Elizabeth Cary's Female Trinity: Breaking Custom with Mosaic Law in *The Tragedy of Mariam*

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In Act One, scene three of Elizabeth Cary's *The Tragedy of Mariam*, Salome takes a stand. Unlike other women in the play to whom, I will argue, she is linked by the inequity of Mosaic law, Salome resolves to appropriate the law and claim divorce as a female right: "I'll be the custom-breaker: and begin / To show my sex the way to freedom's door, / And with an off'ring will I purge my sin; / The law was made for none but who are poor."¹ With these words, Salome conceives of a revolution that would free, as she puts it, the play's female characters.² For she is not alone in her marital unhappiness, nor is she the only female character to come face-to-face with Mosaic law. Doris, wife to Herod prior to Mariam, suffers the humiliations attendant on wives who have been divorced by husbands arbitrarily. And Mariam, who hates her husband, has no recourse against him, no way to separate from him that will allow her to retain her prized virtue. In its depiction of these three women's experience of marriage, the play reveals an ideal performance of wifely duty as an ideological construction that depends on fictive rewards and punishments. The stability that humanists such as Juan Luis Vives hope to guarantee women who perform that ideal consequently becomes impossible to guarantee: Salome's lack of, and contempt for, virtue goes unpunished; virtue fails to win Mariam honor, fails, in fact, to guarantee her life; and Doris' virtue and devotion to Herod fail to guarantee her security as a wife. Thus, life, death, and divorce are divided from punishment, and we are asked to view these harsh outcomes as unpredictable and unjust.³ Because for Salome "shame is gone, and honour wip'd away" (1.3.293), a space opens in which she can imagine

divorcing a husband she no longer loves, usurping for herself powers that belong only to men.⁴

Cary's Judaic Palestine resembles early modern England insofar as English common law granted legal rights to husbands that it did not officially grant to wives, and those rights granted to husbands gave them significant economic powers over their wives. The result was a system in which husbands' potential abuse of their legal rights might place wives in vulnerable positions. Cary's Mosaic law, therefore, stands in for Renaissance English marriage law. While both Doris and Mariam are abandoned by Herod, Salome faces a different dilemma. Her marriage to Constabarus stands in the way of her wish to marry the Arabian prince, Silleus. Challenged by what she sees as an unequal distribution of legal rights that tie her unwillingly to a man she no longer loves, Salome rebels against laws she finds lacking in logic and justice. Locating the inequity between men and women in Mosaic law that bars women from divorcing their husbands while allowing husbands to divorce their wives, Salome rejects the constraints placed upon her as a married woman and seizes the opportunity of legal indeterminacy created by Herod's presumed death to inform Constabarus, "Thou shalt no hour longer call me wife, / Thy jealousy procures my hate so deep: / That I from thee do mean to free my life, / By a divorcing bill before I sleep" (1.6.417–20).⁵

Of course, Salome's arrogation of power makes her masculine in Constabarus's eyes, turning his "world . . . topsy-turvèd quite" (1.6.424). He expresses the conventional masculine anxieties of the early modern period about female nature, reaffirming as natural a sex-gender system that putatively guarantees systems of power and inheritance. But because women's sexual natures are often seen by men as uncontrollable, such a guarantee is illusory. While the play stages masculine anxieties in their full force in Constabarus's rage at Salome and in Herod's execution of Mariam for what he believes is her adultery and concomitant treason against him, it also dramatizes the profound costs to married women in a legal system that does not represent them. In so doing, the play rejects male views such as those of Constabarus.⁶ Thus, giving voice to women who suffer the brunt of masculine anxieties, *The Tragedy of Mariam* privileges what I will call "feminine anxieties" in its depiction of all the female characters, espe-

cially in the trinity of Mariam, Doris, and Salome. By depicting women who defy convention, the play stages women's multiple perspectives on, reactions against, and appropriations of patrilineal systems of law, custom, and power.⁷ Doris is both justifiably angry and determined in her hatred of Mariam. Mariam is both innocent of Herod's accusations and guilty of hubris. Salome completes the triangle of complex and contradictory female characters in her simultaneous attempt to choose affection over duty and her brutal deployment of systems of law and power. Together, the three women expose the callous and one-sided nature of the law and identify the material basis for feminine anxieties.⁸ Rather than offering us a single, unqualified response to the tyranny of Herod and Mosaic law, Cary offers us a range of experiences and responses, all of which contribute to the stories of early modern women's lives. In this way, the play presents a complex, three-tiered approach to women's perceptions of law and marriage. I emphasize as equal the roles of Mariam, Doris, and Salome under Mosaic law in uncovering feminine anxieties staged in *The Tragedy of Mariam*, a drama that replays and resists early modern cultural and juridical policies of inequities between husbands and wives and privileges women's experiences.⁹

The inequity of Mosaic law, then, forms the basis for feminine anxieties in the play and resonates within early modern English systems of marriage law. Salome's understanding of the way these systems of power work against women makes her the one who most forcefully states the injustice for women in a legal system that "is hostile to [their] interests" and that expects of them uncompromising obedience.¹⁰ Salome explains Mosaic law to her lover, Silleus:

In this our land we have an ancient use,
Permitted first by our law-giver's head:
Who hates his wife, though for no just abuse,
May with a bill divorce her from his bed.
But in this custom, women are not free,
Yet I for once will wrest it. . . .

(1.5.333–8)

Mariam agrees with Salome's definition of Mosaic law, asking Doris when she is accused of adultery, "Did not Moses say, / That he that being match'd did deadly hate: / Might by permission put his wife away, / And take a more belov'd to be his mate?" (4.8.587–90). As Shari Zimmerman points out, Doris's response to Mariam is a "deceptively simple question, 'What did he hate me for?'"¹¹ While husbands have recourse against wives they no longer love, not only to divorce those wives but to remarry and raise subsequent families, wives enjoy no similar right. In fact, under Mosaic law abandoned wives and children live in poverty, without legal rights and economic security. Antipater, Herod and Doris's son, is disinherited, declared illegitimate, in effect, while Mariam and her children enjoy the economic and social security that was formerly theirs. Not unlike women in the period who appealed to the courts of Chancery and of Requests (equity courts—complementary to but separate from common law courts—that I will examine below), Salome appropriates existing laws for her own purposes to seek equity outside the law. In contrast to Doris, who only grieves and threatens revenge, and to Mariam, whose passive aggression animates her husband's violence, Salome acts to change her life.¹²

A growing number of studies have shed light on the ubiquitous masculine anxieties of the period. Mark Breitenberg's *Anxious Masculinity in Early Modern England* defines the condition as simultaneously "a signifier of cultural tensions and contradictions, but also as an enabling condition of male subjectivity in early modern patriarchal culture."¹³ For Breitenberg, anxiety is both produced by and produces patriarchy, and the term must be "wed" to masculinity because "those individuals whose identities are formed by the assumption of their own privilege must also have incorporated varying degrees of anxiety about the preservation or potential loss of that privilege."¹⁴ Anxiety attaches itself to masculine gender through social privilege and construction, not as a biological imperative, but as an effect of pressures and constraints specific to men in the period. My interest in feminine anxiety borrows from Breitenberg to read the masculine anxieties he studies as productive of and reciprocal with feminine anxieties. Breitenberg argues that "in the repetition or staging of anxiety men compensate for an anticipated danger that derives from the very patriarchal system in which they are engendered as subjects in the first place."¹⁵ This formation of mas-

culine anxiety perpetually replicates itself as a mode of social and political regeneration and (re)stability, and the anticipation of danger actually produces that which is feared. Indeed, anxiety, as Breitenberg explains, "may be seen as the result of projecting one's own mental constructions onto the world or onto another person and then mistaking them as objectively true."¹⁶ Masculine anxieties, then, may have to do with illusory fears, with haunting specters rather than with concrete threats.¹⁷

Breitenberg's use of the term "anxiety" confronts the phantasmatic nature of masculine anxieties in early modern drama and points to the formative relationship of power to gender. The threat that women pose for men is really a fantasy born out of the competitions for preferment and power in which men must engage. In this regard, I wish to underscore the actual power men have in contrast to the phantasmatic power men attribute to women to suggest that, contrary to masculine anxiety, what I am calling feminine anxiety is a response to the real threats arising out of masculine anxieties. In other words, what women have to be anxious about is the threat to their lives (often but not always a lethal threat) that can materialize when fathers, brothers, or husbands suspect them of inappropriate or adulterous behavior. I am particularly interested, then, in an exaggerated, even paranoid, tendency on the part of male characters to see harm where there is none (Herod's belief in Mariam's adultery and treason is a prime example) and to act against the female characters, often in violent ways. By contrast, women in these same plays feel anxiety born of men's violence against them, and therefore their anxiety—as opposed to that of the men—is of a concrete and material kind. Feminine anxiety, in this regard, is not a *projection* of women's mental constructions onto the world or another person or a *mistaking* of them as objectively true, but is instead a valid response to their domestic, legal, and political constraints. Thus feminine anxieties, like masculine anxieties, are a gendered response to a chaotic and unpredictable system of authority that depends on chaste female bodies for an imaginary stability. Masculine and feminine anxieties, in this regard, depend on an uneasy and conflicting dialectical reciprocity.

The Tragedy of Mariam portrays the right to authority claimed by men within a patrilineal structure and varied forms of resistance to that authority by women. The potential brutality of the system is embodied

in Herod, whose rule is based on violent usurpation and exploitation of Mosaic law. That Salome's rebellion imitates the violence and exploitation of her brother should not be a surprise, for if power is a violent attribute that in the early modern period is gendered masculine—that is if, as was believed, power is handed down in a patrilineal succession from God, to King, to Man—then we must expect women who take power to behave like men.¹⁸ As Judith Butler argues,

Assuming power is not a straightforward task of taking power from one place, transferring it intact, and then and there making it one's own; the act of appropriation may involve an alteration of power such that the power assumed or appropriated works against the power that made that assumption possible. Where conditions of subordination make possible the assumption of power, the power assumed remains tied to those conditions, but in an ambivalent way; in fact, the power assumed may at once retain and resist that subordination. This conclusion is not to be thought of as (a) a resistance that is *really* a recuperation of power or (b) a recuperation that is *really* a resistance. It is both at once, and this ambivalence forms the bind of agency.¹⁹

I argue that Salome's ability to conceive of divorce (or "freedom," as she terms it 1.4.310) as a way to separate from her husbands resembles the agency Butler proposes. The cultural custom and law in place both restrict and enable Salome's act, so that she simultaneously resists and reproduces structures of power in place prior to her desire for liberty. Cary's play, in this respect, offers an alternative not to systems of patrilineal control, but to the representation of female characters, to orthodox notions of female nature, and to the socio-political and naturalized hierarchy of power descending, from God, to King, to Man. As Robert Filmer explains it, "If we compare the natural rights of a father with those of a king, we find them all one, without any difference at all, but only in the Latitude or Extent of them: as the Father over one Family so the King as Father over many Families extends his care to preserve, feed, clothe, instruct, and defend the whole Commonwealth."²⁰ The anonymous author of *An Homilie Against Disobedience and Willful Rebellion* agrees: "[God] not onely ordayned that in families and households the wife shoulde be obedient unto her hus-

bande, the children unto their parentes, the servantes unto their masters, but also, when mankinde increased and spread it selfe more larglie over the worlde, he by his holy worde dyd constitute and ordain in cities and countries severall and speciall governours and rulers, unto whom the residue of his people should be obedient."²¹ This patrilineal religious and political order, animated by the rebellion of angels against God, forms the crux of early modern political and domestic theory.²² It also informs, I will argue below, Salome's mode of agency, for when she decides what she wants, she imitates Herod, the play's primary agent and authority figure. The only way for a woman to overcome her anxieties, therefore, is to act, and to act—in this play—is to act ruthlessly.

Thus the play's staging of feminine anxieties interrogates early modern political, domestic, and moral order. When Cary writes a play whose wives struggle with and call into question their obedience to their husbands and their relationship to marriage law, and when one of these husbands is a king and a tyrant—largely because of his misuse of marriage law—Cary launches a simultaneous critique against orthodox forms of marriage and monarchy, for the absolute authority of kings and husbands makes of both institutions a tyranny against which married women have little recourse.²³ As Rebecca Bushnell has argued, on the Renaissance stage "[t]he tyrant figures a kind of improper authority figure that makes authority itself problematic, at the same time that the tyrant is destroyed to reestablish legitimate sovereignty."²⁴ While legitimate rule is not restored in Cary's play—Herod's reign is always portrayed as usurpation—the tyrant is destroyed by and lives to regret his own tyranny. In this sense, Cary's play underscores the problematic nature of authority by allowing the authority figure to condemn his use of that authority. What Herod regrets, of course, is his execution of his wife. His tyranny, therefore, is linked to his roles both as husband and as monarch.²⁵

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As many feminist scholars have noted, early modern conduct manuals and legal documents demonstrate masculine anxieties about female sexual nature and reflect early modern concerns that, in their emphasis

on women's obedience to men, disclose men's dependence on women for honor.²⁶ I want to look at a series of documents from the period—written by both men and women—to set up a history of feminine anxiety in which Cary's play participates and which may help illuminate early modern women's history in relation to law and marriage. Together, men's and women's texts map the material instability of wives. They show that the laws on divorce—even post-Reformation—and women's position in marriage changed very little from Vives's *The Instruction of a Christen Woman* (1523) to *The Law's Resolutions of Women's Rights* (1632). While *The Law's Resolutions* is written much later than either Vives's *Instruction* or Cary's play, it makes official for and available to women laws that were in effect throughout the sixteenth century. The date of this text, then, is less important than what it provides to us as an official account of laws relevant to women, especially those having to do with coverture and marriage. Together, *The Law's Resolutions* and Vives's curriculum emphasizing virtue act as bookends, revealing themselves to be culturally bound and implicated in the religious and political views on monarchical and domestic harmony found in *An Homilie Against Disobedience and Willful Rebellion* (1570) and Filmer's *Patriarchia, or The Natural Power of Kings* (1616), which together span nearly the same period. The texts—some written for women to understand their private role and some written for men to understand their public role—overlap and intersect on numerous points having to do with the family and state structure that are relevant to and throw light on *The Tragedy of Mariam*. I hope that reading these texts alongside others written by women over the same period will provide a vision, though partial, of married women's legal and social position in the period.

While the view of women Vives holds is as old as Genesis, his particular version, inflected with humanist interests in education, makes it a relevant starting point for thinking about the status of women in early modern England. His juxtaposition of education and chastity with obedience and state authority lays out the contradictory role of women in the period and the stakes for both sexes in marriage. There are repeated links among education, chastity and obedience, and state authority in all the texts I read below, as well as in Cary's play. *The Law's Resolutions* docu-

ments the complicated lack of rights afforded women under common law, regardless of humanist ideals, and in this text, the tie between women's legal rights and religious and monarchical authority resurfaces, showing that women's social position and state power cannot be separated. Despite the law's absolutist basis, common law could be circumvented through equity courts, so that opportunities arose for women to manipulate the law, to appropriate what Tim Stretton calls its "flexibility" in equity court jurisdictions, in ways we might compare to Salome's appropriation of Mosaic law as a way to claim divorce for herself and other women.²⁷ In dialogue with the well known cultural and social customs and practices of these texts, Cary's play becomes part of women's history in England, contributing to our vision of the complexity of women's relationships to cultural ideologies and material laws.

In *The Instruction of a Christen Woman*, Juan Luis Vives argues that "chastyte is the principall vertue of a Woman."²⁸ Devoid of the "perle" of her virginity and consequently diminished in "pryce," a woman whose reputation is in question faces absolute alienation from everyone she knows and, therefore, loss of emotional and economic security.²⁹ But more than that, Vives describes graphically how "fathers have cut the throtes of theyr doughters, bretherne of theyr systers, and kynnesmen of theyr kinnes women." In one description, a family "shutte [a daughter] up in a stable with a wylde horse, kepte meateles." A woman is stabbed by brothers after giving birth to an illegitimate child, and another is strangled by her female friends.³⁰ While Vives does not actually say that parents, brothers, and friends ought to murder guilty young women, his stories affirm the violence of masculine anxieties about female sexuality and chastity because he makes it clear that such violence is not a "marvail ... that the affection of love and charite is turned so sodeaynely to hate."³¹

The link between women's subjection to men and to both their faith in God and their obedience and loyalty to the monarch in *An Homilie Against Disobedience and Willful Rebellion* makes disobedience tantamount to blasphemy and treason, so that "such subjectes as are disobedient or rebellious against their princes disobey God and procure their owne damnation."³² Once women become rebellious subjects, what Leontes in *The Winter's Tale* calls "revolted wives,"³³ Vives assures them that "All thy

country folks, all ryghtes and lawes, thy countrey it selfe, thy parentes, all thy kyns folke and thyn husbande hym selfe shall damne and punissh thee: All mighty god wyll avenge moste rygorously his majeste so displeased and offended of the."³⁴ These texts work to define the place of wives in relation to husbands as congruent with the subject's relationship to the king in ways that resonate with Cary's play. As Herod's fury over Mariam's behavior attests, obedience on the part of wives signifies an ordered society, secure in its lines of authority, while disobedient wives signify a world disordered: chaos not only at home but in the realm.

To legitimize an ordered society, law in England—like Mosaic law in Cary's play—connects to religious dogma. *The Law's Resolutions of Women's Rights* invokes Eve's sin as that which brought women into subjection. Eve "because she had helped to seduce her husband hath inflicted on her an especiall bane. *In sorrow shalt thou bring forth thy children, thy desires shall be subject to thy husband, and he shall rule over thee.* See here the reason of that which I touched before, that Women have no voyce in Parliament, They make no Lawes, they consent to none, they abrogate none."³⁵ Perpetually paying for the sin of Eve, women have no public place, no legal voice. The religious narrative invokes a concrete origin for coverture that is as flimsy and mythical as the stability of the order itself. But the law makes fact out of fiction, limiting women's rights on a day to day basis. "Section ix, *That which the Wife hath is the Husbands*" confirms that "[f]or thus it is, If before Marriage the Woman were possessed of Horses, Neate, Sheepe, Corne, Wool, Money, Plate, and Jewels, all manner of moveable substance is presently by coniunction the husbands, to sell, keepe, or bequeath if he die: And though he bequeath them not, yet are they the Husbands Executors and not the wives which brought them to her Husband."³⁶ In this acute lack of proprietorial interests and legal standing, women cannot even file charges against husbands who beat them: "if a man beat an outlaw, a traitor, a Pagan, his villein, or his wife, it is dispunishable, because by the Law Common these persons can have no action."³⁷ On the same level legally as traitors, pagans, and servants under common law, hemmed in by threats such as those Vives obliquely makes, and ill-positioned for acts of self-rule, the wife who displeased her husband was especially vulnerable in the world.³⁸

But what of women who offended neither family nor husband? What were the guarantees that a woman who fulfilled Vives's ideals would receive the love and honor he promises or would never need to worry about property or money? Renaissance husbands' economic and emotional negligence did not seem to be as reliably attached to their wives' disobedience and loss of chastity as early modern moralists would have women believe. The cases of Elizabeth Stafford Howard, Duchess of Norfolk, Margaret Cuninghame, and Elizabeth Bourne, real women who were abandoned by their husbands, suggest some answers. These three women's stories dovetail with the marital experiences of the three female characters I examine in Cary's play because Norfolk, Cuninghame, and Bourne struggled with the financial, social, and emotional consequences of being married to men who abused and abandoned them. And, like Cary's women, these women's responses to their husbands' abandonment is varied: Cuninghame complains in a diary, Norfolk petitions for redress in letters (as Cary herself is driven to do in the 1620s), and Bourne seeks a divorce. These three real women's narratives of marital betrayal demonstrate the rhetorical power women could achieve through writing letters and diaries, recording their complaints and perceived injustices. While there are many other cases to consider, these three resonate with the "cases" of Mariam, Doris, and Salome and illuminate both the fact of married women's constraints and their defiance of those constraints.

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Elizabeth Stafford Howard, Duchess of Norfolk, was imprisoned by her husband, Thomas Howard, third duke of Norfolk, when she objected to his bringing his mistress, Bess Holland, into her house. The unhappiness of the married couple became quite a scandal, as Betty Travitsky and Anne Lake Prescott note, primarily because the duchess wrote frequent and detailed letters to Thomas Cromwell, chief minister for Henry VIII, begging him to force her husband to increase her allowance.³⁹ In particular, her letters testify to what she felt was distress caused by her husband's neglect. On June 26, 1537, she wrote, "For if the King's Grace granteth my daughter of Richmond her jointure (which he had never a penny for at her

marriage) . . . [my lord my husband] will not let me have the remainder of my jointure . . . though my lord, my father, paid two thousand marks with me with other great charges, . . . which my lord my husband hath forgotten now he hath so much wealth and honors and is so far in doting with that quean [Bess Holland] that he neither regardeth God nor his honor.”⁴⁰ The Duchess was shocked that her careful performance of wifely duty had not roused in her husband some form of loyalty and respect: “I have always lived like a good woman!” she lamented, “And here is poor reward I have in my latter days for my well doing!” (43). The letter compellingly testifies to a competition between mother and daughter created by Norfolk’s abandonment. Evidently, the payment of her daughter’s jointure canceled out the Duchess’s ability to lay claim to her own, so that neither mother nor daughter had the assurance of money legally due them. The Duchess’s complaint reads much like that of Cary’s Doris, who rejects Herod’s grounds for divorce on the basis of her virtue and fertility. Neither the Duchess’s goodness nor her obedience to Norfolk won her favor from her husband and male relatives, so that Vives’s promises were unfulfilled. Like Cary’s Doris, the Duchess expresses both bewilderment and outrage at a system that had betrayed her.

Also suffering financial and emotional abandonment, Margaret Cuninghame recorded her marital experiences from 1598–1608 in “A Part of the Life of Lady Margaret Cuninghame, Daughter of the Earl of Glencairn, that she had with her first Husband, the Master of Evandale, *The just and true Account thereof, as it was at first written with her own hand.*”⁴¹ The author demonstrates the insecurity and contingency of a woman’s position in marriage, so that a husband’s treatment of his wife becomes a product of arbitrary and overwhelming pressures that cannot be predicted or adequately explained. Margaret Cuninghame’s account of her marriage to Sir James Hamilton, the Master of Evandale, focuses on her husband’s unwillingness to support her financially despite the birth of children, and attempts by her father to persuade him of his marital responsibilities. While the couple were married in 1598, it was not until 1601 that they lived together as husband and wife. She writes that, when she finally joined her husband, she “was boarded in a hostler house, while the next May following, and then I rode again to my Lord my father, being

great with bairn: and I bore with his Lordship my eldest son James, on 4th of July, and I remained with his Lordship till the next February. Then I rode home to Evandale again, and was boarded in a hostler house six weeks, and then they would furnish me no longer, because they got evil payment. So then I was destitute, and I requested my goodfather and goodmother to deal with my husband to give me some reasonable money to live upon. . . ."⁴² She traveled back and forth between her parents' home and various hostler houses where her husband boarded her without paying for her board. She was evicted from these hostler houses, gave birth to five children, and finally separated from her husband in 1608.

Cuninghame seems to imply that Hamilton treated her with particular and willful contempt, for there was a brief period of time in 1604 when for a quarter of a year "he took [her] home to Evandale, where [she] remained with him, very lovingly used by him." But this idyll was interrupted by her husband's return to his former bad temper. He abandoned Cuninghame once more, "put[ting] both [my gentlewoman] and me forth of his house naked, and would not suffer us to put on our clothes, but said he would strike both our backs in two with a sword."⁴³ His brief affection was portrayed as a stark and lonely alternative to his abuse; he could not be constrained either by law or by family and friends to maintain a stable home for his family. Cuninghame's chronicle of her husband's chaotic and brutal behavior resembles Mariam's complaints against Herod, who threatens her with violence. The humiliation Cuninghame experienced, when evicted from hostler houses, when her husband sent her out of doors without her clothes, and when he ignored the birth of their children, forms a narrative that emphasizes the ultimate instability of women's lives in an institution that is supposed to guarantee stability.⁴⁴ Cuninghame was forced to depend on the benevolence of her parents, who came to her rescue on a number of occasions, but her marriage to him continued until the final break in 1608. Her apparent obedience and malleability did nothing to endear her to him, proving how false are the guarantees of love and honor promised to women by moralists such as Vives.

Finally, in another case that exceeds the limits of a complaint or a diary, Elizabeth Bourne filed a document on December 6, 1582, to be read by Sir Julius Caesar, who was an Admiralty judge, a Master of Requests

and, later, Master of the Rolls in the Court of Chancery.⁴⁵ In her complaint, Bourne asks for permission from the Privy Council to divorce her husband, Anthony, for his refusal to live with her, his continual adultery, his financial negligence, and his threats against her life. "Mr. Bourne," she alleges, was "in breach of his holy vowes of chast matrimonie; and hath lived, and still continueth in open sinne and shame with harlots, to the ruinne and spoile of himselfe, mee, and my children."⁴⁶ Bourne's complaint asks formally for the right to divorce her husband, a man whose philandering brought her humiliation, poverty, threats from hired assassins, and the threat of the pox. Like Salome, Bourne claims a right to divorce her husband, despite the law's clear bias against her.

The significance of Bourne's request cannot be overestimated. Sixteenth-century English common law did not allow wives to divorce their husbands; in fact, under common law married women had few legal rights. Bourne's self-assurance in her document, however, speaks to both her desperation and her sense of entitlement, so that it cannot be said with any comfort that married women's official legal powerlessness automatically bred in them a sense of victimization or inaction. In fact, as several historians have shown, wives sued their husbands for separation from bed and board relatively frequently in Ecclesiastical courts and also for financial independence in equity courts. Moreover, suing for slander or defamation often gave women a route to public speech.⁴⁷ Thus, there existed a gap between theory and practice of law in early modern England that both limited and licensed women's voices.⁴⁸ Bourne's chief complaint against her husband—that he engaged continually in adultery with harlots, evaded his economic responsibilities, and repeatedly threatened her life—demonstrates her sense of the justice of her complaint and of her right to seek an utter divorce from him. The legal restrictions she faced are evident in her request, but they did not stop her from attempting to free herself from a man who tormented her life for sixteen years.

The law in early modern England was complex, governed by several court systems, including Ecclesiastical, Equity, Custom, and Common law, all of which might have some jurisdiction on the subject of marriage and divorce.⁴⁹ According to Laura Gowing, "England emerged from the Reformation with a uniquely unreformed canon law on marriage: while

Protestant states in Europe were moving towards separations which allowed at least the innocent party to remarry, England's church courts remained empowered to do no more than grant judicial separations, 'from bed and board.' Such separations allowed couples to live apart, but precluded remarriage by either party, guilty or innocent."⁵⁰ Maria Cioni, Amy Erickson, Tim Stretton, and Gowing have shown that when it came to real applications of the law, women of all classes made use of various court systems, bringing cases of libel, slander, and defamation, litigating for the right to separate property, and suing their husbands for legal separation and divorce, citing violent cruelty and adultery.⁵¹ Ecclesiastical courts could be used to enforce moral behavior, in particular sexual propriety, and allowed women to sue in their own name.⁵² Equity courts (such as the court of Requests and Chancery) were a venue for seeking relief outside common and ecclesiastical law. Stretton explains that the Masters (such as Sir Julius Caesar) viewed equity as a remedy to the inflexibility of rules of law, focusing on the individual needs of parties.⁵³ As a result, while married women did not officially have legal rights, there were courts sympathetic to their property disputes, the settlement of estates, and legal protection after legal separations won in the Church courts. Consequently, women could carve out a space to make their claims in systems of law, custom, and ideology that traditionally denied them such agency. In fact, equity courts worked precisely to allow women agency that they did not have under law, so that "equity" becomes literally that which is not found in law.⁵⁴ Legal remedies were available to women despite the apparently inflexible nature of English common law, and they took full advantage of a number of legal avenues for pursuing what they evidently saw as their right to equity and independence before the law.

Divorce, however, was a very difficult matter. The legal standards for a divorce suit brought by either husbands or wives were extremely high, involving proofs of impotence, precontract, consanguinity, affinity, or tender age for a divorce *a vinculo matrimonii*. And for a divorce *a mensa et thoro*, only proof of adultery, extreme cruelty, desertion, or bitter enmity could form a successful basis.⁵⁵ As both Stretton and Gowing agree, wives' claims of husbands' adultery were never enough for either a legal sentence or for granting separation. A wife had to couple her complaints of adultery with

something else, usually violent cruelty and financial abandonment.⁵⁶ Thus, Bourne accuses her husband of squandering her lands and money in order to maintain his mistress, and her accusation of adultery carries with it the accusations that he intended to infect her with syphilis and to murder her. When she refused to hand over her portion to finance his mistress, she writes, “he offered me the terror of his dagger, . . . with solemme othes vowed, hee would tearre the skinne off[f] my backe; if he might not, he would blow up mee and my house with gunpowder, but he would be revenged and rid of mee.” In Bourne’s case, according to Hill, “There was no ‘divorce’ as such—even a legal separation—but there was an interesting application of the P[rivy] C[ouncil]’s quasi-judicial authority which left her protected from her husband. . . .”⁵⁷ Bourne’s case is notable for her direct application to the Privy Council. As Greenberg shows, appeals to Parliament were effective because they were statutory, and “courts were bound to uphold them, even if they directly conflicted with common-law precedent.”⁵⁸

What we have, therefore, is a profoundly contradictory and unreliable set of laws and practices. It is my contention that married women’s precarious and unpredictable legal standing in relation to their husbands produced in them their own set of anxieties about their status under the law. Cary’s *The Tragedy of Mariam* reflects such anxieties, performing cultural and historical work that illuminates the experiences of women caught between contradictory socio-juridical liberties and constraints. Cary’s play dramatizes the anxieties to which women of the period might be subject, given their rank as daughters, wives, and widows, rankings that depended on women’s relationships to men. Cary’s portrayal of Doris’s nearly passive, though certainly vindictive, suffering, of Mariam’s verbally aggressive defiance of Herod’s authority, and of Salome’s active and unpunished pursuit of her desire, emphasizes the dynamic and plural nature of women’s responses to domestic and legal tyranny, responses that—like those of the angry, letter-writing Duchess of Norfolk, the record-keeping Margaret Cuninghame, and the divorce-seeking Elizabeth Bourne—were produced by the legal and social pressures that women were forced to negotiate.⁵⁹

Cary's *The Tragedy of Mariam* dramatizes the reciprocal nature of masculine and feminine anxieties when Herod's outrage at Mariam's rebellion against him in Act Four forces her to depend on him for her life.⁶⁰ When she coldly greets Herod, resists a happy reunion with him upon his return to Palestine, and refuses to accept his claim to grief over her brother's death, Mariam refuses to guarantee unconditionally her husband's desire. Herod's ambition leads him to execute those who threaten his legitimate right to the throne and to divorce women he no longer finds useful. In response to her resistance, he threatens Mariam obliquely: "By Heav'n, you vex me, build not on my love" (4.3.147).⁶¹ But Mariam denies him the greeting that he desires and that she owes him as wife and subject when she retorts, "I will not build on so unstable ground" (148).⁶² Neither his growing displeasure nor his threats of punishment succeed in changing her position, so that her disobedience makes her a rebellious wife and subject. As Vives enjoins, there are two virtues of a wife, "chastite and great love towarde her husbände."⁶³ Men's requirement that women hold these complementary virtues leads Vives to argue that "all loves and charites" are broken by the loss of chastity, so that transgression of one virtue throws the others into doubt.⁶⁴ And once chastity is questioned, a woman becomes a traitor: "What greater offense canne [women] do: ... that destroye theyr country and perisshe all lawes and justice, and mourther their fathers and mothers, and fynally defile and marre all thynges both spirituall and temporall?"⁶⁵ According to Vives, Mariam's rebellion calls into question all her virtues and subjects her to the scrutiny of both the state and her husband.⁶⁶

Thus, Mariam's rejection of Herod as a husband becomes in his mind a revolt threatening the purity of his line, his life, and his throne. Like the Duchess, whose letters to the king enraged her male relatives and made them fear for their own security at court, Mariam threatens Herod's stability as a king.⁶⁷ That Mariam's speech should stimulate such anxieties points to the phantasmatic nature of female identity. Herod's reaction against her conflates verbal disobedience with sexual betrayal: "Bright workmanship of nature sulli'd o'er, / With pitchèd darkness now thine end shall be: / Thou shalt not live, fair fiend, to cozen more, / With [heav'nly] semblance, as thou cozendst me!" (4.4.211–14). While her refusal to obey him, and therefore to confirm his power, contributes to his violence against

her, it is his assumption of her adultery—an act of petty treason—that seals Mariam's fate.⁶⁸ Devoid of logic, Herod's reaction implies what the conduct manuals overtly argue: female rebellion, most often in the form of public acts such as speech, serves as evidence of loose sexual morals. Because the transmission of his crown depends on Mariam's fidelity, on the inviolability of her body as a vessel of procreation, the least act of rebellion provokes his leap in logic. Speech, which for women is always characterized as a public act, equals infidelity; infidelity equals treason. For Herod, as for tract writers, chastity is the definitive signifier of his wife's loyalty, goodness, and right to life. When Herod believes himself to be a cuckold, Mariam's right to life ends. Cary's play, however, rejects this cautionary tale by deconstructing the connection between punitive consequences and actual guilt. Mariam's innocence problematizes any direct equation between chastity and honor. As with the Duchess of Norfolk, the rewards of chastity Mariam supposes are hers fail to materialize.

Herod's paranoia leads to Mariam's death by decapitation, a sentence that grossly exceeds the threat posed by Mariam's verbal aggression. The anxieties to which he is subject as an early modern monarch (in Cary's construction though not, of course, in fact), invested in the purity of the female body as a sign of his power, animate his judgment against her life. Thus, Cary's play stages the material basis for Mariam's own anxieties about Herod's return to Palestine, her rebellion against him, and her concerns for her life and the lives of her children. As she says, she can build neither trust nor love on the unstable ground of Herod's love for her, or on the unstable ground of his authority (4.3.148). In contrast to Herod's fantastic basis for her punishment, Mariam's worries extend out of the very real threat her husband poses to her and those she loves. Herod's murder of her grandfather and brother, as well as his repeated order for Mariam's execution, are graphic examples of his power, and when Mariam herself refuses to obey Herod's wishes, her fears become reality.

Cultural expectations for female behavior serve to consolidate and simultaneously to remove anxieties about the fragility of male power; such expectations also stimulate Mariam's anxieties. While she refuses to submit to Herod or to confess any wrong to him, Mariam worries about her own behavior as a wife. Being a good woman is an ideal with which

Mariam grapples privately, struggling with her culpability as a wife whose disobedience to her husband earns his violent wrath and contradicts the norms of her culture: "Had I but with humility been grac'd, / As well as fair I might have prov'd me wise" she acknowledges, "But I did think because I knew me chaste, / One virtue for a woman might suffice" (4.8.559–62). Mariam's need to "live up to patriarchal ideas of femininity" illustrates her valuation of patrilineal conceptions of appropriate femininity.⁶⁹ Mariam's investment in these ideals constrains her acts. Like women who did not seek relief at court, as described by Barbara J. Harris, Mariam dies affirming cultural ideals of virtue and morality.⁷⁰ Her speech resembles, in this regard, the penitent confessions of early modern anti-heroines who pay tribute to and affirm "appropriate" femininity.⁷¹ Like the Duchess, who is dismayed by her husband's failure to acknowledge her obedience and honesty as his wife, Mariam insists on her virtue and, by doing so, rejects Herod's view of her as "sullied" and as a rebel.

At the same time, Mariam realizes that the rewards promised her as a chaste woman are not just uncertain, but a fiction; innocence is not enough, for any woman can be accused and found guilty.⁷² Zimmerman points to the "slippery matter of perception" in her analysis of Cary's motto "be and seem" and argues that the problem of "suspicion" or "show" becomes "not only *as* important *as*, but actually *more* important *than*, innocence itself; making 'seeming' more important than 'being.'"⁷³ As a result, Mariam envisions a life after death where her "soul is free from adversary's power. / You princes great in power, and high in birth, / Be great and high, I envy not your hap. / Your birth must be from dust, your power on earth; / In Heav'n shall Mariam sit in Sarah's lap" (4.8.570–74). Because earthly rewards are elusive, Mariam looks to heaven for the freedom she seeks. And she creates of it a matriarchal haven. The sanctuary and female community she finds in Sarah's lap allow her to view Herod dispassionately, even sympathetically: in her last words (as reported by Nuntio), she predicts Herod will regret her execution (5.1.77–8); she has none of Constabarus's vitriol as he curses Salome, but imagines Herod to be capable of grief. Her emancipation from Herod's rule, however, is only bought by her death, which takes away from the victorious note of her speech. Thus, masculine anxieties are disclosed as threats to women's lives. Mariam's fluctuating and contra-

dictory responses to the reports of her husband's death and resurrection signify conflicted and confused feelings about the freedom his death brings and the submission his return requires of her. Her anxieties exist, in this regard, in an uneasy—both complementary and contradictory—dialectical reciprocity with those of her husband.

When Doris confronts Mariam with the injustice of her divorce from Herod, the material basis for feminine anxieties comes into sharper relief. Doris's complaint reveals the capriciousness of male authority under Mosaic law that does not require a man to provide compelling evidence for a divorce:

I am that Doris that was once belov'd,
 Belov'd by Herod, Herod's lawful wife:

 What did he hate me for: for simple truth?
 For bringing beauteous babes, for love to him?
 For riches, noble birth, or tender youth?
 Or for no stain did Doris' honour dim?
 Oh, tell me, Mariam, tell me if you know,
 Which fault of these made Herod Doris' foe?
 (4.8.583–4, 591–6)

Like Bourne, the Duchess of Norfolk, and Cuninghame, Doris wonders at her own unjustified desertion by her husband. Though Mosaic law gives husbands the right to divorce their wives and makes Mariam Herod's legal wife, Doris challenges the basis of that law when she testifies to her spotless virtue as Herod's first wife and, therefore, to his exploitation of the law. While the law itself appears impervious to such virtues, Doris's performance of gender, as Clarke also notes, resonates with early modern tracts and custom as faultless, so that the law becomes unjust.⁷⁴ Doris knows what Mariam has only just discovered: a woman's spotless virtue is no guarantee of her husband's love and loyalty.

Doris's complaint accentuates the wrongs committed against women in inequitable systems of power, so that their anxieties about abandonment and violence are staged as having real and present bases. Her divorce from

Herod robs her and their son Antipater of the prestige and honor they once owned as much as they owned their names, so that her anxieties are attached as much to the need for prestige and honor as men's are:

So long it is since Mariam's purer cheek
 Did rob from mine the glory, and so long
 Since I return'd my native town to seek:
 And with me nothing but the sense of wrong,
 And thee dear boy, whose birth, though great it were,
 Yet have thy after fortunes prov'd but poor:
 When thou wert born, how little did I fear
 Thou should'st be thrust from forth thy father's door!
 Art thou not Herod's right begotten son?
 Was not the hapless Doris Herod's wife?
 Yes: ere he had the Hebrew Kingdom won,
 I was companion to his private life.
 Was I not fair enough to be a queen?

 Yet thou ungrateful cast me off with scorn,
 When Heaven's purpose rais'd your meaner fate.
 (2.3.223–35, 245–6)

Abandoned by Herod, Doris and Antipater suffer a dispossession that throws their identities into crisis. Herod's unpredictable behavior, his self-interested use of power and law, lie at the root of Doris's complaint. In contrast to Herod's anxieties about Mariam's infidelity, Doris's anger is animated by actual events, by material effects—loss of status and inheritance rights—rooted in Herod's desertion of her. She wishes for "revenge," and she hopes that her dispossessed son "before [Herod's] bastards might be placed" (2.3.251, 256). Though Herod and Mariam have been married for some time, Doris seems to wander in a kind of fog. Like the Duchess of Norfolk, she is still stunned by the injustice of her husband's behavior, still suffering its effects, hardly recognizing herself as the woman who was once respected, admired, and honored. While she rejects Antipater's wish that "Mariam's children might subverted be, / By poison's drink, or else by mur-

derous knife / So we may be advanc'd, it skills not how" (2.3.274–6), she curses Mariam and her children (4.8.609–24), and wishes them harm. As both Laurie Shannon and Naomi Miller have observed, Mosaic law forces women to compete against one another for their positions in society.⁷⁵ But Doris's loss of identity, place, and position makes her neither maid, wife, nor widow, and confirms the materiality of her anxiety in contrast to Herod's spectral fears.

Doris, like Mariam, remains invested in ideals of female honor and reputation. Thus, her interrogation of Herod's tyranny is limited to railing at and blaming Mariam for Herod's abandonment. She displaces her anger at Herod onto Mariam as a way of avoiding direct confrontation with laws and ideologies that have destroyed her status in society. So while Doris understands the law's contradictions and the injustices the law creates for women, she does not actively work to subvert it. Like the women who did not take advantage of equity court systems to sue their husbands, Mariam's and Doris's responses to Herod's abuse reflect the cultural pressures on early modern women not to threaten systems of law. Their reactions—fundamentally different in tone and effect, yet sharing an inability to improve their lives—demonstrate the diversity of women's experiences in marriage and their common vulnerability to laws that benefit only men.

In Cary's play, not only deserted and oppressed women show how the patrilineal order tyrannizes women and animates feminine anxiety. Salome offers a third response, expressing her own set of culturally derived fears and constraints, as well as the rebellion she plans against the law.⁷⁶ While most scholars assume Cary's identification with Mariam, I want to suggest that once Mariam and Doris become two parts of a trio completed by Salome, she speaks in ways that are consistent with the play's views on marriage. That Salome is accused of transgressing her gender by male characters need not lead to the conclusion that she is vilified by Cary. Indeed, Ronnie Mirkin points out that "Elizabeth Cary manifested unfeminine traits . . . [and] was seen by her society as transgressing the prescribed boundaries of her gender, constituting her as a masculine woman."⁷⁷ If Mirkin is correct, and Cary herself behaved in ways that contradicted early modern notions of femininity, then perhaps Salome can be read as a complex complement and alternative to the other women in the play.⁷⁸ The artificiality of gender

roles seems to be understood by Cary, so that her representation of Salome avoids moral condemnations in favor of creating a character who, as a function of plot, provides the play with its crux, with its problem, by both criticizing marital inequities and exploiting them.

This function must be seen within Cary's frame for marriage and divorce, which I argue is monarchical tyranny. Salome's first solution to her marital unhappiness with Constabarus is to seek legal redress. Murder is an extreme solution she resorts to only when the law fails her, so we must acknowledge the context of Salome's actions within the political and legal designs of the play. Admittedly, Constabarus endorses the view of the early modern anti-feminist tracts on women's nature (4.6.310–35), and the Chorus appears to endorse traditional notions of femininity. The play's stance on Salome is, therefore, ambivalent. However, the figure of Salome unveils the arbitrary nature of appropriate and inappropriate configurations of femininity which also haunts Mariam and Doris. As Karen Raber also points out, Salome identifies these notions as ideological constructs.⁷⁹ Moreover, her keen understanding of the kinds of oppression women face, as portrayed by Mariam's and Doris's experience with Herod, problematizes her position as a vice figure and as Mariam's foil. Finally, despite conduct associating her with the women killed by friends and relatives in Vives's tales, Salome survives unpunished, thus calling into question her position as vice figure as well. Her aggression, in contrast to the behavior of Mariam and Doris, forces questions about the tyranny of Mosaic law and absolute monarchy.

Salome's pivotal role in the play is emphasized by her questions about the justice of Mosaic law, especially in terms of women's inequality in relation to men. While her analysis is motivated by her desire to divorce Constabarus and to marry Silleus, she describes accurately Doris's position as Herod's cast-off wife. Salome's claim that "Who hates his wife, though for no just abuse, / May with a bill divorce her from his bed" (1.4.335–6) is substantiated by Doris's complaint to Mariam, quoted earlier. Doris's experience confirms that the justice of a husband's rationale for divorcing his wife is as capricious as Salome attests. And, as I have shown earlier, Mariam, too, agrees with this understanding of Mosaic law. Salome's veracity on this point lends her credibility when she speaks against the tyranny of women's lack of

legal standing in marriage. The capriciousness of the law licenses husbands to desert their wives despite those wives' fulfillment of their duties—despite their riches, beauty, obedience, subservience, and giving birth to sons. Salome admits that her hate for Constabarus is based on her desire for Silleus and convincingly argues that her reasons for seeking a divorce are no more ill-founded than those of many husbands who divorce their wives:

If [Constabarus] to me did bear as earnest hate,
 As I to him, for him there were an ease;
 A separating bill might free his fate
 From such a yoke that did so much displease.
 Why should such privilege to man be given?
 Or given to them, why barr'd from women then?
 Are men than we in greater grace with Heaven?
 Or cannot women hate as well as men?
 I'll be the custom-breaker: and begin
 To show my sex the way to freedom's door,
 And with an off'ring will I purge my sin;
 The law was made for none but who are poor. . . .
 (1.4.301–12)

Salome argues that the laws on divorce enforce women's subjection, allowing husbands a God-given, absolute right over wives. She questions that right and exposes it as an ideological apparatus, cogently deconstructing men's naturalized and legalized right to divorce.⁸⁰ Because, in this play, women's sexuality is regulated and commodified in part through the constant threat of divorce (and death), Salome's call for women's equality through appropriation of Mosaic law threatens the stability of patrilineal authority. She strikes at the heart of women's inequality, precisely tracing the route to married women's freedom through breaking and appropriating Mosaic law. Thus, Salome speaks directly against the injustices Mariam and Doris have suffered and acts, as they do not, to redress inequities that cause their suffering, both by arguing in favor of women's access to divorce and by claiming the right to divorce for herself. Salome's role as the third point of the triangle I am proposing is crucial, therefore, to reading the

play's multiple interests in women's responses to law and marriage.

Salome's appropriation of the law resembles the appropriation of common law in the courts of Requests and Chancery. Since Masters like Sir Julius Caesar depended on common law for their rulings, but also flouted the laws on coverture to find in favor of married women's suits to safeguard and retain property, we can see that "equity" is practiced in some real sense outside the law.⁸¹ If, as Stretton defines it, equity is "a body of principles developed in contrast to common law and statute law . . . to compensate for deficiencies caused by the strictness of common law[.]" then the term begins to refer to a radical correction of existing law, so that married women, once Requests or Chancery had ruled in their favor, were granted rights they officially did not have.⁸² Salome does not have the right to divorce her husband under Mosaic law. However, like the women seeking relief in the equity courts and like Elizabeth Bourne in her letter to Caesar, she argues in favor of allowing women to divorce husbands in certain circumstances. Thus "equity" in Cary's play resembles equity in early modern England, as a process of relief for those who cannot find remedy within the law.

What makes Salome evil in the eyes of the Chorus and earns her Constabarus's vitriolic condemnation is her appropriation of men's legal privileges, which he sees as a breach of a natural gender divide. "Are Hebrew women now transformed to men?" he asks: "Why do you not as well our battles fight, / And wear our armor?" (1.6.421–3). He draws on 1400 years of Jewish divorce law to define Salome's wickedness (ll. 445–50). However, Salome's disruption of the law points to its inequity on several levels, so that Constabarus's point of view can hardly be seen as one endorsed by the play. Indeed, her motives for divorce contrast with those of Herod, who, despite his protestations of love for Mariam, married her to legitimize his right to the throne. Salome, on the other hand, declares to Silleus, "'Tis not for glory I thy love accept, / Judea yields me honours worthy store: / Had not affection in my bosom crept, / My native country should my life deplore" (1.4.357–60). In a position of privilege that allows her to choose a husband based on her "affection" for him, Salome's motives for divorce are a complex combination of love and hate. She identifies the basis of divorce as hate not because she is "as bad as" or worse "than the men,"⁸³ but

because Mosaic law identifies the grounds for divorce as hate. Salome does not originate the tenets of the law but claims for women the rights given to men in an already established structure of relations. Following her brother, she abandons a spouse for selfish reasons and eliminates those who are enemies. When she cannot divorce Constabarus after Herod has returned to Palestine, she reveals his treason to Herod (Constabarus has defied Herod's orders in regard to the Sons of Babas). While Salome's behavior by early modern standards is clearly willful and, therefore, monstrous, she reveals the inconsistencies of Mosaic law and women's relationship to it, so that the law may be seen as an uncomfortable and inadequate solution either for resolving marital unhappiness or for disciplining unruly wives.

Salome is a symptom, therefore, of a larger disease that the play addresses. If this is a play in large measure about the inequity of legal and domestic relations between husbands and wives, it gets its logic from the frame of monarchy, which in the Renaissance was seen as the model for domestic relations (husbands are kings of miniature domestic kingdoms). In *The Tragedy of Mariam*, Herod's rule is based on usurpation, expulsion of a first wife, and violent control of a second wife. In this play, marriage, law, and monarchy are institutions that confer power only on men, and wives are provided for at the whim of the husband, who inherits his authority from the monarchical line (which we know, from *An Homilie Against Disobedience and Willful Rebellion* and *Patriarchia, or The Natural Power of Kings*, is not mitigated by usurpation).⁸⁴ Doris's abandonment by Herod is a palpable example. Marriage becomes, both in itself and in Herod's practice, a tyrannical institution. Salome is a woman who is constrained by Mosaic laws on marriage and liberated by Herod's example as both husband and king. In their world, husbands have power to discard wives, and kings have power to execute disobedient subjects. Salome brings both these powers together, first attempting to divorce her husband, and then resorting to his execution as a traitor. Salome's appropriation of divorce law depends on Herod's death. His absence occasions a suspension of law that opens a space for her claim to the right to divorce her husband. The news of his arrival, very much alive, returns Salome to plotting Constabarus's death; she cannot pursue divorce outside the law, once the tyrant or enforcer of the law has returned to power, and the rest of her violence stems from

Herod's return. Crucially, then, it is the inequity, even tyranny, in the law that drives her to violence against her husband, triggering questions about the wisdom and efficacy of a law that is not applied equally to all. She fails to divorce her husband, then, because she is a woman in a legal system that does not allow her that right, and not because murder is her preferred *modus operandi*. While Cary is writing a historical tragedy, it would have been easy enough for her to imagine a Salome who is herself capable of murder. The Renaissance theater is not devoid of murderesses. But Cary depicts a woman whose first thought is a legal divorce—or at least the appropriation of a legal right to divorce—and who turns to murder only when divorce is not an option.

Thus, we may say, following Butler in *Psychic Life of Power*, that Salome acts both in subjection to a patrilineal system and as an agent outside that system. She tries to assume power over her marriage, first by divorcing and then by executing her husband, both imitating and exceeding the intents of the patrilineal system that denies her such rights. The contradictory nature of my claim rests within a reading of acts not as choices of free individuals, but as implicated in organized, complex, and contradictory workings of power that exist prior to and within Salome's, or any subject's, appropriation. As Butler explains,

Power acts on the subject, an acting that is an enacting; an irresolvable ambiguity arises when one attempts to distinguish between the power that (transitively) enacts the subject, and the power enacted by the subject, that is, between the power that forms the subject and the subject's "own" power. . . . Moreover, what is enacted by the subject is enabled but not finally constrained by the prior working of power. Agency exceeds the power by which it is enabled. One might say that the purposes of power are not always the purposes of agency. To the extent that the latter diverge from the former, agency is the assumption of a purpose *unintended* by power, one that could not have been derived logically or historically, that operates in a relation of contingency and reversal to the power that makes it possible, to which it nevertheless belongs. That is, as it were, the ambivalent scene of agency constrained by no teleological necessity.⁸⁵

I read Salome as working within the understanding of power explained by Butler. Salome's attempt to appropriate Mosaic law, as she sees it, is a correction of the inequity built into the law. It is an attempt that demonstrates her use of power as a radical form of agency unintended by the law. At the same time, Salome deploys her power in ways that reproduce the law's inequities and uses her social status as sister of the king to claim divorce (those who are poor must obey the law) and to arrange for Constabarus's execution. Salome is, therefore, neither a free subject we must condemn nor a victim without agency. More than that, she is a character in a play who performs a critical—that is, interrogative—function, one who by what she does and how she does it calls attention to the inequities built into marital relations and the tyrannical basis for those inequities.

Clearly, the role Salome plays as social critic and nonconformist is one that cannot be assigned to a character such as Mariam, whose overall dramatic role is that of innocent victim. And Doris, while poignant in her complaint against Herod, is not quite the right character to take on the arrogation of power the play seems to demand. Salome, however, is the appropriate character to do so because she embodies an imaginary space of outlaw behavior. Salome's desire for Silleus remains a violation of the law, but she rejects the anxieties that accompany definitions of appropriate feminine behavior. Her repudiation of shame complicates the equation between transgressive desire and evil. Before declaring her love for Silleus, Salome considers the different direction her life might have taken in a speech that both echoes and parodies Mariam's anxieties about appropriate feminine behavior:

'Tis long ago
 Since shame was written on my tainted brow:
 And certain 'tis, that shame is honour's foe.
 Had I upon my reputation stood,
 Had I affected an unspotted life,
 Josephus' veins had still been stuff'd with blood,
 And I to him had liv'd a sober wife.
 Then had I never cast an eye of love
 On Constabarus' now detested face,

Then had I kept my thoughts without remove:
And blush'd at motion of the least disgrace:
But shame is gone, and honour wip'd away,
And Impudency on my forehead sits:
She bids me work my will without delay,
And for my will I will employ my wits.
(1.4.282–96)

In this speech, Salome comes the closest to expressing the conflict Mariam experiences between the appropriate, submissive behavior society expected of women, and the self-determination for which Mariam longs. But she surpasses Mariam by working toward a semblance of female power on earth rather than after death “in Sara’s lap” (4.8.574). The gap opened by the contradiction in the law on divorce—licensing one sex while forbidding the other—offers Salome the opening she requires to envision her rebellion. Salome’s speech juxtaposes patrilineal injunctions for appropriate female identity with the interrogation of the naturalized order that ostensibly follows. While she seems to endorse the masculinist views of obedience and chastity as honor, she suggests that virtue is an affectation, a pose or performance, a matter of seeming rather than being, and therefore not an actualized or real state. Shame and honor, in Salome’s mind, are at war with independent thought and action—certainly at war with desire, with her will. But rather than worry about whether her feelings are virtuous, Salome casts off the anxiety her culture imposes on her gender and makes her own rules. Impudence, branded on her forehead, rather than fostering repentance, becomes personified as the voice of a liberated desire.

In this light, the anxieties expressed by Mariam about being a proper wife are deconstructed by Salome. Doris’s example demonstrates to Salome that, under Mosaic law, husbands can ignore their wives’ performance of their obligations. Thus, propriety and impropriety are equally slippery and arbitrary states. Salome’s rejection of obedience and submission—juxtaposed with her critique of women’s lack of power in marriage—makes her violence a product of gender inequities in absolutist socioeconomic systems. That women’s economic and physical survival depends on the deliverance Salome proposes is substantiated by the mar-

ital tyranny Doris and Mariam have faced as wives. Thus, Salome's rebellion revises the passive-aggression of Mariam and Doris as she traces the route to equity for women through an already existing legal system and simultaneously behaves as selfishly as Herod. As Goldberg notes, "Salome's existence is entirely defined by the institution of marriage; even the rebelliousness of her promiscuous desire is situated within it."⁸⁶ Valbuena agrees, arguing that "while Salome's 'wit' appeals to a seemingly progressive feminist ideology, she depends entirely upon men to achieve her ends."⁸⁷ Salome's alliance with marriage and dependence on men, according to Goldberg and Valbuena, complicate Salome's feminism. However, I would like to suggest that feminism need not be defined by women's rejection of marriage or their relationships to men, but by their recognition of the systems of power that determine their scope of choice. Salome's feminism comes out of her usurpation of power that is reserved for men alone under Mosaic law, and her critique of that law. Indeed, she sees herself as a custom-breaker, one who will teach her sex freedom, and when she argues with Constabarus about the legality of her act of divorcement, she declares, "Though I be first that to this course do bend, / I shall not be the last, full well I know" (1.6.435–6). Salome not only interrogates the double standard for a potentially corrupt constitution of legitimate grounds for divorce but also envisions her act as one that other women already desire and will claim. She may not, finally, bond with or do the other women any personal favors, but she speaks their anxiety and identifies its cause. She does so not just out of immorality but as a move toward more equitable marriage relations.⁸⁸ If indeed Salome is immoral, then I would argue her immorality is produced by and is a reflection of a tyrannical system of marriage and monarchical relations that the play depicts as immoral. While she depends on men to achieve her ends, we might ask upon whom Salome, as a woman living in a patrilineal socioeconomic state, ought to depend in order to see her goals achieved? Her dependence on her brothers for her freedom is not at all a surprise when we read her acts in light of historical women's dependence on men and family for legal equity in the period, women such as the Duchess of Norfolk, Margaret Cuninghame, and Elizabeth Bourne, who all depended on male relatives and advisors for protection from husbands.

As argued earlier in this essay, masculine and feminine anxieties have a reciprocal relationship, one that suggests an endless process of reiteration. Systems of preferment and power generate competition between men that materially affects the lives of men and women and animates circulations of anxiety for those men and women. But if feminine anxieties have their own legitimacy, complementary but also contradictory to masculine anxieties—since the goals attached to each set of anxieties (freedom vs. control) necessarily conflict—then a space opens for analysis of female characters even when they confound early modern visions of “woman.”⁸⁹ As the testimonies I have discussed above show, historical women suffered in material ways when husbands abandoned their financial and emotional duties. But more than adding to the history of women’s victimization, these documents illustrate women taking action. Thus, while the period seems to be dominated by the sentiments found in Vives’s *Instruction* and the Homilies—that women are inferior to men and therefore must live in subordination to them—women contradicted those notions in their letters, written complaints, and law suits. As the examples of the Duchess of Norfolk, Cuninghame, and Bourne attest, women saw the inequity of the legal and domestic system and responded to it, like Cary’s women, in different ways, sometimes wishing for, sometimes pleading for, sometimes demanding equity.

The Tragedy of Mariam acts in dialogue with historical women’s texts, then, for all three of the female characters I have analyzed find themselves at odds with a law that does not acknowledge them, but which supports Herod’s capricious and absolute rule. While all three characters behave competitively to survive, an examination of their anxieties reveals the complexity of their acts. Salome, initially a persuasive proponent of women’s rights, becomes violent in Herod’s brutal order, a system requiring male competition and denying women rights. Doris’s bitterness and her desire that Mariam experience abandonment and that her children suffer violent harm is a prime example of that system of competition. Doris was abandoned by Herod, not for infractions that made her a bad wife, but because a union with Mariam legitimized his usurpation of the throne. Mariam’s personal integrity in the face of Herod’s tyranny contrasts with her position as the “other” woman and her insensitivity to Doris’s suffering, so that her

role is also contradictory. With traditional notions of female subjectivity unsettled, the multiplicities of feminine anxiety animating the play's action take center stage and win legitimacy against the overblown and orthodox interests of its men. Ultimately, then, Cary becomes the custom-breaker, staging a set of circumstances, unpredictable and even contradictory, that unveil the material basis for feminine anxieties and the necessity for equity between men and women.

Notes

1. Elizabeth Cary, *The Tragedy of Mariam, The Faire Queen of Jewry, with The Lady Falkland Her Life*, ed. Barry Weller and Margaret W. Ferguson (Berkeley: University of California Press, 1994), 1.3.309–12. All quotations of the play will be from this edition and cited parenthetically in the text. I wish to thank Karen Raber and my colleagues, Lynne A. Greenberg and Trudy Smoke, for their generous comments on this manuscript. I also wish to send heart-felt gratitude to L. M. Hill for his warm and enthusiastic reply to my email, which came out of the blue, in regard to Elizabeth Bourne's case. To Emad Alfaro and Barbara J. Webb (Deputy Chair of the Department of English at Hunter College, CUNY), love and more thanks than I can say for making sure I had time to write and rewrite this essay. Finally, warm regards and thanks to Norman Clarius, Hunter College, CUNY Inter-Library Loan Librarian.

2. I am consciously excluding Graphina from this discussion primarily because there is so little to go on in an analysis of her relationship to the play's position on feminine anxieties. While she does not appear to be ruled by Pheroras as the three other women are ruled by men, her power is no wider than that of Mariam, Doris, or Salome—nor would it have been in the period. That is, Pheroras invites Graphina to speak her thoughts, to make her wishes known. He does not assume he knows what she wishes or that there is a standard set of desires she ought to perform. At the same time, Pheroras's solicitude toward her does not necessarily give her advantages over those of the other women (and I am not here concerned with her class as a servant, though, of course, her class constrains her and makes her one for whom, in Salome's estimation, the laws exist). Alexandra is also marginalized in my argument, yet I would suggest that the rebellion Salome conceives of might make Alexandra less dependent on her daughter's link to Herod. However, Jonathan Goldberg has written a persuasive analysis of Graphina's role in the play, which contradicts my brief claim here in very useful ways; see Jonathan Goldberg, *Desiring Women Writing: English Renaissance Examples* (Stanford: Stanford University Press, 1997), 164–90. See also Margaret W. Ferguson's persuasive reading of Graphina in *Dido's Daughters: Literacy, Gender, and Empire in Early Modern England and France* (Chicago: University of Chicago Press, 2003), 284–9. On Cary's critique of the law, see Laurie J. Shannon, "The Tragedy of Mariam: Cary's Critique of the Terms of

Founding Social Discourses," *ELR* 24, no. 1 (1994): 135–53. As with quotations from the play, full citation of scholarship throughout will be offered in notes initially and then cited parenthetically in the text.

3. See Shannon, who argues that "actual and perceived chastity are two separate life-and-death matters in a climate of intense suspicion" ("Cary's Critique," 138).

4. In this sense, Salome differs from other "evil" women in early modern tragedy who must die in order to pay for their rebellion against orthodox morality. For discussions of cultural and literary representations of women's criminality, deaths, and/or their confessions, see Frances E. Dolan, "Gentlemen, I have one more thing to say: Women on Scaffolds in England, 1563–1680," *Modern Philology* 92, no. 2 (1994): 157–78; Sara Eaton, "Defacing the Feminine in Renaissance Tragedy," in *The Matter of Difference: Materialist Feminist Criticism of Shakespeare*, ed. Valerie Wayne (Ithaca: Cornell University Press, 1991), 181–98; Anne M. Haselkorn, "Sin and the Politics of Penitence: Three Jacobean Adulteresses," in *The Renaissance Englishwoman in Print: Counterbalancing the Canon*, ed. Anne M. Haselkorn and Betty S. Travitsky (Amherst: University of Massachusetts Press, 1990), 119–36; Stuart A. Kane, "Wives with Knives: Early Modern Murder Ballads and the Transgressive Commodity," *Criticism* 38, no. 2 (1996): 219–37; and Leonard Tennenhouse, "Violence Done to Women on the Renaissance Stage," in *The Violence of Representation: Literature and the History of Violence*, ed. Nancy Armstrong and Leonard Tennenhouse (New York: Routledge, 1989), 77–97. Danielle Clarke also argues that divorce is a crucial element in Cary's play; see "'This Domestic Kingdome or Monarchy': Cary's *The Tragedy of Mariam* and the Resistance to Patriarchal Government," *Medieval and Renaissance Drama in England* 10 (1998): 182.

5. See also Ferguson, who notes crucially that Salome cannot plot Constabarus's death without Herod (*Dido's Daughters*, 311).

6. Clarke assumes that the play judges Salome along with Constabarus; see "*The Tragedy of Mariam* and the Politics of Marriage," in *Early Modern English Drama: A Critical Companion*, ed. Garret A. Sullivan, Jr., Patrick Cheney, and Andrew Hatfield (Oxford: Oxford University Press, 2006), 254.

7. Feminist scholars have examined Cary's play from a multitude of perspectives, including lively debates on the merits and demerits of the biographical reading, and on the play's radical or conservative statement concerning marriage and/or monarchy. Feminist scholars have also analyzed its treatment of women's representation and privileging of female voices and its racial politics. Gwynne Kennedy's *Just Anger* comes the closest to studying women's responses to cultural pressures and constraints in the manner I urge here; see *Just Anger: Representing Women's Anger in Early Modern England* (Carbondale and Edwardsville: Southern Illinois University Press, 2000). See in particular Dymphna Callaghan, "Re-Reading Elizabeth Cary's *The Tragedy of Mariam*, Faire Queen of Jewry," in *Women, "Race," and Writing in the Early Modern Period*, ed. Margo Hendricks and Patricia Parker (New York: Routledge, 1994), 163–77; and Danielle Clarke ("Politics of Marriage" 248–59), who caution against the biographical reading. Barbara K. Lewalski's chapter on Cary in *Writing Women in Jacobean England* (Cambridge, MA: Harvard

University Press, 1993) is perhaps the most useful of those analyses which view the play through the lens of Cary's life. Meredith Skura defends the biographical reading to privilege the role of mothers in Cary's life and play in "The Reproduction of Mothering in *Mariam, Queen of Jewry: A Defense of 'Biographical' Criticism*," *Tulsa Studies in Women's Literature* 16, no. 1 (1997): 27–56. See also Katherine Acheson, "'Outrage your face': Anti-theatricality and Gender in Early Modern Closet Drama by Women," *Early Modern Literary Studies* 6, no. 3 (2001): 7.1–16, <http://purl.oclc.org/emls/06-3/aecheoutr.htm>; Elaine Beilin, *Redeeming Eve: Women Writers of the English Renaissance* (Princeton: Princeton University Press, 1987), 157–76; Catherine Belsey, *The Subject of Tragedy: Identity and Difference in Renaissance Drama* (London: Methuen, 1985; New York: Routledge, 1993), 171–5; Alexandra G. Bennett, "Female Performativity in *The Tragedy of Mariam*," *SEL* 40 no. 2 (2000): 293–309; Margaret W. Ferguson, "Running on with Almost Public Voice: The Case of 'E. C.'," in *Traditions and the Talents of Women*, ed. Florence Howe (Urbana: University of Illinois Press, 1991), 37–67, and "The Spectre of Resistance: *The Tragedy of Mariam* (1613)," in *Staging the Renaissance: Reinterpretations of Elizabethan and Jacobean Drama*, ed. David Scott Kastan and Peter Stallybrass (New York: Routledge, 1991), 235–50; Sandra K. Fischer, "Elizabeth Cary and Tyranny, Domestic and Religious," in *Silent But for the Word: Tudor Women as Patrons, Translators, and Writers of Religious Works*, ed. Margaret Patterson Hannay (Kent, OH: Kent State University Press, 1985), 225–37; Nancy Gutierrez, "Valuing *Mariam*," *Tulsa Studies in Women's Literature* 10, no. 2 (1991): 233–51; Stephanie Hodgson-Wright, "The Canonization of Elizabeth Cary," in *Voicing Women: Gender and Sexuality in Early Modern Writing*, ed. Kate Chedgoy, Melanie Hansen, and Suzanne Trill (Pittsburgh: Duquesne University Press, 1996), 55–68; Valerie Lucas, "Alone of all her Sex: Elizabeth Cary, the Viscountess Falkland," in *The Renaissance Theatre: Texts, Performance, Design*, vol. 1, ed. Christopher Cairns (Aldershot, England: Ashgate, 1999), 68–75; Naomi K. Miller, "Domestic Politics in Elizabeth Cary's *The Tragedy of Mariam*," *SEL* 37, no. 2 (1997): 353–69; Nancy Cotton Pearse, "Elizabeth Cary, Renaissance Playwright," *Texas Studies in Literature and Language* 18, no. 4 (1977): 601–8; Diane Purkiss, "Blood, Sacrifice, Marriage: Why Iphigeneia and Mariam Have to Die," *Women's Writing* 6, no. 1 (1999): 27–45; Karen Raber, "Gender and the Political Subject in *The Tragedy of Mariam*," *SEL* 35, no. 2 (1995): 321–44; Laurie J. Shannon, "Cary's Critique," 135–53; Marta Straznicky, "'Profane Social Paradoxes': *The Tragedie of Mariam* and Sidnean Closet Drama," *ELR* 24, no. 1 (1994): 104–34; Betty S. Travitsky, "The Femme Covert in Elizabeth Cary's *Mariam*," in *Ambiguous Realities: Women in the Middle Ages and Renaissance*, ed. Carole Levin and Jeanne Watson (Detroit: Wayne State University Press, 1987), 184–96; Olga Valbuena, *Subject to the King's Divorcement: Equivocation, Infidelity, and Resistance in Early Modern England* (Bloomington: University of Indiana Press, 2003); and Kim Walker, *Women Writers of the English Renaissance* (New York: Twayne, 1996). Jeanne Addison Roberts rejects the specter of the six marriages of Henry VIII and his struggles with divorce law in favor of more contemporary marriage scandals as a way of explaining the 1613 publication date of the play; see "Marriage and Divorce in 1613: Elizabeth Cary, Frances Howard, and Others," in *Textual Formations*

and *Reformations*, ed. Laurie E. Maguire and Thomas L. Berger (Newark: University of Delaware Press, 1998), 161–78.

8. Lyn Bennett sees a “two-pronged challenge to the anti-feminist view of women” in Cary’s play, whereas I submit there are three prongs to the play’s challenge; see “‘Written on my tainted brow’: Woman and the Exegetical Tradition in *The Tragedy of Mariam*,” *Christianity and Literature* 51, no. 1 (autumn 2001): 5–28. For essays interested in Cary’s interrogation of tyranny and her privileging of the female voice, see Elaine Beilin, “Elizabeth Cary and *The Tragedy of Mariam*,” *Papers on Language & Literature* 16, no. 1 (1980): 45–64; Sandra K. Fischer in *Silent But for the Word*, ed. Hannay (Kent, OH: Kent State University Press, 1985), 225–37; Lewalski, *Writing Women*, 179–211; Pearse, “Elizabeth Cary, Renaissance Playwright,” 601–8; Raber, “Gender and the Political Subject,” 321–44; and Betty S. Travitsky, “*The Femme Covert*,” 184–96.

9. Ferguson also examines “[t]he play’s representation of angry wives—Mariam, Salome, and Doris” and observes that “By giving both Mariam and Salome a strong case for divorce, while also questioning, through Salome and Doris, the husband’s right unilaterally to divorce the wife, Cary’s play participates in a cultural debate on marriage and divorce that had profound implications for ideas about rulers and their subjects” (*Dido’s Daughters*, 309). While Ferguson and I am clearly interested in many of the same issues in the play, her interest in equivocation as a Catholic practice that Cary deploys throughout her play focuses her argument differently from my own. And while she complicates the moral categories usually attached to the female characters, Salome never loses her role as villain. I suggest that the very fact of Cary’s interrogation of the monarch-subject dynamic in light of marital relations renders these moral categories entirely insecure; see my argument in regard to Salome’s simultaneous subjection to and imitation of Mosaic law and Herod’s power in the last section of this essay.

10. Shannon, “Cary’s Critique,” 142.

11. Zimmerman, 577. Zimmerman’s comparative analysis of Cary’s play and Milton’s *Divorce Tracts* in light of the inscription in a ring Cary gave her daughter, which read “Be and Seem,” does much to revise popular visions of Salome. She argues that Salome’s claim, that under Mosaic law a man may divorce his wife “for no just abuse,” “performs a critique of the ‘abuses’ of not only Mosaic law, the male prerogative established by Deuteronomy 24:1, or the uncertain grounds of hatred upon which divorce may actually proceed. The interpolation might be said to perform a critique of the ‘abuses’ of even translation itself, of making the text *be* other than it *seems*, of ‘confounding the meaning’” (578); see “Disaffection, Dissimulation, and the Uncertain Ground of Silent Dismission: Juxtaposing John Milton and Elizabeth Cary,” *ELH* 66, no. 3 (1999): 553–89.

12. Danielle Clarke argues in her overview of the play that Cary gives us “a range of female characters that manage to step outside the parameters of womanhood dictated by early modern culture” (“Politics of Marriage,” 249). Karen Raber (“Gender and the Political Subject”) and Gwynne Kennedy (*Just Anger*) do much to complicate Salome’s role. While Raber sees Salome as a foil to Mariam, she argues that “Salome discredits any comfortable reliance on ‘natural’ sexual difference to warrant gender inequity” (335–6).

Kennedy complicates both Mariam's and Doris's responses to their marriages. And while Salome is "immoral" in her reading (67), she treats Salome as a crucial part of the play's vision of wives, with Mariam as the play's ideal (71–4). Shannon's analysis of the play is concerned with Mosaic law and its "built-in gender differential" ("Cary's Critique" 143), so that she makes Constabarus the play's "moral pole" (149) and Salome "a part of the disease from which the kingdom suffers." For Shannon that disease is inconstancy (150–1). While I would agree with Shannon (and Raber who makes a similar point) that Salome certainly exploits systems of power to get what she wants, our arguments diverge significantly in our visions of Salome's function in the play. Irene Burgess also emphasizes Salome's complicity in masculinist interests, but like Shannon's argument, Burgess's does not finally offer any alternative to the vision of Salome which has established her already as an evil woman ("The wreck of order' in Early Modern Women's Drama," *Early Modern Literary Studies* 6, no. 3 [2001]: 6.1–24, <http://purl.oclc.org/emls/06-3/burgwrec.htm>, 11–16). Both Lyn Bennett ("Written on my tainted brow") and Clarke ("This Domestic Kingdome or Monarchy") defend Salome, but also reinscribe binaries: Mary/Eve and good rebellion/bad rebellion. Ferguson suggests that the difference between the female characters "emerges, specifically, as different modes of speech" and sees the differences between Mariam and Salome, in particular as "shot through with complexities" ("The Spectre of Resistance," 237). See also Jeffrey Allen Lodge, "The Abuse of Power: Gender Roles in Elizabeth Cary's *The Tragedy of Mariam*," *Pleiades* 12, no. 2 (1992): 63–75; Gutierrez, "Valuing *Mariam*," 233–51; Tina Krontiris, *Oppositional Voices: Women as Writers and Translators of Literature in the English Renaissance* (New York: Routledge, 1992), 85; Lewalski, *Writing Women*, 196; Fischer, "Elizabeth Cary and Tyranny," 232–3; and Straznicki, "Profane Social Paradoxes," 127. For more ambiguous visions of Salome, see Callaghan, "Re-Reading Elizabeth Cary's *The Tragedy of Mariam*," 174; Pearse, "Elizabeth Cary, Renaissance Playwright," 604; Betty Travitsky, "Husband Murder," 187; Heather E. Ostman, "Backbiters, Flatterers, and Monarchs: Domestic Politics in *The Tragedy of Mariam*," in *Images of Matter: Essays on British Literature of the Middle Ages and Renaissance, Proceedings of the Eighth Citadel Conference on Literature, Charleston, South Carolina, 2002*, ed. Yvonne Bruce (Newark: University of Delaware Press, 2002), 183–205; and Alexandra Bennett, "Written on my tainted brow," 300, 303–4.

13. Mark Breitenberg, *Anxious Masculinity in Early Modern England* (Cambridge: Cambridge University Press, 1996), 3. See also Coppélia Kahn's seminal *Man's Estate: Masculinity in Shakespeare* (Berkeley and Los Angeles: University of California Press, 1981); and Valerie Traub, *Desire and Anxiety: Circulations of Sexuality in Shakespearean Drama* (New York: Routledge, 1992). Mark I. Millington and Alison S. Sinclair, "The Honourable Cuckold: Models of Masculine Defense," *Comparative Literature Studies* 29, no. 1 (1992): 1–19, observe that anxiety stimulates a need to control and "the strong expression of control testifies to a level of fear about what might happen were that control not to be exercised" (2). See also Lisa Celovsky, "Early Modern Masculinities and *The Faerie Queene*," *ELR* 35 (2005): 210–47; Kathleen Kaplan, "As if the end they purpos'd were their own': Early Modern Representations of Speech Between Women," *Women's*

Studies 35 (2006): 757–77; and Cynthia Lewis, “Horns, the Dream-work, and Female Potency in *As You Like It*,” *South Atlantic Review* 66, no. 4 (fall 2004): 45–69. On women's anger, see Kennedy's study of early modern women's defenses of women which “try to define the categories of appropriate and inappropriate female speech so that their angry criticisms of misogynistic attitudes are understood as legitimate, forceful objections, rather than as scolding, shrewishness, or evidence of women's weaker natures” (*Just Anger*, 31). Kennedy's analysis focuses on anger, an emotion viewed in the period as legitimate for men but illegitimate for women, and begins the kind of cultural analysis of women's experiences I urge here. But by anxiety, I do not refer explicitly to anger.

14. Breitenberg, *Anxious Masculinity*, 3.

15. *Ibid.*, 6.

16. *Ibid.*, 4.

17. See my discussion of woman as specter in the Derridean sense (from his *Specters of Marx*) in *Fantasies of Female “Evil”: The Dynamics of Power in Shakespearean Tragedy* (Newark: University of Delaware Press, 2003), 32–6.

18. Such power is handed down in a patrilineal succession even when the King is a Queen. As we know, Elizabeth called herself a Prince and endeavored to rule in ways consistent with that line. See my *Fantasies of Female “Evil,”* 47–63.

19. Judith Butler, *The Psychic Life of Power: Theories in Subjection* (Stanford: Stanford University Press, 1997), 13.

20. Robert Filmer, *Patriarchia, or the Natural Power of Kings* (London, 1616), Gallica: Bibliothèque nationale de France, <http://gallica2.bnf.fr/ark:/12148/bpt6k833663.r=Filmer.langEN>.

21. Anonymous, “An Homilie Against Disobedience and Willful Rebellion” (London 1570), Early English Books Online, Henry E. Huntington Library and Art Gallery, STC 13679.2, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99839928.

22. On women as subjects of the state and marriage, and on beheading as a female sacrifice, see Purkiss “Blood, Sacrifice, Marriage,” 30–1, 38–9.

23. See also Ferguson, *Dido's Daughters*, 314.

24. Rebecca Bushnell, *Tragedies of Tyrants: Political Thought and Theater in the English Renaissance* (Ithaca: Cornell University Press, 1990), 5. See also Kegl's reading of Herod, “Theaters, Households and a ‘Kind of History’ in Elizabeth Cary's *The Tragedy of Mariam*,” in *Enacting Gender on the English Renaissance Stage*, ed. Viviana Comensoli and Anne Russell (Urbana: University of Illinois Press, 1999), 135–53.

25. Ostman argues similarly that “most integral to Herod's authority as a monarch is Mariam's outward, albeit inauthentic, compliance with the standards for female chastity, which includes the restraint of her tongue. Hence, as she resists Herod's demands for her obedience, his identity begins to destabilize, and by revealing the intricate system of deceit that Herod's kingdom is built upon, Cary demonstrates its instability” (“Backbiters, Flatterers, and Monarchs,” 184).

26. For readings of such texts, see in particular, Belsey, *The Subject of Tragedy*;

Viviana Comensoli, *"Household Business": Domestic Plays of Early Modern England* (Toronto: University of Toronto Press, 1996); Lorna Hutson, *The Usurer's Daughter: Male Friendships and Fictions of Women in Sixteenth-Century England* (New York, Routledge, 1994); Theodora Jankowski, *Women in Power in the Early Modern Drama* (Urbana: University of Illinois Press, 1992); Kennedy, *Just Anger*, 23–50; Marie H. Loughlin, *Hymeneutics: Interpreting Virginity on the Early Modern Stage* (London: Associated University Press, 1997); and Karen Newman, *Fashioning Femininity and English Renaissance Drama* (Chicago: University of Chicago Press, 1991). Linda Woodbridge traces the formal controversy in *Women and the English Renaissance: Literature and the Nature of Womanhood, 1540–1620* (Urbana: University of Illinois Press, 1986). For feminist analyses of treatises on female nature, see Pamela Joseph Benson, *The Invention of the Renaissance Woman: The Challenge of Female Independence in the Literature of Italy and England* (University Park: Pennsylvania State University Press, 1992); Katherine Usher Henderson and Barbara F. McManus, eds., *Half Humankind: Contexts and Texts of the Controversy about Women in England 1540–1640* (Urbana: University of Illinois Press, 1985); Ann Rosalind Jones, "Counterattacks on the 'Bayter of Women': Three Pamphleteers of the Early Seventeenth Century," in *The Renaissance Englishwoman in Print: Counterbalancing the Canon*, ed. Anne M. Haselkorn and Betty S. Travitsky (Amherst: University of Massachusetts Press, 1990), 45–62, and "Nets and Bridles: Early Modern Conduct Books and Seventeenth-Century Women's Lyrics," in *The Ideology of Conduct: Essays on Literature and the History of Sexuality*, ed. Nancy Armstrong and Leonard Tennenhouse (New York: Methuen, 1987), 39–72; Joan Larsen Klein, ed., *Daughters, Wives, and Widows: Writings by Men about Women and Marriage in England, 1500–1640* (Urbana: University of Illinois Press, 1992); and Valerie Wayne, "'Some Sad Sentences': Vives' Instruction of a Christian Woman," in *Silent But for the Word: Tudor Women as Patrons, Translators, and Writers of Religious Works*, ed. Margaret Patterson Hannay (Kent: Kent State University Press, 1985), 15–29.

27. Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998), 70–100, 129–54.

28. Juan Luis Vives, *The Instruction of a Christen Woman*, ed. Virginia Walcott Beauchamp et. al. (Urbana and Chicago: University of Illinois Press, 2002), 51.

29. *Ibid.*, 30, 29.

30. *Ibid.*, 32–3.

31. *Ibid.*, 33.

32. Anon., *An Homilie Against Disobedience and Willful Rebellion*.

33. William Shakespeare, *The Winter's Tale*, ed. Stephen Orgel, *The Oxford Shakespeare* (Oxford: Oxford University Press, 1996), 1.2.197.

34. Vives, *The Instruction of a Christen Woman*, 91.

35. T. E., "The Lawes and Resolutions of Womens Rights: Or, the Lawes Provision for Woemen. A Collection of Such Statutes and Customes, As Doe Properly Concerne Women (1632)" in *Legal Treatises*, selected and introduced by Lynne A. Greenberg, *The Early Modern English Woman: A Facsimile Library of Essential Works*, part 1, Essential Works

for the Study of Early Modern Women, ed. Betty S. Travitsky and Anne Lake Prescott, 3 vols. (Aldershot, England: Ashgate, 2005), 1: 6.

36. *Ibid.*, 3: 130.

37. *Ibid.*, 3: 128.

38. Laura Gowing notes that women's charges against husbands for physical cruelty in court were almost always successfully defended by husbands as necessary corrections to wives' unruly behavior. The power of women, then, is limited by both ideology and law, while the power of men is reiterated in both ideology and law. See *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon, 1996, 1998), 206–29. See also Sara Butler, "Runaway Wives: Husband Desertion in Medieval England," *Journal of Social History* 40, no. 2 (winter 2006): 337–59.

39. Betty S. Travitsky and Anne Lake Prescott, eds., *Female and Male Voices in Early Modern England: An Anthology of Renaissance Writing* (New York: Columbia University Press, 2000), 39–40.

40. Elizabeth Stafford Howard, Duchess of Norfolk, "Elizabeth Duchess of Norfolk To Secretary Cromwell (June 26, 1537)," in *Female and Male Voices*, ed. Travitsky and Prescott, 41–3. Quotations from Norfolk's letters will be from this edition and cited parenthetically in the text.

41. Margaret Cuninghame, "A Part of the Life of Lady Margaret Cuninghame, Daughter of the Earl of Glencairn, that she had with her first Husband, the Master of Evandale, *The just and true Account thereof, as it was at first written with her own hand*," in *English Women's Voices, 1540–1700*, ed. Charlotte F. Otten (Miami: Florida International University Press, 1992), 25–8.

42. Cuninghame, "A Part of the Life," 25–6.

43. *Ibid.*, 27.

44. Significantly, Christine Peters argues that "[m]arriage as an institution seems to have been weakest in Scotland," where trial marriage, allowing a man to take a woman to live with him for a year and a day and then either to marry her or to terminate the relationship, was common practice (9). While Peters also claims that clan ties in Scotland might have strengthened the marriage bond, men's right to "try out" wives for the space of a year before committing to them might explain Evandale's lack of obligation; see *Women in Early Modern Britain, 1450–1640* (New York: Palgrave, 2004).

45. Tim Stretton calls Sir Julius Caesar, "[Request's] most influential master" (*Women Waging Law*, 8). For Caesar's extraordinary rise to Master of the Rolls (Court of Chancery), see Lamar M. Hill, *Bench and Bureaucracy: The Public Career of Sir Julius Caesar, 1580–1636* (Cambridge: Cambridge University Press, 1988). On the Privy Council's interests in maintaining order through attention to familial disputes (including an analysis of the Bourne case), see Hill's "The Privy Council and Private Morality in the Reign of Elizabeth I," in *State, Sovereigns and Society in Early Modern England*, ed. Charles Carlton et. al. (Gloucestershire, England: Sutton, 1998), 205–18. While both courts of Requests and Chancery were arms of the Privy Council, the Privy Council also heard pleas independently from the courts. Hill's historical study, *Mistress Bourne's Complaint*:

The Failure of a Sixteenth-Century Marriage, is in progress. Hill believes that connections to Sir Francis Walsingham on the parts of both Sir Julius Caesar and Elizabeth Bourne brought these two into contact (e-mail message to author, July 31, 2004).

46. British Library. Add. MS. 38170, fols. 14–28. In regard to Elizabeth Bourne's appeal to the Privy Council rather than to a court of law, L. M. Hill argues that "In Elizabeth's case, a recourse to a competent court would have been only marginally useful to her. A court could have granted her a divorce *a mensa et thoro* (a legal separation) but, under the circumstances, it probably could not have protected her interests in her husband's estate" ("The Privy Council," 207). Emily Sherwood and I are currently co-editing and transcribing the text of the complaint and letters relevant to the case. Quotations from Bourne's text will be from our manuscript.

47. See Lynne A. Greenberg, "A Peal of Words: Criminal Speech in *Samson Agonistes*," in *Reassembling Truth: Twenty-first-Century Milton*, ed. Charles W. Durham and Kristin A. Pruitt (Selinsgrove, PA: Susquehanna University Press, 2003), 189–200. See also Ostman, who places the play within the context of women's slander suits ("Backbiters, Flatterers, and Monarchs," 188–90). Ina Habermann also discusses the play's treatment of slander and the "slandered heroine," in *Staging Slander and Gender in Early Modern England* (Aldershot, England: Ashgate, 2003), 135–51.

48. See Maria Cioni, *Women and Law in Elizabethan England with Particular Reference to the Court of Chancery* (New York and London: Garland, 1985); Amy Erickson, *Women and Property in Early Modern England* (New York: Routledge, 1995); Gowing, *Domestic Dangers*; and Stretton, *Women Waging Law*. On marriage, separation, and divorce in England, see Lawrence Stone, *The Road to Divorce*. And on the English church courts' treatment of marriage, see Martin Ingram, *Church Courts*. Lynne A. Greenberg's Introduction to her *Legal Treatises: The Early Modern Englishwoman: A Facsimile Library of Essential Works*, offers a clear and cogent description of the law and of women's legal status in the early modern period.

49. Stretton, *Women Waging Law*, 25–33.

50. Gowing, *Domestic Dangers*, 180–1.

51. Erickson argues that the focus on common law "ignores the other four bodies of law which regulated property ownership in the early modern period . . . the system called 'equity' originated in order to modify what was perceived as the harshness of the common law, and throughout history a considerable business of the equity courts consisted of cases involving the property of married women, which the common law did not recognize. Ecclesiastical law regulated the division of personal property, and in so doing it followed Roman civil law, which was considerably more egalitarian than the common law insofar as it advocated a form of community property within marriage. . . . Manorial or borough law varied locally. . . . Finally, parliamentary statutes, made by common lawyers sitting in parliament, also played a crucial role in regulating property transmission, principally by intervening in Ecclesiastical law" (*Women and Property*, 5).

52. See Gowing, *Domestic Dangers*, 11.

53. Stretton, *Women Waging Law*, 90–1.

54. See Cioni, *Women and Law*, 13; and Barbara Kreps who argues that "The rigorous laws which consigned women's property and goods to their husbands so disabled women economically that they perforce fostered obedience; but they also paradoxically fostered the necessity of finding a new kind of law in equity that would to some extent defy husbands who tried to coerce their wives out of what was still legally theirs." See "The Paradox of Women: The Legal Position of Early Modern Wives and Thomas Dekker's *The Honest Whore*," *ELH* 69, no. 1 (spring 2002): 93.

55. Greenberg, Introduction, 23–4. See also B. J. Sokol and Mary Sokol, *Shakespeare, Law, and Marriage* (Cambridge: Cambridge University Press, 2003), 144.

56. Stretton, *Women Waging Law*, 194–201; and Gowing, *Domestic Dangers*, 180–231.

57. E-mail message to author, July 26, 2004. Hill argues that the Privy Council was particularly sympathetic to women's claims, acting much like the courts of Requests and Chancery (which were initially judicial arms of the Privy Council), often granting women money and lands as protection from irresponsible husbands ("The Privy Council," 210–11).

58. Greenberg, Introduction, 5.

59. See Weller and Ferguson's introduction to *The Tragedy of Mariam* (1–59); and Kennedy, who argues that "Cary's wives displace much of their anger onto other women and express their feelings of self-worth in moral, racialized, and class-inflected language that serves the interests of those benefiting from the prevailing social order" (*Just Anger*, 52).

60. See Ferguson's detailed analysis of Mariam's conflict with her husband and her conflicting feelings when he is reported dead (*Dido's Daughters*, 291–9).

61. See Maureen Quilligan, "Staging Gender: William Shakespeare and Elizabeth Cary," in *Sexuality and Gender in Early Modern Europe: Institutions, Texts, Image*, ed. James Grantham Turner (Cambridge: Cambridge University Press, 1993), 225; and Ferguson, "Running on with Almost Public Voice," 52.

62. See also Zimmerman, "Disaffection, Dissimulation," 567.

63. Vives, *The Instruction of a Christen Woman*, 89.

64. *Ibid.*, 90.

65. *Ibid.*, 91.

66. For an analysis of Mariam's insubordination, see Krontiris, *Oppositional Voices*, 78–91.

67. See the letter written by Norfolk's brother, Henry Stafford, "Henry Stafford to Secretary Cromwell (May 13, 1533)," in *Female and Male Voices in Early Modern England: An Anthology of Renaissance Writing*, ed. Betty S. Travitsky and Anne Lake Prescott (New York: Columbia University Press, 2000), 43–4.

68. See Travitsky, "Husband-Murder and Petty Treason in English Renaissance Tragedy," *Renaissance Drama* 21 (1990): 173; and Frances Dolan, "The Subordinate(s) Plot: Petty Treason and the Forms of Domestic Rebellion," *Shakespeare Quarterly* 43, no. 3 (1992): 317–40.

69. Raber, "Gender and the Political Subject," 330.

70. Harris points out that such suits took special courage on the part of married women who could be ostracized as a result of their suits. See *English Aristocratic Women, 1450–1550: Marriage and Family, Property and Careers* (Oxford: Oxford University Press, 2002), 52.

71. Such anti-heroines include, but are not limited to, Evadne in Beaumont and Fletcher's *The Maid's Tragedy* (1610), Beatrice-Joanna in Middleton and Rowley's *The Changeling* (1622), Bianca in Middleton's *Women Beware Women* (1621), and Annabella in Ford's *'Tis Pity She's A Whore* (1633). On penitent confessions, see Haselkorn, "Sin and the Politics of Penitence," 119–36.

72. On the play's subversion of "conventional formulations of wifely duty and male idealizations," see Lewalski, *Writing Women*, 199.

73. Zimmerman, "Disaffection, Dissimulation," 557.

74. Clarke, "'This Domestic Kingdome,'" 185.

75. Shannon, "Cary's Critique," 150–3; Miller, "Domestic Politics," 356, 360. Kennedy also notes that "there is no female solidarity in this play" (*Just Anger*, 62).

76. See Ferguson's reading of Salome, "Running on with Almost Public Voice," 49.

77. Ronnie Mirkin, "The Portrait of Elizabeth Cary in the Ashmolean Museum: 'Cross Dressing' in the English Renaissance," in *The Renaissance Theatre Texts, Performance, Design*, vol. 1, ed. Christopher Cairns (Aldershot, England: Ashgate, 1999), 77–105.

78. See also Skura, whose biographical reading finds Cary's own tendency to sleep through stress mirrored in Cary's portrayal of Herod, so that "[w]hen biography affects fiction, it does not reproduce itself exactly; the stories people tell are related to the stories of their lives, but not necessarily in predictable ways" ("The Reproduction of Mothering," 28). Through this kind of biographical reading, many characters may be read as expressing or embodying Cary's views.

79. Raber, "Gender and the Political Subject," 336.

80. Ibid., 336. Shannon concedes admiration for Salome's "flawless logic" ("Cary's Critique" 150); and Lewalski admits that Cary gives Salome's views a "full and forceful airing" ("Writing Women," 197).

81. See Cioni, who notes that "Equity operated in a positive manner to give relief where the common law procedure was too rigid and, in so doing, developed principles as rules in areas where the common law was deficient or obscure. Chancery did not foster a rival system of law; on the contrary, it sought to supplement and complement the common law and even to follow it as far as was possible. . . . However, this was not the case with married women's property rights. This was one area in which Chancery directly opposed the common law by recognizing that married women could have an estate separate from that of their husbands" (*Women and Law*, 8).

82. Stretton, *Women Waging Law*, 243.

83. Shannon, "Cary's Critique," 151.

84. The "Homilie" makes it clear that "As in readying of the holye scriptures, we

shall finde in very many and almost infinite places, as well of the olde Testament, as of the newe, that kings and princes, as well the evill as the good, do raigin by gods ordinaunce, and that subjectes are bounden to obey them" (L.iii). In *Patriarchia*, Filmer writes, "In all Kingdoms or Commonwealths in the World, whether the Prince be the Supreme Father of the People or but the true Heir of such a Father, or whether he come to the Crown by Usurpation . . . Yet still the Authority that is in any one, or in many, or in all these, is the only Right and natural Authority of a Supreme Father. There is and always shall be continued to the end of the World a Natural Right of a Supreme Father over every Multitude, although by the secret Will of God many at first do most unjustly obtain the Exercise of it" (22–23).

85. Butler, *Psychic Life of Power*, 15.

86. Goldberg, *Desiring Women Writing*, 179.

87. Valbuena, *King's Divorcement*, 144.

88. See Keith Thomas, "The Double Standard," *Journal of the History of Ideas* 20, no. 2 (1950): 195–216. Thomas argues that marriages reinforced the idea that a woman's chastity was not her own: "The double standard . . . was but an aspect of a whole code of social conduct for women which was in turn based entirely upon their place in society in relation to men" (213).

89. Kim Walker argues that the play's disjunctions constitute its interrogation of gender ideology; see *Women Writers of the English Renaissance* (New York: Twayne, 1996), 139.

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