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# Lawful Deeds: The Entitlements of Marriage in Shakespeare's All's Well That Ends Well

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A. G. HARMON

“Lawful Deeds”:  
The Entitlements of  
Marriage in Shakespeare’s  
*All’s Well That Ends Well*

*DOVER, ENGLAND 1599*: The day is warm; the meadow is quiet. It is also deserted, save for two people, a man and a woman. Intent on the conquest of his love, and sure that there is only one way to achieve victory, the man takes the woman by the hand. He looks her in the eye, then says the same words that have sounded for ages before (and would for ages yet) throughout marital celebrations in Western Christendom: “I take thee as my wife.” The woman exchanges the promise and succumbs. Seemingly, the world has not noticed a thing.

Except that it has. For different views on how marriage could be performed in sixteenth-century Europe gave these words—a present tense utterance of an intention to marry—markedly different powers: If spoken by the man in Dover, the couple is married—with or without a witness, consummated or not. However, if spoken by his French cousin in Calais, at the exact same time, under an identical set of circumstances (right down to the field and the warm summer day), the couple is *not* married; the man is not a husband, the woman, not a wife. Subsequent intercourse amounts to fornication, with all its attendant consequences, but the status of the couple



*Shakespeare Reading.* Oil painting by William Page, 1873–1874. Copyright Smithsonian American Art Museum, Washington, D.C./Art Resource, New York.

vis-à-vis each other is unchanged. The couple in England, however, has performed a “clandestine” or “handfast” marriage.<sup>1</sup>

The difference between the cases goes to the root of marriage as understood in medieval and Renaissance times. The Church had long conceived marriage as a sacrament that the two parties, husband and wife, conferred upon themselves. Although strongly encouraged, Church witness was not central to the validity of the marriage contract. For obvious reasons, the private marriage caused problems for the Church, both before and after the Reformation. On ideological grounds, a private ceremony dispensed with holy witness to the most life-affirming of institutions. On practical grounds, it was nearly impossible to ensure that a marriage had actually taken place. It is not surprising that countless men, having satisfied their lust, subsequently denied their responsibility. In fact, records show that out of seventeen such cases in the Bishop's Court of Chester, ten involve men trying to sneak out of their contracts after having taken their pleasure.<sup>2</sup> Children born of such frustrated unions were bastards; they had no name and could not inherit.

On the Continent, the Catholic, Lutheran, and Reformed Churches recognized the problem of the private marriage and made a public, Church-witnessed ceremony necessary to marital validity.<sup>3</sup> As part of the Council of Trent, the Catholic Church even passed a decree, known as *Tametsi*, to address the abuse.<sup>4</sup> However, Anglican England was under no obligation to these decrees, and the Englishman, as opposed to his Continental counterpart, could wreak all sorts of havoc with his secret promises, hand-clasping, and ring-giving.

And therein lies the play, at least for William Shakespeare, who penned some of his most philosophical—and to many critics, maddening—set of comedies around the turn of the seventeenth century: the so-called “problem plays.” The “problem” with—or “in”—the plays is variously defined, and the constitutive plays themselves are variously grouped, but one play that shows up on nearly everyone's

list is *All's Well That Ends Well*.<sup>5</sup> It is perhaps the least liked of these roundly disliked works. Reasons for critical distaste are numerous, including a lack of poetic justice for the rakish hero, the implausibility of the young heroine's love for such a man, and the mixture of realistic and fantastic plot elements. The story is essentially taken from Boccaccio's *Decameron*, the ninth novel of the third day.<sup>6</sup>

Helena, the maiden in the play, is the daughter of a famed doctor, Gerard de Narbonne, recently deceased. Having grown up at court, she harbors a secret love for Bertram, the young Count of Rossillion, whose own father has recently died, and whose mother happens to be Helena's guardian. His heart set on the glories of the King's Court, the handsome but immature Bertram sets off for Paris. Afterwards, the Countess discovers Helena pining away, and stirs the girl's determination to win her son. She furnishes Helena's way to the Court of the King, a man himself on the brink of death. Once there, Helena convinces the reluctant sovereign to try the cures she has inherited from her famous father. If she fails, death will be her payment; but if she succeeds, she may claim the hand of any of the King's wards. Needless to say, Helena succeeds. But the foolish Bertram bristles at being coupled with a "base-born" physician's daughter. Ostensibly afraid of the King's wrath, he marries, then immediately abandons Helena before consummating their match. Heartsick, Helena receives a note from Bertram in which he defies acknowledgement of their marriage until she can win the ring from his finger (a family legacy passed from father to son) and prove that she carries his child.

At this point, the story becomes similar to another problem play of general disliking, *Measure for Measure*. In both works, Shakespeare uses a "bed-trick" to solve the complication. Helena, disguised as a pilgrim of St. James, travels to Florence, where Bertram is fighting in the wars. There, she discovers that he has been assailing Diana, a young maiden who has managed to resist him. Helena convinces the girl to ask for Bertram's ring in exchange for a promise to meet the

young Count's demands. At their secret, dark assignation, Helena substitutes herself for Diana, and with a fecundity that is as reliable as it is convenient, she conceives.

Bertram, victorious at war, then returns to the King's court with no thought for Diana. He is forgiven for his dastardly treatment of Helena and is pledged in marriage to yet another girl (Helena having spread the rumor that she is dead). But just before the ceremony, Diana arrives at court. She claims that Bertram has already married himself to *her*, clandestinely. Bertram shows his old duplicitous colors, denying all. To make things worse, Helena, posing as Diana in the dark, has given Bertram a ring to wear: one the King had awarded her for curing him. The King spies the ring and suspects Bertram has murdered Helena to get it. He then condemns the boy to death. But before tragedy can win the day, comedy steps in: Diana reveals Helena, who comes to court wearing Bertram's ring and bearing his child. Having satisfied the Count's conditions, she wins both his admiration and his pledge of love.

The story seems simple, and to some extent critics have found it a half-gestated effort on Shakespeare's part. After all, he was writing some of his greatest tragedies around the time, and they argue that having a *Hamlet* in your head can prove very distracting. However, as is the case with all the problem plays, there is something in the simple story's telling, in the complicated way that it is resolved, that is worthy of close inspection. For this play involves a very busy heroine (indeed, she is often criticized for the zeal of her efforts) who devotes all of her talents and skills to obtaining the man she loves. There is, in short, much ado in this play that deserves focus, such as what exactly Helena is accomplishing, and the means by which she accomplishes it. Because once Bertram is won, Helena has rights and duties to her husband; Bertram ignores, and even frustrates, those rights. But the determined Helena is intent on realizing what she is entitled to, and in this play, the law is on her side.

In an attempt to account for past inability to explain the play, G. K. Hunter says that critics have failed to apply a context by which its virtues may be appreciated.<sup>7</sup> Perhaps viewing the drama with an eye toward the metaphorical issues involved in the idea of “contract” marriages, and the way that Shakespeare plays with the double meanings of legal terms, can provide one such context. Critics have long spotted the significance of the legal instrument in the problem comedies, but have labored mostly to identify the particular kind of contract that Shakespeare was alluding to; in other words, they focus on what the contracts are, not on what they do.<sup>8</sup> And Shakespeare, of all artists, was one to use the stuff of his time to great effect; the intricacies of the law are no exception.<sup>9</sup> In fact, the idea of marriage contracts is only the most apparent use of law in the work, and the one toward which the other legal concepts point.

Throughout the work, the playwright employs complex metaphors of entitlement, rights, and duties, and transactions that establish a depth belied by a surface reading. As the play unfolds, ideas revolving around inheritance—e.g., “descent,” “legacy,” “succession”—signal a devolvement of substantial qualities, such as “honor.” Moreover, characters’ relationships are spoken of in terms of “lawfulness,” one having the “right” and “duty” to “possess” the other through sanctioned “deeds.” The trouble in *All’s Well That Ends Well* is that each of these concepts falls short of being realized, just as the clandestine marriage falls short of the valid institution. Braided through the superficially “light” dramatic apparatus is a serious concern: frustration before fulfillment. A character such as Helena, who works for fulfillment, must match herself against a character such as Bertram, who works to frustrate that fulfillment. This is the play’s dilemma, and it is through legal concepts that what is only “partly true” becomes wholly so. The points the playwright makes via topical circumstances, such as the ramifications of both private marriage contracts and frustrated marriage contracts, are not limited to his own time; indeed, they point to a conception of marriage

that is at once sacramental and practical. The vehicle of the play may be the workings of marital contracts in the Renaissance, but the tenor goes to the very root of what marriage is, or can be.

As always, to understand what Shakespeare is doing, the reader must take note of beginnings and endings, scenes that provide a lens for understanding his larger concerns. In *All's Well That Ends Well*, the drama begins with a bleak picture. Death has won both Bertram's father and Helena's father. It is also in the process of claiming the King, whose physicians have abandoned him to "the losing of hope by time" (1.1.15). To make things worse, the Countess of Rossillion is about to lose her son and heir, Bertram, to a position at court. She expresses her loss in an image that epitomizes the play's opening tone: "In delivering my son from me, I bury a second husband" (1.1.1-2). These losses evoke an atmosphere of frustration and lost purpose at the outset; it is not fully overcome until the play's close.

According to his mother, the Countess, Bertram is an "unseasoned" courtier, too young for his Parisian quest of honor (1.1.67). Her own advice at their parting seems equally intended to address Bertram's present deficiencies and to mold his future conduct:

. . . *succeed thy father*  
 In manners as in shape. Thy *blood* and *virtue*  
*Contend for empire in thee*, and thy goodness  
 Share with thy birthright!  
 (emphasis mine; 1.1.57-60)

Quite the opposite of his son, the old Count's integrity—the union of his "manners" and his "shape"—are a standard for true worth in the play. The honor that flows from that worth does so rightfully. The King describes the man:

So like a courtier, contempt nor bitterness  
 Were in his pride or sharpness; if they were  
 His equal had awak'd them, and his honour,

Clock to itself, knew the true minute when  
 Exception bid him speak, and at this time  
 His tongue obeyed his hand. Who were below him  
 He us'd as creatures of another place,  
 And bow'd his eminent top to their low ranks,  
 Making them proud of his humility,  
 In their poor praise he humbled. Such a man  
 Might be a copy to these younger times;  
 Which, followed well, would demonstrate them now  
 But goes backward. (1.2.36–48)

The man's decorum, a "clock to itself," was manifest in his reserve and humility, which the King offers as a copy to present-day youth. In this way, the honorable old Count is similar to Helena's father, a physician whose "skill was almost as great as his honesty" (1.1.17–18); Gerard de Narbonne's reputation for virtue precedes him with the King, and is so self-evident that Helena declines the opportunity to praise him further: "Knowing him is enough" (2.1.103). To this pair, whose honor has a productive influence, the King himself is added: "whose worthiness would stir it [worth] up where it wanted" (1.1.8–9).

In *All's Well That Ends Well*, the much-heralded integrity of the old Count and the old physician is spoken of in terms of *descent*, an uninterrupted legacy passing from father to child, uniting past, present, and future. Along with the Countess' hopes that Bertram will succeed his father in integrity, the King hopes the boy has inherited his father's "moral parts" (1.2.21). Like Bertram, Helena is charged to "hold the credit" of her father (1.1.75), a duty that she fulfills by all accounts. And later, when the action moves to Florence, Diana is told "the honour of a maid is her name; and no legacy is so rich as honesty" (3.5.11–13). Honor in terms of testamentary inheritance extends throughout the work.

But despite the productive honor of the older generation, there is a problem with the succession of virtue in France. The times are

said to be retrograde, “going backwards” in degeneration (1.2.48). The young lords lack the very thing that made the older men paradigms of integrity, an honor born of virtue. Instead, their

apprehensive senses  
 All but new things disdain; whose judgments are  
 Mere fathers of their garments; whose constancies  
 Expire before their fashions. (1.2.60–63)

Inconstancy is characteristic of the French youth. The “times” are aligned with appearances rather than substance, as the young both undervalue the worthy and overvalue the worthless. The repositories of true honor have died, and the legacies left to their successors have been squandered. But this is so only in part, most notably in the case of Bertram. In the case of Helena, the legacy of honor has made a successful transmission. The two differ in the degree to which they observe their duties to posterity; a comparison will highlight the difference.

Both Helena and Bertram, having lost their fathers, are “bequeathed” to others: Bertram to the King, who will be “a father” (1.1.7) to his ward, and hold his son no dearer (1.2.76); and Helena to the Countess, who becomes her second mother (1.1.35).<sup>10</sup> But while Bertram has succeeded only to his father’s “face” (1.2.19), his “shape,” but not his “manners”—Helena has inherited all of her father’s gifts:

her dispositions she inherits—which makes fair gifts fairer; for where an unclean mind carries virtuous qualities, there commendations go with pity; they are virtues and traitors too. In her they are the better for their simpleness: she derives her honesty and achieves her goodness. (1.1.37–42)

Helena is a combination of the legacy she has inherited and the goodness she maintains.

Introducing a transactional metaphor that will figure into the play's themes of rights and duties, the Countess speaks of Helena's "lawful title" to love, which is envisioned as an estate. Her claim is based simply on her essence (principal), without other "advantage" (interest):

She herself, without other *advantage*, may *lawfully*  
make *title* to as much love as she finds; there is  
more owing her than is paid; and more shall be paid  
her than she'll demand. (emphasis mine; 1.3.99–102)

Although she is owed much, Helena does not demand all that is rightfully hers. Here the superfluous nature of advantage is analogous to "additions" (in the sense of "titles"), which are castigated later in the play. As the King points out, titles *may* arise from substance, just as honors *should* flow from virtue. But if that is not the case, titles are mere false accretions, yet another sign of the retrograde times (2.3.130–35).

Many of the early scenes are spent establishing Helena's true worth. The Countess is not alone in appreciating the virtue the girl has maintained; the King and the old Lord LaFew testify to her worth as well. She amazes LaFew in her "sex, her years, profession / Wisdom and constancy . . ." (2.1.81–82). When Helena stakes her life on her word—"wagering" herself for marriage—the King accepts her wager precisely because she possesses so much:

Thy life is dear; for all that life can rate  
Worth name of life in thee hath estimate:  
Youth, beauty, wisdom, courage—all  
That happiness and prime can happy call. (2.1.178–81)

The King's testament invalidates Bertram's later objection to his marriage on the basis that Helena is unworthy. It also calls into question his judgment. As Robert Hunter says, a wedding night with a

beautiful, sexually attractive, honorable girl who has won the king's favor should prove—to a reasonable young man—"not the final indignity, but the first consolation."<sup>11</sup> All see her value except for Bertram and Parolles, a fact that reveals something about their own worth.

In fact, Bertram comes to woo honor, not to wed it, behavior forbidden by the King (2.1.15). Disappointed that the sovereign has kept him from battle due to his youth and inexperience, Bertram laments he will have to remain at court: "Till honour be *bought* up and no sword worn / But one to dance with. By heaven, I'll steal away!" (emphasis mine; 2.1.32–33). With this misunderstanding of how honor is gained, he eventually barter away his heirloom, even though it is "an honour 'longing to our house, / Bequeathed down from many ancestors" (4.2.42–43), in order to fulfill his lust for Diana:

Here, take my ring:  
My house, mine honour, yea, my life be thine,  
And I'll be bid by thee. (4.2.51–53)

Bertram exhibits his immaturity by allying himself with a "go-between" (5.3.253) and a "ring-carrier" (3.5.91). The foppish Parolles, the personification of the empty words and fashion-mad inconstancy deplored by the King, is Bertram's choice for emulation. But even Parolles testifies to Bertram's inconstancy; when Bertram decides to flee from marriage to the wars, Parolles wonders "Will this *capriccio* [whim] hold in thee? art sure?" (2.3.289).

Still, Helena's imagination "carries no favour in it but Bertram's" (1.1.81). She is aware of the difference in their estates, but after an exchange with Parolles she acquires a determined outlook. Significantly, their conversation involves banter using war and sex metaphors. Helena asks how women may "barricado" against men who assail their virginity (1.1.111). Parolles denies the wisdom of a defense, based on virginity's unnaturalness:

It is not politic in the commonwealth of nature to preserve virginity. Loss of virginity is rational increase and there was never virgin got till virginity was first lost. That you were made of is mettle to make virgins. Virginity, by being once lost, may be ten times found; by being ever kept it is ever lost. 'Tis too cold a companion. Away with 't! (1.1.123–30)

He continues his rail by suggesting virginity is against the rule of nature—a “breeder of mites,” “full of self-love,” which “murders” and “consumes” itself (1.1.133–40). He uses the language of productive commerce to laud the products of natural love: “within the year it [sex] will make itself two, which is a goodly increase; and the principal itself not much the worse. Away with 't [virginity]!” (1.1.144–46).

As the aim of lust is not generation, but satisfaction of the appetite, its effects are just as opposed to fruitfulness as those of a resolved virginity.<sup>12</sup> By contrast, Parolles' jokes articulate a productivity that is normative for the play. Helena agrees in principle, and the rest of their conversation is merely a debate over the proper context for “goodly increase.” In response to how a virgin might lose her virginity “to her own liking,” Parolles gives her the answer, albeit unintentionally: “Let me see. *Marry*, ill, to like him that ne'er it likes” (1.1.148).<sup>13</sup> When he leaves, Helena rallies her hopes with an appeal to nature—“The mightiest space in fortune nature brings / To join like likes, and kiss like native things” (1.1.218–19)—and hopes to prove her worth by striving to show her merit (1.1.223). Helena has found a way to lose her “honor” “honorably.”

Bargaining for marriage carries over into the Parisian court, where LaFew, Helena, and the King bargain over the terms of the cure. Their words contain double meanings, associating concepts in a way that deepens the significance of both. LaFew, having come from Rossillion with Helena, kneels before the King and asks for his pardon:

KING:                   I'll *fee* thee to stand up.

LAFEW [rising]: Then here's a man stands that has *brought his pardon*.  
 I would you had kneel'd, my lord, to ask me mercy,  
 And that at my bidding you could so stand up.  
 (emphasis mine; 2.1.61–64)

Bringing a pardon in “fee,” i.e., an unencumbered right to absolute possession, carries both the idea of paying for the pardon, as well as the absolute nature of the pardon so purchased.<sup>14</sup> There is a cost, but the cost accomplishes all. LaFew’s desire to do the same for the King—that is, in “fee”—also implies the largesse in his wishes for the sovereign. And the cure he brings shows him to be as good in deed as he is in intention. He states the life-giving qualities of the medicine in terms of nature, with a subtext of sexual imagery folded in:

I have seen a medicine  
 That's able to breathe life into a stone,  
 Quicken a rock, and make you dance canary  
 With sprightly fire and motion; whose simple touch  
 Is powerful to araise King Pepin, nay,  
 To give great Charlemagne a pen in's hand  
 And write to her a love-line. (2.1.71–77)

This is Helena’s cure, which can revitalize (“breathe life into a stone”) the vigor of a declining King. But the despairing sovereign has noted that his are times in which words are scattered without substance; accordingly, he is wary of claims at miracle-working. To assure him, Helena lists the consequences of breach, then demands something of value from the King:

HELENA: If I break time, or flinch in *property*  
 Of what I spoke, unpitied let me die,  
 And well deserv'd. Not helping, death's my *fee*;  
 But if I help, what do you promise me?

KING: *Make thy demand.*  
 HELENA: But will you make it *even*?  
 KING: Ay, by my sceptre and my hopes of heaven.  
 HELENA: Then shalt thou *give me with thy kingly hand*  
 What husband in thy power I will command.  
 Exempted be from me the arrogance  
 To choose from forth the royal blood of France  
*My low and humble name to propagate*  
 With any branch or image of thy state;  
 But such a one, thy vassal, whom I know  
 Is free for me to ask, thee to bestow.  
 KING: *Here is my hand; the premises observ'd,*  
 Thy will by my *performance* shall be serv'd; . . .  
 If thou proceed  
 As high as word, *my deed shall match thy deed.*  
 (emphasis mine; 2.1.186–201; 208–9)

The language works on two levels: first, on the level of transaction, striking a deal by creating obligations and duties; second, on the level of nature, implying essences, causes and effects. As such, they are conceits that yoke the substance of what is promised with the person who is making the promise, deepening the significance of each. For example, Helena's "property" is both her side of the bargain, from which she will not "flinch," and the qualities or attributes that she claims for herself. The "fee" she demands is both her payment, as well as the absolute, unencumbered right to what she will be "entitled." The "deed" that will match Helena's is not only the act of performance, but full ownership to what has been bargained for. Also, layers of images—nature, land sale, and marriage—recur here. From "observing the premises" (satisfying the contractual conditions), the King will "perform" Helena's desire to propagate her name with a man of her choosing.

The agreement makes the King Helena's "surety," as both of them claim in the rest of the play (4.4.3; 5.3.83–87), and borrows the ele-

ments that solidify the marriage contract: Helena and the King join hands and make vows; Helena promises not to “break” time, similar to “breaking faith”; the consideration between them is mutual—“even”; and the agreement satisfactorily “performed.” Also, integrity is demanded—her “words” must match her “deeds”; and integrity is promised in return—the King’s “deed” will match Helena’s own (2.1.209). Finally, Helena agrees to restore the King’s sound parts before “twice the horses of the sun shall bring / Their fiery coacher his diurnal *ring*” (emphasis mine; 2.1.160–61). The suretyship here enables Helena’s contract with Bertram.

Having satisfied her part of their agreement, and acquired the King as her surety thereby, all that remains is for the King to perform his own obligation. “Lustier” than a dolphin (2.3.26), he leads Helena into court by the hand—in wedding fashion. He reaffirms his duty, and her right, to the bachelors whose “father’s voice” he possesses (2.3.54).<sup>15</sup> Under their bargain, Helena has the right to name the deed that will match her deed to the King (2.1.209). In effect, she is about to claim lawful title to love, as the Countess has said she is due (1.3.99). Helena then overlooks the courtiers, referred to collectively as this “youthful *parcel*,” which can mean both a small part of something, as well as a portion of land (emphasis mine; 2.3.52). With the aim to make a son out of her blood (2.3.97), she takes Bertram by the hand (2.3.102–4).

But Bertram, whom the Lord LaFew has discovered to be “an ass” (2.3.100), refuses the gift. Bertram wants to make his own choice, by “the help of mine own eyes” (2.3.108).<sup>16</sup> Choosing appearances and discounting hope are the very errors Helena has counseled the King against, to his great benefit. But Bertram knows Helena’s breeding; he says disdain will corrupt him forever if he marries her. In essence, Bertram questions the worth of his “consideration” under the contract, i.e., what he is receiving of value under the bargain.

The King attempts to change the youth’s perspective, i.e., to convince him that what he receives is truly honorable despite its

appearance. The King himself has just learned to trust in the hope offered by the physician's daughter, despite the grim forecasts of his doctors. He has good proof of what she has done for him:

'Tis only title thou disdain'st in her, the which  
I can build up.

...

If she be  
All that is virtuous, save what thou dislik'st—  
A poor physician's daughter—thou dislik'st  
Of virtue for the name. (2.3.117–18; 121–24)

His lesson, aimed at Bertram, is a particular application of the speech he has made regarding the young lords in general, those who judge by appearances and know nothing of honor but its garments. Honor's substance, says the King, is born of virtue, and needs no title—"great additions"—to prove its authenticity; rather, it proves itself in deeds. This is reminiscent of the Countess' claim that Helena herself is worthy of the lawful title of love, in principle alone, with no need for further "advantage" (1.3.98). As is often the case when the characters want to convey the meaning of reality, the King resorts to language of title, with double entendre: "The property [both "quality" and "estate"] by what it is should go, not by the "title" [both "name" and "legal ownership"]. And again, images of nature and legacy are related to honor:

She is young, wise, fair;  
In these to nature she's *immediate heir*,  
And these *breed honour*; That is honour's scorn,  
Which challenges itself as *honour's born*  
And is not like the sire. (emphasis mine; 2.3.131–35)

The legitimacy images, applied earlier to what the King had feared were Helena's empty promises, recur here with respect to empty

honor. This further delineates the difference between Bertram's position and Helena's. Helena, like the virtuous Cordelia in *King Lear*, is worthy in and of herself. The King sums up the consideration passing to Bertram under the contract: "Virtue and she is her own dower" (2.3.143–44). The additions of "honour"—in the sense of "titles," as Bertram understands it—and "wealth" are superfluous in the King's eyes. They are the accretions added to the principal, not the principal itself.

But Bertram cannot see it that way, and the difference between the King's understanding of true value and Bertram's own explains why the boy will not respect Helena's right to him. The young Count's mistaken view of "titles" (honorifics) frustrates Helena's "title" (entitlement) to him. Rather than submit his will to the King's good judgment, he submits his "fancy" to the King's "eyes" (2.3.167–68), a misunderstanding of the faculties that are used in a wise choice. And even this unwilling submission comes only after the threat of disinheritance (2.3.162–66). Rather than suffer it, he pretends to comply, taking Helena by the hand.

The King expresses his contentment at the contract's formation:

Good fortune and the favour of the king  
Smile upon this *contract*; whose ceremony  
Shall seem expedient on the now-born brief,  
*And be perform'd tonight.* The solemn feast  
Shall more attend upon the coming space,  
Expecting absent friends. As thou lov'st her  
Thy love's to me religious; else, does err.  
(emphasis mine; 2.3.177–83)

The King, as Helena's surety, includes himself in the match—"as thou lovest her / Thy love's to me religious," and adds a note of sacrality to the contract, which LaFew picks up when he styles Bertram's change of position as a "recantation" (2.3.186). In light of this, Bertram's disobedience is all the more egregious.<sup>17</sup>

Bertram reenters, newly married, and consults with his ally Parolles. His plans have already taken shape: “Although before the solemn priest I have sworn, I will not bed her” (2.3.265–66). Parolles counsels disdain of marriage and home—“A young man married is a man that’s marred” (2.3.294)—and a preference for war: “To th’ wars, my boy, to th’ wars!” (2.3.274). Bertram responds: “Wars is no strife / To the dark house and the detested wife” (2.3.287–88). And instead of a marital union resulting in the pain of separation, Bertram bemoans a separation from his fellow soldiers: “I grow to you, and our parting is a tortured body” (2.1.36). Later, the King will marvel that wives are such “monsters” to Bertram that he must flee from them (5.3.154–56). This disdain for marriage is matched by the young men who come to the war as a “physic” (3.1.18–19). For them, the Florentine confrontation serves as a perverse “*nursery* to our gentry, who are sick / For breathing and exploit” (emphasis mine; 1.2.15–17). War, set against marriage, breeds bloody exploits in its nursery.

Bertram plots to frustrate the contract by keeping it perpetually unrealized. Having pocketed the King’s wedding gift to furnish himself, the Count reveals his plan:

I have writ my letters, casketed my treasure,  
Given orders for our horses; and tonight,  
When I should take *possession* of the bride,  
End ere I do begin. (2.5.23–26)

Just as the King and Countess use the language of transaction and title to convey essential meanings, Bertram uses it to illustrate his nonperformance. A man lawfully entitled takes possession of his estate, a right that Bertram will permanently forego. In some circumstances, failure to “enter” an estate made its transfer ineffectual.<sup>18</sup> This is Bertram’s plan, which he carries out in spite of acknowledging the “time” for performance is “due” to Helena under the “great prerogative and rite of love” (2.4.39–40). Here again, the

“rite” carries the double meaning of ceremony and entitlement (“right”), both accruing to Helena. But envisioning his wife as a “clog,” a restraint that binds him to his contract, he denies her what she is owed by refusing possession. He flaunts the perpetuity of their unrealized marriage in a letter to his mother: “I have sent you a daughter-in-law: she hath recovered the King, and undone me. I have wedded her, not bedded her, and sworn to make the ‘not’ eternal” (3.2.19–21); and in a letter to Helena herself:

When thou canst get the ring upon my finger, which never shall come off, and show me a child begotten of thy body that I am father to, then call me husband; but in such a “then” I write a “never.” (3.2.56–59)

The challenges meant to frustrate performance act as “conditions subsequent” to the contract, requiring certain acts be fulfilled before the instrument can be termed fully executed.<sup>19</sup> And the conditions revolve around the proof of worth, since Bertram is disdainful of Helena’s value. He denies her fulfillment until she can “prove” herself, a demand he repeats at the play’s end:

If you shall *prove*  
This ring was ever hers, you shall as easy  
Prove that I husbanded her bed in Florence,  
Where yet she never was.  
(emphasis mine; 5.3.124–27).

Of course, Bertram’s conditions are added illegitimately. The contract did not anticipate them and deserves execution on its face. But as is often said in the play, Helena is owed more than she is paid, and gives more than she demands; it is characteristic of her to meet conditions she need not fulfill in order to prove her love.

Most bitter of all is his final defiance of Helena: “Till I have no wife, I have nothing in France” (3.2.72). Bertram betrays his aversion

to reality by vowing to make the “not” eternal. In denying the consequences of a marriage, he effectively denies life. But the specificity of his challenge will work to hoist him on his own petard. For his terms have made Helena’s task clear: she will take his meaning—the “not” eternal—and transform it into an eternal “knot,” i.e., take his denial and turn it into affirmation. To satisfy the conditions, she must take on a disguise, perform a trick by use of a double, and become a “pilgrim” (3.5.30). That the pilgrimage to prove her worth by deeds is to St. James (3.4.4), whose epistle includes the maxim “faith without works is dead,” is especially appropriate under the circumstances.<sup>20</sup> Helena will make “something” come of “nothing.”

Throughout the play, Bertram’s foolish alliance with Parolles testifies to his bad choices; what befalls Parolles is a bellwether of what will befall Bertram. Two of Bertram’s wiser friends, the lords Dumaine, decide to expose Parolles by tricking him into a betrayal of their cause. They ambush and blindfold the fop, pretending to be the enemy. To win his freedom, a terrified Parolles reveals his true opinion of Bertram: “a dangerous and lascivious boy, who is a whale to virginity, and devours up all the fry it finds” (4.3.212–13). And in an accidental indictment of the young lord’s integrity, he uses language revolving around the law, entitlement, and—most tellingly—inheritance:

Sir, for a cardecue he [Dumaine] will sell the *fee-simple*  
of his salvation, the *inheritance* of it; and *cut th’*  
*entail from all remainders*, and a *perpetual*  
*succession for it perpetually*.  
(emphasis mine; 4.3.269–72)

What is slanderous of Dumaine is applicable to Bertram, who has just bartered away his family’s “honour”—the ring that has passed from “son to son” for four to five generations (3.7.24). In effect his actions have worked to “cut the entail” (limit the line of inheritance)<sup>21</sup> from all “remainders” (those who would succeed to the

limited estate)<sup>22</sup> forever (“perpetually”). Of course, this reference is to more than the heirloom ring; by leaving his marriage unconsummated, and showing a disdain for children, he also “cuts off” the line of succession itself. Significantly, upon arriving to witness Parolles’ trial, Bertram brags of the conquests he has just performed in the same transactional language: “By an abstract”—a written outline of a piece of property’s dimensions—he has effected unawares his “main *parcels* of dispatch” (emphasis mine; 4.3.83–89), which include the bedding of his wife.

At her assigned meeting, Diana tells the insistent Bertram that her own mother did but her duty towards her father, a duty that Bertram owes his wife (4.2.12–13). She says Bertram would simply have her “serve him,” taking her roses and leaving her with the thorns of barrenness, an image of a fruitless union (4.2.17–19). Finally, she informs Bertram, who cannot distinguish the authentic from the dissembling, that a multitude of oaths does not make them true; a plain single oath, vowed true, is worth more (4.2.23–25). This disjunction makes his many vows worthless—like contracts without the validating “seal”:

Therefore your oaths  
Are words and poor *conditions* but *unseal’d*.  
(emphasis mine; 4.2.29–30).

The purpose of the bed-trick is to help Helena gain access to Bertram’s bed, secure his ring, and conceive his son, a purpose that will—under Bertram’s own conditions—validate their marriage contract. The child conceived by the trick will in effect “seal” a contract that has lain inchoate.

Diana’s image of the contractual seal, which leaves an impression or imprint, is similar to the images of man’s own creation by God, and of the father’s imprint on his child.<sup>23</sup> After explaining her “honour” (chastity) to be a “ring” of equivalent value to Bertram’s “hon-

our” (legacy, 4.2.45–51)—a comparison lost on the young lord—she secures his ring in exchange for her own (4.2.55–66). Bertram’s offenses are doubled here, as they extend to both self and posterity. But upon conquering the “maiden bed,” he will receive another ring, one that—unbeknownst to Bertram—signifies the King’s surety of Helena. Speaking as Helena’s proxy, Diana tells him he has “won / A wife of me, though there my hope be done” (4.2.64–65).

Helena’s hopes are indeed “done” in the satisfaction of the contract, for it is she who meets Bertram and consummates the marriage.<sup>24</sup> In this achievement, she also satisfies Bertram’s conditions to prove her worth—conceiving his child and winning his ring, the legacy of honor he had meant to squander in fulfillment of his lust. The act intended to flesh his will, through Helena’s agency, actually enfleshes his posterity. For in a bounty of graces to come, Bertram will receive not only the honorable Helena, but will also retrieve the emblem of his legacy in the form of the ring, and the assurance of that legacy’s succession in the form of his child.

But before the achievement of this resolution, Helena must prove the contract. And when Bertram comes to court, that contract is in grave jeopardy. Helena is thought dead, and Bertram is about to enter into another marriage with LaFew’s daughter, Maudlin (5.3.68). In short, Bertram’s characteristic duplicity is about to infringe upon rights that are exclusively Helena’s.<sup>25</sup> She will have to prevent that infringement by her proof, which converges upon the rings. For at this point the significance of the bands has changed; according to Bertram’s own terms, the bands are now fused with the marriage through consummation.

For most of the scene, Bertram flounders in the chaos he has wrought. Ownership is confused: what was Helena’s seems to have been taken from her: “Had you that craft to reave her / Of what should stead her most” (5.3.86–87); what was Diana’s seems to have been denied: “He stole from Florence, taking no leave, and I follow him to his country for justice” (5.3.142–44). Bertram seems to have

bartered away all legacies, his own and those of others, in service to his will. His mendacity only draws him in deeper. Parolles testifies Bertram loved in the way that all gentlemen love: “he lov’d her, sir, and lov’d her not” (5.3.245). Bertram has no “deeds” to gain the friendship of the King’s thoughts (5.3.182–83). Death threatens:

Unless thou tell’st me where thou hadst this ring  
Thou diest within this hour. (5.3.277–78)

Of course, Bertram cannot tell because he does not know. His deliverer possesses that knowledge, the “surety” (5.3.291) for the ring who will redeem both Bertram and Diana. Bertram’s hope is resurrected when Diana sends for the “jeweler that owes the ring”: “Dead though she be she feels her young one kick” (5.3.290, 296). Helena appears, bearing all that had seemed lost, and redeeming all that had seemed wasted. Ring, writing, witnesses, and child, all testify to the validity of a claim she has won, not once, but twice:

O my good lord, when I was like this maid,  
I found you wondrous kind. There is your ring,  
And, look you, here’s your letter. This it says:  
*When from my finger you can get this ring  
And are by me with child, et cetera.* This is done;  
Will you be mine now you are doubly won?  
(emphasis mine; 5.3.303–8)

After the contract is proved, the play ends with anticipating the delivery of a child to Bertram, which signals unity and prospects for the future. This is an orientation wholly different from that at the play’s beginning, where the metaphoric “delivery” of a child—Bertram himself—signals separation and death.

Several times the play’s action seems to be done. For example, the King announces “All is whole” just as the contract and its parties are farthest from resolution (5.3.37). Even though Helena has put forth her proofs, Bertram must confirm their union. The disruption has

caused a rift, a quasi-state that challenges reality. Diana, speaking in Helena's behalf, explains the gravity of Bertram's unfaithfulness:

If you shall marry  
 You give away this hand and that is mine,  
 You give away heaven's vows and those are mine,  
 You give away myself which is known mine;  
 For I by vow am so embodied yours  
 That she which marries you must marry me—  
 Either both or none. (5.3.168–74)

Until the "titled" Bertram claims her, the proven Helena says she is "but the shadow of a wife you see, / The name and not the thing" (5.3.301–2). Bertram then promises to love her, awaiting the proof of her deeds (5.3.310). In effect, Helena awaits Bertram's acceptance of her suit, just as the Epilogue—in a metadramatic turn that itself rests upon the theme of debts, obligations, and marriage—says the players' "ends" await the acceptance of the audience, by the lending of their "hands," and the taking of "our hearts" (emphasis mine; Epilogue 1–6).

At play's end, the disjunction that existed in the marital contract has been remedied by legal means, ones that have themselves been frustrated, or only partly realized, for most of the play. Unfulfilled "legacies," incomplete "deeds," dispossessed "titles," are all brought to fruition by Helena, who both wins the object of her affection, Bertram, and overcomes his objections to their union. Bertram has wanted the privileges of marriage without the estate, the "great prerogative and rite of love" without acknowledging the "lawful right" Helena has to him, and he to her. Shakespeare plays on that problem in this work, where "rites" establish "rights," and "deeds"—even those accomplished in the dark of night, under strange circumstances—establish "lawful deeds." In the process, the potential—Helena and Bertram's marriage, and Bertram's own honor—becomes the actual. And actuality in marriage is the very thing that the Christian Church was striving for in sixteenth-century Europe.

The contracts in *All's Well That Ends Well* reveal Shakespeare's skill at breathing life into the very devices by which he furthers and resolves his plots. In this play, the deficient contract is not just a static fact, a problem that supplies some necessary dramatic friction; instead, it becomes the instrument by which disjunction becomes union. This implies not only a role for the law in plot resolution, but also hints at some larger, thematic roles that the law can have in his works. In this play, a party's status changes vis-à-vis another by virtue of his doing some deed, of his saying some words. A careful, lawful balance of those things can effect a significant transformation, one with incumbent rights and duties born from entitlement. The discovery of that balance provides unity between both the characters in the play, and between the players and their audience.

### Notes

1. Spousals were of two kinds, *de praesenti* and *de futuro*. The latter, *de futuro*, was more akin to modern engagement promises: a future intention to marry. *De praesenti* contracts amounted to a full-fledged marriage. Although the vows might be later solemnized publicly, the marriage was a foregone conclusion.
2. Davies P. Harding, "Elizabethan Betrothals and Measure for Measure," *JEGP* 49 (1950): 139–48, 145 n.21.
3. James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1997), 552–53.
4. Session XXIV, cap. I. *De Reformatione Matrimoni*.
5. The core group of problem plays is *All's Well That Ends Well*, *Measure for Measure*, and *Troilus and Cressida*. Added to this list from time to time are *The Merchant of Venice*, *Timon of Athens*, *Much Ado About Nothing*, *Julius Caesar*, *Hamlet*, and *Antony and Cleopatra*. Of course, the catalog changes according to the particular critic's definition of the category itself. For an overview of the groupings, see Michael Jamieson's "The Problem Plays, 1920–1970: A Retrospect," in *Aspects of Shakespeare's Problem Plays; Articles Reprinted from Shakespeare Survey*, ed. Kenneth Muir and Stanley Wells (Cambridge: University Press, 1982).
6. G. K. Hunter, Introduction to *All's Well That Ends Well*, Arden edition, ed. G. K. Hunter (Walton-on-Thames, Surrey: Thomas Nelson and Sons, Ltd., 1997), xxv. All references are to this edition.
7. *Ibid.*, xxix.
8. Most scholarly interest in Shakespeare's contracts has centered on another problem play, *Measure for Measure*. An informative article is that of Margaret Scott, "Our City's

- Institutions: Some Further Reflections on the Marriage Contracts in *Measure for Measure*,” *ELH* 49 (1982): 790–804.
9. Some scholars claim that Shakespeare’s extensive use of the law in his plays proves that he had some legal training, or was even a lawyer during his “lost years.” But considering the litigious nature of the Elizabethan English, and considering Shakespeare’s own well-documented recourse to the court system, this position is not necessary to my argument. For an overview of the debate, see George W. Keeton, *Shakespeare’s Legal and Political Background* (London: Sir Isaac Pitman & Sons, Limited, 1967).
  10. According to legal historians Clarkson and Warren, although a guardian could not compel the ward to marry, if he tendered a suitable marriage, i.e., one of equal station in life, the ward could refuse only at peril of losing the lord’s support. If the ward married without the lord’s permission, there were sharp pecuniary punishments. P. S. Clarkson and C. T. Warren, *The Law of Property in Shakespeare and Elizabethan Drama* (Baltimore: Johns Hopkins University Press, 1942), 31. In addition to the wardship bond between the King and Bertram, the authors conclude that the Countess has this relationship vis-à-vis Helena (281). Shakespeare’s patron, the Earl of Southampton, was under a wardship arrangement, and the playwright could have gained an understanding of such problems by being privy to them.
  11. Robert G. Hunter, *Shakespeare and the Comedy of Forgiveness* (New York: Columbia University Press, 1965), 118.
  12. After performing his “business” with Diana (actually, Helena), he fears to “hear of it hereafter” (4.3.93–94), i.e., fears she will become pregnant. In this, frigidity and lust are equally set against procreation.
  13. Peggy Muñoz Simonds suggests Erasmus’ colloquy, “Proci et Puellae,” or “The Wooer and the Maiden,” as a possible source for the virginity debate. It concerns the value of virginity in itself, and the necessity of losing it in a fruitful marriage. It is the maiden who makes the case for marriage, seeking a changed relationship rather than a temporary union. “Sacred and Sexual Motifs in *All’s Well That Ends Well*,” *Renaissance Quarterly* 42 (1989): 33–59, p. 42. G. K. Hunter also makes reference to this colloquy in his edition of the play (9 n. 104–5).
  14. Clarkson and Warren observe that Shakespeare uses “fee” to convey the absolute nature of the estate. The authors go on to explain that in Shakespeare’s day, it would not have been sufficient to make a conveyance to a man “forever” or even “in fee simple.” Without the word “heirs” in the conveyance, the estate conveyed was limited to the life of the grantee (52). Thus, when “fee” is used in *All’s Well That Ends Well*, in which themes of legacy, inheritance, and generation are threatened, the word has particular significance.
  15. Legal critics question whether Bertram could not refuse to marry Helena on grounds that she is not of noble descent—as this would amount to “disparagement.” See O. Hood Phillips, *Shakespeare and the Lawyers* (London: Methuen, 1962), 134. But G. K. Hunter holds that “by the whole tenor of the play,” Shakespeare did not intend

for Bertram to have this excuse (53 n.53). The King shows that Helena is a worthy match in the true sense of "honor." And the King even makes Helena's monetary and honorific "worth" equal to Bertram's, which takes away the grounds for the objection. Also, Helena is careful to ask only for one of the vassals, who the King could freely give her, not one of royal blood. This suggests Shakespeare was aware of wardship's parameters.

16. Some critics object to Bertram's lack of choice. See R. B. Parker, "War and Sex in *All's Well That Ends Well*," *Shakespeare Survey* 37 (1984): 101. In fact, Bertram is free to refuse; he simply must bear the consequences. If he insists upon his freedom—that he is not obliged to marry Helena on the King's account—the King is likewise under no obligation to provide for Bertram any longer. The young lord will not bear these consequences, as principle is not his strong point; after his charade, he finances his trip to the wars with his wedding gift. It seems the King's wrath is not so fearsome that it will dissuade Bertram from gross disobedience, nor is the King's anger so lasting that he will not forgive Bertram in spite of it.
17. Simond's critique of the religious analogies in the scene adds a different kind of culpability to Bertram's behavior. To Renaissance Christians, marriage was analogous to the mystical union between Christ and his people, the Church. In Bertram's flight, he violates the sacred mystery of the covenant between God and man. The implied theological analogy would have been clear to a Renaissance audience: a count who refuses to give new life to his family and society—at the King's command, no less—is refusing to imitate Christ's promise to provide new life to the world (50–53).
18. See Clarkson and Warren, *Law of Property*, 113.
19. Bertram grants Helena what amounts to a "conditional fee" in himself. In early English law, grants of this sort were common, investing an individual with full rights to property only if he had "heirs of his body." See Sir Frederick Pollock and F. W. Maitland, *The History of English Law* (Cambridge: University Press, 1968) 2:18.
20. Some critics have alluded to Helena's similarity to the Virgin Mary, interceding for a sinner in the fashion of the old morality plays. G. K. Hunter differs, saying that such an equation is "too popish" to be probable (82 n.25–29). Robert Hunter answers with the fact that Helena takes a barefoot pilgrimage to St. James, an undertaking that is consummately "popish" (129–30).
21. Clarkson and Warren, *Law of Property*, 62, 132.
22. Clarkson and Warren explain that the law permitted a grantor to convey away an interest in land that, if retained by him, would be a reversion. If this interest were disposed of at the same time, and by the same conveyance as the smaller particular estate, it was called a "remainder," and the person holding such an interest was called a "remainder-man" (75–76).
23. The idea occurs in both *Measure for Measure*, with regard to Angelo's "forbidden stamps" (2.4.46), and in *A Midsummer Night's Dream*, where the value of a marriage partner is debated. Theseus warns Hermia she must obey her father's wishes because

- she owes her being to him. She is compared to a form in wax, and “by him *imprinted*” (1.1.49–50). *A Midsummer Night’s Dream*, Arden edition, ed. Harold Brooks (Walton-on-Thames, Surrey: Thomas Nelson and Sons, Ltd., 1997).
24. Objections to the propriety of the bed-trick include G. K. Hunter’s, who finds it “irrelevant and tasteless” (xliv). However, Simonds argues that the bed-trick is a respectable convention in Judeo-Christian literary history, having precedence in Genesis 38, where Tamar tricks Judah into sleeping with her to ensure that he fulfills his duty to provide Israel with an heir. She also refers to bed-tricks in the Arthurian cycle, notably those that lead to the birth of Galahad and Arthur. The bed-trick, says Simonds, was meant to be seen as necessary, not immoral, since “certain children must be born into the world” (55–56). William Toole makes a similar comment as to the theological precedent for deceit in crucial circumstances. He notes that, according to Gregory of Nyssa, God deceived Satan by taking human form to ransom mankind. *Shakespeare’s Problem Plays* (The Hague: Mouton and Co., 1966), 151–54.
25. In Shakespeare’s day, bridegrooms often gave a bond to guarantee that no pre-contract existed, a fact that is pertinent to Bertram’s situation. Shakespeare gave one upon his marriage to Anne Hathaway. See Sir Arthur Underhill, “Shakespeare’s Law” in *Shakespeare’s England* (Oxford: Clarendon Press, 1916), 408.