hounds had eaten me / Than that my line should fail....]. Desires that conflict with these social ends, such as the desire of Emelye and Cecilie and Custance to remain single, are firmly put aside, just as May's preference for a young man is irrelevant in a world where older men are better "providers." ¹³

Private Marital Accords

Private marital accords and treatises are not unknown in Chaucer's canon, but they are the exception rather than the rule. Usually they indicate that, in the case at hand, something—either the social institutions or the individuals within them—has failed. Pyramus and Thisbe of the *Merchant's Tale*, for instance, were forced to be "accorded, rownynge thrugh a wal" [contracted, whispering through a wall] because their parents kept them "ful longe streite" [under strict authority for a long time], thus "letting" [hindering] matrimony. That this was a serious offense, at

least in theory, we know from Richard Calle's letter in 1469 where he describes how the Church excommunicated such offenders: "iiii tymes in the yere ar they acursid that lette matrymonye" [four times in the preceding year those who hindered matrimony were accursed]. 14 That Chaucer saw the danger of private contracts is evident in the Legend of Good Women: Ysiphele and Medea, after all, trusted to their private marital accords with Jason, and were defrauded by him in consequence. Medea at least tried to minimize the risk by imitating the legal language and formal ceremonies characteristic of community participation, as if the language itself had an incantatory power. She sounds like Theseus in parliament: "Tho gan this Medea to hym declare / The peril of this cas from poynt to poynt" (1630) [Then this Medea began to declare to him /The peril of this case from point to point]. An engagement in the future tense ("shall wedde") is followed by a separate wedding ceremony. There is safety, Medea thinks, in ritual.

The separation of the initial contract (the engagement) from its immediate fulfillment (consummation), even when there is no community to make such a separation legally significant, is most noteworthy, since the same phenomenon occurs when extramarital lovers make contracts of their own. Jason and Medea could have sworn their oaths immediately after promising to marry, or they could have dispensed with this formality altogether and let consummation marry them. Instead, they agree to meet a second time so that Jason might formally "make there his oth / Upon the goddess...to ben hire husbounde" (1638-42) [make his oath there / Upon the goddess . . . to be her husband]. Public betrothals were, of course, frequently distinguished from the subsequent marriage, with separate ceremonies on different days; the passage of time between the two served to clarify the exact status of the couple, and left no ambiguity in the minds of their neighbors. But in Medea's case, the custom seems more of a holdover—a way of legitimizing an irregular contact in Medea's eyes. In place of the friends and family who would normally serve as witnesses, Medea calls upon the goddess to whom Jason swears. But the deity is not an effective enforcer, and Medea is left as an early

example of single motherhood, with no family, no heritage, two young children, and, in Chaucer's version, no visible means of support.

The ceremonial two-step marriage of Jason and Medea is all the more noteworthy in that Chaucer's Jason has taken pains to market himself, not as a potential suitor in marriage, but as the ideal courtly lover. Almost all the testimonials in Jason's favor stress his courtly qualifications. Ercules, for instance, assures Ysiphele that Jason is "secre" [secret]—an essential virtue in a courtly lover, since the couple usually cannot marry. In fact, the extravagant promise of secrecy—"He hadde lever hymself to morder, and dye, / Than that men shulde a lovere hym espye" (1536-37) [He would rather murder himself and die, / Than that men should spy him as a lover]—does not even make sense unless we remember the courtly tradition behind it. Husbands, after all, should welcome public scrutiny; secrecy is not a relevant virtue. It is true that Medea, faced with the opposition of her father, had reason to hide her marriage. But Ysiphele had no one to thwart her choice, since the death of her father left her queen in her own right (1466-68). Jason's vaunted secrecy, then, associates him with courtly love. So do his other qualities: he is the "famous knyght of gentilesse" and a "gentil-man" (twice) of matchless "trouthe" and "obeysaunce" and "honour" (1404, 1506, 1532, 1374, 1375). Yet we are specifically told that he "wedded" Ysiphele, and the ceremony surrounding his second marriage (to Medea) is impressive. It would seem, then, that Chaucer has grafted the paraphernalia of the marriage contract onto a tale he otherwise depicts as courtly in nature. And in Legend, at least, the seams show a little.

By the *Franklin's Tale*, however, the melding is letter perfect. This lengthy tale is not, as we have seen, the first Canterbury tale to marry off a courtly lover: that honor goes to the *Knight's Tale*. But in the *Knight's Tale* Chaucer is not interested in exploring the possibilities of a courtly-lover-husband: marriage there is an end, not a beginning. So the Franklin may be said to pick up where the former leaves off. Certainly the Franklin makes an effort to use

courtly diction, since he follows hard on excessively "gentil" Squire's Tale, the Franklin's Tale assumes a courtly framework, opening with a knight who "loved and did his payne" (730) [loved and suffered] to win a lady with "many a greet emprise" (732) [many a great exploit]. Arveragus, moreover, all but lifts the lover's vow of obedience from the Squire's tercelet, even coupling it with the word "wyl" just as the tercelet did before him. But this time, in order to explore new ramifications of the old courtly questions, Chaucer has removed the social difficulties attendant on the lover's precarious position, restored the restrictions of the public contract, and asked us to recast the lover as a well-intentioned husband. What would happen to a Palamon and Emelye after the marriage? Would even an interested Emelye—the Emelye of the "freendlich ye" [friendly eye]—make it possible for a husband to keep the vows he made to her as a courtly lover? Such questions do not really make sense, given the fictional nature of the characters involved. But with the Franklin's Tale, the reader comes as close as he ever can to finding out how Chaucer might have answered.

Whatever Chaucer would have said, the critics have been dubious: Arveragus, many argue, does not keep the courtly vows he once made to serve and obey the woman he loves.¹⁵ And even if Arveragus is viewed sympathetically, the old problem of enforcement remains unaddressed. For while the actual marriage of Arveragus and Dorigen was presumably witnessed, the promise of obedience was definitely made "prively." Arveragus is not, therefore, legally obligated to obey his wife, and Dorigen has no redress if he fails to do so. To some extent, this defect plagues all the private contracts Chaucer designs to compensate for relatively inflexible public marriage contracts.

Yet Chaucer persisted in designing innovative private contracts for couples in all ranks of life, and in the process appropriated from contract law terminology typically limited to business affairs and marriages. So far, in order to show the influence of the marital model on Chaucer's conception of illicit relations, we have tried to establish the language of marriage in Chaucer's canon, and the

images he associated with it. To establish that the same language and imagery reappear even when the original cause is no longer present, let us examine contracts that are not only private but fly in the face of the law. The Wife of Bath, for instance, describes two such contracts, one with a man she has already been married to for some time, and one with a third party in the absence of her husband. Neither is intended to *replace* the preexisting marriage; instead, they supplement it, applying the principles of the marriage contract beyond to a contract that would certainly *not* be recognized by her society.

According to normal usage, the Wife of Bath must have participated in at least five well-publicized marital accords. Yet she never uses a contractual term such as "accord" or "tretys" to describe any of them, and the only time she does use the term, no contract in law could possibly have taken place. I refer, of course, to the marital cease-fire she and Jankyn put together at the end of her prologue:

But atte laste, with muchel care and wo, We fille acorded by us selven two. He yaf me al the bridel in myn hond, To han the governance of hous and lond, And of his tonge, and of his hond also. . . . After that day we hadden never debaat. God helpe me so, I was to hym as kynde As any wyf from Denmark unto Ynde, And also trewe, and so was he to me (811–25)

[But at last, with much care and woe, We fell into an agreement between the two of us. He gave all the bridle into my hand, To govern the house and land, And his tongue, and his hand also. . . . After that day we never had debate. God help me, I was as kind to him As any wife from Denmark to India, And also true, and so was he to me].

While there are traditional elements in this accord—the pledge of mutual "truth" and the recognition of the marriage by their community—several anomalies stand out. For one thing, this accord does not *initiate* a marriage; instead it renegotiates the publicly recognized contract. Unlike the original marriage, too, this one is private and extralegal, with no community support. Finally, unlike the original marriage contract, this one works: "we hadden never debaat." In many ways, then, this is a transitional contract, midway between the traditional marital accord and the extramarital one Chaucer bases upon it.

Illicit Accords

Readers who compare the various accords of the Wife of Bath's Prologue will quickly notice an inverse relation between the space devoted to a personal contract and its legality. Of the first four marriage ceremonies, for instance, the Wife says absolutely nothing beyond mentioning the all-important location at the church door. The fifth marriage receives slightly more—three lines probably in order to set up the immediate repentance that follows. Only when the Wife, during her marriage to number four, turns her attention to the totally unauthorized negotiation with Jankyn in the fields does she expatiate at length. Why? The absence of her current husband, together with the Wife's "leyser for to pleye" [leisure to play], at first suggests sex. But in that case her "gossyb, dame Alys" [gossip, dame Alice] would be in the way; why bring her along? Besides, the Wife is more interested in talking than acting, that particular afternoon. It is not until her fourth husband is dead—barely dead, it is true, and not yet buried—that the Wife begins to ogle the clerk's "pair of legges and of feet so clene and faire" (597-98) [pair of legs and feet so clean-limbed and fair], and to marry again with all possible speed. This afternoon she dallies with Jankyn in the fields for a very different reason: to engage him in what might be called an exploratory business arrangement, one that will take all her "soutiltee" [subtlety] and, given its socially unacceptable nature, the absence of her designated lord. This is

why she takes her friend along in the first place: Alys is her witness.

I seye that in the feeldes walked we,
Til trewely we hadde swich daliance,
This clerk and I, that of my purveiance
I spak to hym and seyde hym how that he,
If I were wydwe, sholde wedde me.
For certeinly—I sey for no bobance—
Yet was I nevere withouten purveiance
Of mariage, n'of othere thynges eek. (564–71)

[I say that we walked in the fields
Until truly we had such dalliance,
This clerk and I, that out of my foresight
I spoke to him and told him that he,
If I were widowed, should wed me.
For certainly—I do not say it to boast—
I was never unprovided for,
In marriage, or other matters either.]

It may be asked why the Wife bothers to arrange a witness to this agreement since, given her married state, she could not possibly enforce it in any court of the land, were Jankyn to renege later. But it should be remembered that, while the accords described in the Middle English Dictionary have political and social ramifications, the Wife, as we have seen, has to fashion hers with no allies and no external authority. In effect, the Wife is trying, by aping the language and customs of the institutions she knows, to invest her own strictly private contract with a solemnity that might inspire respect. Not only that; the contract she engineers with Jankyn has as its center the element of consent and commitment intrinsic to the medieval conception of marriage. The contractual language she adopts and the process of negotiation that leads up to those carefully spelled-out clauses are borrowed wholesale from the marital model. Later, of course, when the fourth husband does die, the Wife activates this contract and marries Jankyn. But elsewhere,

similar contracts are employed by Chaucerian couples who have no intention to marry. Nicholas and Alisoun of the *Miller's Tale*, for instance, swear their illicit affections using exactly the same phrase — "accorded and ysworn"—as Arveragus and Dorigen, or Palamon and Emelye.

"Accord" is not, of course, the only word that associates the negotiations of illicit couples like Nicholas and Alisoun with the Wife's illicit contracts. The Wife calls her contract with Jankyn in the fields "purveiance" and elevates it into a custom of her own; she uses a form of the word three times in twenty-five lines. As she practices it, purveiance complements the courtship and marriage rituals recognized by medieval society. Usually, courtship concludes with marriage. But the Wife makes it an ongoing process, carefully providing for all possible exigencies—or, to put it another way, "husbanding" her resources. Other Chaucerian couples boast less than she does of their practices. Yet they also "purvey" [provide] for sexual needs as the opportunity arises. Though the word is not usually used about sex by medieval authors other than Chaucer—the MED even puts the Wife's line 570 under "the act of procuring or providing that which is necessary, esp. food, equipment"16—sex is the item of choice among Chaucer's purveyors. Perhaps he thought sexual needs were frequently left unpurveyed for. At any event, the illicit accord that Nicholas and Alisoun swear together is made possible by "purveiance" (MLT 3566), as is Troilus's rendevous with Criseyde (T&C 3533, also 2504) and Aurelius's attempted seduction of Dorigen in the garden (FmT 904). In Aurelius's case, provisioning with "vitaille and oother purveiance" [food and other necessities] leads immediately to the arrival of the lover, suggesting that he is the unspoken "oother." And the Miller's Tale likewise associates sexual provisioning with food. What are the tubs and vitaille purveyed for? The husband the socially designated lover—has one idea, while Nicholas and Alisoun have quite another.

Licit relationships, however, are never described as "purveiance" in the *Canterbury Tales*. This word applies only to activities orga-

nized in opposition to, or at least unrecognized by, society at large. We have, in effect, a substructure parallel to, but largely hidden from, other legal, formal, ceremonial structures, notably marriage. This new use of "purveiance" as a ritual parallel to courtship rituals, in combination with Chaucer's adoption of "accord" for illicit couplings, suggests a wholesale reapplication of established, socially approved mating rituals to a realm where, hitherto, they had little or no domain.

Let us return now to a question raised briefly at the beginning of this chapter: the question of delayed satisfaction in illicit affairs. It is surprising how few readers, faced with Nicholas's courtship of Alisoun in the *Miller's Tale*, ask the obvious question: Why, if the husband is so conveniently away at Oseneye, do they not enjoy each other immediately, instead of waiting, and promising, and finally manufacturing an opportunity they already possess? Or, to put it another way, why does an episode that *begins* with the tactile persuasions of Nicholas culminate in words only? Even the anticipatory pats about the loins seem, like the words they accompany, mere promises of delights still to come. There is no suggestion that the couple restrain themselves because the husband's arrival is imminent (or an apprentice's), though Chaucer could easily have inserted some such inhibition, had he thought it necessary. Obviously, he did not. Why not?

This is, in effect, the same question asked earlier about the Wife of Bath: Why, with another husband absent and all the "leyser to pleye" she could ask for, does the Wife think this the perfect moment for a long talk? "Leyser," if we may believe Alisoun and the Wife of Bath, was a decidedly scarce commodity—not easily found and not to be wasted. Yet with two exceptions, ¹⁷ Chaucer always puts at least hours, and frequently days, between the preliminary agreement of lovers and their subsequent sexual acts.

Here, I think, Chaucer has transferred to the extramarital affair another common feature of courtship and marriage. Between a public engagement to marry and the marriage itself, there was almost always some delay; at the very least, some hours of celebra-

tion passed between the exchange of vows and the bedding of the bride. Delay gave the contract more drama, and made the exchange of vows more memorable and significant. This was highly desirable in a society that made verbal commitments all-important, whether from a legal, social, financial, or ecclesiastical standpoint. Delay, moreover, gave both parties time to consider the consequences while it was still possible to break off an engagement by mutual consent or the generosity of the prospective partner generosity such as is shown by Aurelius toward Dorigen in the Franklin's Tale, though here the relationship is illicit. Finally, delay allowed the couple to establish the parameters of the relationship ahead of time. Probably few readers, then or now, would question the time interval as long as marriage was at stake; haste, rather than delay, typically requires justification.

Nicholas and Alisoun, however, are not in a position to marry, and none of these considerations seem to explain their delay. Far from it: the mutual desire of both parties, an absent husband, a lover wise in the ways of "deerne love" [secret love], and the convenience of living in the same house, all suggest quick action. The delay, then, is not plot-driven. Instead, Chaucer has transmitted to his illicit lovers the impulse, grounded in law, religion, and common sense, to isolate and emphasize the contractual moment. The influence of the marital model is apparent here. And of course, the delay adds anticipation and suspense to Chaucer's presentation of the relationship.

All this is furthered, not hindered, by the well-known parody of courtly language in the contractual scene of the Miller's Tale. Stripped of the exaltation so often attributed to the "religion of courtly love," this tradition, like the Wife of Bath's "purveiance," acts as a substructure parallel to, but hidden from, the legal contracts enforced by society. Certainly courtly love ideals resembled those of marriage in the emphasis they both put on constancy. As Dodd said decades ago, "No more grievous fault could be committed, no breach of the canons could be more serious, than for a lover, man or woman, to be unfaithful."18 Also like married couples,

courtly lovers frequently took vows, after which the couple were expected to be monogamous—save, of course, for spouses. Courtly love could thus reasonably be regarded as an alternate form of marriage coexisting with, and supplementing, marriages too exclusively legal, ceremonial, and political. So long as the relationships remained at least a nominal secret—and the intimacies of Lancelot and Guinevere or Tristram and La Belle Iseult were at best little more—partners could keep their "private" and public marriages in separate spheres, largely independent from each other, with a minimum of interference.

Thus, from the Miller's perspective at least, "courtly" terminology and assumptions are so much window dressing for the perennial contract between the sexes. *All* personal relations between men and women are contractual in some sense, and the coming-to-terms scene between Nicholas and Alisoun resembles nothing so much as a contract for service—virtually an employment contract.

Then Nicholas gan mercy for to crye,
And spak so faire, and profred him so faste,
That she hir love hym graunted atte laste,
And swoor hir ooth, by Seint Thomas of Kent,
That she wol be at his commandement
Whan that she may hir leyser wel espie . . .
And thus they been accorded and ysworn. (3290–3301)

[Then Nicholas began to cry for mercy,
And spoke so well, and offered himself so earnestly,
That she granted him her love at last,
And swore an oath, by Saint Thomas of Kent,
That she would be at his command
As soon as she may find an appropriate occasion . . .
And thus they were contracted and sworn.]

Notice that the courtly language of the initial lines, followed by the "graunting" of the lady's love, gives way to a conditional contract of a decidedly uncourtly kind. Traditionally it is the lover

who promises to serve his lady, but this time the lady promises to serve him, sexually, on command, whenever he chooses, subject to the proviso of the next line. Perhaps this is a simply a polite mask to cover her desire. But a promise always implies obligation, and the only sexual obligation recognized by society was the "marriage debt." Add to this the word "accord," freighted with so many marital associations, and we have a new contract, parallel to the one Alisoun and Nicholas are about to break, and without the pretensions of courtly love.

This scene recurs, with variation, in tale after tale. The phenomenon of extramarital "purveiance"—the anticipation of, and due provision for, sexual "necessities"—regularly combines contractual terminology with explicit comparisons to courtly love and the contract marriage. The Miller's Tale is by no means a solitary example: Chaucer combines the same trio even more aggressively in the Shipman's Tale and the Merchant's Tale and, with a difference, in the Reeve's Tale.

The Shipman's Tale has more contractual language than the Miller's, plus two uses of the word "accord" between a man and a woman, to say nothing of the courtly love references—all centering on the wife's negotiation with Daun John. Notice that, like the Miller, the Shipman attributes the courtly "service" to the wife rather than the lover, who does not even pretend to obey his lady. And this time, the inversion is even more complete, since here the lover displays the "routhe" [pity] usually ascribed to the lady:

"Now, trewely, myn owene lady deere, I have," quod he, "on yow so greet a routhe That I yow swere and plight yow my trouthe That when youre husbonde is to Flaundres fare, I wol delyvere yow out of this care. . . . " (196–200)

["Now, truly, my own lady dear, I have," he said, "such great pity on you That I swear and promise you my troth, That when your husband has gone to Flanders, I will deliver you out of this care. . . . "]

Mary Flowers Braswell has already analyzed the extensive legal language of the *Shipman's Tale*, and particularly the wife's use of oaths and "day certeyn" in making her contract with Daun John. ¹⁹ Precise terms like these, together with the more general language of sale and service, make this almost a parody of the sort of contract the wife's husband might make in the course of his financial transactions.

And of course, no illicit contract can close without echoing the marital model. This one is no exception:

This faire wyf acorded with Daun John That for thise hundred frankes he sholde al nyght Have hire in his armes bolt upright: And this acord performed was in dede. (314–17)

[This fair wife contracted with Don John That for these hundred franks he should all night Have her in his arms bolt upright:
And this contract was performed in deed.]

Certainly the repetition is emphatic, while the last line plays on the bedding of the bride as the performance of a marital contract. Yet the hundred franks, together with the carefully limited time frame —"al nyght," but only one—make the actual nature of the transaction clear, while heightening its mercantile and contractual associations. Chaucer even hastens to reassure the reader that both parties promptly performed their share of the contract, pretending to relieve our anxiety on this score and ignoring his own radical revision of the marital accord. The effect is highly comic and ironic. By equating all contracts, Chaucer has linguistically equated marital relations with the most self-interested infidelity.

The values implied in lines like these are resolutely mercantile in every detail. For instance, contracts should be unambiguous, and this one certainly is; the narrator even goes out of his way to spell out the exact position of Daun John, "bolt upright," though the simple phrases "in his armes" and "al nyght" would sufficiently suggest sexual activity without the additional detail. But instead, in a splendid parody of lawyerly precision, this speaker leaves nothing

to chance. Furthermore, having first meticulously spelled out the exact nature of the service rendered, the narrator retires into dry legal summary: "this acord performed was in dede." The contrast between this mundane, businesslike voice and the "bolt upright" that preceded it is deliciously calculated.

The one Canterbury tale that does not follow the pattern—that not only fails to put an interval between the preliminary negotiation and sexual contact but seems to skip the former altogether is the Reeve's Tale. In this tale, lovers not only drop the usual purveyance and accord, they don't even say hello first. It is as if Chaucer had to omit the preliminaries entirely once he left out the accord that came so naturally to him. In its place, however, stands something very much resembling a legal brief, made by Aleyn to his buddy John. In lieu of the customary contract between the sexes, Aleyn appeals to an overarching legal principle to justify the initiation of sexual relations with Malyne. The tendency to apply the contractual model to new vistas, always so characteristic of Chaucer, is particularly manifest in Aleyn's version of the implied contract available, he says, to all injured men. Notice that, while the application is distinctly Aleyn's, the conception and language have been drawn from a court of law:

Some *esement* has *lawe* yshapen us.

For, John, *ther is a lawe* that says thus:

That gif a man in a point be agreved,

That in another he sal be releved . . .

And syn I sal have *neen amendement*Agayn my *los*, I will have *esement*.

By Goddes sale, it sal neen other bee! (4179–87)

[Some *easement* has the *law* designed for us. For, John, *there is a law* that says thus: That if a man is aggrieved in one point, That he shall be relieved in another . . . And since I shall have *no amends* Against my *loss*, I will have *easement*. By God's soul, it shall be no other way!]

The assumptions behind Aleyn's use of the word "esement," like his governing principle of compensation for loss and his explicit references to "law," are almost identical to those of Alisoun and the wife in the *Shipman's Tale*. It seems that private arrangements, like public ones, are quid pro quo; only the commodities and services rendered differ.

Interestingly, Aleyn's explication of the legal principles behind gender relations receives some confirmation from the assumptions that Malyne herself makes, once they have spent the night together. According to law, engaged couples who had sexual intercourse were automatically married, whether they had exchanged vows to that effect or not. And in Chaucer, at least, the sexual act seems to have an equivalent effect even when the couples are less closely bound. Malyne, come morning, does not assume that she and the clerk are married (although the word "lemman" was also used between husband and wife), 20 but she does assume that she and Aleyn are committed to each other. An implicit contract has apparently been established. Her own commitment is easily seen from her gift, her affection, and her weeping at his departure. In response, Aleyn swears—literally, "seals," in imitation of the seal on a legal document—that he is her clerk forevermore.

Contracts, then, with the panoply of mercantile and legal assumptions that underlie them, pervade virtually every sexual relation in the *Canterbury Tales*. The metaphor is so ingrained that a reader must look long and hard to find any Canterbury couple who do *not* conceive of their relationship in these terms. Moreover, the social outrage occasioned by the malefactor who dares to initiate a relationship without contract testifies to the vitality of the conception. The rape that begins the *Wife of Bath's Tale*, for instance, is clearly uncontracted, and the result is "swich clamour" [such clamor] and "pursute" [pursuit] that the knight is immediately condemned "by cours of law . . . swich was the statut tho" (891–93) [by course of law . . . such was the statute then]. The corrupt law administered in the *Physician's Tale* similarly takes from Virginia and her father the opportunity to negotiate a contract of

their own. Once again, society rises up in support: "But right anon a thousand peple in thraste ... for routhe and pitee" (260–61) [But immediately a thousand people thrust themselves in ... out of ruth and pity]. Private contracts are not, of course, so rigorously protected, and only those who manage to recapture the consent and commitment properly belonging to marriage survive intact. But that they exist at all suggests how large they loomed in Chaucer's imagination. For in the *Canterbury Tales* at least, even people under the influence of passion and acting without the countenance of their community nevertheless feel compelled to pause in order to reconceptualize their actions as private contracts in the language most familiar to them: the long-familiar marriage contract.

5.9C.2

The Legacy of the Marriage Contract

Chaucer's Widows

So far we have examined disruptions of Chaucer's marriage contracts (adultery and neglect), the consequences that followed from the choice of marriage ceremony (by private contract or by solemnization in church), and the influence of the marriage contract even on extramarital, and hence unrecognized, sexual unions. We have not yet examined, however, what I call the "legacy" of the marriage contract: its social consequences after the contract itself has been terminated. These were pronounced, both in life and in literature, chiefly because the financial and business assumptions that governed marital contract law continued to exert an influence on society. And they were particularly pronounced where women were concerned (men in the Middle Ages generally remarried so quickly that there are few traces of them as widowers in either the history or the literature of that period).

To explain in more detail, let us return for a moment to the monopolistic supply model that underlies Paul's idea of the marital debt. According to this construct, we recall, each partner pays for the monopoly of sexual favors by "owing" sex to his or her partner on demand. But the system was imperfect in that it continued to require fidelity of married people even when one partner, for whatever reason, did not pay the debt as owed. Unsatisfied married people had no redress—and neither did widows. Once her husband was dead, a widow was required by society to deny herself sex unless she remarried. But if, as the assumption went, regular payment of the debt was necessary to keep partners chaste, then women who had come to rely upon that debt must be frustrated indeed when all payment died with their husbands. Surely a healthy, newly single woman could hardly control herself, and must soon be desperate for another spouse. Readers will recognize here the birth of that old stereotype, predating the Middle Ages by centuries, of the libidinous widow.

Much has been written on the tradition of the libidinous widow in Renaissance drama. As it happens, however, this stereotype should have some significance for medievalists and Chaucerians as well, since it is the only major consequence of fourteenth-century marital theory to be seriously criticized by Chaucer. This does not mean that there are not plenty of unhappy couples in Chaucer, especially when the church ceremony is dispensed with or the choice of a spouse is carelessly made. Still, Chaucer rarely goes so far as to cast doubt on the marriage law itself. Later, in Renaissance drama, the stage will be filled with such criticism. By the seventeenth century (as we shall see in chapter 7), characters onstage may commit suicide after making legal, ritually perfect marriages that the law nevertheless refuses to recognize. Other spouses tremble when they discover that a hasty and unconsummated "precontract," spoken years ago and then repented, may yet annul their current long-standing marriage. But such doubts never trouble Chaucer or the characters he writes about; there is no ambiguity about marriage where Chaucer is concerned. Chaucer does, however, struggle against one logical consequence of the marital theory he otherwise accepts: the libidinous widow. As this is Chaucer's sole quarrel with the consequences of marriage law, and as it opens the door to the much more extensive literary criticisms that follow in the centuries to come, Chaucer's handling

of the "widow problem" is important—indeed a necessary part of a book on the changing treatment of marriage contracts. His analysis of the problem, and the various solutions he unearths, will be the subject of this chapter.

What I have just called Chaucer's "widow problem" begins, then, with the supposition that there existed prior to the fourteenth century a thriving libidinous-widow tradition, powerful enough to provoke a refutation by Chaucer. But since relatively little has been written on this tradition by those interested in medieval literature, it seems best to start by demonstrating that such a literary tradition actually existed centuries before the Renaissance.

Evidence of a thriving anti-widow tradition in literature is plenteous in the post-printing-press world of the sixteenth and seventeenth centuries. By this time the tradition was in full swing, and anti-widow commentary could be found almost everywhere: in collections of old ballads, in anti-marital tracts like *The Bachelor's Banquet* (i.e., Chapter Fourteen, "The Humor of a Woman That Hath Been Twice Married"), in plays by writers like Middleton, Jonson, Massinger, and Shirley, and in the sermons of numerous theologians who opposed remarriage. Such depictions were particularly prevalent because by this time, for reasons that will be discussed in detail in chapter 7, widowhood was seen both as threatening the property interests of the current possessor and as providing a singular opportunity to men eager to establish dynasties of their own.

Before the printing press, however, and with the exception of Chaucer's works, widows appeared much less prominently, which doubtless explains the meager attention they have received from critics of medieval literature. Fabliaux, for instance, much prefer frustrated wives to widows, since the rages of their jealous husbands inevitably lead to all kinds of plot complications. Likewise, the family romances of the Middle Ages present very few bona fide widows to their readers. No wonder, then, so many analyses of lusty widows begin with the sixteenth century.

Yet a closer examination of medieval literature suggests that stereotypes of the voracious widow may have been just as ingrained then, and the sense of threat such women posed to the land-owning classes just as operative, as they were in the sixteenth and seventeenth centuries. There was, to begin with, the constant popularity of misogynistic tales like that of the Widow of Ephesus, versions of which had spread until, by the fourteenth century, they could be found throughout France, Germany, Italy, and England.² Fables like the twelfth fable of Poge, published by Caxton in 1484, likewise suggested that widows already had a well-established reputation for sexual appetite. In this tale, a widow eagerly marries a suitor as soon as she hears his sexual prowess is so great that his previous wife "died thereof." Earlier still, readers of the Libro de Buen Amor discovered that sexual appetite is quickly aroused in the widowed Doña Endrina. Meanwhile, readers of Boccaccio's Decameron will recall the decidedly amorous widow of 2.2, and the remarrying "widow" of 10.9 whose husband returns to interrupt the wedding.

Even the fabliaux and romances sometimes suggest the nature of popular assumptions about widows in the Middle Ages. The idea that marriage releases dangerous appetites in a woman that, uncontrolled, may destroy her husband—the "black widow" myth—receives confirmation in stories like *The Tale of the Three Hunchbacks*, versions of which spread over Europe and the Middle East under titles like *Estormi* and *Des III Prestres*. In this tale, a young girl unhappily married to a wealthy hunchback gladly pays a large sum to her husband's murderer; the narrator then notes that

All her long life from that day forth Never another care had she Once widowhood had set her free.

Here the untrammeled freedoms—notably sexual freedoms—of the lusty widow are so beguiling they prompt the young wife to murder the husband who alone stands in their way. Widowhood, the fabliau suggests, is thus cast as the ultimate threat, the possibility inherent in every wife. From the moment of her marriage vows, such tales suggest, widowhood is the ideal of every wife, and the fear of every husband.

Similar hints can be found scattered throughout the medieval romances, though rarely are they quite as explicit as this. True, bona fide widows almost never appear either in romances of courtly love or in so-called family romances. But this deficiency is compensated for by the numerous pseudo-widows whose attempts to remarry threaten the interests of their distant husbands. These pseudo-widows may easily be separated from their husbands for years, occasionally even decades. Rarely, however, is the romance writer willing to sacrifice the husband entirely; by the end of these fantasies, remarriage is generally averted or annulled, the family estate is restored, the family reunited, and heirs of the first husband safely recognized. Second contracts are so threatening that they cannot ever be allowed to succeed. Usually the husband arrives when the wedding is imminent, but not always: in Sir Isumbras, for instance, the wife is forcibly remarried and remains so for many years. Even in this tale, however, the husband not only reclaims his wife, he finds that despite the intervening years no consummation of the second union has ever occurred. Thus while the threat of the remarrying widow and foreign heirs remains an ever-present possibility, it is never ultimately allowed to disrupt the fantasy.

All this suggests that although the term "lusty widow" was not coined until the seventeenth century, by Webster, the literary phenomenon it described was alive and well centuries before. By then, widows had long since entered the popular imagination as creatures whose appetites, stirred by prior sexual experience, governed virtually every aspect of their social relations. It may thus be said that, like the notorious "fallen woman," such widows carried their past with them wherever they went.

Did cultural creations such as these receive at least some confirmation from actual remarriage rates? Noted Renaissance scholar Vivien Brodsky, in her influential article "Widows in Late Elizabethan London," suggests that they did, and ties the plethora of

remarrying widows on the Renaissance stage to the high remarriage rates. But remarriage rates were comparably high in the late Middle Ages, whenever economic conditions permitted. In one study by Barbara Hanawalt, for instance, two-thirds of London widows appearing before the court of Common Pleas between 1309 and 1458 remarried "in the brief interval between their husband's death and the registration of their orphaned children and their goods with the mayor and chamberlain of the city." Like the Renaissance stage figures, most of the women in this study were from the wealthier segment of society, which doubtless made remarriage easier. But they were also saddled both with minor children and with disputed dowers-conditions that, in Hanawalt's memorable understatement, "might have been some hindrance to remarriage. The overall rate was certainly higher." In the country, too, remarriage was common where feasible: whenever land shortages increased the value of the widow's portion, a large percentage of widows remarried.8

Remarriage rates like these clearly affected popular conceptions of widows. Filtered through masculine anxieties, they fueled the popularity of the famous Widow of Ephesus tales and other stories like them. It is worth noting that, because the most sought-after widows were usually those with more landholdings, long-term widows tended to be poorer, while the tenure of wealthy widows was, on the whole, much briefer. This has several literary implications. Given the real-life remarriages of well-to-do young widows and the literary stereotypes of the period, readers might reasonably expect the rapid remarriage of Criseyde. This is why Chaucer takes such pains to emphasize Criseyde's desire to remain single in Book II of Troilus and Criseyde. Initially, Criseyde is firmly described as a very chaste widow indeed, one who not only wears the traditional "barbe" and widow's weed but refuses to dance and models herself on the widows of the "holy seyntes lyves" she reads about (2:117-18). Remarriage patterns also explain the discrepancy between Chaucer's characterization of the privileged Wife of Bath and of his various "povre" widows. Like many women of her

class, the Wife remarried quickly; her fourth widowhood lasted barely a month, and though we do not know how long the others lasted, it seems reasonable to assume that they too were of relatively brief duration. To her townsfolk, then, the Wife scarcely qualified as a widow: in their experience, she was almost always the wife of one man or another. The widows they knew—the ones that remained widowed for years—were generally poor, poor enough to provide at least some competition for Chaucer's generic "povereste wydwe in a village" (*Pardoner's Prologue*).

Here, then, is one of the countertraditions that Chaucer used to undermine the libidinous-widow tradition in the minds of his readers. For though the word "widow," when associated with Chaucer, generally makes readers think first of the Wife of Bath and then, as a distant second, Criseyde, poor widows are actually much more numerous. There is, for instance, the poor widow of the Friar's Tale who bravely defies the unscrupulous summoner.9 Another ekes out a living in the "narwe cotage" of the Nun's Priest's Tale. Then there is the "poure wydwe" of the Prioress's Tale, the generic widow of the Pardoner's Prologue, and the "clene widewe" of the Parson's Tale. Even Griselde in the Clerk's Tale becomes, albeit briefly, a "wydwe clene," and a poor one to boot, once her husband announces his intention to remarry. Readers tend not to focus on these widows, as they are not flashy or eyecatching. Yet it is nevertheless true that most of Chaucer's widows, unlike Criseyde and the Wife, have emerged from marriage much the worse for the experience. Neither wealthy nor socially prominent, they are mothers, literally or figuratively, not mates. Legally marriageable, they yet go unnoticed by men because they have nothing, it seems, to offer them. Rarely does Chaucer comment on the appearance of these widows except, sometimes, to describe one as "aged." Surely these women too are at least occasionally "lusty" or "deignous" [disdainful], but if so, no one notices. Instead, what we chiefly notice about these women are their encumbrances. None of these women seem to have escaped marriage unscathed. For some of them, the struggle to support themselves

is complicated by child care. Others are handicapped by age, and still others, like the widow of the *Nun's Priest's Tale*, struggle under both burdens simultaneously.

So different are Criseyde and the Wife from these less privileged sisters that it is not easy to focus on their common widowhood. Yet widowhood was an important fact to Chaucer, and one he did not hesitate to emphasize repeatedly. In *Troilus and Criseyde*, for instance, the important fact of Criseyde's widowhood is stressed no fewer than five times in the first three hundred lines. And by the time he wrote the *Wife's Prologue*, the story of one woman's widowhood and the remarriages she made out of them engrossed more space—and more critical attention—than the tale assigned to her. Chaucer, then, was interested in widows and widowhood, interested enough to emphasize it even when, as in Criseyde's case, the story did not require it. Why? What did widows mean to Chaucer, and how did his treatment of them differ from the norm?

To answer these questions, it is necessary to begin with the observation that *all* of Chaucer's widows—even the notorious Criseyde—are treated with singular sympathy and respect by their author. This is in striking contrast to the misogynist tradition around him, where authors rarely conveyed any sympathy for widows.

That Chaucer was aware of this tradition, and reacting against it, can be seen in his own tight parody of it in an efficient fifteen-line aside by a splendidly appropriate spokesman, Januarie of the *Merchant's Tale*. Here, in a capsule portrait of widow-hostile misogyny, Januarie holds forth against the knowledge and independence of "thise olde wydwes." In Chaucer's version, the comical, exaggerated fear that underlies this tradition is fully evident as Januarie fastens tenaciously on what these women *know*. Widows, he complains, "konne so muchel craft" [know so much craft] that they have become "half a clerk" in consequence. Nothing, apparently, could be more revolting to an ignorant lay gentleman; the ideal "yong thyng" of his dreams knows nothing whatever. Virtually an anti-widow, this nonentity is utterly faceless, a

creature men may "gye, / Right as men may warm wex with handes plye" (1429–30) [guide / Just as men ply warm wax with their hands]. The passivity of the ideal is apparent not only here but in his next metaphorical description of women as well. For Januarie likes to visualize women strictly as consumption items, and himself as the only consumer. Most of his critiques of widows—"old boef" [old beef] is one epithet—can be viewed as attempts to return them to that category.

Januarie does not, of course, speak for Chaucer. Indeed, this knight's crudity, overstatement, and ignorance undermine him throughout, even before he plays the part of the patently selfdeceived cuckold. We should also remember that this entire passage is a digression, that widows have no part in this tale. Why does Chaucer insert this otherwise irrelevant passage? Because here, it seems, is an enemy who won't stay dead, one he has to take into account, tale after tale, widow after widow—and one that he reacts against with every widow he creates. Immersed in a culture that regularly associates widows with uncontainable sexuality, Chaucer comes to their defense, responding with what strongly resembles "coping strategies." Sometimes, in order to preempt the issue of sexuality altogether, he focuses on the indelible poverty that frequently accompanies widowhood. Chaucer depicts widows such as these—struggling, pitiable, and sometimes courageous—as living in narrow circumstances, in cottages near country villages. These women are to some extent victims of their sexuality, since it is the children thus produced that make their financial situation so acute. It is no accident that, in the Pardoner's Prologue, the indigence of the "povereste wydwe" is measured in children (450–51). Frequently old and never explicitly young, they usually function in Chaucer's narratives either as literal mothers or as mother figures; it is no accident that the address "mooder" could be applied to almost any old woman.

This is one strategy. But at other times Chaucer tries to make the sexuality of widows acceptable in itself. In part, he does this by giving it more positive associations—in the cases of Criseyde and the Wife, wealth, urbanity, power, and freedom. These elements were not, however, absent from stereotypical tales like that of the Widow of Ephesus, and they are not sufficient to render a widow sympathetic. The new elements, as we shall see, are (1) the pains Chaucer takes to convey the widow's point of view, (2) his open anticipation in both the Wife of Bath's Prologue and Troilus and Criseyde of negative prejudgments of the widow, and (3) his attempts to neutralize these reactions. It is my contention in this chapter that Chaucer's attempts to win over an audience predisposed against widows is not limited to these two cases, that in fact all of Chaucer's widows have been created with just this end in mind. Sometimes he accomplishes this by sidestepping those reactions through pity, sometimes by inverting the value system inherent in popular stereotypes, and sometimes, as in the Wife of Bath's case, through open combat.

First, then, let us say a few words about the literary widow Chaucer inherited. That Chaucer did not invent the negative stereotypes mouthed by Januarie, that in fact libidinous and fartoo-assertive widows were part of a literary tradition established well before the fourteenth century, has already been demonstrated. Later, in chapter 7, we shall discuss this tradition again as it affected the dramatization of remarrying widows on the Renaissance stage, and their contracts. Januarie's digression on widows is not necessary to prove that Chaucer was familiar with the anti-widow tradition: given the wide range of his reading, his travels, and his fondness for Boccaccio, he could hardly have avoided the acquaintance. But there is, nevertheless, an important difference between passive knowledge and active influence. Januarie's unsolicited and, as far as plot is concerned, irrelevant hostility to widows suggests, at a minimum, that Chaucer paid attention to this tradition and—to judge by the mockery lavished on Januarie—was not sympathetic to it. And since the audience already suspects that the "young thing" Januarie prefers to "some widwe" may not prove the wax he anticipates, it seems logical to assume that we are not intended to accept Januarie's judgment uncritically as far as the widow is concerned, either.

If we are willing to view Januarie's digression as Chaucer's ver-

sion of a literary stereotype he found inaccurate and artistically restrictive—one that suggests, at bottom, a disrespect for the marriage contract that Chaucer did not share—then it is time to examine more closely Chaucer's attempts to escape that legacy. Most troubling to Chaucer, I think, was the association that such a tradition inevitably built up in the prospective audience. To put it simply, Chaucer did not want his audience to project onto his widows the negative blueprint they had inherited. So almost every time Chaucer mentions a widow, he does something to prevent this. Often he short-circuits the mysogynistic lustful-widow stereotype by turning his widows into mother figures, often elderly and/or poor for good measure. Such women are pitiable, not sexy. So successful is this strategy that on the one occasion when Chaucer does try to cross the old "mooder" and the lustful widow —namely, in the Wife of Bath's Tale—the result is a good deal of uneasy laughter on the audience's part, and wallowing misery in the knight-protagonist himself. To escape the anti-widow tradition without relegating the sexuality of a widow to her distant past, Chaucer has to try other techniques: defiance in the Wife's Prologue and, in Criseyde's case, painstaking reconstruction. In short, the differences between Chaucer's various widows are not haphazard or unrelated to each other: they are multilayered repudiations of literary and folk widows already familiar to Chaucer and his audience.

Of the three tactics Chaucer employed to correct the expectations created by traditionally pejorative depictions of widows, the easiest and, in its way, most effective was simply to substitute another well-known type in place of the one expected. This is what Chaucer did with the "povre" widow. Such widows had two obvious advantages: they were as far from the libidinous type we have just discussed as could possibly be imagined, and they were as familiar to the reader as the widows they supplanted, albeit from a very different context. For poor widows were a fact of life in the medieval world. As the historian Barbara Hanawalt put it, "one of

the recurrent themes of medieval prescriptive literature was the need to guard and preserve the provisions made for widows. The theme appeared in knights' vows [and] in sermons... those who deprived widows of their "mite" were singled out for condemnation from the pulpit, in chivalric stories, and in courts... decrees and moral injunctions." In literature, then, the poor widows of Chaucer and Langland had their origin in a long prescriptive tradition that flew in the face of the libidinous figure popularized elsewhere. In effect, these authors used one tradition to drive out the other.

Admittedly, this method had its limitations, and Chaucer did not use it to create his two great widows, as it left relatively little room for innovation and omitted sex entirely. Still, it lent itself beautifully to the quickly sketched figures that the pilgrims of the *Canterbury Tales* seem to pass by in the course of their mental journeys. And brief as our aquaintance with these women is, Chaucer never failed to recreate the poverty in which so many widows really lived. Certainly there is a ring of truth in the "stikkes and a dry dich" surrounding the house of the Nun's Priest's widow, together with her carefully numbered animals, her "sklendre meel" [slender meal], and the painful irony with which the Priest praises her temperance and exercise. The loss of a cock would be no small one to so frail a family living on the edge of subsistence, and our knowledge of this complicates the humor of the chase scene at the tale's end.

Again and again, in incidents such as these, the widows of the Canterbury Tales suggest the tragedy implicit in everyday life—mixed, usually, with an element of something else. In the Nun's Priest's Tale, as we have seen, that something is humor. In the Friar's Tale it is admiration for the spunk of the old widow who refuses to be preyed upon by her unscrupulous neighbor. In the Prioress's Tale it is probably discomfort, given the heavy-handed sentimentality with which she tries to arouse our pity for the bereft mother and our outrage at the Jews. Clearly, a world of artistry lies between the straightforward prescriptive uses described by Hanawalt and

the same tradition in the hands of Chaucer. Still, in none of these cases, probably, is the reader wholly without pity. And such pity makes irrelevant all the contrary conventions of the misogynist tradition.

To put it differently, the question of a widow's lustful nature becomes moot, not to say tasteless, when we witness her struggle to survive. Not once do we see any of these needy, self-sufficient widows in an obviously sexual context. Instead we see them absorbed in the daily struggles of life. Isolated behind ditches and cottage walls, they neither provoke sexual attraction nor are stirred by others. This means that when Chaucer violates expectations by forcing the reader to see a "povre widwe" as a woman stirred by sexual appetite, the result is a jarring collision between two conventions. The shock of the Summoner's opening lines to the "old rebekke" [old widow: abusive] of the Friar's Tale is partly aesthetic. "Com out,' quod he, 'thou old virytrate! / I trowe thou has som frere or preest with thee ..." (1583) ["Come out," said he, "you old hag! / I believe you have some friar or priest with you ..."]. These words suggest that the Summoner has confused the "povre" widow before him with the "lusty" widow of misogynist tradition. But since this widow is sick, aged, and poor (in addition to being innocent), he offends the reader's sense of decorum, and his sin is as much artistic as moral.

These two antithetical sorts of widows collide most dramatically in the *Wife of Bath's Tale*, where the loathly lady manages to force a handsome young knight into marrying her. Although the protagonist of this tale is a condemned rapist and therefore not, one would think, a sympathetic figure, the comedy of both *her* coercion scene in court and the following bed episode requires a certain limited degree of empathy with him. Clearly the prospect of imminent sexual contact appalls him, and the explanation he gives, "Thou art so loothly, and so oold" [you are so loathsome, and so old], while accurate as far as it goes, does not go nearly far enough. "Too loothly to possess such an appetite" would be closer. In the beginning, the loathly lady is presented as a mother figure to the

knight, who openly addresses her as "my leeve mooder" (1005) [my dear mother]. Indeed, it is noteworthy that, as long as she remains in this role—a natural extension of the poor-widow type —the knight is perfectly comfortable with her. But the transformation of mother into mate evokes, pyschologically, the threat of incest, and he reacts exactly as if a taboo had been violated. He feels appalled and physically trapped, as witness his cry in court of "let my body go" (1061) and his evident agony in bed as "he walweth and he turneth to and fro" (1085) [he wallows and he turns to and fro]. But if the encroachment of the old mother figure threatens the knight-protagonist, it also threatens the Wife of Bath who is narrating. To be sure, the woman who lies smiling in bed while her husband wallows is a far cry from the pitiable and powerless poor-widow figure defended by law, but she is not far enough for the Wife's comfort. So she transforms her further, endowing her first with "governaunce" in the marriage and finally with youth and amorous potential. To the Wife, "povre" widows are only fairies—"lusty widows"—in disguise.

That the Wife herself is the preeminent, and unashamed, lusty widow needs little elaboration here: with her "lond and fee," her "jollitee," and her defiant, self-proclaimed youth, the Wife is virtually a walking repudiation of the "povre widow" stereotype. Whether coveting the legs of her husband's pallbearer or "selling the bran" and looking for husband number six, no widow has ever been lustier. But now, on the verge of old age if not beyond it, she is distinguished from her more pathetic counterparts only by her money and her openly avowed desire. This time, for instance, despite her boast of being always "purveyed of a make" (591), the Wife has no previously designated candidate, and is reduced to a general marital invitation to "some Cristen man." Worse, no one seems willing to take her up on it. The question remains, then: Can the ailing mother-widow—poor, old, and emphatically unmatable—overlap with the lusty widow of popular tradition? Can a widow be simultaneous loathly and sexually prosperous? Of all Chaucer's widows, only the Wife explores this

question, and ultimately she ducks it twice. But the revulsion of the audience who imaginatively share the comic court and bedroom scenes, together with the Wife's own fear of crossing that border, effectively defines a cultural limit beyond which the *Canterbury Tales*, at least, does not pass.

So far, we have tested the degree to which Chaucer's disadvantaged widows nullify the lusty-widow stereotype so common in medieval widow stories by resurrecting a very different sort of widow—the ones they were more likely to see on a day-to-day basis. We have also seen that when tales do threaten to merge the lusty and "povre" widow stereotypes in combinations like oldand-amorous, the discomfort level is high. But other combinations are equally rare and equally indicative of conflict between the two conceptions of widowhood. Never, for instance, does Chaucer mention the youth of a poor widow. This does not mean, of course, that we are justified in assuming that all poor widows are old; the widow of the Prioress's Tale, for instance, has only one son and might easily be young. But it does suggest that Chaucer will not emphasize anything likely to ameliorate the condition of a poor widow. He is more than willing, however, to tell us that a given widow may be doubly handicapped. Thus the Nun's Priest's widow, though "somdeel stape in age," still has two daughters to raise—no unusual thing in Chaucer's day, when fathers often died before the youngest children were grown.

Location is another variable Chaucer uses to make his "povre" widows still more pitiable, and his lusty ones more advantaged than ever. Logically, a poor widow could probably be placed almost anywhere, since poverty has few boundaries. Yet with one telling exception, 11 Chaucer puts all the latter in cities, while his povre widows live in the relative isolation of their close, or in country villages. The Nun's Priest's widow, for instance, has few neighbors to call upon in an emergency. All the crew this widow has when raided by the fox are a dog, a cow, and three people, or even just two: "Malkyn" may be the widow herself or one of her daughters. Chaucer emphasizes her rural isolation—the narrow

cottage within the ditch that shuts in her few animals, hard by a "wode" [wood] within a dale (4013, 4601). This suggests a country very similar to the one that gave birth to the Friar's Tale. That widow also lived near a village where a "grene-wode shaw" [green thicket] (1386) and pastureland was available, as we can deduce from the carter who is drawing hay out of a "slow." Woods, where available, were almost always a prominent feature of economic life in the countryside, since the additional income they provided could make viable an otherwise inadequate farm. Nor is that all. The Pardoner speaks of his representative victim as the "povereste wydwe in a village." Since this particular widow exists only to emphasize the Pardoner's perfidy, Chaucer must have thought the detail added to the impression of haplessness. Clearly, the addition "in a village" gave a widow fewer resources in fourteenth-century England, and put her more at the mercy of wandering con men.

The lusty widow, on the other hand, is very much an urban creature, as both Criseyde and the Wife demonstrate. Criseyde herself, as a denizen of the great city of Troy, is of course the ultimate urban widow, a city dame with a sizable household at her disposal in one of the most urbane and influential city-states of the ancient world. She is also the ultimately desirable widow from a masculine point of view, beautiful, wealthy, and unburdened by the responsibilities of childraising.¹² Here, but for her youth, she somewhat resembles the Wife, who the narrator says comes from "biside Bathe." And even if we ignore the General Prologue, the Wife is obviously an urban widow. Her entire prologue implies an urban existence—the miracle plays, the vigils and processions, the constant marriages she attends, the many, many neighbors—all the activities, in short, that keep her gay clothes in constant use. Admittedly, there are still a few fields nearby for amorous couples to wander in, but Chaucer also mentions London just a line later, and her husband evidently goes there regularly on business. The city is, then, at the very least a ready resource for the Wife, and she takes full advantage of it.

In thus putting his poor widows in the countryside and his privileged ones in the city, Chaucer is clearly altering reality somewhat. There is no practical reason why rural widows could not be wealthy, or urban widows poor. In fact, there is ample evidence of both. Those injunctions Hanawalt mentioned as issued in London against the victimization of widows suggest there were plenty of the latter, while records from manor courts make it equally clear that wealthy widows did sometimes live in rural villages. Yet here, though Chaucer is probably exaggerating, he may be invoking another well-known phenomenon of late-fourteenth-century life. Real country widows often had to hire help. But after the plague, when labor prices rose and market prices fell, hired help was expensive, often prohibitively so. In fact, the difficulty of running formerly profitable farms led some people to abandon their lands entirely and work as laborers instead. 13 Under such circumstances, country widows were at a disadvantage when compared with their city counterparts. This would explain why Chaucer, who wishes to make his poor widows as incompatible as possible with the satiric tradition, is so ready to add a rural location: his audience would probably see their location as one more handicap.

It is now clear, I hope, that while Chaucer's purpose in sketching the many widows of his canon was not to create anything approaching a socially representative sample of widows, there is still nothing haphazard about those widows he chooses to present. If there were, we would certainly have to question his omissions. Why, for instance, does Chaucer never once depict a prosperous widow with children, or a poor young widow without them? Such questions cannot, of course, be answered with certainty. But it seems relevant to note that widows like these would have too many options to arouse the sympathy accorded to their more burdened sisters, yet not enough advantages to stand out as Criseyde and the Wife clearly do. Such a woman would not even possess the latent sexuality of the bona fide virgin. In effect, she would "blend in," and her widowhood would cease to be one of her most prominent features. In other words, when widowhood no longer brings with it measurable consequences one way or the other, the sexual legacy of these women virtually disappears.

But this legacy is precisely what Chaucer is redefining when he

introduces a widow into one of his tales. In his canon the consequences of sexuality are obvious, and they leave indelible traces. More often than not, his widows are the worse for their experience, hobbled with charges of fornication like the Summoner's widow, or with child care in adverse circumstances like the widow of the Prioress, or reduced to the "narwe cottage" so frequently associated with widows. But under the right circumstances, sexual experience may actually empower a woman. Here Chaucer trades both on the well-known independence of the widow and on the pivotal position of women who were sexually experienced without being reprehensible.

So far, Chaucer has managed to neutralize the anti-widow contingent by casting his widows as mother figures rather than mates, as women one is culturally forbidden to look at sexually. To emphasize this role, Chaucer makes most of them not mere mother figures but literal mothers as well. And by making all of his widowed mothers raise their children in highly straightened conditions, Chaucer further encourages his readers to sympathize, rather than satirize them. Such a tactic is, as we have seen, highly effective. But it is also very limited. As soon as he wishes to depict a widow whose sexuality is not relegated solely to the past, all the cultural fears of the age threaten to return unabated. When Chaucer turns to the widows on whom he lavishes more time and attention, then, he jettisons the mother-widow approach and tries two others: open combat in the Wife's case, and inversion in Criseyde's.

About the Wife, so much has been written in the last decades that little further need now be said. From the very first line of her prologue, the Wife tackles the whole tradition openly. Knowing, for instance, that widows are distrusted for their "experience," the Wife begins by championing that very quality. Common negative preconceptions about remarrying widows—the issue of social and theological disapproval, "experience," and so forth—are aired, and answered. So are misogynist perceptions that women in general are natural liars and shrews. Even the concessions made in praise of virginity (95-101, 142-46) are done in the same spirit. Here the Wife is engaged in damage control. Prospective husbands tended

to prefer virgin brides, and this was a serious problem for a marriage-minded widow. So it is with this in mind that the Wife yields nominal superiority to virgins. No one is more willing to concede the privileged status of virgins—so long as they agree to remain permanently unconsumed.

Criseyde, in contrast, is less combative than the Wife, and saddled with a much worse reputation—a reputation that Chaucer does nothing to hide. For this, her "unkindness" to Troilus is chiefly responsible. Other elements of the story, however, likewise play into the Widow of Ephesus tradition. Like this legendary widow, Criseyde first announces her determination to avoid all lovers and behaves like a committed widow, refusing to unveil her face or to dance. And like the Widow of Ephesus, Criseyde is quickly seduced by the first serious suitor who comes her way. Unlike most authors of the Ephesus tale, however, Chaucer clearly wants his audience to see the story from Criseyde's perspective as well as the men's. From the beginning, we enter into her train of thought, hear her debate the merits of Troilus and independent widowhood, see the pain that her "infidelity" causes her, its reasons, and the inevitability of Troilus's death in the doomed city. What Chaucer does not do, through all this, is win his reader's sympathy for her by altering the basic plot. Instead he goes out of the way to emphasize Criseyde's widowhood, arranging what might have been a classic satire against the lustful widow—and then rendering her likeable for the very qualities usually condemned.

The Criseyde whom Troilus first meets in the temple possesses most of the qualities that a man of Januarie's stamp would portray negatively. Anything but faceless, Criseyde—wearing black, and the only widow in view—stands out vividly. Tall, poised, independent, young, "deignous," and very much in control, she would terrify Januarie. In fact, the first look she gives Troilus is rather challenging than otherwise: "she let falle / Hire look a lite aside in swich manere, / Ascaunces, 'What, may I nat stondon here?"" (1:290–92) [she let fall / Her look a trifle aside, in such a manner / As to say, "What, may I not stand here?"]. And of course Troilus, who has passed dozens of beauties unengaged, is interested immediately:

he "nevere thoughte hym seen so good a syghte" (1:294) [thought he had never seen so good a sight]. Here female assertiveness and sexual experience is made attractive rather than otherwise.

It is no accident that, at the very moment when Chaucer wishes to emphasize these qualities, he decides to remind the reader over and over again of Criseyde's widowhood (1:97, 109, 170, 177, 309; also 2:114, 222). Her appeal is integrally tied to her widowhood. In fact, in order to heighten the dramatic effect of both, Chaucer does not hesitate to violate probability. It is hardly likely that, after years of war, Criseyde would be the only widow visible in the temple; the city's losses should have been all too apparent in the many black-garbed women sprinkled throughout. Instead, Criseyde is surrounded with crowds of brightly dressed women in fine array, lusty knights, and all the glories of spring: "When clothed is the mede with newe grene, of lusty Veer the pryme, / With swote smellen floures white and rede" (1:157-58) [When the mead is clothed with new green, the prime of lusty Spring, / With sweet-smelling flowers white and red"]. For the moment at least, Chaucer's Troy is associated with abundant life. And he is especially careful to describe the throngs of ladies and girls, newly arrayed for "Palladiones feste" [the feast of Palladione]. From a male perspective, then, the city is a lover's dream, with a carnival atmosphere. On two occasions, the reader is even invited to pass up and down the aisles with Troilus and his young men, vicariously "looking."

This Troilus, as he was wont to gide His yonge knyghtes, lad hem up and down In thilke large temple on every side, Byholding ay the ladies of the town (1:183–86)

[This Troilus, as he was accustomed to guide His young knights, led them up and down On every side of the same large temple, Beholding always the ladies of the town].

The importance of these elements—the beholding, the multiplicity of desirable objects, the association between the ladies and the

town—is evident when they are all repeated in unison, some eighty lines later:

Withinne the temple he wente hym forth pleyinge, This Troilus, of every wighte aboute, On this lady, and now on that, lokynge, Wher so she were of town or of withoute (1:267–70)

[Within the temple he went forth playing, This Troilus, looking on everyone around, Now on this lady, now on that, Whether she was from within the town or without].

Clearly, the town functions as the locus where the most attractive ladies of town and country alike are concentrated for masculine viewing.

Such a context affects the reader's view of Criseyde in two ways. Standing among the other ladies and maidens, she is obviously part of the visible spectacle, another celebrant. But the festivities also serve to accentuate her widow's weeds, which stands out much more among the colorfully festive apparel than they would in soberer surroundings:

So many a lady fressh and mayden bright,
Ful wel arayed, both meeste, mene, and leste . . .
Among thise othere folk was Criseyda,
In widewes habit blak. . . .
Nas nevere yet seyn thyng to ben preysed derre,
Nor under cloude black so bright a sterre
As was Criseyde, as folk seyde everichone
That hir behelden in hir blake wede. (1:166–77)

[So many a fresh lady and bright maiden,
Very well dressed, the greatest, the many, and the least . . .
Among these other folk was Criseyde,
In the widow's black dress. . . .
Nothing was ever seen yet to be highly praised,
Nor under a black cloud so bright a star

As was Criseyde, as everyone said That beheld her in her black clothing.]

Notice that again Chaucer brings the reader into the spectacle, this time as one of the many "folk everichone" who could hardly avoid singling her out.

Januarie of the Merchant's Tale, of course, is not present, and it is hard to know whether he would have revised his "bene- straw and greet forage" evaluation (1422) in her presence. But there is one common element between Januarie's survey of possible mates and Troilus's amorous "lokynge": availability. Both scan a carefully preselected group of women. Januarie, as he early announces, is unwilling to even look at a woman over twenty years old (or, according to some texts, sixteen). Troilus is not quite so limited. Nevertheless, the ladies whom Troilus and his fellows view are far from a cross-section of the population. In addition to seeing no other widows, Troilus does not notice a single lady who is not "fressh"; if any older women are present, he, and therefore we, fail to notice. The women he observes are also women of a certain class, arrayed in the most eye-catching apparel possible, without male company or any other obvious family connection. This includes Criseyde, who knows exactly how striking she looks in her widow's black. Last, while there are surely at least some "wives" among the candidates for Troilus's inspection, Chaucer is not emphasizing the fact.

The omission of "wives" from Januarie's catalogue is understandable: searching for a wife, he naturally omits married women from his consideration. But since Troilus's affections are not yet engaged, and since he is literally looking up and down the aisles at women physically gathered in one location, we might expect a more varied sample. Someone, then, is preselecting the women seen. Perhaps Troilus, consciously or not, is searching for a mate among the ranks of possible candidates and eliminating those who seem inappropriate. Certainly Criseyde's widowhood allows Chaucer to emphasize her sexual experience without making her in any way unchaste. And there are other advantages as

well. As a widow—sexually knowledgeable and an independent householder—she can be enjoyed by Troilus without opprobrium. He is not corrupting a virgin. At the same time, Criseyde's reluctance to become involved with men again allows the reader to watch him "seduce" her, as if she were still a maid. Meanwhile, to keep his widow sexually appealing, Chaucer wholly eliminates any hint that would remind the viewer of the forbidden mother figure he describes elsewhere. Criseyde could hardly have made the same impression on Troilus in the temple if she were surrounded by children poking each other, rustling busily, and inevitably vying for her attention.

Conceivably, Chaucer's sympathetic depiction of lusty widowhood constitutes an apology rather than a complete refutation of the stereotype. A reader like Januarie would, of course, still point to Troilus's eventual unhappiness as proof that widows should be avoided. And other men concur, at least partially. Pandarus himself repudiates Criseyde in Book V for her unfaithfulness, and even Chaucer begins *Troilus and Criseyde* by lamenting the suffering that will ensue for Troilus because of her. Whether Criseyde is actually to blame for his suffering is, however, highly doubtful. And it is certainly true that no other woman in Troy, however virginal or gaily dressed, offers any competition at all to Criseyde; she is literally the center of all eyes. It is also true that she would change, in an important way, all the literary widows who came after her, by making it possible to see them differently. When Chaucer set out to avoid, mollify, and/or nullify the consistently pejorative view of their sexuality inherited over the centuries, he did nothing to eradicate society's fascination with widows. But that he changed it—that he made it possible to find such widows attractive, even admirable—should be obvious to anyone who surveys the widows of the Renaissance stage. Lady Goldenfleece, Countess Eudora, even the Duchess of Malfi herself, all owe much of their "deignous" beauty to their forebear Criseyde.

Entr'acte

5.9C.2

When the Law Changed

By now, I hope, most readers will have no doubt that the complexities of fourteenth-century marriage law influenced Chaucer's depiction not only of marital relations but of a whole host of unmarried relationships among the already married, the never married, and the no longer married. Familiar with the law himself, Chaucer clearly expected at least some of his readers to be equally cognizant. Sometimes whole tales were designed to exploit the implications of the legal and financial metaphors that lay at the foundation of medieval marriage law. At other times, the description of a wedding or the wording of an extramarital vow became a tool to convey, briefly and effectively, a wealth of information about the world he lived in and the people who inhabited it. To the knowledgeable reader, such details could foreshadow fortune or misfortune, explain the dynamics of a relationship, augment suspense, or hint at private extramarital rituals coexisting with the ones recognized by the institutions at large.

Even the death of one spouse, as we have seen, did not eradicate the social influence of the contract, since the financial and business metaphors that had long governed legal attitudes toward marriage contracts continued to function. Certainly the language of the marriage contract implied that widows were especially badly off—as pitiable as the unsatisfied wife of the *Shipman's Tale*, and without her solution, since as widows they were now completely cut off from their "supplier." That such language was influential is confirmed by the cultural assumptions of the time. Indeed, this is probably the root of the libidinous–widow stereotype which, I argued, provokes a counterreaction in Chaucer.

If, however, Chaucer saw the attitude toward widows as a problem to be corrected, he made few other serious criticisms of the marriage contract. In his eyes at least, there was very little to argue with in the fourteenth-century laws governing marriage. Marriage law as he presented it was complex but predictable, with definite, clearly defined consequences. It might, on occasion, be manipulated by the savvy and discarded at peril, but it was not, in his canon, alterable. Indeed, there is little evidence of any sort of marital uncertainty in Chaucer. The couples in these tales may be married or not, but they know which; there are none of the precontracts, sometime spouses, and bed-tricks to establish marital status that we later find on the Renaissance stage. And nowhere, not even in the Legend of Good Women, does a single one of Chaucer's characters criticize marriage per se, or suggest that there was any ambiguity as to what constituted marriage in their culture.

For criticism of this sort we must wait for the early modern period, when marriage again possessed the literary imagination. By this time the assumptions that Chaucer could accept as given had changed drastically. As Chaucer conceived it, anyone who knew the law well and followed it carefully could be reasonably sure that the institutions of his country would support him. But in the Renaissance this was no longer perceived as true. Quite the contrary, in fact. The theater in the late sixteenth and early seventeenth century never seemed to tire of dramatizing the most poignant marital disasters. Frequent London theatergoers were thus well aware that they or their neighbors could follow the letter of the law with scrupulous care and still find that their spouses were not really their spouses and their children, if any, were no longer

legal heirs. For many people, caught between the law on the books and the enforcement policies of the ecclesiastical courts, marriage now became a vexed question. No wonder, then, that the playwrights, in their role as chroniclers of the time, reflected this anxiety in one drama after another.

Such a radical change in marital assumptions naturally suggests two questions: Why did they change so drastically? And is there a missing link, literarily speaking? The first question is, in part, a historical one, sketchily answered in the prologue and answered at length in chapter 6. But to answer the second, and to cast in the process some light on the first, it might be helpful to imagine a continuum. At one end is Chaucer, comfortable with the law as he knows it, embracing it, and using it to integrate his characters into the society around them. At the other pole let us put, say, Webster and The Duchess of Malfi or Wilkins and The Miseries of Enforced Marriage. These writers, like Chaucer, were fully cognizant of marriage law. In their plays, however, marriage law became an indicator of social disintegration, and they attacked it as such. For now the marital customs urged by the Church and enforced by the ecclesiastical courts—the reading of banns, the new insistence on church ceremonies, canonical hours—were in open conflict with the written law of the land.

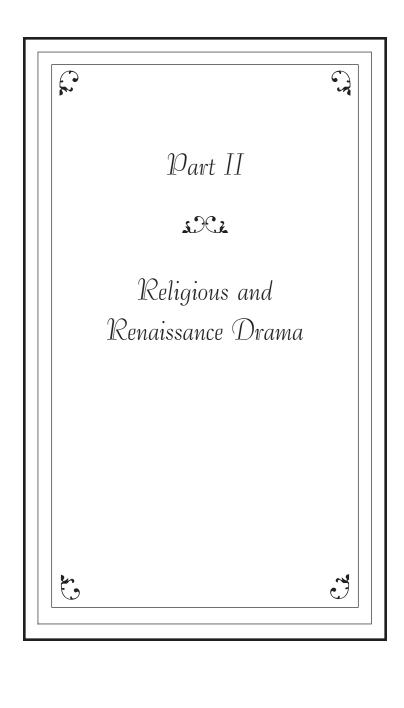
At this point the curious may want to interject, somewhat impatiently, "This is all very well, but what, if anything, lies between the poles?" Too often, literature simply does not say. It is one thing, after all, for the writer of romances to marry off his characters at the end, or for the author of a fabliau to announce that a given couple are man and wife. It is quite another to take an interest in the *process* of marriage. This is especially true in the late Middle Ages, when marriage law was not yet a controversial issue or a subject of doubt. In the century and a half between the death of Chaucer and the middle of the sixteenth century, marriage law underwent very little change. It is thus unsurprising that, at a time when most people probably took marriage rituals for granted, marriage formation drew little sustained literary attention. In fact,

it might make more sense to turn the question around: perhaps, instead of asking why other medieval authors were *not* so preoccupied with marriage, we should ask why Chaucer *was*. Here, after acknowledging Chaucer's personal background and interest in man as a social creature, something might be said about the decades in which he lived and wrote. During the middle and late fourteenth century the nuances of contract law had only recently hardened; not so long before, Gratian's law had been current in most of Western Europe. But familiarity breeds contempt, and as the details of contract law became increasingly well known among the privileged classes, attention probably turned elsewhere.

It is, nevertheless, possible to fill in some of the space between the poles by turning to the one species of literature most committed to the social relations of men and women: the medieval mystery plays. Unlike sermons and morality plays, the mystery cycles were not primarily concerned with dramatizing the internal struggles of the Christian against sin. Instead they tried to show how the hand of God changed the lives of ordinary men and women. And at least a few plays in each cycle—notably the episodes of "Joseph's Doubts" and the Noah plays—gave considerable attention to couples whose marital struggles were prompted not only by accusations of adultery violating the marriage contract but, most important, by very different interpretations of the marriage contract on the part of husband and wife. As depicted on the stage, one spouse in each case possesses an inspired relationship with God that interferes with customary marital duties. The first, Mary, is called upon by God to bear a child not fathered by her husband. And Noah, we are told by his wife, is too busy worshipping God to provide her with much support or companionship.

The resulting marital discord, together with the reiterated questions as to what, exactly, justifies the neglect of marital duties, suggests how seriously the audiences of these plays took the marriage contract. It also suggests that, well before the advent of London secular drama, audiences were interested in plays that tested the limits of marriage agreements. Exactly *how* the Noahs

were married, or Mary and Joseph, is of course never discussed. What information can be gleaned from the cycles about the process of marriage and the assumptions behind the rituals is thus necessarily inferential. Still it is possible, by examining the points of conflict between the couples, to uncover certain assumptions each party brought to the marriage. This is one reason to examine the mystery cycles in this book. The cycles are also of interest because they at length allow God—albeit rather grudgingly—to alter the marriage contract as it was usually practiced. Before, then, leaping to the other side of the marital continuum to examine the way the Renaissance dramatists tested their marriage laws and found them wanting, let us examine the much more modest tests afforded by the writers of the mystery plays.



5.9C.2

Under Stress

The Marriage Contracts of the Mystery Cycles, and the Trailing Spouse

There is a strangely modern quality to the medieval cycle plays that revolve around the marital disputes between couples in two sets of pageants: specifically Joseph and Mary, and Noah and Uxor. Perhaps this is, in part, because both plays dramatize the pressures that dislocation can bring to bear on a marriage. Uprooted from familiar surroundings in order to accommodate the rapidly expanding careers of their spouses, and forced to acclimate themselves to a support role in a community not of their choosing, Noah's wife and Joseph are arguably the first examples in the English language of what we now call the phenomenon of the "trailing spouse." In the mystery plays, this dislocation is particularly severe. Rooted in the world they have always known, and seeing the terms of their marriages very much as their neighbors would, these two are suddenly confronted not only with changes of location but with a basic redefinition of all their social relations, including their concept of marriage. In their bewilderment, they invite the audience's sympathy. For unlike their privi-

leged spouses, Joseph and Uxor have not been initiated into divine mysteries; like the audience, they can comprehend these only dimly. It is difficult to say what we might do and feel in the place of Mary or Noah. But we have no such doubts about Joseph and Uxor, who surely respond very much as we might under the circumstances. Such sympathies can be insidious in their effects, and undermine the theological underpinning of the play. After all, not many marital sermons would celebrate the behavior of a wife like Noah's, who plays the role of the traditional shrew. And few medieval men in the audience would wish to imitate the behavior of Joseph—a man who has, at God's reiterated behest, agreed to obey his wife rather than vice versa, while loudly welcoming his wife's pregnancy with a child not his own. Theologically, there is no doubt: Noah and Mary are divinely inspired, and we should strive to be like them. Humanly, however, Joseph and Uxor have more in common with us.

The expectations that Joseph and Uxor brought to marriage were formed (so the mystery cycles assume) in a fallen world at least somewhat at variance with God. As presented on the stage, these expectations were simple in nature, and the audience would have had no difficulty sharing them. Uxor, for instance, expected a companionable marriage, plus tangible signs of his affection. That she has not received this, the York and Chester versions make very clear—Noah is too busy serving God—and she therefore feels herself entitled to complain. She also feels entitled to the comfort of her "gossips." Nothing in her marriage vow contravenes this, though it could be carried to excess; conduct books for women warned against spending too much time in idle chatter with other wives. But there is no sign of such excess onstage, and she would spend more time with her husband if he allowed it, so her friendships probably seemed normal and socially acceptable to most of the watching audience. As it happens, of course, Noah has excellent reasons for neglecting her, but she cannot know this. Nor can she know that God will soon drown all her friends, forcing her to

separate from them or divide herself from God, her husband, and her life. The rules of marriage, in other words, have changed under the wife's feet. We can hardly blame her for failing to understand, any more than we can blame Joseph for failing to believe that his obviously pregnant wife has never slept with a man.

There are only two other cycle pageants that introduce a married couple—the Adam and Eve plays and the Wakefield Second Shepherd's Play—and they differ in fundamental ways from the Mary/Joseph and Noah/Uxor plays. Adam and Eve are first married in a world at harmony with God, where the miraculous seems normal. When they at length leave it for the world of sin and death, they leave it jointly, in a mutual state of repentance and resignation, without any misunderstanding as to the nature of their relationship or the conduct expected of them. And in the Wakefield Second Shepherd's Play, while Mak's complaints about his wife Gill and hers about him are introduced early, the relationship never really alters. As far as Gill and Mak are concerned, there is no journey to the manger and no miraculous birth; when the birth finally takes place, Gill and Mak never see it. These latter plays, therefore, postulate a single marital viewpoint.

There remain, however, two clusters of plays that focus on marriages in which one spouse only is singled out for revelation and an imminent "promotion." In all the cycles in which they appear, the Virgin Mary and the Patriarch Noah rejoice early at the trust God puts in them and the special role they are asked to fill. Unfortunately, their spouses have very different feelings on the matter. Unable to adjust as quickly as their more privileged spouses, they misjudge the partners' role and struggle against their own. In some versions, the trailing spouses are more or less reconciled to their new position: Uxor steers the ark in Wakefield play 6, while the Chester Joseph confirms his wife's virginity by proudly advertising his own impotence (9). In others, there is no real reconciliation: Joseph cooperates, grumbling and doubting all the way, while Uxor is at length bullied or beaten into silence. Let us now examine, in more detail than we have given hitherto, how the

discrepancy between the couples is dramatized in the different pageants, and the degree to which this gap is closed by the closing lines.

Mrs. Noah is the archetypal trailing spouse. Until her husband's great mission, she has no dramatic existence at all. Afterwards, however, her discontent and the trouble she gives Noah take center stage. She exists, in other words, not because the Bible makes passing mention of her, but because the medieval imagination could not conceive of such a dramatic dislocation without thinking of how the wives *they* knew would react under similar circumstances. In two of the plays (York and Chester) God is given the opening lines, and in the third (Wakefield) He responds immediately to Noah's opening prayer. The first appearance of the wife, then, occurs only after the revelation is well established. From that point on, each cycle takes a different approach.

In the York play, Noah sends his son to fetch her and is confident that she will come when summoned. At first this confidence seems justified; Uxor is perfectly willing to follow when told to "come to my fadir sone," expressing nothing but mild surprise: "What sais thou sone?" (56-57).2 It is not until he elaborates with "My fadir thynkis to flitte full ferre" (58) that she begins to protest. Even then, she comes, only to hear Noah's brisk summary, "On lyffe sall no man lenger last / Bot we allane, is nought to layne" (87–88). Upon this, she naturally concludes that her husband is going mad. "Thou arte nere woode, I am agaste" (91). Marx's observations on the inland nature of the community depicted in the York flood play, and that Noah has no training or experience in this type of work, 4 make such a reaction particularly credible. But Chaucer's Miller's Tale also suggests that Noah would naturally appear mad to his fellow citizens; at least, the Carpenter's friends come to exactly the same conclusion about *him* when he expects a flood: "He was holde wood in al the toun" (386). Uxor's judgment in the York play makes additional sense when we recall that, so far, Noah has not said a syllable about the source of this knowledge; the only reason he gives is the wet weather they've seen lately: "Dame, fowrty dayes are nerhand past / And gone sen it began to rayne." Experience, then, ratifies the wife. But from Noah's point of view, it is his *wife* who is going mad: "O woman, art thou woode?" (93). After all, he thinks, here is a woman who has just discovered that the entire world is about to end, and instead of showing concern, she turns her back on him.

In the Chester flood play, the troubles between husband and wife do not start until he urges her to enter the completed ark. Then the problem is not the wife's disbelief but her resistance to what she sees as Noah's cruelty. This woman wishes to save the friends who love her, and wishes it badly enough to endanger her own life in the process:

But I have my gossips everyechone,
One foote further I will not gone.
They shall not drowne, by sayncte John,
And I may save there life.
The loved me full well, by Christe.
But thou wilte lett them into thy chiste,
Elles rowe forthe, Noe, when thy liste
And gett thee a newe wyfe. (201–8; see also 241–42)

[Unless I have every one of my gossips I will not go one foot further.
They shall not drown, by saint John,
If I may save their life.
They loved me very well, by Christ.
You will let them into your boat,
Or else row forth, Noah, whenever you wish
And get yourself a new wife.]

Evidently her gossips love her well—perhaps more than her husband? But it should be noted, too, that from her point of view it is not God but Noah who refuses to save her friends. This is *Noah's* "chest," and they are about to die only because *Noah* will not "lett them" enter. To help the audience see her point of view, the playwright even brings the "good gossips" onstage and lets the audience hear their growing terror:

The fludd comes fleetinge in full faste On everye syde that spredeth full farre. For fere of drowninge I am agaste (225–27)

[The flood comes flowing in very fast On every side it spreads far and wide. With fear of drowning I am aghast].

Thus they declare together, before drinking themselves into a state of defiance of death and Noah and their impending separation.

Clearly the dramatist is taking pains to make the wife's point of view sympathetic. She is not "right" theologically; God has already declared that the world shall be "Destroyed . . . save thou, thy wife, thy sonnes three, and there wyves alsoe with thee" (37-40) [Destroyed ... except for your wife, your three sons, and their wives also with you], and God's commands are not to be disputed. But her values are humane, even admirable. Her friends love her, and she is loyal to them; they are afraid, and she comforts them; she wants to save them, and she cannot understand why Noah is so selfish as to shut them out. Here is a clash of human and divine perspective that cannot be resolved as easily as that in the York cycle. Sutherland nicely summarizes the mixed feelings such a wife would inspire in a medieval audience: "Noah's wife sympathizes with them [gossips], and in her sympathy she ignites an ambivalent response in the audience. . . . Uxor's attraction to a corrupt world is hardly admirable, and the audience presumably did not think it so. Yet the gossips are human—drunk, perhaps, but human—and Uxor's desire to save those who loved her full well is a plea on behalf of a humankind that includes members of the audience." This ambiguity is more troubling than that roused by the York Uxor, because Noah can never explain to his wife why she cannot save women no worse than she is. This seeming "inhumanity" on God's part surfaces briefly in the York play, too, when the wife, looking upon the flood, mourns that "My frendis that I fra yoode / Are ouere flown with floode" (151-52) [My friends that I went away from / Are overcome in the flood]. In Chester,

however, this is the sole cause of dispute between husband and wife, and it is never resolved. Doubtless there was some satisfaction in watching a stubborn and defiant wife forcibly carried onto the ark by her stalwart sons. But the rightness, humanly speaking, of her loyalties, and the pity stirred in the audience by the appearance onstage of the frightened women—all this is simply pushed aside. And of course, once afloat, Noah's wife has little choice but to participate harmoniously in the only community left to her.

Only in the Wakefield play, then, does the dispute between husband and wife antedate Noah's divine mission. From Noah's point of view, this wife is a typical shrew.⁶ He anticipates his homecoming with dread—and indeed, the very sight of Noah sets her scolding. Noah's anxieties are comical, but convincing:

I am agast that we get some fray Betwixt us both, For she is full tethee For litill oft angré; If any thyng wrang be, Soyne is she wroth. (184–89)⁷

[I am aghast lest we get into a fight between the two of us, For she is very touchy, Angry over every little thing; If anything is wrong Soon is she wrathful.]

This is not the place for a defense of the wife: Sutherland has already done this by stressing Noah's being a "bad provider" for his hungry family and Uxor's dread of the strange-looking ship. It is, however, worth adding that for some six hundred years Noah has been carrying on a solitary, intense, and unremitting prayer life.

Sex hundred yeris and od have I, without distance, In erth, as any sod, liffyd with grete grevance Allway; And now I wax old, Seke, sory, and cold . . . Bot yit will I cry for mercy and call (57–64)

[Six hundred years and more, without debate, On the earth, like any sod, I have lived with great grievance Always;

And now I grow old, Sick, sorry, and cold . . .

But yet I will still cry for mercy and call out].

God too testifies to the long years of devotion Noah has given him: "Thou was alway well-wirkand, to me trew as stele, / To my byding obediand" (120–21) [You always worked well, true to me as steel, / And obedient to my bidding]. All this is very virtuous, of course. Still, so much service also isolates Noah; in fact, Noah is alone onstage when he makes his opening prayer. So it is no accident that the first words spoken by Uxor focus on his long absences, sending at the same time the mixed signals so common when anger combines with feelings of hurt and rejection. Notice how soon the initial "I don't need you anyway" turns into a reproachful "Why don't you spend more time on us?"

Noah: How fayre ye?

Uxor: Now, as ever myght I thryfe, the wars I the see.

Do tell me belife, where has thou thus long be?

To dede may we dryfe, or lif, for the, for want.

When we swete or swynk,

Thou dos what thou thynk (190-96)

[Noah: How do you fare?

Uxor: Now, as ever may I thrive, the worse when I see you.

Do tell me by your life, where have you been so long?

We may live or die of want, as far as you care.

When we sweat or work,

You do whatever you want].

Noah does not "sweat" or work with them, and she knows nothing about what he does do. God and Noah, as we have already heard, value his years of prayer, but from Uxor's point of view, all it has done so far is shut her out of his life. In all versions, then, Uxor follows, as she must, when Noah leads her from her home and her gossips. But the murmurs of the trailing spouse can be heard, centuries away.

If we compare the journeys that Joseph takes for the sake of Mary—first to Jerusalem and then, when slaughter is threatened, to Egypt—with the one Uxor takes for Noah, Joseph's sacrifice seems modest in comparison: this time, no world is lost in the process. Yet if Uxor's lot was hard, married to a man of God, Joseph's is much worse, joined in wedlock with the Virgin Mary. From the moment the angel Gabriel leaves the stage, Mary keeps her eyes fixed firmly on the divine realm. Joseph, however, is not so privileged, or at least not until he too begins to receive angelic messages. The result is a serious communication problem between a husband and wife already divided by perpetual virginity and a sizable generation gap. Joseph, the theoretical head of this marriage, seems handicapped by his theologically underprivileged status. Left out of the conception altogether, he seems to spend much of his time onstage catching up on what is going on.

The gulf that separates these two has not, of course, gone unnoticed. Rosemary Woolf, for instance, described the misunderstandings between husband and wife in terms of the genres they took for granted—Joseph belonging to "the fabliau world . . . while Mary still lives in the spotless and serene world of the Annunciation." There is much truth in this, particularly given the two cynical references, in York and *Ludus Coventriae*, to lads in angel costumes, not to mention the similarity to *Decameron* 4.2. Yet if there is something fabliaux-like about Joseph's imagination, Woolf's further assumption—that Mary lives in the "real world" while Joseph lingers in "cynical fantasies"—is not borne out by the texts as we have them. On the contrary. For while the medieval audience presumably believed that Joseph was wrong

about this particular pregnancy, they surely sympathized with his expectations. In fact, there is no evidence anywhere in the play that his doubts were seen as even slightly "gross and irreverent," as Woolf would have it. Certainly the Virgin Mary of the Old English poem *Christ*, holy as she was, thought it normal and inevitable, if unfair, that her neighbors would assume she had slept with a man. True, she does not like the "fela tornworda" [many insulting words] she has heard on the subject, but she never suggests that their suspicions are abnormal. Moreover, the York Cycle, the two remaining Coventry pageants, and the ineptly named Ludus Coventriae (actually from somewhere in the East Midlands) do everything they can to increase audience identification with Joseph. Thus, instead of letting Mary explain the extraordinary circumstances of this pregnancy, the authors make Mary reinforce his suspicions by seeming to contradict the one fact Joseph knows to be true. The Coventry Mary, for instance, tells her husband that the father of her child is "Non but youris husebond soo myld" [None but yours, husband so mild].¹⁰

But it is the *Ludus Coventriae* and, even more, the York version that dramatizes how oblivious Mary is to her husband's anxiety. Each time Joseph asks Mary, with increasing exasperation, to name the father of her child, Mary gives Joseph the same beatific and impossible-sounding reply.

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Joseph: Whose ist Marie?

Mary: Sir, Goddis and youres.

Joseph: Nay, Nay,

Now wate I wele I am begiled, and reasoune why?

With me flesshely was thou nevere fylid,

And I forsake it here forthy.

Say maidens, how es this?

Tels me the sothe, rede I;

And but ye do, iwisse, the bargayne sall ye aby. . . .

Whose is the childe thou arte withall?

Mary: Youres sir, and the kyngis of blisse.

Joseph: Ye, and hoo than? . . .
```

Thy wombe allway it wreyes thee

That thou has mette with man.

Whose is it, als faire mot the befall?

Mary: Sir, it is youres and Goddis will . . .

Joseph: Tell me his name.

Mary: None but youreselfe.

Joseph: Let be, for shame.

I did it

nevere: thou dotist dame, by bukes and belles!

(13:95-179)

[Joseph: Whose is it, Mary?

Mary: Sir, God's and yours.

Joseph: No, No,

Now I know well that I am beguiled, and you know why?

You were never defiled by me in a fleshly way

And I deny it here outright.

Say, maidens, how is this?

Tell me the truth, I counsel,

And unless you do, certainly,

You shall dearly abide it. . . .

Whose is the child you are pregnant with?

Mary: Yours, sir, and the King of Bliss's.

Joseph: Yes, and whose then?

Your womb always betrays you, that you have met with a man.

Whose is it, as fair may befall you?

Mary: Sir, it is yours and God's will . . .

Joseph: Tell me his name!

Mary: None but yourself.

Joseph: Stop it, for shame. I never

Did it, you mad woman, by books and bells!]

And so it continues, through *three more* frustrated attempts to identify the father, and three more patient but amazingly unresponsive

repetitions on Mary's part. She does not try to explain in what sense Joseph is the father, or the nature of the revelation she has received. In fact, she does not even mention the visit from the angel Gabriel.

The point of all this, of course, is comedy. Everyone in the audience knows exactly how Mary's reply would sound to them if they did not have the added knowledge unavailable to Joseph. They thus get the double pleasure of recognizing Joseph as one of their own while simultaneously one-upping him. Even the staging of Joseph's scenes encourages the audience to adopt his perspective. In York play 13, for instance, the audience follows Joseph out of the room and into the forest instead of staying behind with Mary. And the sixth Chester play suggests something similar, though less clearly: the members of the audience depart from Mary when Joseph does, see what he sees, and return to Mary with him. Though stage directions are lacking, Joseph has certainly carried out his threat to "wende into some other place" (20) by the time he sleeps and meets the angel—a public place, evidently, since he is soon ordered to "make rowme" for the emperor, who follows immediately (23).

Ultimately, each episode of Joseph's doubts dramatized onstage requires that, before the end of the pageant, Joseph be convinced of the divine paternity of Christ, and assume his role as Mary's protector. But only in the York cycle does it end there. In York, Joseph's troubles about Mary are allowed to disturb the thirteenth pageant, but thereafter Joseph is given no more than token parts. In order to make the miraculous view of the birth unequivocal, the playwright(s) elect to erase Joseph as a character and give him an entirely new point of view.

Chester's approach differs from York's in that Joseph's doubts are transferred to others as soon as Joseph meets his angel. Joseph then retains a larger role than he does in York, but this is not to his advantage. He remains distinctly subservient to Mary, keeping in the background except, as has been noted, when he boasts of his impotence (9:208–9). Meanwhile, the pragmatic doubts for which

Joseph once acted as spokesman have been transferred to the midwife Salome. Instead of relying on faith, Salome too exercises common sense, and is understandably reluctant to believe that a woman who has just given birth could still possess an intact hymen. Since Joseph is anxious to obtain midwives, praying to them to show "charity" to his wife and promising to pay them "here" (immediately), Salome's doubt continues to be associated with him. Finally it should be noted that, although an angel does appear as character witness for Mary, Joseph is warned to flee not by an angel but by a mere human, Octavian's "preco." An angel then speaks again—but to Mary, not Joseph. So in this cycle, doubts are supposedly resolved, but Joseph's divine contact is kept to a minimum. Clearly his status as trailing spouse continues, even as his doubts are transferred to more expendable characters.

In the other cycles Joseph never gets over his doubts. Miracle after miracle manifests itself solely to convince this worldly skeptic, and he is always duly impressed—only to forget about it until the next one. In the two Coventry plays, for instance, his newfound faith in the divine origin of the Christ child does not make him one iota more willing to fetch doves; instead he protests his inability, and finally goes to get them at his wife's insistence, grumbling all the way. After this he is briefly reconciled, but soon grumbles again when Mary tells him they have to journey to the temple. He never seems to get the message. Twelve years later, Joseph still talks of Christ as if he were an ordinary child who had slipped off to play with his buddies. And when Mary asks Joseph to fetch Christ from the temple, he refuses to do so.

The Joseph of the Ludus Coventriae resists the miraculous just as obstinately. Here too, it takes perpetual miracles to keep him in line. By the time Joseph and Mary travel to Bethlehem, for instance, his resentment and suspicions are ready to burst out at the slightest provocation, notwithstanding the angelic reassurance. Mary has only to ask him to pluck cherries for her, for him to explode: "Lete hym pluk yow cherves be-gatt yow with childe" (38) [Let him pluck you cherries who got you with child]. 11 It was easy, he implies, to call on God *then*, when you had some explaining to do; see how easy it is to call on him now. Again, it takes a miracle to silence him. He then hurries off to summon the midwives, sure that they will be needed, and ushers in still another skeptic.

All this suggests that, however acclimated to change these Josephs appear to be after their encounter with the angel, they never really adjust to the repeated miracles they are privileged to witness. No matter what they see and hear, they persist in judging the world around them, and Mary herself, by the standards of the experiential world of the audience. Ultimately the marriage between Joseph and Mary remains intact, since God seems willing to follow Joseph around with an unending stream of miraculous refutations. But there is never any real integration here of the two worlds. This is, I think, deliberate. These plays, like those of Noah and Uxor, exist in part to give expression to the audience's *discomfort* with the miracles portrayed: they give vivid expression to the audience's sense of the disjunction between the miraculous stories they are required to believe and their own everyday life. Obviously the plays also attempt to reconcile the two. Theologically, they may well accomplish this. But the plays suggest that, on an emotional level at least, this reconciliation was not complete—and was never intended to be.

6

5.9C.2

Unlawful Unions on the Renaissance Stage

If it is possible to judge popular attitudes toward legal change by the treatment such issues receive on the stage, then the audiences of late-sixteenth- and early-seventeenth-century England much preferred the marriage law they had known for centuries to the one currently preferred by the Church of England. This conflict began about the middle of the sixteenth century when the Council of Trent changed marriage law in Europe. Well known to legal historians, it is rarely discussed by scholars of Renaissance literature, though its effect upon drama was, as I will argue, marked. In its general outlines, the problem was simple. The changes to marriage law in sixteenth-century Europe had no direct effect on the law of England, since the ecclesiastical courts of England were answerable only to the king. This meant that the law on the books remained unchanged. The Church of England, however, urged that marriages be solemnized in church, by a minister and during proper (canonical) hours. This left the population caught between the well-known law of record, which legalized private

marriage contracts, and the very different enforcement policies of the church courts.

One effect of all this was to enormously heighten interest in, and anxiety about, marriage law. No longer could anyone take for granted the law of the land. It is no surprise, then, that couples on the Renaissance stage sometimes seemed slightly obsessed with what exactly constituted a marriage. What *is* surprising, at least to anyone aware of the pressure toward solemnization in church, is the answer they came up with. In play after play, couples onstage would talk contract law as if they were oblivious to change. Only their anxiety to get the law exactly right, and the unfortunate results of the contracts shown on stage, revealed that the dramatist knew otherwise. Quoting from marital law as it still appeared on the books, these couples relied on custom and recorded law rather than recent innovations. Occasionally this strategy was successful; more often it was disastrous.

Virtually every time a Renaissance dramatist depicts a marriage contract onstage, someone—be it husband, wife, or an influential third party—makes an issue of the legality of the contract. Sometimes, as in The Duchess of Malfi, The Miseries of Enforced Marriage (Wilkins), and The Witch (Middleton), the legality of the marriage is openly challenged, and the couples themselves assert the validity of a marriage not publicly recognized. Sometimes, as in the supposed precontract of Witgood with the "widow" of A Trick to Catch the Old One or in the Gallipot subplot of The Roaring Girl, the contract is openly fraudulent. Other times the contract itself is not in doubt, but the nature of the contract, or the degree to which the parties have been bound, is. This is the case in *The Maid's Tragedy*, All's Well That Ends Well, Measure for Measure, The Witch of Edmonton, The Atheist's Tragedy, The Widow, The Merry Devil of Edmonton, The Wild Goose Chase, and many more. Often, in fact, the uncertainty is essential to the plot.

Plays like these were, for all intents and purposes, designed to test the old definitions of marriage in every way possible by focusing on the full gamut of marital possibilities, be they unconsummated unions, precontracts followed or not followed by consummation, precontracts with witnesses or without. Frequently, repudiated legal assumptions were dramatically resurrected, and were enthusiastically justified by incipient husbands and wives. Overt references to marital law tended toward the cynical; phrases such as "married in the eyes of God" or "man and wife in the presence of God"—phrases taken from actual court testimony, and in common use—reappear onstage with the inevitable contrast "married in law." Meanwhile, plays like *The Duchess of Malfi* explicitly criticize "new" requirements such as solemnization in church.

When stage marriages do make use of approved ceremonies, such as Claudio and Hero's in *Much Ado about Nothing* or Bertram and Helena's in *All's Well That Ends Well*, they are usually presented as defective in some way. Thus in *Much Ado* a properly solemnized marriage between Hero and Claudio is void when Claudio breaks it off prematurely. And while Helena's marriage is ritually perfect, a contemporary law court would almost certainly declare it null and void on the grounds of coercion. On the other hand, Bertram's subsequent refusal to consummate the marriage and to give Helena a wedding ring would have no legal significance whatsoever—except, perhaps, as evidence of coercion.¹ Popular opinion, however, would consider these defects weighty ones, and it was popular opinion that mattered onstage. This became an established pattern: every time popular custom conflicted with court practice—and it frequently did—drama sided with the former.

Clearly, dramatists sensed a market for plays designed to test the consequences of the new rules of marriage and the increasingly centralized role of the Church. Indeed, many of the contract marriages presented on the Renaissance stage could almost have been taken from a legal textbook, so carefully do they fit the letter of the law. Take, for instance, the vows exchanged by Clare Harcop and William Scarborow in *The Miseries of Enforced Marriage*. Clare and William are well aware that clear, present–tense vows make a marriage. In fact, William goes so far as to correct Clare, insisting that she is his wife "now," when she implies a future–tense possession

("I am like to have"). Likewise, the double appeal to God's "record" and the reiteration of a portion of the marriage service leave no doubt that this couple are married in the eyes of God:

Clare: God is my record, I desire to know

Whether he meane to marry me, or not.

Scarb: This hand thus takes thee as my loving wife.

Clare: For better, for worse.

Scarb: I, till death us depart love.

Clare: Why then I thank you Sir, and now I am

Like to have that I long for: a Husband . . .

Scarb: Clare your now mine, and I must let you know,

What every wife doth to her husband owe,

To be a wife, is to be dedicate . . .

Maids being once made wives, can nothing call

Rightly their owne; they are their husbands all....

Men never give their faith, and promise mariage,

But heaven records their oth²

Clare, who calls herself his "trothplight wife," later hears that Scarborow has married someone else in church. Since their own marriage was known only to themselves and to God, this inconstancy is not actionable, but it makes William adulterous in the eyes of God, and Clare unmarriageable unless she is willing to incur the same guilt. "A wretched maid, not fit for any man . . . who shall marry me / Is like myselfe, lives in Adultery" (C4). Unfortunately, her father is less scrupulous than she, and is likely to force her into a second, legally valid marriage. So after a brief complaint on the injustice of human laws ("Why Law?") she decides to save herself, morally, by committing suicide. And being a resolute maiden, she does so instantly.

To be sure, not all stage contracts turn out as tragically as this one; *The Wild Goose Chase* concludes with an equally meticulous marriage contract that the entire community celebrates. But most of the couples who bind themselves contractually onstage are not so lucky. Perhaps, then, it might be said that the tendency of stage

contracts to come to a tragic end suggests that the audiences viewed them dubiously. The problem with this is that stage contracts are almost never criticized as errors. Hasty words could easily become binding vows under contract law, and such cases certainly appeared in court—but never on the Renaissance stage. Modern audiences may conclude that the vows of Clare and William were rash (to say nothing of her suicide), but the play itself does not depict them as anything of the sort; rather, the fault lies solely with William's adulterous second union. If worldly parents did not violate marriage vows made in the sight of God and force their offspring into financially advantageous second matches, none of this would happen.

Rarely if ever are onstage vows casual, unintentional, or irresponsible. There, jilted would-be spouses are never cast as opportunists, or unreasonable; instead, their contract is always the rightful one. Occasionally the socially recognized spouse of a solemnized union may suffer as innocently as the one abandoned, particularly if the bigamist has qualms of conscience, as in Wilkins's play or *The Witch of Edmonton*, among others. But neither play goes so far as even to hint at the next logical possibility—namely, that the first contract was a mistake, and that holding him to it would be pedantic legalism. The fault, instead, always lies in the *second* contract, which is perceived as unjust both to the virgin who has relied on his vows and to the second wife who believed him free to commit himself. Prior contracts not destined to win the sympathy of the audience *must be fraudulent*.

An excellent example of this appears in *A Trick to Catch the Old One*. The faked precontract here might easily have been real. The audience was apparently well acquainted with the term, since the Host never has to specify a contract of *marriage*. He simply walks in with a sealed letter and announces, "You are like to come into trouble, I promise you, sir; a pre-contract." Nor does his later "explanation" say much more: "young Witgood . . . says you have wrought his undoing by the injurious detaining of his contract." And the new wife's "confession," when Hoard turns to her, only

emphasizes how easily such contracts came into being: "Some foolish words I must confess did pass, / Which now litigiously he fastens on me" (IV.iv.105).3 The contrast between the implied inadequacy of mere "foolish words" and the law, which said that words were all it took, makes this last stratagem perfectly plausible. Hoard, at least, finds the story so threatening that he immediately pays off Witgood in exchange for signing a legal "quitclaim." Had Witgood and the widow been married, even a quitclaim would not have been sufficient to break the relationship. But a precontract de futuro could be broken, provided both parties agreed. In fact, as Houlbrooke notes, "A number of church-court depositions reveal the initial readiness of parties to agree upon financial compensation through unofficial arbitrators without resorting to the courts at all ... and the unsuccessful arrangements were probably greatly outnumbered by the successful ones."4 In addition, a common-law action for breach of promise, first possible in the sixteenth century, brought the successful plaintiff nothing but financial compensation. Which suit Middleton had in mind is not the point; either way, the audience had ample reason to be familiar with the legal and financial possibilities inherent in that creature of post-Gratian marital law, the verbal precontract.

We see something very similar in the Gallipot subplot of *The Roaring Girl*. Here again, Middleton does not want to actually break up the marriage of his solid citizen, married several years to a woman he apparently loves, and with two children. Yet he cannot justify preserving it in the face of a real precontract. So the "wolf" Laxton can only pretend to have been precontracted, years ago, to Gallipot's wife, thus threatening to take her away from him. The anxious Gallipot turns to his wife, who confesses, "before / I was to thee contracted, to him I swore" (III.ii.121–34). Whereupon nothing more is needed but "his friends" to prove the contract, and "If thou should'st wrestle with him at the law, / Thou'rt sure to fall" (III.ii.135, 231–33).

This would have been perfectly good law in the fourteenth or fifteenth century—assuming, of course, that the first contract was

real. In theory, it was still true. But the Church had been making great efforts to establish the security of a church ceremony after the reading of the banns in three consecutive weeks before a marriage. Marriages without these formalities were usually considered clandestine, and would have been a long shot in court against a later, licit one. And there is no mention of banns or church in *The Roaring Girl*. Instead, Gallipot imagines "friends" of Laxton ready to be called as witnesses to prove the contract (III.ii.231). This hearkens back to court cases of the fourteenth and fifteenth centuries, where such testimony would have been crucial. But by Middleton's day, enforcement had so drastically changed that Gallipot would probably have won his case in court, precontract or no.

That Middleton ventures to exploit the weak points of contract marriage law at all, then, may suggest an audience at least somewhat predisposed to criticize it. At the same time, Middleton is careful to keep this criticism within limits. Contract marriages, he suggests, are not really so vulnerable to manipulation after all, since the only victim is Gallipot, who looks suspiciously like a cuckolded husband. Most people would know better, or so the audience is encouraged to believe. And if Lawrence Stone is right, Gallipot ignored what was now common knowledge when he let himself be fooled by Laxton. "Everyone knew that the courts were now generally very reluctant to break up a freely undertaken legal marriage in church in order to force an unwilling spouse into an earlier contract marriage."6 Everyone, that is, but the gullible Gallipot. Even if the prior contract of Gallipot's wife had been ironclad, most seventeenth-century courts would disregard it; thus "the court, as usual, flew in the face of the letter of the law." It is also significant that only highly unsympathetic husbands, Hoard and Gallipot, are victimized, and both are in part self-deceived. This suggests that there is no systemic problem. The element of criticism is present, then, especially in Gallipot's case, since he clearly loves his wife. Yet the message is muted: The law should not be so easily abused—but these husbands deserve it.

Notice that, even though both of Middleton's precontracts are fraudulent, the audience is nevertheless encouraged to sympathize with the claimants, who are viewed as clever and, given the obnoxious nature of the victims, at least partially justified. When a dramatist depicts an actual precontract, however, there is never the slightest question; claimants are always unambiguously sympathetic. The law may not recognize their claims, or they may not be provable, but if they were, justice would be better served. It is as if Middleton, when he suggests that a few insufficiently socialized individuals may occasionally be (mildly) abused by the vagaries of the old contract law, has defined a critical limit that dramatists do not readily cross.

One of the most fascinating and revealing marital contracts on the Renaissance stage is, of course, the marriage scene in *The Duchess of Malfi*. Other critics have already noted the extent to which Webster's version of the duchess's story encourages the audience to sympathize with his heroine's audacious contract. Cariola's reaction to the scene is particularly relevant here, since she is its sole audience onstage and may thus function as our speaker. To Cariola, both the "spirit of greatness" and "woman" reign in the duchess, so that we "owe her much of pity." Admiration and grief mingle here: admiration for her courage, grief for its probable consequences. She is anticipated, however, by the duchess herself, who compares her marriage to the wild acts of valor sometimes achieved by men in battle:

as men in some great battles

By apprehending danger, have achieved

Almost impossible actions: I have heard soldiers say so—

So I, through frights and threatenings, will assay

This dangerous venture. (I.i.351–55)⁸

There is something glorious and fearful here, and while we can hardly help expecting the worst—Ferdinand was speaking ominously of his father's poniard only twelve lines earlier—the possibility of "almost impossible actions" holds out hope, however

unreasonable, that she will somehow survive the inevitable reaction.

And the duchess's legal know-how seems, for a while, to encourage a trickle of optimism. Here, after all, is a lady who can cite law Latin, one who knows that "a contract in a chamber, / Per verba de praesenti, is absolute marriage" (I.i.479-80), and one pragmatic enough to carefully secure her witness ahead of time. She is even confident enough to set the law against the Church with two pointed questions. The first—"What can the Church force more?" (I.i.492)—openly challenges the monopoly of the Church to dictate marriage terms, since the law has, in her view, as much "force" as any church could claim. And the second question makes the whole church ceremony superfluous: "How can the Church bind faster?" (I.i.489). The emphasis here is upon the power of individuals to make their own contracts without institutional interference. The separation of law and Church is noteworthy; Webster even treats the former as if it were another expression of God's grace, available to every individual Christian regardless of officialdom.

That so Protestant a play takes place, ostensibly at least, in Catholic Italy, where marriages "in a chamber" had been null and void in law for fifty years, is probably irrelevant. But that the British Church had also been emphasizing the importance of solemnization in church for at least that long, everyone in the audience must have known full well. The duchess's explicit rebuttal of "the Church," together with her insistence on the legality of marriages "in a chamber" in defiance of the Church's proscription, would have forcefully brought current policy to mind. Clearly, then, a portion of the audience at least did not appreciate the Church monopoly on marriage, and looked back wistfully on the freedom of the old contract marriage.

Webster might easily have made his duchess mock the petty legalism of verb tenses while she mocked the Church, in effect lumping law and Church together. Or he might have introduced a secretive clergyman to marry them, as Shakespeare actually did

in *Romeo and Juliet*—perhaps one dependent on the duchess, or without a cure. Or Webster might have treated the duchess's behavior as reprehensible, à la Painter. Since he did none of these things, we must assume that Webster deliberately chose to champion the old contract marriage "in a chamber" over the one solemnized in church, and that this was a live issue, of concern to the audience who patronized him.

In *The Duchess of Malfi*, then, contract marriage is morally impeccable, but too fraught with danger to appeal to those of us who, like Cariola, are less than heroic: people who are afraid to die, and who sometimes make excuses. The net effect on the audience will surely be to justify such contracts, but it will also tend to make them wary of any defiant acts of individualism. Given the enormous power Webster attributes to the Church and the State, small acts of appearement—marriages in church, for instance—appear only prudent. Thus, without being at all critical of the verbal contract, this play may nevertheless reinforce the audience's instinct to conform to the approved, institutional formulas.

So far, all of the plays we have examined—The Duchess, The Roaring Girl, A Trick to Catch the Old One, and The Miseries of Enforced Marriage—either openly justify contract marriage or assume its legitimacy. But there were other options for playwrights who wished to tap the resentment of the public at what must have appeared, to many, as the institutionalization of their private lives. After all, not everyone wished to look back nostalgically at contract law. Certainly private contracts were shown onstage (Webster, Wilkins) to have unfortunate consequences, however innocent and morally justified the contracting parties may have been. And what about the potential for abuse? Would the folly of a Gallipot or the sins of a Hoard *always* justify the depredations of the Laxtons and Witwoods of the world? These questions are never addressed in the plays we have examined, but it is hard to read The Roaring Girl without suspecting that at least some of Middleton's audience asked themselves something along those lines.9 Instead of responding to the suppression of contract law by celebrating it directly, therefore, Shakespeare, and very soon other playwrights as well, found another alternative. They turned to the cultural legacy of Gratian's law, which had coexisted throughout the centuries of de verba de praesenti law that followed it.

Gratian's law, unlike the marital laws that followed, held that no marriage was valid until it had been consummated. This approach had the great advantage of simplicity and, as was discussed in the introduction, provoked very little litigation while simultaneously appealing to common sense. Indeed, as church restrictions on marriage multiplied, all stressing the centrality of a church ceremony, the old bedding-of-the-bride rituals that put consummation at the center enjoyed a great resurgence of popularity—perhaps in protest against their increasing legal irrelevancy. Onstage, meanwhile, Shakespeare offered plays that stressed the importance of consummation in two ways. One, he greatly extended the moment when a couple was "wedded, not yet bedded," focusing the audience's attention on the as-yet-uncompleted nature of the ritual (see, for instance, Othello II.i.80 and II.iii.16-17, and The Merchant of Venice III.ii.303-10, V.i.190, and V.i.265). 10 In addition, he established and popularized what became known as the bed-trick to make a marriage. (Contrary to what was once thought, there was no stage convention of this kind before All's Well That Ends Well, as Marliss Desens sufficiently demonstrated.)11 According to this last convention, consummation is so essential to the existence of a marriage that the entire plot can be made to hang on it. Perhaps, in an age when marriage increasingly depended not only on words but on words spoken in a certain place at a certain time, plays that made sex crucial to marriage were something of a relief.

The discrepancy that had grown up between, on the one hand, popular and stage practice and, on the other, recent law can be illustrated by comparing Shakespeare's treatment of two unions with the treatment that identical cases would have received in almost any ecclesiastical court in the last four hundred years. An actual court, faced with an undisputed church ceremony such as

Bertram and Helena's, would almost certainly have ignored the issue of consummation altogether, either ordering Bertram to live with his wife or voiding the marriage as coerced. And while contract law did acknowledge the importance of consummation in a case like Angelo's of *Measure for Measure*, Mariana would have taken a long chance indeed, had she lived in any of the early seventeenth-century districts examined by Ingram.

The contrast between fourteenth- and seventeenth-century enforcement of a consummated betrothal—a claim of marriage ungraced by any church ceremony, church functionary, or, probably, banns—demonstrates the waning influence of sex as a marital determinant. In late-fourteenth-century Ely, for instance, more than half of all plaintiffs in marriage enforcement suits were successful. By the late sixteenth century, the same cases were successful less than 20 percent of the time. And by the early seventeenth century, only one of twenty-six such Wiltshire cases succeeded. Even then, the mutual desire of both parties was probably crucial, since in this instance only the parents objected.¹² At least in Wiltshire, then, a real Angelo could almost certainly have walked away from his encounter with his betrothed in the garden house as a free man; very few authorities in England would have imitated the justice of the duke Vincentio. The bed-trick reflected neither current law nor old convention. Rather it represented a deliberate hearkening back to common-sense definitions of marriage in the face of changing enforcement patterns and a new marital bureaucracy.

Dramatists' attempts to revise marriage along lines ancient enough to serve as an imagined Eden did not stop at the successful bedding of a bride. Playwrights looking for concrete evidence with which to bolster airy vows frequently portrayed couples exchanging rings or "tokens" to cement their relationship. This was another custom still practiced in Renaissance England—one so strongly associated with marriage that, in the heyday of contract law, an exchange of tokens might be readily accepted in court as, at the least, corroborating evidence. By the

seventeenth century such an exchange no longer carried any legal force. Yet the public were evidently unaware of these legal trends, for plaintiffs trying to enforce a marriage invariably cited the giving of tokens as evidence. 13

But if their power had waned in court, few symbols carried more weight onstage. There, the exchange of tokens before witnesses binds a couple irrevocably, at least in the eyes of the audience. The Duchess of Malfi, Cymbeline, The Merchant of Venice, The Wild Goose Chase, Twelfth Night, All's Well That Ends Well, and Othello, to mention only a few, give a pivotal role to marriage tokens. In the first four cases, all the tokens are rings, given by the bride to the bridegroom and standing in, fairly explicitly, for the bride's sexual "ring." The duchess, for instance, gives her old wedding ring to Antonio while assuring him that "I did vow never to part with it, / But to my second husband" (I.i.413-14). Out of context, such a line would almost certainly be taken sexually. And in Imogen's case, the symbolism is even more obvious: to seduce Imogen is to win both her "rings." Jacchimo is very explicit here as he explains the metaphor by renaming "the dearest bodily part of your mistress": he first calls it "your jewel" and then compares it to "this your jewel," meaning the ring she gave Posthumus, in one succinct speech (Cymbeline I.iv.148-54). The ring that Olivia of Twelfth Night gives the disguised Viola functions similarly, representing both the body she would offer "Cesario" and a wedding gift; indeed, she proposes marriage on the very next meeting, and marries Viola's twin (in her place) soon after.

But even when the token is not a ring, it regularly stands in for sexual possession. For instance, the basket of jewels in The Wild Goose Chase both instigates the marriage and symbolically unites the bodies of bride and groom. Oriana first gives the jewels to Mirabel, who then attempts to return the favor, whereupon Oriana proposes marriage to him: "I must have you, too, with 'em; else the will, that says they must rest with ye, is infringed, sir." Often the identification of wedding tokens with the beloved's body is so literal that loss of the object suggests loss of chastity as

well. Thus Portia and Nerissa in The Merchant of Venice accuse their husbands of unchastity when they admit to losing their rings, and then pretend to have recovered them by the same method. The resolution is comic, but only when the husbands discover that, technically, they have not given away their rings at all. In Othello the loss is real rather than pretended, and the results are indeed catastrophic for both husband and wife. Shakespeare describes the fatal handkerchief as a marriage token, a "first gift" and an heirloom; also, it had belonged to a woman, Othello's mother. Once entrusted to Desdemona, it is so closely associated with his wife's body that the loss of it is ample evidence, in Othello's mind, of infidelity. Note that the symbolic import of the handkerchief endures as long as the marriage lasts. Only after Desdemona's death does Emilia show that, while the token has changed hands, her body has not—that the symbol is not always equivalent to intercourse.

In All's Well That Ends Well, on the other hand, the complete absence of a wedding ring symbolizes a union that is still unconsummated. Bertram does possess a ring, but instead of receiving it from a woman (wife or mother), he inherits it from his father. In fact, the ring that Bertram so pointedly withholds from his bride has been an exclusively male possession for generations, since it "succeeded in his house / From son to son, some four or five descents, / Since the first father wore it" (III.vii.23-25). This is one version of the problem: until this ring becomes a feminine signifier, the bride remains symbolically sexless and fruitless. Accordingly, when Bertram transfers it, he impregnates her immediately. Bertram too, in his letter to Helena, treats sex and the possession of the ring as if they were one and the same, first withholding both and then yielding them together. And Diana plays on the same equation when she tells Bertram, "Mine honor's such a ring, / My chastity's the jewel of our house" (IV.ii.45-47).

Kenneth Stevenson, in his study of church nuptial ceremonies over the centuries, observes that, as the ring became a more regular part of the church service, the bed-blessing portion of the ceremony—once "the substance of the rite"—drops out. 14 Here too, the sexual signifier slowly replaces the more undisguised fertility ceremonies. And onstage, where the difficulties of dramatizing consummation are sizable, consummation symbols are even more practical. If the redefinition of marriage around sex is somewhat muffled this way, the adoption of signifiers with roots in popular custom and human psychology increases their appeal to the audience.

Thus far, this chapter has focused exclusively on discrepancies between marriage law as it was presented onstage and the law of the courts. In the process, I have argued that stage practice reflected the popular resistance to marriage law (discussed in more detail in the prologue) that scholars like Katherine O'Donovan have documented. But this link between stage practice and the change in marital law can be strengthened by examining the point at which opposition stops, and the degree to which dramatists' treatment of marriage no longer differs from current practice. Both the law and the stage, for instance, consistently opposed forced marriages; indeed, the courts usually annulled such marriages, where force could be demonstrated. The law was not always effective at this, especially where parents and other authority figures were concerned, and popular literature of all sorts exploited this weakness. But there was no disagreement in principal.

Likewise, and more surprisingly, the tolerant attitude of many playwrights toward financial trickery with the purpose of inducing marriage perfectly mirrored the tolerant attitude of the law. According to the experts, financial deception did not inherently undermine consent because, though property and money might accrue with a marriage and might even motivate the commitments that people entered into, they were never promised in the marital contract itself. Marriage was first and foremost a personal commitment, and only secondarily a union of property.¹⁵ From a financial perspective, marriage was thus something of a gamble, voluntary as horse racing or stock-market speculation. This had

been true for centuries, and it remained largely unchanged throughout our period.

Had there been sizable opposition to the entire marriage law instead of merely to the new ceremonies, we might expect to see displays of outrage or annulments when fallen women practice fraud in order to marry money. (See, for instance, the "Welsh gentlewoman" of A Chaste Maid in Cheapside and Hoard's new wife in A Trick to Catch the Old One.) But we see nothing of the sort. Far from it: instead of blaming the perpetrator, it is the victims of such fraud that are ridiculed. After all, the victims were not forced to marry fallen women. They were too greedy; they should have known better. In an age when the size of dowry and jointure largely determined who was eligible to marry whom, "marrying up" was so singular a feat that even the whore—not usually a sympathetic figure onstage—could earn the admiration of an audience by doing so. Marrying too far down, on the other hand, was a social crime that threatened to "declass" the offender. Here the law seconds actual practice by leaving the financial consequences of marriage to the discretion of the individual. Naturally, then, no one protests, not even the victims of the deception.

Thus Hoard, chagrined as he is to find his rich widow unmasked as a penniless "whore," takes it for granted that he is irreversibly married to her. He mourns, but there are no vain threats. And Mirabel in A Wild Goose Chase positively admires the snare, at least partly financial, that lured him into matrimony: "I am pleased you have deceived me, / And willingly I swallow it. . . . Whose plot was this?" (V.vi.80–82). Like the other deceived husbands, he deserved it. For as soon as the factor mentions a "rich and stately" woman, owner of "a main state" in Italy, the covetous Mirabel becomes interested. He even goes so far as to ask him to repeat the description seven lines later, thus doubling the pleasure of listening (V.ii.115). Since the trick also involved an error of identity, he might at least have tried to retract promises made, not to her, but to Alberto's mythical sister. Yet he does

nothing of the kind. Everybody seems to know that secondary deceptions such as this are irrelevant to the contract itself. As Oriana says, "If ye start now, let all the world cry shame on ye! / I have out-traveled ye" (V.vi.78). In fact, what Fletcher calls "the world" seems to exist chiefly to ensure fair play, watching while the jockeying contestants design their own no-holds-barred contracts. Admittedly, Fletcher's play never focuses on money the way Middleton does. But financial opportunism, like the verbal contract, is a part of this play's assumptions.

Fletcher, then, accurately reflects contract law as it existed on the books, save in one detail: he ignores the recent changes in community enforcement of individual agreements. In the real world of 1646, even a court judgment in Oriana's favor would probably not have secured her a husband, because enforcement had so waned that "alternative remedies in secular courts" were rapidly supplanting the ecclesiastical suit to enforce a marriage contract. Financial reasons were probably significant here: ecclesiastical lawyers now found contract cases less lucrative than other work, and discouraged them accordingly. And secular courts, as we have seen, would only fine the offender. 16 But the full implications of secular court involvement were as slow to appear onstage as the demise of the simple verbal contract had been. Probably this second option merely made the public more aware than before of the letter of the law. People would notice that reneging parties were penalized. And other phenomena, such as the ostensibly reforming matrimonial statute of 1540 and its repeal in 1549, would also tend to focus public attention. 17 But they might not notice—might not know enough to notice—that the court now offered much less to the injured party than the full contractual enforcement meted out in, say, the fifteenth-century ecclesiastical court. There is no sign of any such awareness in The Wild Goose Chase, at least.

The meticulous rehearsal of contract law onstage, the renewed attention given there to consummation, the growing discrepancy between marriage law onstage and what was seen in real life, plus the careful limitation of the discrepancy to leave common assumptions intact—all this suggests that anxiety over the new rules and resistance to change had increased public interest and awareness of marriage law, and thus laid the groundwork for the plays we have just examined. Marital questions that seemed irrelevant to Chaucer in the late fourteenth century, when no legal change was imminent, drew renewed public attention once they were threatened. In particular, questions such as what role the Church should play in the formation of a marriage became important to many who disliked, or saw no need for, or were threatened by, its burgeoning role. Secondary questions, such as how to "work" the law, and what happened when a marriage was moral but not legal, exploited the perceived gap between the two. Playwrights picked up on these social concerns, focused them, and reflected them back again.

7

5.9C.2

Remarrying Widows on the Renaissance Stage

Of all the men and women in Renaissance England, none were more underrepresented onstage than impoverished and elderly widows. Though a large percentage of real-life widows were quite poor, 1 and many were no longer young, most stage widows are young, wealthy, and decidedly prone to marry younger sons and prodigals. These women, the "lusty widows" of the stage, were probably not created with the intention of mimicking marital reality—though they may be more realistic than previously thought, if Brodsky's study of Elizabethan marriages in London is accurate.² More likely, they were influenced by the literary tradition that long preceded the remarriage patterns of Brodsky's study or the existence of the London theater. Centuries before the advent of secular drama, tales of remarrying widows had been entertaining Europeans everywhere in works as varied as the Widow of Ephesus tales, the thirteenth-century work De Vetula, Curial e Güelfa, and Chaucer's Wife of Bath's Prologue, to name only a few.3 But their adaptation to the British stage did make them a familiar element in the public consciousness—so

familiar that a number of literary scholars and historians still feel it necessary to rebut the preconception.⁴

To some extent, then, lusty widows had long crowded their poor sisters out of literature. Outside of the drama, however, and especially in nonliterary texts, poor widows were at least somewhat more visible. We mentioned in chapter 4 that, in genres as varied as medieval prescriptive literature and knights' vows and sermons, the need to protect and aid impoverished widows had been a recurrent theme. Foyal decrees and moral injunctions also assumed the poverty and vulnerability of the widow. And while Chaucer hardly ignored the myth of the lusty widow, he was nevertheless able to develop the "povre widwe" motif simultaneously, scattering poor widows throughout the *Canterbury Tales*. Poor widows likewise appear in *Piers Plowman* (Passus 9 and 13). Until the drama, then, poor widows were at least somewhat better represented. Why, then, are they so hard to find on the Renaissance stage?

As I will argue here, it was social ambition and wishful thinking, more than precedent or practice, that put the lusty widow on so many Renaissance stages, and kept poor ones off it. Large numbers of disenfranchised spectators, acutely aware of their lack of property and privilege, longed for the economic opportunity that such widows represented. But while some of these spectators doubtless went on to marry prosperous widows, most did not. For these unfortunates, there remained only the temporary wish fulfillment afforded by the playhouses.

Indeed, so much demand existed for lusty stage widows that this figure even influenced the depiction of women who were *not* widows. Rich and capable young virgins like Portia and Olivia, for instance, markedly resemble stage widows, as we will shortly demonstrate. They, like widows, owe their independence and prosperity to the death of the males who legally "covered" them. (Under "coverture" wives and children were legally represented by their husband, father, or guardian.) The lusty-widow myth likewise influenced, if only by contrast, the depiction of the few older

widows who did make an appearance. No longer was the poor widow presented as the pitiable figure of prior days. Instead, old widows were usually depicted onstage as something to be actively avoided—onerous burdens who, intentionally or not, hindered and/or undermined their offspring instead of helping them.

It is further illustrative of the trend away from the poor-widow tradition employed by Chaucer that even those widows specifically called poor were rarely as poor as the Nun's Priest's or Friar's widow. No longer did the epithet "poor," when applied to a stage widow, indicate semistarvation or a life on the edge of subsistence. Now poverty was relative: it simply meant, "too poor to have anything to offer socially ambitious males." The widow of Women Beware Women is one of this type: a sixty-year-old mother without a name whose son, she claims, cannot afford to marry (I.i.63-64). Gratiana of The Revenger's Tragedy is another. Old enough to have three grown children, this widow has no money for her daughter's dower. Yet both Gratiana and Leontio's mothers have connections at court and are poor only in comparison with their company. Though one of them has come down in the world, these women are not hungry or in any danger of being so, they merely lack the privileges that the gentry come to expect. In plays concerned with social ambition, they serve as warnings of what can happen. A desire to rise in the world, and a concomitant fear of falling, are at the heart of their creation.

Admittedly, the old widow of Women has no luxuries: no silver and gilt casting-bottles, no cutwork for the walls, and no green silk quilts for the bed (as her daughter-in-law complains). All this, however, hardly makes her pitiable. Nor is her son really unable to afford marriage. True, he cannot both support a wife and continue to attend court regularly dressed like a gentleman. It seems that his place at the court is precarious, and he fears to lose it. Cast in this light, his secret marriage to a woman born to "great wealth" looks pragmatic, not the romantic union he describes to his mother. It also suggests a degree of privilege: most poor men, after all, do not even meet heiresses of great wealth. Nor do their mothers make

social calls on wealthy court ladies. Doubtless this widow *feels* poor—and compared with the widowed Livia of the same play, she obviously is. Whether most real-life widows would consider her so, however, is highly doubtful.

Gratiana of *The Revenger's Tragedy* is equally frustrated and well fed. In her younger days, Gratiana's husband was a courtier; the family dwelt at court, where she is still remembered by the ducal family (I.iii.25–26).⁶ Sometime before the play opens, however, the family retired into obscurity and political insignificance, whereupon her husband died "of discontent, the nobleman's consumption" (I.i.127).⁷ Clearly the family is disappointed and relatively "poor." There is, however, no sign of destitution or lack of necessities. Gratiana has, as a practical matter, merely lost the prerogatives of gentry, and feels poor because she lacks the money to preserve her daughter's social position by dowering her back into the privilege she once possessed.

The treatment of these women by the authors themselves is likewise revealing. Certainly there is no logical reason why the influence of these widows on their children should be uniformly destructive, or their misfortunes contagious. But if widows onstage are measured by what they have to offer the young, then widows without privileges are to be avoided at all costs. Gratiana is a malign influence, not a positive one: by trying to prostitute her daughter she opens up, as Milton would say, "the lower deep, still threatening to devour" even the modest respectability she still possesses. Likewise, Leontio's mother, though innocent, becomes the tool to corrupt her daughter-in-law, enrage her son, and ultimately kill them both. Evidently the combined sins of poverty, motherhood, and age left a stage widow with no redeeming social qualities.

But if poverty and age in a widow were irredeemable on the Renaissance stage, those without such handicaps were created and coveted as never before. A very few held positions in between these extremes—widows like Jonson's Dame Purecraft, who served as consolation prizes for the loser. But most were

unabashed fantasy figures, women "too good to be true." In fact, the perfect fantasy widow not only provided the hero with immediate access to wealth, she also lent an illusion of permanence to his newfound status by enabling him to beget the next lord of the land. This, in turn, meant that she must have no heirs by her previous marriage. It might seem that a virgin heiress would be the perfect solution, but for one catch: marriage to a young, never-married heiress almost always required the consent of a father or guardian. And such consent was highly unlikely unless the man in question already possessed some countervailing privilege. The fantasy mate, then, the woman who had everything necessary to make a young man's fortune, had four characteristics: she was a widow, wealthy, young enough to bear heirs, and childless, or at least without sons. Most stage widows fit this ideal perfectly.

The dearth of children on the Renaissance stage has been attributed (when it is noted at all) to a variety of factors: the inconvenience of finding young child actors, the lack of dramatic possibilities for such parts, the feeling that children should not be seen in public. Few have noted the property implications such children would entail. In the plays, however, childlessness is so necessary for a sought-after stage widow that, once her wealth and suitors have been established, it frequently goes without saying. Ricardo of Middleton's *The Widow*, for instance, never has to tell his friend Francisco that Valeria is childless; he has only to describe her as rich, young, and the answer to a prodigal's prayer. The audience assumes the rest. It is not until act 5 that her childlessness receives accidental confirmation. There, Ricardo attributes Valeria's "wildness" to her childless state and promises to get her pregnant: "Children tame you [women]; you'll die like a wild beast else" (Vi.428).

Here as in so many other places, the playwright can count on his audience's familiarity with certain "givens" of the cultural and legal institutions of the land. No one in the audience, for instance, would need to be told that, when a widow controlled property, a prior son was a ready-made competitor of any second husband in the matter of financial interests. They would know this, just as they would know that the law of primogeniture would favor that son over any sons Ricardo might beget on her. The pervasive influence of such facts on drama is easily overlooked by later readers, because playwrights could assume, without much comment, that their audiences knew basic inheritance law. Only unusual circumstances brought any discussion of such topics to the stage. One such instance occurs in *More Dissemblers*, where the plot focuses on the problem of a female ruler without heirs and closely parallels public anxiety over Elizabeth I's childlesness. Another occurs in *The Widow's Tears*, where the existence of Eudora's daughter threatened to diminish the countess's appeal; in this case, Tharsalio kept her dowry in the family by marrying her to his nephew.

I have found no examples of widows with sons from a prior marriage who are wooed and won during the course of a stage drama. But at least four plays present women who must once have been widows, though they remarried before the play opened. All these women have sons, and the dramatists' disapproval of the marriages, or the women, or both, only magnifies the influence of inheritance law on the drama. Evidently, support for the legal rights of sons was so entrenched that it was impossible to cast second husbands as sympathetic characters when previous sons existed. Second husbands of widows with sons *must* be usurpers. This is Claudius's role in *Hamlet*, and the captain's in *The Phoenix*. But not all dramas cast the ex-widow as a victim, or sympathize with the son: the infamy of the second husband may be equaled by that of the wife and stepsons, as we see in Titus Andronicus and The Revenger's Tragedy. What is irrevocably gone, in all four cases, is the fantasy element so apparent in most rich-widow plays. Clearly, remarriage after the birth of a son is enough to transform any widow from Opportunity into Trouble.

In the lusty-widow tales preceding British drama, the question of prior offspring was rarely discussed. This is not surprising. Some tales, like the various Widow of Ephesus stories, were simply too

brief to focus on anything except the widow's grief and her subsequent consolation. And in many, such as the Doña Endrina episode of the Libro de Buen Amor, marriage and property were irrelevant; seduction, rather than marriage, was at issue. But on the British stage, where courtship ended in marriage and the widow's fortune was a large part of her appeal, prior heirs, or the lack thereof, mattered a great deal. The absent child is also more noticeable in the communal context of the theater, where widows interact in a well-developed community of friends, suitors, servants, advisers, and even tenants. Children naturally have a place among all these associates, so their omission makes their absence seem pointed.

And absent they are, most of the time. Although 80 to 88 percent of all real-life marriages in this period produced living offspring,9 childlessness was the rule onstage, as witness Valeria of The Widow, the Duchess of Milan in More Dissemblers Beside Women, Jonson's Dame Pliant (The Alchemist), Massinger's Lady Allworth (A New Way to Pay Old Debts), Livia in Women Beware Women, Shirley's supposed widow Mistress Bonavent (Hyde Park), the rich country widow (a "Dutch widow" as it turns out) of Middleton's A Trick to Catch the Old One, and the aptly named Lady Goldenfleece of No Wit, No Help Like a Woman's, to name only a few. (Pseudo-widows like Mistress Bonavent and the "country widow" of Trick are here treated as genuine, since they are introduced as widows, act like widows, and inspire fortune hunts just like the real thing.)

Only The Duchess of Malfi mentions a son by a previous marriage, and this exception actually emphasizes the role of inheritance law in determining their absence elsewhere. For Antonio, unlike all the second husbands above, does not seek marriage with the duchess, is *not* ambitious, and expresses no little unease when the duchess proposes to him. Since he has no interest in establishing a dynasty, prior sons do not lessen the duchess's appeal. Still, by act 5, a prior son would make it impossible for Delio to keep his promise to establish Antonio's son in his mother's right. Webster

then conveniently forgets about the child's existence—which is easy to do, since the boy has never appeared onstage or been mentioned again in any way. Thus, even when the new husband does not seek to establish his own heirs, someone else seeks it for him, and the competition has got to go.

The husbands chosen by all these sonless widows are likewise picked according to the rules of fantasy rather than plausibility. Only one, Lady Allworth, marries a man who is already wealthy, and this is in a subplot. Another "widow," the disguised prostitute, makes a fortune-hunting marriage on her own account, turning the tables on the man who marries her for her fortune. All the rest marry poor gentlemen who "ought" to have property: younger sons wronged by their birth order, prodigals who became wise too late, a deserving scholar (really, a masculine Mistress Low-water), and of course the meritorious Antonio. These gentlemen seem to function as "this could be you" figures designed to draw the audience into the fantasy. And in the comedies at least, it is *their* point of view that determines how the audience see and evaluate the widow.

Typically, a considerable portion of a widow comedy has passed before the audience even meet the lady herself. Before her appearance, it is necessary first to meet the suitor and his companions (all male), and then vicariously participate in a conversation between them, during which they discuss what she means to them. Only when the widow's property, youth, and/or beauty have been thoroughly rehearsed, plus the degree of fortune and social preeminence that must belong to the man who marries her, is the widow herself permitted to appear. By then, the designated young man is ready to begin his conquest. This pattern is significant. No matter how sympathetic the portrayal of the widow in subsequent scenes, no matter how much imagination the playwright may later devote to her, her raison d'être never changes: widows *always* exist to make the fortune of a personable and penniless young gentleman.

Middleton's Ricardo (*The Widow*) lays out this truth for the audience the instant he sets foot onstage, in a passage that sets the

tone for the entire play. "It was the naturallest courtesy that ever was ordained; a young gentleman being spent, to have a rich widow set him up again....To see how fortune has provided for all mortality's ruins! Your college for your old-standing scholar, your hospital for your lame-creeping soldier ... and your widow for your gentleman" (I.ii.2-10). Widows are not, for him, personally desirable; he cannot even imagine a propertied gentleman wanting to marry one for her own sake:"Why, dost think if I had kept my lands still, I should ever have looked after a rich widow? alas! I should have married some poor maid" (I.ii.24-26). In fact, most of the men who marry widows onstage would prefer maids, if marriage went by mere personal inclination. Hortensio of The Taming of the Shrew, for instance, first courts a maid, Bianca, and only when the maid proves unresponsive does he settles for "a wealthy widow ... a lusty widow now, / That shall be woo'd and wedded in a day" (IV.ii.37, 50-51).10 Notice that, in his mind, "lusty" and "wealthy" are interchangeable adjectives, equally belonging to the widow; nothing else is required to make her both desirable and attainable.

To be sure, *The Widow* softens all this in the last act, where the audience are allowed to have their cake and eat it too. In this act, Valeria pretends to have given away her money, and wants to know who will *now* marry her. Ricardo declares his willingness to take her for her own sake. Whether he does so in the heat of competition, or out of canniness, or because he has learned to like her is never clear. But since the audience are well informed about the ruse, the question is also moot. Romantic love, in this genre, is all fine and good—as long as the hero wins his fortune at the same time. *He* doesn't have to know that the widow is still rich, but the audience must. Had Ricardo really and truly married a penniless widow, they would have been outraged.

Modern readers, reacting with modern sensibilities to such bald-faced fortune hunting, sometimes miss the element of admiration that attached to the hero of what was, in effect, an early rags-to-riches fantasy. Later, nineteenth-century tales would al-

ter this fantasy somewhat: in these versions, the lad who rose to the top of his company did so through wit and hard work. But in Renaissance versions it is virility, not hard work, that is the essential quality for an ambitious young man: tupping the widow displaced climbing the social ladder as the road to wealth. Both, however, are essentially fantasies of social mobility that cast the successful male as a role model to imitate.

Of course, not all widow hunters acted alone, Ricardo-style. Sometimes a whole family or community might participate in the hunt, with the young man acting for the good of the whole. Tharsalio, the protagonist of The Widow's Tears, marries his rich widow out of concern for the faltering fortunes of his family. "Alas, brother, our house is decayed, and my honest ambition to restore it, I hope, be pardonable" (III.i.51). Words like these to a skeptical elder brother make a difference; hearing them, Lysander quickly stops teasing him and admits that the project is "commendable" (III.i.90–91). Nor is Tharsalio's anxiety for his "house" mere rhetoric. Like a recently elected politician handing out offices, Tharsalio can scarcely wait for the wedding to let his relations benefit. In fact, almost his first act as "husband"—so Eudora calls him, though well before the wedding celebrations of act five—is to dispose of the widow's only child in a way highly advantageous to his family, by marrying her to his nephew Hylus. Marrying a widow could thus be depicted as socially responsible—the kind of thing that good young men did to help out.

Proving oneself to an initially skeptical family and friends was, in Tharsalio's case, a potent motivation behind aggressively marketed virility. For the pleasure of strutting his fine clothes before the scoffers and raising himself in their eyes, this ambitious young man goes so far as to ask the madam of the local whorehouse to rouse the countess's appetite with a description of his prowess. In a delightful interview the madam, Arsace, manages to meet the widow and enthusiastically testify to Tharsalio's "unreasonable manhood" while seeming to curse him as "the most incontinent and insatiate man of women.... I have known nine in a night mad with his love.

... Nine in a night said I?" (II.ii.82–96, 118). Chortling with glee, Arsace assures Tharsalio that Eudora was listening: "I saw Cupid shoot in my words, and open his wounds in her lookes."Yet there is no evidence in the play that Tharsalio could actually perform these wonders. Alsace is being paid to lie; the audience already watched Tharsalio bribe her. The audience, then, need not believe that Tharsalio really has impressive stamina. Rather they are to admire his boldness and imagine that, with a little repackaging, they would be as successful as he.11

This theme is repeated in several plays. In The Phoenix, for instance, the newly married captain tells his wife why he thinks she first married him, and why she is disappointed in him now. Having married a widow for money only to find the money lacking, he is in no mood to be polite, and jeers at them both the instant she steps onstage: "You think, as most of your insatiate widows, / That captains can do wonders; when, alas, / The name does often prove the better man!" (I.ii.91-93). Here, as in No Wit, No Help and The Widow's Tears, the gentleman is not equal to the widow's expectation—nor is the widow equal to his. And by A New Way to Pay Old Debts, the supposed wooer, Wellborn, has not even tried to persuade his widow that he could meet her desire—because she doesn't have any. Over-reach may grumble that Lady Allworth "sends [Wellborn] burning kisses, / And sits on thorns til she be private with him" (III.iii.6-7).12 But this widow is actually putting on an act for a man who only wishes to convince his creditors. Even the widow, in other words, is not always lusty; once a stereotype is sufficiently established, the playwright may feel free to play with it. So widow and gentleman may both put on a performance, with only the audience, as always, let in on the joke.

In fact, the element of playacting—of clever salesmanship—is so all-important in the game of widow hunting that, in at least one case, the potent young man is not even male. In No Wit, No Help Like a Woman's, Mistress Low-water decides that there is no reason why she should not do what every other younger son does to

establish a fortune. Disguising herself as a young man, this lady resolves:

I'll try my fortune:

I'm to begin the world like a younger brother; I know that a bold face and a good spirit Is all the jointure he can make [a] widow, And 't shall go hard but I'll be as rich as he, Or at least seem so, and that's wealth enough For nothing kills a widow's heart so much as a faint, bashful wooer (II.iii.84–91).

For her, the landless younger brother who uses his good looks and confidence to marry a widow has become a recognizable and sympathetic type. She even feels competitive with him ("I'll be as rich as he") since, with no more land than she possesses, he wins all the riches she has lost. The example inspires her; what he can do, she can do. Probably many spectators felt the same way which means that women, as well as men, were encouraged to vicariously participate. Women and younger brothers, after all, had a great deal in common. Like the younger brother, women frequently grew up as close companions of landowners without ever owning significant amounts of property in their own right. The limitations on land ownership by married women simply meant that, to enjoy the fantasy element intrinsic in all these comedies, women had to imagine a change of gender. And if Mistress Low-water is any indication, this is exactly what they did

If, then, there is no real pretense that the enterprising young widow hunter has extraordinary powers, what is his claim to her? According to the playwrights themselves, he *needed* no special claim: class identity was sufficient to justify his pretensions. Thus when Eudora asks Tharsalio, in their first meeting, "What is it thou presum'st on?" he claims no individual desert. It is enough to be a young and attractive gentleman: "I come to you with liberal and ingenuous graces: love, youth, and gentry, which, in

no more deformed a person than myself, deserve any princess" (I.ii.88, 93-94). Any of his friends could claim as much: this is a generic, class identity. Evidently all young lovers of gentle birth deserve a princess. Clearly, this is the stuff of fantasy—and it comes up in play after play. Ricardo, for instance, considers his friend Francisco every bit as likely to earn a widow as he himself. Francisco has been grumping at Ricardo's good fortune: "Ay, sir, you may be merry, you're in hope of a rich widow." To which Ricardo responds, "And why shouldst not thou be in hope of another, if there were any spirit in thee? Thou art as likely a fellow as any in the company" (I.ii.10-14). Ricardo sees no reason why any "likely fellow" couldn't win a widow; which likely fellow, or which widow, scarcely seems to matter.

It is not difficult to see why all this played well at the theater. But the playhouse was not the only venue for wish-fulfillment fantasies about rich widows. We would expect, then, if our analysis is correct, to find that the public appetite for vicarious fortune hunting spilled over into other popular genres. And this is exactly what happened. In the ballad, for instance, rich-widow songs were composed specifically for audiences of young men, and often took the form of advice. In the widow-hunting ballad, any young man not courting a widow was assured that he was missing out on a splendid opportunity. One catchy ballad, called "Strike While the Iron Is Hot," advises young men to marry widows while the market lasts:

Wealthy Widowes now are plenty. Where you come in any place, For one Man theres Women twenty . . . But wealth which their first Husband got, Leet Young-men poore Make haste therefore. Tis good to strike while the Irons hott.¹³

Here the availability of widows receives special emphasis; a young man need only be poor and ready for action to take home his

very own. Another ballad, "This Wiving Age," likewise describes the burgeoning market for widows. According to this author, so many eligible young men are marrying widows that virgins can no longer find husbands. "Though widowes be chosen and maids be rejected, / They wil be esteemed, though now they'r neglected. / Yet not in this wiving age."

So pervasive was the fantasy of rich widows available for the taking that even satirists like Francis Lenton do not seriously question its assumptions. Lenton, in Characterismi, or Lenton's Leasures expressed in essayes and Characters never before written on (1631), wrote that the widow "hath already tasted of Mandraks, and likes the fruits so well, that shee longs to graft more imps upon that stocke. She is now trim'd up for the next faire, where if you can bargaine for her, you may ride her home with a twinde thread." Lenton scorns the widow for being willing to take a "ride" (in the sexual sense) with anyone who has the wherewithal ("if you can bargaine for her"). Yet throughout the satire, Lenton preserves and ridicules several elements common to the fantasies: (1) the reader is invited to imagine himself a participant; (2) success is made to look probable; (3) sexual success is associated with material prosperity; and (4) sexual success brings mastery. The widow is easily led by any man who satisfies her, since she resembles a horse who needs no bridle but "a twinde thread." In addition, the image of the fair, together with the word "bargaining," suggests that, Lenton's satire notwithstanding, there were plenty of interested buyers. 14

How many poor gentlemen were really making their fortune by marrying rich widows? Conceivably not many, nationwide, if we take into consideration the low rates of remarriage among the most wealthy widows, the modest number of widows who were sufficiently prosperous, and the predominance of prudential marriage among that group. ¹⁵ But more important than how many young men actually lived the fantasy, for our purposes, is the number who wanted to. In London, most of the young men destined to enter lucrative professions had to endure lengthy apprenticeships, which often extended late into a man's twenties and delayed not only professional independence but also marriage. Others,

with little hope of wealth or independence, entertained themselves in London while waiting for an inheritance, or between visits to their brothers' estates. No wonder, then, if those with more ambition than property liked to imagine achieving immediate wealth by marrying it.16

At least in some cases, ecclesiastical court records show, life imitated art, and was disappointed by the result. Some men clearly married prosperous widows only to find the reality very unlike what they saw onstage and heard about in ballads. In the early 1600s, one Edward Cleter turned on his new wife just the day after he married her and said, before witnesses, "Thinkst thou that I can love such a mustie rustie widdow as thou art thou has a face that loketh like the back of a tode[?] I married the[e] but to be mayntaiyned like a man, and so I will be."17 Edward had just told his wife the size of his debts, and seemed indignant that she did not turn to her husband on her wedding night and urge him to "take more, more yet" from her store, as the countess Eudora urged Tharsalio (III.i.69-70). Other cases describe the beatings, hard words, and financial disputes that occurred after remarried widows resisted their husbands' attempts to exploit them. And while former widows were not the only women to resist abusive husbands, the latter did constitute a disproportionate number of the wives suing for relief in court. Laura Gowing, in her study Domestic Dangers, found that remarried widows "were particularly likely to run into conflict over the conjugal economy," since their previous independence made them more assertive than most wives. 18 Indeed, some Renaissance writers on marriage, such as Alexander Niccholes in his handbook Discourse, of Marriage and Wiving, advised men not to marry widows for this very reason. Probably much the same audience consumed both the shrew-taming stories and the wealthy widow ballad/play. That way, the majority who had not managed to marry rich widows could console themselves for their failure by imagining the shrews they had avoided. Meanwhile, those who had married widows seem to have found themselves in need of more advice.

Little need be said, in any age, to explain the appeal of fantasy.

But when the fantasy focuses on making a fortune by marrying a rich widow, more should be said on the pervasiveness of restrictions against marriage in Renaissance London. In a time when country-dwellers usually married by their mid twenties at the latest, apprentices were forbidden to marry for the duration of their bond, some ten to twelve years. Since London apprenticeships did not begin until ages seventeen to nineteen on average, this meant that they could not marry until they were almost thirty at the earliest. And those who wished to thrive would frequently delay still longer, until they were masters of their own shops. To their numbers we should add the many servants who were working to earn dowries or property, or simply found it impossible to marry without being terminated. Even the younger sons of gentlemen, if they wished to live as gentlemen themselves, might find it impossible to marry unless they could find heiresses willing to accept them, or until their careers were well advanced. 19 In short, securing a privileged position in London society frequently required delaying the onset of marriage for many years. Rich-widow fantasies, however, consistently inverted this reality. Instead of jeopardizing upward social mobility with an early marriage, the enterprising bachelor of the stage married in order to secure it. The vicarious satisfaction involved in such a fantasy must have been immense.

Widow fantasies further flattered the masculinity of those who participated by hinting that husband number one, wealthy and privileged though he was, could not provide the heirs required by property and assumed in almost all marital property documents. ²⁰ Such a theme also had plot advantages, since it explained why the fertile widow was nevertheless childless. In replacing the aged or otherwise disabled first husband, the protagonist became a kind of "fix-it man," filling in where his predecessor failed. Seldom, however, did the dramatist make this deficiency explicit; he merely provided the information and allowed the playgoers to draw their own conclusion. For instance, the audience of *No Wit, No Help Like a Woman's* are carefully told that the

first husband of Lady Goldenfleece was Sir Avarice, a man "second to none for usury and extortion." This alone militated against the chances of offspring, since it was widely believed that usurers made money breed instead of bodies, an "unnatural" breeding only. In addition, avarice was famous as an old man's sin—which makes all the more sense in this case, since a man who first amassed a fortune by his own labors, as we are also told, could hardly have married young. It thus goes without saying that he could not have satisfied his young and attractive wife. And a dissatisfied wife made conception impossible, according to popular medical theories of the day. As Gowing points out, "the idea that woman's orgasm as well as man's was necessary for conception was very clearly part of the conceptual framework of sex, whatever the experience women had to the contrary."²¹

Such a theory meant that a husband weakened by age or illness was always seen as a cause of infertility, whether or not the couple engaged in intercourse. And almost all the first husbands of widows mentioned in Renaissance drama suffered one or both of these handicaps. The Duchess of Milan's first husband, for instance, suffered a lengthy illness. The illness of the countess Eudora's late husband is also carefully described, together with his "reverend" authority and virtue as "governer." This man sounds much more like a father than a husband. And Lady Allworth was a childless second wife, married in her youth to a widower old enough to have a son grown and launched on his career before the play opens. Here, then, personal and proprietorial needs meet. Frustrated widows want second husbands, and their property requires an heir. The more prowess in bed, the more potency; the happier the widow, the greater the number and hardihood of heirs begotten. Sexual potency thus becomes the commodity of choice as young men, instead of peddling their administrative ability or financial acumen, turn ordinary youth and manhood into coinable assets.

Yet, important as fertility was in a property-based economy, the "potency appeal" probably also functioned onstage as a salable stand-in for those very administrative abilities the dramatists were so loath to mention. This is particularly likely given that jointure property owned by women, who did not take as active a role in the management of their own property as the men of their class, was usually neglected, driving down its yields. So notorious was the mismanagement of widow's property that, to men like the agent of the Marquess of Powis, no greater insult could be had than to say that a property "was in no better condition than if it had been in the hands of a widow for her jointure." But a playwright who emphasized the need for such skills would certainly spoil the fantasies of those men who were not especially qualified. Potency, by contrast, permitted a good deal more humor, while simultaneously serving as a dramatic substitute. Tending to the needs of the widow herself and making her fertile thus became indistinguishable from tending her property and making *it* fertile.

One other idea, ingrained in the society of the period and a regular feature of Renaissance drama, helped to feed the sort of fantasies that made widow hunting a popular theme. The notion that sexual vigor led to more and healthier offspring was everywhere taken for granted, whether by Edmund in *King Lear* (I.ii.II—15), by Aurelia in *More Dissemblers Besides Women* (V.ii.I57—58), or by Rosalura of *The Wild Goose Chase*. Fletcher, indeed, parodied just this notion in the last play, when Rosalura judges a man's prowess by the number of multiple births he is capable of begetting:

Mirabel: And get two boys at every birth?

Rosalura: That's nothing:

I have known a cobbler do it, a poor thin cobbler....

Two at a birth? Why, every house-dove has it.

That man that feeds well promises as well, too,

I should expect indeed something of worth from.

Ye talk of two?

Mirabel [aside]: She would have me get two dozen Like buttons, at a birth. (I.iii.126–37)²³

Rosalura is, of course, teasing Mirabel, but she also means it, for when she later agrees to marry Belleur, his ability to father children on her remains crucial to her decision:

Rosalura: And wilt thou get me with child?

Belleur: Dost thou ask me seriously?

Rosalura: Yes, indeed do I.

Belleur: Yes, I will get thee with child. (V.vi.101–4)

Passages such as this suggest that a wooer had better be able to promise fertility, even if the heiress is not a widow. But in the latter case more is at stake, since the wooer's position in society is wholly dependent on his marriage. The promise of Mistress Low-water to beget "boys of war," though ironic given her sex, only exposes what is, to some extent, true of all rich-widow plays. Parody, as always, is revealing.

I never took physic yet in my life; you shall have the doctor continually with them, or some bottle for his deputy ... in me tis saved in your purse and found in your children: they'll get peevish pothecaries's stuff, you may weigh 'em by th' ounces; I, boys of war, brave commanders, that shall bear a breadth in their shoulders and a weight in their hips (II.iii.137–45).

Comic as all this is, the assumptions underneath are never undermined. No one, the play suggests, could have more reason to be interested in a hardy young man whose youth and prowess promise generation than a widow without heirs like Lady Goldenfleece. The argument is so manifest in the eyes of Low-water's husband that, when his wife reveals her plan to him, he has no doubt that Lady Goldenfleece will be persuaded to marry the supposed gentleman (II.iii.99). It also explains the abrupt substitution of bridegrooms at the play's end: after all, any healthy young gentleman willing to devote his vigor to a widow's service would do equally well.

This is also the message sent by the lords of Milan in More

Dissemblers Beside Women: they would be willing to call virtually any young gentleman master, so long as he provided Milan with an heir. To them, the guardians of property, the duchess's childlessness has presented an inheritance problem that threatens the entire duchy. "Think upon the barrenness of succession," they beseech her, urging her for three successive acts to prevent "the lost hopes of posterity, succession, and the royal fruits of beauty" by choosing another husband (IV.ii.13, 31; III.i.238-39). The duchess, however, has vowed chastity and refuses to listen—until she discovers that she is but flesh, and promptly accedes to their demands. Female desire seems poised, once again, to advance property needs. This time, however, the expectation is defeated, since the object of the duchess's affection does not need her property, and therefore indulges his preference, the "younger, fairer" Aurelia. Rather than accept a substitute bridegroom, the duchess leaves her property to the Church. In the process, however, she metaphorically reunites flesh, property, and offspring. "I bind myself more strictly; all my riches / I'll speedily commend to holy uses, / This temple unto some religious sanctuary, / Where all my time to come I will allow / For fruitful thoughts" (V.ii.200-204). It is striking, I think, that even a widow play as atypical as More Dissemblers cannot close without recognizing, at least imagistically, the proprietorial assumptions that govern the genre. After all, the Duchess of Milan does "bind" herself, as in marriage, to the Church, delivers her property to him/it, and promises to bear "fruitful" thoughts in consequence.

More Dissemblers and No Wit, No Help both, in their way, help to define the limits of the genre by puncturing the assumptions underlying it. The first exposes the inherent conflict between property values and human values, while the second allows Madame Low-water to expose the myth of male potency. Both also refuse to marry the widow to her wooer, thereby thwarting audience expectations of a marital rags-to-riches story. But these modifications of the rich-widow scenario are modest in comparison to the more attenuated versions that infiltrated other Renaissance plays. Some are not even "widow plays" at all. Shake-

speare, for instance, includes relatively few bona fide widows in his plays, and none of them are protagonists. A quick survey will unearth only the cursing widows of the Henry VI plays, Hortensio's widow in Taming, Anne of Richard III, the widowed Countess of Rousillion of All's Well, and the unnamed widow of the same play. But he does have two comedies that revolve around heroines with decidedly widowlike characteristics. Rich, independent, and in mourning, one is courted by an admitted fortune hunter, the other wooed by a temporarily penniless alien. In short, Portia of The Merchant of Venice and Olivia of Twelfth Night have all the advantages of widows, plus virginity too.

Portia is the fantasy widow in all but name, wooed by the spent prodigal. This is almost the first fact we learn of Bassanio, as he recapitulates his situation to Antonio for the audience's sake:"'Tis not unknown to you, Antonio, / How much I have disabled mine estate, / By something showing a more swelling port / Than my faint means would grant continuance: . . . my chief care / Is to come fairly off from the great debts / Wherein my time something too prodigal / Hath left me gag'd" (I.i.122-30). Bassanio's land, then, is deeply mortgaged; this is his problem. And Portia is his solution: "In Belmont is a lady richly left, / And she is fair. . . . Sometimes from her eyes / I did receive fair speechless messages: ...her sunny locks / Hang on her temples like a golden fleece" (I.i.161-70). This introduction suggests that Portia has three relevant qualities. First, she is rich. And as if that's not enough to ask for, she is also fair. On top of that, she is available. The "speechless messages" meanwhile suggest that Bassanio himself is attractive; female desire is working in his favor. To all this may be added a fifth, implied quality: as an heiress "richly left" by the death of her father, Portia is legally independent, and this fact attracts numerous suitors. Finally, having communicated all this, Bassanio returns with the mention of her hair to that primary qualification, her wealth; if his "quest" is successful, she will make his fortune.

The resemblances to more traditional widow plays do not end here. Once Bassanio has achieved his quest, Portia behaves with all the generosity of a countess Eudora. Like the countess, and unlike

Edward Cleter's wife, Portia does not even wait for the marriage ceremony to be formalized before urging her new husband to take from her store: "You shall have gold / To pay the petty debt twenty times over" (III.ii.306–7). Like Tharsalio, too, Bassanio is immediately encouraged to lord it over her servants: "This house, these servants, and this same myself / Are yours" (170–71). Even the birth of sons for property purposes, though deemphasized somewhat, has a residual presence; the gentlemen have barely won their ladies' hands before Gratiano offers to "play with them the first boy for a thousand ducats" (213). The implied boast of sexual prowess is perfectly in keeping with widow-wooers everywhere.

Olivia of *Twelfth Night* is, if possible, still more widowlike. She is first introduced in formal mourning, described in the opening scene, and might as well be mourning a husband as a brother. And her widowlike independence receives even greater emphasis. There is no vow made to a dead father to limit Olivia's freedom. Indeed, Shakespeare constantly emphasizes her absolute government, either explicitly (IV.iii.16-20), implicitly (I.v.1-3; II.iii.73-74), or by example (I.v.104; III.iv.62). This woman, moreover, is a countess, and does not hesitate to say no to a duke. Like Portia, too, she is courted for her fortune—but this time, no one takes the would-be lover Malvolio seriously. Yet only the attitude of the playwright distinguishes the fantasies of a Malvolio, reveling in the imaginary possession of Olivia's people and property and person, from those of Ricardo and Tharsalio. "Having been three months married to her, sitting in my state ... Calling my officers about me, in my branch'd velvet gown; having come from a day-bed, where I have left Olivia sleeping ... Seven of my people, with an obedient start, make out for him" (II.v.44-58). Notice that the implied sexual element, though important insofar as it ratifies his possession, has a much smaller place in his imagination than the prerogatives of power—the "branch'd velvet" gown, the seven obedient people.

Other similarities abound. Olivia and the countess Eudora were both wooed by pages; Olivia and Lady Goldenfleece were

courted by women. The point here is not, of course, influence if it were, Middleton and Chapman were influenced by Shakespeare. Rather, the point is that Shakepeare too, at a relatively early date, ministered to what I have been calling the "widow fantasy" by creating some very atypical young heiresses. After that, it was no long step from the independent heiress to the widow. Perhaps the influence of remarrying-widow stories aided the transformation; perhaps, too, the audience were more accustomed to seeing independent widows around them than independent virgins. Whatever the cause, widows caught on.

That the English preoccupation with the remarrying widow had an economic basis is not, in itself, a novel argument. Some critics have argued that it was in the financial interest of a number of people to discourage remarriage: her in-laws, her own family, even her husband. Renu Juneja, for instance, has argued that the cult of chastity demanded of widows was "functional to a society of property owners. Even though remarriage was legal, it could interfere with the perpetuation of the family and its property."24 And Lila Geller gives a similar account for the purported lustiness of widows. Denunciations of the widow's lust were "a reflection of societal fear. Society in general or her family in particular may promote the vow to prevent the control of her property passing to her new husband."25 Others think the husbands were responsible. Amy Erickson, after examining the wills of men who discouraged their wives from remarrying by limiting bequests to the term of their widowhood, attributes anti-remarriage sentiment to "men's jealousy of their wives themselves as property."26 But as this chapter has tried to make clear, the economics of property ownership did not incite all people to discourage remarriage of widows. Wooers and their families clearly stood to gain from the remarriage of a propertied widow. And of course, most people had no investment at stake one way or the other; for them, the fancy of someday meeting and marrying a rich widow simply offered relief and amusement when reality seemed entirely too pressing. It was for these people, especially, that these widow plays were written.

Epilogue 39C2

In the course of these chapters we have tried to demonstrate that the relationship between marriage law in England and its literary presentations throughout the centuries is far more complex than most readers, critics or not, have realized. Hitherto, those critics who related the two at all were usually content to compare marriage formation as it was dramatized onstage with the law on the books, note the correlation, and then move on. Yet even if there were no more to the correlation than that, the mere existence of such a correlation would be worth more analysis. Cultural phenomena that people take for granted, after all, usually receive only accidental attention in literature. The mere fact, then, that authors have begun to pay attention to marriage ceremonies and the language of marriage vows, to where they took place and what verb tenses they used, suggests that people are no longer taking them for granted: that they have become an issue for some reason. This is demonstrated by the fact that, as the number of court cases purporting to enforce a marriage contract subsided from their peak in the fourteenth century to a mere trickle by the early sixteenth century, literary texts focusing on the process of marriage became very hard to find. And contrariwise it is no accident that, as marital ceremonies again became an issue after the Council of Trent and

the Church of England's change of enforcement procedures, the popular literary genres, most notably the stage, also made an issue of *how* people were married.

But in fact, the correlation was never that simple. Chaucer, for instance, did not merely reflect his society's concerns when he lavished attention on celebrations of marriage. He also used them creatively in a variety of ways that depend for their effectiveness on his reader's awareness of those ceremony's consequences. Thus in his work, delineating the fine points of a ceremony might (1) expose his character's social status while simultaneously anticipating, or foreshadowing, what the reader could expect, (2) reconceptualize nonmarital sexual relations by using the language of the familiar marital contract, and (3) encourage a more sympathetic view of widows by examining the straits to which such contracts reduced widows and their attempts to rewrite the ceremonies on more favorable terms.

The mystery cycles of Noah and "Joseph's Doubts" likewise play on popular assumptions as to what most people thought they had a right to expect from their partners: what, in short, should be minimally guaranteed by the ceremony. The fact that they do so in a much less self-conscious way than Chaucer did, and without the attention he pays to issues such as solemnization, suggests they played to a less sophisticated and propertied audience. It would matter little to such an audience that marital property rights were only conveyed by ceremonies "at the church dore"; poor men's estates were seldom fought over in court. On the other hand, issues such as marital infidelity (Joseph's concern) and marital neglect (Mrs. Noah's concern) mattered a great deal.

But in many ways, the most complex relations between marriage law and its depictions in literature were born in the late sixteenth and early seventeenth centuries, when a yawning gap appeared between the law on the books and the practices urged by churchmen on their parishioners and enforced in ecclesiastical court. It is during this period, when large numbers of people resisted the institutionalization of the marriage ceremony (and

the costs thereof) that much anxious attention came to be focused on what exactly constituted a marriage, and what could happen to the average person if he/she did not get it right. It is worth noting that, in this period, literary presentations of people who relied on carefully examined and legally binding marriage contracts were almost unfailingly sympathetic, and even those people who showed how easily manipulatable such claims of "precontract" might be were generally cast as more likeable than their supposed victims. It is also noteworthy that, during this period of public anxiety, very old ideas of marriage—for instance, that the legality of a marriage hinged upon consummation—made a big comeback onstage. Church marriages, by contrast, are relatively less common, and those that are depicted are usually private or interrupted before they can be valid. The stage, in other words, did *not* reflect marriage practices as they were fast becoming prevalent under pressure from the Church of England, but as they used to be before the pressures of institutionalization had begun to be felt.

There is no pretense here that this study has been in any way exhaustive. On the contrary, a great deal remains to be done with other popular forms of literature, be they romances, or ballads, or simply the works of other poets who have not been covered here. I would hope that some of my readers, at least, will be moved to further the studies thus begun, and to take them in new directions undreamt of, perhaps, in this volume. It is, therefore, in a spirit of anticipation that I now close these pages.

Notes

Prologue: Marriage Contracts through the Centuries

- 1. Brundage, Law, Sex, and Christian Society, 235-39.
- 2. Brundage, 441-43, 564-65.
- 3. Pollock and Maitland, History of English Law, 2: 380-84.
- 4. Consummation *was* sufficient to make a marriage in one case: publicly contracted engagements became marriages upon consummation. For fuller details on the changes from Gratian's law to contract law, see Stone, *Uncertain Unions*, 17, 27; Ingram, "Spousal Litigation," 36–37; and Brundage, 414, 437, 502.
 - 5. See Brundage; also Makowski, "The Conjugal Debt," 129-39.
 - 6. Brooke, "Marriage and Society," 27; Ingram, 37.
 - 7. Houlbrooke, Church Courts and the People, 57.
 - 8. Ingram, 52.
 - 9. I Cor. 7.3-6 New English Bible.
 - 10. Brundage, 242, 508.
 - 11. Brundage, 242, 198, 359, 335.
 - 12. Brundage, 236, 506.
 - 13. Brundage, 236.
 - 14. See also Makowski, 129-39.
 - 15. Blanch and Wasserman, "Medieval Contracts and Covenants," 600.
- 16. For the custom of contracting outside church, see Sheehan, *Marriage, Family, and Law,* 240–42, and Brundage, 439–41.
- 17. For the tendency of property owners to marry in church, see Sheehan, 189, and Brundage, 190, 363. For contrasts between marital habits of the propertied classes and those of the people at large, see Brundage, 501–2, 440.
- 18. Merchant's Tale, l. 1708, in *The Riverside Chaucer*. All quotations from Chaucer are taken from this edition.
- 19. Stone, 18, and Pollock and Maitland, 2:374–77. A contract union might be sufficient to secure legitimacy, assuming it could be proved and was well publicized.

- 20. Pollock and Maitland, 2:375.
- 21. Brundage, 275. He later shows that secular courts had been distributing marital property since at least the twelfth century, by which time "secular courts reserved the right to deal with questions involving marital property, succession to estates, and dowry" (319), and that, a hundred years later, the English courts in particular "routinely [reserved] to themselves jurisdiction over property questions" (409). Sheehan notes that, in England, "any plea of land must be held before the secular courts," and that "the endowment of the bride at the door of the church was incorporated into the sacramental liturgy" (20).
 - 22. Brundage, 540-41.
- 23. See Habakkuk, *Marriage, Debt, and the Estates System,* 147–48; Brundage, 541; and Sheehan, 17.
 - 24. Ingram, 42.
 - 25. Ingram, 38.
 - 26. Stone, 31.
 - 27. Stone, 36.
 - 28. Stone, 25, 30.
 - 29. O'Donovan, Sexual Divisions in Law, 47-49.

1. Rewriting the Marriage Contract: Adultery in the Canterbury Tales

- 1. Pollock and Maitland, 2:367-8.
- 2. Pollock and Maitland, 2:407.
- 3. Brundage, 352-55.
- 4. Braswell, "Chaucer's 'Queinte Termes of Law," 296-98.
- 5. Hahn, "Money, Sexuality, Wordplay," 245. Hahn discusses the merchant's "puritanical . . . disavowal of his sexual drive."
 - 6. Gaylord, "From Dorigen to the Vavasour," 194.
 - 7. Brundage, 506.

2. Marriage Ceremonies and Property in the Canterbury Tales

1. The definition of a legally valid marriage from an ecclesiastical point of view was taken from Pollock and Maitland, 2:318, 368–72; Brundage, 264, 268, 334, 437, 498; and Sheehan, 154–66. See also Brooke's analysis of marriage in "Marriage and Society," 27–28.

- 2. Except "moveables"; see Pollock and Maitland, 2:402.
- 3. Davis, Paston Letters.
- 4. Such a procedure would obviously fly in the face of ecclesiastical law. But this did not make it implausible; Georges Duby in *Medieval Marriage*, 29–38, 45–46, 54–57, vividly describes the struggles of the medieval Church to prevent secular rulers from deposing their wives in cases similar to Walter's.
 - 5. Pollock and Maitland, 2:394-95; Brundage, 480.
- 6. Griselde's greater familiarity with the attributes of Walter's class is a serious threat to Walter's authority, as Elaine Tuttle Hansen points out in *Chaucer and the Fictions of Gender*, 191–94.
- 7. See, for instance, John Webster's *The Duchess of Malfi* and Thomas Middleton's *The Widow*. In the latter, the slightly less formulaic language of the contract does not hold up in court.
- 8. Ingram, 45. See also his *Church Courts, Sex and Marriage*, 196–98, and Houlbrooke, 57–65.
- 9. Januarie's church wedding even includes the sacrament, which medieval couples usually omitted from their marriages. Kenneth Stevenson notes in *Nuptial Blessing*, 137–38, that newly married couples showed an increasing tendency, as the centuries progressed, to cut the ceremony short before communion. Evidently the insecure Januarie, in his eagerness for legitimate heirs, was willing to leave nothing undone.
- 10. See Margaret Hallissy's excellent discussion of what May gains, and has to gain, from marriage and widowhood in "Widow-to-Be"; see also her *Clean Maids, True Wives, Steadfast Widows*, 155–60.
- 11. "Like his character, Januarie, he is in a rush to get past the formalities." Leigh A. Arrathoon, "For Craft is al, who that do it kan': The Genre of the *Merchant's Tale*," in *Chaucer and the Craft of Fiction*, 241–48, 271–72.
- 12. The reiterated lack of jealousy on Arveragus's part is also a reminder of his initial promise *not* to be jealous, as Jill Mann points out in *Geoffrey Chaucer*, 116–17. Such a promise is itself an inversion of the stereotype.

3. Extramarital Contracts in the Canterbury Tales

1. For fourteenth-century marriage contracts, see Pollock and Maitland, 2:369–70, 374–76; Brundage, 264–69, 334–35, 352–55; Sheehan, 38–41; and Makowski, 129–39.

- 2. Braswell, 295-303, and Brundage, "Playing by the Rules."
- 3. For details, see Ingram, "Spousal Litigation," 45, and Stone, 18–19.
- 4. By about 1140 Gratian had formulated into law the marriage customs already widely practiced, and the essentials of contract law remained unchanged through the intervening centuries of "reform"; most people in Chaucer's day were still married by contract, without the help of Church or churchmen; see Brundage, *Law, Sex, and Christian Society*, 229.
- 5. Brundage, *Law, Sex, and Christian Society,* 238, 275, 437, etc. Gratian made consummation crucial; later reformers made it irrelevant except in the case of consummated betrothals. In theory, witnesses were not necessary, but without them consent might be difficult to prove.
- 6. The *Reeve's Tale* is the interesting sole exception. Here too Aleyn establishes the parameters of the relationship in scrupulously legal terms —but with John, not Malyne.
 - 7. Middle English Dictionary, s. v. "accord."
- 8. Lumiansky and Mills, *The Chester Mystery Cycle*, 102. I have dropped the quotation marks from "accord" in all subsequent uses, owing to its frequent appearance in these pages.
 - 9. Middle English Dictionary, s.v. "accord."
 - 10. Middle English Dictionary, s.v. "accord."
- 11. See, for instance, Chaucer's introduction to the *Man of Law's Tale*, the *Clerk's Prologue*, the *Monk's Prologue*, and the conclusion of the *Squire's Tale*.
- 12. This preliminary accord establishes the "game" that composes the frame of the *Canterbury Tales*. See Lindahl, *Earnest Games*.
- 13. Ironically, many medieval medical experts attributed a reproductive role to female sexual pleasure, as Wolfgang Rudat points out in *Earnest Exuberance*. This, of course, would only heighten Januarie's folly.
 - 14. Davis, Paston Letters, 72.
- 15. For a sample of the critics who have doubted, see Kearney, "Truth and Illusion"; also Kaske, "Chaucer's Marriage Group," and Colmer, "The Franklin's Tale: A Palimpsest Reading."
 - 16. Middle English Dictionary, s.v. "purvey."
- 17. The rape by the knight in the *Wife of Bath's Tale*, and Aleyn's seizing of Malyne in the *Reeve's Tale*, to be discussed below.
 - 18. Dodd, Courtly Love in Chaucer and Gower, 9.
 - 19. Braswell, 295-303.

20. Thomas Stonor, for instance, calls his wife Jane "lemman" and, again, "goode swete Lemman"; see Kingsford, *Stonor Letters and Papers*, 1:97.

4. The Legacy of the Marriage Contract: Chaucer's Widows

- 1. Gildenhuys, *The Bachelor's Banquet*. Lusty widows are numerous on the Renaissance stage, as in Middleton's *More Dissemblers Beside Women, The Phoenix, The Widow's Tears, Women Beware Women,* and *The Widow;* Massinger's *A New Way to Pay Old Debts;* Shirley's *Hyde Park;* Jonson's *Bartholomew Fair* and *The Alchemist.*
- 2. In this tale a new widow, though consumed with grief for her husband, is nevertheless seduced by a soldier only three days (usually) after her husband's death. In some versions the soldier is actually her supposedly deceased husband. For distribution of the tale, see Vasvari, "Why Is Doña Endrina a Widow?" 277.
 - 3. Fables of Alfonce and Poge.
 - 4. Fabliaux Fair and Foul, 140-47.
- 5. For French literary widows, see Arden, "Grief, Widowhood, and Women's Sexuality." For historical treatments of medieval English widows, see Erickson, Women and Property in Early Modern England; Bennett, Women in the Medieval English Countryside, chapter 6; and Hanawalt, The Ties That Bound. For widows in Renaissance literature, see Todd, "The Remarrying Widow"; Geller, "Widows' Vows and More Dissemblers Beside Women"; Mikesell, "Catholic and Protestant Widows in The Duchess of Malfi"; Juneja, "Widowhood and Sexuality in Chapman's 'The Widow's Tears'"; and Bacon, "Wives, Widows, and Writings in Restoration Comedy." See also the ballads published in the Renaissance, some already old, that are reprinted in Pearson, "Elizabethan Widows."
 - 6. Brodsky, "Widows in Late Elizabethan London."
- 7. Hanawalt, "The Widow's Mite," 36. See also Hanawalt, *The Ties That Bound*, 224–26, 234; Bennett, *Women*, 101; and Pearson, 125–26.
- 8. Bennett, "Widows in the Medieval English Countryside," 7,9, 74–75, and *Women*, chapter 6; also Geller, 296.
- 9. The "rebekke" of the *Friar's Tale* had a husband "of old" when the summoner accused her of cuckolding him. But since this incident is put in the far past and she is now living alone, she is probably a widow.
 - 10. Hanawalt, "The Widow's Mite," 21.

- 11. The *Prioress's Tale*, where the "poure wydwe" (l.568) lived in a "greet citee" (l.1). Here Chaucer emphasizes the greater threat posed by the city, and its greater concentration of evil. The presence of the "Jewerye," wrongly sustained by the lord of the country, transforms the "litel scole" into an island under siege.
- 12. It is interesting, given the lack of children around Chaucer's Criseyde, that he deliberately introduces a degree of ambiguity: "But whether that she children hadde or noon, / I rede it naught" (1:132–33). In Chaucer's primary source, Boccaccio's *Il Filostrato*, there is no ambiguity at all: Criseyde "had never been able to have any children, she did not need to care for any son or daughter" (15). Chaucer's Criseyde, though conveniently unencumbered, is still fertile—rendering her, perhaps, more feminine and/or desirable.
 - 13. Bennett, Women, 10-12.

5. Under Stress: The Marriage Contracts of the Mystery Cycles, and the Trailing Spouse

- 1. William G. Marx attributes the privileging of Noah—God's selection of him as a vehicle for divine revelation, while excluding Uxor—to the well-established "dichotomy between man and woman, spirit and flesh." But this ignores the privileging of Mary, a woman, at Joseph's expense. See "The Problem with Mrs. Noah," 112.
- 2. All quotations from the York cycle are taken from *The York Plays*, edited by Richard Beadle.
- 3. See Sarah Sutherland's discussion of the wife's very natural conclusion in "Not or I see more neede," 184–86.
 - 4. Marx, 118.
 - 5. Sutherland, 184.
- 6. Freier, "Woman as Termagant," 154, 157–58, 161. For a brief overview of shrews and termagants in literature, see also Williams, *The Drama of Medieval England*, 121.
- 7. All quotations from the Wakefield plays are taken from *The Wakefield Pageants in the Towneley Cycle*, edited by A. C. Crawley.
 - 8. Woolf, The English Mystery Plays, 173.
 - 9. Cook, The Christ of Cynewulf.
- 10. All quotations from the Shearmen and Taylors' play are taken from *Two Coventry Corpus Christi Plays*, edited by Hardin Craig.
- 11. All quotations from *Ludus Coventriae* are taken from *The Corpus Christi Play of the English Middle Ages*, edited by R.T. Davies.

6. Unlawful Unions on the Renaissance Stage

- I. Ingram, "Spousal Litigation," 45 (for law re rings); Hanawalt, *The Ties That Bound*, 199 (re coercion), 203 (re rings); Kingsford, *Stonor Letters and Papers*, 1:114 (for evidence of rings as customary in marriage).
 - 2. Wilkins, The Miseries of Enforced Marriage.
- 3. All quotations of Middleton are taken from *The Works of Thomas Middleton*, edited by A. H. Bullen.
 - 4. Houlbrooke, 67.
 - 5. Ingram, "Spousal Litigation," 40.
 - 6. Stone, 43.
 - 7. Stone, 43.
- 8. All quotations from *The Duchess of Malfi* are taken from vol. 2 of *Drama of the English Renaissance*, edited by Russell A. Fraser and Norman Rabkin.
- 9. The everyday workings of contract law might also have prompted such questions. Brundage, for instance, says that the potential for abuse and social turmoil was an intrinsic feature of the law (335–36).
- 10. All quotations of Shakespeare are taken from *The Riverside Shakespeare*, edited by G. B. Evans.
 - 11. Desens, The Bed-Trick in English Renaissance Drama, 36-37, 53.
 - 12. Ingram, "Spousal Litigation," 52–53.
 - 13. Ingram, 45; Stone, 18–19, Hanawalt, The Ties that Bound, 203.
 - 14. Stevenson, 67.
 - 15. Pollock and Maitland, 1:367-68, 2:407.
 - 16. Houlbrooke, 64-65.
 - 17. Houlbrooke, 60, 66.

7. Remarrying Widows on the Renaissance Stage

- 1. See, for instance, Erickson, 187–88, 200–202. "The considerable reduction in the estates left to widows is clear, and it left them at serious risk of poverty." One-quarter of all widows were left in debt by their husbands. Women—many of them widows—also made up the majority of those on poor relief; in regions for which data exists, one-third of all widows were on poor relief. Finally, though estates of less than £20 were unusual for male heads of household, they were common among widows.
- 2. See Brodsky, 122–54. In her groundbreaking article, Brodsky notes that 26 percent of the 104 marriages that could be reconstituted in Elizabethan London took place between widows and bachelors. This is a significant percentage. Though there is no way of knowing how many

London bachelors did *not* marry well-to-do widows, the study does suggest that marriage with a wealthy widow was not an unrealistic fantasy for the London bachelor.

- 3. For a convenient summary, see Vasvari, 259–87; also Arden, and Piera and Rogers's "The Widow as Heroine" in the same volume.
- 4. See, for instance, Erickson, 196–97; Mikesell, 265–79, especially 270–71; and Todd, 54–92.
- 5. Hanawalt, "The Widow's Mite," 21–22. See also Bennett, "Widows," 69–114, and, for more detail, chapter 6 of Hanawalt, *The Ties That Bound*.
- 6. All line numbers and quotations from *The Revenger's Tragedy* are taken from *Five Plays:Thomas Middleton*, edited by Bryan Loughrey and Neil Taylor.
 - 7. Bennett, "Widows," 78.
- 8. For Dame Pliant as a fantasy figure, see Katherine James's "Ben Jonson's Way with Widows," especially 28–29.
 - 9. Bennett, "Widows," 68, citing E. A. Wrigley.
 - 10. Habakkuk, 165-68.
- 11. According to Habakkuk, there was at least some reality behind the fantasy. When discussing British marriages between landless men and heiresses, Habakkuk noticed that daughters of wealthy families without male heirs often preferred to marry younger sons with no estates of their own, since such men were willing to devote themselves entirely to their wives' property (176–77). See also, on widows' relative indifference to their husbands' fortunes, 171–72.
- 12. All line numbers and quotations from Philip Massinger's *A New Way to Pay Old Debts* are taken from vol. 2 of *Drama of the English Renaissance*, edited by Russell A. Fraser and Norman Rabkin.
 - 13. This ballad and the one below are quoted in Pearson, 136–38.
 - 14. Francis Lenton, *Characters, or, Wit and the world in their proper colours.*
 - 15. See Erickson, 196-99, and Habakkuk, 146-68.
- 16. Andrew Gurr's *Playgoing in Shakespeare's London* extensively analyzes the playgoing audience of this period and the important role played in it by apprentices, journeymen, clerks, and citizens.
 - 17. Quoted by Laura Gowing in Domestic Dangers, 215.
 - 18. Gowing, 214.
- 19. In earlier centuries, marriage was virtually impossible for younger sons of substantial property-holding families. Gradually, as families began allotting smaller, secondary estates to younger sons, more of them married, but pressure continued.

- 20. The presumption of heirs was frequently built into the marital agreement; thus it was not unusual for such agreements to provide portions for unborn daughters or an inheritance for younger sons (Habakkuk, 246–47, 249–52).
 - 21. Gowing, 7.
 - 22. Habakkuk, 83.
- 23. The Wild Goose Chase; all lines and quotations are from vol. 2 of Drama of the English Renaissance, edited by Russell Fraser and Norman Rabkin.
 - 24. Juneja, 161.
 - 25. Geller, 288.
 - 26. Erickson, 166.

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