

BA Thesis English Language and Culture, Utrecht University

Shakespeare and Prison

A critical reflection on Richard Wilson's Foucauldian reading of William

Shakespeare's *Measure for Measure*.

"The old partners of the spectacle of punishment, the body and the blood, gave way. A new character came on the scene, masked. It was the end of a certain kind of tragedy; comedy began, with shadow play, faceless voices, impalpable entities. The apparatus of punitive justice must now bite into this bodiless reality" (Foucault, 16-17).

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July 2015

Words: 5515 (excluding quotations, references, and footnotes)

Abstract

Shakespeare's *Measure for Measure* is through various scholars interpreted from a Foucauldian perspective based on *Surveiller et Punir: Naissance de la prison*. Richard Wilson is one of them and states that *Measure for Measure* already contains elements of the 18th century Age of Confinement although it is written in the early 17th century. In this BA thesis is shown, that although elements of the Age of Confinement are mentioned, other passages indicate that the English society in the early 17th century found itself in a phase of transition between two penal systems. Moreover, although Foucault states that the 'disciplinarisation' of society gave rise to the new penal system, this is not described as the cause of the transition in *Measure for Measure*. It becomes therefore questionable, which other reasons for the transition are given in *Measure for Measure*, that could possibly reflect the perspective from the 17th century English society on the developments. The main reason that is given in the play is that the use of excessive power by a monarch will turn his subjects against him – in the case of Angelo – and therefore, a merciful and just attitude is more effective for a monarch – in the case of the Duke – in order to be able to maintain his influence in society.

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Introduction

Shakespeare's plays and poems, which were written in the late 16th and first half of the 17th century, still inspire people under all kinds of different circumstances. One of these situations is imprisonment, which is discussed by prof. dr. Ton Hoenselaars in his inaugural address of 7 December 2012 at Utrecht University. While Hoenselaars describes historical examples of people who during the First World War and the Second World War were arrested and stayed at internment camp Ruhleben (*Overleven met Shakespeare* 18-20) or concentration camp Ravensbrück ("The Company of Shakespeare in Exile" 91) for example, many other current cases show that Shakespeare's work is of enduring influence in situations of imprisonment¹, and that studying these instances may make us reconsider our notions of "appropriating" Shakespeare in different circumstances, and how those situations influence the appropriation.

Not only practical situations of imprisonment influence the interpretation and appropriation of Shakespeare's plays through time, combinations of academic theories on prison and Shakespeare's plays also have produced new insights. An example of this research is Richard Wilson's Foucauldian reading of Shakespeare's *Measure for Measure* (1604). Michel Foucault was a philosopher and gives in *Surveiller et Punir: Naissance de la prison* (1975) a historical analysis of the changes in discipline and punishment in France during the 18th century. He describes and analyses the changes in society that lead to the 'birth of prison'. Although Shakespeare's plays do not take place in France, or in the 18th century, and were written well before that time, Wilson chose to interpret the play *Measure for Measure* from a Foucauldian point of view to find new insights and perspectives. Prison is most often mentioned in Shakespeare's *Measure for Measure* and plays a large role. Also other themes

¹ An example of this appropriation of Shakespeare's plays in prison can be found in Northern Ireland's Her Majesty's Prison (maximum security prison), where prisoners with long sentences have produced a film of Shakespeare's *Macbeth* with the help of the Educational Shakespeare Company to "help prisoners to tell their stories and transform themselves" but also to 'update and translate Shakespeare for a new audience'" (Wray 340-341).

Another example can be found in Jean Troustine's Shakespeare classes in prison (Framingham) in which she practiced and produced plays of Shakespeare with the women in order to "provide experiences that hopefully will be the way to insight and thus to better lives"(76).

such as authority and justice give rise to a fruitful combination of the play and the theory of Foucault.

Wilson is an authority in Shakespeare studies and his articles and books are much appreciated.² He was one of the first who gave a Foucauldian interpretation of *Measure for Measure* in 1990.³ This article gave rise to many other Foucauldian perspectives from scholars like Kim Reynolds in 1991, Mark Fortier in 1995, and Daniel Cadman in 2012. One of the most recent articles by Ahmed Salameh from 2014, researches the influence of socio-economic statuses on surveillance, or the ‘panoptic gaze’, on individuals in, among other plays, Shakespeare’s *Measure for Measure*. The Foucauldian reading of Shakespeare’s plays, and specifically *Measure for Measure*, is therefore still a matter of debate.

However, in this thesis, Wilson’s Foucauldian reading of *Measure for Measure* will be analysed again in relation to Foucault’s *Surveiller et Punir: Naissance de la prison* to establish if Foucault may yield more towards an understanding of *Measure for Measure* than Wilson seems to acknowledge. Although Wilson emphasizes the change in the penal system towards the Age of Confinement, the historical context Wilson describes and various passages in the play referring to the penal system also contradict these changes or at least nuance them. Therefore, this thesis will interpret the contradicting elements from the perspective of a transition phase between the old and the new penal system, and look for reasons for this transition in the play.

² Academic praise for Richard Wilson’s *Will Power: Essays on Shakespearean Authority*, a collection of essays which contains his Foucauldian reading of *Measure for Measure*, is for example given by Professor Alan Sinfield (University of Sussex): Richard Wilson places Shakespearean plays within the cultures of popular resistance and institutional constraint. (...) The analysis is sharp, lucid, and committed; a necessary read, both for the scholarship and the method.

Besides, also Professor John Drakakis (University of Stirling) was very positive: A tour de force of literary and historical study. This fascinating book (...) provides exactly the kind of combination which allows text and context mutually to illuminate each other.

Dr. Kathleen McLuskie (University of Kent at Canterbury) added: An extraordinary achievement which provides a wide ranging historical background, and sets the terms of contemporary Shakespeare criticism in the context of developments in philosophy, economy and cultural theory.

³ In his article “The Quality of Mercy: Discipline and Punishment in Shakespearean Comedy” produced in *The Seventeenth Century*.

New perspectives are expected to be found, since Wilson mainly focusses on the passages in *Measure for Measure* that correspond to Foucault's description of the Age of Confinement. He places the play in a new context, namely the international historical development of the 'birth of prison', through a combination of historical, theoretical and literary research in an academic essay. This seems part of a "transposition" of medium, genre and context which, according to Linda Hutcheon, can be defined as an adaptation (7-8). Besides, according to Fischlin and Fortier, "Every act of interpretation, every theatrical production implies a critical reading, but adaptation features a specific and explicit form of criticism: a marked change from Shakespeare's original cannot help but indicate a critical difference. In addition, adaptation can also meld with theory" (8). Again this applies to Wilson's text. Moreover, it seems as if the theory explicitly 'takes over' the play and Wilson describes the play again in the model of the Age of Confinement from Foucault's theory. According to Fischlin and Fortier, this kind of adaptation should be called an appropriation (3) and since it is presented in an essay, I suggest to call it an academic appropriation.

The analysis of the 'birth of prison' in chapter one and an overview of Wilson's argument in chapter two, will be followed by the third chapter which consist of a critical reflection on Wilson's reading. An analysis of his historical interpretation, argument and use of Foucault's concepts seeks to demonstrate that there are always elements kept out of the discussion that could offer possible new perspectives in the debate.

Chapter 1 – Foucault’s *Surveiller et Punir: Naissance de la Prison*

In 1975, Michel Foucault published *Surveiller et Punir: Naissance de la Prison*, his historical analysis of crime and punishment in France. According to Foucault, the 18th century marked a change in the social view on the power to punish, the penal practice, which crimes should be punished and how. In his book he analyses the causes and effects of this change (23) that lead to our present-day penal system (31). In this following chapter, I will discuss Foucault’s argument.

Torture

In the first part of his historical analysis of punishment, Michel Foucault describes the use of public torture during both trials and punishments from the middle ages until the 18th century. Besides physical punishments there were other forms of punishment such as banishment or fines, but “many of these non-corporal penalties were accompanied by additional penalties that involved a degree of torture/supplice: public exhibition, pillory, carcan, flogging, branding” (32-33).

For a special form of punishment to be torture, there were three criteria. Firstly, torture would produce “a certain degree of pain” (33). Secondly, the pain, caused by torture, could be quantified and therefore: “torture correlates the type of corporal effect, the quality, intensity, duration of pain, with the gravity of the crime, the person of the criminal and the rank of the victims” (34). Thirdly, “torture forms part of a ritual” (34). In this ritual, the body needed to be tortured so the public was able to see the “truth of the crime” (35). Neither the spectators nor the criminal knew in advance what the charges, the evidence, or the punishment would be (36).

The public execution was not only judicial but also political. Punishment was a display of the power of the king in which he “made war on his enemies” (48) but also an act of

vengeance by the king since the criminal showed no respect for the law and therefore also insulted the king (48).

Public executions survived for such a long time because of the historical conjecture with lots of revolutions and therefore only sporadic opposition to strict punishment (55). The public tortures were seen as ideal ways to show the operation of power and legal practice. Moreover, the torture made it possible to inflict the same violence on the criminal as he did on society. The body was the central place where “the vengeance of the sovereign was applied as the anchoring point for a manifestation of power” (55).

The confession of the criminal was central to the process (38) since the criminal expressed his own guilt, the confession was public, showed the relation between the crime and the punishment, and finally emphasized the slow process of torture and execution to show the truth of “death agony” (45). In this thesis I will refer to this period as ‘the Ages of Terror’.

Changes in the 18th century

From the 18th century onwards, the philosophy and practice of punishments changed (7).

Punishments became focussed on the individual, less physical, and more discreet (8).

Although torture disappeared, punishments were still related to the body such as “imprisonment, confinement, forced labour, penal servitude, prohibition from entering certain areas, and deportation” (11). However, the main object of punishment was no longer the body but the soul of the convict (16).

The new system made an end to the autonomy of the monarch and started a new method of investigation and judgement (19). The judge could not determine the punishment alone, but was assisted by other professionals (21). Besides, one could only be punished after it was proven that the accused was guilty, it was no longer accepted to use torture during the investigation, and the investigation and the punishment were strictly separated.

The aim of the reform was to create a “new economy of the power to punish” in which an equal distribution of power was created along the social classes in society (80). This meant that punishment should be more effective within all layers of society, “with more universality and necessity” (82). Firstly, this was achieved by more control in society and a changing power balance, former tolerated illegal practices and minor offences such as theft and smuggling were now no longer accepted but punished (84-86). Secondly, to meet the demand of universality, punishments became more and more defined, regularized and universalized in the reform processes which lead to a “new technology of the power to punish” (89).

The aim of the punishment was to correct the wrong inflicted on society, but also to punish just enough to avoid repetition (92). The whole calculation was based on six rules:

1. “The rule of minimum quantity”; the criminal should have “a little bit more interest in avoiding the penalty than in risking the crime” (94).
2. “The rule of sufficient ideality”; punishment should be based on representation, “the memory of pain must prevent someone from doing something” (94).
3. “The rule of lateral effects”; “the penalty must have its most intense effects on those who have not committed the crime” (95).
4. “The rule of perfect certainty”; “the link between crime and punishment should be regarded as necessary and unbreakable” (95).
5. “The rule of common truth”; “the verification of the crime must obey the general criteria for all truth” (96).
6. “The rule of optimal specification”; “all offences must be defined” (98).

Besides the six rules mentioned above, the criminal was not only judged upon his act, but also on his background, “way of life, attitude of mind and past” (99) instead of the intention of his will. This change in perspective on the criminal and more strict and defined

punishments involved a paradox. On the one hand, the punishments were strict and predetermined; on the other hand they had to be appropriated to the individual (100).

Reasons for change

The older methods of punishment were discarded during the 18th century for several reasons. Firstly, punishment as a public spectacle was no longer believed to be effective. Secondly, there was a growing critique among the population on the excessive violence used during public torture. On a philosophical level, these ‘atrocities’ (55) were condemned because punishments should equal the crime (8, 73). Among the lower strata of the population, who were expected to participate as spectators and witnesses and join the king in his vengeance and terror during the public punishments (58-60), more and more disturbances took place caused by their critique on the excessive physical violence (61). Thirdly, “the scaffold became a stage for the criminal who had the opportunity to give a last speech” (66). This could lead to the glorification of the criminal instead of the king. Fourthly, the autonomous power of the king was criticized in combination with his “tyranny, excess, the thirst for revenge, and cruel pleasure taken in punishing” (74). Fifthly, the shameful condition of the convict was criticized since during punishments, humanity should be taken into account (74). Sixthly, the change in punishment was part of a larger reform in which both the crimes as their punishments became less violent. On the other hand, there were more crimes that were punished due to a more strict control (75). This larger development was partly caused by “a change in the operation of economic pressures, a general rise in the standard of living, a large demographic expansion, an increase in wealth and property and ‘a consequent need for security’”(76).

Aims of the new system

The aim of the new penal system was the change of the ‘souls’ of the criminals. This was achieved by a substitution of the objects to the law, a thorough research of the background,

character and possible changing behaviour of the criminal, punishments that equalled the crime and a process of supervision of the individual to neutralize his state of mind (18).

As mentioned before, during the 18th century, punishments became increasingly part of a “technology of representation” (104). To meet this requirement, firstly, the signs of punishment needed to be un-arbitrary and therefore there should be a direct link between the punishment and the crime (104). Secondly, the signs should “reduce the desire that makes the crime attractive” and at the same time “increase the interest that makes the penalty be feared” (106). Thirdly, punishments should be associated with a temporal modulation; permanent punishments should not give the aim to improve one’s behaviour (107). Fourthly, the representation was partly meant for the convict, but mostly for the other ‘potentially guilty’. The signs therefore functioned as a warning within the discourse of punishment (108). Fifthly, this warning should not be caused by terror but by information and example (109-110). Sixthly, this change of discourse would stop the glorification of the criminal which was problematic during the Ages of Terror (112). These six new rules had to lead to a new perspective on punishment in which the punishments were telling and showing the consequences of specific crimes (113-14). Although prison was not exemplary for certain crimes, lots of types of punishment became strongly related to imprisonment such as forced labour (115). Besides the fact that imprisonment was not exemplary, it also played a minor role because it was not seen as punishment (118) and it was also related to the “excesses of the sovereign power” (188). Therefore, the juridical status had to be changed.

Certain changes led to the acceptance of imprisonment as a general form of legal punishment (120). Most important were the international models for imprisonment. Examples of older models were the *Rasphuis* in Amsterdam or de *Maison de Force* in Ghent which used structure and work to change the behaviour of their prisoners (120-21). The English model added periods of isolation for meditation (122), and the American Philadelphia model was

based on a combination of both work and isolation and was very successful (123). Instead of a place where a convict was guarded previous to judgement and punishment, the prison became a place where the minds and morals of convicts were altered after they were found guilty. To change their soul and therefore their behaviour, the convicts were individually researched, categorized, and controlled by their guards and specialists (125).

Concluding, in the late 18th century there were “three ways of organizing the power to punish” (130). Firstly, there was the old monarchical law. Besides, there was the corrective punishment based on the right to punish the wrong that was done to the social body. This could on the one hand be done by a representative punishment based on signs and on the other hand a punishment based on altering of the mind and morals of the convict. Finally, the third option became dominant, but why? (131)

Discipline

Part of the answer why imprisonment in order to change the mind and morals of the convict became the dominant punishment, is the broader change in society aiming for a disciplined, and therefore obedient and utile, social body (136). This was not completely new, but reinforced in the 18th century by constant control, coercion, and a focus on the individual. Discipline slowly infiltrated in all parts of the society (138) and therefore also in prison (139).

Central means to achieve discipline in prison were “hierarchical observation, normalizing judgement and their combination in a procedure that is specific to it, the examination” (170). The “hierarchized, continuous and functional surveillance” was not one of the great technical inventions of the eighteenth century but from this moment onwards it was used specifically to achieve a disciplined society (176).

Normalizing judgement was part of the entire society. In the workshop, school and army there were many kinds of micro-penalty systems in which behaviour that deviated from the norm was punished in several ways to correct it (178-79). The punishment was part of a

double system; the opposite of punishment was gratification (180). The distribution of ranks in society was part of the punishment-gratification model in which people were hierarchized according to their skills but were punished and rewarded according to their position.

Discipline in Prison

For implementing discipline in prison, a new architecture was necessary (172). This was based on Jeremy Bentham’s Panopticon which reversed “the principle of the dungeon; or rather of its three functions – to enclose, to deprive of light and to hide – it preserves only the first and eliminates the other two” (200). The Panopticon was very effective because it gave the possibility to observe which sustained “the automatic functioning of power” (201) and because, secondly, it created a laboratory setting in which the behaviour of the convicts could be documented (203). Thirdly, the Panopticon defined power relations between the guards and convicts, but also among the convicts (205) and fourthly, in the Panopticon, fewer people who exercise power are needed to control those on whom it is exercised (206). Finally, the Panopticon was financially more efficient (207).

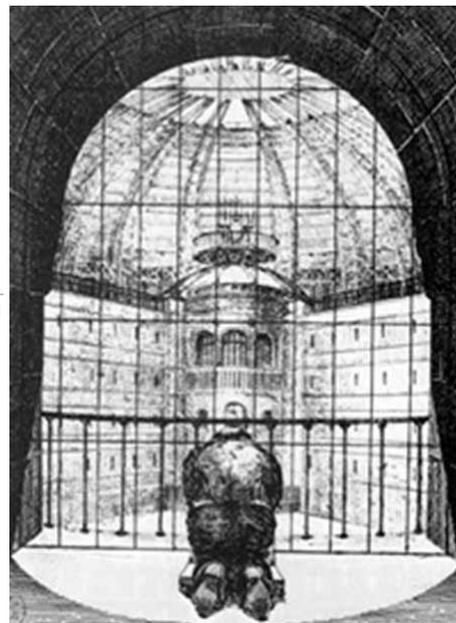
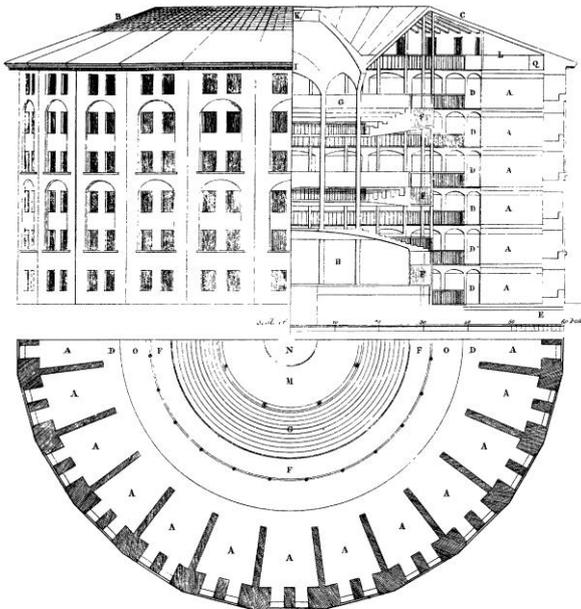


Figure 1: Architecture of the Panopticon.

Figure 2: Position of the convict in the Panopticon – constant surveillance.

The ‘disciplinarianisation’ of society and therefore the prison, was caused by a number of broad historical processes (218). One of them was the large demographic thrust in the 18th century. Besides, after the rise of the bourgeoisie, a new power balance was created in society. There were also many technological changes that enforced the agronomical and industrial economy. Finally, the combination of the increase of knowledge and of power reinforced each other.

At the turn of the eighteenth and nineteenth centuries, imprisonment was seen and practiced as a punishment. However, this was not completely new, since it was based on former disciplinary methods that functioned in society (231). Imprisonment “was exercised in the same manner over all its members and in which each individual was equally represented” (231). The prison was seen as an equal punishment, since the loss of liberty is the same for everybody. Prison became a place of both isolation from society and other prisoners in order to give time for reflection (237) and of work to enforce the power relation by “individual submission and adjustment to a production apparatus” (243). Finally, there was an option for modulation of the penalty. A convict could leave the prison after a set time, but also earlier as a result of good behaviour (244).

This was determined by the staff of the prison, therefore, besides the juridical judgement; a new system of authority within prisons came into existence called the ‘penitentiary’ (248). This authority based its decisions on both surveillance and knowledge obtained by permanent observation and documentation (249). In prison, the convict was treated like a delinquent and “variables which at the outset at least were not taken into account in the sentence, for they were relevant only for a corrective technology” (251) became important for the treatment of the individual. More and more the convict was not only seen as the author of the act, but became in various ways connected to the act (252-253) and therefore

researched as a character in relation to the crime. This research would develop as the science of criminology.

Although prison was perceived as the most equal and disciplined solution for criminality, there was already some early critique on the prison in the early 19th century (265). Firstly, research made clear that prisons did not diminish the crime rate (265). Secondly, detention was believed to cause recidivism (265). Thirdly, the autonomic power system which creates delinquents contradicts the system of justice outside prison (266). Fourthly, the prison creates a milieu of delinquents who help each other after their release in society with criminal acts (267). Fifthly, the conditions after a stay in prison give rise to recidivism (267). Sixthly, the family of the delinquent in prison is thrown in destitution and therefore will get acquitted with criminal acts (268).

During the last 150 years, a set of central principles for prison has been maintained (269). Among others, they state that detention is aimed to transform the behaviour of the individual, which could be achieved through specialised and controlled staff, isolation, work, education, possible altering of punishments according to the individuality of the convicts, and rehabilitation (269-270). Although imprisonment should stop crimes, it only succeeds in producing delinquents (277) and therefore the isolation, control and observation of illegality (276).

Chapter 2 – Richard Wilson’s Foucauldian reading of *Measure for Measure*

Shakespeare’s *Measure for Measure* was first published in the Folio of 1623, but it was probably written in 1603/4. In this tragi-comedy, the Duke of Vienna transfers his power to Angelo, seems to leave, but actually returns disguised as Friar Lodowick among his people in his dukedom. Angelo uses his new status as an opportunity to enforce the law and therefore condemns Claudio to death for making love to his beloved Juliet before marriage. Claudio’s sister Isabella tries to persuade Angelo to pardon Claudio. Angelo promises to release Claudio if she makes love to him, although she wants to be a nun. After making love to Marianne under the assumption that it was Isabella, Angelo still condemns Claudio to death. Luckily, the Duke was all the time aware of the situation, prevented Claudio’s death, and ‘comes back’ at the end of the play to reveal his presence and to restore justice.

History

Because the play addresses the important themes of authority, justice, prison, and punishment *Measure for Measure* is indeed related to the themes Foucault discusses in his *Surveiller et Punir* and therefore it seems a good choice of Richard Wilson to interpret both texts in combination with each other. However, there are also reasons why this combination could be criticized. Firstly, Foucault’s analysis of the ‘birth of prison’ is a historical text in which is tried to extract certain patterns in history to define the causes of the change in the penal system. *Measure for Measure* on the contrary is a literary text which does not need to be based on reality and can be a pure imaginative story without reflection on the development of the juridical system. Secondly, Foucault describes the developments in France, and focusses mostly on the 18th century, while *Measure for Measure* was written and performed in England in the first years of the 17th century and, moreover, is set in Vienna. This combination indicates an anachronistic situation in which ideas and perspectives of the 20th century on the 18th century are used to interpret the 17th century.

However, Wilson clearly explains how his choice could be justified. Firstly, he gives multiple examples of the way in which historical events and cultural elements are reflected in the 17th century play. A clear example is “the turning point in the history of modernity” which shows the changes in government which becomes an art in itself (“Prince of Darkness” 150-151), which in *Measure for Measure* is addressed in the first lines:

DUKE : Of government the properties to unfold
 Would seem in me t’ affect speech and discourse,
 Since I am put to know that your own science
 Exceeds, in that, the list of all advice
 My strength can give you. (1.1.3-7).

Other historical elements are the changing perspectives on life, death and growing birth rates (“Prince of Darkness” 150-152) which come back in the play via Juliette’s pregnancy and the weddings at the end of the play which represent offspring. The last example I give here is the historical similarity between the disguised Duke in the play, and the fact that *Measure for Measure* was written for Christmas. Wilson explains that there was a folk-tale in which the king went anonymous among the population while a mock king took his place for a couple days during Christmas (“Prince of Darkness” 153). The mentioned examples show that *Measure for Measure* in various ways reflects the historical events and culture of the time in which it is written and therefore also in relation to the perspectives on prison and justice can be compared to Foucault’s historical analysis.

Besides the combination of various genres, Wilson also combines different perspectives from various historical periods. However, although Foucault describes the juridical development in France with a focus on the 18th century, other academics such as Pieter Spierenburg and John Archer claim that the developments in France, both the changes in punishment and surveillance, appeared in England and the Netherlands much earlier

(“Prince of Darkness” 140). An anachronistic interpretation, which is “an error in chronology: a representation that contradicts the processes or relations between events in a certain historical period” (Lorenz 247) is therefore not the case since the changes Foucault describes fit in the developments of the English society of the 17th century.⁴ According to Wilson “Foucault’s Age of Confinement can therefore be dated very precisely in England, to the day in 1553 when the dying Edward VI chartered the institutional archipelago which More had envisaged, adding [the prison] Bridewell to the orphanage, Christ’s Hospital, and the infirmaries, St Bartholemew’s and St Thomas’s” (“Prince of Darkness” 141). Bridewell was an institutional bureaucratic enterprise, structured by surveillance and discipline representing the prison Foucault describes in the 20th century.

Foucault and *Measure for Measure*

Not only a historical comparison between Foucault’s analysis and the history of England, shows many similarities. The play also confirms the historical transition from the old terror of the monarch to the modern perspectives of a society based on justice and generalized punishment. Wilson gives multiple examples to confirm his statement that “In a ‘golden time’ of amnesty, Shakespearean comedy tested the tension between terror and toleration, luring the ‘nimbling gallant’ to his downfall and hinting at a modern prince, who would rule by the incitement of the desire of his subjects” (“The Quality of Mercy” 125).

A first example is the Duke who disguises himself as a Friar to be able to live among the citizens of Vienna and says: “I love the people,/ But do not like to stage me to their eyes” (1.1.67-68). The choice of the Duke very much resembles the surveillance in the Panopticon in order to control the people, according to Foucault. Jonathan Dollimore claims that it’s the Duke’s aim “to position the characters in confessional subjection, which he does by repressive tolerance, not oppression” (qtd. in “The Quality of Mercy” 128). To create this situation, the

⁴ “Fout tegen de tijdrekening: voorstelling die in strijd is met het verloop of de samenhang der gebeurtenissen in de tijd.”

Duke gives his power to Angelo “A man of stricture and firm abstinence” (1.2.13) who will execute the law again in order to learn the people of Vienna to appreciate the Duke’s mercy again.

Besides the emphasis on surveillance, another change in the penal procedures is the fact that “the right of death that went with kings is to be superseded in its action by the power over life that goes with workhouses, prisons and asylums” (“The Quality of Mercy” 152). Although the Duke not yet uses the prison to exercise power over the lives of the convicts, he marries Angelo to Marianna for example instead of punishing him and thereby determines his further life instead of giving him the death penalty.

Furthermore, “just as kings contest the monopoly of violence in tragedy, it is in comedy, where kings resign their violence, that the birth of the prison is recorded” (“Prince of Darkness” 152), according to Wilson. Prison plays a minor role, but in the play *Measure for Measure* examples are to be found indeed of a change in perspective on violence and an emphasis on mercy. Although Angelo does not pardon Claudio, the Duke proves to be merciful when he comes back and does not sentence Angelo to death.

This short overview of Wilson’s methods and argument confirms his claim that according to historical research and a literary analysis of *Measure for Measure*, the Age of Confinement already started in the early 17th century English society.

Chapter 3 – A critical reflection on Richard Wilson’s Foucauldian reading

Measure for Measure is indeed a good example of the transition from the Ages of Terror to the Age of Confinement in my opinion, and Richard Wilson provides several clear examples of the changes in the penal system such as the notion of mercy, the surveillance of the monarch, and the extended power of the monarch on the lives of the people to support his argument. However, more examples of both the influence of the Age of Confinement, but also of the Ages of Terror can be found in the text.

Age of Confinement

Many more similarities between Foucault’s described Age of Confinement and the penal system in *Measure for Measure* can be found. An example is Isabella’s plea for Claudio towards Angelo. She already gives arguments for the more lenient and humanitarian penal system of the 18th century. She for instance asks Angelo to “condemn the fault and not the actor of it” (2.2.38). Isabella therefore states, just like Foucault describes, that Claudio should not be seen as the author of the act, but someone in various ways connected to the act (Foucault 252). When Angelo does not listen she asks for mercy when she says “Yes: I do think that you might pardon him,/ And neither heaven nor man grieve at the mercy” (2.12.50-51). Angelo stays relentless and states that Claudio is “a forfeit of the law” (2.2.73) and therefore should be punished.

Isabella answers him with the assumption that “all the souls that were, were forfeit one” (2.2.75). With this remark she makes a clear difference between the soul and the body. According to Foucault this difference was the basis of the new penal system in which not the body was punished but the soul should be changed to alter the behaviour of the convict (16).

Finally, she also criticizes the random punishment by Angelo and asks him: “Who is it that died for this offence?/ There’s many have committed it” (2.2.90-91). She criticized the fact that the similar offences are not similarly punished.

Besides Isabella's plea, another element of the Age of Confinement is the interrogation and search for truth (Foucault 19), which, except for Claudio's case, is mentioned in several penal processes. The Duke, for example, sticks to the process when he comes back and asks what has happened during his absence by giving everybody time to speak and by asking specific questions.

Also, in prison, good behaviour influences your punishment. This is clearly a new element since the guards in prison, by observation, therefore have a certain power to influence your punishment. Foucault calls this system 'penitentiary' (248). An example can be found in the description of Pompey who is asked to assist the executioner. The provost points out: "if you will take it on you to assist him, it shall redeem you from you gyves; if not, you shall have your full time of imprisonment, and your deliverance with an unpitied whipping, for you have been a notorious bawd" (4.2.7-11).

Finally, punishments are not public any more. Although Foucault states that public physical torture was of major importance in the Ages of Terror (48), only the final judgements of the Duke are public, while the punishments are planned to be executed in prison.

Ages of Terror

Wilson rightly points out the elements in the play that closely resemble 18th century practices and that look ahead towards the Age of Confinement. However, through his focus he neglects the elements of the Ages of Terror that are still present and that show that the play is set in a time of transition between the two penal systems. Many examples of the old system can be found.

One example is the endless authority of the monarch. Both the Duke and Angelo have infinite power and are not restricted. They can use their power how and when they want. Isabella criticizes this with the following remark: "Oh, it is excellent/ To have a giant's strength, but it is tyrannous/ To use it like a giant" (2.2.110-112). The population of Vienna is

controlled by their power without any rights to defend themselves to the monarch. When Isabella threatens to tell others of Angelo's corrupt proposal to sleep with her in exchange for Claudio's life, Angelo asks her:

Who will believe thee, Isabel?
 My unsoil'd name, th'austereness of my life,
 My vouch against you, and my place i'the'state,
 Will so your accusation outweigh
 That you shall stifle in your own report,
 And smell of calumny" (2.4.135-160).

The endless power of the monarch corrupts (Foucault 74).

Besides, both the Duke and Angelo permit themselves the freedom to decide the punishments themselves, without asking advice from professionals. This is certainly an element of the Ages of Terror, since one of the changes in the new model was the influence of advisers on jurisdiction (Foucault 21). Angelo can give Claudio all kinds of sentences, but can also pardon him. The Duke gives all kinds of sentences, such as whipping and hanging (5.1.506) but he also forces Angelo and Lucio to marry (5.1.510). The punishments mentioned above show that they are still arbitrary and not generalized, as was asked for during the changes in the penal system (Foucault 89), but they also show that there are still physical punishments such as whipping and hanging and even the death penalty.

There is a prison in the play, but this building only functions as a place where the convict waits for his punishment, where the punishments are executed, and the convict is victim of the excessive power of the monarch (Foucault 118-119). Claudio, for example, waits for his punishment in prison, and is ordered to be beheaded in prison. Lucio will marry in prison, and Bernadine is already for years waiting for his sentence in prison. Prison is not the punishment, but death is: "That age, ache, penury, and imprisonment,/ can lay on nature is

a paradise/ to what we fear of death” (3.1.130-131). The only exception is Pompey who is sent to prison for “correction and instruction” (3.2.29).

Besides the old function of the prison, there are also other older elements in the penal process. An example of this is the fact Claudio and Juliet are asked to repent and confess. When Angelo wants Claudio to be executed he says: “Bring him his confessor; let him be prepar'd/ For that's the utmost of his pilgrimage” (2.1.35-36). All of them confess for the Duke, Juliet and Claudio when he is disguised as a Friar, and Angelo and Lucio when he ‘comes back’. Confession was central to the old system according to Foucault (38) since wrongs were to be prevented by showing the fault first and the punishment afterwards.

Transition

The above mentioned examples show that *Measure for Measure* represents a phase of transition between the old juridical system and the new Age of Confinement. The two periods are represented through different characters. Angelo clearly represents the old system through his excessive use of power and punishment, corruption and distance to his people. The Duke however, represents the new system of surveillance, mercy, and his exercise of power over the lives of his subjects instead of their death. It is important to be aware of the transition in the interpretation of the play since nowadays this change caused by the Duke may be regarded very positive and as an improvement, while according to Brian Gibbons: “Contemporary audiences, prompted by their authorities to fear the ‘multitude’ of masterless men and women and their bastards that were said to roam their streets, may well have applauded the Duke’s rigorous methods of establishing civil order” (Introduction 78).

In Wilson’s search for Foucauldian elements in *Measure for Measure* he almost forgets elements of Foucault’s analysis that are not or barely present in the play such as discipline. Wilson gives two examples of discipline; the aim of the Duke to “manoeuvre his people into self-subjection” (“The Quality of Mercy 128), and Pompey who’s sent to prison

for “correction and instruction” (3.2.29). However, the discipline Foucault describes is essential for the changes in the penal system and should be the underlying pattern of the structure in society. This is not the case in the play. The discipline Foucault describes not only functions in law, but also in schools, hospitals, the army, and for example harbours (138) while none of these elements are mentioned in the play. Besides, although jurisdiction is the only realm where examples of discipline can be found, just as many examples show elements of the Ages of Terror that contradict the establishment of the Age of Confinement. Angelo’s aim behind his strict penal system is to make an example, prevent others from committing a crime and thereby expand his authority, which all fits in the penal system of the Ages of Terror. The Duke aims at a restored respect for his mercy, but he does not speak of intentions to discipline and normalize his citizens. Otherwise, the Duke would have insisted on a generalized penal system in which similar offences would lead to similar punishments.

Although Foucault states that the ‘disciplinarisation’ of the French society was the main cause of a new penal system, this is not shown in Shakespeare’s play. Therefore, the question arises which other reasons for the change in penal system are given in *Measure for Measure* and therefore possibly reflect the perspective on the causes in the 17th century English society. In my opinion, the main reason that is given in the play is the fact that excessive power of a monarch will turn his subjects against him – in the case of Angelo – and therefore, a merciful and just attitude is more effective for a monarch – in the case of the Duke – in order to be able to maintain his influence in society. Society should therefore not be changed or disciplined, Shakespeare suggests, but the monarch needs to balance between both mercy and vigour to earn the respect of his subjects and maintain his power and influence. These changes occur before the total disciplinarisation of society according to Foucault, and therefore, the total Age of Confinement is not yet present in *Measure for Measure*, but will be in the years after the play was written.

Conclusion

According to the analysis above, Richard Wilson proves through his historical research and his appropriation of the play *Measure for Measure* that the Age of Confinement described by Foucault in *Surveiller et Punir: Naissance de la prison*, already begins in early 17th century in England. However, in his argument he mostly focusses on those elements that confirm his Foucauldian reading, and neglects those elements that emphasize that *Measure for Measure* represents a transition phase between the Ages of Terror and the Age of Confinement. Moreover, Wilson does not mention the essential element of discipline in Foucault's argument either, which is barely represented in the play. The lack of representation of discipline as a structure in society raises the question what reasons are mentioned in the play for the change in the penal system and could be the perspectives on the developments in the early 17th century. In my opinion, the main reason that is given in the play is the fact that the excessive power of a monarch will turn his subjects against him – in Angelo's case – and therefore, a merciful and just attitude is more effective for a monarch –in the case of the Duke – in order to be able to maintain his influence in society.

This research shows that there is a constant need for critical reflection on both the primary and secondary sources in a debate in order to find new perspectives and to add other points of views. In academic research, often the literary texts are appropriated to support a certain argument, while outside the framework, created by an author or theory, they can serve many more perspectives on the past and the present. Wilson also used a selection of Foucault's theory to compare to a selection of Shakespeare's *Measure for Measure* in his appropriation in order to prove the existence of the Age of Confinement whereby other elements were not taken into account. Further research could again focus on the framework used in research and especially those elements that contradict the frame in order to find new perspectives in historical texts beyond our present-day expectations and the obvious.

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Illustrations

Figure 1: Architecture of the Panopticon –

<https://upload.wikimedia.org/wikipedia/commons/1/11/Panopticon.jpg>

Figure 2: Position of the convict in the Panopticon, constant surveillance –

<http://www.utilitarianism.com/panopticon.jpg>