

## What To Do About Bawds and Fornicators: Sex and Law in *Measure for Measure* and Tudor/Stuart England

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It was fashionable throughout the Renaissance for aspiring court writers to offer respectful advice to their sovereigns or governors about how to be a good ruler—witness Machiavelli's *The Prince* or English examples like Sir Thomas Elyot's *The Image of Governauce* (1541) and George Whetstone's *A Mirrour for Magistrates of Cyties* (1584). Written soon after the succession of James I, Shakespeare's *Measure for Measure* (1604) has been read as a kind of parable or fictionalized commentary on how a king (or duke or deputy) should or should not rule. Assuming that at some level it is this, the play would seem to contain (with its young fornicators, its tapster/bawds, its delinquent fiancés, and its lust-driven deputy) significant implied counsel on how best to legislate sexual behavior.

This paper will attempt to place the play in the context of what was clearly a spirited period discussion over sexual transgression and the proper means of eliminating (or at least containing) it. It will examine points of contact between *Measure for Measure* and contemporary English complaints of widespread sexual misconduct (especially in London and its notorious theater-district suburbs), the corrective proposals of both religious and secular social reformers, and the actual legislative responses of the English church and government. Ultimately, the question of whether the play may be commenting directly on, or even critiquing, specific state or city policy regarding sexual crime (and the possibility that it is implicitly proposing a model for future policy) will be duly considered. In short, if Shakespeare is sending the King or the Mayor of London a message about managing sex in the city, what might this message be exactly?

Let me begin by focusing on the first question of my title—what to do about bawds? That prostitution, casually monitored and infrequently prosecuted, was perceived as a major social problem in late Tudor and early Stuart London seems clearly

confirmed by the sheer abundance of period complaint literature addressing the subject. The responses of a Puritan moralist like Philip Stubbes (also, of course, a notorious enemy of the public theaters) will seem predictable enough. In *The Anatomie of Abuses* (4th edition, 1595), his wise old (fictional) traveler, Philoponvs, laments to report of English society that “the punishment appointed for Whoredome now is so light, that they esteeme not of it, they feare it not, they make but a iest of it. . . . I cannot . . . sufficiently deplore,” he adds, “that wickednesse of the **Ecclesiasticall Magistrates**, in not punishing more grieuously this horrible sinne of whoredom: for to goe [before the congregation] in a sheet with a white wand in their handes, is but a plaine mocking of God and of his Lawes.”<sup>1</sup>

The Church of England courts, primarily responsible for punishing sexual misconduct in Tudor/Stuart England, were frequently criticized thus for their leniency, and even came to be termed the “bawdy courts” by the more radical Protestant faction. Throughout the period, zealots like Stubbes (and his Philoponvs) decried the “penances” these courts typically imposed—public shaming rituals like the aforementioned forced sheet-donning-in-the-front-pew, or the “carting” of convicted prostitutes and fornicators through the streets (an everyday occurrence in Shakespeare’s London, and one that the armed escort of Claudio and Juliet to prison in Act 1, Scene 2, of *Measure for Measure* is perhaps calculated to evoke), or worse yet the mere paying of fines to discharge guilt for sexual crimes (which, in Philoponvs’s mind, amounts to legalized prostitution). Stubbes’s venerable mouthpiece wishes, rather,

that the man or woman who are certainlie knowne and proued without all scruple or doubt, to have committed the horrible fact of **Whoredome, Adulterie, Incest, or Fornication**, should either drinke a draught of **Moyses cuppe**, that is, taste of present death . . . or els . . . bee **cauterized**, and seared with a hotte Iron vppon the cheeke, forehead, or some other parte of their bodie that might bee scene.<sup>2</sup>

The position was surely an extreme one even in post-Reformation England, but Shakespeare no doubt had such contemporary appeals for increased rigor in punishing sexual crimes in mind as he set about fashioning the “precise,” abstemious, “snow broth”-blooded Angelo.

Radical Protestants like Stubbes may have spearheaded the sexual reform movement in the second half of the sixteenth

century, but they were far from alone in their conviction that something should be done to curb the perceived downward spiral of urban decadence. Even a University Wit and comparative secularist like Thomas Nashe, known for his racy, transgressive prose, might launch into a bitter diatribe against the permissive or downright corrupt state of affairs. Thus, in *Christs Teares Over Iervusalem* (1593), he complains,

Into the hart of the City is vncleannesse crept. Great patrons it hath gotte: almost none are punisht for it that haue a good purse. . . . *London*, what are thy Suburbes but licensed Stewes? Can it be so many brothel-houses of salary sensuality & sixe-penny whoredome (the next doore to the Magistrates) should be sette vp and maintained, if brybes dyd not bestirre them? I accuse none, but certainly justice somewhere is corrupt.<sup>3</sup>

Likewise, George Whetstone (author of Shakespeare's most direct source for *Measure for Measure*—the play, *Promos and Cassandra* [1578]) had in the aforementioned *A Mirroure for Magistrates of Cyties* (and in Arden editor J. W. Lever's words) "deplored the growth of vice in London, and the proliferation of brothels and gaming houses. The laws, he declared, were no more than 'written threatninges'; even proclamations had no force against 'brainsick iades' who needed a sharp bit."<sup>4</sup> The sentiments here expressed may remind us of the Duke's early lament over the state of Vienna. In Act 1, Scene 3, Vincentio bemoans the results of his too slack and lenient governance to Friar Thomas thus:

We have strict statutes and most biting laws,  
The needful bits an curbs to headstrong jades,  
Which for this fourteen years we have let slip;  
. . . so our decrees,  
Dead to infliction, to themselves are dead,  
And Liberty plucks Justice by the nose. (1.3.19-21, 27-29)<sup>5</sup>

Prior to their eventual chastisement under Angelo's stricter administration, the bawd tandem of Mistress Overdone and Pompey provide tangible confirmation that the criminal element has indeed lost respect for the law and is operating more or less unchecked. At the news that Angelo has initiated an anti-prostitution campaign, Mistress Overdone seems initially unnerved, but the cavalier Pompey reassures her soon enough that she has no cause for fear:

*Pom.* You have not heard of the proclamation, have you?  
*Mis. O.* What proclamation, man?

- Pom.* All houses in the suburbs of Vienna must be plucked down.
- Mis. O.* And what shall become of those in the city?
- Pom.* They shall stand for seed: they had gone down too, But that a wise burgher put in for them.
- Mis. O.* But shall all our houses of resort in the suburbs be pulled down?
- Pom.* To the ground, mistress.
- Mis. O.* Why, here's a change indeed in the commonwealth! What shall become of me?
- Pom.* Come: fear not you: good counsellors lack no clients: though you change your place, you need not change your trade. (1.2.85-100)

Pompey's later craftily digressive and convoluted discourse on the "stewed prunes" (which, incidentally, were "the staple dish recommended by the period venerologist William Clowes as a guard against contracting venereal disease"<sup>6</sup>), whereby he effectively exhausts and befuddles his would-be prosecutors in Act 2, Scene 1, further attests that the vice he essentially typifies will prove a stubborn and slippery opponent to the new regime of righteousness. In the course of the interview, Angelo loses patience and departs, remarking that a whipping seems in order; Escalus is left to wade through the confusion and administer firm justice, but he can find no foothold in Pompey's muddled rhetoric, and the witnesses prove simply incoherent. In the end, all the magistrate can do (though he knows the man is guilty) is impotently *threaten* to whip Pompey for a future offense and stalk off in frustration, while the unscathed, unruffled, perfectly secure-in-his-job bawd remarks defiantly in an aside, "Whip me? No, no, let carman whip his jade;/ The valiant heart's not whipt out of his trade" (2.1.252-53).<sup>7</sup>

But returning to the Pompey and Mistress Overdone exchange I quoted earlier, J. W. Lever has identified here an intriguing topical reference. He observes that "[a] proclamation dated 16 September 1603 called for the pulling down of houses and rooms in the suburbs of London as a precaution against the spread of the plague by 'dissolute and idle persons'," and adds that "[t]he measure, which was strictly enforced during the following months, bore heavily upon the numerous brothels and gaming houses which proliferated on the outskirts of the city."<sup>8</sup>

Without questioning the credibility of this distinct reference, I propose that the scope of the historical reverberations of this scene might be radically expanded to include at least a half century of the city's prior experience. Angelo's proclamation could be interpreted to recall an even more famous royal proclamation

against the Southwark stews issued by Henry VIII on April 13, 1546, one that marked the beginning of a new age of Protestant censure and attempted reform. Prior to that date, prostitution, prohibited within the city proper, had been essentially legal though strictly regulated just across the Thames in London's most notorious suburb. The Southwark trade had first developed and flourished centuries before—in a time of comparatively tolerant attitudes toward commercial sex. As Ruth Mazo Karras observes, "Medieval society recognized prostitution as a necessary evil." Augustine and Aquinas had both grudgingly acknowledged its role as a "societal safety valve"—to satisfy and control natural human (especially male) lust. As inheritors of this position, late-medieval city authorities, in Karras's words,

recognized the social value of prostitution but tried to keep it as unobtrusive as possible, placing it under strict control without abolishing it totally. In many parts of medieval and early modern Europe this meant establishing licensed, or even municipally owned, brothels or official red-light districts. . . . [R]egulated brothels were seen as a foundation of the social order, preventing homosexuality, rape, and seduction.<sup>9</sup>

Thus the Bankside stews came to be, and thus, more or less free from official interference, they thrived for at least two centuries "in the liberty of the bishop of Winchester in Southwark, outside the city's jurisdiction."<sup>10</sup>

Records attest to several pre-Reformation attempts to suppress (illegal) brothels in London itself—in 1310 and again in 1417, for example; and in 1506 the licensed stews were briefly shut down, and their number reduced from eighteen to twelve;<sup>11</sup> but the 1546 proclamation seems to represent the first official direct assault against them. The Henrican order called for the closing of all brothels in and around the city and for the relocation and reform of all bawds and prostitutes; it insisted that

all such persons as have accustomed most abominably to abuse their bodies contrary to God's law and honesty, in any such common place called the stews . . . depart from those common places and resort incontinently to their natural countries with their bags and baggages, upon pain of imprisonment.<sup>12</sup>

Henry VIII's proclamation ushered in what, for my present purposes, I shall call *the reign of Angelo*—a term of more rigorous, if sporadic, prosecution of sexual crimes that persisted through the end of the sixteenth century and into the Jacobean age. Ian W.

Archer, in *The Pursuit of Stability: Social Relations in Elizabethan London*, observes that just three years earlier (1543) the city aldermen had called for a revival of old laws. A Corporation of London Records Office document had recommended that “all the good & laudable aunycient lawes actes and ordenaunces heretofore made & devysed for the ponyshement of harlottes & bawdes of the stewys & other incontynent women of theyr lvyng shall henceforth by my lord mayer [be] duely observyd & put in spedye & str[ong] execucion.”<sup>13</sup>

Summarizing the subsequent progress of the city’s anti-prostitution campaign, Archer credits Rowland Hill among a series of mid-century mayors who were “stern moralists,” not averse to “punishing offenders, including significantly some of high position, by carting.” Hill was

a leading light behind the foundation of [the infamous prison] Bridewell which clearly marked the widening involvement of the secular arm in the punishment of illicit sexuality. The campaign against prostitution was now capable of more central direction. During the 1570s, for example, the governors used warrants to haul in the brothel keepers and clients named by the pimps. Secondly, the range of sanctions widened. The traditional penalties of carting and banishment continued to be used . . . but they were now supplemented by the incarceration, work disciplines, and regular whippings which characterized Bridewell. Thirdly, the scope of secular action widened to include the routine investigation and punishment of fornication. Whereas the fifteenth-century wardmote presentments were predominantly concerned with the professionals, now non-commercial sexual relations were disciplined. A major preoccupation here was the responsibility for maintenance payments, but there was a strong moral dimension as well, demonstrated by the large number of cases in which pregnancy was not at issue. . . . Fourthly, the willingness to prosecute the clients of prostitutes and the statistics relating to the treatment of male fornicators . . . suggest that male sexuality was now more harshly treated and the double standard eroded.<sup>14</sup>

In the 1590s, Archer further reports, “whipping posts appeared all over London, and payments in accounts showed that they were regularly used in ensuing years,”<sup>15</sup> and he cites yet another Angelo-like magistrate in Lord Chief Justice Popham, whose “hostility to prostitution” in the final years of Elizabeth’s reign “earned him a reputation for the prosecution of ‘poor petty wenches out of all pity and mercy.’”<sup>16</sup>

My point in referring back to the Henrican proclamation and reviewing the ensuing history of London anti-prostitution efforts

(informed by zealous Protestant moralism on the one hand, and increased secular imperative on maintaining social order on the other) is that the 1603 royal attack on the brothels could not have seemed a novel event. Shakespeare had no doubt witnessed countless such official crackdowns on illicit sex in the course of his life, and yet, as modern historians have basically concluded, none of them seem to have had much significant and/or lasting effect. Archer remarks, "With evidence for at least 100 bawdy houses operating in the later 1570s, it is clear that the closure of the Bankside stews had a minimal effect on the availability of commercial sex in the capital."<sup>17</sup> His book contains an impressive city map, peppered with dots, showing suspected brothel locations in London between 1575 and 1578 (based on the period testimony of detained pimps found in the Bridewell records).<sup>18</sup>

In fact, it was a standing joke among the satirists of Shakespeare's time that the only really confirmable effect of the Henrican proclamation had been to drive the bawds and prostitutes out of the suburbs and back into the city.<sup>19</sup> In his prose exposé of London crime, *Lanthorne and Candle-Light* (1609), Thomas Dekker entitles a sub-chapter, "What armor a harlot weares comming out of the Suburbes to besiege the City within the wals": it recounts (as he implies) a familiar tale of the Southwark prostitute who resurfaces in the heart of respectable London, posing as a pious gentlewoman, yet behind closed doors more or less pursuing business as usual.<sup>20</sup> Elsewhere the same author complains that "[b]awdes . . . now sit no longer upon the skirtes of the Cittie, but iett up and downe, even in the cloake of the Cittie, and give more rent for a house, then the proudest London occupier of them all."<sup>21</sup> Again, the modern archivist confirms the claim. Archer reports a similar migration phenomenon after the 1570s Bridewell crackdown: "the only impact the campaign seems to have had besides contributing to the occupational hazards of brothel keeping lay in the way it contributed to their mobility. Driven out of one quarter of the city they would set up elsewhere."<sup>22</sup>

Of course, this is what happens in the case of Shakespeare's *Mistress Overdone*. She apparently heeds Pompey's suggestion that she simply change her place and not her trade. We see no more of her until a frustrated and disgusted Escalus, deafened to her persisting excuses, citing the "[d]ouble and treble admonitions" that have wrought no reform, orders her off to prison with "no more words" (3.2.187, 200). We do *hear* of her, however, in the interim, when Elbow defends his arrest of Pompey, remarking that he "serves a bad woman; whose house . . . was . . . plucked

down in the suburbs” and who “now . . . professes a hot-house[.]” which the simpleton constable no doubt rightly suspects “is a very ill house too” (2.1.63-66).

By 1603, the perennial failure of hard-line methods to discourage prostitution and reduce incidents of sexual misconduct might have prompted much less ingenious minds than Shakespeare’s to search for other options. And in fact, the sex reform movement had just suffered an additional major setback in the Bridewell Scandal of 1602. It is too long a story to recount in detail here, but I encourage those interested to read Gustav Ungerer’s fascinating exhaustive historical exposé (a “thick description” if ever there was one) in the current (2003) issue of *Medieval and Renaissance Drama in England*. Basically, the city aldermen yielded temporary control of the prison/hospital to four unscrupulous “undertakers” and, as Ungerer reports, “Within three months, the house of correction and rehabilitation of loose and lewd women became a site of unconcealed sexuality, a haunt of incontinence, for anyone who could afford to pay the gentlewomen.”<sup>23</sup> One wonders if the event could have influenced in some oblique way the conception of Shakespeare’s corrupt, hypocritical interim overseer.

In any case, J. W. Lever has, I think, accurately determined that Angelo and Escalus are meant to represent untenable extremes of inflexible, Puritanical intolerance on the one hand, and medieval indulgence and leniency on the other. The weakness of each approach is clearly demonstrated early in the play—in the arbitrary condemnation of the one-time offender Claudio, without regard for the significant mitigating circumstances, and in the too-casual release of Pompey—the shameless, inveterate bawd. Clearly, if we are seeking a more enlightened model of just and temperate rule, we must look to Vincentio himself—the subtle, behind-the-scenes, deep reformer—who (no less a magician than Prospero) somehow manages to make comedy out of all the sin and corruption, the suffering, anxiety, and impending death of a potentially very dark tale.

The Duke is much more than a simple mean between the extremes of strictness and license caricatured by his substitute officers. To begin with, his management style seems infinitely more flexible. He is scrupulous about tailoring the penalty not only to fit the crime and circumstances, but also to fit *the person* and his or her particular state of being. Indeed, the Duke has left it to the precise Angelo to effect the superficial, external reform of his corrupt, dangerously uncircumspect society—to impose a *seeming*



discipline and order where there had been altogether too much liberty and chaos. But the more stringent penalties more rigorously applied—the threatened whippings, the imprisonments, even the proposed executions—can only address the outermost symptoms of societal decay, can only purchase a temporary and tenuous stability. Vincentio never denies the occasional social utility of corporal punishment. Specifically, it becomes necessary to administer it when humans—through determined, habitual sin—deadens their consciences and effectively dehumanize themselves. Thus the Duke rails with uncharacteristic bitterness against Pompey in Act 3, Scene 2, and orders him off to prison, remarking, “Correction and instruction must both work / Ere this rude beast will profit” (3.2.31-32). Significantly, it is only after a spell in jail that Pompey finally determines to change his profession, and his rationale sounds almost legitimate: “I do find your hangman is a more penitent trade than your bawd[.]” he observes; “he doth oftener ask forgiveness” (4.2.48-49).

Still, to minister effectively to men as opposed to beasts, to get at the root of a community’s moral and spiritual malaise, will require a more personal and *interior* approach, one that will examine and seek to awaken or invigorate each individual conscience and prompt a true repentance, one that will speak to the soul and effect fundamental changes in attitude; better yet, one that may ultimately cultivate in each citizen the capability and habit of self-examination. The moral reform, if it is to last, if it is to prevail finally over the stubborn, innately transgressive element in human nature, will have to be deeper and more profound than any that might be forced from without.<sup>24</sup> And so, it becomes for the Duke a case-by-case campaign, as he moves inconspicuously among his subjects, quietly probing their inner selves and challenging, admonishing, or not, according to what he discovers there.

His interview with Juliet (Act 2, Scene 3) is brief, because he finds her heart and attitude in good order. He trusts not that public humiliation has made her a true penitent (in fact, he is careful to determine that she is sorrier for her sin than for her shame—else ’twould be vanity), but her forthright honesty and sincere regret quickly win his confidence in her spiritual recovery. Claudio, who has wavered between apparent penitence and defensive denial of guilt, is a much harder case, requiring a firmer, more-sustained admonishment in the famous *contemptus mundi* consolation speech (3.1.5-41); it is a discourse, it seems to me, specifically tailored to dispel the inner complacency of youth and to force a deep and consequential self-reflection. The Duke’s handling of the

Barnardine situation in Act 4, Scene 3, further attests to the spiritual ambitiousness of his reform ethic. Were he seeking only to effect social order, he would not scruple to send this violent, drunken, wholly unrepentant "dissolute prisoner" to a speedy and (in the eyes of the law) well-deserved execution. But while it were expedient (and highly convenient) to concede the man's dead body (and specifically his head) as a saving substitute for Claudio's, Vincentio cannot in conscience surrender a soul so easily. Upon examination, he quickly determines that Barnardine is a "creature unprepar'd, unmeet for death" and that "to transport him in the mind he is / Were damnable" (4.3.66-68). Other arrangements will have to be made.

Of course, Angelo proves the toughest case of all and needs the notorious bed-trick to set him straight internally. For many, the Duke compromises his moral character irrevocably here by resorting to an ethical pragmatism that seems (or is) frankly Machiavellian. His ploy to bring Angelo and Mariana together, viewed as an administrative model, would appear to sanction a governor's use of duplicitous means to achieve propitious ends. Thus he reassures Mariana,

He is your husband on a pre-contract:  
To bring you thus together 'tis no sin,  
Sith that the justice of your title to him  
Doth flourish the deceit. . . . (4.2.72-75)

Nonetheless, allowing that it was only prudent in the Renaissance to flatter one's prince with assurances that a) he was more or less free to govern as he saw fit, and that b) in meddling with the world, he must inevitably bend the rules of ethics on occasion; and putting aside the vexed question of whether the informal marriage contract the Duke mentions can sufficiently excuse employment of the ruse,<sup>25</sup> perhaps the most convincing yet neglected justification for this problematical bed-trick exists in the fact that it ultimately spurs a deep sinner to a deep and crucial repentance. And so, in the end, the assumed friar's habit proves significant: the justice the play pursues contains a distinctly penitential element.

As we have observed in our review of the Tudor/Stuart sex reform movement, the English Church had traditionally shouldered principal responsibility for punishing sexual crime, but there seems to have been a trend toward shifting this increasingly complex and weighty burden to the secular arm of the law in Shakespeare's lifetime. Perhaps at some level the playwright is cautioning against extending this new policy too far, suggesting that many perceived

social and behavioral problems are merely symptomatic, hinting that if English society is to undergo a significant and genuine moral reform, it will have to be not only scourged and chastised but ministered to spiritually. There would seem to be no great harm in yielding a limited corporal authority to the Mayors, the Lord Chief Justices, the Bridewell Governors—in short, to the Angelos of this world; but the Church and its leadership should not retreat from active involvement in the mission for social reform; and above all, they must not default from their vital role in nurturing a healthy, vigorous, circumspect inner life. In any case, Duke Vincentio is in the business of *both* correcting men and saving souls. Presumably, as head of the English Church, so was King James, and Shakespeare, amid Protestant pleas for blood and secular appeals for social order, was perhaps gently reminding him of the fact.

### Notes

1. Philip Stubbes, *The Anatomie of Abuses* (Tempe: Arizona Center for Medieval and Renaissance Studies and Renaissance English Text Society, 2002), 148.

2. Stubbes, 150.

3. *The Works of Thomas Nashe*, ed. Ronald B. McKerrow (New York: Barnes & Noble, 1966), 2: 148.

4. J. W. Lever, Introduction to William Shakespeare, *Measure for Measure* (New York: Methuen, 1986), xlv. For a more sustained discussion of Whetstone's urban vice reform ethic and its influence upon Shakespeare's play, see Charles T. Prouty, "George Whetstone and the sources of *Measure for Measure*," *Shakespeare Quarterly* 15.2 (1964): 131-45.

5. All quotations from *Measure for Measure* are based on the J. W. Lever/Arden edition cited above (note 4).

6. Gustav Ungerer, "Prostitution in Late Elizabethan London: The Case of Mary Newborough," *Medieval and Renaissance Drama in England* 15 (2003): 166; see also William Clowes, *Morbus Gallicus* (London, 1579; reprint, New York: Da Capo Press, 1972), C4v.

7. For a comparatively liberal/positive view of Pompey's character and the play's stance on prostitution, see Catharine F. Seigel, "Hands off the Hothouses: Shakespeare's Advice to the King," *Journal of Popular Culture* 20.1 (Summer 1986): 81-88. Seigel claims that *Measure for Measure's* "rogues are charming and witty as they bandy with Escalus and Angelo about their trade" (84); moreover, that "Shakespeare . . . dramatized the theme of pragmatic tolerance toward [the brothels] in the subplot" and "intimated that King James should treat them with the benign neglect to which they were accustomed" (82). Hanna Scolnicov ("Chastity, Prostitution and Pornography in *Measure for Measure*," *Shakespeare Jahrbuch* 134 [1998]: 68-81), meanwhile, concludes that the "political and social élite is exposed as much more flawed than the common people who make a living from prostitution" (80) and that, at the end of the play, "the ideological issues are left unresolved: Should the state control the morality of its citizens? Can morality laws be enforced? Or are they best left alone? How can prostitution be curbed?" (79).

8. Lever, xxxiii.
9. Ruth Mazo Karras, "The Regulation of Brothels in Later Medieval England," *Signs: Journal of Women in Culture and Society* 14.2 (Winter 1989): 401-402.
10. Karras, 408.
11. Karras, 408, 411.
12. Paul L. Hughes and James F. Larkin, c.s.v., eds., *Tudor Royal Proclamations* (New Haven: Yale University Press, 1964), 365.
13. Quoted in Ian W. Archer, *The Pursuit of Stability* (New York: Cambridge University Press, 1991), 250.
14. Archer, 251. For additional useful studies of prostitution and sexual transgression in sixteenth- and seventeenth-century England, see Wallace Shugg, "Prostitution in Shakespeare's London," *Shakespeare Studies* 10 (1977): 291-313; Carol Kazmierczak Manzione, "Sex in Tudor London: Abusing Their Bodies with Each Other," *Desire and Discipline: Sex and Sexuality in the Premodern West* (Toronto: University of Toronto Press, 1996): 87-100; Paul Griffiths, "The Structure of Prostitution in Elizabethan London," *Continuity and Change* 8.1 (1993): 39-63, and *Youth and Authority: Formative Experiences in England, 1560-1640* (Oxford: Clarendon Press, 1996); Gamini Salgado, *The Elizabethan Underworld* (Totowa, New Jersey: Rowman and Littlefield, 1977); Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1550-1720* (Oxford: Clarendon Press, 1998); G. R. Quaipe, *Wanton Wenches and Wayward Wives* (New Brunswick, New Jersey: Rutgers University Press, 1979); and F. G. Emmison: *Elizabethan Life: Disorder. Mainly from Essex Sessions and Assize Records* (Chelmsford: Essex County Council, 1970).
15. Archer, 244.
16. Archer, 229
17. Archer, 215.
18. Archer, 212.
19. As early as 1549 Hugh Latimer had complained in a sermon given before Edward VI, "My Lords . . . you have put down the stewes; but I pray you what is the matter amended? . . . Ye have but changed the place, and not taken the whoredom away. . . . I here say there is now more whoredom in London than ever there was on the Bank" (qtd. in Shugg, 294).
20. Thomas Dekker, *Lanthorne and Candle-Light* (1609), in *The Non-Dramatic Works of Thomas Dekker*, ed. Alexander B. Grosart (New York: Russell & Russell, 1963), 3:268-72.
21. Dekker, *News from Hell* (1606), in *The Non-Dramatic Works*, 2:93.
22. Archer, 231.
23. Ungerer, 186.
24. For an argument that seems at least broadly complementary to my own on this point, see Robert B. Bennett, "The Law Enforces Itself: Richard Hooker and the Law Against Fornication in *Measure for Measure*," *Selected Papers from the West Virginia Shakespeare and Renaissance Association* 16 (1993): 43-51. In Bennett's view,
 

[t]he Calvinist and puritan movements had from their inception been marked by a call to a literal enforcement of scriptural laws as a way to combat immoral behavior, and although death was the scriptural mandate for adultery, not fornication, the immediate scourge of syphilis had tended to heighten the urgency for strong penalties for the latter as well. . . .

What stood to lose authority in this trend toward enforcing the moral code was the more liberal, non-coercive approach of

Christian humanism, which had placed its hope for moral reform upon education rather than legal action. . . . Angelo the enforcer versus Vincentio/Lodowick the counselor and educator defines pretty well the puritan and Christian humanist differences in response to immoral conditions; the one regarding the law as society's instrument of just repression of deviant behavior, the other regarding it as a descriptive guide for persons seeking rational and spiritual direction for the appetites and emotions. (43-44)

25. In 1931, William Witherle Lawrence (*Shakespeare's Problem Comedies* [reprint, New York: Frederick Ungar, 1960], 95) removed a major obstacle to *Measure for Measure's* popular favor in noting that, by period standards, Angelo and Mariana were already married based on an implicit private contract that the former had failed to honor. Thus, their sexual union in the "garden house" was no sin, but merely the happy consummation of a fully valid bond. Davis P. Harding ("Elizabethan Betrothals and 'Measure for Measure,'" *Journal of English and Germanic Philology* 49 [1950]: 139-58) later confirmed the binding nature of the present tense contract in theory, but nonetheless challenged the innocence of the bed-trick. He admitted that Lawrence was sound in his suggestion that Angelo and Mariana were, perhaps, *legally* married, but that this contract, hypothetical or real, made sexual relations between them appropriate and sinless, he would not so readily concede. It was rather his contention that consummation was to be delayed until after solemnization by means of a church ceremony, and that all sexual activity prior to this public event was to be properly termed "fornication." In Harding's estimation, Lawrence's "transition from the realm of law to the realm of ethics" had been dangerously "inferential" (141). He devoted much of his essay to tracing a long-standing tradition in the English Church condemning sex within unsolemnized unions. Thus, if grudgingly acknowledged as legally valid, spousal contracts were never accorded the respect or honor of formal marriage and, apart from definite solemnization plans, they seem to have been viewed as insecure and morally dangerous by both the church and the society at large. Of course, much earlier in *Measure for Measure* we witness Claudio being led to prison, presumably on charges of fornication (i.e., "getting Madam Julietta with child" [1.2.66-67]) despite his claims that he "upon a true contract . . . got possession of Julietta's bed" (1.2.134-35), and social historian, Richard M. Wunderli (*London Church Courts and Society on the Eve of the Reformation* [Cambridge, Massachusetts: The Medieval Academy of America, 1981], 88), confirms that early in the sixteenth century "[a] handful of couples . . . who had exchanged marriage vows but whose marriages had not yet been solemnized, were charged in court as fornicators. . . ." Since Lawrence and Harding, a host of literary critics have contributed their often conflicting opinions on the subject. For a sampling, see Alberto Caciccedo, "'She is my wife': Sex, Marriage, and Ducal Authority in *Measure for Measure*," *Shakespeare Studies* 23 (1995): 187-209; Margaret Scott, "'Our City's Institutions': Some Further Reflections on the Marriage Contracts in *Measure for Measure*," *ELH* 49.4 (Winter 1982): 790-804; Harriett Hawkins, "What Kind of Pre-contract had Angelo? A Note on Some Non-problems in Elizabethan Drama," *College English* 36.2 (October 1974): 173-79; S. Nagarajan, "*Measure for Measure* and Elizabethan Betrothals," *Shakespeare Quarterly* 14 (Spring 1963): 115-19; and Ernest Schanzer, "The Marriage Contracts in *Measure for Measure*," *Shakespeare Survey* 13 (1960): 81-89.