2017

Liberty to Misread: Sanctuary and Possibility in the Comedy of Errors

Benjamin Woodring
Yale Law School

Follow this and additional works at: http://digitalcommons.law.yale.edu/yjlh
Part of the History Commons, and the Law Commons

Recommended Citation
Available at: http://digitalcommons.law.yale.edu/yjlh/vol28/iss2/5

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Yale Journal of Law & the Humanities by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.
Liberty to Misread: Sanctuary and Possibility in *The Comedy of Errors*

Benjamin Woodring*

Figure 1: Account of an arrest attempt interrupted by the taking of sanctuary, 1582. Repertories of the Court of Aldermen, Rep 20, folio 320. Courtesy of the London Metropolitan Archives.

Late in 1582, Christopher Jones scuffled with law enforcement officials on the streets of London. Breaking away in the middle of an attempted arrest, he bounded down an alley looking for cover. In this brief stint of time, he found assistance from clergy within St. Paul’s and took sanctuary in the church. The London Aldermen angrily report the incident in their Repertory:

...one c[hris]topher/jones was latelye arested.../...in ye/ lane leadyng from pawles churche to ivye lane, and dyd/theare dysobey and resyste the sayd offycers, and the rescue w[as?]//theare mayntayne[d] by one gareforde baylyfe to the deane/chapter of pawles & others: yt ys thearefore orderyd & decreyde/ by thys

* J.D., Yale Law School; Ph.D., English, Harvard University. I am grateful to Stephen Greenblatt, James Simpson, and Michael Roccafort for their helpful feedback on this piece. My broader inquiries into this subject have benefited from the invaluable advice of Homi Bhabha, Julie Peters, Barbara Lewalski, Ramie Targoff, Suzanne Smith, Rob Fox, Christine Barrett, Jamey Graham, Seth Herbst, Craig Plunges, and Daniel Loick. Thanks is due Jeremy Smith at the London Metropolitan Archives for manuscript assistance.

319
courte. . . [for the]/ offyc[er]s to apprehend and take as well the sayd chr[ist]opher jones/a[n]d all so the sayd gareforde and all others of the sayd offernde[r]s/and rescuers as they can fynde. and to brynyge them before the ryght honorable the lorde mayor. . . .¹

We might wonder what was in it for the “rescuers.” Perhaps they knew something of the man or incident in question and wished to offer their protection in the face of corruption. Or perhaps they were trying to assert and signify St. Paul’s jurisdictional rights, as opposed to those of the city. While these motivations are lost to history, we can see that their actions, even at this late date in the Elizabethan era, were still able to disrupt the diurnal governance of the city. It is clear that the officers originally apprehending Jones quit their claim at the steps of St. Paul’s, choosing to report the incident to their superiors rather than carry out a complicated extraction from the sacred space. Their reservations against doing the latter likely stemmed from both a desire to avoid public infamy (the violation of holy ground) and the murkiness of the jurisdictional situation. As late as 1606, Ferdinando Pulton had marked the issue of sanctuary with the classical legal question mark “quaere” in his authoritative compendium of English law.²

The privilege of sanctuary was as ancient as England itself and developed from a mixture of Hebrew, Greek, Roman, Anglo-Saxon, and Christian traditions. It allowed seekers to install themselves in a protected area—whether a church or another protected space.³ Originally the privilege harbored virtually everyone, including those who had committed felonies. Those suspected of criminal activity had forty days either to turn themselves over to authorities or to abjure the realm⁴ (although some special sanctuaries with royal warrant offered permanent protection)⁵. If

---

1. Repertories of the Court of Aldermen, Rep 20, folio 320. In modern English, the account reads: One Christopher Jones was lately arrested in the lane leading from Paul’s church to Ivy Lane, and did there disobey and resist the said officers, and the rescue was there maintained by one Gareford[?], bailiff to the dean chapter of Pauls, and others. It is therefore ordered and decried by this court for the officers to apprehend and take as well the said Christopher Jones and also the said Gareford[?] and all others of the said offenders and rescuers as they can find, and to bring them before the right honorable lord mayor. 

Id. (Author’s transcription).

2. DE PACE REGNIS ET REGNI 189 (1606).


5. See, e.g., ALFRED JOHN KEMPE, HISTORICAL NOTICES OF THE COLLEGIATE CHURCH OR ROYAL FREE CHAPEL AND SANCTUARY OF ST. MARTIN-LE-GRAND, LONDON (1825).

http://digitalcommons.law.yale.edu/yjlh/vol28/iss2/5
someone could reach an asylum zone, they were safe, so long as they remained in that demarcated community. Beyond catering to suspected criminals, the privilege was very important in times of political transition and turmoil, and was even used for domestic upheaval. Those fearing for their lives for any reason could avail themselves of the altar’s protection. As use of asylum became much more widespread in medieval England, many churches developed special arrangements for those living there, either temporarily or permanently.

But Henry VIII would eventually crack down sharply on traditional sanctuaries through a series of legislations passed in the mid-1530s. Like the dissolution of the monasteries in the 1530s, sanctuary immunities were threatened precisely as the Church of England was born. No longer would serious felons be able to find refuge in these places—these zones instead became the realm for an unstable medley of debtors, itinerants, those fleeing from harm, and foreign craftsmen trying to practice their trade outside the guild system. The majority of accounts of the history of sanctuary have the institution all but ending by the reign of Elizabeth. Yet much mystification remains regarding the practice and its demise; for scholars also note that such spaces outside royal jurisdiction were still in operation until 1696, and in some cases beyond. Still, no historical or literary study, excepting the occasional antiquarian’s from many years ago, has drawn the link between the medieval and Tudor sanctuary spaces and the notoriously lawless zones of Stuart scoundrels, especially the “Alsatia” of the Restoration. In reality, the institution of sanctuary was


9. In N.H. MacMichael’s paper Sanctuary at Westminster, for instance, only one exceedingly brief nod is given to sanctuaries past 1558: “Sanctuary at Westminster under Elizabeth I was limited to debtors, and it was abolished entirely by her successor in the first year of his reign.” N.H. MacMichael, 27 WESTMINSTER ABBEY OCCASIONAL PAPERS 14 (1971). Isobel Thornley’s The Destruction of Sanctuary also pays very scant attention to sanctuary’s Elizabethan survivals. Thornley, supra note 8, at 184-204.

still alive and well in late sixteenth century England (albeit in a moderated form), and its broader and more colorful history was certainly fresh in the cultural and literary imagination.

Exempt and privileged places like St. Paul's show up again in the Aldermen's records in 1591—this time in their correspondence with the crown—as sites for draft-dodgers refusing to serve in or contribute to foreign wars:

The Court requested the Council to again signify to [the exempt and privileged places within the City], in some more earnest manner, that all such charges and contributions of money for the public service should be levied rateably upon the inhabitants within the said privileged and exempt places, as well as without, as also upon all strangers and foreigners not charged for the like service in any other place. The privileged places had been made sanctuaries for all who were unwilling to serve, and who resorted there to protect themselves when any press of soldiers was made, whereby the City had been driven to take those less fitted for service.¹¹

Privileged spaces were thus able to circumvent, if only temporarily, significant domestic legislation. This avoidance of the unified rules could have wide-ranging ramifications. On the symbolic level, it could be used as a statement against an expensive war. On a policy level, if we are to take the complaints of the Aldermen seriously, it could result in a weaker military position for international conflicts. In both scenarios, the inhabitants of exempt zones were able to leverage their unique situation in threatening and surprising ways. In the early 1590s, arguments about special jurisdiction in some of the oldest sanctuary spaces still raged,¹² while spots like Baldwin’s Gardens and Ram Alley, which would become notoriously exempt criminal havens in the seventeenth century, were just finding their footing.¹³

This was the environment Shakespeare was living in and writing about when he penned *The Comedy of Errors*, a play which culminates with a sanctuary dispute on a priory’s front steps in Ephesus. It was a time when jurisdictional boundaries within London were disputed, unclear, and even

---

¹¹. **Analytical Index to the Series of Records Known as the Remembrancia 1579-1664** (W.H. Overall & H.C. Overall eds., 1878).
¹². **Alfred John Kempe, Historical Notices of St Martin le Grand 168-170** (1825).
¹³. **Walter Thornbury, 1 Old and New London 135-46** (1878).

(1988). While his theoretical implications are compelling and provocative, he offers an over-simplified contrast between city and suburb as well as an evident misunderstanding of the notion of a “liberty” in English law. As Somerset remarks: “The word ‘liberties,’ then, in Henry VIII’s statute raises a number of intriguing legal issues; however, neither there nor in any of the documents about sanctuary that I have examined does the meaning of ‘liberties’ as ‘suburban places of unruly or licentious behaviour,’ as implied by Mullaney, seem warranted.” Somersæt, supra note 10, at 37.
unpredictable. While the formal institution of "sanctuary" was fading into the past, *de facto* sanctuaries still dotted the metropolitan area, and very real turf battles were not uncommon. It should thus not be a mystery why Shakespeare makes reference to sanctuary practices, either directly or more obliquely, in close to one third of his plays. For a playwright ceaselessly fascinated with the interplay between oppressive, calcifying environments and moments of individual decision and agency, the existence of partially immune or semi-exempt spaces would be at least a curiosity, and likely something much greater—a dimension that must be considered in any play.

The choice to include or exclude a sanctuary in a play is a statement about whether options of release are possible. Two of the most well-known invocations of sanctuary privilege in Shakespeare come significantly later in his career, in the form of express denials. In *Hamlet*, a rageful Laertes promises "to cut [Hamlet’s] throat i’th’ Church." Claudius spurs him onward: "No place indeed should murder sanctuarize./Revenge should have no bounds."

Similarly, Aufidius declares his unquenchable lust for Coriolanus’s blood:

... nor sleep nor sanctuary,
Being naked, sick, nor fane nor Capitol,
The prayers of priests nor times of sacrifice,
Embarquements all of fury, shall lift up
Their rotten privilege and custom 'gainst
My hate to Martius: where I find him, were it
At home, upon my brother's guard, even there,
Against the hospitable canon, would I
Wash my fierce hand in's heart.

Sanctuary here is one of the classic "embarquements... of fury," impediments meant to intervene in cycles of violence. In both instances Shakespeare summons sanctuary only to dismiss its possibility, making a statement about the desperate and inescapably fatal space of the drama’s unfolding.

But if sanctuary is called forth in the tragedy only to be taken off the table, it can be recruited in comedy as a way to bring forth resolutions and evade disaster. In *The Comedy of Errors*, the iterations of identity confusion abruptly come to an end when one of the Antipholus and Dromio teams seeks asylum in the “priory” at Ephesus. The resulting sanctuary dispute slows down the action long enough so that the two sets of twins may finally come across one another, allowing for the necessary explanations as well as some surprises. The Abbess is the long-lost wife of Egeon, the unfortunate father of the twins who has been sentenced to

---

death for accidentally violating Ephesian mercantile law. In the end, order is restored, all charges are dropped, and the party enters the abbey to celebrate with a feast.

Shakespeare creates an asylum episode different from anything in Plautus or Gower, his main sources for the play. But while it is a space that allows for recognition and reintegration, it is also, I argue, a site for further potential misreadings. As will be explored below, the sanctuary in Shakespeare’s play does not provide perfect resolutions. The Abbess actually misreads the situation and arguably derives the wrong moral to announce on high. But in the end, this type of imperfection is still vastly superior to tragedy’s comparatively epic misunderstandings and turns of fate. Shakespeare is fascinated by the structural, civic and dramatic possibilities inherent in asylum spaces. His use of one in this comedy is not a simple endorsement of Christian mercy over Judaic legalism (as some have suggested and as is treated below). It is rather a deeper reflection on genre and possibility: comedy is predicated on some escape valve from accumulating conflicts and obligations, while tragedy is ultimately insulated from such releases.

This essay proceeds in five parts. Part I analyzes the play’s influences and inheritances, attempting to locate what is novel in the sanctuary material and what might be associated with previously unspotted sources. Part II traces the language and figuration of motion and restraint over the course of the play, putting the sanctuary in context with other restricted spaces and showing asylum’s power ultimately to liberate and transform. Part III situates the sanctuary within the greater urban topography, highlighting its role in contradistinction to sites of punishment. Part IV expounds on places of imperfect immunity: spaces that can perhaps provide a respite from the most egregious or tragic injustices, but which can never fully extricate one from diurnal or structurally pervasive inequities. Finally, Part V reflects on the relationship between sanctuary and comedy: if comedy allows survival and continuance where tragedy brings cessation and closure, asylum can play a crucial role in that survival and continuance process, by challenging and problematizing the accumulating tragic pressures. Sanctuary, then, is a tool for mediating between genre—a potential pivot point, and Shakespeare was well aware of its power.

I. ADAPTATIONS: PLAUTUS, GOWER, AND ACHILLES TATIUS

The Comedy of Errors is a fluid blend of various sources. The core adaptation is Plautus’s Menaechmi, from which derives the plot of mistaken identity. In this play, after a series of contingencies, one Menaechmus (originally Sosicles) sets out to find his long lost brother Menaechmus. They both end up in Epidamnus at the same time, and myriad confusions ensue when the visiting brother happens upon the
doors
to
of the other’s mistress, Erotium. A special lunch with Erotium and the parasite Peniculus is spoiled when the visiting look-alike takes advantage of the various gifts without repayment. An already jealous wife becomes all the more irate at her supposed husband’s flagrant flouting of their marriage.

Shakespeare decides to double the twins, making each brother’s servant a copy of the other, thus allowing for considerably more hijinks. He also makes the wife something more than a shrewish caricature, giving Adriana sound opinions as to why her husband’s unfaithfulness is so damaging. The parasite and the wife’s father are cut, while the strange conjurer “Pinch” is added. The setting is shifted from Epidamnus to Ephesus.

From Plautus’s Amphitruo, Shakespeare adapts the domestic lockout scene. In the original, Jupiter takes the form of Alcmena’s husband Amphitryon while he is away at battle, in order to have his way with her. Mercury morphs into the slave Sosia, who helps keep the real Amphitryon and Sosia out of the house when they return from battle, while Jupiter pursues his conquest upstairs.

Shakespeare imports part of the Apollonius of Tyre tale from Gower’s Confessio Amantis, or perhaps from Lawrence Twyne’s 1576 Pattern of Painfull Adventures, to use as a frame story. He went on to make much more detailed use of this source for Pericles, of course. But for The Comedy of Errors, he uses the final temple reunification scene, where a long-lost wife, turned priestess, is rediscovered. Shakespeare’s decision to change the temple of Diana at Ephesus into a Christian priory is very likely related to Gower’s labeling of Apollonius’ wife “an abbess.”

In none of these sources, however, do we find anything like the Comedy of Errors’s invocation of the privilege of sanctuary. Menaechmi is positively allergic to temples and worship; the ending is less a social resolution than a break for the hills, as the citizen Menaechmus auctions off all his goods, including his wife, in order to take off with his brother. Amphitruo is centered on Amphitryon’s house and does not make use of another space for appeal. Gower and Twyne’s Apollonius story makes only passive use of the religious space:

A few daies after, when [Thaisa] had fully recouered strength, and Cerimon by communication knew that she came of the stocke of a king, he sent for many of his friends to come vnto him, and he adopted her for his owne daughter: and she with many tears

16. For further contrasts and comparisons, see Geoffrey Bullough, Narrative Sources of Shakespeare 3-11 (1957), and Kenneth Muir, The Sources of Shakespeare’s Plays 14-17 (1978).
17. See John Gower, Confessio Amantis, Liber Octavus, II. 271-2008 (Russell A. Peck ed., 2006); Lawrence Twyne, Pattern of Painfull Adventures (1576) (Twyne’s work was registered in 1576. No published edition of Twyne can be found prior to 1594-5).
requiring that she might not be touched by any man, for that intent her placed in the Temple of Diana, which was there at Ephesus, to be preserved there inviolably among the religious women.\textsuperscript{19}

After Thaisa is installed in the temple, it takes a divine intervention to bring Apollonius and his wife together once again:

And when they had sailed one whole day, and night was come, that Apollonius laide him downe to rest there appeared an Angell in his sleepe, commaunding him to leaue his course toward Tharsus, and to saile vnto Ephesus, and to go into the Temple of Diana, accompanied with his sonne in lawe and his daughter, and there with a loude voyce to declare all his adventures, whatsoeuer had befallen him from his youth vnto that present day.\textsuperscript{20}

This loud declaration within the space of the temple or abbey allows for the recognition and reunion to take place.

In Shakespeare's adaptation, husband and wife are also brought together in a sacred space, but the impetus is through a jurisdictional argument rather than a dream.

The Abbess's insistence on the inviolability of sanctuary is crucial to the developing plot, as it slows down the action long enough for the twins to run into one another and finally realize the nature of the confusion. Shakespeare did not need to take Gower's lead in converting the temple to an abbey in order to bring forward the privilege of sanctuary. For this immunity was similarly defended quite vigorously in the ancient world as well.

It is very possible that Shakespeare realized the potential of a sanctuary dispute entirely on his own. But I would like to offer the possibility that another source text for \textit{The Comedy of Errors}, however marginal, is a late Greek romance also set in Ephesus, Achilles Tatius's \textit{Adventures of Leucippe and Clitophon}. The text was well-enough known in England, as the original Latin translation that had appeared in Basel in 1554 was re-issued out of Cambridge around 1589. Moreover, a French translation by Francois de Belleforest had appeared in 1568.\textsuperscript{21} Evidence from \textit{Hamlet} seems to point toward Shakespeare's direct acquaintance with Belleforest's \textit{Histoires Tragiques}.\textsuperscript{22} It is thus certainly possible that Shakespeare had seen Tatius's romance, either in Latin or French.

It is in \textit{Leucippe and Clitophon} that we see the temple at Ephesus being used as safe harbor for one accused of a crime and where these rights are jealously guarded. Tatius's romance tells the story of Clitophon of Tyre

\begin{itemize}
  \item \textsuperscript{19} TWYNE, supra note 17, at 38.
  \item \textsuperscript{20} Id. at 73.
  \item \textsuperscript{21}\textit{Achillis Statii Alexandrini De Clitophonis Leucippes amorib. Libri VIII. E Graecis Latini facti a L. Annibale Cruceio (c. 1589); Les Amours de Clitophon et de Leucippe (1568)}.
  \item \textsuperscript{22} WILLIAM HANSEN, SAXO GRAMMATICUS & THE LIFE OF HAMLET 66-68 (1983).
\end{itemize}
and his ceaseless attempts to woo and wed his cousin Leucippe. Through a
dizzying series of confusions, kidnappings, faked deaths, and other
intrigues stretching throughout the Mediterranean, the two lovers finally
end up in Ephesus at the same time. Clitophon has been coerced to marry
an important Ephesian widow, Melite, and Leucippe has arrived disguised
as a maid to serve her. But after Melite’s first husband Thersander turns up
still very alive, all descends into chaos. Thersander arrives with a
vengeance, looking to kill Clitophon. He also learns of the secret
relationship between Clitophon and Leucippe and sets out to rape and
possibly kill Leucippe. Leucippe, after being kidnapped and bound in a
country house, escapes and takes sanctuary in the famous temple at
Ephesus:

Now quite near to the country house was the temple of Artemis:
so she ran thither, and there clutched hold with her hands of the
shrine within it: the shrine was ancienly forbidden to free matrons,
but open to men and maidens: if any other woman entered it, death
was the penalty of her intrusion, unless she were a slave with a
legal complaint against her master: such a one was permitted to
come as a suppliant to the goddess, while the magistrates decided
the case . . .

The asylum area serves as a neutral zone while legal complaints can be
processed. It is meant to curb hasty action and promote extensive
deliberation. After hearing that Leucippe is still alive and in sanctuary,
Clitophon rushes there. There they are met by the intrusive wrath of
Thersander, who threatens to rip them out. Clitophon avers their
untouchability:

Now whither are we to flee from violence? What is to be our
refuge? To which of the gods are we to have recourse, if Artemis
cannot protect us? We are assaulted in her very temple; we are
beaten before the very sanctuary-veil. Such things as this happen
only in deserted places where there are no witnesses at hand or
even none of the human race; you shew your brutal violence in the
sight of the gods themselves. Even evil-doers have a refuge in the
safety of the sanctuary; but I, who have offended against no man,
and had taken up the position of Artemis’ suppliant, am struck
before her very altar, with the goddess, oh shame, looking on . . .

Clitophon’s construction of justice is predicated upon a society of
witnessing. The sanctuary, because it is ostensibly the space of the gods, is

24. Id. at 393.
couched as the ultimate public space—a zone where violations are thus unthinkable. But Thersander disagrees, believing the inner most recesses of the sacred space to be problematically exclusive and private, and thus allowing for excesses and impieties:

[A]n adulterer in the virgin shrine! And with him was a woman of the lightest character, a slave who had run away from her master: her too, as I myself saw, you took in; you allowed them to share your hearth and your table; and I should not be surprised to hear, my lord bishop, that you shared their bed as well when you turned the temple into a common lodging. Yes, the church of Artemis is become a bawdy-house—a whore’s bed-chamber. . . . You slept all in the same place, you tipped all together, and there was no spectator of how you passed your night.25

Because there was no human witness, the temple is liable to become its opposite: the bawdy house. This startling interchangeableness between the sacred and profane also appears in Comedy of Errors. As Arthur Kinney has shown, based on the layout of the Inns of Court, it is clear that the space of the mistress doubled as the priory.26 This allows for a redemptive arc over the course of the play: what at the beginning represented domestic fracture is by the end a space of rehabilitation and reunion.

It seems very possible that Shakespeare was familiar with Achilles Tatius’s story, either in the Latin or the French. We lack direct evidence that Shakespeare was inspired by the Greek writer. But for defending the rights of the sacred space specifically at Ephesus, Tatius seems a glaring source. There are, understandably, differences. Shakespeare’s converting of the temple into an abbey allows him to circumvent the virginal rules of Diana. Matrons, or widows, like Emilia, are allowed to enter. But the important parallels involve the Ephesian space being used as a place to harbor those who are heatedly accused of a crime and as a site for protracting the action, allowing a wider communal and jurisdictional consensus about how justice and sentencing should proceed.

25. Id. at 417, 429.
26. As Arthur Kinney observed:
[T]he priory cannot be the same doorway as the Phoenix, as previous critics claim, beginning with E.K. Chambers, for Antipholus and Dromio of Syracuse are running out of that to the priory; nor can it be the door of the Centaur, for they are running away from their worldly goods to a place of holy sanctuary. The doorway of the priory, then, is the miraculously transformed doorway of the Porpentine; the courtesan has been displaced, visually and on stage, by the abbess, and through it she comes to conquer sin and commerce by calling forth the entire cast—the whole world of the play—and transforming them too.
II. SPACES, LIBERTIES, MOVEMENT

At its core, *The Comedy of Errors* is a play about movement versus binding; about being free as opposed to being fettered; about having one’s liberty instead of being a prisoner. It features Shakespeare’s closest attention to movement versus obstruction, which makes sense in its context of being a very bodily piece, based on physical hijinks and complicated misrecognitions. It has been noted that the middle scenes, taken on their own, unfold something like a *commedia dell’arte*. In such a genre, we are not so much concerned with the deep interior aspects of characters so much as their manifest abilities either to effect action or be stymied, to play the trick or be the tricked. And yet in the case of *Comedy of Errors*, the action proceeds at this breathless place precisely because of issues of identity and not because of the typical “plotting” by one character or another. Thus what we have is a *commedia dell’arte* feel and pace, but with only fortune or providence in the driver’s seat. Despite the play’s Plautine inheritances, no character is really trying to get away with something in Shakespeare’s *Comedy*; they are rather trying to sort through facts and survive in the face of complex contingencies. There is thus a nightmarish aspect to the *Comedy*, not only because it dramatizes the loss of self, as many have pointed up, but because characters find themselves embroiled in a genre and pace of events that they do not feel they deserve. As a result, the various sources of restraining and barred access in the play become more serious—they are utter surprises to one used to their given rights and ambit. Adding to such gravity is Shakespeare’s addition of the frame plot, with Egeon being literally bound and sentenced to death for breaking the arcane international mercantile law of the land. On the other bookend of the frame story, the invocation of a complex jurisdictional point about a place’s ability to protect a refugee from arrest rounds out one the major questions of the play: where is one free to range and what are the impediments? As the realization of twins comes only at the end, the shifting answers to the questions of movement and blockage make up the real confusions and surprises of the play, and thus become the key to reading its implications. This Part studies more closely the idea of mobility, and argues that the sanctuary space restores the motion and liberty that were lost and thwarted for many characters over the course of the play.

The action opens in a strange register, with a harsh sentence and a man

27. *Id.* at 156.


resigned to die on account of a mercantile law:

Duke: Again, if any Syracusian born
Come to the bay of Ephesus—he dies,
His goods confiscate to the Duke's dispose,
Unless a thousand marks be levied
To quit the penalty and ransom him.\(^{30}\)

From the first moment of the play, a jailor lurks in the background, shadowing the arrested Egeon. The play is thus born into bondage, as it were, constrained from the start by an obscure and unfeeling juridical code.

In such an environment, it is natural that one of the recurring concerns in the work is the question of one's "liberty."\(^{31}\) In the beginning of the second act, we find Adriana and her maid Luciana debating about how much freedom a husband may enjoy versus his wife. When Antipholus of Ephesus is late to lunch, fueling speculation, Luciana cautions:

Perhaps some merchant hath invited him,
And from the mart he's somewhere gone to dinner.
Good sister, let us dine and never fret.
A man is master of his liberty.
Time is their mistress, and when they see time
They'll go or come. If so, be patient sister.\(^{32}\)

Luciana preaches a message of docility and flexibility. The husband may come and go as he may, and range without reason. With the prospect of another woman already lurking in the background, Luciana's "mistress" metaphor strikes a painful note. Adriana quite understandably complains that there should be some parity in this regard amongst couples:

Adriana: Why should their liberty than ours be more?
Luciana: Because their business still lies out o' door.
Adriana: Look when I serve him so, he takes it ill.
Luciana: O, know he is the bridle of your will.
Adriana: There's none but asses will be bridled so.

\(^{30}\) WILLIAM SHAKESPEARE, THE COMEDY OF ERRORS, act 1, sc. 1, ll. 18-22 (Stephen Greenblatt ed., 2008).

\(^{31}\) James Simpson has suggestively made the case that the move from "liberties" to "Liberty" is a fundamental shift in the early modern political paradigm, culminating in a novel and jealously guarded notion of right in the American colonies. James Simpson, "Those Wise Restraints that Make Us Free": When and Why "liberties" Became "liberty" in Early Modernity, Lecture at Harvard University (Oct. 18, 2012). \See also\ ROBERT PALMER & WILLIAM NELSON, COMMUNITY AND LIBERTY: CONSTITUTION AND RIGHTS IN THE EARLY AMERICAN REPUBLIC (1987). My discussions of "liberty" in the context of both the play and in early theatre zoning relate less to this newly evolving "Liberty" and more to what the Oxford English Dictionary lists in definition 3a under "liberty": "Freedom to do a specified thing." OXFORD ENGLISH DICTIONARY (1989). Thus when Adriana complains about women's "liberties" being less, I believe she is essentially saying that they are allowed to do less and visit fewer places. Similarly, when I discuss the "liberties" of privileged places in the city, these are legally seen as a freedom, however acquired, to do something, such as harbor refugees, avoid certain taxes, or preside over a court.

\(^{32}\) THE COMEDY OF ERRORS, supra note 30, at act 2, sc. 1, ll. 4-9.
Luciana: Why, headstrong liberty is lashed with woe.  
There's nothing situate under heaven's eye  
But hath his bound in earth, in sea, in sky. . . .  
Man, more divine, the master of [fish and fowl]. . . .  
Are masters to their females, and their lords.  
Then let your will attend on their accords.  

Luciana contends that man's business, being outside of the home, 
should allow them a wider range more generally. Meanwhile, the more 
locally circumscribed duties of the domestic sphere are to be equated with 
a proportionally restricted allowance of freedom for women. Many 
scholars have commented that Luciana dutifully recites the teachings of 
Paul's Letter to Ephesians here, placing the husband as master over the 
wife.  

This, combined with recourse to the great chain of being is meant to serve as a stay against Adriana's pushback. But it is significant that 
such complaints are registered early and thoughtfully. These earnest 
concerns continue to haunt the play and serve as an important reference point for Adriana's surprising concessions to the criticism of the Abbess in 
Act 5.  

If Adriana has doubts about the comparative freedoms being awarded to her husband, Antipholus of Syracuse is suspicious more generally of the activities on offer in his brother's hometown. Late in Act 1 (in the folio edition) and moments before the discussion between Adriana and Luciana, Antipholus of Syracuse decry the debased moral state of Ephesus, raising the question of a slightly different "liberty":  

They say this town is full of cozenage,  
As nimble jugglers that deceive the eye,  
Dark-working sorcerers that change the mind,  
Soul-killing witches that deform the body,  
Disguised cheaters, prating mountebanks,  
And many such like Liberties of sin.  

The references to "sorcery" and "witches" likely come from the biblical associations of Ephesus. As several editors have noted, "Liberties" could refer to the extra-jurisdictional areas where theaters in London were often located. But what is more relevant are the modifying words "of sin." Too

33. Id. at act 2, sc. 1, ll. 10-25.  
34. Kinney, supra note 26, at 171.  
35. As analyzed below in Part IV, Adriana will allow the Abbess to grossly mischaracterize her behavior toward her husband in an attempt to find a suitable moral for the unfortunate sequence of mix-ups taking place in the town.  
38. THE NORTON SHAKESPEARE, 2ND EDITION 696 n.1 (Stephen Greenblatt ed., 2008); See also Laurie Maguire, The Girls from Ephesus, in THE COMEDY OF ERRORS: CRITICAL ESSAYS 355, 368

Published by Yale Law School Legal Scholarship Repository, 2017
often modern scholars have assumed that a “Liberty” should automatically be associated with exemption, or our current sense of being “at liberty” to do whatever one wants. But this is a vast oversimplification of the term. As A.P. House points out, “[t]he term liberty simply indicates an area of land over which some person or entity had jurisdiction.” He goes on to add that “the Liberty of the Tower was under the jurisdiction of the Crown, and the Liberty of the Blackfriars was held (before the dissolution) by the Dominican Order.”

London itself controlled some of its own “liberties.” Thus, Antipholus’s specific indictment of the “Liberties of sin” is perhaps meaningful as a reference to extra-municipal spaces like the homes of some of the theatres, but not because he is making a simple pun on “liberty.” After the dissolution of the monasteries, the “liberty” of these lands and their associated privileges (including sanctuary) were transferred from religious institutions and sold off to various parties. Henry VIII specifically looked to block the City of London from purchasing the rights to many of these sites, and so the gaps in jurisdiction in many cases persisted. The Theatre, Blackfriars Theatre, and Whitefriars Theatre would be established in such places.

Thus it is possible that Antipholus is indicting the theater-going crowd before him as he complains of Ephesus. What this serves to do is establish the space of the stage as part of the freely rangeable terrain in a play about contested and restricted zones. Moreover, it forge an association between the stage and the sanctuary at the end—the privilege of sanctuary being part of the terms of the liberty of the priory. While the priory is not a “Liberty of sin,” it is the type of site that would eventually become so referenced. Furthermore, as already noted, the priory is doubled with the space of the courtesan—precisely the type of sinful character referenced by Antipholus. The sanctuary and the stage, as we will see, become the sites of resolution, wherein the retailing of one’s story becomes one’s societal redemption.

But as the play unfolds, Antipholus of Ephesus, the man with perhaps too much “liberty,” has his rights curtailed in the other direction, as he finds himself in due time shut out of his home, then arrested, and then bound in a dark room by an exorcist. These extremities seem to push the viewer toward the advocacy of some via media position on the question of a man’s liberty. Upon coming home late to lunch on account of having a necklace made at the goldsmith (that is, not because he is with a mistress), Antipholus of Ephesus finds himself locked out. After demanding, “[w]hat art thou that keep’st me out from the house I owe?”, he immediately

---


(40) This is where scholars like Steven Mullaney err. See STEVEN MULLANEY, THE PLACE OF THE STAGE: LICENSE, PLAY, AND POWER IN RENAISSANCE ENGLAND 21 (1988).

threatens violence, beating the door with his Dromio: "Go fetch me something, I'll break ope the gate" and "Well, I'll break in.—Go borrow me a crow." After being talked down by his friend Balthasar, he then decides to visit a courtesan, "a wench of excellent discourse": "Since mine own doors refuse to entrain me, I'll knock elsewhere, to see if they'll disdain me." Clearly, he is already familiar with the courtesan. But it is telling that Shakespeare changes the order of events in Plautus. The Antipholus we experience is not one already on his way to the courtesan. It is one who, because of the curious fallout of events and subsequent misjudgment by his wife, goes to the courtesan as a second option. There is thus a second type of movement, beyond pure "liberty" to range: the push of contingency from one place to the next. Antipholus’s ranging beyond his marriage bed is directly linked to being locked out from his marriage bed. This is "liberty" with a price, as it were.

From this modification of agency, Antipholus of Ephesus quickly finds himself downgraded to a different state—somewhere between an alleged offense and its punishment. After being arrested for refusing to pay for a gold chain that was mistakenly given to his twin brother, Dromio of Syracuse runs to Adriana to report:

Adriana: Where is thy master, Dromio? Is he well?
Dromio of Syracuse: No, he’s in Tartar limbo, worse than hell.
A devil in an everlasting garment hath him,
One whose hard heart is buttoned up with steel;
A fiend, a fairy, pitiless and rough;
A wolf, nay worse, a fellow all in buff;
A back-friend, a shoulder-clapper, one that countermands
The passages of alleys, creeks, and narrow launds;
A hound that runs counter, and yet draws dryfoot well;
One that before the Judgement carries poor souls to hell.

Central here is the language of blocked movement, of being trapped, and of having one’s liberties curtailed. Dromio’s description of the officer paints a vivid picture of a man on the run: "alleys, creeks, and narrow launds." Dromio’s language brings to mind our picture of Christopher Jones attempting to escape the police in the streets of London.

Antipholus is literally in the space between his liberty and the law, a "limbo," as he is escorted by the "shoulder-clapp[ing]" officer. Shakespeare seems to emphasize "counter" in "countermand" and a "hound that runs counter" as a reference to "the Counter,” or a debtor’s prison.
Antipholus is thus in a sort of moving prison, attached to the Jailor. His wife Adriana seeks out Doctor Pinch, the exorcist to cure his supposed malady. But the officer is loath to let his prisoner go, explaining:

Officer: He is my prisoner, and you shall not have him....
Adriana: What wilt thou do, thou peevish officer? Hast thou delight to see a wretched man
Do outrage and displeasure to himself?
Officer: He is my prisoner. If I let him go,
The debt he owes will be required of me.46

Shakespeare carefully explains a unique feature of the law, namely the communicability of debt. The officer countermanding passage can just as quickly become countermanded if he loses his charge. Nevertheless, Adriana agrees to act as his surety and has the officer deliver over her husband to Doctor Pinch, who issues the most extreme curtailing of liberty yet:

Pinch [aside to Adriana]: Mistress, both man and master is possessed.
I know it by their pale and deadly looks.
They must be bound and laid in some dark room.47
The exorcist confines them, as a treatment for insanity:
Antipholus of Ephesus: They fell upon me, bound me, bore me thence,
And in a dark and dankish vault at home
There left me and my man, both bound together....48

Antipholus is bound in his very own basement. He was earlier shutout of his own home and not free to range within. Now, in a stunningly symmetrical twist, he is bound in his own domestic space. This final indignity escalates the situation to a pitch heretofore unseen:

Messenger: My master and his man are both broke loose,
Beaten the maids a-row, and bound the Doctor....
My master preaches patience to him, and the while
His man with scissors nicks him like a fool;
And sure—unless you send some present help—
Between them they will kill the conjurer.49

Antipholus mockingly preaching patience harkens back to Luciana advising the like to Adriana, suggesting it is the fool who stays patient in the face of injustice. Dr. Pinch’s attempted binding, leading to the termination of all liberty within the dark recesses of one’s own house (from which one has already been alienated) is the final straw. Just as in

46. THE COMEDY OF ERRORS, supra note 30, at act 4, sc. 4, II. 107, 109-113.
47. Id. at act 4, sc. 4, II. 87-89.
48. Id. at act 5, sc. 1, II. 248-250.
49. Id. at act 5, sc. 1, II. 170-171, 175-178.
the worry of the jailor, Pinch becomes the prisoner of his prisoner.

All of these considerations of liberty and agency culminate in the play’s final scene in front of the priory. Just as Antipholus of Ephesus escapes from his bindings and his own basement, his identical brother, spotted on the streets by Adriana, is almost put into the exact same position:

Adriana: Hold, hurt him not, for God’s sake, he is mad.
Some get within him, take his sword away.
Bind Dromio too, and bear them to my house.  

It is at this point that Antipholus of Syracuse and his Dromio take sanctuary: “Run, master, run! For God’s sake take a house./This is some priory—in, or we are spoiled.” The sanctuary scene is pivotal, even before the great surprise of the Abbess’s identity, because it puts an end to the cycles of misunderstandings and misrecognitions in the play.

The sanctuary space seems meant to be read against the dark home cellar where Pinch the exorcist promised to cure Antipholus’s madness by binding him and drawing the noxious spirits out of him. The Abbess, on the other hand, confines the subject in a delimited space, and meanwhile attempts to extract his story or narrative out of him, in order to gain some understanding of the current state of affairs:

Abbess: Hath he not lost much wealth by wreck at sea?
Buried some dear friend? Hath not else his eye
Strayed his affection in unlawful love—
A sin prevailing much in youthful men,
Who gives their eyes the liberty of gazing?
Which of these sorrows is he subject to? 

The typical protocol of one entering an area as a sanctuary-seeker involved registering with the coroner of a given jurisdiction. One would explain one’s situation and register his or her goods. Sometimes these interactions involved an admission of guilt, other times entrants were more evasive. Shakespeare’s Abbess acts as a sort of unconventional and psychologically acute coroner, diagnosing reasons for madness or strange behavior. It feels as if the confessional of the church’s interior has moved outside to the priory’s front steps. The Abbess demands details from Adriana about why she thinks her husband is mad and how her actions may have contributed to it. She then issues her plan:

Be patient, for I will not let him stir
Till I have used the approved means I have,
With wholesome syrups, drugs, and holy prayers
To make of him a formal man again.

50. Id. at act 5, sc. 1, ll. 133-135.
51. Id. at act 5, sc. 1, ll. 36-37.
52. Id. at act 5, sc. 1, ll. 49-54.
It is a branch and parcel of mine oath,
A charitable duty of my order.
Therefore depart, and leave him here with me.\(^{54}\)

Here again we seem meant to read the Abbess in conversation with Pinch, where “wholesome syrups, drugs, and holy prayers” are a different and possibly better version than the exorcist’s exotic remedies. Whether we are meant to see the Abbess’s plans here as an indictment or mockery of Catholic ritual and superstition is unclear. Friar Laurence in *Romeo and Juliet* harmlessly collects herbs for medicinal uses in the field; Shakespeare may simply associate this with the task of a person of such an “order” in earlier times. The fact that the Duke shortly thereafter calls her “a virtuous and reverend lady” seems to militate against any purely mocking reading of the Abbess.\(^ {55}\) Instead, Shakespeare seems fascinated by what sanctuaries can be used for. The Abbess sets out to “make of him a formal man again.” “Formal” here means “whole” or back to full form. Defenses of sanctuary sometimes claimed that a felon’s time spent in the church might lead them toward better life, and rehabilitate them spiritually. Here the rehabilitation aspect of sanctuary is applied in a social or psychological sense—the asylum comes to be something closer to the other popular use of “asylum” or a bedlam.

But what ensues is a developing jurisdictional battle—Adriana wants to take care of her husband herself. Adriana hails the Duke, who is nearby, on account of leading Egeon to his execution in a ditch behind the priory:

\[
\text{... Then they fled}
\text{Into this abbey, whither we pursued them,}
\text{And here the Abbess shuts the gates on us,}
\text{And will not suffer us to fetch him out,}
\text{Nor send him forth that we may bear him hence.}
\text{Therefore, most gracious Duke, with thy command}
\text{Let him be brought forth, and borne hence for help.}\(^ {56}\)
\]

The turf war never plays out, as the other twins show up in time for all to see both pairs at the site of the priory. A full unraveling and explanation can then occur, capped with a celebration back within the sanctuary space.

Richard Strier has recently written that the privilege of sanctuary was an ancient curiosity by this time that no one would have much remembered or worried about, and thus the Duke would have had little trouble commanding the Abbess to produce Antipholus and Dromio of Syracuse.\(^ {57}\) But this is far from clear. It is unclear precisely what time period this play is meant to sit in. If it is the early Christian world, we might consider the canons of the Council of Orange of 441, which aggressively declared that

\(^{54}\) THE COMEDY OF ERRORS, supra note 30, at act 5, sc. 1, ll. 103-109.

\(^{55}\) Id. at act 5, sc. 1, l. 135.

\(^{56}\) Id. at act 5, sc. 1, ll. 155-161.

\(^{57}\) Strier, supra note 28, at 32.
no fugitive seeking sanctuary should be surrendered under any conditions. No magistrate could walk in and take someone out, as there were long traditions and patents proclaiming specific harboring rights, rights that had been worked out as compromise in the balance of power between church and state. Moreover, we know little about the Duke and how he relates to the complex skein of jurisdictions in any given area. If anything, he seems powerless in the face of mercantile law:

Now trust me, were it not against our laws—
Which princes, would they, may not disannul—
Against my crown, my oath, my dignity,
My soul should sue as advocate for thee.\(^\text{58}\)

This lack of ability to overturn Egeon’s case makes complete sense in Ephesus specifically, the banking center of the ancient world. He would likely run into some of the same problems of powerlessness if he had placed too many demands at the priory door. Shakespeare’s priory at Ephesus, adapted from Gower’s rendition of the Apollonius of Tyre story, has unavoidable associations with the famous Temple of Diana. It is often forgotten that many temples and sanctuary spaces doubled as banks in the late Roman world. The most exclusive interior sites were in many cases the most secure. This is especially the case for the temple of Ephesus, which was the essentially the central bank of Asia in the classical world. Writers in Renaissance England would have known this, if only through their reading of Plautus’s \textit{Bacchides}, an adaptation of Menander’s \textit{Double Deceiver (Dis Exapaton)}. Mnesilochus gets his cunning slave Chrysalus to bilk the elder Nicobolus out of money, so that he might use it to secure the release of a prostitute with whom he has fallen in love. Chrysalus effects this by convincing Nicobolus that his money has been deposited at the temple of Ephesus: “Then we deposited all the gold with Theomitus, the priest of Diana at Ephesus . . . the son of Megalobulus, the dearest man in Ephesus . . . to the Ephesians. . . . the gold is stored in the temple of Diana. It’s under public watch there.”\(^\text{59}\) Shortly thereafter he is questioned “Who else was there when the money was given to Theomitus?” And he replies, “[t]he whole city. No one at Ephesus doesn’t know about it..”\(^\text{60}\) (480-492).

The temple of Diana at Ephesus is thus classically linked with a highly secure space of deposit. The sanctuary doubles as a vault. The description in the \textit{Bacchides} gives us a sense of an organized and publicly monitored activity. This question of “who else was there?” is a question intricately wrapped around the issue of sanctuaries. The line from \textit{Bacchides} suggests that “the whole city” is somehow present for the monetary transaction

\(^{58}\) \textit{THE COMEDY OF ERRORS}, \textit{supra} note 30, at act 1, sc. 1, ll. 142-145.


\(^{60}\) \textit{Id.}, lines 522-525.
between the high priest Theomitus and the depositor. To what extent this “being there” is metaphorical and predicated upon a type of cultural and mercantile trust, is unclear. It is precisely the safe privacy of the sanctuary space that Thersander indicts in Leucippe and Clitophon, arguing against the priest that “there was no spectator of how you passed your night.”

But if the internal doings of the sanctuary can be a matter of public concern, the external attempts at coercing one out of sanctuary are even more contentious. We might recall Clitophon’s contention that violation of sanctuary happens only “in deserted places where there are no witnesses at hand or even none of the human race.” In Comedy of Errors, Shakespeare’s Balthasar gives a strong argument against Antipholus breaking into his own house, predicated on the visibility of the act and the reputation it will acquire:

If by strong hand you offer to break in
Now in the stirring passage of the day,
A vulgar comment will be made of it,
And that supposed by the common rout
Against your yet ungaUed estimation,
That may with foul intrusion enter in
And dwell upon your grave when you are dead.
For slander lives upon succession,
For ever housed where once it gets possession.

Antipholus is persuaded by this logic: “You have prevailed. I will depart in quiet.” Part of the vulgar comment, of course, concerns Adriana’s assumed unfaithfulness and the tainted legacy it will create. But from the careful construction here it is just as much about the shame of breaking into a house, even if it is one’s own. Similar to the transaction of monetary deposit in Bacchides, the witnessing “people” or “the common rout” are important witnesses. Here the public serve as de facto underwriters of the sanctity of one being safe from perturbation in a domestic space. Mercury in Plautus’s Amphitruo yells that “Jupiter and all the gods will get you, breaking doors,” even if the door in question is technically his own.

Balthasar’s description of “foul intrusion” and slander that “dwell[s] upon the grave when you are dead” overflows its purpose and functions as a sort of curse against spacial violators more generally. The lockouts of Antipholus from his house and his wife Adriana from the sanctuary are certainly meant to be read in parallel:

Adriana: Good people, enter, and lay hold on him.
Abbess: No, not a creature enters my house.

62. Supra note 23.
63. The Comedy of Errors, supra note 30, at act 3, sc. 1, ll. 99-107.
64. Id. at act 3, sc. 1, l. 108.
Adriana: Then let your servants bring my husband forth.
Abbess: Neither. He took this place for sanctuary,
And it shall privilege him from your hands.[66]

By having Balthasar weigh in against the more mild form of "sanctuary" breaking, Shakespeare trains the audience to know that attempting to gain access to a different "house"—that of the abbess—is all the more serious and will garner extensive comment and slander from society. Once again, the "good people" are the arbiters in the background. Adriana attempts to leverage them on her behalf, but seeing as the Abbess is not forced to forfeit her visitor, the "people," as Balthasar had earlier suggested, are generally supporters of private jurisdictional rights.67 Meanwhile, the invocations of future generations debasing one's grave are in line with common constructions used to safeguard the guarantees of sanctuary privilege: Caryll reports of a case from 1519 regarding sanctuary in the priory of St. Andrew, Northampton which was defended "by usage since time immemorial, with confirmation and grants of various popes accordingly, accompanied with great and horrible curses against the breakers of this sanctuary[.][68] Modern sanctuary movements today likewise emphasize the public and witnessable shame of dragging people out of churches or college campuses, rather than any specific legal right.69 Thus when Strier contends that the Duke could simply pull the party in question out of sanctuary if he wanted, he is overlooking some of the very social variables which keep the site privileged in the first place.

One might contend that Shakespeare's transformation of the temple into a priory voids the banking associations of the Ephesian sacred space. We might think of the tale of Jesus ejecting the moneychangers from the temple that shows up in each of the four gospels.70 And yet it is noteworthy that the language of credit continues, even in the Comedy's semi-Christian environment. The play ends with an offer by the Abbess, essentially to repay all debts incurred in the various confusions:

Abbess: Renowned Duke, vouchsafe to take the pains
To go with us into the abbey here
And hear at large discoursed all our fortunes,...
...Go, keep us company,

66. THE COMEDY OF ERRORS, supra note 30, at act 5, sc. 1, ll. 92-96.
67. This notion of the common rout as protecting private rights is somewhat at odds with other portrayals of commoners in relation to property in Shakespeare, notably the Jack Cade rebellion in Henry IV, Part 2.
69. IGNATIUS BAI, THIS GROUND IS HOLY: CHURCH SANCTUARY AND CENTRAL AMERICAN REFUGEES 170 (1985) (noting that "while there were no legal barriers to prevent governmental intrusion into the sanctuary, the police often had to confront human barriers who offered non-violent resistance to any arrests").
And we shall make full satisfaction.\textsuperscript{71}

The Abbess is very explicit—to an extent somewhat rare in Shakespeare—about where precisely the desired action is to take place: "into the abbey here." The full recounting of the story is not to take place on the steps but rather is to be moved to the safe location indoors. Meanwhile, a promise of "full satisfaction" is made, clearly invoking the language of legal and financial obligations associated with a debt.\textsuperscript{72}

Shakespeare’s temple-cum-priory may or may not be a literal depository like the ancient Ephesian site, but it nevertheless is a site that continues to broker payments and resolutions of various interpersonal obligations. The end of Plautus’s \emph{Menaechmi} is a general auction, as Menaechmus sells off everything including his wife, and skips town:

Mes: (bawling) Auction ... of the effects of Menaechmus ... one week from to-day in the morning, mind! ... For sale ... slaves, household goods, land, houses ... everything ... For sale ... your own price ... cash down! ... For sale ... even a wife, too ... if any buyer appears! (to spectators) I don’t believe the whole auction will bring him more than a mere—fifty thousand pounds. Now spectators, fare ye well and give us your loud applause.\textsuperscript{73}

The end of \emph{Comedy of Errors} on the other hand, is more like a re-depositing: the characters enter the abbey to tell their stories, receive their due, and have their identities reconstituted. In the "liberty" of the priory, all of the various bindings of the play are dissolved and the locks unlocked; each character has his relative freedoms restored, and there is a hint that more ideal relationships might emerge amongst the parties.

III. EVALUATING THE SANCTUARY

What, then, is the significance of the sanctuary? It is the space of resolution—the climax and the dénouement. As Kehler writes, "by detaining the Syracusan twins in the abbey so that they can more easily be juxtaposed against their siblings, [the Abbess] becomes a major agent of the plot, enabling the recognition."\textsuperscript{74} The sanctuary is also important because Emilia uses it as the space for a special ritual baptism and feast to
tie up the play:

Thirty-three years have I but gone in travail
Of you, my sons, and till this present hour
My heavy burden ne’er delivered.
The Duke, my husband, and my children both,
And you the calendars of their nativity,
Go to a gossips’ feast, and joy with me.
After so long grief, such nativity!\(^{75}\)

As Brooks neatly argues:

[T]he gossips’ or baptismal feast affirms relationship and identity: the kin are united, the Duke is patron, all are friends and godparents, witnesses to the identities now truly established and christened into the family and the community; long travail is rewarded, and increase (the progressive aspect of cosmic order) which, despite the double birth of twins, was mocked by the intervention of mutable fortune, is now truly realized.\(^{76}\)

These are all convincing arguments. But there is more to the sanctuary than its simply being the site where things come together. It is important to realize that the various recognitions could have happened anywhere. Even with the importing of the Apollonius frame tale from Gower, the dispute about sanctuary did not need to happen. There is no reason why the dream of entering the Ephesian temple and the corresponding revelation of identities (as was described in the Gower version above) could not have simply been given to Egeon in Shakespeare’s rendering. Instead, Shakespeare’s unveiling of Emilia and the moment of familial recognition is predicated upon there being a jurisdictional skirmish in front of the church and adjacent to the gallows. Out of all the various elements taken from Plautus and Gower, this decision is perhaps the only in the play that seems purely original. Shakespeare clearly saw potential in a concept that could be both a problem and a solution—a site of contentiousness as well as a space of reunion and reintegration.

The proximity of the sanctuary to the gallows is also central. The Duke is able to arbitrate the priory dispute because he is nearby, leading Egeon to his death. While this may seem at first like an ornamental dramatic addition or an unrealistic setting decision made for plot convenience, it is actually, quite possibly, the most realistic detail in the play. The proximity of an asylum space to a zone of punishment was long a prevalent concern at St Martin le Grand, where criminals headed to their death were led down a long street, one side of which was an immunity zone. Jailers were all too aware that a prisoner who broke free and crossed the line was

75. THE COMEDY OF ERRORS, supra note 30, at act 5, sc. 1, ll. 402-408.
irretrievable. A 1536 Star Chamber deposition explains the precautions taken when carrying a prisoner down a street bordering a sanctuary zone:

[A]ll they which cumme from the Tower to be put to execucion at Tyburne and all other prisoners which ar brought to or from Newgate ben alweys caried on the fferther side of the strete from the said Southgate that is to saye on the South side of the strete for ayenst the same gate.\footnote{77}

Egeon could have been like the fellow on record in Sir John Spelman’s Reports of 1534, who escaped from his jailors while being transported from the Tower to Marshalsea and took asylum in a nearby church.\footnote{78} Egeon’s fatalist disposition makes such a move unlikely of course. But the compressed and complex overlay of jurisdictions in both Ephesus and London serves to increase the range of possibilities (whether pursued or not) associated with any given action and movement. The disparate “liberties” do not, then, necessarily allow for unbridled libertinism,\footnote{79} but in crucial moments, one’s “liberties” may be aligned with and enhanced unpredictably by a jurisdiction conveniently at hand.

Several scholars have pointed out that the geography of the final scene of \textit{Comedy of Errors} seems very much like a specific section of London itself, where the old Holywell Priory stood flush against Shoreditch. Holywell would become the site of The Theatre, in 1576, and as Baldwin has argued:

\begin{quote}
Many places in and around London had strong associations with \[the religious-political war with Spain\]. One of these was Holywell Priory, where, across the ditch from the Theater, two priests had received the full rites for treason in the wake of the Spanish Armada in 1588. If Shakspere [sic] went to the Theater for any reason, whether as visitor merely or in some official capacity, he would proceed to such a priory gate as had Aegeon in \textit{Errors}, and would look across the ditch to such a “melancholy vale” as that to which Aegeon was being escorted for official attentions . . . \textit{Errors} uses exactly the topography of Holywell Priory which was not duplicated in any other such building in London.\footnote{80}\end{quote}

Shakespeare is thus exploiting sanctuary for its dramatic potential while at the same time representing a faithful picture of the possible topography of pleasure and punishment. He is routinely intrigued by powerful pairings of life and death;\footnote{81} the adjacency of Holywell, a site once able to preserve

\footnotetext{77}{As quoted in Shannon McSheffrey, \textit{Sanctuary and the Legal Topography of Pre-Reformation London}, 27 LAW & HIST. REV. 418, 504 (2009).} \footnotetext{78}{THE REPORTS OF SIR JOHN SPELMAN. VOL. 1 52 (J.H. Baker ed., 1977).} \footnotetext{79}{MULLANEY, supra note 10, at 21.} \footnotetext{80}{T.W. Baldwin, \textit{Brave New World}, in \textit{THE COMEDY OF ERRORS: CRITICAL ESSAYS} 93-94 (Robert S. Miola ed., 1997).} \footnotetext{81}{See for example, Gertrude lamenting the loss of Ophelia: “Sweets to the sweet. Farewell! (scatters flowers)/I hoped thou shouldst have been my Hamlet’s wife./I thought thy bride-bed to have}
lives, to the life-ending ditches, is no exception.

IV. IMPERFECT IMMUNITY?

The sanctuary in Comedy of Errors, as we have seen, is a site for rereadings and new readings; a place where the fuller story may be told; a place where a character may be whole and "formal" again. And yet, it seems crucial to qualify this. For what is especially surprising in the comedy is that the dei ex machina of the sanctuary and the Abbess are not free from error themselves. The Abbess does her job, bringing about a resolution, virtually despite herself. In the Abbess’s relation to Adriana, she is off-base in her judgments. Her castigations are unsound, and the character Luciana even points this out. Nevertheless, despite the fact that the sanctuary’s keeper can be just as liable to err and misrecognize, the asylum space still functions structurally as a stay against chaotic cycles of mistakes. It is neither right nor wrong, it is simply there, an uninflected space with a universally understood mandate of protection while a storm of disparate opinions swirl around it.

When the Abbess accepts (the incorrect) Antipholus into her priory and questions Adriana regarding the man she believes is her husband, she is brisk in explaining what should be done when one is suspicious of one’s husband’s fidelity:

Abbess: You should have reprehended him.
Adriana: Why, so I did.
Abbess: Ay, but not rough enough.
Adriana: As roughly as my modesty would let me.
Abbess: Haply in private.
Adriana: And in assemblies too.
Abbess: Ay, but not enough. 82

Here, with limited information, the Abbess is pushing for Adriana to have been more aggressive with her husband. But when Adriana defends herself saying she has been very forthcoming about her concerns, the Abbess does an about-face, diagnosing the husband’s illness as an outcome of too much interference. All of this happens breathtakingly quickly, and with summary moral judgments in spades:

Adriana: It was the copy of our conference.
In bed he slept not for my urging it.
At board he fed not for my urging it.
Alone, it was the subject of my theme.

\[decked, sweet maid,/And not have strewed thy grave.'' HAMLET, supra note 14, at act 1, sc. 1, ll. 219-222; see also WILLIAM SHAKESPEARE, ROMEO AND JULIET, act 2, sc. 3, ll. 9-10 (Stephen Greenblatt ed., 2008) ("The earth that’s nature’s mother is her tomb; / What is her burying grave that is her womb").\]

82. THE COMEDY OF ERRORS, supra note 30, at act 5, sc. 1, ll. 57-62.
In company I often glanced it.
Still did I tell him it was vile and bad.
Abbess: And thereof came it that the man was mad.
The venom clamours of a jealous woman
Poisons more deadly than a mad dog’s tooth.
It seems his sleeps were hindered by thy railing,
And thereof comes it that his head is light.83

Shakespeare could have easily jumped straight into this exchange, without having the Abbess get it wrong and prescribe exactly the opposite reading the moment before. By doing so, he trains the viewer to be at least moderately skeptical of the Abbess’s judgments. Once Adriana gets a sense of what the Abbess wants to hear, it is very possible she lays it on thick, exaggerating the extent of her meddling. The rare repetition of a phrase as long as “not for my urging it” within such a short space is meant to establish her nagging prowess. The Abbess, then, after seeming to promote extreme meddling, performs the obvious and underwhelming task of simply correcting the extreme rhetoric and preaching a more moderate approach.

We are again trained to give pause when Luciana, who heretofore has been the avatar of female passivity and duty, breaks off the Abbess’s moral of the jealous woman to defend Adriana and insist that the Abbess is getting it wrong:

Luciana: She never reprehended him but mildly
When he demeaned himself rough, rude, and wildly.
[To Adriana] Why bear you these rebukes, and answer not?84

It is true that, as Robert Miola writes, “the transposition of error from innocent confusion to culpable folly, from mere mistake to moral fault, well illustrates the contemporary hermeneutic abundantly evident in editions of Plautus and Terence.”85 Plautus’s *Menaechmi*’s second scene opens with a patent indictment of the shrewishness of Menaechmus’s wife:

Menaechmus: (angrily) If you weren’t mean, if you weren’t stupid, if you weren’t a violent virago, what you see displeases your husband would be displeasing to you, too... Why, whenever I want to go out, you catch hold of me, call me back, cross-question me as to where I’m going, what I’m doing, what business I have in hand, what I’m after, what I’ve got, what I did when I was out. I’ve married a custom-house officer, judging from the way everything—all I’ve done and am doing—must be declared.86

83. *Id.* at act 5, sc. 1, ll. 63-73.
84. *Id.* at act 5, sc. 1, ll. 89-91.
85. ROBERT S. MIOLA, SHAKESPEARE AND CLASSICAL COMEDY 34 (1994).
86. PLAUTUS, supra note 73, at 375.
From our very first acquaintance with the wife in Plautus, we are aware of her “folly” and thus able to use it as at least a partial explanation for what ensues. In the Abbess’s assessment of Adriana, Shakespeare gives us something like this Plautine “hermeneutic,” but it arrives quite late and on shaky footing, when the audience member has digested plenty of material to suggest otherwise.

It is surprising, then, how many scholars seem to have taken the Abbess’s assessments at face value, pairing them with the moral intent of the play itself. For instance, Joseph Candido writes that:

Adriana has indeed acted well in trying to refashion her broken noon meal into a dinner of forgiveness for her supposed husband, but absent from her notion of the shared meal is her own penitence for past wrongs. Now, for the first time, we sense why her husband may have been late for dinner in the first place, for he had little reason to expect anything like the calm repast it was his wife’s duty to supply. As the abbess so pointedly says: ‘his meat was sauc’d with thy upbraidings’/unquiet meals make ill digestions.\(^7\)

But the Abbess’s “pointed” observations are only coming from Adriana herself. In other words, Candido completely follows the Abbess’ argument despite knowing more about the whole story than she does. As Laurie Maguire writes, “Adriana meekly submits to the Abbess’s rebukes, even though the Abbess’s claim (that Adriana’s jealousy has caused her husband’s madness) is unfounded, as Acts 1 through 4 show.”\(^8\) Acts 1 through 4 are precisely what the Abbess misses. If we agree with Bertrand Evans that comic humor in Shakespeare is born from “discrepant awareness,” or “the exploitable gulf spread between the participants’ understanding and ours,”\(^9\) then we as viewers should be laughing at the Abbess’s assessment as another “error” and not taking it as a solemnly infallible truth.

Even more qualified statements miss the mark. Bullough believes that the wife here has a “point of view to be discussed” but only to be “reproved,” contending that the play includes an earnest message about nagging.\(^10\) Leggatt’s insistence on trusting the Abbess leads him into an

---

87. Joseph Candido, ‘Dining out in Ephesus’: Food in The Comedy of Errors THE COMEDY OF ERRORS: CRITICAL ESSAYS 218 (Robert S. Miola ed., 1997). See also Edward Berry’s overreading of Adriana’s jealousy and his insistence that the errors are metaphors for characters’ personal failings in EDWARD BERRY, SHAKESPEARE’S COMIC RITES 73, 152, 179 (1984):

Adriana is a jealous wife, possessive to the point of absurdity. . . . Antipholus is late because he is an ‘errant’ husband, and he ‘errs’ because he has a jealous wife. . . . Although we are not told why Antipholus of Ephesus has decided to commission a chain for his wife, the combination of her savage possessiveness and his irresponsibility make it likely that the gift is an attempt to bring harmony into a dissonant marriage.


awkward concession:

We know, of course, that [Antipholus's] 'madness' depends more on the mistaken-identity confusion than anything else (we have seen him cheated of a meal for reasons other than his wife’s scolding tongue). But the abbess’s speech reminds us there are other more familiar ways a man’s life can be disrupted, and with similar results.\(^91\)

Why adduce “more familiar” parallels for explanation or illumination when those analogues are not what is happening in this play? If Shakespeare wanted to represent a shrew, he could have done less work and followed his Plautus more closely. He could have fashioned a Katherina easily enough. Instead he has Adriana make sophisticated arguments about the problem with infidelity:

```
My blood is mingled with the crime of lust.
For if we two be one, and thou play false,
I do digest the poison of they flesh,
Being strumpeted by thy contagion.
Keep then fair league and truce with thy bed,
I live unstained, thou undishonored.\(^92\)
```

Adriana recasts her concerns into the vocabulary of a man’s deep fear of a sexually tainted wife. As Camille Slights says of this passage, “this plea for love and fidelity is not the tirade of a comic virago bent on mastery.”\(^93\) Elliott similarly gets it right: “Religiously beguiled by the older woman into confessing her fault, Adriana hugely exaggerates her scoldings of her husband . . . and is rebuked by the abbess, with proportional severity, as the sole cause of his supposed madness.”\(^94\)

Thus, Miola’s statement that “the Plautine comedy of doors becomes a Shakespearean ‘comedy of thresholds, of entranceways into new understandings and acceptances’” seems unreservedly optimistic.\(^95\) There certainly are “new understandings and acceptances,” but in many ways they are just as arbitrary as the misrecognitions that ensue throughout the entire play. Adriana is ostensibly unmasked as the shrew who must be gentler, but this is just another dubious characterization. Antipholus of Ephesus is reinstated as the man who needs quieter dinners and more sleep, but this assessment hardly seems to get to the core of this man. Contending that a play like this is a lighthearted comedy and thus inevitably superficial misses the point: the character judgments adduced at the end are actually trying to reach quite deeply, to the level of

\(^{91}\) Leggatt, supra note 37, at 142.

\(^{92}\) THE COMEDY OF ERRORS, supra note 30, at act 2, sc. 2, ll. 146-151.

\(^{93}\) CAMILLE WELLS SLIGHTS, SHAKESPEARE’S COMIC COMMONWEALTHS 19 (1993).


\(^{95}\) MIOLA, supra note 85, at 38.
psychological causes—they are simply misguided.

V. SANCTUARY AND COMEDY

Despite all this, the sanctuary still serves its purpose: it prevents needless violence and allows for a resolution. The resolution is not perfect, and when the characters finish their feast, their limited perspectives are at risk of combining again into any of infinite permutations of misunderstandings and misreadings. But the difference between a comedy and a tragedy is that, at least where we leave off, there is some arrangement that has allowed all of the partial perspectives to exist in some sort of equilibrium, however tenuous, without any major character having had to die for the compromise. A final equilibrium, of course, also casts its pall over the end of a tragedy, but there the clash of partial perspectives leads to fatal misunderstandings in order to bring about the finally tranquil resolution. The existence of the sanctuary in Comedy of Errors is a tool for helping along the bloodless compromise.

Northrop Frye famously writes about the structure of comedy in Shakespeare that it:

begins with an anticomic society, a social organization blocking and opposed to the comic drive, which the action of the comedy evades or overcomes. It often takes the form of a harsh or irrational law, like the law of killing Syracusans in The Comedy of Errors, the law disposing of rebellious daughters in A Midsummer Night’s Dream. . . . Sometimes the irrational law takes the form of a jealous tyrant’s suspiciousness, as with the humorous Duke Frederick in As You Like It.[96]

A space of sanctuary, by virtue of its very existence, conspicuously problematizes the anticomic society and its possibly irrational law right from the start. Many visits to asylum are obviously intended escapes from the consequence of a crime, but some are a testament to the belief that the governance system as it stands would fail to offer a proper verdict in a given situation. Sanctuary, then, is an enduring symbol of skepticism.

That being said, a refuge space’s existence in a play is always simultaneously a hint that a comedy is possible. As long as it exists and is honored, it can question the rationality of the irrational law. Its presence allows the oppressed to escape to it, to make a public spectacle of their safe status, and to thus invite a wider dialogue (and often attention from superior jurisdictions) as to whether the given practice is valid and fair. A sanctuary honored is the stuff of comedy; a sanctuary abused, or deliberately taken off the table, as in Richard III, Hamlet and Coriolanus, is the stuff of tragedy.

The sanctuary scene in *Comedy of Errors* is not the triumph of mercy over law, or Christian values over Judaic. R.A. Foakes suggests that "through [the Abbess's] intervention, the harsh justice embodied in the Duke is tempered by a Christian grace and mercy."\(^9^7\) Similarly, Sanderson contends:

[A] new and better society emerges at the portals of the abbey and is celebrated within its sanctuary. On his way to the execution of Aegeon, Solinus encounters the wrangling, recriminatory company outside the abbey. As the representative of an earthly law concerned with protecting rights and measuring out penalties, Solinus is urged by the loud claimants to give "justice" but the complexity of the issue confuses him and renders him ineffective. Another kind of meditation would seem necessary to disentangle the confusions at Ephesus, one devoted a more kindly and loving code in the conduct of human relationships. From the cloistered tranquility of the abbey Aemeila again emerges to serve as such a peacemaker.\(^9^8\)

These arguments are unconvincing for many of the reasons stated above. Moreover, as Slights has pointed out, Egeon's death sentence is cancelled not because of love and pity but because the Duke "is responding to a new set of circumstances. Egeon is no longer an alien from a hostile city but the father and husband of respected husbands of Ephesus... he is no longer an outsider... so the law against outsiders does not apply."\(^9^9\) Many scholars are quick to point out Paul's Letter to the Ephesians as an argument in favor of wives being subservient to husbands, but the parallels with the letter must be read with caution. An earlier section of Paul's letter seems to embody Egeon's situation precisely: "Now therefore ye are no strangers or foreigners, but fellowcitizens with the saints, and of the household of the God."\(^1^0^0\) But Egeon is saved not because he is no longer a stranger in the face of God, but because he is no longer a stranger in the face of Ephesian domestic law.

All of this is to say that the use of sanctuary in such a play cannot be simply marshaled to fit the classic Vyvyan-style argument about Shakespeare's ethics: namely that Christian mercy unseats and overcomes old-fashioned Jewish legalism.\(^1^0^1\) As the Duke pieces together the story unfolding before his eyes in front of the priory, he states: "These are the parents to these children, Which accidentally are met together."\(^1^0^2\) The

---

\(^9^7\) As quoted in Slights, *supra* note 93, at 30.


\(^1^0^0\) Ephesians 2:19.


\(^1^0^2\) The *Comedy of Errors*, *supra* note 30, at act 5, sc. 1, ll. 351-352.
immunity space is a place for such “accident[s].” It is a site where life may continue. It is not a zone that guarantees perfect clarity or even optimal readings and recognitions. The Abbess offers a faulty assessment of Adriana, but the sanctuary nevertheless serves its purpose as a stay against tragic error. Similarly, the asylum allows subsequent scholars to try their own hand at deciphering the ultimate meaning of the space but all the while eludes neat morals and categorization. It is only, in the end, an openness to things; a device for proliferating possibilities rather than collapsing them. But this openness, this “embarquement of fury,” which allows for new readings and even further misreadings, can make all the difference.